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Meet.
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UNITED STATES COMMISSION ON
CIVIL RIGHTS

Indiana Advisory Committee
to the
U.S. Commission on Civil Rights

Consultation: Focus on Affirmative Action

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U.S. COMMISSION ON CIVIL RIGHTS

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1 MS. COX: Those rights are in the back
2 and there's nobody to enforce them, they're kind of
3 meaningless and my question is assuming the worst and
4 assuming the legislation does, in fact, become involved
5 who would be available to enforce the provisions of the
6 ADA?

7 MR. HULL: I would say very few sources
8 would be available. The private bar, I think, is
9 theoretically available in its attempt that there's an
10 award of attorney fee available. If the private lawyer
11 is willing to say yes, I want to take that case and
12 maybe I'll win it and go get paid. A lot of private
13 lawyers don't want to do that. So in the absence of
14 public interest the legal service lawyers, a lot of the
15 litigation is going to stop. It will be discouraged
16 the interference by negative to mandate private
17 attorney, it will probably be discouraged.

18 MR. CHASE: Yes, I think it will be
19 very difficult to find private attorneys based upon
20 past experience with other civil right statutes. Do
21 we have other questions or presenters? Other papers,
22 yes. Actually the papers have been submitted and we
23 were all to have copies of those. We look forward to
24 receiving those.

25 MR. NORMAN: I'm not involved in these

1 issues at all, could you tell us a little bit about
2 what's happening in the legal services organization?

3 MR. HULL: Well, let me just clarify
4 one thing. There are four different legal service
5 agents in the state, Legal Services Organization
6 Indiana, which headquarters are here in Indianapolis,
7 covers 57 counties that are in the central and southern
8 part of the state. I work for the legal services
9 program in northern Indiana. I'm in South Bend but we
10 have another office in Lafayette that covers 24
11 counties. The program in Ft. Wayne which covers, I
12 think, seven or eight and is called Legal Services of
13 Mamey Valley. There's a program in Gary that covers
14 two counties called Legal Services of Northern Indiana.
15 So we're all sort of sister agencies that are
16 repetitively independent with own our boards. As far
17 as what's happening with legal services, about all I
18 know is what I read in the papers and the latest
19 information I had was that certainly there are going to
20 be some severe restrictions on what legal services
21 lawyers can do. We've already been told that what the
22 national corporation had issued to be regulation which
23 would prohibit programs from taking addiction cases if
24 the client has been charged with drug abuse or some
25 kind of drug charge and if the addiction is alienated

1 it is enacted to that. In the view of some people that
2 raises a civil liberties question right there but I
3 suspect that the main problem for legal services right
4 now would be the limited amount of money, about a 30
5 percent reduction in fines. As well as these
6 uncertainties as far as this Hyper that we've taken.
7 Class actions are eliminated or if we can't make
8 certain kinds of arguments to cases pertaining to
9 benefits, it's going to be really difficult. One the
10 advantages of class action was that we could take one
11 case and get one ruling and theoretically we help a lot
12 of people and my experience of handling class actions
13 most, if not all the ones that we've brought, we've
14 prevailed, at least in part. So I think the objection
15 to class actions is not that we've brought them but
16 that we won them. I practiced before a couple judges
17 who are all likely to impose sanctions if they think
18 lawyers have done the wrong the thing. That, so far,
19 hasn't happened to me or my colleagues. I don't know,
20 I do know that with the president being a lawyer and
21 the people on your staff understanding and also this
22 from a former president of Legal Services Corporation,
23 I would hope that there's a point of view there that
24 would at least look carefully at what's happening. But
25 that's all I know.

1 MR. CHASE: Well, Ms. Cox, Mr. Hull, I
2 want to thank you very much for coming here today and
3 for making your presentations and also for papers.

4 MR. HULL: Thanks.

5 MR. CHASE: Our next two presenters are
6 JoAnne Sanders with the AFL-CIO and Alvin Pierce with
7 USA Group. We're asking that you give us maybe a five
8 minute description of the paper that you're presenting
9 and we'll here from each of you and then we'll open up
10 for some questions and answers and Sanders why don't we
11 start with you?

