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TRANSCRIPT OF PROCEEDINGS  
ALABAMA ADVISORY COMMITTEE  
TO THE  
U. S. COMMISSION ON CIVIL RIGHTS

BIRMINGHAM-JEFFERSON CIVIC CENTER  
MEDICAL FORUM MEETING ROOM C  
950 22ND STREET, NORTH  
BIRMINGHAM, ALABAMA

JUNE 17, 1992  
9:00 A.M.

VOLUME I

## APPEARANCES:

## Advisory Committee Members:

Rodney Max

Charlena Bray

Michael Davis

Jerome Gray

Freddi Aronov-Heilpern

Rex Morthland

Anne Shumaker

Annie Wells

George Munchus

## Staff:

Jo An Daniels, Administrative Assistant

Melvin L. Jenkins, Regional Director

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1           MR. MAX: Let's go ahead and get started at  
2 this time. The meeting of the Alabama Advisory  
3 Committee of the United States Commission on Civil  
4 Rights shall come to order. For the benefit of those in  
5 our audience I shall introduce myself and my colleagues.  
6 My name is Rodney Max. I'm acting chairperson of the  
7 Advisory Committee and I am from the Birmingham area.

8           On my far right we have Nancy Carnley from New  
9 Broc̄kton. Next to her is Annie Wells from Huntsville.  
10 Next to her is Anne Shumaker from Centre. Melvin  
11 Jenkins is our regional director sitting next to me.  
12 Going on my far left is Mike Davis from Mobile. Next to  
13 him is Freddi Heilpern, Birmingham; Charlena Bray next  
14 to her from Birmingham. Rex Morthland from Selma and  
15 next to Rex is George Munchus from Birmingham.

16           In addition to Melvin, our regional director  
17 from our central office, we have Jo Ann Daniels sitting  
18 in the back. She is also with our regional office.

19           The question for which we're here today is does  
20 Alabama need a human relations commission. As one of  
21 four states, together with Arkansas, Louisiana and  
22 Mississippi which do not have such state commissions,  
23 what are we missing and what are the civil rights needs  
24 of our citizens? How are they being addressed by state  
25 and local government in the absence of such a

1 commission? What can a commission provide and at what  
2 cost to our state government and its citizens?

3 We will hear from directors of other state  
4 commissions, Alabama mayors, state and local officials.  
5 We will also hear from the private sector, including  
6 organizations from around the state, which deal in  
7 issues involving race, religion, age, gender, national  
8 origin and handicapped.

9 From this input we, the advisory committee,  
10 will make findings and recommendations to the United  
11 States Commission on Civil Rights. That commission is  
12 in Washington, D.C. And upon approval by that national  
13 commission our report will be made public.

14 A rough draft of a proposed human relations  
15 bill has been prepared by the advisory committee with  
16 the help of the staff and distributed to all  
17 participants. This draft is merely a starting point,  
18 from which we will solicit input from all participants.

19 At the conclusion of the fact finding meeting,  
20 we will upon approval by the advisory committee  
21 incorporate any suggestions made during the course of  
22 this meeting.

23 The jurisdiction of the commission includes  
24 discrimination or denial of the equal protection of the  
25 laws because of race, color, religion, sex, age,

1 handicap or national origin, or in the administration of  
2 justice. Information relates to the topic of the  
3 meeting will be especially helpful to the advisory  
4 committee.

5           The proceedings of this meeting, which are  
6 being recorded by a public stenographer, will be sent to  
7 the commission for its consideration. Information  
8 provided may also be used by the advisory committee to  
9 plan future activities.

10           At the outset I want to remind everyone present  
11 on the ground rules. This is a public meeting, open to  
12 the media and the general public. But we have a very  
13 full schedule of persons who will be providing  
14 information within the limited time we have available.  
15 The time allotted for each presentation must be strictly  
16 adhered to. This will include a presentation by each  
17 participant, followed by questions from the committee  
18 members.

19           To accommodate persons who have not been  
20 invited, but wish to make statements, we have scheduled  
21 an open session from approximately 5:00 p.m. until 5:30  
22 p.m. today. Anyone wishing to make a statement during  
23 that period should contact Jo Ann Daniels in the back  
24 for scheduling.

25           Written statements-may be submitted to the

1 committee members or staff here today or by mail to the  
2 United States Commission on Civil Rights, 911 Walnut,  
3 Suite 3100, Kansas City, Missouri, 64106. If you need  
4 that address later, we'll be glad to give it to you  
5 again.

6 The record of this meeting will close on July  
7 17, 1992, so if any of you have written reports you want  
8 to submit, they should be submitted on or before that  
9 date.

10 Though some of the statements made today may be  
11 controversial, we are here to assure that all invited  
12 participants be not defamed or degraded by any person or  
13 organization. In order to ensure that all aspects of  
14 the issues are represented, knowledgeable persons with a  
15 wide variety of experience and viewpoints have been  
16 invited to share information with us. Any person or any  
17 organization that feels defamed or degraded by  
18 statements made in these proceedings should contact our  
19 staff during the meeting so that we can provide a chance  
20 for public response.

21 Alternatively, such persons or organizations  
22 can file written statements for inclusion in the  
23 proceedings. I urge all persons making presentations to  
24 be judicious in their statements.

25 The advisory committee appreciates the

1 willingness of all participants to share their views and  
2 experiences with the committee.

3           Melvin Jenkins will now share some opening  
4 remarks with you. Melvin.

5           MR. JENKINS: Thank you. To give you some  
6 background on the genesis of this project, this  
7 particular item has been on the advisory schedule for  
8 over three years.

9           In 1989 the advisory committee members met with  
10 the director from the Tennessee Human Relations  
11 Commission just to obtain some general background  
12 information on a human relations commission. The  
13 committee at that time proposed a major undertaking with  
14 a fact-finding meeting for the Alabama committee.

15           The committee also met with a representative  
16 from the government office to talk about establishing  
17 such a program. In my travels throughout the state and  
18 from the advisory committee's travel throughout the  
19 state, we've heard quite a bit of information of the  
20 lack of knowledge on how to file complaints regarding  
21 discrimination.

22           This was the reason why the advisory committee  
23 wanted to entertain this project, not only to have an  
24 agency to develop and to file complaints with, but to  
25 carry out the educational function, to provide



1 information to the general public concerning how to file  
2 a complaint of discrimination.

3 From that idea the committee developed a draft  
4 legislation, redefined it and refined it somewhat, and  
5 we now have a piece of draft legislation that has been  
6 submitted to all the participants for consideration.

7 In developing the agenda for this particular  
8 meeting, we sent over 75 letters to interested citizens,  
9 community organizations, governmental officials,  
10 inquiring as to whether or not they would want to  
11 participate in this fact-finding meeting.

12 In doing so, we made contact with the  
13 governor's office, lieutenant governor's office, the  
14 attorney general, HUD, Equal Employment Opportunity  
15 Commission, the mayors of various cities throughout the  
16 State of Alabama. From that we developed our agenda for  
17 today.

18 I want to note for the record that we have  
19 Dennis Nabors from the governor's office with us today.  
20 We had some primary contact with the governor's office  
21 but sometimes communications split, which happens so  
22 often in state government and in federal government.  
23 But I want to acknowledge his presence here today and  
24 that we have chatted and we have indicated to Mr. Nabors  
25 that the record will remain open until July 17th, if the

1 governor wants to submit some type of statement  
2 concerning the topic under consideration.

3           We also have on the agenda today Mayor Mike Dow  
4 from Mobile. He called late yesterday to indicate,  
5 because of several crises in the city, he would be  
6 unable to attend the meeting today. But he assured the  
7 advisory committee that any participation or any type of  
8 support he could lend to this project, he's willing to  
9 do so, the same thing that we have received from quite a  
10 few mayors throughout the State of Alabama concerning  
11 this topic.

12           So it's of major importance that we undertake  
13 this topic, come out with a fact-finding report, that  
14 reflects the general information that we collect.  
15 Although the draft legislation is at hand, we want to  
16 seek the input of all the citizens of the State of  
17 Alabama concerning the human relations commission.

18           MR. MAX: Thank you, Melvin. Just as an  
19 addendum to that, the idea of a human relations  
20 commission has as its premise not only fielding  
21 complaints, as you would understand an EEOC complaint,  
22 but is also a facility for dialogueing over issues,  
23 finding alternatives to dispute resolutions, that is, an  
24 alternative to otherwise being in a courtroom, otherwise  
25 being on the streets, that would otherwise give an image

1 to Alabama that we've been so much tarnished by.

2           And the question is can a commission serve a  
3 function that will allow the community to dialogue,  
4 allow the community to find alternatives to the way  
5 disputes are being resolved at this time, and entering  
6 into some of those controversies in a way that perhaps  
7 may in the long run save the state and save the  
8 communities monies that are otherwise being expended.

9           We have talked around the country with other  
10 commissions and see what they had. Obviously if there  
11 are some 46 other commissions in existence, there's got  
12 to be some information that we could draw on. We can  
13 hear their pluses and minuses.

14           And the first speaker we have today is Lawrence  
15 Myers, who is the executive director of the Nebraska  
16 Equal Opportunity Commission. It's my understand that  
17 Larry has been executive director in Nebraska for some  
18 18 years, so we have someone with a wealth of experience  
19 and knowledge and, Larry, we appreciate your taking the  
20 time to come from Nebraska to Alabama to assist us as we  
21 look over this problem.

22           MR. MYERS: Thank you very much, Mr. Chairman,  
23 other members. I will leave a copy of the written  
24 presentation for the chairperson and a copy for the  
25 record.

1           First let me say that I am delighted to be part  
2 of this fact-finding mission in that I believe any  
3 state, including that of the state of Alabama, would  
4 benefit by having a state civil rights or human rights  
5 agency within its means. I am currently and have been  
6 the director in Nebraska for 18 years and prior to that  
7 I served six years with the City of Omaha in the human  
8 rights department. So the issue of having an agency  
9 such as this in the state and in the locality is very  
10 dear to me.

11           Let me say first that I have studied the  
12 information that was forwarded to me by Director Jenkins  
13 as to a draft piece of legislation that I am not certain  
14 who drafted it, but it looks like it may have been done  
15 by the bill drafter's office or the person within the  
16 state.

17           I found that that legislation had a lot of  
18 areas that was lacking, and so I prepared a paper that  
19 dealt with those and subsequent to that I have received  
20 a draft copy, which I would guess referred to as the  
21 advisory committee draft, that corrects a lot of those  
22 difficulties, and I think is a very good piece of  
23 legislation. And if you were able to get that  
24 particular draft through the legislature in Alabama, I  
25 think you would have a very good and very dynamic

1 employment law.

2           Again, as I said, my comments previously  
3 drafted, which I'm leaving with you, dealt with the  
4 first draft that I have received. And I think that  
5 would be helpful to you, at least in comparing the  
6 advisory committee draft and the previous draft to see  
7 where the corrections have been made.

8           Overall, I think the one prime issue that  
9 should be considered in creating an agency of this  
10 nature is, one, that the citizens of any state should  
11 have the freedom, especially in employment and housing,  
12 not to be discriminated against because of certain  
13 factors, such as race; color, religion, sex and national  
14 origin and disability.

15           Now, we do have counter or agencies in the  
16 federal government, such as the U. S. Department of  
17 Housing and Urban Development and the U. S. Equal  
18 Employment Opportunity Commission that provides the  
19 receiving and the investigation of charges under the  
20 federal law in this vein.

21           However, the importance of having a state  
22 agency is that the issue is more localized. The state,  
23 and if local agencies were to adopt the state law, means  
24 that you have an opportunity for more interaction  
25 between the housing provider, employers and the

1 agencies.

2           At the current position in the federal  
3 government, for example, in the area of housing, the  
4 complaint must be filed with the Atlanta office of HUD  
5 and its investigator from that office. And I, knowing  
6 HUD, they will do a good job; however, they just do not  
7 have the resources or the ability at this point to deal  
8 with particular situations that may exist within  
9 Birmingham, Alabama, and Mobile, because they have other  
10 states to cover. And by having a state agency, that  
11 agency is able to lend technical assistance to the  
12 individuals within that state to understand and be very  
13 familiar with the unique circumstances of that  
14 situation, state, city, municipality, whereas the  
15 federal government, in all honesty, due to the fact that  
16 they have many states in their jurisdiction, does not  
17 have that ability that is simply there.

18           I think that you will find, if you are  
19 successful in this effort, that in the long run the  
20 employers, housing providers, and complainants, will be  
21 satisfied and will have looked upon the creation of this  
22 agency as a benefit.

23           It is not to say that everyone at some point  
24 may not have disagreement with an agency of this nature  
25 and may be as to what they may issue as a report or in

1 their investigation, and they say there is not  
2 discrimination. You will have that but you have that  
3 now.

4           But the process is that it will be able to be  
5 done in a timely manner and that people will understand  
6 that they at least could see that their people that they  
7 know, they can contact. I have found that in this field  
8 one of the ways to overcome attitudes, other than using  
9 the law, is just the ability to be there and for the  
10 employer, a complainant, a housing provider, a person  
11 seeking housing, just to know that they can contact  
12 someone in the state or in a particular city, just pick  
13 up the phone and call them or walk in.

14           That creates and solves a lot of problems that  
15 the law, no matter how good it is, no matter how much  
16 money you have, does not solve some of those problems.  
17 I know that we have people in Nebraska who will drive  
18 40, 50 miles to come to the office, just to visit  
19 without an appointment. That is possible when you have  
20 an agency of this nature, whereas the person here in  
21 Birmingham or Mobile -- I'm not too familiar with your  
22 geography -- I suspect has a pretty good ride down to  
23 Atlanta and the person may not be there. But going 15,  
24 20 miles to pick up the phone is a long-distance call.

25           But I think that -- I know -- not saying I

1 think -- I know as a fact that our state commission has  
2 worked with the employers, has worked with the  
3 community, and there is still disagreement as to the  
4 decisions we sometimes make, but everyone is in  
5 agreement that the agency has provided a good for the  
6 community and the State of Nebraska, and that we are  
7 able to do workshops for the employers, for the housing  
8 providers. We can deal specifically with their  
9 problems.

10 For example, Director Jenkins has been to the  
11 anniversary programs of the commissions that we hold  
12 every five years, but we have monthly workshops and  
13 other situations.

14 But the point I wish to stress is that when we  
15 get ready to do our big programs, like our anniversary  
16 programs, we call the business community in, housing  
17 providers in. We have them set the agenda for what they  
18 would like to have addressed. And then we assist them  
19 in going out and finding the resource individuals.

20 And I say that, that in the last two that we  
21 have had, it has not cost the state any money to put on  
22 those programs. It is put on by the business community  
23 and the housing providers, even though it's a tribute to  
24 a degree to the commission, but they feel that the  
25 commission is part of what they do, that the commission



1 is not an enemy of the employers, not an enemy of the  
2 housing provider, but is one of the facets and one of  
3 the aspects of life that we must work together.

4           And that helps a real lot because then we all  
5 look at the problem. Once we agree that there's a  
6 problem, then we can begin to work to solve that  
7 problem. Some of my best friends in the business  
8 community who are attorneys may not always disagree,  
9 again, with the commission's determination on a  
10 particular case, but we all agree that the commission is  
11 doing its job and doing it in a way that assists  
12 business.

13           For example, time is very important. Time is  
14 money. That is a very important aspect. And in the  
15 business community, by having a state agency, even with  
16 the large number of complaints that you may have, by the  
17 process that you are able to do that locally and get to  
18 that investigation, even if it took you six or seven  
19 months, it is still quicker than that of the federal  
20 government. And the business community appreciates  
21 that.

22           The complainant, who may even get a finding  
23 that he or she was not discriminated against,  
24 appreciates the fact that they were not hanging there  
25 for two or three years. That is very important. And I

1 say that because the federal fair housing law, the  
2 amendments in 1988 that became effective 1989, had put a  
3 provision in the law that the complaints must be  
4 investigated within 100 days.

5           The reason they did that is because the history  
6 prior to that time and after 1968, after the passage of  
7 the federal fair housing law, just took so long. And  
8 housing is an immediate situation. A person wants the  
9 apartment, the apartment is available -- if there is a  
10 dispute, the landlord cannot wait one year, two years,  
11 or three years for a decision. It's potentially a loss  
12 of income. Whereas in Nebraska, our housing law is even  
13 more restrictive. We have to complete the investigation  
14 within 30 days from when it's filed and make a  
15 determination. Now, we do not have to do that in  
16 employment, but it must be done in housing. And that's  
17 because of the unique situation that presents itself  
18 that housing is more of an immediate need and the real  
19 property is there that needs to be taken possession of.  
20 And that's why I support and the State of Nebraska has  
21 the 30-day rule, as opposed to even the new rule in the  
22 federal government, that of 100 days.

23           But notwithstanding that, the point I'm trying  
24 to make to you is that timing is very important. And by  
25 having a state agency and maybe even hopefully down the

1 road some city or local agencies, you have the ability  
2 to be on the scene. You have the ability to get things  
3 done quicker.

4 The people in the federal government or in  
5 other areas, such as Atlanta or out in other places,  
6 they have other demands that draw upon them, and they  
7 have to balance it. And so they do the best they could  
8 under the situation.

9 But when you have a state agency, the primary  
10 focus and purpose of that agency is to deal with the  
11 problems in the State of Alabama. That is their first  
12 and foremost concern. There is no competing or  
13 competitive situation. There is not another state up  
14 there saying, well, I need mine done or something like  
15 that. So that's their first and foremost situation to  
16 deal with the problems at hand.

17 I will say that you're in a unique opportunity  
18 today. Depending on how you want to look at it, there's  
19 always a good light to things. You might say well,  
20 we're a little bit behind since we're one of the four  
21 states that does not have a state law, but on the other  
22 hand if you look at it in a more positive sense, many of  
23 us in the field -- the Nebraska law for example, was  
24 passed in 1965. The State of Kansas I think was back in  
25 the 50's. The State of New York -- we have made many

1 mistakes. We have made many blunders along the way.  
2 Our piece of legislature in Nebraska I think has been  
3 amended since '74 approximately nine times.

4           So I think you could draw upon all that, that  
5 you can create a law at an agency that you will not have  
6 to go through some of the things that we had to go  
7 through to make the law a very effective tool to  
8 accomplish the task that was at hand.

9           We went into it at that time not knowing what  
10 was there, not knowing the laws. But now you have the  
11 opportunity to draw upon all the court decisions that  
12 have really to a degree made the focus of fair housing  
13 and equal opportunity very clear. And so, therefore,  
14 you can go in with what we call a clean piece of  
15 legislation.

16           And after it is passed you can hit the road  
17 running, as you say, because you can draw upon the whole  
18 experience of many agencies, whereas many of us who  
19 started back in the late 60's, early 70's, we had no  
20 idea what we were in for. We knew what the problem was.  
21 We kind of knew what an elephant looked like, but we  
22 really didn't know how to attack the problem.

23           And so we through it and miss made a lot of  
24 blunders. If you go back to the history of the state  
25 agencies and some of the city agencies, all of this, if

1 they're worth their salt, will say we made some  
2 blunders, we made some technical -- we made some  
3 political mistakes, but you can benefit from that. And  
4 in that vein, hopefully you will be able to have a piece  
5 of legislation that will go through the legislative  
6 process much easier.

7           Now, I would not want to say that even in 1992  
8 they'll not be maybe some opposition and they'll have to  
9 be some dialogue, and maybe the art of compromise. But  
10 I think, and hopefully, that you will not go through the  
11 struggles that some of us had to go through back home in  
12 the early days when no one really accepted "that there  
13 was a problem." And so, therefore, legislation at that  
14 point was basically called social engineering.

15           But everyone today accepts the fact that there  
16 is a problem and there has to be an effective mechanism.  
17 I say that because Nebraska is somewhat, I guess you  
18 might say sister to a state such as Alabama. We, as  
19 opposite of you, have very few blacks and very few  
20 minorities in the state. We're still rural in nature.  
21 Legislature is still predominantly one of ruralness and  
22 civil rights still is more palatable, but it still does  
23 not sit proper with them.

24           However, I say that in 1991 last year, when we  
25 amended our fair housing law, that includes very good

1 damages, \$10,000 for the first offense, \$50,000 for the  
2 second offense, which is big money back in Nebraska, you  
3 know, for a pint of corn, a little bit of oats -- I had  
4 no problem in getting that particular piece of  
5 legislation through the legislature. I mean, it gives  
6 us conjunctive powers. It gives a lot of powers that we  
7 to a degree still do not even have in our employment  
8 law.

9           But it went through because, one, the  
10 legislature has accepted the fact that we have a  
11 problem. Second, we brought in the housing providers,  
12 the real estate industry, and they supported this  
13 particular piece of legislation.

14           And so in that sense there was a presentation  
15 to the legislature of hardly any opposition, even though  
16 those who you might suspect or would like to stereotype  
17 would be the opposition, that of the housing provider,  
18 the business community, the real estate -- they were  
19 with.

20           Now, we had to sit down with them at some point  
21 and dialogue that they wanted this and the commission  
22 wanted that. We sat and we discussed it and we came to  
23 a workable solution that would solve the problem. That  
24 is good.

25           And I say that to -say not to really criticize

1 my colleagues at the federal level, but it was using the  
2 federal law that we were trying to amend our law, but I  
3 didn't see hide nor hair of them in Lincoln, Nebraska.  
4 And not saying that they necessarily should have been  
5 there -- I would have liked for them to have been there  
6 -- but the point is they are much larger. They have a  
7 large area to cover. But we worked with the people in  
8 the State of Nebraska, the real estate, and that's what  
9 the agency is about.

10 We have done many programs at the state level  
11 and also the local level. We temporarily now have  
12 suspended due to financial positions, but we hold  
13 commission meetings once a month to decide cases, the  
14 third Friday of every month, and for the past three or  
15 four years, for example, every Thursday night we will go  
16 to a different city where we hold the commission  
17 meeting, and we would have the citizens such as you have  
18 just coming -- the same thing, we had no agenda. They  
19 could speak to us about whatever issue they saw that  
20 they thought that we should address. And sometimes they  
21 brought issues that we could not address.

22 But the point is we would take those  
23 suggestions and forward them to the proper officials. I  
24 remember -- to show you how we are not perfect in this  
25 area -- we were out to a city in Nebraska and we had

1 held a meeting at a newly renovated state office  
2 building that we thought it would be handicap  
3 accessible, we would have no trouble. We just took for  
4 granted that it had just been finished three months --  
5 we showed up there and many of the citizens from the  
6 disabled community came and just land-blasted the  
7 commission for holding the meeting in a building that  
8 really was not that accessible.

9 Well, we took the heat. We didn't get  
10 defensive, but what we did do, upon the return Monday to  
11 the capital, we did meet with the agency director. We  
12 did meet with the governors and the people in the  
13 buildings to tell them basically that they spent all  
14 this money and it wasn't even in compliance. And so the  
15 building is now in compliance.

16 And so it is things of that nature that is very  
17 important. The members from the disabled community were  
18 very vocal in saying we shouldn't have been there, and  
19 the best thing we said, yes, you're absolutely right.  
20 You know, we blew it. Usually we check it out but this  
21 time -- it's a brand new remodeled building for the  
22 state just has to be, so you know -- but it just goes to  
23 show that you always have to check things out and be  
24 prepared.

25 But that is an example of how things, by having



1 a state commission, you can have that dialogue and get  
2 your citizens involved and get your legislatures  
3 involved. By getting your legislatures involved, that  
4 it will serve many benefits. It will help them get the  
5 law through and also your legislator can be an advocate  
6 for the commission, because the commission will not be  
7 able to be in every city, will not be able to be in  
8 every county at the same time.

9 But you have a legislator who maybe even didn't  
10 quite vote the right way on the bill but maybe will  
11 believe in the concept. That person will be an  
12 outreach, will be an extension of the state agency. And  
13 the state agency will respond when he or she makes a  
14 phone call to the office and say one of their  
15 constituency has a problem. I have found in Nebraska  
16 that even some of our most ardent people who are against  
17 the commission or who would just as quickly see us go as  
18 ever, also will pick up the phone when one of their  
19 constituency comes to them with a problem. They will  
20 call the office. We'll discuss it and begin the  
21 investigation, and sometimes in conversation I keep  
22 forgetting that they have not supported the commission.  
23 You would think from their conversation that they were a  
24 strong supporter.

25 But they are to a degree a worker and an

1 extension of that agency, because way out in rural  
2 Nebraska -- and I'm not going to be able to get staff  
3 out there. I know that. But the senator is out there  
4 and the people go to him. In this case, a male senator,  
5 he gets the information to us and we pick it up from  
6 there.

7           That goes a long way, even though they may have  
8 voted against legislature, even though they may have  
9 done that. It's still an ally, and so you must work  
10 with everyone.

11           And so I will close now, as I said, and leave  
12 the written statement to you and answer any questions,  
13 but I have one more thing that I must say to you that I  
14 think that Mr. Jenkins asked me to address, which is  
15 important.

16           And that is, I have taken the position to  
17 assist you in my written position paper of what it may  
18 be financially looking at to establish this agency. The  
19 EEOC has been contacted, who receives the charges for  
20 the State of Alabama, and the HUD office in Atlanta that  
21 receives charges out of the State of Alabama. And  
22 basically it's running somewhere around on the average  
23 of 2700 cases a year.

24           Going on the assumption that you'd like to at  
25 least finish as many cases -as you take in in one year,

1 and calling my colleagues in other offices relative to  
2 the number of complaints they receive and have to  
3 investigate, I have come up with a proposed tentative  
4 suggestion that you're speaking somewhere about  
5 \$3,750,000 a year.

6           Of that let me say that the possibility for an  
7 agency, if such was funded and created by the State of  
8 Alabama, that in the first two years of operation the  
9 agency would receive from the U. S. Department of  
10 Housing and Urban Development, \$60,000 a year for two  
11 years.

12           After that, if the housing law was equivalent  
13 to that of the federal government, the agency would be  
14 able to receive reimbursement now, not actual cost, but  
15 reimbursement of roughly \$1200 for every housing charge  
16 received and investigated by that agency.

17           While I'm at that point, let me state for the  
18 record that I have read the law that was passed for the  
19 State of Alabama as it relates to housing and also the  
20 Department of Housing and Urban Development has reviewed  
21 that law.

22           According to the review of the federal  
23 government in relationship to the federal law now, in  
24 relationship to the federal law, and they found some  
25 areas that there was some concerns. Of the 15 concerns

1 they listed, and they have sent a letter to the  
2 appropriate office here in the State of Alabama -- I  
3 think that is your Department of Economic Development.  
4 And I would suggest you get a copy of that document from  
5 them.

6 But out of the points that they raise, five or  
7 six says this is an issue that could be monitored by the  
8 federal FHEO office, which means there's a difference  
9 but there's no real problem. We're just going to look.  
10 About I think eight others or seven others say you can  
11 solve this problem by rule making, which means you pass  
12 rules and that gets to interpretation of what words  
13 mean.

14 There are two little points that they say  
15 you'll need additional legislation, you just have to get  
16 it revised and change some wording. I do not see that  
17 that will be a large problem, because the body of the  
18 law that has passed, I would say in my opinion is 95  
19 percent equal to the federal law, if not even more.

20 You just have two small areas that I do not  
21 see, once the legislature had already passed this law,  
22 will not make those changes. They're minor changes.  
23 They're interpretation, and so I think that there will  
24 be no problem with that. And from that point on you'll  
25 have a very good housing law to start with.

1           As to the mechanism that will be enforced, that  
2 is a decision that I guess you as the committee will be  
3 looking at and be meeting with the proper individuals  
4 relative to this matter.

5           I suspect that if you are able to get a state  
6 civil rights or human rights agency passed, at some  
7 point you would like that law to be amended to have the  
8 enforcement with that office, which would only be  
9 logical.

10           In the area of employment the possibility  
11 exists that the agency would be able to contract with U.  
12 S. Equal Employment Opportunity Commission and currently  
13 their reimbursement rate for charges is \$450.

14           Taking that into account and multiplying that  
15 times about 2,000 charges, you're probably about  
16 \$900,000.

17           Let me add so it's very clear for the record,  
18 and I'm not speaking for EEOC, and that even though you  
19 could multiply that, that does not necessarily mean  
20 there's that much funds available, because each year the  
21 Congress appropriates a certain amount of money called  
22 state and local funds. And from that the EEOC then  
23 contracts -- I think they're now contracting with 82  
24 agencies nationwide.

25           So that you may have the ability to do 2,000

1 charges, but you may not be able to get a contract for  
2 that number because there's only so much money in the  
3 pot. And so it must go around to the 82 agencies. And  
4 so you're talking about agencies such as Michigan,  
5 Indiana, Ohio, California, and New York State that are  
6 taking in fifteen, sixteen thousand cases a year. They  
7 can't contract all those because the \$25,000,000 that  
8 currently exists in state and local funds would deplete  
9 it. So the EEOC tries to give some to all agencies.

10 But if you'd like a slide rule, just for  
11 example, what you could potentially get, you could  
12 multiply 2,000 times \$450, and I come up with \$900,000.

13 So there is the ability to get supplementary  
14 funds from HUD and the U. S. Equal Employment  
15 Opportunity Commission to offset the state budget. But,  
16 however, the decision I believe is very important to be  
17 made is that if the citizens of Alabama decide to create  
18 this agency, they must be willing to fund it properly.  
19 And second, not to make the funding dependent upon  
20 federal funds or what we call in the field soft money,  
21 because the agency will belong to the citizens of  
22 Alabama, not to the federal government.

23 And so to whom it belongs, they should also pay  
24 for upkeep. Anything else they can get to offset that  
25 cost, that's very good, but they should make certain

1 that the upkeep and at least the adequate resource  
2 funding is there, because to have an agency on paper  
3 with some very good law such as the committee's  
4 employment drafted law and the fair housing law, but  
5 without the resources to carry it out would be more of a  
6 travesty of justice than not having it at all.

7           So I would recommend to you that in your quest  
8 for equal opportunity and the establishment of an  
9 agency, as you get through the legislative process, also  
10 keep your eyes and everything on the appropriations for  
11 that, because it could be very easy possibly to have a  
12 bill pass that creates the agency, passes the law, but  
13 ends up with no funding and then you really have a worse  
14 situation. You have created an anxiety and you do not  
15 have the means to deal with that.

16           With that I would end my presentation and be  
17 happy to answer any question that any of you may wish to  
18 have responded to.

19           MR. MAX: Larry, we very much appreciate your  
20 comments. I'm very much impressed with a state that  
21 really doesn't have the great sensitivity that Alabama  
22 has, has seen to it to create such a human relations  
23 commission going back to the mid 60's.

24           I'm also impressed with the concept that from  
25 what you're telling us in Nebraska you solicit around

1 the state and provide a forum for some of the anxieties  
2 that right now in our state seem to only have redress  
3 either in a courtroom or in the streets of our state.

4           And, of course, it's easy for us to quickly go  
5 to the dollar sign, which is where I'd like to go for  
6 just a minute, because the first thing that we're going  
7 to hear, and is not inappropriate to hear, is with the  
8 benefits that we're providing and the 3.75 million  
9 dollars that is going to be costing, why? And what  
10 savings can there be on the other side of that to offset  
11 that?

12           Let me ask in that vein then, does your agency  
13 -- can your agency be used for certain issues that are  
14 otherwise put in the courtroom that may relate to  
15 discrimination suits against the state or discrimination  
16 suits against the city? Do you have the facilities  
17 through your commission to address controversy before it  
18 gets to the courtroom?

19           MR. MYERS: Sure. We basically have two ways.  
20 Our employment legislation also covers state government,  
21 city government, any employer in the State of Nebraska,  
22 including private employers. And so at times we must  
23 take on certain facets of state government through the  
24 complaint and investigative process.

25           Through our investigations the legislatures



1 have sat and passed certain laws because there were  
2 certain just rules and procedures on the books that  
3 were, in fact, discriminatory.

4           Also in the more what I call conciliatory  
5 posture, the commission is involved with the state now  
6 in trying to bring about compliance with the disability  
7 act in our state buildings. The state as an employer,  
8 the state as a public provider, is very vulnerable, and  
9 so the commission is in the forefront of that working  
10 with the personnel department and the building division  
11 and making certain our buildings are accessible. Then  
12 we're working on getting the services of government  
13 accessible to those individuals that are handicapped.

14           Also I think the biggest thing that I am proud  
15 of myself as the commission were involved -- I think  
16 Director Jenkins was involved in it back in 19 -- I  
17 think it was '78 or '79 we saw that there was some real  
18 disparity in the hiring of certain individuals in state  
19 government. And it was through our commission that we  
20 were able to get some funds and establish a committee.  
21 It was an ad hoc committee at that time -- to study.  
22 And we funded a person to come in to study the  
23 situation. We made up a committee made up of the state  
24 personnel directors, state legislature -- I think it was  
25 Senator Shirley Marsh and some other senators, and we

1 studied the report after it was prepared for a year.  
2 And we found what we kind of knew, there was some real  
3 problem.

4           And then we wrote legislation. The committee  
5 wrote legislation and that legislation became law. And  
6 we now have in the personnel department for the State of  
7 Nebraska the Office of Affirmative Action that has rules  
8 and regulations dealing just with state employment.

9           But it was through the Nebraska commission that  
10 we were able to get the funds, and we had funded that  
11 project because everybody else said they didn't have the  
12 money. We don't know if that was an excuse or not  
13 wanting to do something. We don't know that.

14           But we served as the catalyst to go out to the  
15 federal government and get some money for that one-year  
16 study, put the study together, redrafted a particular  
17 piece of legislation, and it passed. And it did take  
18 two years now. Everything's not quite easy, but it did  
19 take two years and it passed.

20           And so we see that as helping our own house,  
21 that is state government, and so now our employment  
22 situation of minority and women are much better in the  
23 State of Nebraska and there's an ongoing office that  
24 deals internally with monitoring the affirmative action  
25 of state employment within the State of Nebraska.

1 MR. MAX: So you were able to overtake litigation  
2 that otherwise would come as a result of discrimination  
3 and public agencies, you intervened and ended up with a  
4 resolution through some legislation in Alabama -- and  
5 you all can correct me if I'm wrong -- I'm aware of many  
6 situations where in the absence of that, we end up in  
7 the courtroom.

8 MR. MYERS: Right.

9 MR. MAX: And millions of dollars are spent on  
10 attorney fees and time and at the same time tempers and  
11 anxieties and the racial climate ends up getting hurt in  
12 addition.

13 Let me ask you this: Do you have a staff or  
14 could you describe your staff to us in terms of  
15 attorneys, mediators, investigators, that sort of thing?

16 MR. MYERS: We have three offices in the state.  
17 We have a total staff of 38 employees. We have an  
18 office in Lincoln, Omaha, which would be similar. Omaha  
19 and Lincoln is 60 miles apart, so that would be like  
20 Birmingham and Huntsville, I guess.

21 MR. MUNCHUS: Tuscaloosa maybe.

22 MR. MYERS: And then we have one office that's  
23 500 miles way out on the border of Colorado and Wyoming,  
24 but we have a large Native American and hispanic  
25 population out there, so we have three offices. Like I

1 said, we have about 38 staff. Of the 38 staff, 19 are  
2 investigators. In each of the offices there's an intake  
3 person. We have someone we call conciliators. We have  
4 some supervisors. We do not have any attorneys on staff  
5 practicing as an attorney. Legal representation is done  
6 by the state attorney general's office.

7 Now, we do have people who have law degrees who  
8 are admitted to the bar who may be supervisors or maybe  
9 investigators, but they're not "practicing law" at the  
10 commission.

11 What we have found is that -- I think this is  
12 one of the benefits that you'll find is that by having  
13 investigators you don't need a lot of attorneys. We are  
14 processing and investigating about 1400 cases a year.

15 Out of that the amount that ends up in court is  
16 probably less than 15 a year. And so that --

17 MR. MAX: How many cases total? You say you  
18 end up with about 15 but how many cases do --

19 MR. MYERS: About 1400 cases that we complete.

20 MR. MAX: So of 1400 cases they resolve all but  
21 --

22 MR. MYERS: No, I did not mean to leave that  
23 impression. I'm saying only about 15 needed what we'd  
24 call legal court action.

25 MR. MAX: I hear you.

1           MR. MYERS: I mean, we may investigate cases  
2 and settle some of them. Some of them go to public  
3 hearing and we find no discrimination and they withdraw  
4 for various reasons. But what I'm trying to say, the  
5 protracted litigation that we are accustomed to, the  
6 ones that we read about in the paper -- we call the big  
7 ticket items -- those, I'm saying less than 15 cases out  
8 of 1400 a year goes that route.

9           MR. MUNCHUS: I have one question that I wanted  
10 to ask you, Larry. I want to understand the cost, sort  
11 of what Rod said -- you said you all currently have an  
12 operating budget of about \$3,000,000?

13           MR. MYERS: No. Our operating budget is a  
14 million -- about a million, five hundred and some odd  
15 thousand dollars.

16           MR. MUNCHUS: Okay, a million, five hundred.  
17 For example, so far to my knowledge -- this is just on  
18 one case that I'm familiar with because I've been  
19 intimately involved with it myself -- the Knight versus  
20 the State of Alabama. It's a desegregation case for our  
21 higher education system -- the state so far has spent  
22 almost \$20,000,000 just on attorney fees alone since  
23 1981 trying to defend a system which a blind person  
24 obviously knows that the vestiges of discrimination and  
25 segregation and employment is rampant within that

1 university system.

2           Now, my question to you, assuming a human  
3 relation commission's law becomes enacted, and I think  
4 you pointed out earlier you all have jurisdictions over  
5 state agencies, city, county and private. Do you find  
6 that the majority of your complaints come from the  
7 private or the public sector on the employment side? I  
8 mean, where is the bulk of the activity and who pays the  
9 -- what's the penalty for this kind of discrimination?  
10 I mean, is it just a slap on the wrist or is the  
11 employer actually required to give the complainant  
12 relief, meaning the job that he or she would have  
13 qualified for or some money damages? Is it simply just  
14 a, you know, you did wrong, you're a bad boy and don't  
15 do it again?

16           MR. MYERS: To answer that question, I have  
17 some rough figures here. Roughly of the 1400 we're  
18 processing a year, about 35 to 42 percent come from  
19 governmental form. That is city, county, state or we  
20 have some what we call quasi political -- they're called  
21 public power districts and so -- school boards, so  
22 school system. Those are quasi governmental body. So  
23 we do get a tremendous amount there.

24           As to -- the ability of the agency is that  
25 there are just some cases, -because the players in some

1 cases just -- you will have to go to court. For  
2 whatever reason, there are those -- once the lawyers get  
3 involved -- no offense of the attorneys, but once they  
4 get involved, as they say, you know, a million for  
5 defense and not a penny for retribution, so they spend  
6 many.

7           So as I said, we have a few of those cases.  
8 However, when an individual has been discriminated  
9 against in the employment side, we will get them full  
10 relief.

11           Now, if the complainant and the respondent  
12 agrees to less, then they can get that, but we're  
13 starting off according to the law. And the courts have  
14 established in Griggs, and Albemarle and other things  
15 what is full relief.

16           Now we're having, of course, to adjust our  
17 ideas and what is full relief based upon the 1991 civil  
18 rights act that now talks about punitive and  
19 compensatory. So now we will have to adjust that to  
20 take into that account, but they have to get full relief  
21 because if not, that's again like maybe having something  
22 on paper and going through the motions, because after a  
23 while they say well, why should I follow it, it's not  
24 going to cost me anything. You have to have the ability  
25 to make certain that the victim has been completely made

1 whole.

2           Now, on the other side, it's only my philosophy  
3 now, not so much that that represents the commission,  
4 but I'll give you a situation that I think on the other  
5 side is just as fair. We will have a person who made an  
6 allegation that he or she was discriminated against, they  
7 came in, they filed a complaint. We spent 35 hours  
8 investigating that complaint, we have all the facts,  
9 we're ready to make a decision. We review the evidence  
10 with them. The evidence clearly shows they were not  
11 discriminated against. They want to withdraw their  
12 complaint. My thing is no, we're not going to allow you  
13 to withdraw it. The employer, and the other people spent  
14 time. They're going to get this full 20-page decision  
15 because we have gone through this.

16           On the other hand, if the person has been  
17 discriminated against, he or she needs to be made whole.

18           So you have to have an agency -- you have to be  
19 above board and call the shots as you see them, but fair  
20 to every side. And once you do that, you will get the  
21 recognition and the support of the employers, the  
22 lawyers, and everything. You must have that in order to  
23 have an effective agency.

24           You will have differences of opinion on some  
25 things, but you'll all be in agreement of the job that



1 has to be done.

2 MR. MUNCHUS: I have one other short question,  
3 and I see one of our state senators here, a good  
4 colleague of mine, Danny Corbett out of Phenix City.  
5 One question I want to ask you, in dealing with these  
6 legislators, because they seem to be very different kind  
7 of animals in this state. Maybe they're not any  
8 different than Nebraska either. But how were you able  
9 to sell the benefits of creating a human relations  
10 commission in that state to various rural legislators,  
11 because our state has both rural and urban, and there  
12 seems to be a different issue if this is perceived as an  
13 urban issue versus a rural area, and I suspect Alabama  
14 in many ways is like Nebraska, it's primarily rural.

15 So how do you deal with the rural legislators  
16 who may not necessarily see discrimination as an issue  
17 because there may not be any people who feel  
18 disadvantaged in their district. So were you there  
19 prior to the agency coming in board in the state and --

20 MR. MYERS: No. I was going to say the  
21 original law that was passed in 1965 -- I was not even  
22 in the State of Nebraska at that time. But it was not --  
23 - it was a pretty weak law.

24 But when I went there in '74 I was able to work  
25 with some other individuals, and I think we were able to

1 achieve at least by 1980 a very good law that had the  
2 ability to do things. And some of the ways we did that,  
3 one, we did something similar to what you're doing here  
4 right now with the state advisory committee. In 1977 we  
5 had them come in and study what the commission was  
6 doing, which was not that much, in all honesty. I mean,  
7 we were doing the investigation. We were going through  
8 the motions we were doing, but we weren't finding the  
9 relief. We didn't have the staff.

10 And so we weren't being effective. And so the  
11 commission issued a report, a green report. We still  
12 have copies of it.

13 MR. JENKINS: I think the committee received  
14 the copy.

15 MR. MUNCHUS: Yeah.

16 MR. MYERS: So we used that for many years. We  
17 went to the well for many years with that report and  
18 that helped us. Also in doing it, we also involved a  
19 state senator and some of the committees. Shirley Marsh  
20 and other people -- we just spent time lobbying the  
21 chairperson of the appropriations committee, Jerome  
22 Warner, who was from a rural area. And finally -- not  
23 saying that we convinced them, but was able to show him  
24 what the problem was. But you have to do a one-on-one.

25 Now, I will admit -in Nebraska we have a Las

1 Vegas type situation in the legislature. We have a uni-  
2 camera with only one house, and we only have 48 people.  
3 So we either win quick or lose quick. Whereas, you have  
4 the both houses, I suspect. But we're the only one in  
5 Nebraska. But it's very rural.

6 But what I have found though, sir, is that even  
7 the most rural anti-civil rights legislator, you can  
8 work with them one-on-one. There's about probably five  
9 I would say now in the legislature -- that the only  
10 reason they would vote for something the commission  
11 wants is they'll say well, I know you personally, and  
12 you've been all right with me.

13 Now, I don't know about what's going to happen  
14 after you leave, but what you have to do is that  
15 sometimes -- you've got to take it whichever way you can  
16 get it. And if developing a personal relationship is  
17 what takes it, then you have to do that. If working  
18 through the state advisory committee -- use everything,  
19 because there's no one easy way or no one right way.

20 And so probably at this point in the venture it  
21 will probably be you as members that will probably be  
22 having to do the hard work, but once you get an agency  
23 then you can kind of lay back and go tackle another  
24 problem, because you'll have a place there in place to  
25 do it.

1           But I will say this in all honesty, if you do  
2 get the state agency established, you know, kind of  
3 watch over it and monitor it because sometimes just the  
4 creation of it, you know, we the bureaucrats sometimes  
5 don't always do the right thing, so we always need  
6 someone also looking over us, because I know that when  
7 the U. S. Commission on Civil Rights wants to come in,  
8 they want to hear a report. They want to know what  
9 we're doing because they went to bat for us. And so  
10 they have a stake in what we're doing.

11           If we're not doing the right thing, they have a  
12 right to criticize us in their reports, because they did  
13 the right thing. And I think that's very important.

14           MR. MAX: Anne?

15           MS. SHUMAKER: Yes. The title or the name of  
16 an organization often provides the first line of  
17 acceptance or information. Here in our committee we've  
18 had quite a bit of debate or discussion about a possible  
19 name for this proposed agency.

20           I believe yours is called the Nebraska Equal  
21 Opportunity Commission --

22           MR. MYERS: Right.

23           MS. SHUMAKER: -- that that is the proper  
24 wording. We have talked about human rights and we think  
25 that perhaps that might cause a few little problems

1 here. And we brought up human relations. Just for my  
2 own personal curiosity I would like to know how the name  
3 for your agency was selected in Nebraska.

4 MR. MYERS: It wasn't very ingenious. When the  
5 law first passed it was the Nebraska Equal Employment  
6 Opportunity Commission modeled after Title 7. Then a  
7 couple years later they passed the housing law, so they  
8 dropped employment. And then they added an age law and  
9 they added an equal pay. And so it just became the  
10 Nebraska Equal Opportunity. So it started off as Equal  
11 Employment though, how many agencies started out. But  
12 as they got other jurisdiction and other coverage, the  
13 employment was dropped so people would not just identify  
14 it with employment.

15 Human relations -- my study and working in the  
16 field -- usually the state agencies are called Equal  
17 Opportunity Office or the Division of Equal Opportunity.  
18 And the local agencies at the city and the county are  
19 called human rights agencies. That has been my  
20 experience. It's not uniformly 100 percent, but at  
21 least 90 percent that's basically how it breaks down.

22 MS. BRAY: I've got a question. If you'd just  
23 say a little something about relationships in our agency  
24 on one hand and public, private partnerships or  
25 relationships on the other?

1 MR. MYERS: I'm not -- could you --

2 MS. BRAY: Yeah, the commission, are there  
3 relationships with the private community, the private  
4 sector? What are some of those relationships? If there  
5 are relationships, what advice would you offer us about  
6 that? Then on the other hand, relationships with other  
7 state organizations?

8 MR. MYERS: I think it's very important to have  
9 a close working relationship with the private employer  
10 and private housing provider community. The lawyers  
11 that primarily represent employers or represent the  
12 housing industry. We have a very good working  
13 relationship. Again, as I said, we don't always agree  
14 on the decision that may be issued by the commission,  
15 but we are in agreement that the commission should be  
16 there and the commission needs to do it. And as I said,  
17 I involve them in the workings of the commission to a  
18 degree that they feel part, such as the anniversary  
19 program. It is their responsibility to raise the money,  
20 held put the agenda together, to promote that the  
21 commission has celebrated another five years.

22 Also right now I'm working on promoting the  
23 rules and regulations for our fair housing law that was  
24 passed last year. They are heavily involved in that. I  
25 offered, you know, they have written me suggestions and

1 when I get ready to hold a public hearing they'll be  
2 notified, but all the things that I'm doing, I'm doing  
3 with their knowledge and working with them.

4 For example, the problem I spoke of right now  
5 as to damages. Of course, the Nebraska law as it  
6 currently exists and the Federal Civil Rights Act of  
7 1991 has a problem because we do not have compensatory  
8 damages in the law or punitive damages.

9 Now, the problem is I've called the Bar  
10 Association in from the plaintiff's side and from the  
11 employer's side, said we got this problem. Now, we got  
12 to get full relief. Now, how are we going to deal with  
13 this problem absent it being in the Nebraska statute?  
14 Because if it's not there and we even get a halfway  
15 decent agreement, the person is going to run over to  
16 court anyhow.

17 So are we going to voluntarily sit down and  
18 start even negotiating relief after we have found  
19 discrimination that may not even be called for in the  
20 law? And that's what we're having meetings about, to  
21 see how we're doing to do that. Because in the end it's  
22 going to benefit both sides.

23 MR. MUNCHUS: Do you also have a good  
24 relationship with the labor unions and the tenants'  
25 council and the complainant so it's not perceived as you

1 being over here in bed with the employer folks, because  
2 I know a lot of times the perception, at least in this  
3 state that the EEOC and HUD is in bed with the very  
4 people that they're supposed to be monitoring, because  
5 of just that relationship. They're more organized than  
6 the labor folks are or the tenant folks who are looking  
7 for housing.

8           So what animal is used on the other side so  
9 you're perceived as being fair and just and all that  
10 kind of warm, fuzzy stuff?

11           MR. MYERS: Let me answer that first by saying  
12 that sometimes the perception is even worse than the  
13 fact sometimes. But you're absolutely right. And we  
14 have an effort -- as a matter of fact, through one of  
15 our staff members we work with -- whether it's OIC,  
16 Urban League, NAACP, whatever the groups are. We don't  
17 have too many tenant organizations. We have some in  
18 Lincoln and Omaha, so we are able to work with, we don't  
19 have too much out-stay. But we do work with them.

20           We work through Legal Aid, and what we do, for  
21 example, Legal Aid, especially in the area of housing,  
22 they handle a lot of landlord-tenant situations, which  
23 is not covered by the fair housing law, and rightfully  
24 so.

25           But we work with them because sometimes there



1 is a dovetail between fair housing and the landlord-  
2 tenant, and so we work with them. We do seminars yearly  
3 for them. We bring them in and they'll say what we're  
4 doing and what they're doing, so that we have that  
5 relationship there.

6 We use our newsletter. I will send some to Mr.  
7 Jenkins. I should have brought some to you that we send  
8 out every two months that deal with this issue. And so  
9 we try to work with both sides.

10 I don't want to leave you with the impression  
11 that we just work primarily on the business side. I say  
12 that because I'm more familiar because I, as a director,  
13 work more with the housing and the employers, and some  
14 of the staff that are in the cities work more with the  
15 tenant groups as a whole.

16 So we do do it but I don't do it as much as my  
17 other staff members do.

18 MR. MAX: Freddi?

19 MS. ARONOV-HEILPERN: Yes. My question was  
20 with your agency handling 1400 cases --

21 MR. MYERS: Mm-hmm.

22 MS. ARONOV-HEILPERN: Are the rest of the  
23 employment and housing discrimination cases going to  
24 EEOC and HUD and if that is where they go, what is the  
25 distinction between what a person takes to you versus

1 what they take to EEOC or HUD?

2 MR. MYERS: Since both our housing law and our  
3 employment law has been declared equivalent by each  
4 agency, if they get any charges in the state, they have  
5 to send them to us, and we can decide whether we take  
6 them or not.

7 So probably out of one whole year maybe EEOC  
8 will do maybe ten employment charges in the whole state  
9 and HUD will do maybe no more than five. And then there  
10 are reasons for that.

11 For example, you will have an employer that may  
12 be a trucking company that's running across state lines  
13 and everything, and the application -- they may have  
14 been fired in Nebraska but they were hired in Kansas,  
15 but they're driving in someplace else. You know, that's  
16 just going to cause a lot of problems.

17 The same thing, you may have a housing provider  
18 that the owner is in California, the insurance company  
19 is in New York that holds a second mortgage. The  
20 management company is in Des Moines, Iowa, and they just  
21 have a resident manager in Nebraska. That may cause us  
22 some problem. So we'll let them take care of that.

23 But everything else, we take care of basically  
24 all the traffic in the State of Nebraska.

25 MR. DAVIS: Larry --

1 MR. MYERS: Yes, sir.

2 MR. DAVIS: With the development of a human  
3 relations commission there is always I guess a situation  
4 where exploitation might develop out of that, whether it  
5 be in the private or public sector, individuals and so  
6 on and so forth. Did you all experience any difficulty  
7 with anything of that nature and what can we do to avoid  
8 that type of thing?

9 MR. MYERS: I'm not certain that I'm  
10 comprehending. When you say the exploitation, like for  
11 example, so I can --

12 MR. DAVIS: Individuals who might see this as a  
13 mechanism by which they can exploit a commission.

14 MR. MYERS: Oh, I see. I mean, that is -- in  
15 my years we have gone through that, and basically it's  
16 an argument or it's a phrase put out sometimes by not  
17 well-meaning employers and not well-meaning housing  
18 providers, say well, they're just using the system and  
19 so, you know, and they really didn't have a charge, so -  
20 - and, yes, you and the commission may feel that way,  
21 but you usually arrive of that after you've done the  
22 investigation and have all the facts. Well, after you  
23 have all that you either -- it's a wrong conclusion but  
24 you can kind of see to it, but you didn't have that at  
25 the beginning.

1           And this is what the whole thing is about.  
2   That in the United States of America we have decided to  
3   set up a humane way of dealing with problems. We don't  
4   meet at the O.K. Coral any more and shoot it out and  
5   whoever is left was telling the truth. We have decided  
6   that we want to do it in a humane way, and one way to  
7   deal with people who have allegations of discrimination,  
8   be it employment or housing, is to have an agency to  
9   investigate it. And that agency will call the shots.

10           Sometimes, like human beings, they may make a  
11   wrong decision. Sometimes people are discriminated  
12   against, but there's no facts there. You've go to say  
13   there isn't. Now, it's not that it didn't happen, and  
14   that is why in the law you will notice, if you're an  
15   attorney, after an investigation and the decision is  
16   made, most laws will say there is no reasonable cause to  
17   believe discrimination occurred or there is reasonable  
18   cause to believe, because there could still be some  
19   doubt.

20           But after you have a public hearing or you go  
21   to court, the word reasonable is dropped. There is  
22   discrimination or there is not discrimination, because  
23   there's been a full errand. Both sides have had the  
24   opportunity to cross-examine and so that's why you have  
25   what we call two tiers of evidence. At the reasonable-

1 no reasonable cause level it is a very low standard.  
2 And so that is very important.

3 And so, yes, you may have -- and you will have  
4 someone who will come in and file a charge who maybe  
5 deep down inside shouldn't have done it. That's going  
6 to happen, but we are human beings and it happens.

7 It's just like today you put a new lock on your  
8 front door to keep the burglar out, they done found a  
9 new way to get into the lock. It's going to happen.

10 If you admit it up front that it does happen  
11 and if you know about it -- for example, we have about  
12 three complainants in the State of Nebraska that we just  
13 won't take charges from, because after a while in going  
14 through our computer system, I mean they were filing too  
15 many charges, the same thing all the time against -- I  
16 mean, so we just made a position --

17 MR. MUNCHUS: A professional complaint filer?

18 MR. MYERS: Yeah. We were not going to take  
19 that, so when you do things like that, you're respected  
20 on both sides. And those are the internal problems that  
21 you'll have to deal with.

22 But there will be a few who will, even though  
23 you don't know it, will maybe come in and file when they  
24 shouldn't of, but for one or two or three or four versus  
25 2600, you have to accept that.

1 MR. MAX: I'm going to go first to Nancy, then  
2 to Annie.

3 MS. CARNLEY: I have a question. You said that  
4 Nebraska had a heavy Indian population. Were the  
5 Indians in the State of Nebraska, are they federal  
6 recognized or state recognized? And being federal  
7 recognized, I know they have more protection than they  
8 do being state recognized.

9 MR. MYERS: I am not certain that I know the  
10 answer to that. I've never heard it put that way. I  
11 know we have some home lands. We have about I think  
12 four or five traveled home lands in the state, and I do  
13 know that the state law does not apply to that. In  
14 other words, on the reservation for the Winnebago we do  
15 not have jurisdiction.

16 As a matter of fact, the law reads that  
17 preference -- the Native Americans can be given  
18 preference on or around the reservation as it relates to  
19 employment. So I know we do not have jurisdiction. We  
20 do work with the Native Americans that would be off the  
21 reservation in Crawford, Omaha, Lincoln, and so -- but  
22 as to the reservation itself, they have their own entity  
23 and tribal form of government.

24 Now, we have worked with Native American groups  
25 located we'll say in little towns outside of the

1 reservation by giving them our complaint forms. We meet  
2 with them about once a year, train their staff how to  
3 take a complaint. Then when someone comes in, they can  
4 take the complaint and send it to us in Lincoln or Omaha  
5 and so we have it there. Because when -- another  
6 problem you'll find out is that you always use  
7 everything that's out there to help the commission or  
8 the agency you create, because they're all an extension  
9 of yourself. You can't be everyplace to everyone.

10 And so we use any and everyone to give them our  
11 forms, show them how to complete it. Someone comes in,  
12 have them fill it out, send it to us. Because if you  
13 refer them to us, 95 percent of them will never get to  
14 us.

15 MR. JENKINS: In Nebraska, for clarification,  
16 there are both. You have state reservations and you  
17 also have federal. The Winnebago is a federal  
18 recognized tribe.

19 MR. MAX: Annie.

20 MS. WELLS: Yes. I wanted to get back to the  
21 financial note that would be attached to the agency.

22 MR. MYERS: Yes, ma'am.

23 MS. WELLS: In Alabama, of course, we have been  
24 in proration for two years. We've been in pro ration  
25 for two years.

1 MR. MYERS: Okay.

2 MS. WELLS: And I know that when you talk about  
3 a fairly large fiscal note that serves as a hinderance.  
4 And you mentioned two federal agencies that would  
5 provide reimbursable income. Are there other federal  
6 sources of funds for this kind of thing?

7 MR. MYERS: There's some other agencies that  
8 you could get some money from on a one-time basis or you  
9 could get some money to do a certain study for just a  
10 one-time program, but I cannot think of any other than  
11 the two that would provide you ongoing program money for  
12 this task.

13 MR. MAX: I'd like if I could to just revisit  
14 that money just a minute, because I think there may be  
15 some misunderstanding. You gave us a figure of some  
16 \$3,000,000, 3.7 million dollars, but that was based on  
17 some calculation you made by way of the number of cases  
18 that are now at HUD and EEOC.

19 MR. MYERS: Right.

20 MR. MAX: Which presumes that every one of  
21 those cases would come into this agency.

22 MR. MYERS: Right.

23 MR. MAX: Which doesn't happen in your agency  
24 anyway. You have the right to pick and choose from  
25 those that you want.



1 MR. MYERS: Right.

2 MR. MAX: So that 3.7 million dollars is an  
3 absolute -- if we took every case there was from HUD and  
4 from EEOC, that's what it would cost; correct?

5 MR. MYERS: Right.

6 MR. MAX: Now, what we've also heard you say is  
7 that the way it works in your state is if there's a  
8 claim with EEOC, they bring it to you and if you don't  
9 want it, you don't take it?

10 MR. MYERS: Right. We can reject it.

11 MR. MAX: And your budget is 1.5 million  
12 dollars?

13 MR. MYERS: Right.

14 MR. MAX: So as to taking those cases in and  
15 the cost of 3.7 based on that, that's really just as big  
16 or as much as you want to make it; isn't that right?

17 MR. MYERS: Yes. As I said -- and I'm leaving  
18 a copy of my written position that deals with this, is  
19 that you or the other people working with it will have  
20 to decide as to what mix, but you do know at least for  
21 base there's about 3,000 charges out there.

22 MR. MAX: Let me ask you this. Take the  
23 charges away. We don't do any EEOC work, we don't do  
24 any HUD work.

25 MR. MYERS: Okay. -

1           MR. MAX: What does the agency cost you to do  
2 the programmatic material, the investigations, the  
3 working with the communities, the hearings that you  
4 have? Outside of the charges that you take, what does  
5 it cost you?

6           MR. MYERS: In our agency without  
7 investigation, I'd probably say somewhere in the  
8 neighborhood of maybe 325 to 500.

9           MR. MAX: Three hundred twenty-five to five  
10 hundred thousand dollars?

11          MR. MYERS: Right.

12          MR. MAX: All right.

13          MR. MYERS: I would have to request that I have  
14 the opportunity to submit to you in writing a little bit  
15 more clarification of that because -- and I only say  
16 that because our agency is primarily one of  
17 investigatory nature. And so to separate into that, I  
18 would have to go back and ask the accountant by taking  
19 the positions, but I would suspect it would come  
20 somewhere around that neighborhood.

21          MR. MAX: I understand, and I'd appreciate you  
22 doing that, because what I want to try to formulate is  
23 what would some reasonable cost of this agency be for  
24 us. What I hear you saying -- and just using those  
25 figures that you're going to get back with us on -- it's

1 going to cost between 300,000 and 500,000 to  
2 administrate an agency to assist with being a  
3 clearinghouse, to be a forum for people to come to for  
4 investigating matters or for mediation, that sort of  
5 thing.

6           When it comes to actually deciding complaints,  
7 for HUD complaints or EEOC complaints, that's where you  
8 get into a cost over and above that three hundred to  
9 five hundred thousand dollars; correct?

10           MR. MYERS: Right.

11           MR. MAX: And then that's also reimbursed by  
12 the federal government --

13           MR. MYERS: Parts of it.

14           MR. MAX: Parts of it are reimbursed to the  
15 extent that you take it?

16           MR. MYERS: Right. But let me also say that if  
17 you did create a state agency, I would say probably by  
18 the third year, the figures that are now here would  
19 probably have increased about 25 percent.

20           MR. MAX: Okay. Annie, go ahead.

21           MS. WELLS: Also I wanted to ask, does that  
22 also include your building, you know, physical  
23 facilities and so forth?

24           MR. MYERS: Yes. I've built in the cost, you  
25 know, for rent, telephone, paper and all that. In other

1 words, what I have done, I've taken the Nebraska  
2 commission at 1400 charges and what our budget was. I  
3 spoke to the State of Indiana that's processing about  
4 2,000 charges a year. I spoke to Ohio that's processing  
5 a large number. I spoke to Kentucky that's processing  
6 800. In other words, I spoke to about 12 agencies and  
7 came to an agency -- what it would cost on the average  
8 for an agency of doing roughly 2700 charges. And that's  
9 the way I arrived at that figure. What other agencies  
10 who have those numbers, what their budget is.

11 So they'll be some tampering -- based upon what  
12 your salaries are here, what your cost of renting is,  
13 and so there's some other adjustment to be made. Your  
14 health insurance -- I don't know what your FICA is. I  
15 don't know what your unemployment is, your rate there.

16 So there's some adjustment in the figure, but I  
17 took basically 2700 charges to be completed every year,  
18 what resources would you need to complete that number.  
19 Now, that's how I started off. It's not perfect, but if  
20 you wish any other combination, let me know, I'll be  
21 happy to put pencil to paper, come up with any other  
22 combination as possible, but I started that off not  
23 having any other guidelines on which way to go.

24 MR. MUNCHUS: Are you all a line item budget in  
25 the state legislature's budget? I mean, in the state

1 legislature's budget does it come out of the general  
2 fund or have you just got one funding mechanism, because  
3 we fund things sort of -- from two sources in this  
4 state. Is it sales tax, is it property tax, or where?

5 MR. MYERS: Our funding is probably right now a  
6 million -- about a million, two, a million, three  
7 general fund --

8 MR. MUNCHUS: General fund.

9 MR. MYERS: The other for the million, five, is  
10 federal fund side.

11 MR. MAX: Okay. We're running over on our  
12 time, and what I'd like to do -- I've got Jerome and  
13 I've got Melvin, and then I'd like to close this speaker  
14 out.

15 MR. GRAY: Mr. Myers?

16 MR. MYERS: Yes.

17 MR. GRAY: What would you say, assuming that we  
18 come up with the money to fund an agency like this, what  
19 would you say to give the agency the most credibility in  
20 the eyes of complainants and also the public officials  
21 to fund it? And I just want to ask that because you  
22 mentioned you had an average of 1400 complaints. Out of  
23 those you indicated only about 15 of them have full-  
24 blown trials.

25 How many of those would you say are

1 successfully resolved in the eyes of the complainant so  
2 that the person who files the complaint really feels  
3 that once you get through with the investigation, when  
4 it's done, that the agency's work has been done to that  
5 person's satisfaction?

6 MR. MYERS: Our settlement and cause rate is  
7 running somewhere between 19 to 27 percent. Now, I  
8 think what is needed is establishing an organization of  
9 that is that from the very beginning you must meet with  
10 the community, community leaders and explain to them  
11 what the law is. See, things can happen and people can  
12 believe or know things that happen, but if you can't  
13 find any evidence, that's a problem. I think you need  
14 to explain what the law is and what the limitations of  
15 the law are.

16 MR. JENKINS: One last question -- you had an  
17 opportunity to review the Alabama Fair Housing Law?

18 MR. MYERS: Mm-hmm.

19 MR. JENKINS: Although I don't see it in the  
20 legislation, a fiscal note attached to it -- but given  
21 the fact you had this particular law in existence in  
22 Alabama, what fiscal note or how much should be attached  
23 to the implementation of that bill?

24 MR. MYERS: I would say, Mr. Jenkins, based  
25 upon the number of cases so far received by HUD in

1 Atlanta under the federal law, I would say probably no  
2 more than \$100,000 at this point, basically because at  
3 least to start with -- now, you may have those years  
4 increase -- they're only getting about 55 cases a year.  
5 So I would say to take care of that, you would need no  
6 more than a hundred thousand.

7 Now, if it became very localized, the knowledge  
8 of the law and more complaints increased, then you may  
9 have to adjust it, but I would say right now based upon  
10 what they're receiving, again they have to file in  
11 Atlanta and that doesn't say if they could file it  
12 locally, and so you got people doing outreach so you may  
13 not get more. I don't know. Based upon that, a hundred  
14 thousand.

15 MR. JENKINS: Based upon your experience and  
16 your expertise as a professional civil rights worker, do  
17 you think that 55 or 56 complaints adequately represents  
18 what's out there in the State of Alabama concerning fair  
19 housing, if you compare it to other states, let's say in  
20 the Midwest?

21 MR. MYERS: No, housing is the one area of  
22 discrimination law that, whether at the federal or state  
23 level in any state, has not really reached the majority  
24 of people that are suffering discrimination. It just  
25 hasn't. The employment discrimination laws have and

1 everybody is knowledgeable about them.

2 Part of the reason was that the original  
3 federal fair housing law was so inadequate that it  
4 didn't help people. I think that you'll find within the  
5 next five years though housing will begin to be an equal  
6 -- will get equal billing as it relates to employment,  
7 but housing has not and so I suspect 55 is just a drop  
8 in the bucket, just as 35 is a drop in the State of  
9 Nebraska.

10 But housing -- we have not been able to really  
11 penetrate the real invidious housing discrimination or  
12 get the people who have experienced that. And one of  
13 the reasons is that if you experience housing  
14 discrimination and you're going to rent for an apartment  
15 and you don't get it, you may have been discriminated  
16 against, but you're going to get an apartment and once  
17 you get another apartment, you kind of forget about  
18 that.

19 Employment doesn't work that way. And so  
20 that's why we do not get as many complaints and people  
21 coming to us as there are experiencing discrimination in  
22 housing. But a lot of us in the field are spending a  
23 lot of time working on this area.

24 MR. MAX: Any questions? Thank you very much  
25 for coming and visiting with us. We'll look forward to



1 your additional comments being part of the record.

2           Next we have with us Dr. Warren Moore, who is  
3 the executive director of the Tennessee Human Rights  
4 Commission. I want to say in having Warren come to  
5 visit, this is not the first time he's been here. About  
6 three years ago, and I'll let him tell us exactly when  
7 it was, we invited him to come up and just tell us what  
8 was going on in Tennessee and how that was working and  
9 could it work in Alabama? And he was just fantastic in  
10 giving us some very good direction and actually getting  
11 us started. Warren, we welcome you this morning and I  
12 look forward to hearing your comments. Warren?

13           MR. MOORE: Thank you for the invitation to  
14 come back and talk to you some more. As Chairman Max  
15 indicated, I have been in Alabama before. I came  
16 because -- well, first, I was invited to come and be a  
17 part of your informal deliberations on the potential  
18 development of a commission in Alabama, the pros and  
19 cons of that.

20           I at the time was involved in getting our  
21 statute amended and at that time we were trying to add  
22 to housing coverage for the disabled and children under  
23 the age of 18. We were successful in doing that,  
24 however.

25           But HUD, as it often happens in these federal

1 agencies, changed their law again. So it started us off  
2 on the same voyage that we were on before, trying to  
3 amend in those exact same areas, but adding a few other  
4 procedural steps. And we gain have prevailed in doing  
5 that.

6           And I say we in a generic sense, because we  
7 certainly as an agency did not do that alone, and it's  
8 the general assembly primarily that saw to it that these  
9 changes would happen.

10           My colleague, Larry Myers from Nebraska, has in  
11 my view covered all of the legal and procedural steps  
12 that you have to take in establishing a commission. I  
13 came in on perhaps the last half of his presentation.

14           I don't know, Larry. Perhaps you talked an  
15 hour before I got here. But Larry is certainly one of  
16 the top professionals in the area and has had very good  
17 experience, and as I was walking out of the room you  
18 were asking about cooperative ventures. And he has  
19 certainly been a part of that.

20           I've called on him in Tennessee to assist me at  
21 various times, and you're wise in doing so. Larry would  
22 be one of the names that would immediately surface if  
23 you would ask anyone in the area who would be a resource  
24 person.

25           Let me just say and risk the possibility that

1 this has been stated again and again, that human rights  
2 legislature provides the potential for orderly, legal  
3 and inexpensive accessibility and redress of grievances.

4           It provides an orderly, number one, because it  
5 is systematic. It is based in law and to that extent  
6 people have to govern themselves accordingly. They have  
7 to follow certain procedural methods and have to file a  
8 formal application to the administrative agency. They  
9 have to wait their turn in terms of the investigation.  
10 They have to abide by the rules and procedures of that  
11 agency. They can't insist that a hearing be held today  
12 because of the magnitude of their ego. They have to  
13 fall into the system itself and to that extent become  
14 socialized by the fact that this is a legal thing we're  
15 about to do. And this is not something that's going to  
16 be subject to your emotions.

17           So, therefore, you are bringing together all  
18 that perhaps you reflected on in terms of a perhaps  
19 disjointed or dissident clamor for human rights. And  
20 you brought that together in legislation and it's  
21 certainly a legal way of doing it. It's something that  
22 even the most strident opponents would agree. It's in  
23 the books. It's been passed by the general assembly,  
24 you know, therefore it's the law. I mean, they will  
25 agree to that extent.       -

1           They will then go to work looking for the  
2 loopholes and exceptions, but they will agree that is  
3 the law and that's what we have to use as our backdrop  
4 in our discussions in whatever we do. We say that is  
5 the law.

6           But absent that, people might talk about  
7 anything. So, therefore, you're establishing certain  
8 parameters by having legislation in this area. And I  
9 said inexpensive.

10           Inexpensive compared to what? When all of  
11 these -- and we're talking about some 40 years now since  
12 the first piece of legislation in a city or state was  
13 passed. I don't know exactly -- Larry probably knows --  
14 maybe 45 years ago, something like that, more than that.  
15 In fact, we're doing the conference on human rights this  
16 year in Tennessee for the first time in 44 years. So  
17 that gives you some idea how long these organizations  
18 have been going.

19           It's an inexpensive way for people to come and  
20 bring their grievances without having necessarily to  
21 bring their attorney. And most often attorneys do  
22 accompany the complainants. And we don't try to  
23 circumvent that in any way. There's nothing in the law  
24 that suggests that attorneys will be out of business as  
25 a result of this inexpensive method.

1           It just simply means that that protracted court  
2 experience and the long delays and certainly the money  
3 and the second mortgages and all that, that had become a  
4 part of the history of civil rights, was no longer  
5 necessary.

6           When the first laws were being passed, we were  
7 now and then having experiences in court with the NAACP,  
8 for example. And if you're familiar with the process,  
9 you know that somewhere in that collection were those  
10 persons who were saying, "I will put up some property."  
11 Even as late as sit-in demonstrations, most of us were  
12 bailed out of jail with somebody's property, somebody  
13 who perhaps wouldn't even come down to the five and dime  
14 store or even show their faces, perhaps were working in  
15 somebody's kitchen, would say I'll put up some property  
16 and get those kids out of jail.

17           Now, that is what I mean by being inexpensive.  
18 Nobody's property would have to be put on the bar. We  
19 won't have to wait for a case to work its way all the  
20 way up through the Supreme Court to get a decision as in  
21 Brown versus Topeka, or any of these other classic cases  
22 that we read about. You simply say to someone in this  
23 administrative agency, "I feel that my rights have been  
24 violated because" -- my race, my color, my disability,  
25 my age, whatever you feel. - And I use that word because

1 that's the word that is in the law. It's not that you  
2 know -- you don't know.

3 As a matter of fact, that person who denied you  
4 that might deny on a given day anybody -- might be that  
5 kind of personality. This is Wednesday and this is the  
6 day that I deny everybody. We find people like that.

7 But through this process we will discover  
8 whether or not that is, in fact, a quirk in a  
9 personality or that's something that really is a part of  
10 his more private emotions.

11 But people don't have to pay for it. They get  
12 it free. They get it because the general assembly of  
13 the State of Alabama will say to them, "We think enough  
14 of you as a citizen of this state to protect you in  
15 those areas where you cannot protect yourself,  
16 inexpensively."

17 Now, that's my opening volley for reasons to  
18 have an agency. And in Tennessee we're just across the  
19 border from you and we have a lot of people who were  
20 born here and perhaps you have many people born in  
21 Tennessee who come back. And I have just heard in the  
22 last couple of days people who have rediscovered the  
23 climate in Alabama, particularly down on the gulf. And  
24 they're talking about going back and getting back into  
25 some of that property that they gave up because they

1 thought Chicago and Gary and Philadelphia were better  
2 places to live.

3           If you don't watch out, with the creation of  
4 such an agency as this that gives you such a great  
5 personality profile, you'll find those people in Gary  
6 and Chicago and Philadelphia coming back home. And  
7 hopefully that will be the case.

8           The civil rights legislation will provide --  
9 and I'm saying this as though you don't have it. I know  
10 that you passed the housing legislation but that's such  
11 a fluid thing. You find that it will have to be amended  
12 time and again and you will get tired of doing that.  
13 But as the federal law changes, state and local laws  
14 change too. Otherwise it's irrelevant.

15           It creates sort of a mandate, this legislation,  
16 and certainly the administrative agency that will be  
17 established to conduct the affairs of this legislation  
18 creates a sense that this is what Alabama wants to do.  
19 It ceases to be a committee of persons in Birmingham or  
20 Montgomery. It ceases to be this little bi-racial  
21 committee or this interface committee or the mayor's  
22 human relations committee or the friendly get-together  
23 over coffee clutch and so on that always precede a  
24 formal organization.

25           But at this point we're talking about something

1 that is set up to do business on a regular basis that's  
2 open from 8:00 to 4:30 or whatever is your normal hour.  
3 It's there. It has a telephone number. It has an  
4 office. It has the ability to go forward with the  
5 complaint.

6           And also it's a resource to the business  
7 community. Businesses will call and say what do we do,  
8 we've heard about the reversals that many cities have  
9 had in affirmative action. We know about the Richmond-  
10 Croson decision, but if we go that way, what's going to  
11 happen when the administration changes and has a new  
12 environment and affirmative action starts going back the  
13 other way and there we are caught having dismantled our  
14 affirmative action plans. They want to know. They want  
15 us to be seers in a sense. But more than that, they  
16 want somebody who knows something about this to sit down  
17 with them, talk to them, help them to structure a plan  
18 that is defensible, if attacked, and taken to court. So  
19 that's a resource to the business community.

20           And when you talk about this kind of  
21 legislation and setting up this type of agency, you'll  
22 find those who are not particularly opponents but people  
23 who simply want to know, now, what is this going to  
24 mean? Does this mean that I'm going to have to hire or  
25 house all these undesirables? Am I going to be open to



1 all these lawsuits because some crazy person just  
2 decides to come and attack me? And talking about  
3 housing, people say well look, I don't want all these  
4 drug addicts in here.

5           One senator said my mother has a little place  
6 over here. Now, is she going to have to take into her  
7 house some of these folks who are going to get in there  
8 and make life miserable for her? He had genuine  
9 concerns, and you need to have a genuine answer. If you  
10 read this legislation, you find out there's no problem  
11 there.

12           So you do need an organization there. We  
13 needed one. Ours was established, as I suggested, the  
14 friendly way, early on. There was the mayors and the  
15 governors and all those various levels had their  
16 friendly committees, their kitchen cabinets and so on.

17           In 1967 it was formalized. The general  
18 assembly created the agency. Someone asked about name.  
19 It was first the Human Development Commission.

20           For a very short time I had been with the Human  
21 Relations Commission, which was the governor's  
22 commission by executive order, which lasted about a year  
23 and a half. And my parting shock to that administration  
24 coming in was to write a comprehensive law and give it  
25 to them, which they threw in the trash as I went out the

1 door.

2           So years later when I came back, it was the  
3 Human Development Commission. And, of course, we would  
4 get calls from everybody and it didn't help at all when  
5 somebody referred to me, and they said we heard that you  
6 are Dr. Moore. I said, well let me explain what that  
7 means.

8           But to them it meant you're in human  
9 development and my child has seizures and we need some  
10 help. So the name is important, what you project needs  
11 to be what you do, reasonably well anyhow.

12           Certainly human development is such an  
13 ambiguous term that it could be most anywhere. And I  
14 suspect the agency itself probably followed that  
15 ambiguity.

16           We then, of course, petitioned to have the name  
17 changed. And we chose human rights because to me, at  
18 least, it sounded like what we were about. And the  
19 reason I didn't choose human relations or economic  
20 opportunity like some of the other things, I feel that  
21 the question of human rights is universal. It's  
22 everywhere.

23           In most cases if we were trying to -- and we  
24 will be next month have an international conference on  
25 human rights -- what they're talking about in Germany or

1 South Africa or Indonesia or China would not relate to  
2 employment and housing. And if that's your definition  
3 of human rights, then you really aren't on speaking  
4 terms with most of the world, until you have grasped the  
5 concept that human rights has to do with dignity. It  
6 has to do with life, the substance of life. It has to  
7 do with the quality of life. It's much broader than  
8 Title 7 and Title 8.

9           And so, not attacking anyone's preference, but  
10 I think human rights is just that. It incorporates  
11 civil rights. It reaches out beyond some of the petty  
12 discussions that we have, and it talks about existence  
13 and relationships.

14           There are opponents to be sure. Each time that  
15 we have brought our legislation up it has been attacked  
16 by someone. It depends on what the issue is. When in  
17 housing we had to deal with the realtors.

18           Now, it's ironic that at the national level the  
19 National Association of Realtors had endorsed the  
20 changes. It had, in fact, lobbied for the legislation.  
21 But somehow that had been discretely held in Washington  
22 circles. It hadn't filtered down to the lovely rolling  
23 hills of Tennessee. And, therefore, we had to translate  
24 that and work diligently to move those people to at  
25 least a neutral position, and they never did come out

1 and say this is fantastic. They finally said we don't  
2 see any great harm in that, it might even be good for  
3 business if we didn't have so much conflict. So as far  
4 as I'm concerned, that's an endorsement.

5           If we were talking about employment, we  
6 attracted the attention of the manufacturers'  
7 association, who is always concerned about anything that  
8 sounds like it's going to cause a little disturbance  
9 there in the workplace. Of course, we had to work  
10 through with them on that.

11           We cannot guarantee that they're not going to  
12 have some upheavals in their workplace. But certainly  
13 we could guarantee that their side of the issue would be  
14 heard as well as the complaining party, and that's the  
15 extent to which you might be able to make guarantees.

16           But anyhow, there are opponents, and they will  
17 be visible. They're most often visible in their  
18 lobbyists, who are not particularly identified as  
19 belonging to either one of those groups. And they're  
20 always in the halls. They're always chitty-chatting and  
21 backing someone up against the wall and remind them and  
22 they're sitting up in the gallows and when the bills are  
23 called up, they're up there with their hand signals and  
24 they're working. And forgive the gender reference, but  
25 quite often they have their associates who work their

1 way around and, you know, some of the more mundane  
2 people don't recognize what's going on.

3 But all of a sudden they are really talking  
4 about how you're going to vote. And that is something  
5 you have to consider.

6 I don't know whether men or women make the best  
7 lobbyists, but I do know in the clutch who seems to be  
8 the most effective in certain situations. And I'm glad  
9 to know that these are registered people and not just  
10 people who are brought in for part-time work. That's an  
11 employment question for me.

12 There will always be opposition. There's  
13 opposition from cities who say we're handling our  
14 affairs just fine, we don't need a state agency to come  
15 down here and tell us how to do this. The north or the  
16 west or the east part of the state will differ greatly  
17 in attitude and geography in the presence of  
18 development, such as employment and housing, and that  
19 differs. And, therefore, they carry with it a certain  
20 political difference.

21 Tennessee is a very wide state. It's 500 miles  
22 from one tip to the other. And we think of it in terms  
23 of middle, west and east Tennessee. And they make  
24 reference to how they stood in the civil war, you know,  
25 and they've got three stars on the flag indicating that

1 there were three separate philosophies operating.

2           So anyhow, we still have that and it's a rural  
3 dominated legislature. So we have to know the terrain.  
4 You have to know the terrain that you're dealing with.  
5 But I think there's something in this for everyone.

6           The cities certainly need to be re-invigorated.  
7 They need to be able to attract industry. And one of  
8 the things that industry uses is the social map of the  
9 locations. I've been a part of this process where they  
10 come in and they impanel people to answer certain  
11 questions about it. They want to know about the  
12 educational system, as much as they do about the sewers  
13 and the water. They want to know whether or not their  
14 middle management and upper management people can bring  
15 in their children and continue the same kind of  
16 educational advantages they have had previously in other  
17 locations. If they uproot somebody, they want to  
18 promise them something.

19           And if all you can say is well, we voted  
20 against a referendum, we decided we're going to subtract  
21 this and that, we're not going to have as much park and  
22 recreation as we had last year and we closed the public  
23 pools because there was a disturbance there. Why?  
24 Because people objected to some other people swimming  
25 there next to them, whatever. And also we had a little

1 riff over bussing because, you know -- and when you get  
2 through citing all of the what-fors, your town, your  
3 state, is not the kind of place they want to be, because  
4 they just don't think that's going to be the atmosphere  
5 of growth.

6           So there are economic issues that you have to  
7 plow into this process. But I think it's a value  
8 overall, that it's stimulating, that people know there's  
9 this human rights and human relations type agency that's  
10 going to be there for them or it's going to be there as  
11 an antagonist if they continue certain practices, or  
12 whatever it is they're doing, eventually it's going to  
13 surface. People are going to know about it.

14           I notice in your law that you said that both  
15 sides would have to agree before anything becomes  
16 public. Well, that's sort of a standard line. But it's  
17 inevitable that what you do is going to get out, because  
18 you're going to have to abide by the Sunset Law. And  
19 everybody is going to know what you're doing.

20           There was a question about exploitation. I'll  
21 just take the liberty of dealing with that one.

22           There are always organizations that -- and  
23 individuals who feel that they can attach themselves to  
24 this new vehicle, for whatever reasons. You have  
25 standard organizations out there who see this either as

1 an ally or as a foe.

2           The NAACP, the Urban League, these are  
3 organizations that generally think of this as the type  
4 of activity that they do, and while it sounds like, you  
5 know, it's one more asset, sometimes it's viewed with  
6 sort of a scance because you're talking about doing  
7 something that we've been doing all along. Are you  
8 saying that we're ineffective or are you saying that  
9 we're unnecessary? Exactly what are you saying? So  
10 that's sort of a bridge you have to build even with an  
11 organization that you would assume would understand your  
12 mission. You need to build that relationship and  
13 suggest that you can do certain things, but you really  
14 are not a legal body. You have to take things to  
15 federal court. You are not the kind of body that can do  
16 administrative procedures.

17           It doesn't matter whether people come in and  
18 apply and say they've been discriminated against, unless  
19 you're going to court. Ultimately it doesn't really  
20 matter.

21           And this is not to denigrate either of those  
22 agencies. I'm just suggesting that that's as far as  
23 that can go. A person comes in and says I've been  
24 discriminated against. Unless they're willing then to  
25 say okay, I'm going to take this and go to court with



1 it, that's the end of it. Or say well, let's rally a  
2 hundred thousand people and go down here and march.

3 But if you're talking about having some  
4 redress, then you need to have another step. The NAACP  
5 needs to pick up the phone or send that application or  
6 send that memo over to the administrative agency and  
7 say, would you look into this. Now, that's the kind of  
8 relationship you need.

9 The Urban League deals primarily in employment  
10 issues, needs to say we're out developing job training  
11 programs and so on, and we'd like to work with you on  
12 referrals and so on. When we run across say a JTPA  
13 that's not working as it should, we'd like to be able to  
14 refer something to you. And you could take it another  
15 step.

16 So anyway, there are these relationships you  
17 have to encourage and develop, and you can't just assume  
18 that they're going to be natural allies.

19 Of course, there are others saying that you're  
20 unnecessary altogether. There is the organization  
21 saying we've got too much federal intervention, we've  
22 got too much state intervention. We have too many laws,  
23 we have too much of everything. And here you are  
24 talking about spending some more tax dollars to set up  
25 another agency to be a pain in the neck, and we don't

1 want it. And then can build reams and reams of argument  
2 against that. And over against all of that,  
3 basically all you have to do is talk about the history  
4 of where we are and why we are here, primarily because  
5 all that they're talking about has failed up to now. It  
6 has not provided the kind of access. It has not  
7 provided the liberties and freedoms that we all want.

8 I notice again that you have tied this to the  
9 attorney general's office. And that works perfect under  
10 those circumstances where you have an attorney general  
11 who is willing to do his job. And I suppose you'll just  
12 have to be aware of that.

13 We do screening. We have our law which says  
14 that we do certain things and we will not allow anyone  
15 to come in and file a complaint that does not fit  
16 properly, because you can't really handle a case if you  
17 accept something in there that your law doesn't cover.

18 Now, to clarify that, often people call in  
19 tears, they've been discriminated against. And they  
20 obviously have had something done to them that's wrong,  
21 hurtful, but not illegal under this law. And that's  
22 what you have to tell them. It's unfortunate, but  
23 certainly there's some other way of dealing with that.  
24 But you can't take every complaint that people bring to  
25 you. If you do, then the word will get around that

1 you're ineffective, because certainly you're going to be  
2 ineffective if your statute doesn't really cover some  
3 issues.

4           There's the white male. Now, that's where you  
5 can run into a lot of problems. The white male can come  
6 in and say I think I've been discriminated against, the  
7 last four or five promotions in this place have gone to  
8 either women, black males, black women, and I have been  
9 sidestepped in a way. If you read the Stautz decision  
10 out of Memphis dealing with the fire department, you'll  
11 find people arguing that there is a reverse  
12 discrimination, which is a euphemism perhaps for other  
13 things, but they say that there is a reverse  
14 discrimination.

15           They never deal with the concept that all these  
16 people who just recently got promoted had been denied  
17 employment for years and years. And if they had been  
18 hired ten years ago, theoretically they would have ten  
19 years of seniority, and you who have five years  
20 seniority would be five years behind them. But they are  
21 arguing that we were here first and, therefore -- and,  
22 of course, the courts saw it that way. The court said  
23 these guys were here, you can't violate that -- that's  
24 their rights. But often you have the white male lodging  
25 fairly logical complaints, but they might not fall

1 within the law.

2 Or someone who is overweight. Until recently  
3 that wasn't covered. It is now if you've been keeping  
4 up with some of the national news. One of the major  
5 corporations that deals in reproductive type machinery  
6 had to recognize that fact.

7 And then there are those that Larry referred  
8 to, those repeaters, those people who get up on a given  
9 day and look out and see whether or not there's a good  
10 complaint on the horizon, and they bring it to you. And  
11 sometimes they use aliases. You know, you'd recognize  
12 them if they walk in the door, but they call up and give  
13 you a different name. And you just have to play with  
14 the computer sometimes just to track them down. It's a  
15 game.

16 We've had them dealing with housing and  
17 employment, with people who just complain, period. So  
18 we have to screen them out because this is not what we  
19 think is a good use of the taxpayers' money, and  
20 certainly it's not good for our nerves, so we get them  
21 out of there.

22 Since Larry has done such a comprehensive job  
23 and my discussion wouldn't differ that greatly, I would  
24 like to end this as my preliminary comments and sit for  
25 questions.

1           MR. MAX: Warren, thank you for your statement.  
2 First of all, thanks to you for getting us off the  
3 ground with this as you did a few years ago.

4           I'd like to maybe start the questioning going  
5 back to that fiscal side of things to ask you in  
6 Tennessee how things worked from a physical standpoint  
7 in terms of if you could describe what your agency does  
8 and at what cost, and with what input from federal  
9 funds?

10           MR. MOORE: We, as a practical matter,  
11 investigate cases of alleged discrimination in housing,  
12 public accommodation, and employment. We participate  
13 with the U. S. Office of Education in a sort of referral  
14 system. We don't really investigate the cases. But as  
15 they surface, we send them to them and they keep us  
16 apprised on things happening in Tennessee. Each month  
17 we get a report from Atlanta.

18           And occasionally we get involved in public  
19 hearings around education and the substance of that  
20 would then go into the federal system so that they'll  
21 have more evidence dealing with that.

22           But on a daily basis we're talking about  
23 employment, which sometimes we refer to as Title 7. And  
24 that is receiving cases, either walk in the door or  
25 referred to us from EEOC, alleging that there's some

1 problem we need to look into about employment.

2           We have 16 investigators and they are deployed  
3 out the state, Memphis, Chattanooga, Nashville,  
4 Knoxville. We have those four offices. And sort of in  
5 a sense, we draw the line along the river and around  
6 certain corridors to provide a pocket of cases for each  
7 one of those offices.

8           Now, with EEOC we have what we call a work  
9 sharing agreement, and that simply means we start with a  
10 minimum floor that of all the cases EEOC will take, will  
11 have that year, we will get no less than ten percent of  
12 their caseload. And most often we get more than that.

13           But this is sort of right off the top. They  
14 will assume that somebody else is going to do ten  
15 percent of their caseload.

16           In the dual filing arrangement, whatever is  
17 filed at EEOC, we get a copy of it, and vice versa, so  
18 we know what each other is involved in, so that if  
19 something is there or say a systemic case where EEOC has  
20 been working on it, as Larry said, there's the corporate  
21 offices in one place and the branch somewhere else, and  
22 all that.

23           Their tentacles are more extensive than ours,  
24 so they can have that kind of relationship. They can  
25 call Mr. Jenkins' office, and in turn can perhaps call

1 some other office. They can get together and cover the  
2 office no matter where it is. We are limited to  
3 Tennessee by and large, although occasionally we have  
4 people who go across the border to one of the other  
5 states, but the offense was done in Tennessee so we  
6 pursue it.

7           Housing is primarily the same thing. We have  
8 basically all the housing cases that occur in Tennessee.  
9 HUD does not have a resident office for doing the type  
10 of investigations of apartments and so on. They deal  
11 with public housing and construction. So we handle all  
12 of the one-on-one type housing complaints in Tennessee.

13           So that's physically what we do. We take in  
14 the complaints, we hold hearings, we do fact-finding  
15 hearings. We do administrative hearings, we issue  
16 orders, and if necessary we go to state court to enforce  
17 them.

18           MR. MAX: So you have attorneys?

19           MR. MOORE: Yes.

20           MR. MAX: How many attorneys do you have?

21           MR. MOORE: We have a general counsel. We have  
22 several people who are admitted to the Bar, but we have  
23 one person who represents the agency itself before  
24 administrative hearings or in any tribunal.

25           The point is, but in theory, all attorneys work

1 for the State of Tennessee are really attached to the  
2 attorney general, an extension of the attorney general,  
3 because you can't go to court without getting an  
4 approval.

5 MR. MAX: So you have 16 investigators and one  
6 general counsel. What other staff do you have?

7 MR. MOORE: We have business people. We have a  
8 director of business and personnel, personnel and budget  
9 technician who works in the same office as the director,  
10 secretary in each office, part-time secretary in one.  
11 So that means four secretaries and one part-time  
12 secretary. We have a director of each area, housing and  
13 employment.

14 MR. MAX: Is this for each one of --

15 MR. MOORE: No, no, the central.

16 MR. MAX: Just the central, okay.

17 MR. MOORE: Compliance directors works out of  
18 the central office, handles employment. The director of  
19 housing works out of the central office handling  
20 housing. And each of the other offices -- we call them  
21 regional offices, so we have a manager for each one of  
22 those. We call them coordinators, regional  
23 coordinators.

24 MR. MAX: Now, that's central -- you've got a  
25 central office and you've got each of your branches?



1 MR. MOORE: Right.

2 MR. MAX: Can you give us a breakdown of the  
3 costs of your agency, what it costs to run central, what  
4 it costs to run the branches? And I don't know how you  
5 may have it divided, but give us some sense of the cost  
6 in Tennessee.

7 MR. MOORE: Well, basically, say the budget is  
8 about a million two.

9 MR. MAX: One point two million?

10 MR. MOORE: Yes, right. That's about close to  
11 900,000 just from the state appropriation.

12 MR. MAX: That 1.2 is the overall budget?

13 MR. MOORE: Right.

14 MR. MAX: And 900,000 comes from the state?

15 MR. MOORE: State.

16 MR. MAX: Okay.

17 MR. MOORE: And the rest of it is EEOC  
18 contract, HUD contract. And occasionally we'll have  
19 some other money coming in for a specific purpose like a  
20 foundation might fund us twenty, thirty thousand dollars  
21 for a conference or something, but that's not ongoing.  
22 We generally keep the EEOC contract somewhere around  
23 300,000, you know, 400,000. It will fluctuate a little  
24 bit but that's what you can look for if you're doing say  
25 a thousand and up cases, until the money changes.

1 HUD pays more -- on the 1200 case this year, so  
2 that's going to be quite significant. That will double  
3 almost what we've been doing.

4 MR. MAX: Double your income from HUD?

5 MR. MOORE: HUD. In fact, the housing itself  
6 is going to double, I think, because we have -- the  
7 disability community -- disabled community is coming in  
8 pretty heavily on certain issues regarding  
9 accessibility.

10 MR. MAX: So as before you were getting three  
11 hundred from the federal government, in light of the  
12 increases, what do you think you'll be getting?

13 MR. MOORE: Well, we estimated 165,000 from HUD  
14 alone.

15 MR. MAX: What will that do to that 300,000?

16 MR. MOORE: What would happen to it?

17 MR. MAX: How would that impact the 300,000?  
18 Are we saying 400,000 or 465,000 or --

19 MR. MOORE: That would be close to 500,000  
20 because it's over 300,000 already.

21 MR. MAX: Okay. So what you would get from  
22 federal agencies including HUD by way of this increase  
23 would be about 500,000?

24 MR. MOORE: Yes, I think so. Of course, one  
25 thing I must say as a negative, during this sort of

1 retrenchment period we lost positions. We lost seven  
2 positions, so my equation is each person is responsible  
3 for 72 cases, so it's a factor that we've lost seven  
4 times 72 in that way. But we've still been able to keep  
5 that figure fairly close, because the 165 figure is  
6 going to be a new experience beginning September 1,  
7 September 30th.

8           And that, of course, is a matter of how our law  
9 is reviewed. We just had the amendment and it's in the  
10 general counsel's office at HUD, so I don't see why they  
11 shouldn't accept it because it's a mirror image of  
12 theirs. I took their name off of it and put ours on it,  
13 so I think we're okay.

14           But anyway, I would expect that next year would  
15 be basically the same figure because the increase would  
16 be offset by the losses that we've had.

17           MR. MAX: All right. One last question for me  
18 and then I'll turn it over to the others. Have you  
19 experienced in Tennessee -- first of all, you've been  
20 executive director for how long?

21           MR. MOORE: Twelve years.

22           MR. MAX: For 12 years. During that 12 years  
23 have you had incidents of issues, whether they be public  
24 discrimination, university discrimination, confederate  
25 flag, issues that are racial or religious that have been

1 in need of some resolution outside the courtroom that  
2 your agency has been able to facilitate a resolution  
3 before it got there or once it got there, and if so  
4 could you cite that, give us an idea how that works?

5 MR. MOORE: Well, yes, we've had a number of  
6 issues. In fact, sounds like all the states around here  
7 are having the same problem. Some of the high schools  
8 with their flags or their mascot or their songs or  
9 something, there was the opposition to the song "Dixie"  
10 at the basketball game over in East Tennessee, there was  
11 the use of the flag at another place.

12 So anyway, yeah, there's been all those issues  
13 but we're set up in such a way that we have  
14 commissioners sprinkled across the state, and most often  
15 they get involved through some other network. They have  
16 belonged to some original group, like the Inner Faith  
17 Group or Mayor's Committee, whatever, or the Chamber of  
18 Commerce. They're the first line of defense. And then  
19 they bring us in.

20 And, of course, we come in. We talk about what  
21 happened in LA or something similar to that as a  
22 situation that could be averted because obviously there  
23 was an ongoing problem in LA's case, which was being  
24 ignored, which was being held up for public ridicule or  
25 in some sense it was being suppressed by the

1 administration and others who could have been working on  
2 that early on and didn't do it.

3           So, yes, we've been called in on things like  
4 that. In Chattanooga a similar problem is basically  
5 political. Talking about the lack of representation.  
6 The blacks were having less representation than others,  
7 and we talked around that. And ultimately it came down  
8 to you people need to redo your whole system, you know,  
9 and I don't take credit for that, but they did.

10           And they now feel that they have some better  
11 system than those three or four commissioners who used  
12 to sit there and make all the decisions. Now they have  
13 people running from districts and feeling like they deal  
14 with their own constituency better.

15           MR. MAX: What system was that, I'm sorry?

16           MR. MOORE: They had a commissioner form of  
17 government. They didn't have --

18           MR. MAX: Within the city or the county?

19           MR. MOORE: In the city. In the city, yeah.  
20 Now they have councilmen. They have districts.

21           MR. MAX: Was a lawsuit filed with that?

22           MR. MOORE: Yeah.

23           MR. MAX: And then you ended up being a part of  
24 --

25           MR. MUNCHUS: Districts?

1 MR. MOORE: No, we were before that. We were  
2 in that discussion period. We don't get involved in  
3 things like that directly. But I think our part is to  
4 create a forum where -- people are after each other  
5 various ways, but they need to be drawn out. They need  
6 -- in a situation like this let them state succinctly  
7 what it is that's bothering them and what might be done  
8 about it and have all parties there.

9 We're going to Memphis next week on a similar  
10 mission.

11 MR. MAX: All right. Mike?

12 MR. DAVIS: First off, Dr. Moore, let me say  
13 that I enjoyed your comments regarding the title, human  
14 rights versus some of the other titles. I think you're  
15 looking at it universally and I think that's what we  
16 need to be doing and slowly bring it back home.

17 Earlier I believe Larry alluded to the question  
18 that I'm about to ask, and that is how do you see a  
19 human relations commission facilitating aspects of the  
20 Americans for Disabilities Act, particularly items  
21 related to employment, i.e., reasonable accommodations,  
22 hiring practices, et cetera?

23 MR. MOORE: I would see that basically as  
24 things go now except that EEOC is primarily charged with  
25 the administration of the ADA, but I think in time

1 that's going to be overloaded like 10, 15 years ago and  
2 they're going to then start looking around for  
3 contracting with other agencies because they're not  
4 going to be able to handle the flood of complaints  
5 that's going to come in after the 26th of July. That's  
6 when some of the more serious parts will kick in.

7 I would see agencies such as yours and ours  
8 being at the local level where we can deal not only with  
9 the complainant but with the respondent, because you're  
10 right here. You're right across the tape from them,  
11 instead of having somebody from the Bureau of Labor or  
12 EEOC to fly in and tell everybody how they got to do  
13 things.

14 I think you have more accessibility. You have  
15 your courts. You have your attorneys. You have  
16 everybody you need right here to take care of the  
17 problem. You don't need any outside experts except for  
18 Larry and myself, you know.

19 But seriously, you have the mechanism and you  
20 don't really have to go anywhere to solve your problem.  
21 And you could just continue. It would be an  
22 administrative process where people come in and say  
23 because I'm in a wheelchair and I need the shelves of  
24 the system to be lowered for convenience, and they  
25 refuse to do that, and they're trying to give you a test

1 that requires something else, and they are unwilling to  
2 make that adjustment, then this agency could say to  
3 them, you're just violating certain things.

4           And, you know, there are certain standards and  
5 they're just normal standards that's put out by the  
6 ANCI, the American Association of Architects and so on.  
7 They've already established certain requirements and  
8 certain thicknesses in the wall for the handrails, you  
9 know. That's already on the books and that's national.  
10 If you intend to get any money to do anything with,  
11 you're going to have to abide by certain standards.

12           So it's not just you as an individual saying  
13 that I'm being inconvenienced. They have not  
14 constructed their building right or in terms of  
15 employment they have just not abided by the law because  
16 they're not making reasonable accommodations.

17           And reasonable means that which does not  
18 constitute an economic disaster for you as an employer.

19           MR. DAVIS: Thank you.

20           MS. ARONOV-HEILPERN: Dr. Moore, are you able  
21 to handle all of the cases that come to you that are  
22 screened and fit within the boundaries of a valid  
23 complaint or because of your own sort of budget problems  
24 and staffing problems, do you end up having to turn  
25 things away?



1           MR. MOORE: Well, once we get them, we do them.  
2 We don't send it to EEOC unless they ask for it, and  
3 sometimes the complainant will say, I just want the  
4 right-to-sue letter. That is, is you can't go to  
5 federal court until you've done certain things, you've  
6 touched certain basis, and that is you've gone through  
7 the state or the local procedure, then you can go to  
8 federal court. And you have to have a letter to that  
9 extent.

10           Often we have them saying, you know, you've  
11 wasted so much of my time, you know, I could have been  
12 reinstated in my job, I could have had the house, I  
13 could have done what -- because they don't understand  
14 taking six months to do something. You know, and we  
15 write that into our law. We say 180 days, because we  
16 think that's reasonable. We used to say 60. We knew  
17 that was insane. So now we say 180. We'd like to do it  
18 immediately, but you can't.

19           MS. ARONOV-HEILPERN: But in terms of numbers,  
20 you're able to --

21           MR. MOORE: We do everything that we set out to  
22 do, partly because it's sort of contract driven. We say  
23 we're going to do say 800 cases in contract with EEOC  
24 between October 1 and September 30, so we have to  
25 complete that number of cases. And sometimes if it's

1 set for hearing and the administrative judge can't work  
2 it in before October, then obviously we don't get that,  
3 but generally we do what we set out to do. And we don't  
4 send anything away if we get them in.

5 For example, if we get them in and discover  
6 later there was something hidden and it is in fact a  
7 frivolous case, we get rid of it and we let everybody  
8 know this was a frivolous case, we're not going to have  
9 it and get it out of here.

10 MR. MAX: Charlena?

11 MS. BRAY: Warren, if I'm remembering  
12 correctly, it seems like we had some information a  
13 couple, three years back as we were talking that there's  
14 a national association of commissions and I know we've  
15 already asked you the fair question, and that's what  
16 your commission costs and what it costs in the State of  
17 Tennessee, and hear you saying just a bit under a  
18 million dollars a year for a commission that's been  
19 around for a long time. And Larry saying maybe 1.3 mil  
20 a year. What about some other states, other states  
21 similarly situated to Alabama? Do you have any sense of  
22 what their states are putting into -- or what the  
23 expenses are and what the costs are in those states?

24 MR. MOORE: Well, first let me say costs,  
25 that's the difference --

1 MS. BRAY: Budget?

2 MR. MOORE: South Carolina, for example, has  
3 just in recent years gotten enforceable laws. They were  
4 in for a long time. They were operating and didn't have  
5 -- they were operating sort of on some other influence  
6 and I'm sure their budget was larger. North Carolina  
7 has housing but no employment, and they have a fairly  
8 large.

9 Kentucky is 100 percent funded by its general  
10 assembly, 100 percent. For a long time it didn't have  
11 EEOC contracts or HUD contracts. In fact, the director  
12 would never even accept either one and would say so.  
13 But the Kentucky general assembly funds them 100  
14 percent, and it has been the largest one of all the  
15 agencies for quite a while.

16 Dollar figures, maybe Larry might have some  
17 actual dollar figures on them.

18 MR. MYERS: It just depends. For example,  
19 Homer Floyd in Pennsylvania, you're talking about 15,000  
20 charges a year. You're talking about a \$5,000,000  
21 budget plus. Michigan, 18,000 charges a year,  
22 \$7,000,000 plus.

23 MS. BRAY: Okay. Calm down a little bit,  
24 Larry. For similarly situated where we're talking about  
25 2500 or --

1           MR. MYERS: You can go to Wyoming, population  
2 in the state of 400,000 people, they're running --  
3 Wyoming is running about less than 200 charges a year.  
4 They have a budget of about \$350,000. So that's kind of  
5 a breakdown.

6           In other words, if you find any agency running  
7 a thousand or more charges a year, it's going to be a  
8 million plus roughly.

9           MR. MOORE: Let me say also that you have  
10 started out telling the legislature you need a million  
11 dollars. You just started out telling them we want a  
12 commission to enforce this law, we want a division of  
13 the AG's office or somebody to take care of this new law  
14 here. And perhaps you will come out as we did with  
15 three people. We had a director and two investigators -  
16 - well, four, a secretary. And we had to do the whole  
17 state.

18           And then you get so much confusion of people  
19 calling and having legislators saying that I know I  
20 voted for this thing and my people keep telling me you  
21 don't exist because we had 500 miles from one tip to the  
22 other to cover.

23           So what happens is, the staff grows in  
24 accordance to the need, so you expand for the need, you  
25 see. You go back the next year and you carry those

1 complaints with you and say we have not been able to  
2 respond and we need to have say a satellite office here  
3 and one there to just deal with the complaints coming  
4 from the other end, and not here in the center of the  
5 state.

6           And you'd probably have yours in Montgomery,  
7 the capital, the same thing we had. We had it in  
8 Nashville. And that was not where the problems were by  
9 and large. We had most of the problems occurring in  
10 Memphis. And, therefore, we had to make some  
11 adjustments.

12           But we started off with those three  
13 professionals and just had to grow under the conflict.  
14 And it was \$50,000 incidentally. I remember the figure  
15 because everybody was standing around wondering what's  
16 going to happen.

17           MR. MAX: That's what you started with,  
18 \$50,000?

19           MR. MOORE: There was \$50,000 in '63. The  
20 executive budget allocated \$50,000 for that. They had  
21 four people in there, and the highest paid one was  
22 \$9,000.

23           MR. MORTHLAND: I have a question about the  
24 cooperation with other state agencies and so on.  
25 Actually it comes back to let's talk in terms of EEOC.

1 Do you do all of the complaints on discrimination and  
2 employment for state agencies or for local agencies too?  
3 I'm thinking in terms of school systems.

4 Suppose a teacher comes in and complains that  
5 she wasn't considered and so on and puts it on racial  
6 grounds. Is that settled within the school system or  
7 does it eventually get out, and if so, does it get to  
8 you or does it go to the state agency or what?

9 MR. MOORE: Well, most often it stays within  
10 the school system unless it becomes sort of a class  
11 situation in that several teachers are involved. But  
12 generally speaking we do get involved in school systems  
13 as such.

14 MR. MORTHLAND: It's not ruled out?

15 MR. MOORE: But the employment issue, we don't  
16 get involved in the educational aspect. We're just  
17 talking about --

18 MR. MORTHLAND: I'm talking about the  
19 discrimination side of it.

20 MR. MOORE: We're just talking about whether or  
21 not a teacher was hired or not or promoted or not  
22 compared with someone else with similar credentials and  
23 so on. We do get involved in that.

24 MR. MORTHLAND: Go to the high school football  
25 team.

1 MR. MOORE: Way back we were involved in the  
2 issue from the desegregation end of it where when they  
3 consolidated the schools you had principals of the black  
4 schools being made teachers, one being made a coach, but  
5 in no case any were offered principal --

6 MR. MORTHLAND: Right.

7 MR. MOORE: So that was an issue and it still  
8 remains an issue. When they started taking minorities  
9 for principal positions, they were always women. And so  
10 you started another dynamic --

11 MR. MUNCHUS: I have two questions, Dr. Moore.  
12 This administrative law judge, this person is employed  
13 by --

14 MR. MOORE: The Secretary of State.

15 MR. MUNCHUS: The Tennessee Human Rights  
16 Commission?

17 MR. MOORE: No.

18 MR. MUNCHUS: He's employed by the Attorney  
19 General's office?

20 MR. MUNCHUS: The Secretary of State's office.

21 MR. MUNCHUS: Oh, in the Secretary of State's  
22 Office. And this person is a lawyer who hears the  
23 evidence and issues a decision and all that?

24 MR. MOORE: Right.

25 MR. MUNCHUS: You mentioned something about

1 going into state court. So you can go into your circuit  
2 or state courts to have the provisions of your law  
3 enforced?

4 MR. MOORE: Sure.

5 MR. MUNCHUS: Did you find that state judges --  
6 because we have had problems in this state within the  
7 judiciary itself. Of course, that's -- all states have  
8 that. But do you find state judges who have to sit for  
9 elections, do they tend to be more in tune with human  
10 rights issues as opposed to some federal judge who would  
11 just say the hell with the law, and I've had some  
12 federal judges to say it publicly and it's embarrassing  
13 for a federal judge to sit there and say that, but there  
14 are some who have gone on the record and said it. But  
15 how do your state judges respond to these kinds of  
16 issues when they come in the court?

17 Do people feel that there is really justice  
18 within the state court system when it comes to something  
19 like employment discrimination or housing  
20 discrimination, because in the past the federal courts  
21 were the place to go to get justice? Now some of them  
22 have even shut their door.

23 MR. MOORE: Well, I'm not going to suggest that  
24 they're acting out of enlightenment. I think it's a  
25 matter that they don't want to be overturned and



1 embarrassed by the federal court, because eventually  
2 that will be the next step. But truthfully, we really  
3 haven't had a great deal of experience in that because  
4 always when -- when we talk about going to court to  
5 enforce something, generally there is some kind of  
6 resolution and they decide, well, that's when we're  
7 going to spend some real money and the state's going to  
8 be able to stay there all day and the company's not  
9 going to want to keep their attorney in there all day or  
10 all year or whatever. So they'll come up with a package  
11 of some sort.

12 MR. MUNCHUS: One more and I'll be through.  
13 With these state legislators, were you around in  
14 Tennessee when you started getting bigger budget  
15 increases and how did you work the opponents to it?  
16 Were there primarily rural legislators or urban? I  
17 mean, can you give a profile of the typical legislator  
18 that would oppose this act?

19 MR. MOORE: When I came to the agency, we had  
20 \$75,000 in federal money and the whole budge was  
21 probably under \$300,000, and that had been a growth over  
22 a ten-year period. Actually 12 years, as I've split the  
23 difference. I've been there the second 12.

24 The first thing I had to do when I came in was  
25 to cancel the contract with EEOC. Now, that's a crazy

1 thing to do, but I found that it was August and we were  
2 not going to make the contract. So the first thing I  
3 did was call EEOC and tell them we're not going to do  
4 this, let's reduce this in some sensible way that we can  
5 make a fair showing between now and October 1, which  
6 meant we cut some money out of our budget because, as  
7 you know, the budget is based on last year's  
8 experiences.

9           So that next year I was in there saying I think  
10 we can do it, we've got it together now, and they're  
11 saying well, you didn't, you cut the budget last year  
12 and so on. So that's the only reasonable thing to do.  
13 But I presided over the growth of say about a million  
14 dollars in budget since then, and that has been largely  
15 show and tell.

16           I walked into a Sunset Review, reduced budget,  
17 and everything else, my first few months in office. And  
18 I had to promise all those things that they found in the  
19 audit would be corrected, and that's how I was able to  
20 get some changes done the next year, not just higher  
21 visibility, because they were talking -- in fact, there  
22 was a bill on the floor to abolish the commission.  
23 That's how serious that was.

24           And I told the representative who was  
25 sponsoring that bill to just keep it there in his

1 drawer, don't tear it up, just keep it there. If we  
2 hadn't improved by the next session, just pull it out.

3 MR. MAX: Very good. Nancy.

4 MS. CARNLEY: I have a question. Because  
5 Tennessee is a southern state, how much opposition did  
6 you meet originally forming your commission? And also  
7 what percentage of legislative support do you receive  
8 currently for the commission?

9 MR. MOORE: Well, let me start with the last  
10 one first. The recent amendment passed 95 to nothing.  
11 In the Senate it was 35 to nothing. So we have -- we  
12 don't fight over those issues any more. If we went in  
13 the hallways with the lobbyists and we do our homework  
14 and we work the problem areas one on one, then we get on  
15 the floor, we don't have a problem. We know right from  
16 the beginning who is going to give us the trouble and we  
17 go to work on them.

18 If you don't win they don't vote. They stay  
19 out of the way. They don't give us a problem. We have  
20 made the case that we're working for the state. We only  
21 have one client. That's the State of Tennessee. We've  
22 made that point over and over again. To offset the  
23 accusations that we're working for special interest  
24 groups and we're hand in glove with all these people  
25 causing problem, that we work for the State of

1 Tennessee, and we keep that right out in front.

2 Now, whether we're doing a public hearing or  
3 whether we're talking to legislature or fact-finding, we  
4 have one client, and that cuts down the confusion, cuts  
5 down some of the sniper's attacks. So we're doing okay  
6 on that issue.

7 Substantively, maybe they'd like to see us out  
8 of business, but they don't come out after us on the  
9 floor.

10 MR. MAX: Jerome?

11 MR. GRAY: Yes. As we speak, going on in  
12 Montgomery in federal court there's a suit against the  
13 state highway department brought by a group of black  
14 engineers primarily. And the morning's paper said that  
15 that suit was probably going to -- case would probably  
16 last for three or four weeks.

17 Let's say if you had received a complaint from  
18 a black engineer who was trying to get into say the  
19 state highway department in Tennessee, and that  
20 complaint was investigated and you found that probably  
21 discrimination does exist in employment in that agency.

22 But suppose you did not get complaints from  
23 other black engineers but as you sort of snoop around,  
your nose told you that there probably was  
discrimination in the department in general and that it

1 would be ripe for, if you went to court, a class action,  
2 how would an agency like this -- as you've said, one of  
3 the advantages of having a human rights commission is  
4 that when you go this route is that it's inexpensive,  
5 what would you do -- what would the agency do to sort of  
6 alert the state agencies, say the highway department in  
7 this case, that you got a complaint and it's a serious  
8 one and that it's probably, you know, a sign of greater  
9 things to come in terms of expense, if they don't  
10 address that issue? How would you avoid what's  
11 happening in Montgomery in terms of black engineers and  
12 the state highway department?

13 MR. MOORE: Well, first we can't prevent or  
14 would not try to prevent persons from going to federal  
15 court. We would not obstruct that. In fact, we let  
16 them know that's clearly an option, but we would tell  
17 them that it depends on what the issue is coming in the  
18 door, whether or not we think we can address this issue  
19 and we have accessibility to the respondent, which these  
20 are all elements that we need to be aware of, if we feel  
21 that we could get to the highway department, we could  
22 talk to the commissioner of highways or whomever, or the  
23 governor's office and let them know that based on our  
24 preliminary investigation, there is a problem there and  
25 perhaps this is not the first one we've heard about, and

1 maybe we need to talk about that and sit around as state  
2 people talking about a state problem. And that's sort  
3 of informal.

4 And if they suggest that they don't have time  
5 for that, they don't think that that has any particular  
6 value, talking to me, or that I can go take a jump or  
7 something, then, you know, I'm going to tell the person  
8 I think, number one, maybe you need to go back to EEOC  
9 because they have a copy anyway, or if it's informal,  
10 you need to formalize it and get a right to sue  
11 immediately and get out of here and get busy. That's  
12 what we'd have -- first we would tell the state agency  
13 that there's a problem and it's not -- I would tell the  
14 complainant, look, I'm going to call.

15 And if they say no, if you do that they'll fire  
16 me right away, don't let them know anything -- I say  
17 well, the best thing for you to do is go immediately and  
18 start your process. You know, if I can't do this above  
19 board with your knowledge, I'm not going to be involved  
20 in it. That's the way I would handle that.

21 MR. MUNCHUS: So there is no way that the  
22 complainant's identity is protected because -- and I  
23 don't mean to cut you off, Jerome -- what I see, I get a  
24 lot of calls from people who have serious problems on  
25 the employment and the housing side, but they are just -

1 - and I don't know what this is based on -- but there is  
2 definitely a threat of being known publicly as someone  
3 who is trying to stand up for their human rights. They  
4 feel that they're going to be fired or someone in their  
5 family is going to be fired, their children are going to  
6 be dismembered. I mean, this frightening that someone  
7 is actually afraid in America to publicly speak about an  
8 injustice. You all don't provide any protection for  
9 individuals who feel that way?

10 MR. MOORE: Yes. There is a provision in our  
11 statute, which is called for commissioner's charges.

12 MR. MUNCHUS: I see.

13 MR. MOORE: The commissioner's charge is  
14 exactly that, is where the commission itself through one  
15 of its members charges that there is a probably  
16 discriminatory pattern over here and let's look into it,  
17 because they have gotten -- as I said, we have our  
18 commissioners sprinkled across the state and some of  
19 them right on location, and they have been hearing about  
20 things that people talking and telling them about  
21 things, and they'll come to the board itself, the  
22 commission, and say I think we need to look into that  
23 situation over in Knoxville because I think there's some  
24 credence here, I'm hearing too much about that for that  
25 just to be a rumor, let's go and investigate it.

1 MR. MUNCHUS: The person's identity is  
2 protected?

3 MR. MOORE: Yeah. You're not talking about an  
4 individual complainant. You're talking about a  
5 commissioner's charge. This is his charge and he will  
6 say to the staff, the director, let's launch this  
7 investigation. And if that turns up something, the  
8 evidence proves to be on the side of the complaint, on  
9 the side of the commissioner's charge, then if that  
10 company is ordered to make some adjustment, whatever it  
11 is, then it naturally enures back to those who would be  
12 complainants.

13 If we're talking about lack of facilities, you  
14 can't get a wheelchair in there, the door is too close  
15 or whatever, then that disabled person doesn't have to  
16 be identified. It's not only for that person but for  
17 all persons in that classification.

18 MR. MAX: Jerome, did that get to your  
19 question? Annie?

20 MS. WELLS: I don't want to beat the name of  
21 the agency to death, but in states like Alabama,  
22 Arkansas, those four states that don't have human  
23 relations commissions or human rights or whatever, I  
24 think that the name is very, very important. And I just  
25 wanted to ask Larry -- Lawrence, you said that



1 Kentucky's state government pays 100 percent for theirs  
2 but they don't touch or address EEOC issues and HUD  
3 issues?

4 MR. MYERS: I said that they are 100 percent  
5 funded by the state legislature and for some time they  
6 didn't have a contract with either HUD or EEOC.

7 MS. WELLS: But they did address the issues?

8 MR. MYERS: Oh, yes.

9 MS. WELLS: Okay.

10 MR. MYERS: In fact, their law was the model  
11 that most other states were based on. Our was  
12 particularly, and we wish we would have 100 percent  
13 funding.

14 MR. MUNCHUS: This is the State of Kentucky?

15 MR. MYERS: Yeah.

16 MS. WELLS: But I wanted to know, it sounds to  
17 me like -- I mean, speaking as a psychologist at human  
18 relations, although there may be some problems with it,  
19 it may not be broad enough, that it may be a term backed  
20 up, of course, with the role and what it could do for  
21 the state might do better than coming right out and  
22 saying civil rights or whatever, because those terms  
23 frighten people.

24 MR. MOORE: I am probably the wrong one to talk  
25 on this subject because I have fought to call it what it

1 is for a long time and they used the surreptitious route  
2 of human development and human relations and all this,  
3 and finally --

4 MS. WELLS: Not human development, I don't  
5 agree with that.

6 MR. MOORE: I mean, the psychologists'  
7 association might be a good thing, because it is a  
8 problem that we're trying to analyze here. I don't  
9 know. In this situation you might have to just go with  
10 some euphemism that's acceptable. Eventually in time it  
11 will become obvious to someone that's not as direct.

12 MS. WELLS: You did change your name and we can  
13 change ours too. We could start out --

14 MR. MAX: I was going to say, if we could be so  
15 fortunate to have the commission, we could worry about  
16 the name later. Anne, do you have a question?

17 MS. SHUMAKER: I just want to thank you for  
18 coming and for all of your input. We appreciate your  
19 cooperation and your encouragement.

20 MR. MOORE: Thank you.

21 MR. MAX: Melvin.

22 MR. JENKINS: You may have dealt with this  
23 while I was out of the room, but the fiscal question  
24 always come to mind when you're introducing legislation  
25 or creating a new state agency. Based on your

1 knowledge, experience and expertise in the field and  
2 given the statute that we have, the Alabama Fair Housing  
3 Law and the draft piece of legislation, what dollar  
4 figure would you attach to starting an agency now, a  
5 civil rights commission or human rights or whatever you  
6 want to call it, for the State of Alabama?

7 MR. MOORE: Let's just break it down  
8 practically and what you need actually. Most likely, if  
9 you're going to put this under the Attorney General's  
10 office, he's going to hire an attorney to do it, so what  
11 is the going rate for an unemployed attorney? That's  
12 what you're talking about. Any attorney who's got  
13 something to do, is probably not going to take this job.  
14 So you figure out what is the cost for an employed  
15 attorney, a secretary --

16 MR. MAX: Let's talk figures.

17 MR. MAX: I don't know what an --

18 MR. MAX: Let's put a \$50,000 figure on that  
19 attorney.

20 MR. MOORE: Add a secretary to that.

21 MR. MAX: Okay, let's put a \$25,000 figure on  
22 that. That may be an expensive secretary, but that's  
23 all right.

24 MR. MOORE: And a couple of investigators. One  
25 would be oriented to the north of the state and one

1 oriented to the south of the state.

2 MR. MAX: So you're saying two investigators?

3 MR. MOORE: Yes, I'd start with two of them.

4 MR. MAX: So \$35,000?

5 MR. MOORE: That's probably --

6 MR. MAX: That's \$70,000?

7 MR. MOORE: I think that would work in Alabama.

8 MR. MAX: But that's the cost --

9 MR. MOORE: But you --

10 MR. MAX: What else is there on top of that?

11 MR. MOORE: Rent. In Montgomery I don't know,  
12 maybe you're talking about \$4.50 a square foot. It has  
13 to be downtown. It needs to be near a bus stop, has to  
14 be accessible in all those other categories we talked  
15 about to disabled entry and so on.

16 MR. MAX: So staff-wise you're talking about  
17 around \$150,000, and then you're talking about office  
18 space and what supplies --

19 MR. MOORE: Let's say the department of  
20 maintenance, facilities management or somebody else, let  
21 them pay for the cost of the rent, hide it in there  
22 somewhere and you don't have to reflect that in your  
23 budget. They'll put some figure in there for recovery,  
24 but don't lean on that too much, just tell them, say  
25 find us an office.

1 MR. MUNCHUS: Is the central office in  
2 Tennessee in Knoxville now?

3 MR. MOORE: Nashville.

4 MR. MUNCHUS: Nashville, but the big employment  
5 center is in Memphis? But do you put it in the capital  
6 just because of political reasons, is it good to put it  
7 in the state capital?

8 MR. MOORE: Well, you need to be there because  
9 during say -- in our case from January to last of April,  
10 you need to be on call. You need to be able to walk  
11 across the street and see what's going on.

12 MR. MAX: Let me just -- would it then be fair  
13 to say, thinking in terms of that staff that you talked  
14 about and the cost to rent space and to function not  
15 only as an agency that investigates and pursues these  
16 charges but also one that is a clearinghouse for  
17 organizations that are doing human relations activities  
18 and one that's attempting to mediate differences among  
19 communities, that a reasonable start-up cost would be  
20 about half a million dollars?

21 MR. MOORE: That would be certainly reasonable.  
22 You could add in your -- because the smaller your staff,  
23 the better your communication system has to be.

24 MR. MAX: That would be a top dollar, wouldn't  
25 it?

1 MR. MOORE: Well, I think \$500,000 would run  
2 this program.

3 MR. MAX: All right, I appreciate it.

4 MR. MOORE: And a good Xerox machine.

5 MR. MAX: Are there any other questions? I'm  
6 sorry, Jerome, go ahead.

7 MR. GRAY: We keep talking about the dollars,  
8 but working for a political organization, I often know  
9 how important it is for the strategy to be right in  
10 terms of getting the legislation off the ground. And I  
11 want to know, Dr. Moore, can you tell us -- let's say  
12 you're thinking about -- no matter what we call it, if  
13 let's say a black lawmaker were to try to handle a piece  
14 of legislation like this, would that be a red flag or  
15 would it be better to try to get say a white lawmaker or  
16 maybe a woman to handle legislation? What has been your  
17 experience in other states where they have gotten  
18 legislation like this adopted to maybe keep the  
19 opponents from coming at it with a vengeance because of  
20 who the sponsors of the bill may be?

21 MR. MOORE: The sponsor of the bill is going to  
22 be isolated for sure, but it's going to be more  
23 important to have the organizations around you solidly,  
24 like whatever the association of the disabled community  
25 is, that's going to be a large part of it because that's

1 going to impact on the manufacturers and the builders  
2 association, just by a clear demand of numbers and the  
3 potential for the trouble that they can get into saying  
4 that they turned away all these people in their  
5 concerns.

6           So you need to line up all of your support  
7 groups. You know, not just the NAACP and ministers  
8 association and so, you need organizations like the  
9 disabled -- and there are many of them, and anybody  
10 connected with the organization will tell you there are  
11 even those who don't want to be called disabled, so  
12 they're not just a monolith there are all kinds of  
13 organizations.

14           You need to get to psychologists to testify on  
15 the impact of being denied housing. That's more serious  
16 than being denied employment, because it talks about  
17 your lack of fitness, in spite of the fact that you have  
18 money, in spite of your ability to fit in the  
19 environment that you're trying to get into.

20           It talks about something that's under there  
21 that you can't really control. It's more damaging.  
22 That's the reason the awards are much higher.

23           So you need the psychologists to testify, you  
24 need all kinds of people to come through there with  
25 physician statements impacting, you need economists to

1 talk about what is the gross impact on the community  
2 absent human rights.

3 MR. MAX: Have you done that in Tennessee?

4 MR. MOORE: Yeah, we brought everybody we could  
5 think of.

6 MR. MAX: And I realize this is hearsay, but  
7 can you tell us that gross impact absent a human  
8 relations commission? Do you have anything you could  
9 share with us?

10 MR. MOORE: Well, I talked about it just a  
11 little bit on the inability to attract industry.

12 MR. MAX: Is there any dollar figures --

13 MR. MOORE: Well, whatever -- if they were  
14 going to bring in 3,000 employers, they chose Oklahoma  
15 instead, then I would just take a factor of the average  
16 wage times 3,000. If the federal government was funding  
17 the program and you got embroiled in some controversy  
18 about bussing or whatever and they pulled those monies  
19 out, I'd add that up, what that is.

20 If you talk about high school graduates who  
21 left to go to Tennessee, wonderful place of liberty it  
22 is, instead of going to Alabama because they figured  
23 they will come out and they will be integrated in  
24 society better than right across the border, that's an  
25 impact.



1           Just anything you can think of, economists can  
2 make the relationship between that.

3           MR. MAX: All right. Any other questions?  
4 Rex?

5           MR. MORTHLAND: I'd like to come back for just  
6 a minute to this commissioner charge. When the  
7 commissioner's charge is brought, does it go into court  
8 possibly?

9           MR. MOORE: It comes to the board of  
10 commissioners.

11          MR. MORTHLAND: It comes --

12          MR. MOORE: In fact, it issues from the board  
13 of commissioners. It becomes a regular complaint just  
14 like any other complaint. It is assigned an  
15 investigator and they go out and dig up the evidence.  
16 If there isn't any evidence, they come back and say I  
17 didn't find it to be a fact.

18          MR. MORTHLAND: Well, it's not a question of  
19 going into court for enforcement or something, it  
20 actually comes out of discussion from the commission  
21 then? What --

22          MR. MOORE: If they find evidence to support  
23 what the commissioner suspected, then they will issue an  
24 order to cease and desist. It will go before an  
25 administrative judge the same way as any other case.

1           MR. MORTHLAND: Well, the point I'm working  
2 around to is you had two examples here and the same  
3 answer to both of them, and I can see where if you've  
4 got a number of construction workers, the commission can  
5 make a charge and can maintain the identity of the  
6 people, but the other example over here was one black  
7 engineer in the highway department. And to make a  
8 commissioner charge, then you're going to have to  
9 discuss it with somebody, how are you going to keep his  
10 identity to yourself?

11           MR. MOORE: Well, it might be that the  
12 commissioner says I have been told, and I have asked  
13 other people about this situation, and I feel that it  
14 justifies at least a look. He doesn't have to call the  
15 name of the person.

16           MR. MORTHLAND: Then you go in and you talk to  
17 other people, you investigated it and no one else comes  
18 up with a charge because they're worried or something,  
19 so you sit up there with one complainant really?

20           MR. MOORE: Well, they're not particularly  
21 worried --

22           MR. MORTHLAND: I'm not trying to be  
23 antagonistic. I'm trying to see how the thing works.

24           MR. MOORE: No, that's fine. The only reason  
25 they would be afraid of their job is that their names --

1 we would talk to everyone. We'd talk to all of the  
2 similarly situated people. We'd talk to enough people  
3 that we could cover the fact that we're actually  
4 interested in talking to two or three. We talk to so  
5 many people that they would just say well, they called  
6 me in to talk like they called 20 other people in to  
7 talk.

8 MR. MORTHLAND: And if there's discrimination  
9 about a highway engineer, there will probably be  
10 discrimination about other workers --

11 MR. MOORE: Well, first of all, you have the  
12 history of the department which stands over against  
13 anything they might say. If they never had a woman  
14 there, if they never had a minority there, you don't  
15 really have to dig deep to find that there is a pattern.  
16 And the next thing is would you hire one if they came in  
17 the door as qualified as these I see here?

18 Now, let me see the files on these guys and see  
19 how qualified they really are, and I want to compare  
20 those to some of these other folks that you denied.  
21 See, now, I think that's easy to do.

22 MR. JENKINS: One last question to clarify  
23 this, sir. Does your law provide for filing of reprisal  
24 charges in the event that a person is discharge or fired  
25 because of filing a complaint?

1 MR. MOORE: Right, we call it retaliation.

2 MR. JENKINS: Right.

3 MR. MOORE: You can amend the same charge if,  
4 in fact, while this one is going on investigation, they  
5 start harassing the person for having filed a charge,  
6 they come back and amend it and it's the retaliation  
7 charge. Or they can have two going.

8 MR. MUNCHUS: In your experience, has the  
9 Attorney General's office been the proper place for  
10 these kinds of activities, because some attorney  
11 general's offices are subject to political influences by  
12 employers who make rather substantial campaign  
13 contributions to attorney generals who want to become  
14 governors or governors who want to become senators, so  
15 how do you ensure that the attorney general's office  
16 does what's right under the law?

17 MR. MOORE: Well, this is because of my own  
18 personal bias, I would not say -- I would not go that  
19 route if I had the option, because of those reasons. We  
20 never went through the attorney general. The attorney  
21 general is there as the corporate attorney for the State  
22 of Tennessee and basically has sort of a technical sign-  
23 off for legal --

24 MR. MUNCHUS: Technical sign-off?

25 MR. MOORE: Yeah. He's not going to have -- if

1 I told him tomorrow I got 800 cases I want you to have,  
2 then he could see his political career going down the  
3 drain. He might not want to be associated with that  
4 kind of stuff, you know, but we don't even get into  
5 that. We're a separate commission. We're created by  
6 the general assembly and he's over there in the  
7 legislative branch and we don't really have to have that  
8 relationship.

9 MR. MAX: One last question and I'm going to  
10 let you go. We're going to have a lot of organizations  
11 come before us over the next day who are going to tell  
12 us their concerns and why they would like to see or  
13 perhaps not see a human relations commission or whatever  
14 it be. How do you interface with agencies such as the  
15 National Conference of Christians and Jews, a Community  
16 Affairs Committee, various bi-racial committees or  
17 NAACP, SCLC, what interfacing in Tennessee is there  
18 between these private organizations who are interested  
19 in human rights, whether it's race, religion,  
20 handicapped, et cetera, and your agency? How does that  
21 interface --

22 MR. MOORE: Well, we have a professional  
23 relationship in the sense that we recognize each  
24 other. In certain circumstances we might even refer to  
25 defer something to them. NCCJ, for example, selects two

1 or three people a year for the human rights awards and  
2 they talk the same kind of language in that sense. They  
3 are an informal group. We are formal. We are seated in  
4 law, and to that extent we are different but we have no  
5 antagonism between us. We participate in their dinners,  
6 we participate in whatever they ask us to participate  
7 in. There's just not a structured way of doing that.

8 MR. MAX: If there are programs, say that  
9 there's a great program that one of these organizations  
10 has but they don't have the money for it, not that you  
11 necessarily have the money for it, but are you sort of a  
12 clearinghouse where grants or monies may be available or  
13 if someone has a program or wants to put a program  
14 together that hasn't done it before, and some other city  
15 has it, are you a clearinghouse for those programs?

16 MR. MOORE: Yes, in two ways. We are sort of a  
17 repository for general information on human rights. We  
18 also have a clearinghouse function in determining  
19 whether or not agencies have a good or bad human rights  
20 racket and should not be considered for any funding.  
21 And we are always cooperative in that.

22 MR. MAX: So people in deciding whether to give  
23 grant money come to you and ask you about those. Any  
24 other questions on the panel?

25 Warren, again thank you for visiting with us.

1 If we have any further questions, we'll deal with it,  
2 but we very much appreciate it. What is that?

3 MR. MOORE: This is a placard. You need to put  
4 these in public places. All the housing projects  
5 around, the real estate agents, so on.

6 MR. MAX: Is that an extra copy?

7 MR. MOORE: Yes. We'll leave that here.

8 MR. MAX: Appreciate it.

9 MR. MOORE: And we'll leave a copy of our  
10 statute, jurisdictions here.

11 MR. MAX: Thank you very, very much. We  
12 appreciate it. All right, at this time we've had on our  
13 program Dr. Don Hines, director of the Alabama  
14 Department of Economic and Community Affairs. It's my  
15 understanding that he was not able to make it this  
16 morning and will not be with us.

17 First of all, before we go into that, is there  
18 anyone here from that agency representing that agency or  
19 Dr. Hines? If not, with that we're going to go ahead  
20 and break for lunch and we will reconvene at one  
21 o'clock.

22 (Lunch Break)

23 MR. MAX: I'm going to get started. We are a  
24 little behind schedule. Would each of the speakers we  
25 have coming up next -- as you see on the agenda, there's

1 about 20 minutes, so they'll be a short time for them to  
2 give a statement and an abbreviated time for us to ask  
3 questions, so let's try to keep that in mind and see if  
4 we can catch up with the schedule as we go through the  
5 afternoon.

6 Our first speaker is Warren Bullock. Warren is  
7 the district director for the United States Equal  
8 Employment Commission. Warren has been in our community  
9 now about two or three years; is that right, Warren?

10 MR. BULLOCK: Right.

11 MR. MAX: And he has already made an incredible  
12 impact and we very much appreciate your contribution to  
13 the community and your coming here today, Warren, to  
14 talk to us.

15 MR. BULLOCK: Good afternoon. I'm sure you all  
16 had a nice lunch after the intensive session that you  
17 had this morning. It's a pleasure on behalf of my  
18 agency as well as my personal staff here that we have  
19 been extended an invitation to chat with you this  
20 afternoon on what I think is a major endeavor on an  
21 undertaking on your behalf in terms of the state.

22 As I've shared with some other individuals,  
23 when three years ago I was asked to consider the post of  
24 coming to Alabama, I said to someone, to Alabama? That  
25 was not exactly my idea of career goal, to head up a



1 civil rights activity in the State of Alabama and  
2 Mississippi. However, having been here for almost three  
3 years, as I said to someone last week, I can't think of  
4 any other state that I would rather be in than the State  
5 of Alabama, as well as provide an assistance to our  
6 sister state of Mississippi. I think that's a fine  
7 state and I think we have some excellent people here.

8 It's a well-kept secret and some say let's keep  
9 it the secret. But I'm not so sure you don't want to  
10 share your wealth of secret.

11 That aside and having been stated, a couple  
12 things I would just want to share with you and then give  
13 you an opportunity to ask us.

14 It was with interest that I observed two of our  
15 state agencies address you this morning. And quite  
16 frankly, from the federal perspective, they're doing an  
17 outstanding job in both Tennessee and in Nebraska in  
18 relationship to 706 state commissions or as agencies go.  
19 We at least from the federal perspective think that  
20 they're doing an outstanding job and it was a pleasure  
21 hearing the two of them talk this morning to you and  
22 give you an opportunity to ask questions with them.

23 Let me share with you approximately three years  
24 ago -- and I would be doing my staff a disservice if I  
25 didn't give you just a two-minute overview in terms of

1 where we are as a federal activity in the state.

2 Three years ago Alabama perhaps had one of the  
3 most inefficient EEO complaint processes that we had in  
4 the country. [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 One of the considerations to coming here was  
8 there were many things said about our former chairman.  
9 One of the things that he had was a commitment to try  
10 and establish within the State of Alabama and  
11 Mississippi a viable and effective employment civil  
12 rights activity and program.

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 We moved from an agency with approximately two-  
25 and-a-half year backlog to an agency with six-month

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1 operating activity. We accomplished that in just a  
2 little over a year.

3 The Civil Rights Act, as you know, was  
4 established in '64 and the commission became effective  
5 in '65. From '65 up until 1990 the highest number of  
6 litigation activities that was ever filed in any court,  
7 the Birmingham office doubled that number in 1990. So  
8 that tells you something about our activity in terms of  
9 our aggressiveness for filing suits in court.

10 We broke a twenty some year record in one year,  
11 so I think that speaks well of the staff. We tripled  
12 the monetary benefits for the citizens of Alabama in  
13 that period of time. When you talk to Larry Moore about  
14 the merit factor rate in terms of its the settlement  
15 cause rate.

16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]

20 If you ask anyone from a cause perspective, are  
21 they particularly please with it, I think the general  
22 answer would be no. If you ask them are they pleased  
23 with their merit factor rate, which is what the two  
24 states talked to you today about 17 to 27 percent -- in  
25 Birmingham we have about a 35 to 36 percent merit factor

1 rate. That is one of the better merit factor rates.

2 As a matter of fact, we have the second highest  
3 merit factor rate in the country in terms of for  
4 settlement dollars. But in terms of for causes, the  
5 cause rate has been a problem for everyone in the civil  
6 rights community and one just simply has to look at the  
7 elements of proof and the latest court cases.

8 It is misleading I think for individuals to  
9 testify in any public body about the high percentages of  
10 causes that occurred in the early stages of the  
11 commission, vis-a-vis what the percentage is today,  
12 because quite frankly, for those of us that are lawyers  
13 or have a legal background, one simply needed a prima  
14 facie case in the earlier days to move a case into  
15 court. We had never heard of pretext. We never heard  
16 of many of the Burdine defenses that were put forward.  
17 We had never heard of the various nexus that's required  
18 in terms of element of proof, let alone discriminatory  
19 animus. Discriminatory animus gets back to what is the  
20 motivating factor, the cognitive motivating factors, the  
21 thought processes with the individuals making those  
22 decisions.

23 Courts never required anything remotely akin to  
24 that in the earlier days, so I think in all fairness to  
25 any civil rights organization, one has to look at what

1 are the standards of proof, the elements of proof. The  
2 1991 Civil Rights Bill substantially changed those  
3 elements of proof. There's no question about that.

4 But prior to the 1991 bill the elements of  
5 proof were becoming somewhat difficult, not impossible,  
6 but somewhat difficult in many instances.

7 I think with that aside, I could chat with you  
8 all afternoon in terms of civil rights and where we want  
9 to go, and I'd be happy to in any other form and time  
10 provide you our knowledge and experience that we have  
11 gained on that.

12 But I think in the best interest of your time  
13 it would be wise to give you an opportunity to ask us  
14 any questions.

15 MR. MAX: Thank you, Warren. Charlena?

16 MS. BRAY: One, I know you've worked for EEOC  
17 in some other states. Have you been in a state or have  
18 you experienced in a state where there's been --

19 MR. BULLOCK: State activities?

20 MS. BRAY: Yeah, commission -- or state  
21 activity?

22 MR. BULLOCK: Yes. I was in -- I was a deputy  
23 for I think six years in Atlanta. We had a state agency  
24 in Atlanta in Georgia. We also had a county one,  
25 Richmond County. I was the acting director for a year

1 for Indiana and Kentucky. We had a multitude -- we had  
2 a huge, large state one in Indiana and a multitude of  
3 small agencies around the State of Indiana and they were  
4 cities and counties.

5 We had several -- approximately about eight in  
6 the State of Kentucky. So, yes, I've had the  
7 opportunity to work with them.

8 MS. BRAY: Based on those relationships, what  
9 would you advise Alabama as we work toward getting a  
10 commission started? I mean, what are some do's and  
11 don'ts?

12 MR. BULLOCK: Well, I think that you're  
13 fortunate at this particular time. I think the climate  
14 is conducive and I think there are two factors, as I  
15 would see it, that would be the major causative forces  
16 for that climate, receptivity of the climate.

17 One, the new ADA bill, the Americans Disability  
18 Act. I think that is a major, major focus and interest  
19 to everyone in this state as well as in this country.  
20 It is the most profound piece of social legislature  
21 that's been passed since the Civil Rights Act of '64.

22 Quite frankly, my own personal opinion is that  
23 it will be far more reaching than that bill ever was.

24 The second factor is economics, economics,  
25 economics. People understand economics in all walks of

1 life. It is an economic factor from the country's  
2 perspective as well as from the state's perspective.  
3 For the first time that American is seeing itself, its  
4 major leadership role in this country being challenged,  
5 and it indeed is being challenged economically.

6 We are no longer the leading economic power in  
7 the world. We clearly are not. There is a major force  
8 going on in Europe today and that is the forming of the  
9 total economic European economic community. That force  
10 will be far greater felt on our country than we even  
11 have a remote idea of.

12 And that movement has been under way for some  
13 years in Europe. The Japanese economy and its impact on  
14 the world, it is incredible in terms of in a short  
15 period of time when we can go from the major lending  
16 nation to the major debtor nation. And things are not  
17 improving economically for us in that arena.

18 In the State of Alabama today we talk about  
19 what maybe 30, 35 percent of our work force really being  
20 employable. We talk about a 25 percent literacy  
21 deficiency. No state -- no nation can survive with  
22 those kinds of figures. [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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[REDACTED]

The CEO's that I've talked to around this country -- and by the way, you have some excellent CEO's in the State of Alabama. You have some very knowledgeable CEO's and you have some very sophisticated CEO's in terms of their management skills. They're not that narrow in terms of their perspective and understanding of life and economy.

And some of them are extremely enlightened in terms of management skills and diversities and economics and so forth.

I think those two driving forces I think will have a major, major -- creates a major receptive environment.

[REDACTED]

~~SECRET~~



1

2 MS. BRAY: Just one and then we'll open it up.  
3 What benefits would accrue to Alabama EEOC with an up  
4 and functioning human relations commission?

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MR. BULLOCK: When I came to the state there wasn't one central force that I could talk to about the human relations arena. Never in the state had we engaged the Department of Justice in a mutual undertaking for an employment issue. We were successful in doing that. The outgoing -- there was a lot of publicity but the outgoing attorney general and I had an excellent relationship and our offices had an excellent relationship, and I hope that in the future we will maintain the same.

We were able to identify issues -- as you know, the commission cannot bring suit in certain instances, certain state, certain municipality issues. We were able to get the attorney's office to look favorably on those issues that we had of concern.

There ~~is a~~ **ARE SOME** ~~major~~ problems in the State of Alabama, not only just from employment areas, but you have a major problems in terms of we assume that the human relations committee is about accessibility, accessibility. But there is an even greater problem than accessibility, and that is competencies,

1 performance competencies.

2 Education and training is a major problem in  
3 the state. If it's a major problem in the state, think  
4 what it is in the minority communities and other  
5 disadvantaged group communities.

6 So when I came here, there wasn't one force,  
7 one central entity that one could talk to. [REDACTED]

8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]

18 MR. MAX: We have time for one or two other  
19 questions. Anyone else? Let me ask you this, Warren.  
20 As head of the regional office here, were we to create a  
21 commission that could receive EEOC cases -- we've heard  
22 of this contractual arrangement they enter into in  
23 Tennessee. Would you be amenable to doing the same  
24 thing in Alabama?

25 MR. BULLOCK: Sure. It would just simply be a

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1 matter of once the statute is passed and hopefully we  
2 would provide some technical assistance as your statutes  
3 are being prepared, that they would meet with our  
4 requirements, we would route them through our office and  
5 then then we'd give them final approval with review at  
6 our headquarters. At that particular time you would  
7 enter into something, what is called a 706 contractual  
8 relationship and we would work out an agreement of what  
9 percentages of cases that you would work and what would  
10 be the payment and so forth with those cases.

11 MR. MAX: And the federal monies flow in front  
12 that contract?

13 MR. BULLOCK: [REDACTED]  
14 The contract -- once we reach an agreement here, we  
15 would send it to Washington. It would be ratified  
16 there. The funds would be transferred here and then on  
17 a quarterly basis we will disburse them to the entity  
18 that's established.

19 MR. JENKINS: So from a management and  
20 performance standard, by creating such a state agency,  
21 would it also help you in your processing of complaints?

22 MR. BULLOCK: It does and it doesn't. It does  
23 -- it helps us in many respects -- it helps us in all  
24 respects. But it also brings some headaches in  
25 activities.

1           The competency level is something that we have  
2 to be concerned about. We have to do what we call a  
3 substantial weight review. We have to ensure that the  
4 validity of that investigation meets our standard.

5           And when political factors come into play, that  
6 presents problems for us in those processes.

7           The other point I'd just like to make on this  
8 is, the establishment of this body is dearly needed for  
9 many, many reasons, as I've espoused previously.

10           Secondly, from the manager's of this region's  
11 perspective, the workload is simply increasing. We are  
12 anticipating at least a 25 percent increase in our  
13 workload as a result of ADA. The 1991 bill, which  
14 brings in punitive and compensatory damages, we know is  
15 going to increase that workload by at least eight to 14  
16 percent.

17           Well, with Graham Rhudman it is clear that we  
18 aren't going to get any additional resources. I mean, I  
19 don't think anyone thinks that we are going to get any  
20 additional resources to deal with that increased  
21 workload.

22           So just from that perspective I would have to  
23 welcome any type of organization that would allow us to  
24 more effectively channel and handle that work, because  
25 we simply are not going to get any and we are -- well,

1 to tell you something about the efficiency of our  
2 system, our case management system has been adopted by  
3 the agency nationwide.

4 Every district office in this country is  
5 patterning their case management system off of the one  
6 developed in Birmingham, Alabama. Every state and local  
7 -- the two state and local individuals that you talked  
8 to, I taught them for a day in Florida about three  
9 months ago. We're going to mandate that they take our  
10 case management system or we won't fund them. It's just  
11 that simple.

12 We cannot tolerate cases that stay there for  
13 years in language and you deal with the easy ones and  
14 you leave the tough ones behind, or you keep them for  
15 three years and then you dump them to us. We're saying  
16 that we won't pay you for doing that kind of business.

17 So from that perspective, sure, but there's  
18 another thing I just want to make a point is this. The  
19 mere establishment -- please do not think that the mere  
20 establishment of this is a panacea for the problems that  
21 exist in the state, because it isn't. I mean, those  
22 problems are going to be there.

23 Secondly, the commission, if it's going to  
24 really be effective in the state, it has to take on a  
25 multi-faceted role. The commission ~~has a~~ **MUST HAVE** responsibility

1 of investigating, conciliating, litigating, technical  
2 assistance, training and education.

3 And it is in that technical assistance and  
4 training and education that your greatest payoff is  
5 going to occur. If you look at your commission strictly  
6 as one of investigating, conciliating, negotiation, and  
7 even to include very few, but even some litigate, that  
8 is not the key here. It has never been the key, and it  
9 never will be the key in any type of social endeavor  
10 that you undertake of this nature.

11 It has to be technical assistance, training.  
12 It has to be education and awareness. There is no  
13 substitute for that. I mean, you have to have this  
14 element there, but that has to be your major thrust if  
15 you're going to be successful and make a positive  
16 impact.

17 MR. MAX: Warren, thank you very, very much.  
18 We very much appreciate it. And your last statement is  
19 a great transition into our next speaker, who is Mike  
20 Calvert, the executive director of the Community Affairs  
21 Committee of Operation New Birmingham. As Mike makes  
22 his way, I will say that Mike has a lot of different  
23 hats as the executive director as part of this civil  
24 center complex, is a result of what Operation New  
25 Birmingham has done in leading the development of

1 downtown, but Mike's effort in leading Community Affairs  
2 Committee has been incredible and really made a  
3 difference in the Birmingham area, and we'll allow you  
4 to share it with us at this time.

5 MR. CALVERT: Good afternoon. My name is  
6 Michael Calvert. I'm the executive director of  
7 Operations New Birmingham, and Operation New Birmingham  
8 is an organization that was founded in 1957 primarily as  
9 a downtown development organization. In fact, its  
10 original name was Birmingham Downtown Improvement  
11 Association.

12 And in the 50's and early 60's the organization  
13 concentrated on traditional downtown development  
14 efforts, things related to parking and beautification  
15 and development.

16 In the 60's the organization recognized that  
17 the racial problems that the community was experiencing  
18 had to be addressed. In fact, the business community  
19 really had no choice, and turned to Operation New  
20 Birmingham as their organization, an organization that  
21 they controlled and asked that organization to take a  
22 constructive position, play a positive role in the  
23 resolution of the issues that prevailed during the  
24 1960's in Birmingham.

25 The organization did get involved and towards

1 the end of the 60's formalized that effort in a  
2 committee called the Community Affairs Committee.

3 This committee was originally formed by  
4 bringing together black and white leaders. On the white  
5 side it was the business community. The president of  
6 South Central Bell for the Southeastern Region of the  
7 United States -- their headquarters is here in town -- a  
8 gentleman named Cecil Bower -- was the first co-chairman  
9 representing the white community in this organization,  
10 and Dr. Pitts from Miles College, the president of Miles  
11 College, was the co-chairman representing the black  
12 community, and it was a very well-balanced group.

13 And the group came together every Monday  
14 morning, 7:30 in the morning, to address what then were  
15 extremely tense, difficult issues facing the community.  
16 Every community they worked to address the problems in a  
17 constructive manner, and in those days, of course, we  
18 were talking about desegregation of public facilities,  
19 about difficulties with the police department, police  
20 brutality, abuse, and recruiting minorities to a wide  
21 range of things.

22 And so those were very different days. The  
23 injustices and problems were very obvious and the  
24 Community Affairs Committee provided a great deal of  
25 leadership in a quiet sort of behind-the-scenes approach



1 by working through the power structure, both within the  
2 black and white community, and played a very  
3 constructive role.

4 As things got -- the worst problems got  
5 resolved, the Community Affairs Committee did not  
6 disband, did not go away, they recognized that despite  
7 the victories in the 60's and some of the positive  
8 things that happened, there was still many, many more  
9 things that needed to be addressed and the organization  
10 has continued to meet every Monday morning with  
11 exceptions for holidays and so forth, to this day to  
12 address the more subtle, more complicated, difficulties  
13 that are related to race in one way or the other, and  
14 many of them are very heavily involved with economics,  
15 very heavily involved with education, and I would say  
16 more difficult to grasp.

17 In the early days the role of the Community  
18 Affairs Committee, which is also locally known as CAC,  
19 was very much involved in mediation of desegregation,  
20 mediation of difficult issues, and that role continues  
21 to this day. CAC played a role a couple of years ago in  
22 the issues arising when Shoal Creek County Club refused  
23 to admit blacks in connection -- at the time when they  
24 were having a national tournament -- I believe it was  
25 the PGA Golf Tournament. And the Community Affairs

1 Committee was not the principal mediator but we played a  
2 role. We were one of the channels of communication  
3 between the different groups.

4 The fact of the matter is that Mayor Arrington  
5 and the chairman of the Alabama Power Company were in a  
6 better position to mediate that, and they really played  
7 the principal role in resolving that issue.

8 More recently we've had difficulties as has the  
9 rest of the nation in the wake of the Rodney King  
10 verdict in Los Angeles. We have some of our own  
11 difficulties with a group know as "Skinheads" that have  
12 been charged -- at least some members of that group have  
13 been charged with the murder of young, homeless black  
14 man in Birmingham and that group also just held a march  
15 last week as part of the Aryan National Front, and I  
16 would think it's fair to say that the Community Affairs  
17 Committee -- actually your chairman, Rodney Max, played  
18 a major role in addressing those issues, making sure  
19 that the community's response was responsible and  
20 positive and constructive, but that the challenge of  
21 these groups, which are encouraging hate crimes and  
22 fostering divisions did not go unanswered.

23 So the Community Affairs Committee's mediation  
24 role continues. There's much more involvement in what I  
25 would call public education. I passed out this little

1 booklet, and I incidentally have more copies of these  
2 for anybody that would like one.

3 This is what's called a progress report and it  
4 kind of chronicles all the positive things that have  
5 happened over the last 20 years or so since the  
6 Community Affairs Committee has been active, but it's  
7 also very careful to say very loudly that we do not  
8 think the problems are all solved. We have many  
9 problems in front of us, but we do think it's  
10 appropriate to reflect on the progress that's been  
11 achieved to kind of give us all heart to keep going to  
12 tackle the problems that remain.

13 We have sponsored a number of workshops on the  
14 changing demographics of the community, particularly the  
15 demographics of the workforce. We've targeted human  
16 relations staff in major corporations, trying to get  
17 them to face the fact that if they are harboring any  
18 notions that they would like to maintain a white male  
19 workforce, they're not there, and they're going to have  
20 to broaden out, and it's not a matter of choice, and  
21 particularly if they want to get the best qualified  
22 people, they're going to have to be recruiting women,  
23 recruiting minorities, and be much more sensitive than  
24 they have in the past.

25 So we've had a hundred human relations

1 specialists from Birmingham corporations hear that  
2 message from a national authority, Dr. Harold  
3 Hodgkinson. We followed that up with another workshop  
4 on how to cope with diversity within the workplace.

5 So we do those public education kinds of  
6 things. We have an open forum once a month where we  
7 attempt to bring an issue to the attention of the  
8 community through the media, which is a real break in  
9 the tradition of the Community Affairs Committee.

10 Early on it was very much a power structure  
11 group on both the black and the white side, that it was  
12 going to be figured out in a small room by a small group  
13 of people, and then it was going to be implemented  
14 through their contacts.

15 We think that's somewhat passe' now and we need  
16 to deal directly with the broad community, because power  
17 is diffuse and everyone needs to do their part.

18 One of our major efforts is the Martin Luther  
19 King Unity Breakfast and the stress is on unity. Each  
20 year we have had an increasing number of people come out  
21 for breakfast. Well, I guess this last year we didn't  
22 have an increase. We had a snow storm, and a snow storm  
23 is a major problem in this part of the country. It  
24 wouldn't have been a problem in Minnesota or Michigan,  
25 but it was a problem here.

1           But nonetheless, despite the fact that the  
2 state highway department closed some interstates, we  
3 still had 1400 people come to a 7:30 a.m. breakfast here  
4 in this civic center complex to celebrate the ideals  
5 that Dr. Martin Luther King stood for, and that's a  
6 major event. We had 1700 the year before. And I  
7 suspect if we don't have a snow storm this year, we'll  
8 have something approaching 2,000 if we can feed that  
9 many people breakfast.

10           One of the things that we're working on is an  
11 annual state of race relations report. It's kind of an  
12 ambitious undertaking that we've just begun but we would  
13 like to establish some benchmarks and say this is where  
14 we stood under various objective criteria at the end of  
15 1992, and then do that every year thereafter as a way of  
16 calling attention to what's been dealt with  
17 constructively and positively and what hasn't.

18           We also have attempted some programmatic  
19 efforts. One is called bridging the gap, which brings  
20 together high school students from typically white  
21 affluent suburban schools and intercity black schools  
22 and bring people together under the direction of a  
23 facilitator or trained specialist to talk through  
24 problems, to get to know each other, and to become much  
25 sensitive in terms of relating to people with

1 differences and then to go back to their schools and try  
2 to spread some of that knowledge that they've gained.

3           We are trying to set that up so that that  
4 occurs in the schools and a teacher gets trained each  
5 time so that gradually we'll have that extending  
6 throughout the school system. We have worked with  
7 Charlena to develop an educator leadership program that  
8 we have not been able to fund and implement yet, but the  
9 idea is to sensitize teachers, counselors, principals,  
10 to the tensions and difficulties in mixed race schools  
11 where in many cases there are really two student bodies,  
12 a black student body and a white student body, that go  
13 to the same schools that really aren't relating well to  
14 each other, may be relating bad to each other, and the  
15 idea is to be sensitive to that, to cope with it in a  
16 constructive fashion, before it becomes a problem.

17           We hope to fund that next year and get that  
18 actually done.

19           Another programmatic effort is our fair  
20 campaign pledge. We have for six or seven years now at  
21 every election called together all the candidates, asked  
22 them to sign a pledge not to resort to appeals to race,  
23 religion or any other category of that sort in their  
24 efforts and recently we modified it to say that they  
25 would instruct their campaign managers and their

1 campaign staff not to do it. That's too easy an excuse.

2 So getting that pledge signed is not a legally  
3 binding kind of document, but it does call attention to  
4 the fact that this is what the community expects. We  
5 monitor it on occasion. We have admonished candidates  
6 that got a little close to that line and our only threat  
7 is that we'll go public and that has generally been  
8 enough.

9 And I think it's been a constructive effort  
10 that's helped someone. So that, I think, plus the  
11 literature that I've given you, gives you an overview of  
12 the Community Affairs Committee. It's about 40 or 50  
13 people, and on any given Monday we have 30 or 40 that  
14 come together at 7:30 to address these issues.

15 And the notion of a human relations commission,  
16 I think, is something that is absolutely consistent, and  
17 I think will be supported by the Community Affairs  
18 Committee when a specific proposal is brought forth. As  
19 I understand how it's worked in other cities and other  
20 states, it involves a large measure of public education,  
21 which is something that CAC is attempting to do. It  
22 encourages communication and reconciliation of issues,  
23 rather than confrontation, if at all possible. It  
24 provides a mediation service, a way to bring people  
25 together to resolve differences, and it's really

1 conflict resolution that does not involve sweeping  
2 problems under the rug, does not involve achieving  
3 harmony at expense of justice, but rather is aimed at  
4 achieving harmony through justice, and that's really  
5 what the Community Affairs Committee is all about.

6 So I think I'll stop there.

7 MR. MAX: Okay, Mike. Thank you very much.  
8 Freddi?

9 MS. ARONOV-HEILPERN: Thank you so much. You  
10 described so eloquently all the creative dialogue  
11 functions and the mediation functions and the  
12 programming that you do at CAC. How do you envision a  
13 human relations commission assisting your organization?

14 MR. CALVERT: Well, I would really see it the  
15 other way around. I may have oversold our efforts  
16 because it is largely a volunteer organization. This  
17 may be one and a half staff people and so as we would  
18 see it, we would be a support group for a human  
19 relations commission. We would try to help them and be  
20 a community group that was in support.

21 MS. ARONOV-HEILPERN: Is it your opinion that  
22 the public sector is a good place for this dialogue  
23 that's sort of been going on a little more privately to  
24 this point?

25 MR. CALVERT: Yes. I think the Community



1 Affairs Committee is actually moving towards more public  
2 dialogue and less behind the scenes kind of efforts. So  
3 I think that's much more appropriate in today's  
4 environment when power is so diffuse.

5 MR. MAX: Anyone else? Anne?

6 MS. WELLS: Yes. I had a question. The pledge  
7 that candidates have to sign, does it include other  
8 groups other than based on religion and race?

9 MR. CALVERT: Yes, it does. It's a whole list  
10 of things, and I don't have a copy with me and I haven't  
11 looked at it in a while, but it's race, creed, religion,  
12 ethnicity, and gender.

13 MS. WELLS: Would you give me a for instance,  
14 you know, taking either one of those in terms of what  
15 you mean?

16 MR. CALVERT: Well, the most obvious sort of  
17 thing would be if a candidate say for the state senate  
18 had a district that was partially white and partially  
19 black or maybe even all white, but went into that group  
20 and expressed a lot of statements that were either  
21 overtly racial or maybe covert in phrases like "Your  
22 house is your castle", and "We're not going to let them  
23 move in," those kinds of things.

24 MS. WELLS: I understand. Thank you.

25 MR. MAX: Mike, let me ask you this. We have

1 CAC in Birmingham and we've heard of one in Selma and  
2 we've heard of one in Montgomery. We've heard --  
3 there's various leadership programs around the state.  
4 Is there anybody or any one agency, whether it's public  
5 or private, right now that coordinates all of these so  
6 that programs that you may do don't overlap on something  
7 that others do? Is there any -- is there a  
8 clearinghouse agency in the absence of the human  
9 relations commission?

10 MR. CALVERT: There really isn't. The group  
11 that is most similar to the Community Affairs Committee  
12 in Birmingham is the National Council of Christians and  
13 Jews. And we, even though the executive director of  
14 that organization is a member of the Community Affairs  
15 Committee, we have had some programmatic overlaps  
16 because we weren't coordinating closely enough, and as  
17 far as coordination with groups elsewhere in the state,  
18 it's non-existent at this point.

19 MR. MAX: So that if someone in another city  
20 may not have heard of one in Selma or one in Montgomery  
21 or CAC, there's no real way of them to know of all the  
22 steps that you have taken to through separate CAC's, was  
23 sort of reinventing the wheel every time it happens?

24 MR. CALVERT: I think that's correct.

25 MR. MAX: So that if we had a human relations

1 commission that could sort of be that clearinghouse,  
2 then people would know, well, I could at least go go  
3 that agency and they may know of some others, so other  
4 communities wouldn't reinvent the same wheel?

5 MR. CALVERT: That's correct.

6 MR. MAX: Anybody? Charlena?

7 MS. BRAY: Mike, what do you see us having to  
8 do to get legislation passed in this state?

9 MR. CALVERT: Well, that's a major question and  
10 there are a lot of people would like to know the answer  
11 to that. But I think it's the kind of thing that takes  
12 building a broad consensus, finding several champions  
13 within the legislature, and I think the sort of thing  
14 that one needs to bring around those most likely to be  
15 opposed. I think it's going to take a concerted  
16 educational effort with the business community that is  
17 worried about over-regulation, so I think it's like just  
18 about anything else, figure out who's for it and who's  
19 against it, and if you can bring around the people that  
20 are likely to be against it and get the people that are  
21 for it really enthused, that combination can work.

22 And then it is subject to the vagaries of the  
23 legislature and their calendar and that sort of thing.

24 MR. MAX: Any other questions of Mike? Mike,  
25 thank you very much. We appreciate your good work and

1 your being here today.

2 MR. CALVERT: Appreciate the opportunity.

3 MR. MAX: Sure. Our next speaker was Robert  
4 Corley, the executive director of the National  
5 Conference of Christians and Jews. Bob is away at a  
6 program at Any Town right now and is not able to come.  
7 He's asked, however, that the record be kept open so  
8 that he can make a statement, a written statement, on  
9 behalf of the NCCJ, to be admitted into the record, so  
10 his statement will be a part of our final record. As we  
11 said earlier, it will be open till July 17.

12 We thought though that it would be informative,  
13 since we're not going to have another opportunity to put  
14 matters on the record from our perspective, there are a  
15 few members of this panel who service on NCCJ's board  
16 and that it would be appropriate as to one or two of the  
17 programs that are going on with that organization to  
18 make them down on the record.

19 So at this time I'd like to recognize Charlena  
20 with regard to one of those programs. Charlena.

21 MS. BRAY: One program, Any Town, and I think  
22 we've heard it mentioned a couple of times by earlier  
23 speakers, Any Town is a program that was started some 30  
24 years ago and got started out in the Midwest. It's  
25 fairly new to us in Alabama. Before Any Town Camp goes

1 on right now and what's been going on in Alabama is that  
2 each summer a group of young people are brought  
3 together, and I think now there are 55 young people in a  
4 camp for a week.

5 The purpose of the camp is to help young people  
6 learn by good citizenship tolerance for racial and  
7 religious diversity and the privileges and  
8 responsibilities of life in a pluralistic society.

9 It's proven to be a very exciting program.  
10 I've spent the last three years with them at camp,  
11 decided this year not to do that. Not only has it been  
12 a wonderful experience for the young people, but we  
13 found that it's been a marvelous experience for adults,  
14 as well.

15 And one of the issues that we continue to talk  
16 about is how we could develop such a program that would  
17 indeed involve adults.

18 What I offer here and for this deliberation is  
19 how much education and awareness is needed and how  
20 little goes on. There are lots of programs that exist.  
21 This is one where you take 50 kids once a year and do  
22 something with them that's very important, but it's just  
23 a drop in the bucket in terms of the whole scheme of  
24 things and what does need to go on.

25 We recognize that a human relations commission

1 would certainly have several other functions. And,  
2 Warren, I heard you very clearly as you talk about that  
3 real key need though, the educational awareness and  
4 technical assistance, and just know that there has to be  
5 some way of all of us working together and broadening  
6 the impact of what any singular program attempts to do.

7 Thanks, Rod.

8 MR. MAX: Great, I appreciate that Charlena.  
9 Freddi, you want to tell us about the other program?

10 MS. ARONOV-HEILPERN: The other program that I  
11 was asked to mention is the Coalition Against Prejudice,  
12 which is a program that the National Conference of  
13 Christians and Jews, and it's presently administered by  
14 a part-time coordinator, Karen Cornblum and the sort of  
15 goal of the Coalition Against Prejudice, which has been  
16 in existence now about six years in Birmingham, is that  
17 we have a bi-racial teams who go into the schools and to  
18 corporations and churches and synagogues in all kinds of  
19 settings throughout the state and even out of the state  
20 to do workshops in prejudice reduction, conflict  
21 resolution and coalition building.

22 The emphasis is on institutional prejudice so  
23 that what we're trying to do is like go in and train as  
24 many people to do this work as possible so that it will  
25 have sort of a mushrooming effect.

1           This past year we finished a contract with the  
2 Montgomery County Sheriff's Department where we held 32  
3 sessions in all over a year's time in prejudice  
4 reduction. The sheriff's department had been sued and  
5 as part of the settlement in the federal suit, the  
6 sheriff's department was ordered by the federal judge to  
7 undergo prejudice reduction training, and that was from  
8 the sheriff all the way up and down, for every employee  
9 in the department.

10           And were were in Montgomery four times and it  
11 was like 25 people in a group and we had a real  
12 successful program considering that it was a mandated  
13 program and so forth.

14           And presently there's work going on with Family  
15 and Children Services in Birmingham, the United Way  
16 staff in Birmingham, and the UAB Division of Student  
17 Services.

18           So basically this little organization that  
19 started with ten or 15 people has just turned into a  
20 real force in diversity training in this city and in the  
21 state.

22           MR. MAX: As a credit to the NCCJ that those  
23 two programs -- well, we've heard from CAC and I'm going  
24 to tell you we're going to hear from others before this  
25 hearing is over -- what has happened is that we're

1 getting, as Mike said, and it was so appropriate, he  
2 said we need to have racial harmony through justice.

3 Well, what has to happen for racial harmony is  
4 there has to be some leadership. And what's happened in  
5 the absence of it coming from the top and flowing down,  
6 it's happening from below at the grass roots and  
7 attempting to get up. And in doing so, it's unfortunate  
8 the left hand doesn't know what the right hand is doing  
9 many times. But in a state that goes from Mobile to  
10 Huntsville, these programs, these great programs with a  
11 lot of human energy in them and a lot of good aren't  
12 known to others. And hopefully not only through this  
13 forum but through the creation of a commission that  
14 could be that clearinghouse, we can get this flowing  
15 down. I think it goes a lot easier flowing down than  
16 flowing up.

17 MR. MUNCHUS: Could I ask Freddi a question?

18 MR. MAX: Sure.

19 MR. MUNCHUS: This is about the Coalition  
20 Against Prejudice and the Montgomery County Sheriff's  
21 Department. Does that mean that the sheriff himself had  
22 to actually sit through something that dealt with  
23 prejudice?

24 MS. ARONOV-HEILPERN: Yeah.

25 MR. MUNCHUS: This was ordered by a federal



1 judge in the State of Alabama?

2 MS. ARONOV-HEILPERN: Yeah.

3 MR. MUNCHUS: Okay. Now, these other places,  
4 United Way, Division of Student Affairs at UAB, did  
5 these folks seek it out or --

6 MS. ARONOV-HEILPERN: Yes, they did. Yes, they  
7 do.

8 MR. MUNCHUS: Not under a court order to do it?

9 MS. ARONOV-HEILPERN: No, no. That was the  
10 only court mandated one so far that we've handled, and  
11 Charlena was involved with the sheriff's department, as  
12 well, in a different area.

13 MR. MAX: Very good. Any other questions from  
14 the panel? At this time what I would like to do is skip  
15 down to Reverend John Herndon, who I believe is here.  
16 Reverend Herndon, we appreciate you joining us with the  
17 Huntsville branch of the NAACP.

18 We're skipping over for right now Joe Lampley,  
19 who I don't believe Joe is here; is that right? And Dr.  
20 Mike Wilson. So we're wait and have them come in  
21 hopefully a few minutes later. Reverend Herndon, we  
22 really appreciate you meeting with us this afternoon and  
23 look forward to your comments. Dr. Herndon, I'm sorry.

24 MR. HERNDON: Thank you for the opportunity to  
25 share with you some insights about the status in racial

1 relations and the desirability of establishing a human  
2 relations commission in the State of Alabama.

3 In the last seven years I have presided in  
4 Huntsville, Alabama, where I serve as pastor of  
5 Fellowship Presbyterian Church. In addition I have  
6 served on numerous civil boards and advisory councils  
7 for community agencies. In the last four years I have  
8 served as president of the Huntsville, Madison County  
9 Branch of the NAACP.

10 During that time I have observed many occasions  
11 where the existence of a human relations commission  
12 would have been very helpful to citizens of Alabama. At  
13 the present time there is no state entity to which our  
14 citizens can turn when they believe their civil rights  
15 have been abridged.

16 In Huntsville, Madison County, which many  
17 consider one of the more progressive areas of the state,  
18 on any given day our local NAACP office is working 21  
19 active cases of alleged racial discrimination, primarily  
20 in the areas of education and employment.

21 Minority employees are routinely harassed in  
22 the workplace in the private sector as well as  
23 government agencies.

24 At the present time there is no state agency  
25 charged with the comprehensive responsibility of

1 insuring that all citizens have equal access to  
2 education, housing and employment opportunities, nor is  
3 there a statutory civil rights package to protect  
4 citizens against discriminatory practices and  
5 procedures.

6 There are in place at this time many practices  
7 and procedures that adversely impact education, housing  
8 and employment opportunities for many of our citizens  
9 with redress being available only through the offending  
10 party.

11 Therefore, the possibility of appropriate  
12 redress of a past inequity is remote at best.  
13 Therefore, I would heartily endorse the establishment of  
14 a human relations commission in the State of Alabama.  
15 Thank you.

16 MR. MAX: Thank you very much.

17 MR. MUNCHUS: Could you give us just kind of an  
18 overview of what are some of the things that are going  
19 on in the Huntsville, Madison County, area in terms of  
20 the racial population, I guess black, white male,  
21 American, hispanic -- there's a hispanic population  
22 there. Do you have a feel for just what the percentages  
23 are and where is most of the discrimination occurring in  
24 the public employment side or the private employment  
25 side in the Madison County area?

1 MR. HERNDON: The population demographics of  
2 Huntsville and Madison County is approximately around 80  
3 percent a majority population and around -- a little  
4 less than 80, but around 26 percent are minority in  
5 population.

6 In terms of the areas where trends are seen in  
7 discrimination, especially in the area of employment,  
8 it's -- the allegations are coming almost equally from  
9 the private sector as much as from governmental  
10 entities. And so we couldn't say that it's private  
11 versus government, but we get almost as many complaints  
12 of alleged discrimination from state or federal agency  
13 as in the private sector.

14 And, of course, that includes some I guess  
15 branch operations for major corporations.

16 MR. MAX: Any other questions?

17 MS. WELLS: I would just like to thank Dr.  
18 Herndon for coming down. I'm very glad to hear that you  
19 heartily support the organization that heartily supports  
20 the commission.

21 MR. HERNDON: One of the areas -- two areas  
22 where right now there are significant problems is in the  
23 area of suspension of minority students in the public  
24 school system where the rate of suspension of minority  
25 students far surpasses the demographic profile for the

1 area. And so where they make up say 26 percent of the  
2 demographics, they may constitute 60 percent of the  
3 suspensions. And that's one area that we're trying to  
4 do some work in.

5 MR. MAX: May I interrupt you to ask, with  
6 regard to that, who do you work with in regard to that?  
7 Obviously there's a school board you have to interact  
8 with.

9 MR. HERNDON: Yeah. And I also sit on the city  
10 school system policy review committee.

11 MR. MAX: All right. And so the NAACP takes a  
12 position and they meet with, discuss, confront, whatever  
13 the word is, the school system. Is there some other  
14 individual or organization that can get in between the  
15 two groups to help mediate whatever problems exist? In  
16 other words, if you come to logger jams with this and  
17 there's just not a reconciliation, is there some other  
18 entity that you look to or the school system looks to to  
19 try to get in between the two of you before NAACP takes  
20 the school systems to court?

21 MR. HERNDON: Well, we try to be more of an  
22 advocate and develop a collegial relationship in our  
23 dealings since I've been president, and try to use that  
24 approach more so than being confronted and -- so far  
25 we've been able to get more accomplished by sitting down

1 and talking more so behind closed doors than trying to  
2 negotiate in the media.

3 MR. MUNCHUS: Do you think your Madison County  
4 delegation, I mean, the state senators and county  
5 representatives would be supportive of some kind of  
6 effort to establish this kind of agency in the State of  
7 Alabama? I forget the senators. I know some of the  
8 house members up there but I'm thinking about your two  
9 senators I think out of Madison County.

10 MR. HERNDON: I would say that some portion of  
11 that delegation would be in favor of it but not the  
12 entire delegation.

13 MR. MUNCHUS: I see.

14 MR. MAX: Gentlemen, can we go back to my  
15 question, if despite your efforts to try to work things  
16 out, you can't, is there any other agency or  
17 organization that can assist you in mediating those  
18 differences?

19 MR. HERNDON: There is an informal organization  
20 that doesn't have a name. It's an inter-racial group of  
21 clergy in town that we have just recently started  
22 meeting that have been able to meet with various groups  
23 and talk to them about some of our concerns about race  
24 relations in Huntsville, Madison County, and thus far  
25 we've been fairly effective.

1 MR. MAX: So that in the absence of a formal  
2 group, a state-wide human relations commission could  
3 serve in that facility for you; is that right?

4 MR. HERNDON: Yes.

5 MR. MAX: Now, have you had any contact with  
6 any other NAACP's in other surrounding states, whether  
7 in Tennessee or in Georgia or --

8 MR. HERNDON: Yes.

9 MR. MAX: I ask that question to see if to your  
10 knowledge your organization is working with human  
11 relations commissions in other states. Do you know --  
12 we know that Tennessee has a human relations commission.  
13 We know that Georgia does. We know Florida does in  
14 terms of surrounding states. Do you know if your  
15 organization is working with those states and, if so,  
16 how they are working with them?

17 MR. HERNDON: I'm not aware of that. That has  
18 not been part of our previous discussions.

19 MR. MAX: Sure. If I may just one second --  
20 Warren Moore, are you in a position -- being the  
21 executive director in Tennessee, does the NAACP have  
22 some relationship with your human relations commission?

23 MR. MOORE: Well, basically, they function as a  
24 feeder. They generate complaints quite often through  
25 meetings and people recognize NAACP by name and

1 reputation, so often they call them. They might not  
2 even know we exist.

3 MR. MAX: Right.

4 MR. MOORE: But on the other hand, if they fail  
5 -- if the office itself, NAACP fails to follow through  
6 by saying this is the appropriate agency to take that,  
7 you know, and sort of farm that out, then it breaks  
8 down. But as long as there is this relationship that  
9 recognizes who does what, and the referral system is  
10 working, it works great.

11 And incidentally, I'm participating with them  
12 on various committees. I'll be at the national meeting  
13 doing a workshop. There is cooperation that way.

14 MR. MAX: Very good.

15 MR. MUNCHUS: One thing I was going to ask, Dr.  
16 Herndon, the Bedford Court -- I know you know about  
17 Bedford Court -- well, I was involved in that at least  
18 we kicked it off a little bit. How did that thing  
19 resolve itself? That was a public housing issue, if I  
20 recall, that the city was going to demolish these houses  
21 that low income people lived in, predominantly black  
22 people, and just totally disregard them. And I think  
23 ultimately we were involved in a lawsuit and got an  
24 injunction and stopped it from happening. But I think  
25 then the powers that be stepped in. What ultimately



1 happened? I just gave some money and got out of it, you  
2 know.

3 But what ultimately resulted in that and would  
4 a human relations commission have been able to help with  
5 the housing situation up there? Because apparently  
6 there is strong segregation from what I could pick up in  
7 Madison County, Huntsville, area where blacks tend to  
8 stay in one area, whites tend to stay in another, and  
9 there's no interaction in terms of living. And that's  
10 what we saw when we were up there a couple years ago.  
11 What happened with Bedford Court?

12 MR. HERNDON: Well, with Bedford Court, during  
13 the I guess negotiating period a new mayor was elected.

14 MR. MUNCHUS: Oh.

15 MR. HERNDON: And so the climate changed  
16 significantly from one of trying to just, like you say,  
17 get rid of the sales of probably the largest package of  
18 low-income housing, fixed-income housing we have in the  
19 entire county -- the city was able in cooperation with  
20 HUD to get enough funds together to -- of the 210 units  
21 that were destroyed, to get a hundred of them replaced.

22 During that time a private group of citizens  
23 got together, put their heads together, and some of them  
24 developers and citizens who were interested in  
25 advocating for the cause of oppressed people and poor

1 people, and were able to put together a financial  
2 package where we could help through some external  
3 sources finance the addition of another hundred units.

4 And so of the 210 units that were demolished,  
5 200 of them have been replaced. And well, they're in  
6 the final stages now of finishing off that project and  
7 people have begun to move back into the area.

8 I guess the positive thing about it, in  
9 addition to the housing that was there, they brought in  
10 some community service organizations into that immediate  
11 area so they would be more accessible to those people  
12 that need those services.

13 MR. JENKINS: Just one or two questions. You  
14 indicated that you were working an active file of 21, 22  
15 cases. Of those how many of those concern employment  
16 discrimination and how many housing, if you can recall  
17 off the top of your head?

18 MR. HERNDON: I would suspect that 80 percent  
19 of those are employment discrimination.

20 MR. JENKINS: Do you refer those cases to EEOC?

21 MR. HERNDON: When appropriate, yeah. And  
22 follow up and work with EEOC. Some of them we are able  
23 to resolve simply by sitting down and talking with the  
24 employers about the situation and what -- it might be  
25 easier to try to resolve this at this point that at some

1 other.

2 MR. JENKINS: With respect to the situation  
3 you've described concerning the school issue with the  
4 disparity in the drop-out rate or suspension rate, have  
5 you been in contact with the Office of Civil Rights of  
6 the Department of Education to file a formal complaint  
7 or are you still trying to work this out?

8 MR. HERNDON: Well, right now we are in the  
9 talking stage now where the communication is at such a  
10 level that we believe we're going to be able to work  
11 this out locally without going to the civil rights --

12 MR. MAX: Any other questions? Dr. Herndon,  
13 thank you very much for coming. We very much appreciate  
14 it.

15 At this time we're going to take a 15-minute  
16 break and we'll pick back up and start with our speakers  
17 at that time. About 15 minutes.

18 (Break.)

19 MR. MAX: Let me just let you know how our  
20 schedule is going. Joe Lampley has not appeared as yet  
21 nor has Dr. Mike Wilson, so we're going to skip those  
22 two and we're going to move down to Debi Shendelman, who  
23 is with us now. And as Debi is making her way up, I  
24 will also say from there we intend to go with Doug  
25 Mitchell and then drop down to Emily Eberhardt, and

1 certainly if any of the others appear in the interim, we  
2 will recognize hem, but those are the next people we  
3 have that are here now and we'll take them in that order  
4 unless the others come in. I don't know if anybody  
5 knows them and can identify them to me -- if I don't see  
6 them, let me know.

7 I would like to introduce Debi by saying that  
8 she is with the Community Relations Committee of the  
9 Birmingham Jewish Federation. Debi has historically  
10 been involved in matters on behalf of the Jewish  
11 community, but has also had a very big impact on the  
12 overall minority community as well. And recently she  
13 has served as one of the vital members of the Coalition  
14 Against Hate Crimes, which has been put together in our  
15 city. And she's assisted governmental agencies, law  
16 enforcement officials, and looking over hate groups.

17 At this time I'd like to introduce Debi  
18 Shendelman. Debi.

19 MS. SHENDELMAN: Thank you very much, Rod.  
20 Chairman, members of the committee, and ladies and  
21 gentlemen, I'm Deborah Shendelman, Director of the  
22 Community Relations Committee, Birmingham Jewish  
23 Federation. I'm a lawyer by training.

24 I appreciate the opportunity to appear before  
25 you today and I hope that my statement helps clarify the

1 need for a human relations commission in the State of  
2 Alabama.

3 By way of background, the Birmingham Jewish  
4 Federation is an umbrella agency, not unlike the United  
5 Way, which is the central fund-raising and planning  
6 organization of the Birmingham Jewish Community.

7 The community relations committee is a  
8 committee of the Birmingham Jewish Federation. The CRC  
9 deals with inter and intra Jewish relations on the  
10 local, national and international scene, including  
11 discrimination and anti-semitism.

12 The basic questions these hearings seem to be  
13 addressing are those that deal with discrimination in  
14 the realm of housing and employment. I think it is fair  
15 to say that the historical discrimination against Jews  
16 in housing has virtually disappeared. The communities  
17 that used restrictive covenants in property transactions  
18 no longer do so.

19 It has come to the CRC's attention, however,  
20 that informal questions have been asked by prospective  
21 non-Jewish buyers regarding the number of Jews that live  
22 in particular suburbs in the area.

23 The Birmingham Jewish Federation's community  
24 relations committee has had few complaints of  
25 discrimination in employment due to religious beliefs,

1     though there may still be some, however subtle.

2             Yet a state human relations commission is  
3 needed and can provide a valuable function in  
4 investigating specific incidents of discrimination.  
5 Equally important is the function of educating the  
6 public about the need for better human relations and  
7 providing advice to the governor and state legislature  
8 on these matters, where there is a gap between what is  
9 desired and what presently exists.

10            We believe that the security of individuals and  
11 groups, minorities and majorities in America, depends  
12 primarily on the strength of the American democratic  
13 system and those traditions and institutions that foster  
14 and protect individual freedoms.

15            There must be a commitment to maintain  
16 protections that have provided individuals and groups  
17 the opportunity to affirm and adhere to their unique  
18 ethnic, religious, historic traditions and which have  
19 allowed each individual to aspire to whatever role he or  
20 she seeks in society without regard to race, color,  
21 religion, sex, age, handicap or national origin.

22            We know from history that in times of social  
23 and political malaise and economic frustration, groups  
24 sometimes take out their frustration by attacking  
25 minorities either verbally or physically.

1           Our commitment and ongoing support of the  
2 development of a pluralistic society that encourages  
3 diversity and harmony is reflected throughout our  
4 agenda.

5           Efforts must be enhanced to promote civil  
6 rights and sound inter-group relations. If this  
7 commission is empowered to study and report on what  
8 appears to be a state of increased tension between a  
9 member of different ethnic groups in our society, then  
10 we can move ahead with the development and  
11 implementation of specific programs and policies aimed  
12 at ameliorating the conditions that perpetuate inter-  
13 group tension. In fact, the mere existence of such a  
14 body may serve in and of itself to alleviate potential  
15 tension.

16           An Alabama human relations commission can serve  
17 as a sounding board. It can be a one-stop phone number  
18 that the ordinary consider can call for advice regarding  
19 possible human rights complaints. Presently no such  
20 number exists.

21           Finally, in the past three years more than 130  
22 Jews from the former Soviet Union have moved to our  
23 community to escape prejudice and hatred based on  
24 religious and ethnic differences. These individuals who  
25 have started a new life in our city have done so for one

1 reason, to make a better future for their children.  
2 They see in America opportunities that their homeland  
3 could not provide, truly the American dream.

4 That is what I see this commission protecting.  
5 Americans are provided with an extent of freedom that is  
6 not found anywhere else in the world. We must ensure  
7 that it continues and its benefits are available to all  
8 segments of our society.

9 Thank you.

10 MR. MAX: Thank you, Debi. Anne?

11 MS. SHUMAKER: First of all, thank you for  
12 coming, Debi, and I'm delighted that your organization  
13 is doing what it is doing.

14 Just for my own curiosity, when was your  
15 federation formed?

16 MS. SHENDELMAN: The federation I think is  
17 about 55 years old formally. Before that I think it was  
18 an informal or welfare association.

19 MS. SHUMAKER: Well, how many are on your  
20 community relations committee?

21 MS. SHENDELMAN: Our executive committee has  
22 nine elected members, some ex officio, five executive  
23 positions. We also have a general committee that's made  
24 up of about a hundred people from across the Jewish  
25 community.



1 MS. SHUMAKER: I was pleased to read in your  
2 statement -- I read it last night -- that you see less  
3 discrimination now than in previous years. I'm glad  
4 that that is obvious. Do you think that all members of  
5 your committee support the formation of a human  
6 relations commission in the state?

7 MS. SHENDELMAN: I would think so. We  
8 discussed it briefly our last executive committee  
9 meeting. Certainly one of our commitments is to reduce  
10 the tension in working for good human relations between  
11 all groups of people.

12 MS. SHUMAKER: Well, what sorts of activities  
13 or in what sorts of activities would your group be  
14 involved right now?

15 MS. SHENDELMAN: In terms of --

16 MS. SHUMAKER: Specific things to alleviate the  
17 --

18 MS. SHENDELMAN: Well, one of the things that  
19 I'm proudest of or project that we are associated with -  
20 - it's not solely our project, but with the National  
21 Conference of Christians and Jews. We work very  
22 diligently on inter-faith relations and sponsor every  
23 other year a mission to Israel. We came back in April.  
24 We took 94 people to Israel. I think there were 57 non-  
25 Jews and thirty something Jews, and certainly it was a

1 cross of segments of society, black and white. And we  
2 feel that that -- that we call building bridges  
3 definitely does that in Birmingham and it breaks down  
4 barriers as people from all different backgrounds meet  
5 each other and get to know each other on a personal  
6 level.

7 MS. SHUMAKER: Would you have a ball park  
8 figure on the number of Jewish citizens in Birmingham?

9 MS. SHENDELMAN: In Birmingham? There are  
10 5,000 individuals, about 1500 families.

11 MS. SHUMAKER: Okay. I'd like to say  
12 congratulations on your assisting these 130 people from  
13 what shall we say, the Commonwealth of Independent  
14 States now. What things did your group do to assist  
15 these people?

16 MS. SHENDELMAN: We are involved in many  
17 activities, not directly under the Birmingham Jewish  
18 Federation, but Jewish Family Services, which is another  
19 service agency in Birmingham. They are in charge of the  
20 resettlement efforts, their actual physical  
21 resettlement, and our commitment to help support these  
22 individuals for the first four months in Birmingham.

23 For the Birmingham Jewish Federation we are  
24 involved in raising the money to bring them to  
25 Birmingham and also help them settle in Israel. Through

1 the CRC, we have been involved in a community-wide  
2 interface effort. We are calling it the Community  
3 Campaign for Soviet Jewry and we have an interface  
4 steering committee that has helped us raise money to  
5 bring these new citizens to Birmingham and help the  
6 Birmingham community grow.

7 MS. SHUMAKER: Are most of these -- in what  
8 sort of housing are these being brought?

9 MS. SHENDELMAN: They're all in -- mostly in  
10 apartments and I will say that --

11 MS. SHUMAKER: Private housing?

12 MS. SHENDELMAN: Right. They found leases --  
13 right. It's not public and the apartments are set up  
14 for them before they arrive, but it's their  
15 responsibility after four months. And thus far I guess  
16 I should knock on wood, every family that has an  
17 employable adult has found work within the first four  
18 months, which is our mandate, because they will not be  
19 supported by the community following that time.

20 MS. SHUMAKER: Thank you so much, and I'm glad  
21 to hear a positive report.

22 MR. MUNCHUS: I've got one question. I had  
23 some discussions over the last couple months with Carl  
24 Friedman about this, and he brought me up to date, and  
25 you may know a little more. What's happening with the

1 Ethiopian Jews? Have you all had any interaction with  
2 them, because I know several came here to Birmingham. I  
3 missed the --

4 MS. SHENDELMAN: As far as I know, no  
5 Ethiopians have settled here. The Ethiopians that were  
6 air lifted out last year and many of you may have seen  
7 the video footage of that -- all went to Israel. One  
8 was in Birmingham really to say thank you for America's  
9 help and the community's help, but they are all in  
10 Israel.

11 MR. MAX: Let me ask you this question. With  
12 regard to coordinating your activities with the Jewish  
13 community with other Jewish communities from around the  
14 state, as well as coordinating what you do to fight  
15 prejudice with just other organizations in general,  
16 absent a human relations commission, is there any  
17 catalyst at this time in place to assist in coordinating  
18 those activities?

19 MS. SHENDELMAN: There's really not. We do it  
20 on an ad hoc, informal basis. The other organized  
21 communities in Alabama, the Alabama Jewish communities  
22 are Montgomery and Mobile, and I will call and we will  
23 talk about certain issues or stay in touch with each  
24 other. That is also supplemented by the work that the  
25 Anti-Defamation League does. Their office is in

1 Atlanta, their regional office. And there are specific  
2 questions or problems that will come up, we'll consult  
3 them, but we kind of find the answers on our own.

4 MR. MAX: So consultation has to go on by  
5 professionals in Atlanta, Georgia?

6 MS. SHENDELMAN: Right.

7 MR. MAX: And within the State of Alabama there  
8 is no coordinating --

9 MS. SHENDELMAN: None that I'm aware of.

10 MS. SHUMAKER: How active are the groups in  
11 Montgomery and Mobile?

12 MS. SHENDELMAN: Mobile is very active. They  
13 have a small -- the largest community in Alabama, Jewish  
14 community, is Birmingham. I think there are about  
15 10,000 Jews state-wide, with half of them being here.

16 They have an active counterpart CRC in Mobile  
17 that's headed by a local attorney, and we keep each  
18 other on our mailing lists to know what's going on.

19 Montgomery doesn't have a full-fledged  
20 federation but they do have a professional in Montgomery  
21 who I talk to periodically.

22 MR. MAX: Very good. Any other questions of  
23 Debi? Debi, thank you very much for appearing. We  
24 really appreciate it.

25 MS. SHENDELMAN: Thank you for the opportunity.

1           MR. MAX: Sure. All right. At this time I'd  
2 like to recognize Doug Mitchell, who is the executive  
3 director of Greater Birmingham Ministries. As I told  
4 you all, Greater Birmingham Ministries plays a leading  
5 role in this community with the poor of our community,  
6 among all the congregations, Christian and now Jewish  
7 congregations in our community, and Doug has played a  
8 leading role in making sure that's happened for the last  
9 few years. I think we got Doug from Pittsburgh; is that  
10 right?

11           MR. MITCHELL: Thank you. My name is Doug  
12 Mitchell. I am executive director of the Greater  
13 Birmingham Ministries. As background, I am a native of  
14 Birmingham. I grew up here. I left in 1965. I spent  
15 most of that time in Pittsburgh and came back in '85 to  
16 be the executive director of GBM.

17           Greater Birmingham Ministries is an ecumenical  
18 and more recently interfaith urban mission agency that  
19 focuses its programs on working with and for the benefit  
20 of very low income citizens in Birmingham and across the  
21 State of Alabama.

22           I've also served for five years from 1980 to  
23 1985 as the community relations representative for the  
24 Pittsburgh Commission on Human Relations.

25           I'd like to make some general comments and then

1 give some specific responses to the proposed Alabama  
2 Human Relations Act and to submit some additional  
3 material, and I've submitted a copy for the chair and a  
4 copy for the record.

5           The board of directors of Greater Birmingham  
6 Ministries has formally acted to call for the creation  
7 of an Alabama human relations commission. The  
8 particulars of my comments about the Alabama Human  
9 Relations Act and other legislation, however, are my  
10 own.

11           First I'd like to thank the commission and the  
12 chair of the Alabama delegation, the Alabama Advisory  
13 Committee, for holding this fact-finding hearing on the  
14 advisability of establishing an Alabama Human Relations  
15 Commission. I feel very strongly, as Greater Birmingham  
16 Ministries does, that Alabama needs such a commission  
17 very badly.

18           Just a word about GBM, it is as far as I know  
19 the largest ecumenical organization in the State of  
20 Alabama. This is not a very ecumenical state, to put it  
21 mildly. It does represent ten religious judicatories,  
22 that is, the governing bodies of ten religious  
23 denominations and Temple Emmanuel. And so that is who  
24 is speaking in the call for the commission.

25           Now, I understand the history of why people in

1 Birmingham and why people in Alabama would not go to  
2 George Wallace and ask for a state commission, and  
3 that's a fairly obvious historical reasoning, but at  
4 this point the historical reliance on the federal system  
5 for the civil rights protection is also inadequate and  
6 dated, and so I think the reasons that we understand why  
7 we are where we are no longer hold as an argument for us  
8 to continue without our own commission or our own  
9 enforcement agency.

10 One of the problems that I have seen with the  
11 current proposals is that there is no direct provision  
12 for a community relations department of the Alabama  
13 human relations commission as proposed.

14 There are many civil rights issues which are  
15 manifested by and result in community tensions, violence  
16 and harassment. The Alabama commission and local  
17 commissions will need a formal structure with trained  
18 staff to address these issues.

19 Because of my experience on the staff of the  
20 city commission in Pittsburgh, I have been aware many  
21 times during my seven years back in Alabama of events  
22 which took place that needed response of professional  
23 trained staff, and there was nobody's job to pay  
24 attention to those things.

25 About a month after I started the job here, a



1 black family bought a house in a predominantly white  
2 neighborhood near the airport and a group of white teen-  
3 agers drove a car into the side of the house, piercing  
4 the house and set the car on fire, thus of course  
5 burning the house as well.

6           It was dealt with as a police matter but I  
7 spent a day and a half trying to find local resources in  
8 my own naivete' from my venture north about things that  
9 must be present in the State of Alabama, none of which  
10 were. It took me two days to find somebody in the local  
11 justice department who knew what the community relations  
12 service was. That's not a good sign.

13           The CRS has a spotty record, as all  
14 bureaucratic agencies do, but there are also some very  
15 fine staff and fine resources and they simply represent  
16 the kind of resources that nobody was in place to take  
17 advantage of because nobody was really paying attention  
18 to them.

19           As you know, currently we're dealing with  
20 issues of the Skinheads. It was nice of the Birmingham  
21 Post Herald to provide a front page picture for you this  
22 morning of Chief Johnson working with the march of the  
23 Aryan National Front, but dealing with areas of race and  
24 religious hatred require more than the kind of  
25 outstanding police work that we saw this weekend.

1           There needs to be someone to go to  
2 neighborhoods and communities who knows the leadership,  
3 who knows avenues of communications and also who knows  
4 local and federal networks of response agencies such as  
5 CRS and others.

6           There needs to be, as Rodney keeps pointing out  
7 in questions to each speaker, what we have got in  
8 Alabama are grass roots organizations that respond. At  
9 the moment we've got the Coalition Against Hate Crimes,  
10 which is a new organization, and there's the Bi-Racial  
11 Interfaith Clergy Group that came together over the  
12 community tensions relating to the interaction between  
13 the mayor and the U. S. Attorney, but there is no  
14 coordinating agency to provide resources to and  
15 technical assistance to those sorts of organizations.

16           My sense from my experience in Pittsburgh is  
17 that the existence of those agencies does not, in fact,  
18 mitigate against the development of grass roots  
19 organizations, but on the other hand does help  
20 facilitate them. There needs to be a readily accessible  
21 means for investigating both by public hearing and other  
22 means, discrimination which is acted upon in areas other  
23 than employment and housing.

24           In a related vein there is no provision in the  
25 act that I saw for enforcing public accommodations

1 statutes. That is the one part of the federal law which  
2 has no federal agency to provide protection so that if  
3 citizens have public accommodations questions, questions  
4 of whether they are treated equally with others in  
5 stores and restaurants and bars and other places of  
6 public accommodation, either have the resources to go  
7 directly into federal court or simply have no avenue or  
8 protection. And that needs to be a part of the Alabama  
9 act as well as community relations.

10 We wish all those were settled. We don't have  
11 sit-ins at lunch counters any more, but the reality is  
12 they are not settled and the public accommodations are  
13 not available equally to persons throughout the  
14 community.

15 A couple of comments about the proposed act. A  
16 primary question is why is the authorization -- as I  
17 understand it, as I read the act, limited to the  
18 provisions of the cited federal acts? Why not allow the  
19 State of Alabama to pass more rigorous acts if they are  
20 able and willing to do that or to allow a local  
21 commission to adopt more rigorous legislation than the  
22 state might have or than the federal government?

23 Issues like, I believe for EEOC, a person -- an  
24 employer must have 15 employees before they're covered.  
25 Well, in a situation where the economy is growing in

1 small businesses, what that means is that an ever-  
2 increasing percentage of the population is not covered  
3 at all by civil rights statutes. There's nothing magic  
4 about 15 people. That's the compromise that was reached  
5 during the passage of the Civil Rights Act.

6 If Alabama could ratchet that down or if  
7 Jefferson County and Birmingham could ratchet that down,  
8 my sense is the current act as proposed would not allow  
9 that, and that needs to be addressed.

10 Now, whether we can get that passed is another  
11 issue, but it ought not to be prohibited by the statute.

12 Same with landlords. Very large sets of  
13 exemptions in the Fair Housing Act. Those don't have to  
14 be that high. They could be much lower. You could  
15 include a lot more sellers and renters under the act  
16 than the current act has.

17 I think it is important that ADECA not be the  
18 enforcement agency for fair housing. That is not what  
19 they're there for. That's not what they are meant to  
20 do. They're officed in Montgomery and have no outside  
21 resources, and I think it would be incumbent to look at  
22 the issues of transferring fair housing, both  
23 strengthening the act and there are others sitting  
24 behind me who can say a lot more about what that means  
25 in particular, but both strengthening the act and in

1 transferring the enforcement of the fair housing  
2 statutes to the Alabama commission when it's in place.

3 Just a minor point, in the first statement of  
4 protection in Article 1, Section 2, disability, ancestry  
5 and age are left out of the list that are included in  
6 other places.

7 In Article 2, Section 1-3(b), I'm disturbed by  
8 the possible retreat from coverage for persons with AIDS  
9 or HIV infection. It is not at all clear to me whether  
10 the phrase, communicable diseases such as AIDS and so  
11 forth that constitute a direct threat to other persons  
12 is meant to automatically apply to all such persons as a  
13 matter of course.

14 If that is not the case, the question is  
15 where's the burden? Is it with the employer to show  
16 that in a particular case there is a direct threat as a  
17 defense for employment decisions or is it with the  
18 applicant employee to show that in a particular case  
19 there is not a direct threat?

20 I certainly hope that as in the case with  
21 religion and the Article 2, Section 13, the burden is  
22 clearly on the employer who must demonstrate that cause  
23 exists for each claim that a direct threat exists and  
24 that that is not meant to apply to anyone who has HIV or  
25 AIDS but that only if an employer can show a direct

1 threat can that be used as a defense. That didn't seem  
2 to be at all clear.

3 There's also no definition either in Article 2  
4 or otherwise of sexual harassment and the kinds of  
5 protections that should be afforded to relate to sexual  
6 harassment.

7 I do very much appreciate the emphasis on  
8 promoting the creation of local commissions by one or  
9 more political subdivisions.

10 The question of the politics is a crucial one,  
11 can we get any of this passed anywhere? My experience  
12 is that there is substantially more chance in getting  
13 the act passed than there is in getting the money  
14 committed.

15 And my understanding of the act as written,  
16 that if the state adopted the act with the empowering  
17 phrases that are there, even if no Alabama commission in  
18 fact existed, that is no money was appropriated to hire  
19 a staff, the act would be in place which would provide  
20 enabling authority, for example, Birmingham and  
21 Jefferson County, to create a local commission to  
22 enforce the act or a similar act that would be passed by  
23 those subdivisions so that at least local municipalities  
24 or groups of municipalities, subdivisions, could provide  
25 local coverage even if the state did not fund the state

1 human relations commission. And I think that's really  
2 vital as a political strategy to ensure that that is  
3 possible.

4           Articles 5 and 6 strike me as very clear. The  
5 administrative emphasis on voluntary settlement  
6 agreements before resorting to more formal findings and  
7 enforcement procedures is appropriate, but I am glad to  
8 see that injunctive relief and the power to compel  
9 testimony and evidence and to seek enforcement through  
10 the courts is provided by the act, because I think again  
11 that is crucial.

12           I was also glad to see that reasonable  
13 attorney's fees were available as a part of the relief  
14 to make someone whole, which is not always the case.

15           Again, on the local I would hope that the local  
16 commission would be empowered to pass legislation that  
17 was more rigorous than the state or the federal.

18           Just a very few comments about fair housing,  
19 because there really are some experts here on that. As  
20 I've said, ADECA is not set up to enforce this. It is  
21 not set up for branch offices. It's not accessible to  
22 most of the people in the state. The current law is  
23 very weak, particularly with its very broad definition  
24 of exemptions to coverage to the act.

25           I am submitting as a part of the record the

1 legislation and the regulations of the Pittsburgh  
2 commission that have I think very good housing law, much  
3 tighter, much more inclusive than the current act, and I  
4 would simply submit that as an example of what I think  
5 would be a better housing bill.

6           Particularly lacking I think in the current  
7 bill is any strength in the anti-solicitation and  
8 steering and block-busting kinds of activities. It's  
9 mentioned but there's not much said about it.

10           Monitoring of real estate activities cannot be  
11 done from a distance. Investigation and enforcement  
12 need to be more local, both in its knowledge and in its  
13 field of remedies.

14           The last time I checked, within the last six  
15 months, the local Greater Birmingham Board of Realtors  
16 did not have a voluntary compliant agreement with HUD.  
17 I hope that's changed but I don't think it has -- which  
18 would allow them to take advantage of the training and  
19 technical assistance and monitoring facilities of HUD.

20           Both national and local studies have documented  
21 prevalent discrimination in both lending and realty  
22 services. All of this can be better addressed by local  
23 joint Birmingham, Jefferson County, commission than by  
24 ADECA or by EEOC and HUD.

25           Again, thank you for this opportunity to speak.



1 One other agenda item on the politics, you may be  
2 familiar with Alabama ARISE, which is a state-wide  
3 legislative network which focuses its work on laws that  
4 will benefit low-income citizens.

5 I would certainly be willing to act with others  
6 to propose for the next -- that Alabama ARISE adopt the  
7 creation of a human relations commission as a part of  
8 its next legislative agenda. There is a lot of overlap  
9 between the constituency of Alabama ARISE and this sort  
10 of fundamental civil rights legislation and that is at  
11 least one political avenue that has been fairly  
12 successful in some areas to a state-wide coalition that  
13 can begin to push the adoption of this legislation.

14 Thank you.

15 MR. DAVIS: Mr. Mitchell, thank you for being  
16 here for us and for your comments.

17 Two questions. How do you see a human  
18 relations commission assisting your organization in your  
19 work, some of the specifics, if you would expound on  
20 that? And I know that you are a unified group with some  
21 of your other members, but could you address the issue  
22 of the grass root levels? What are your people actually  
23 saying, not just your figure heads but the people who  
24 are actually working under them? What was the feedback  
25 from them regarding our human rights commission?

1           MR. MITCHELL: There are two specific areas --  
2 well, really three specific areas where I see our  
3 neighbors needing the kind of assistance that a human  
4 relations commission could provide. There is an  
5 extremely limited affordable housing stock in  
6 Birmingham, and so you have large numbers of people  
7 living in illegal, substandard housing without recourse  
8 to any avenue which really helps them. They could apply  
9 for code violations and they'll simply be removed from  
10 the units and other people will be put in, or the unit  
11 will be destroyed. That doesn't help if there's no  
12 other place to go.

13           I think that issues of how the very limited  
14 housing stock does get distributed and whether it's  
15 distributed with reference to race is an issue for our  
16 folks, that issues of just basic housing discrimination  
17 affect our people.

18           We see an increasing number of persons who have  
19 families who family income is way below \$10,000 a year  
20 that may have two or three wage earners in them. They  
21 are operated -- they are working part time with no  
22 benefits, so that there's an increasing number of  
23 multiple employment families, almost all of whom are  
24 working in organizations that would not fall under the  
25 federal statute, that is, they don't have 15 employees.

1           And so you've got an increasing number of  
2 people that we see who have essentially no protection  
3 from hiring and firing discrimination. And my sense is  
4 that folks have gotten a lot better at hiring legally  
5 than they've gotten at firing legally. Reductions in  
6 force are notoriously badly done because we're not as  
7 experienced in how you do that legally as we are in the  
8 hiring.

9           And so we work with a lot of very low income  
10 and a substantial portion of those are minority citizens  
11 who have no protection in their employment under civil  
12 rights statute, and in this state there sure is no state  
13 protection.

14           Persons can be fired at will with no cause  
15 because there's no state protection. Another whole  
16 agenda that we could get into.

17           And the other is the whole issue of community  
18 relations and the increase in racial tensions in  
19 neighborhoods. That I think is the primary area where  
20 our folks would prevail on a commission. If there  
21 really were persons who were seen as mediators with  
22 sensitivity issues of race and race politics and race  
23 harassment and sexual harassment and sex politics in  
24 neighborhoods available to neighborhoods, that could  
25 make a tremendous difference in the ways in which things

1 get acted out in this community.

2 Issues of skinheads are not unimportant though.  
3 I mean, the sort of big ticket items -- one of the  
4 things I've submitted is an article from a book that I  
5 contributed on the analysis of some of the far right  
6 extremist groups. This was before the creation of the  
7 Aryan Resistance League and the various Aryan Nations  
8 groups, but the religious legitimation of the Kingdom  
9 Identity Movement and its racist theological rationale  
10 that legitimates the kind of race hatred that the Aryan  
11 Nation Front shows is the same. That is not changed.

12 And the response of the community to those  
13 sorts of far right extremist groups who are paramilitary  
14 in nature and extremely well armed is something that  
15 need not be ignored.

16 MR. MAX: All right. Any other questions of  
17 Doug? Anne?

18 MS. SHUMAKER: Just for my own curiosity, would  
19 you have a ball park figure of the number of persons  
20 that the Greater Birmingham Ministries has served in the  
21 last year?

22 MR. MITCHELL: In 1991 there were -- I should  
23 know that off -- it seemed like there were approximately  
24 3,000 families and average about three and a half  
25 persons per family. It's a fair large -- and we provide

1 a large range of direct services as well as --

2 MS. SHUMAKER: You mentioned the assistance in  
3 housing and employment problems.

4 MR. MITCHELL: We don't deal with employment  
5 except informally. We provide help with food and  
6 clothing. For a lot of people civil rights issues are  
7 way beyond things they are interested in. Those are  
8 nice --

9 MS. SHUMAKER: Roof over the head.

10 MR. MITCHELL: We deal in basic survival, food,  
11 clothing, utility bills, rent and mortgage, medical  
12 prescriptions, to the tune of 77,000 last year.

13 MS. SHUMAKER: You read my mind. What is the  
14 number of volunteers that you would have involved in the  
15 program?

16 MR. MITCHELL: Right now we probably have about  
17 300 volunteers. We are in the process of finalizing the  
18 purchase of a new facility which right now we operate in  
19 a 2,000 square foot, two-story residential structure, in  
20 which there is literally not another place to stand.  
21 And so it severely limits the number of volunteers we  
22 can have involved. The new facility will have 6,000  
23 square feet and one of the first things we hope that  
24 that will provide us is really a much broader range of  
25 volunteer participation.

1 MS. SHUMAKER: And could you give me a  
2 percentage of your funding, that is contributions?

3 MR. MITCHELL: Over 90 percent of our funding  
4 each year comes from three sources and those are broken  
5 down roughly 50 percent from individual congregations,  
6 most of whom are from the ten judicatories but not all.  
7 Roughly 25 percent from individual contributions and 25  
8 percent from the judicatories which is the next level,  
9 Senates or Presbyters or conferences. And that makes up  
10 well over 90 percent of our budget. We take some money  
11 to purchase food and the rest are small corporate or  
12 civic or other source of contributions.

13 And that's been intentional, not -- we do  
14 housing development with federal and city money. We do  
15 outside programs. We start new things with federal  
16 money, but we never depend for our core budget on any  
17 outside source.

18 MS. SHUMAKER: How many paid staff members do  
19 you have?

20 MR. MITCHELL: Six full time, one half time.

21 MR. MUNCHUS: I have one question, Doug. You  
22 mentioned something like civil rights was something that  
23 your constituents don't see because they're trying to  
24 deal with I guess basic human rights, which are survival  
25 issues. So my question, if you're dealing with people

1 who are trying to basically survive and we're talking  
2 about their dignity so they can survive, so the word  
3 human right -- I'm presuming you don't find it  
4 offensive?

5 MR. MITCHELL: My preference for language is a  
6 human relations commission.

7 MR. MUNCHUS: I see. What did you mean by that  
8 statement, civil rights you don't think your folks can -  
9 -

10 MR. MITCHELL: Civil rights is a more technical  
11 formal statement about the protections provided by the  
12 act cited for employment, housing and public  
13 accommodations. Your civil rights are only what the law  
14 says your civil rights are, and the protected classes  
15 and the bases on which discrimination is forbidden from  
16 taking place. So the person's --

17 MR. MUNCHUS: The right to affordable housing,  
18 the right to have --

19 MR. MITCHELL: Not affordable housing, there is  
20 no right to affordable housing. There is right only to  
21 not have housing distributed on the basis of race, sex,  
22 family size, dah, dah, dah. There is nothing human -- I  
23 mean, civil rights don't provide survival protection  
24 except to the extent that they try to control the  
25 activity of violence-minded hate groups.

1           So a person's civil rights in Alabama are what  
2 the federal government says they are. A person's civil  
3 rights in Washington, D.C., are a combination of what  
4 federal government says they are and the D.C. statute  
5 says they are, which is much broader and has many more  
6 classes of including political party, but in this state  
7 a person -- gay men and lesbians have absolutely no  
8 rights because it's not in the federal statute and there  
9 is no Alabama statute. There are states or cities in  
10 which gay men and lesbians have substantial civil  
11 rights.

12           So civil rights are very technical. They are  
13 defined by what the law says, those rights you have, and  
14 none of them guarantee affordable housing.

15           MR. MUNCHUS: What about human rights, where  
16 does your constituents --

17           MR. MITCHELL: That becomes a moral issue which  
18 is where the church and synagog and other people of  
19 goodwill carry out reasonable debates or unreasonable  
20 debates but by and large without recourse to statutory  
21 decisions.

22           MR. MAX: Question?

23           MS. BRAY: Yes.

24           MR. MAX: Go ahead.

25           MS. BRAY: I have one. You mentioned the



1 Pittsburgh commission. Is that a human relations --

2 MR. MITCHELL: Pittsburgh Human Relations  
3 Commission. It is --

4 MS. BRAY: Which you have some relationship  
5 with.

6 MR. MITCHELL: I was employed there for five  
7 years as a community relations representative.

8 MS. BRAY: What lessons then can you share with  
9 us or think that we should know just as a result of that  
10 commission, its role, work that it did, its  
11 effectiveness?

12 MR. MITCHELL: I have submitted the legislation  
13 that -- the guides that I think it is much better than  
14 most, because it has very much fewer exceptions. It  
15 leaves a much smaller group of people outside the  
16 coverage of the law than most. But the things that the  
17 commission was able to do were really to -- they were  
18 very active in controlling solicitation -- realtor  
19 solicitations and block busting with formal procedures  
20 for controlling -- forcing realtors to submit material  
21 that's being distributed for having injunctive relief to  
22 prohibit the distribution of certain kinds of materials  
23 of who's going to move into your block and that sort of  
24 thing.

25 I spent probably ten percent of my time dealing

1 with the Klan and I thought shortly when I left Alabama  
2 in 1965 I was through dealings with the Klan, but I was  
3 not.

4 So the kinds of activities that we've seen  
5 going on in the last two months with regard to the  
6 Skinheads is what I did for a living for five years,  
7 which was to work with community grass root groups on  
8 hate crime activities.

9 MS. BRAY: Help me understand the organization  
10 -- was it part of a state-wide network?

11 MR. MITCHELL: No, it was -- the act which  
12 established it was an act of City Council in the City of  
13 Pittsburgh and it was appointed by the -- the  
14 commissioners were appointed by the mayor and approved  
15 by City Council, and it only had jurisdiction within the  
16 city limits of the City of Pittsburgh. There was also  
17 in Pittsburgh a Western Pennsylvania branch of the  
18 Pennsylvania Commission on Human Relations and a HUD and  
19 an EEOC office and all of us had huge waiting lists.

20 If people really get the idea that you're  
21 serious about enforcing rights, they will show up in  
22 droves and I'm sorry to say that they do not have that  
23 sense about existing agencies by and large that are  
24 available to them.

25 MS. BRAY: So what you're saying to us is that

1 then in Pennsylvania there's a state-wide human  
2 relations organization then --

3 MR. MITCHELL: That has a central office in  
4 Harrisburg, which is the state capital. They have a  
5 Philadelphia Branch, which was Eastern Pennsylvania, and  
6 a Western Pennsylvania Branch in Pittsburgh, formal  
7 offices, staffed offices.

8 The City of Pittsburgh has a commission on  
9 human relations which is completely independent of the  
10 Pennsylvania commission and has a different statute.

11 MS. BRAY: Where does the support come from  
12 financial?

13 MR. MITCHELL: It is purely taxpayer.

14 MS. BRAY: So Pittsburgh, the city actually --

15 MR. MITCHELL: The city pays the entire thing.  
16 I was a city employee working for the commission and all  
17 the commission staff are city employees including the  
18 director.

19 MS. BRAY: And then there's a state-wide  
20 organization that is funded --

21 MR. MITCHELL: Funded strictly from the state  
22 that is state funding, state employee system. And our  
23 statutes were much tighter than the state's and the  
24 state's were tighter than the federal statutes and who  
25 was included in the fair housing and employment

1 coverage.

2 MS. BRAY: Can I have one more? What were the  
3 needs -- assuming the state commission was in place  
4 initially and the city commission came later, why?

5 MR. MITCHELL: I'm not sure whether that's true  
6 or not. It may have been the other way around. I  
7 really don't remember. The city commission may be older  
8 than the state commission.

9 MS. BRAY: Okay.

10 MR. MITCHELL: But the state had a very small  
11 community relations component where the City of  
12 Pittsburgh's initial commission was heavily community  
13 relations, and so in Pittsburgh you've got huge numbers  
14 of central and southern European Ethnic communities who  
15 were imported to work in the steel mills at the turn of  
16 the century to try to make it more difficult for union  
17 organizers to organize in those mills if there were  
18 eight different languages and made it difficult for the  
19 folks to talk to each other. That was why they were  
20 brought here.

21 And so you've got a very large issue there of  
22 national origin, which is not going to be a big issue  
23 here. But the issues of national origin and religion  
24 were the primary community relations issues and race  
25 that the commission was put in place, and the compliance

1 agenda for housing and public accommodation with work  
2 sharing agreements with HUD and EEOC followed later.

3 Now, when I was hired, I doubled the community  
4 relations staff. So it had almost become non-existent  
5 because you don't have work-sharing agreements. You  
6 know, you can't support it from HUD and EEOC from  
7 federal sources the way you can your compliance staff.  
8 So it has to be funded from the tax base.

9 And as far as I know I was not replaced when I  
10 left, so as far as I know they still have one CR person,  
11 though there's been a complete shift, but initially it  
12 really was almost entirely a community relations rather  
13 than a compliance agency.

14 MR. MAX: Nancy?

15 MS. CARNLEY: I have a question for you, since  
16 you're working here in Birmingham, you said you dealt  
17 mainly with minorities --

18 MR. MITCHELL: No. We deal exclusively with  
19 low-income people, many of whom are minorities.

20 MS. CARNLEY: Okay. Of your percentage of  
21 minorities, what do you see as the basic needs that they  
22 need here in Birmingham?

23 MR. MITCHELL: Adequate education and  
24 employment, and fundamental to that is state-wide tax  
25 reform. Until the tax system is reformed, there is not

1 going to be money for anything we want to do.

2           Alabama has tried to -- I think has seriously  
3 tried to enact -- to develop programs to respond to  
4 changes in federal welfare policies, to get people  
5 employed. They've done -- the Department of Human  
6 Resources here has done a good job on the issue of child  
7 care by and large of not having access to child care,  
8 prevent somebody who is on Aid to Dependent Children  
9 from getting training or employment.

10           But the barrier continues to be living wage  
11 jobs. There simply are not living wage jobs available  
12 to these persons or at all. Despite what people talk  
13 about are all these jobs in the Sunday paper, many of  
14 the jobs -- most of the jobs that are in the Sunday  
15 paper are part-time, no benefit jobs, so you're asking a  
16 woman who has almost no money -- a woman and two  
17 children even after Alabama ARISE for three years  
18 running has gotten the first increases in 16 years, a  
19 woman and two children gets about \$143 a month plus food  
20 stamps.

21           What she does get is Medicaid. She has health  
22 insurance for her children. And it's irrational --  
23 you're asking her to be irrational to take a part-time,  
24 minimum wage job with no health insurance. And that has  
25 been the barrier and it continues to be the barrier.

1 Simply the existence of an access to livable wage jobs.  
2 Most of the jobs that you see are out 280 and 65 in the  
3 growth corridors. Public transportation does not go out  
4 280 or 65 in the growth corridors.

5 If you've got a swing shift job, you can't ride  
6 public transportation. If you've got a job that ends  
7 after six o'clock, you can't ride public transportation,  
8 even if you happen to be in some place public  
9 transportation goes to. Is that enough?

10 MS. CARNLEY: My second part of the question is  
11 how do you see the community for human relations  
12 commission would help these people in Alabama if it were  
13 to get one?

14 MR. MITCHELL: Well, I think there are issues  
15 of discriminatory distribution of the jobs that do  
16 exist, as well as discriminatory distribution of what  
17 little affordable housing exists, so I think those are  
18 two areas.

19 Greater Birmingham Ministries and even the  
20 grass roots people that we deal with have interest in  
21 enforcement of civil rights activities even if it does  
22 not benefit them directly, simply because it's the right  
23 thing to do, whether they're going to benefit from it or  
24 not.

25 Now, hopefully they will some day be in a

1 position where civil rights laws might help them too,  
2 even if it's not right now.

3 MR. MAX: Doug, in Pennsylvania what experience  
4 do you have with your agency and the city agency  
5 interfacing with the state agency and also your agency  
6 and the state agency interfacing with the business  
7 community? What kind of relationship was there? Do you  
8 understand my question?

9 MR. MITCHELL: Well, there were close working  
10 relationships among the community relations staff of the  
11 state commission and our commission. I think the reason  
12 I was hired is that because in 1985 -- I mean, in 1980  
13 Pittsburgh was finally getting around to desegregating  
14 its public schools and they thought this southern white  
15 boy might know something about that. And they were  
16 right.

17 So that was a specific City of Birmingham  
18 school district issue, so because of the jurisdiction  
19 issues only issues like the hate groups, which was at  
20 that time and that place the Klan, that were both  
21 operated in the City of Birmingham and the City of  
22 Pittsburgh and outside in Western Pennsylvania did we  
23 coordinate our work.

24 If it was something strictly in the City of  
25 Birmingham, we did it -- if it didn't go on in the City



1 of Birmingham, we didn't do it at all.

2 MR. MAX: City of Pittsburgh.

3 MR. MITCHELL: Pittsburgh, I'm sorry. It took  
4 me five years to stop saying Pittsburgh instead of  
5 Birmingham. Maybe I'm back home, that's right.

6 One issue that we dealt with was that South  
7 Africa attempted to establish a non-diplomatic consul  
8 office in Pittsburgh. There was a stockbroker who was  
9 of Dutch origin and had lots of business contacts, and  
10 this begins to get at some of the business issues -- who  
11 wanted to establish a consulate in the City of  
12 Pittsburgh. No diplomatic issues but it was a way of  
13 trying to build business relationships between  
14 businesses in Pittsburgh and in South Africa.

15 The commission -- and there was an explosion in  
16 the city when this was announced. And the commission  
17 held public hearings. They monitored the picketing and  
18 other activities which went on outside the stockbroker's  
19 office in which this person worked. And then one of the  
20 few times I was able to actually use my seminary  
21 training, I had the opportunity to write legislation  
22 divesting all business transactions of the City of  
23 Pittsburgh and its suppliers from South Africa, and that  
24 legislation was passed and adopted. It was turned into  
25 legal language and then passed.

1           So the commission was in a position to provide  
2 the city with an ordinance to divest the city's  
3 financial arrangements from anybody doing business with  
4 or having operations with South Africa.

5           It was -- I mean, it was essentially cordial.  
6 It depended on who you asked. I have heard from others  
7 that the City of Pittsburgh's commission has a  
8 reputation as being an aggressive commission. My sense  
9 was that they were sort of whimpy so it all depends on  
10 who you ask.

11           But there were strong working relationships and  
12 there was a good bit of training provided, both in  
13 employment issues, but even more in fair housing issues.  
14 There was a lot of technical assistance in training  
15 provided to local realtors by the city commission.

16           MR. MAX: How many staff members did you have  
17 on the city's --

18           MR. MITCHELL: Well, there were two in  
19 community relations and I think 13 or 14 in compliance,  
20 and all but one of the compliance people worked  
21 primarily in employment and only one in housing.

22           MR. MAX: When did you leave there?

23           MR. MITCHELL: '80.

24           MR. MAX: '80?

25           MR. MITCHELL: No, '85, because I came here --

1 I worked there from '80 to '85 and came here.

2 MR. MAX: You wouldn't happen to recall the  
3 budget figure for '85?

4 MR. MITCHELL: No.

5 MR. MAX: Thanks. Any other questions? Doug,  
6 thank you very much. We really appreciate your input.

7 I see Representative Buskey in the audience; is  
8 that correct? Very good. We have Representative Buskey  
9 from Montgomery and we'll entertain your comments at  
10 this time. I appreciate your being with us. John  
11 Buskey.

12 MR. MUNCHUS: We wanted to know if you were a  
13 state senator or a state representative.

14 MR. MAX: Last night they identified you as a  
15 state senator and this afternoon I've heard you were a  
16 representative. We'll let you tell us from which  
17 constituency --

18 MR. BUSKEY: Representative is correct.

19 MR. MAX: Representative.

20 MR. BUSKEY: I was having some problems trying  
21 to find that out and I'm not sure being called a senator  
22 at this point in Alabama is a very good thing. We have  
23 some --

24 MR. MAX: A state senator, right.

25 MR. BUSKEY: We had some very important

1 legislature to die on the last night of the session in  
2 the Senate. Of course, the entire legislature got  
3 painted with that brush, so it probably doesn't make a  
4 lot of difference where it failed.

5 I'd like to thank the commission for this  
6 opportunity to appear before you this afternoon. I'd  
7 like to thank Mr. Jenkins and Mr. Max for rearranging  
8 the schedule so that I could appear. On learning that I  
9 had another meeting on tomorrow morning, I called Mr.  
10 Jenkins to let him know that I could not be here  
11 tomorrow, and he was able to rearrange his schedule for  
12 me to come this afternoon, so I appreciate that.

13 I have copies of my remarks that I'll leave on  
14 the tables for anybody who might want to look at them,  
15 not that that would be anything that significant in  
16 them, but I just want to have the record right.

17 Let me read a quote that I found in the May  
18 issue of "Focus" which is a monthly magazine that the  
19 Joint Senate for Political and Economic Studies and the  
20 editor of this is Mr. David Rucker, editor. He's editor  
21 of "Focus". And when I saw this article and got the  
22 information from Mr. Jenkins, it sort of jumped out at  
23 me, and I will just read this first paragraph.

24 The article is called "Playing the Race Card"  
25 and it feels the racially motivated policies of some

1 presidents have deprived blacks of full equality and  
2 social justice.

3           The Rodney King trial and its aftermath should  
4 serve as a reminder to the nation's leadership that we  
5 neglect at our peril the continuing inclusion of  
6 minorities from full participation in this society.  
7 America's ugliest traditions, racism, ethnic hatred and  
8 cultural intolerance have been prominent and destructive  
9 forces in our society since the founding of our  
10 democracy. Americans of color, black, red, yellow and  
11 brown, many of them still victims of racially motivated  
12 abuse and violence, have always struggled for true  
13 equality and fair treatment. Yet efforts by the  
14 nation's leaders to include non-whites as full citizens  
15 into the American enterprise have been relatively recent  
16 and inconsistent.

17           How this tragic legacy of racism has played out  
18 in national politics can be seen through a brief review  
19 of the relationship between black America and the U.S.  
20 presidents.

21           And he goes on in the article to talk about how  
22 some of our former presidents have dealt with the race  
23 issue.

24           I come before you today to commend you for your  
25 efforts for your research and dedication to the issue of

1 human rights. I'm here to voice my absolute support for  
2 your consideration of establishing a human rights  
3 commission in Alabama.

4 Yesterday as I picked up a copy of the  
5 "Montgomery Advertiser" I was immediately struck by two  
6 stories. On Page 1 a story told of a black Alabama  
7 highway department engineer who was left by the side of  
8 the road by his supervisors every day for more than a  
9 month with no workers to supervise. This particular  
10 engineer is now part of a class action lawsuit alleging  
11 the highway department's promotion practices  
12 discriminate against blacks.

13 I then turned over to the business section  
14 where headlines claimed black owned business wins  
15 potential \$10,000,000 contract. This story told briefly  
16 of a military clothing contract awarded to a company  
17 that has been in business nearly three decades.

18 A few weeks ago I read of a lawsuit filed by a  
19 wheelchair bound woman who works for the State of  
20 Alabama. She alleged that the building in which she  
21 works did not have adequate facilities for the  
22 handicapped. This case is being settled out of court.

23 And on Tuesday of this week I read a headline  
24 that went something like this, woman establishes  
25 successful hydroelectric company.

1           And finally in the legislative session that  
2 just ended, several newspaper stories were written about  
3 alleged sexual harassment by a senator.

4           These stories led the House of Representatives  
5 to attempt to establish a hearing procedure for sexual  
6 harassment at the State House. That resolution never  
7 came up for a vote in the Senate.

8           I use these incidents as examples to establish  
9 for your purposes that we do not live in a perfect world  
10 in Alabama. I also point to the Rodney King riots in  
11 Los Angeles and throughout the United States to  
12 establish that Alabama is no different than any other  
13 state.

14           In times like these when the economy is in  
15 recession and the people have lost their trust in  
16 Government, they naturally turn to others for blame. I  
17 for one feel we are in serious danger of going backwards  
18 on the issue of civil rights. Some day -- and we can  
19 only dream that this will come to pass because we  
20 probably will not see it in our lifetimes, but some day  
21 a person will not be judged on the basis of race, color,  
22 religion, sex, handicap or national origin.

23           Some day the headlines will no longer marvel in  
24 the fact that either a black, hispanic, woman or other  
25 minority-owned business has received a \$10,000,000

1 contract. It will no longer be a novelty that a woman  
2 has gone into the business of hydroelectric power. Some  
3 day simply the name, location or earnings of that  
4 business will appear in those headlines.

5 If this dream we have is to become a reality,  
6 it will do so because of the work of an organization  
7 such as an Alabama human rights commission. With such a  
8 commission we could labor together to change the  
9 perception of our young people to fully develop any  
10 prejudices. We could fight for those who have already  
11 become the victim of such prejudices and establish a  
12 network throughout the state to aid in these efforts.

13 The Reverend Martin Luther King once said, "I  
14 have a dream." Well, I submit to you that the Reverend  
15 King's dream is still very much alive and well in  
16 Alabama. And while it began as a battle for equal  
17 opportunity for African Americans, it has since  
18 continued to thrive and has gained the support of all  
19 other groups that may have been discriminated against in  
20 the past.

21 Those of us who are united in this effort are  
22 secure in the knowledge that we are one people in the  
23 eyes of God and some day we can only dream we will  
24 become one universally in the eyes of all people.

25 I thank you. I'd be happy to respond to any



1 questions.

2 MR. MAX: Thank you very much. We appreciate  
3 that. Charlena?

4 MS. BRAY: Give us some advice. Where do we go  
5 from here?

6 MR. BUSKEY: Well, I think in order to get a  
7 human relations commission established in Alabama it's  
8 going to take a united effort on the part of the  
9 political and the business leadership. It would be very  
10 difficult in my estimation to pass a piece of  
11 legislation establishing such a commission without the  
12 support of the governor, number one, and groups like the  
13 Chambers of Commerce around the state, and of course the  
14 political leadership in both houses would need to be  
15 behind such effort.

16 It would need to be given high priority because  
17 without those individuals and other groups pushing  
18 legislation in the Alabama legislature, it does not get  
19 a high priority and of course it would just be hanging  
20 out there without very much support.

21 Legislation of this type usually gets support  
22 of the minority members of the legislature and few  
23 whites initially. But I think if we approach it from  
24 that angle, it's likely to get the support that it needs  
25 to pass.

1 MS. BRAY: John, you're familiar with -- and I  
2 just found this out yesterday -- that we've got the fair  
3 housing, you know, the law that's been passed and ADECA  
4 is supposed to be the agency, but there's no money to go  
5 with that, no enforcement. How do we make sure in the  
6 process that we not wind up having legislation passed  
7 for which there is no -- I mean, no support?

8 MR. BUSKEY: Well, here again, I think it  
9 depends on the attitude of the leadership. I agree with  
10 the gentleman that just concluded that ADECA is not the  
11 agency to handle fair housing. I think -- I don't have  
12 an opinion where it ought to be at this point but  
13 certainly not in ADECA. ADECA is probably more a  
14 political agency -- more of a political agency than any  
15 other agency of state, and they deal with a lot of  
16 funding and I guess advice and various other kinds of  
17 things, and you don't even have anybody in ADECA I don't  
18 believe to even know what to do with fair housing or  
19 that piece of legislation that has to deal with that.

20 So I think a sensitive governor, sensitive  
21 administration would be sure that that agency is placed  
22 in a situation where it can function and would give it  
23 the support it needs to do his job.

24 Other than that, I don't see much happening  
25 with it. And quite frankly, under the current

1 administration I wouldn't see much happening with it at  
2 this point.

3 MR. MUNCHUS: I've got one question for  
4 Representative Buskey.

5 MR. BUSKEY: Okay.

6 MR. MUNCHUS: Given your knowledge of how  
7 lobbyists -- and I know people have all kinds of images  
8 of people who work the halls and carry bags and carry  
9 influence, sometimes even money -- and because we're on  
10 the record I won't say what I'd like to say -- but  
11 anyway, where do we get the support from those lobbyists  
12 who have a fairly good track record of getting  
13 legislation passed? And I'm not saying that they own  
14 the legislature. But having worked with some lobbyists  
15 myself and having done some research for them and having  
16 been paid for it, they seem to know how to move things  
17 through and get them out, even when everybody else says  
18 it cannot happen and they say if it doesn't, you'll get  
19 your money back.

20 Now, I have never heard of a lobbyist doing  
21 that, but I know of certain situations where things did  
22 not happen and they gave money back. Others delivered  
23 and they got more money, so I'm just trying to say is  
24 that something we should avoid contact with lobbyists  
25 openly or should we deal through you all, which I have a

1 great deal of respect for. Lobbyists, I'm not sure.

2 MR. BUSKEY: I think the situation you  
3 described -- that's the first time hearing of a lobbyist  
4 guarantees that something is going to take place or your  
5 money back, but I think there are certain lobbyists that  
6 are very sincere in their efforts.

7 But first of all, they work for a particular  
8 pack -- a particular agency or a particular business in  
9 some cases. And there are certain of them that you can  
10 rely on for factual information and even if you oppose  
11 them on the legislation that they may be pushing at the  
12 time, I think when you are up front with them, when they  
13 lay the facts out to you and they're not what you  
14 believe them to be or you differ with them, they don't  
15 mind, and of course they always tell you that they  
16 appreciate your being up front with them.

17 So you have those kind. Then you have the kind  
18 who may try to mislead you and, of course, all they want  
19 is their legislation passed because, as you indicated,  
20 they're getting paid for passing legislation.

21 I think when it comes to certain kinds of  
22 legislation where a lobbyist may or may not be involved  
23 in, we can sometimes get their support to help pass  
24 certain kinds of legislation. And again, it depends on  
25 what it is and what kind of support it's getting from

1 the administration because if the administration, for  
2 instance, is backing a piece of legislation, if the  
3 leadership in both houses is backing it, then there are  
4 certain lobbyists that will get on board and just try to  
5 help pass it because -- either because it's good  
6 legislation or because it has support of those people.

7 MR. MAX: Any other questions? Representative  
8 Buskey, let me ask you this. We have heard today of a  
9 price tag to start up an agency of somewhere -- and  
10 these are very rough -- but it would seem reasonable  
11 that it would be no more than a half a million dollars,  
12 maybe as low as \$300,000. And we realize there is  
13 already budgetary problems in the state.

14 From your vantage point of the politics of it  
15 and the dollars that are there, does that price tag make  
16 it an impossibility or is that kind of price tag  
17 something that can be fit within the budgetary  
18 constraints?

19 MR. BUSKEY: The half a million dollar figure  
20 was a figure that I had come up with myself without even  
21 knowing what was involved. I thought it would take a  
22 half million dollars really to set up an agency such as  
23 this.

24 I don't think it's too much and it would not be  
25 difficult to fit that into our budget the way we

1 operate. There are some things and some areas that we  
2 spend money on that are much less worthy, I guess, than  
3 an agency like this would be and I don't think a half  
4 million dollars would be too much at all, and I think we  
5 could do it. It would not hurt anybody. Of course,  
6 there would be opposition to it.

7           You would have opposition to it, number one,  
8 based on the fact that it will cost money, and there  
9 would be the perception of some house -- well,  
10 legislators that an agency such as this will be set up  
11 to further deny the majority some things. And, of  
12 course, this is not what it's all about.

13           I think overall an agency such as this can save  
14 the state money by intervening in some situations and at  
15 least consulting and making some recommendations. It  
16 can cut down on some losses perhaps, advising some  
17 department heads on how to treat people and how to run  
18 their departments where they would not be found guilty  
19 of discrimination and that kind of thing.

20           So I can see that it would save the state  
21 money. So I don't think the half million dollar figure  
22 would be that great to begin with and I know that you're  
23 talking about setting up a staff of people who would be  
24 available to run the agency.

25           I think it's something that -- like I said

1 before, if the leadership would get behind it, the  
2 administration and, of course, like I said before, we do  
3 literally waste millions of dollars on other I guess  
4 projects and programs that are not as worthy as this one  
5 in my estimation, so that would not be difficult.

6 MR. MAX: Let me have you give us a lesson in  
7 politics just a minute. How long have you been in the  
8 House of Representatives?

9 MR. BUSKEY: Eight years.

10 MR. MAX: Eight years. In terms of it going to  
11 the Senate first or the House, question number one, and  
12 there are committees that it needs to be directed to and  
13 certainly in looking for that sponsor who is connected  
14 with that committee, how would you see a bill like this  
15 getting into the legislative houses and committee  
16 process so that it can get passed?

17 MR. BUSKEY: First of all, a bill dealing with  
18 this particular issue or not, it would not matter  
19 whether it started in the House or the Senate. And I  
20 would probably try to get one of the key legislative  
21 leaders to sponsor it.

22 We found that when minority members come with  
23 legislation such as this as the prime sponsors, it has a  
24 tendency to be termed "civil rights legislation" or  
25 something of that nature, and it doesn't get much of a

1 hearing.

2           So that if one of the key leaders of the House  
3 would serve as a sponsor of the bill, then his influence  
4 would bring on board a number of other key people and  
5 hopefully enough co-sponsors to pass the legislation out  
6 of committees without any real problems.

7           Of course, the leadership would see that it's  
8 assigned to a key committee, the right committee, not a  
9 committee where it would literally be buried and not  
10 seen any more, but if you put it in the right committee,  
11 of course, the person responsible for having some  
12 influence in that committee maybe would be able to get  
13 it out of committee without any problems. And once it  
14 gets to the floor, then still hopefully the key leader  
15 being the sponsor, would have enough influence to push  
16 that bill through without any real problems.

17           MR. MAX: Of course, the approval of our report  
18 doesn't make it happen, but would we have the  
19 opportunity to influence that decision-making body --  
20 upon approval does this go -- will this be distributed  
21 to all legislators?

22           MR. JENKINS: It will be distributed to all  
23 interested citizens, members of the state legislature,  
24 the governor's office, the attorney general and what  
25 have you. And just for the record, we are not a



1 lobbying body but a fact-finding body. We will be  
2 providing information to you and to others concerning a  
3 human relations commission for the state. After that we  
4 have completed our task.

5 MR. MAX: Any other questions of Representative  
6 Buskey at this time? Thank you very much. We  
7 appreciate your being here and giving us some guidance.

8 MR. BUSKEY: Thank you.

9 MS. SHUMAKER: Thank you for your support.

10 MR. MAX: All right. Curtis Steele, I  
11 understand has come in. Mr. Steele, why don't you come  
12 on up? Mr. Steele is the Birmingham African American  
13 Association for the Family. He has joined us today. We  
14 appreciate your coming and look forward to hearing your  
15 comments.

16 MR. STEELE: I didn't write any long statements  
17 because I figured we had a lot of people presenting and  
18 there's no need to be redundant, but just get right to  
19 the point.

20 I want to start off by saying that I represent  
21 what you would call a pro-family organization. I think  
22 in the whole process of whether you call it civil rights  
23 or human rights, I think people tend to forget that  
24 every human being comes out of a family, and it is out  
25 of that context that I come to you this day.

1           I want to preface my beginning with this title,  
2 the family social economics and implications of a human  
3 relations commission. Okay, to kind of read in a  
4 narrative sense, and I'll read it slow so you all can  
5 have some music in your ears.

6           In every society the family is at the core. A  
7 wholesome, healthy and quality family needs the basics  
8 of employment, equal pay, health care, education,  
9 housing and equal protection of the law.

10           A human relations commission can assist in  
11 investigating, studying and collecting and appraising  
12 federal laws and serving as a national clearinghouse for  
13 a person discriminated against with respect to equal  
14 protection of the law.

15           I every state the family is at the core, a  
16 wholesome, healthy and quality family life is the  
17 strength of any community, state or this American  
18 nation.

19           When a family member or families experience  
20 discrimination in any form, based on a family's race,  
21 religion, national origin, sex, age or equal pay, it  
22 begins to break down and divide not only that family  
23 member but worse, their entire family.

24           Discrimination and hatred affects the entire  
25 family from the nuclear to the extended family.

1 Discrimination in any form is a denial of a person's  
2 human rights, period.

3 A recent pole in the Birmingham News stated  
4 that race relations is improving at least in Birmingham,  
5 yet when we examine the statistics over the entire State  
6 of Alabama, we still find vestiges of racism, sexism,  
7 ageism, and many other forms of discrimination.

8 We find for some statistics over 2,000 reports  
9 of violations in '91 and also in '91 we find over  
10 \$10,000,000 being awarded in violation of people's human  
11 rights.

12 1992 there are projected an increase beyond the  
13 number of violations and the amounts of restitution  
14 being awarded again over \$10,000,000, with sexual  
15 harassment seeming to be on the rise.

16 We look at some figures relative particularly  
17 to my background, the African American and Afro American  
18 families, we find that there still seems to be high  
19 unemployment of 16 percent, poverty the rate of 30  
20 percent, and a high case of those are inclusive -- a  
21 worse, children. That hurts real bad.

22 We also find particular African American single  
23 parents that are an alarming rate and staggering and  
24 increasing at at least 49 percent. Life expectancy low  
25 for both black men and women, 62 for men and 75 for

1 women.

2 We also find 23 percent of black men in prison  
3 for the state, over 30 percent, more than there are in  
4 the college of Alabama. And we also find with personal  
5 income less for African American families but even lower  
6 for black women, according to the United States Census  
7 Bureau, 1990 reports.

8 In sort, so there is still much work to be  
9 done. In many ways America and Alabama has lost a  
10 contribution from people who have been denied their  
11 inalienable human rights, thereby affecting their  
12 quality of life. To some extent a qualify of life helps  
13 the people to understand each other. Part of that  
14 quality of life is being able to diplomatically share  
15 and understand each other.

16 There must be a collective effort, as I've  
17 heard from others, in eliminating all of the vestiges of  
18 discrimination. The church and the state are equally  
19 responsible for its role in leading the collected effort  
20 in providing equal human rights. A state human  
21 relations commission would greatly assist and enhance  
22 Alabama in protecting people's human rights.

23 While we find our children who are away, as I  
24 speak this very moment, studying human equality at Any  
25 Town, U.S.A., let us stop and think, what must we be

1 doing and what must the State of Alabama be doing?  
2 Alabama must not neglect its responsibility. This  
3 cannot -- and its responsibility cannot be an appeasing  
4 -- the priority of this matter must be put at hand.

5 Many people are asserting state rights. Let me  
6 tell you something. There are no state, federal or  
7 constitutional rights above human rights. Human rights  
8 are born at conception. They are embraced in a hub,  
9 nurtured in a family, reinforced in school, expressed in  
10 social and community setting, paid for with equal  
11 employment and opportunity and yes, they are protected  
12 by our own state, Alabama.

13 Yes, we have a great need for a human rights  
14 commission, and some day we will not march for rights --  
15 for human rights. Hopefully we will celebrate them for  
16 all. And some day we will not debate human rights. We  
17 all will network equally and share and enjoy the pie,  
18 that is, the economics, the cultural pie that is  
19 diversity, the educational pie, that is knowledge.

20 We all will rejoice in living out the fact that  
21 universally for all humans, human rights come down to  
22 the whole notion and idea that for all people the family  
23 comes first, regardless of race, regardless of gender  
24 and national origin, religion, or even if you are  
25 handicapped.

1           A human relations commission will help Alabama  
2 become a global and international community it dares to  
3 become.

4           Thank you all very much.

5           MR. MAX: Thank you very much, Curtis. Nancy?

6           MS. CARNLEY: Mr. Steele, thank you for coming  
7 and sharing all this information with us. I have a few  
8 questions to ask you.

9           What type of services does your organization  
10 specifically give? Does it give food, clothing, child  
11 protection, referral to DHR, or exactly what does your  
12 association do?

13           MR. STEELE: We provide counseling, basically  
14 counseling and referral services to families and also  
15 children. That's the basis, but we do a lot of other  
16 what you would call -- that's more the primary thing,  
17 serving as a family child advocacy center. We have like  
18 a cultural component as well. We have a television  
19 program that airs in Birmingham through the Birmingham  
20 cable system.

21           But we also do a lot of what you'd call  
22 secondary things, such as provide food and clothing and  
23 if you will, housing referral and things like that, to  
24 families.

25           MS. CARNLEY: My next question, what specific

1 components do you feel that a human relations commission  
2 in the State of Alabama could best do for a family and  
3 say children, specifically?

4 MR. STEELE: Well, one of the reasons why I  
5 wanted to come here today to in my opinion make aware to  
6 this commission and really to Alabama in a different  
7 sense that people -- when people are discriminated  
8 against, people act -- say if I've been discriminated  
9 against, I use myself -- as if I don't come out of a  
10 family. If a person discriminated against me, that's  
11 like disrupting a family. That's in a different sense -  
12 - that's abusing, neglecting a child in a broad sense,  
13 and there's no place for that.

14 And so, in other words, I think that from a  
15 family perspective and then you'll hear me say family  
16 because we must not forget that anybody that's  
17 discriminated against, that's one family that you're  
18 hurting. If a man applies for a job and he has a family  
19 and people deny him that right, to me then you're  
20 helping divide and segregate and to have his family to  
21 be divorced and separated.

22 And I want to just say this too, I hear so many  
23 people say -- and they say well, particularly in the  
24 black family, well, you have so many black men leaving  
25 their family. Well, if you look under the bottom of

1 this whole thing of all of the men that I've worked with  
2 or our agency work with, these men don't want to be away  
3 from their families.

4           You take any man in America, regardless of his  
5 race, and you deny him a job, then you've already said  
6 go to court and get a divorce in a different sense. A  
7 job in equal employment and protection of the law based  
8 on the Sixth Amendment or the 14th Amendment is vital to  
9 keeping a family together. That's vital. People don't  
10 look at it that way, but that's a fact.

11           MS. CARNLEY: Thank you.

12           MR. MAX: Anne?

13           MS. SHUMAKER: Where in town is your agency  
14 based?

15           MR. STEELE: All over Birmingham. No, I'm just  
16 teasing. It's located -- are you from Birmingham?

17           MS. SHUMAKER: I am very familiar with  
18 Birmingham.

19           MR. STEELE: You know where Marsh Bakery is?

20           MS. SHUMAKER: Yes, okay.

21 22           MR. STEELE: The next time when you're at Marsh  
22 Bakery, I'm going to invite you to stop by and visit us  
23 at 2913 Bessemer Road, same street as Third Avenue West.

24           MS. SHUMAKER: Who are the official sponsors of  
25 your organization or agency?



1           MR. STEELE: You can become an official sponsor  
2 -- but I'm teasing in a way -- but our sponsors really  
3 are just private citizens all over Birmingham who have  
4 found it necessary to write their checks out to us to  
5 keep us in business.

6           MS. SHUMAKER: So were you begun by a church  
7 group or --

8           MR. STEELE: No.

9           MS. SHUMAKER: These are volunteers that came  
10 together?

11           MR. STEELE: Yes, basically volunteers that  
12 just came together and obviously I was the focal point  
13 in that founder of the organization.

14           MS. SHUMAKER: When was the organization  
15 founded?

16           MR. STEELE: January, 1991. It's not a church  
17 organization, and the reasons for that is we wanted to  
18 be an organization that accepted people regardless of  
19 their religion because -- and when I say that this is  
20 not against any church in Birmingham, there's enough  
21 churches in Birmingham. You hear what I'm saying --  
22 that's my opinion. I think we need an organization to  
23 be pro family regardless -- everybody come out of a  
24 family, I don't care what the religion or race or  
25 national origin, so we wanted to say if you were a

1 Buddhist, you come out of a family. If you are Jewish,  
2 if you are any -- Native American, who soever you are,  
3 you belong to somebody's family, even if you're single,  
4 it doesn't matter.

5 MS. SHUMAKER: What is the number of volunteers  
6 that you have?

7 MR. STEELE: We have about 50 volunteers.

8 MS. SHUMAKER: And the source of your finding  
9 is primarily private contributions?

10 MR. STEELE: Yeah, primarily. That's why I was  
11 asking you to make your check out too.

12 MS. SHUMAKER: How many people did you help  
13 last year?

14 MR. STEELE: Last year we helped probably about  
15 900 people.

16 MS. SHUMAKER: And these were primarily low  
17 income minority families?

18 MR. STEELE: Primarily low income minority  
19 people. Now, I want you to know, whoever steps --  
20 generally people step out with their left foot first, so  
21 whoever walked through our door, we helped them. There  
22 ain't no question mark on that.

23 MS. SHUMAKER: Are you open -- what hours is --

24 MR. STEELE: We're open every day basically  
25 from 8:00 to 5:00.

1 MS. SHUMAKER: And do you have any paid staff  
2 members?

3 MR. STEELE: We have two paid -- well, actually  
4 three paid staff members that work with us.

5 MR. MUNCHUS: Curtis, I have one short  
6 question. Certainly I want to thank you for coming  
7 because I think you've certainly given me certainly a  
8 different perspective on this whole issue of human  
9 rights. I've never thought about it quite the way you  
10 put it.

11 . I guess what you're saying is this whole issue  
12 of discrimination robs a person of his or her dignity,  
13 and I guess when you affect one member of the family, it  
14 does affect others.

15 MR. STEELE: Absolutely.

16 MR. MUNCHUS: I have observed some of that when  
17 I think back over people who have been discriminated  
18 against in work and housing and how it has affected a  
19 mother or a father or an aunt or spouse or somebody like  
20 that. And since you're a self-help kind of person,  
21 where do you see this human right commission or human  
22 relations commission assisting what you all are trying  
23 to do or how can you all assist the commission in terms  
24 of getting this thing enacted in the legislature? I  
25 mean, are you all really active politically with

1 political people or do you all just sort of try to leave  
2 them out of your deliberations?

3 MR. STEELE: Well, since we are a non-profit  
4 organization, as such we don't act in the sense of  
5 politics, even though if you look at it from a different  
6 perspective, we do act in terms of policy, and that is  
7 any kind of policy that affects the family, and you're  
8 talking about a wide range in that sense, even though  
9 it's more employment, child and family type advocacy  
10 policies.

11 MR. MAX: Curtis, I want to thank you for  
12 coming. Our next speaker is Emily Eberhardt. Emily?

13 MS. EBERHARDT: I once worked for the housing  
14 authority for two years. I do understand this work and  
15 will state I was fired. However, I would not trade my  
16 experience there because it really did give me a  
17 different perspective on some part of our population.  
18 You grow up in a middle class family, go to Spellman  
19 College and things like that. You really don't have the  
20 insight, so I would not trade my experience there for  
21 anything. It really does help me in the work that I'm  
22 doing today. It gave me a whole different perspective.

23 So I can say some different things to my mother  
24 now that -- but I can't convince her that she's wrong.  
25 I'm also a lawyer by training and I presently am a

1 mortgage banker and executive director of the  
2 Neighborhood Housing Services of Birmingham.

3           The Neighborhood Housing Services of Birmingham  
4 has as its parent organization the Neighborhood  
5 Reinvestment Corporation, which is a part -- which has a  
6 lot of components, which are called Neighbor Works,  
7 Secondary Market for Mortgages, and we have a revolving  
8 loan fund, NHS.

9           So my interest in housing encompasses sales,  
10 rental, financing and access in any way, for race, any  
11 race, creed, color, handicap or whatever.

12           In 1989 I took part in a housing discrimination  
13 study which was a nationwide study in 25 cities.  
14 Birmingham was one of those 25 cities. It was done in  
15 the Greater Birmingham area, which covered five  
16 counties, the metropolitan area of Birmingham.

17           Needless to say, we found a lot of  
18 discrimination. This study was done under the auspices  
19 of a local organization called the Greater Birmingham  
20 Fair Housing Center, which had been incorporated since  
21 the latter part of the 70's, around 1979, I believe, but  
22 it had never had funding, so it had never carried out  
23 its function in any way.

24           But we used it and since that time we've been  
25 trying to get it established and get a center set up, so

1 that is my focus at this time. I'm volunteer  
2 coordinator for getting that center established.

3 The history of housing discrimination in the  
4 greater metropolitan area of Birmingham is pretty well  
5 known, but for those of you who are not from Birmingham,  
6 I'll share with you a little information.

7 The residential mobility of racial minorities  
8 is restricted in the Birmingham metropolitan area.  
9 Census data and other evidence show the presence of  
10 segregated housing patterns and a history of white  
11 flight to avoid integration, as well as evidences of  
12 housing discrimination.

13 Birmingham was one, as I mentioned, of 25  
14 cities that HUD conducted rental and sales to determine  
15 how African Americans and hispanics were treated when  
16 seeking housing. We found that minorities experienced  
17 discrimination more than half of the time that they seek  
18 housing, and even as much as 75 percent of the time they  
19 seek housing.

20 The 1990 census data show a picture of stark  
21 segregation in Birmingham in Jefferson County. Of 150  
22 tracts, 76 are overwhelmingly racially identifiable.  
23 Black majority populations exceeding 90 percent exist in  
24 33 tracts. White majority population exceeding 90  
25 percent exists in 43 tracts. 49 other tracts are

1 between 70 and 90 percent racially identified.

2 In total, 83 percent, that is 125 out of 150  
3 census tracts in Birmingham can be identified as  
4 racially identifiable in 1990.

5 The Birmingham Post Herald has reported  
6 extensively on the state of housing segregation in  
7 Birmingham and neighboring Shelby County. A July, 1989,  
8 article reported that the University of Alabama at  
9 Birmingham analyzed living patterns in Birmingham and 27  
10 of its suburbs. On a scale of one to 100, with one  
11 being completely integrated, the researchers found an  
12 integration index of 74.9.

13 For many local observers the article said  
14 neighborhoods in and around Birmingham are either very  
15 white or very black.

16 In February, 1991, the Birmingham Post Herald  
17 marveled at the gains housing integration gains made in  
18 both Jefferson County and neighboring Shelby County.  
19 However, the paper reported census data for 20  
20 communities in unincorporated Shelby County showed that  
21 integration has not arrived in Birmingham, although  
22 tremendous growth in black families moving to suburbia  
23 can be measured in increases of 12 percent in one  
24 neighborhood to 590 percent in another.

25 The 1990 African American population

1 percentages in these areas belie reality that  
2 integration is slow coming to Birmingham. Moreover, in  
3 the Birmingham suburb of Mountainbrook, local residents  
4 fought annexation of 2,600 acres of land for the  
5 development of homes, apartments and offices, and you  
6 will remember that, George, I'm sure.

7 MR. MUNCHUS: Overton Park.

8 MS. EBERHARDT: Yes.

9 MR. MUNCHUS: I had a picket sign out there one  
10 day.

11 MS. EBERHARDT: Complaints included fears that  
12 the annexation would lead to black students being bussed  
13 into the city school system. At that time there were  
14 two blacks attending the Mountainbrook city schools.

15 Maintenance of over 80 percent segregation in  
16 Birmingham in a decade leading into the 21st Century can  
17 in no small way be explained by the absence of local,  
18 private fair housing enforcement initiatives.

19 Local civil rights attorneys and community  
20 groups have informed the National Lawyers Committee that  
21 housing discrimination is rampant, yet few fair housing  
22 complaints are ever lodged with HUD or in the courts.

23 I did talk with the local HUD office this  
24 morning, as of this morning, and talked about the need  
25 for a fair housing center. And I asked them whether



1 they thought that HUD was -- that people knew where to  
2 go and what to do, and the director of fair housing said  
3 to me unequivocally, yes, and that HUD is accessible.

4 I will state to you that HUD is located on I  
5 think it's Beacon Crest Road, which is on the outskirts  
6 of Birmingham, and it's on the mountain and I doubt that  
7 there's a bus that goes by there. It is not even easy  
8 for me to go to with a car, because if it's raining or a  
9 little ice of any kind, you don't want to go up that  
10 hill. So it certainly would not be inviting. It would  
11 be quite intimidating for minorities to go to and for --  
12 and almost impossible for handicapped to get there.

13 The National Fair Housing Alliance and the  
14 National Lawyers Committee believe that racial  
15 minorities are without legal recourse when they  
16 encounter housing discrimination. This is strongly  
17 evidenced by the absence of local fair housing cases in  
18 the federal courts, when there are large numbers of  
19 employment discrimination complaints filed in court.

20 Additionally, the National Fair Housing  
21 Alliance believes that the lack of fair housing  
22 complaints results from a lack of awareness of fair  
23 housing laws, the lack of local enforcement, and we  
24 believe that racial minorities in Birmingham are so  
25 accustomed to being excluded by discrimination that no

1 one seeks housing in white communities.

2 Working in concert with the National Lawyers  
3 Committee and the National Fair Housing Alliance, the  
4 Greater Birmingham Fair Housing Center has sought to get  
5 funding as a private enforcement with non-testing  
6 provision from HUD to establish an effective fair  
7 housing education enforcement center in Birmingham.

8 And this center would use educational products  
9 to teach people how to recognize and report acts of  
10 housing discrimination, conduct intake testing and  
11 administrative and/or legal resolution of complaints of  
12 housing discrimination.

13 We have already identified individuals  
14 representing the community, civil rights groups,  
15 religious groups interested in establishing or re-  
16 establishing the Greater Birmingham Fair Housing Center.  
17 They include a person from the Center for Independent  
18 Living, a person from the CAP agency, JCCEO, a person  
19 from the League of Women Voters, Greater Birmingham  
20 Ministries that Doug has talked about, from a direct  
21 service network group, which is an organization of many  
22 organizations, and others as well.

23 Our other objective is to prepare systemic  
24 goals and objectives to focus on identifying the nature,  
25 extent and sources for housing discrimination by

1 examining policies and practices of all participants in  
2 the housing industry and to get together a panel of  
3 lawyers and provide training for them, which will come  
4 from the National Lawyers Committee.

5 The study, just for your information, a little  
6 bit of information concerning the incidences of  
7 discrimination that resulted in this study of 1989, show  
8 that Birmingham ranks very high in its incidences of  
9 discrimination in transactions. There are many steps in  
10 a transaction of renting a property and even more steps  
11 in the transaction of sales.

12 But in some of the incidences, for example,  
13 differential treatment for housing availability, for  
14 example, if you call a real estate agent and you want to  
15 see some properties in a certain price range, there was  
16 some differences in treatment. Blacks were only favored  
17 in these test efforts 19 percent of the time. Whites  
18 were favored more than 40 percent of the time, and there  
19 were differences such as that. Overall, the differences  
20 were 50 percent to 60 percent differences in the  
21 treatment of blacks.

22 Thank you very much.

23 MR. MAX: I appreciate your comments. George?

24 MR. MUNCHUS: Well, I'll try to be brief. I  
25 know you from way on back when you took on the Housing

1 Authority and certainly your efforts were not in vein in  
2 spite of the fact of what may occurred.

3 MS. EBERHARDT: Thank you.

4 MR. MUNCHUS: One of the things I'd like to  
5 know and, of course, having had this happen to me  
6 personally when I moved here from out of state -- I'm  
7 not a native of the state, I'm just an old Texas cowboy  
8 -- and when I moved here, you know, I had income from  
9 other sources and I could purchase property or whatever.  
10 And I was steered away from white areas. And, of  
11 course, I'm not a big integrationist. I think  
12 opportunity is what I wanted.

13 And we were told -- our family -- we looked at  
14 several houses and it was well, no Negroes have ever  
15 moved into Crestwood. I said well, this is 1976 and  
16 one's going to move in now. And we bought the house.

17 Needless to say, we haven't had any trouble  
18 over there and we've got some other black families in  
19 the neighborhood, but later on I had an opportunity to  
20 make money if I wanted to engage in block-busting  
21 tactics. And I tried to get the realtors to commit to  
22 this in writing so we could sue them, because I knew  
23 that was wrong for them to do that.

24 And this was as late as 1976. And I thought  
25 why hadn't somebody done something. So when I filed a

1 complaint with HUD, HUD tried to discourage me from  
2 filing the complaint. And, of course, you know I had  
3 people in Washington that I knew in the U. S. Senate,  
4 and I filed a complaint to try to get HUD investigated,  
5 because it seemed to me like HUD was simply unwilling to  
6 do its job. And it's like well, this is the South now  
7 and you don't do that as black folks live here and white  
8 folks live there.

9           And I said well, you know, in Texas, you know,  
10 we had a lot of hispanics in my neighborhood so we  
11 didn't know we were supposed to be segregated. We just  
12 grew up like that.

13           But you think this fair housing issue, if it  
14 were something that the state human rights commission or  
15 human relations commission would be willing to  
16 undertake, do you think there are black families out  
17 here who are willing to -- and I'm not saying challenge  
18 the power structure, but the banking community I found  
19 out later a lot of times is in cahoots with the realtors  
20 on a lot of these kinds of things.

21           In your research did you find any  
22 discriminatory lending practices where incomes were  
23 equal but blacks were disfavored because of their color  
24 even though their incomes, credit rating and everything  
25 else would have qualified them and, if so, how do you

1 get the bankers involved in this to show where they can  
2 make money by not doing this. You know, money is green.

3 MS. EBERHARDT: Well, you've asked about ten  
4 questions, George.

5 MR. MUNCHUS: I'm sorry, I do that.

6 MS. EBERHARDT: First of all, the housing  
7 discrimination study of 1989 did not cover the actual  
8 finance. It stopped at the point where a real estate  
9 agent may provide information. That was tested, provide  
10 information concerning financing, because real estate  
11 agents do that. Actually real estate agents steer or  
12 send the purchases to mortgage companies. That's the  
13 way mortgage companies usually get their clients, their  
14 customers.

15 So we did not test the mortgage bankers  
16 themselves. That is covered in the fair housing law,  
17 the Fair Housing Law of 1988. It does cover mortgages  
18 and testing of that has been done in some places.

19 Now, HMDA, the Home Mortgage Disclosure Act,  
20 does address -- try to address the discrepancy between  
21 the number of minorities who are turned down and the  
22 number of majority persons who were turned down, the  
23 percentages, and there is a great percentage of  
24 minorities who are turned down.

25 I heard a report last week from the vice

1 president of Fannie Mae who suggested that all that we  
2 read about what is reported by HMDA, the Home Mortgage  
3 Disclosure Act, is not what it seems, you know, they try  
4 to suggest that even though a minority may make the same  
5 thing, \$35,000 as a majority person and the majority  
6 person is approved, the minority person is disapproved.  
7 There may be some other things there that we can't see,  
8 such as -- which may be true, I don't know -- such as  
9 the amount of debt that the minority person may have as  
10 opposed to the majority person.

11 But that is addressed. And the only way for us  
12 to be able to address it more is to do some testing to  
13 determine, and that is what the vice president of Fannie  
14 Mae suggested that we just would have to test our local  
15 industries to determine the extent of discrimination  
16 that may exist.

17 MR. MUNCHUS: Well, do you think the identify  
18 of the person who is engaged in the testing or the  
19 complaining party's identity should be kept private,  
20 because I went very public when it happened to me and I  
21 was told, you should not do that because you will be  
22 fired and they will hang you and your child won't come  
23 home. Needless to say, none of these things happened,  
24 but people seem to be very fearful for filing a  
25 complaint of discrimination based on housing. I mean, I

1 was not I guess because I didn't -- I don't know  
2 anything about fear, but --

3 MS. EBERHARDT: Well, I think it's because of a  
4 lack of knowledge, a lack of what --

5 MR. MUNCHUS: Education.

6 MS. EBERHARDT: Yeah, education. And that is  
7 one thing that the Fair Housing Center would do is  
8 provide education. I think that is foremost of  
9 importance.

10 I had a difficult time getting people as  
11 testers.

12 MR. MUNCHUS: All right.

13 MS. EBERHARDT: I had a very difficult time to  
14 get people to --

15 MR. MUNCHUS: Black or white?

16 MS. EBERHARDT: Black. They were -- they knew  
17 what kind of treatment they were going to get and they -  
18 - it was very difficult for them to make that step to  
19 deliberately submit themselves to that treatment, and  
20 black males were treated horribly. I lost black males  
21 continuously. They would do one test. They would not  
22 go back. Some would do a test case and would not  
23 proceed to engage in the study with me.

24 MS. SHUMAKER: Were these people who were your  
25 testers, whatever, using their own identities, their own



1 credit ratings, or were they given a profile to memorize  
2 and they --

3 MS. EBERHARDT: This was done purely for  
4 research and they were given a profile, and the profile  
5 matched the minority and the anglo tester and the  
6 minority tester, the African American, was always a  
7 little better qualified. They were comparable or a  
8 little better qualified in education, in the type of job  
9 they had, in the income, in assets, children or no  
10 children, marital status, sex.

11 MS. SHUMAKER: Well, are you saying that you  
12 think that your study seemed to show that the realtors  
13 were actually steering clients to certain areas?

14 MS. EBERHARDT: There were several things  
15 tested. One was the number of houses that a client  
16 might be shown, and steering was tested. However, our  
17 results 'did not show that steering -- there was a higher  
18 percentage of steering, but one of the reasons is  
19 because we used properties that were in Sunday's paper,  
20 and for the most part properties that are in Sunday's  
21 papers, the neighborhoods are all similar.

22 There weren't properties in all black  
23 neighborhoods for the most part and they were for the  
24 most part in majority white neighborhoods. So there was  
25 a little steering. I even had one white female who was

1 encouraged to absolutely not take a property in a  
2 particular neighborhood that was in the Ensley area.

3 And very subtle things were said, so it's very  
4 subtle.

5 MS. SHUMAKER: So are you saying that you  
6 perceived this housing discrimination as racial  
7 discrimination or economic discrimination?

8 MS. EBERHARDT: Racial discrimination.

9 MS. SHUMAKER: Racial, okay.

10 MS. EBERHARDT: It was not economic.

11 Economically the testers were comparable, were able to  
12 afford the house.

13 MR. MUNCHUS: So you don't see the realtors as  
14 being sinister people per say or do you think that their  
15 motives were actually racial -- I mean, I'm just saying  
16 because they're typically out to make money, but I know  
17 when they approached me about buying up some houses on  
18 the block and we could split the difference, and I like  
19 to make money, I said but that's unethical. And he says  
20 well, you're in business, you don't have any ethics.  
21 And I thought well, you know, but I did and I wouldn't  
22 participate in it and I just really was very frustrated  
23 by the whole process of somebody would even approach me  
24 with this kind of way to quote, make money. And I told  
25 my neighbor about it, who was white, and she was even

1 more offended than we were about it.

2 MS. EBERHARDT: Well, let me suggest another  
3 way that -- there were several things that were tested.  
4 For example, the two testers who were comparable would  
5 be given an assignment. They had to make the telephone  
6 call within 15 minutes of each other. Sometimes the  
7 white tester would be told -- I made all the assignments  
8 -- and sometimes the white tester would have on his or  
9 her assignment to make the call first, and the only  
10 contact that that tester would have with the other  
11 tester would be to call to let them know I've made my  
12 telephone call. They were not to saying anything about  
13 what happened, did I make a contact or anything.

14 Well, what happened in some instances is that  
15 the white tester would get an appointment. The African  
16 American tester would not get an appointment. That  
17 happened in many instances, a very high percentage

18 There were ways -- of course, you know you can  
19 tell the ethnicity of a person by his voice or her voice  
20 most times; is that correct? So they were turned down  
21 often because it could be told what race the person  
22 would be, what race the person --

23 MS. SHUMAKER: Were most of these people users  
24 of the Queen's English?

25 MS. EBERHARDT: Most of us in the South aren't,

1 but they were comparable, yes. And I went to great  
2 lengths to pair people who just were comparable people.  
3 I would not have paired a long-haired, hippie type with  
4 a clean-cut black outstanding executive type such as  
5 George. We also didn't use anyone with facial hair  
6 unless if I used a black with facial hair, then I would  
7 use a white with long hair and facial hairs as well. We  
8 have to go to great extents to -- this was purely for  
9 research and we wanted to keep the variables as limited  
10 as possible.

11 MS. SHUMAKER: How many testers did you have  
12 just for my curiosity?

13 MS. EBERHARDT: Thirty-two.

14 MS. SHUMAKER: Thirty-two?

15 MS. EBERHARDT: Yes.

16 MS. SHUMAKER: How long did the study go on?

17 MS. EBERHARDT: Probably about five weeks. We  
18 had to do it really quick before the industry got wind.  
19 Actually they knew it was going to take place but they  
20 did not know where and when. It was in the federal  
21 register.

22 MR. MAX: Freddi and then Nancy.

23 MS. ARONOV-HEILPERN: You may have already said  
24 this and excuse me if you had, but did you test for  
25 financing opportunity?

1 MS. EBERHARDT: No. We stopped at the point  
2 where the agent would send the prospective mortgagor to  
3 a company and they did not go to a company. We did not  
4 test financial institutions. That is in the fair  
5 housing law and we can do that, but also insurance  
6 companies can be tested and we do have a problem  
7 concerning insurance companies, as well.

8 MS. CARNLEY: I have a question. When you did  
9 your study, did you include hispanics and Native  
10 Americans?

11 MS. EBERHARDT: Yes, we did. It included  
12 hispanics, not Native Americans, but we did include --  
13 in some cities the -- they had to be a certain  
14 percentage of the minority in the city in order to do  
15 the testing, so hispanic testing and African American  
16 testing was done with the Anglo testing. The cities in  
17 which hispanic testing was done were Los Angeles, of  
18 course, both were done, New York, Denver, Colorado, and  
19 there were some cities in which only hispanic and Anglo  
20 American tests was done in the Southwest.

21 MS. CARNLEY: Were there any cities done that  
22 had the Native American population?

23 MS. EBERHARDT: Not large enough, no, there  
24 were none that had a large Native American population.

25 MS. CARNLEY: So really then the research

1 information is not really validated for the American  
2 Indian?

3 MS. EBERHARDT: That's correct, it is not  
4 validated for the American Indian.

5 MS. CARNLEY: So in other words, you really  
6 don't have a true picture of how the --

7 MS. EBERHARDT: Native American --

8 MS. CARNLEY: -- whole minority group is being  
9 treated?

10 MS. EBERHARDT: That's right other than  
11 hispanic Americans and African Americans.

12 MR. MAX: Emily, let me ask you this: It seems  
13 to me if I put on my lawyer hat that there's probably a  
14 lawsuit out there that could probably fund about three  
15 years worth of this human relations commission.

16 MS. EBERHARDT: Yes, absolutely.

17 MR. MAX: To the tune of a half a million  
18 dollars a year -- if I put on my hat for this agency,  
19 we're dealing with the need for a human relations  
20 commission. And you've got the results of your tests  
21 and I guess my question is what has happened with the  
22 results and let me see if I can ask you two subdivisions  
23 of what has happened with the results.

24 We have a fair housing law that has -- that's  
25 in effect and we have a ADECA there that's supposed to -

1 - is the agency for enforcement. To what extent have  
2 they been approached with this and what have they done?

3 That's number one. Maybe I'll just stop with  
4 that.

5 MS. EBERHARDT: I haven't approached ADECA  
6 because I just found out that Alabama had a fair housing  
7 law. It was a quietly kept secret. No one knew about  
8 it. So no -- I asked HUD, who participated in the --  
9 who initiated this fair housing law, and I was told that  
10 the Board of Realtors and the Homebuilders Association  
11 and the Licensing Commission, and I understand also that  
12 the law is not comparable to -- is not substantial to  
13 the fair house -- the federal law and it did -- they did  
14 do some work on it this year, but it did not pass  
15 because of some things they did in the Senate -- anyway,  
16 they're supposed to go back next year.

17 MR. MAX: Do you see that as an agency that can  
18 assist you with trying to correct some of the results of  
19 that or not?

20 MS. EBERHARDT: I don't because I'm very  
21 familiar with ADECA. Now, however, they may put on a  
22 whole new division that can do this, but they would  
23 certainly have to be all new people.

24 MR. MAX: Why not? Why is it not the  
25 organization?

1 MS. EBERHARDT: Well, I just don't think that  
2 they have the --

3 MR. MUNCHUS: You can say it.

4 MS. EBERHARDT: -- expertise and maybe  
5 interest.

6 MR. MAX: All right. Now, as the alternative,  
7 of course, I know you reported that to the Community  
8 Affairs Committee of Operation New Birmingham and you've  
9 also taken it from there to some other private agencies,  
10 the Realty Board and so forth, who indicated they would  
11 look into it, study it and get back. Has anything  
12 happened from that privately?

13 MS. EBERHARDT: No. We have not heard anything  
14 more from them. I think they did take some action  
15 because we had funding, as I mentioned earlier, we  
16 applied for funding from HUD from their fair housing  
17 initiatives program, and we were awarded the funding,  
18 and that funding was awarded back in October of last  
19 year.

20 And we anticipated getting the funding released  
21 in December. The funding has not been released. So we  
22 have tried to get that funding released by making calls  
23 and letting people in our community know that we can't  
24 find out what's going on with it, and so personally I  
25 think that -- and others of us think that political



1 pressure was put on HUD to hold our funding up.

2 MR. MAX: Then my final question is this, in  
3 the absence of ADECA as being able to be effective in  
4 assisting you, in the absence of the private sector  
5 coming forward and doing something, how do you see the  
6 availability of a human relations commission being able  
7 to take these results and do something with them?

8 MS. EBERHARDT: Well, I certainly think that it  
9 certainly should enhance our opportunities to get  
10 enforcement, education and enforcement -- we are  
11 interested in both.

12 MR. MAX: Very good. Thank you very much. Any  
13 other questions? All right, Emily, thank you very much.  
14 We really appreciate it.

15 MR. MUNCHUS: Is a copy of that study going to  
16 be entered into the record, a hard copy, or would you  
17 prefer that it not be into the record?

18 MR. MAX: It would be fine with me.

19 MS. EBERHARDT: I will get you a copy to be  
20 entered into the record.

21 MR. MAX: Yeah, why don't you do that and we'll  
22 work it out.

23 MS. EBERHARDT: I'll just let you use this one  
24 and I'll get you another one because I've marked this  
25 one up.

1 MR. MAX: Thank you very much.

2 MS. EBERHARDT: You can also have a copy of our  
3 application that's been approved for the Fair Housing  
4 Center.

5 MR. MUNCHUS: Great. Let me say one thing -- I  
6 didn't mean to close you off, Emily, but Representative  
7 Ben Erdich has been very helpful in trying to get the  
8 money released and there are some things I won't say on  
9 the record, but you said other things that covered it.  
10 But Heflin and Shelby are working hard. I don't know  
11 why but they really are. I mean, I know that for a  
12 fact. They're trying to get the money. I believe it's  
13 going to happen but there are some other people in the  
14 state that are trying to stop the money and some are at  
15 HUD.

16 MS. EBERHARDT: Yes.

17 MR. MAX: Some are employees inside of HUD.  
18 I'm sorry, I shouldn't have said that, but I did.

19 MS. EBERHARDT: I was told today by the fair  
20 housing director that he thinks that HUD provides the  
21 access that's needed and the education that's needed,  
22 it's out there, and all of us know it. I mean, he said  
23 that emphatically and I asked him several times, did he  
24 really mean that, and he told me yes. I don't mind  
25 saying that because I'm appalled that he made that

1 statement. But I will be in Washington next week at a  
2 fair housing conference, so if there is something I need  
3 to know, let me know before I go.

4 MR. MAX: Emily, thanks again. We close our  
5 announced speakers with Bunny Gamble, who is a very  
6 active citizen in the City of Selma and also I  
7 understand serves on the board of Leadership Alabama.  
8 It's a pleasure having you with us today.

9 MS. GAMBLE: Thank you, sir.

10 MR. MAX: Look forward to hearing your  
11 comments.

12 MS. GAMBLE: I need to make a correction. I am  
13 not on the board of Leadership Alabama. I am a member  
14 of the first class. We've only had two classes so far,  
15 so it's a new concept, but I am not on the board and  
16 certainly have no official speaking capacity for the  
17 organization.

18 MR. MAX: And for the record, the Leadership  
19 Alabama was invited but by way of the board -- whatever  
20 board they have not having met and her not having any  
21 authority and the purpose of Leadership Alabama, there's  
22 not really an official statement from that, but I  
23 understand that you're here as an active citizen of  
24 Selma and we're here to listen to your comments.

25 MS. GAMBLE: Thank you. I have very few. I

1 think the concept of a human race relations commission  
2 is good. I think just from listening just a little bit  
3 that perhaps many citizens in our state are not aware of  
4 the places to go and how to get there and how to go  
5 about doing it.

6 Obviously the law is in the code of Alabama but  
7 -- we have a copy of our code in our library in Selma,  
8 but most people don't know how to use the code and it  
9 does take three years to learn how to use it.

10 However, I do have one very large concern and I  
11 don't mean to come here in a negative manner. I  
12 question the funding. I have been very active in a  
13 state-wide organization this year which is the Coalition  
14 for Better Education and we saw our schools suffer  
15 greatly this year for lack of funding.

16 Our state, as far as I'm concerned, and this is  
17 purely a personal opinion, greatly needs to overhaul its  
18 tax situation and we have not done that. And what money  
19 we do have right now is not sufficient to cover all that  
20 we're trying to do and of greatest importance to me is  
21 education of our young people in this state.

22 We are I believe the 49th state on where our  
23 students are, and that's a shame. And if this would  
24 help, I am all for it, but I don't see the \$500,000  
25 anywhere. I'm not an expert on the matter but I am

1 concerned.

2 MR. MAX: Thank you. We appreciate that. Rex?  
3 We probably have some questions from our panel.

4 MS. GAMBLE: Okay.

5 MR. MAX: Would you like to begin?

6 MR. MORTHLAND: Well, I went outside and  
7 chatted with Bunny --

8 MR. MAX: You got it all off the record --

9 MR. MORTHLAND: You noticed me leaving as soon  
10 as she arrived. It was my pleasure. Bunny, the state-  
11 wide organization, you're talking about A Plus?

12 MS. GAMBLE: Yes, sir.

13 MR. MORTHLAND: I was just trying to -- the  
14 educational organization. We appreciate you coming up  
15 and I knew Bunny was interested, and I guess I twisted  
16 her arm a little harder before I realized that the  
17 organization was educational basically in concept, the  
18 Leadership Alabama, and tried to get her brother-in-law  
19 to come up too.

20 We're going to have, by the way, excuse me --  
21 Reverend Rembert is coming. He's going to be up here  
22 tomorrow and so is Dr. Brown from Wallace Community  
23 College.

24 MS. GAMBLE: That's great.

25 MR. MORTHLAND: So --

1 MS. GAMBLE: They're very good representatives  
2 of our city.

3 MR. MAX: Bunny, let me ask you this because  
4 I'm an active member of A Plus as well and those  
5 priorities are most important to me and probably  
6 everyone sitting around at these tables.

7 And, of course, if we were able to reform this  
8 tax system of ours, which we came close. We didn't get  
9 it but we came close -- if that did happen and chances  
10 are if we came close this time, chances of it happening  
11 next time are probably better than this past time --  
12 would you see that with a new tax structure, if the  
13 funding would be there to take care of a \$500,000 agency  
14 that dealt with human relations?

15 MS. GAMBLE: Mr. Max, as I say, I'm certainly  
16 no authority on monetary affairs of our state. I think  
17 if we could accomplish tax reform, we could do a great  
18 many things in the state, and I think that a commission  
19 on human relations would be a very good thing for us to  
20 have.

21 MR. MAX: So that if were able to get --

22 MS. GAMBLE: Yes.

23 MR. MAX: -- high on the priority would be,  
24 number one, education, and I don't know what all the  
25 other priorities are, but right up there in your

1 estimation, in your opinion, would be human relations  
2 commission; is that right?

3 MS. GAMBLE: I think that would be very good,  
4 because certainly that's a great need.

5 MR. MAX: Sure. Very good. We appreciate your  
6 coming and chatting with us.

7 MR. MUNCHUS: Can I have one short one? This  
8 won't take long. But do you think somehow or another  
9 this Alabama human relations commission could be  
10 perceived as educational from the standpoint as how  
11 would the senators from Selma and Dallas County and the  
12 House and the Senate feel about something like this,  
13 because I know Selma seems to have played a very  
14 progressive and active role in a lot of good things  
15 about the state, as we all know about those other  
16 things, which I think as a result of Selma, I mean, they  
17 really changed the world to some extent, and I see that  
18 as a positive.

19 But do you think that your senators and your  
20 representatives will help us with tax reform and  
21 education reform as well as this relations act like they  
22 did this past year? They were very supportive, I think,  
23 or is that something you don't want to speculate on at  
24 this time?

25 MS. GAMBLE: I would love to be able to read

1 their minds.

2 MR. MUNCHUS: Okay.

3 MS. GAMBLE: It would make going over there a  
4 lot easier. I would think primarily several of our  
5 senators would certainly be in favor of it. I don't  
6 know all of them that they would be -- not knowing that  
7 I could or should go discuss all of this ahead of time  
8 with them, but I would think the overall concept would  
9 certainly be one that would meet with their approval

10 MR. MAX: Bunny, again thank you very much.

11 MS. GAMBLE: Thank you. I appreciate your  
12 having me.

13 MR. MAX: Sure. All this. This is now our  
14 open session before we close out the day, and we have  
15 one individual who has indicated a desire to speak who  
16 is Greg Peek. Greg, you want to come up for us, and as  
17 you come up, let me just identify you as with the Social  
18 Security Equal Opportunity Committee.

19 MR. PEEK: First if I might, I'd like to say  
20 I've been working on a field trip --

21 MR. MAX: Could you give us your full name and  
22 your address for the record?

23 MR. PEEK: My name is Gregory Peek. I live at  
24 625 84th Place South, Birmingham.

25 MR. MAX: Spell Peek.



1 MR. PEEK: P-e-e-k, Birmingham, Alabama. First  
2 I'd just like to say that I've been working on a field  
3 trip for my daughter's middle school to Selma, Alabama,  
4 to learn civil rights history as part of the -- not only  
5 education but inspiration that is needed by the school  
6 children in Banks Middle School. We haven't been able  
7 to come up with the finances for that yet.

8 I have worked for the United States Government  
9 under five presidents. I am a member of the Joint  
10 Management Union Equal Opportunity Committee of the  
11 Atlanta Region of the Social Security Administration.  
12 My experience with the application of equal opportunity  
13 provisions indicates that success in relief and  
14 prevention of discrimination depends largely on the  
15 level of commitment by the political appointees and  
16 other individuals in charge of administering the  
17 provisions.

18 Therefore, I wish to pose some questions. Will  
19 the level of commitment to civil rights and equal  
20 opportunity and to the necessary financing for  
21 administration be enhanced or reduced by the creation of  
22 a state agency? Can the state agency be designed to  
23 maximize commitment? Will any reduced commitment to  
24 financing be offset by reduced operating costs?

25 If the level of commitment to either success or

1 financing is generally reduced, would the jurisdiction  
2 of the state agency be limited to those areas where  
3 federal action is insufficient or limited?

4 If operations of a state agency are eventually  
5 cut back, would the federal government renew its own  
6 involvement and those areas cut back?

7 If federal funding under the contractual  
8 relationship dries up, will the affected cases be  
9 abandoned by both the state agency and the federal  
10 government?

11 MR. MAX: We appreciate you putting those  
12 questions on the record. We're not necessarily in a  
13 position to answer them because obviously what we're  
14 looking for is to create that entity that would be able  
15 to answer those questions, and that entity in its  
16 creation and its administration would be able to do  
17 that. But for right now we're going to note all those  
18 questions on the record and they will be a part of that  
19 which is submitted. So we appreciate you submitting  
20 them to us and at this time if there are any other  
21 questions of Greg?

22 If not, we will adjourn for the day. This is  
23 5:05 at the time we are adjourning and we'll look  
24 forward to getting back together at nine o'clock  
25 tomorrow morning, the same location.

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(Proceedings adjourned at 5:05 p.m.)

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STATE OF GEORGIA            )  
COUNTY OF GWINNETT        )

I hereby certify that the foregoing transcript is a true, correct, and complete record of the said proceedings; that I am not a relative, attorney, or counsel of any of the parties; am not a relative of attorney or counsel for any of the parties; nor am I financially interested in the action.

This, the 6th day of July, 1992.



Ralph L. Ledford