12 MS. SANDERS: I want to open with a
13 quote that I unearthed in the process of putting
14 together this paper which I have done. I also want to
15 say thank you for giving me the opportunity because I
16 found it to be an invigorating experience. "Women have
17 become so powerful that our independence has been lost
18 in our homes and is being trampled and stamped
19 underfoot in public." Now when I asked people around
20 my office who they assumed who must of have made that
21 quote, I got very contemporary names. Not the least of
22 which were people like Newt Gingrich, Bob Dole, things
23 of that nature. In fact, it was Kato in the year 195
24 B.C. because he was extremely upset with roman women
25 who were fighting for the repeal of a law that forbid

1 them to ride in chariots or wear colored dresses in
2 public. The disgusting part about it is it's
3 applicable in this day and age. Because once again, as
4 I perceive it, we're going to get another backlash and
5 if we continue with what Cathy had spoken about earlier
6 about myths and realities. I know of Cathy through the
7 community, but Cathy and I did not in anyway interact
8 so when I heard her talk about myths and reality, I
9 thought, oh, wow. Imagine, it's that universal
10 experience, I suppose, that leads us to this. But I
11 wasn't looking at the myths and perceptions that have
12 been created around the true language of the
13 legislation. I was looking at the myths that have been
14 perpetrated about the level of equality that we know
15 experience. And as a person in a union organization, I
16 recognize that often times those organizations are
17 looked at as, even by myself, the last fashion of male
18 domination. But my paper does not focus on labor
19 organizations per se' but my experience is dealing with
20 women throughout the state and their revealing their
21 experiences to me. Here recently, in the last General
22 Assembly, we had a push for legislation to create a
23 commission for women. We were told, number one, it
24 could not be done and, number two, we certainly didn't
25 need it. It was 1996, this was, after all, the State

1 of Indiana, what could possibly be the problem? We
2 have a commission on women, it is now a statutory
3 commission established by law that will become
4 effective July 1. And it's through that experience
5 that I had the opportunity to talk with several women
6 from throughout the state. When I use the term women I
7 want to make it very clear that I mean all women. When
8 I use the term men, I do delineate between whether
9 they're men of color or white men simply because their
10 experiences are different. And I'm from speaking from
11 the prospective of all of the women that I've spoke to
12 regardless of color. Some of the things that I was
13 confronted with was, they're talking about yearning for
14 the time when we will know, rather our daughters or our
15 granddaughters might know, the rights that we may not
16 see in our own lifetime. That includes that a
17 perpetrator will pay a consequence for violent behavior
18 even though we have partnered in marriage. The right
19 to assume a job for which we're fully qualified without
20 rumors of having slept our way to the top. The right
21 to expect that qualifications articulated to us for a
22 given position are the same qualifications articulated
23 to anyone else applying for that position. And I have
24 case histories that I have outlined specifically on
25 that issue. A young woman applying to an

1 apprenticeship program, a three year program in a plant
2 where she was given more than one set of prerequisite.
3 Number one, in order to be eligible for the program and
4 number two, to make it through the total program. None
5 of the males in the plant were ever given the same set
6 of requisite. It took her five years to complete a
7 three year program and it was simply because her
8 perseverance exceeded the patience of that
9 apprenticeship committee. This is not in 1970 or '80,
10 it was in 1989 and her jury ended with a journey level
11 card in the year 1994. I'm not speaking about
12 something that has happened in the past. These are my
13 concerns about what I call the backlash of affirmative
14 action. Women who take action because they have been
15 denied benefits in the work place. I have a case of a
16 woman within this community who went to apply for a
17 position. Upon the new employer hearing where her
18 husband was employed, she was not given full
19 information about the benefits available to her because
20 it was assumed that due to her husband's compensation
21 package, she didn't them. She persevered when she
22 found out the information was available to her.
23 Eventually her position was not funded. She took it to
24 litigation and she suffered then the double whammy of
25 the discrimination that is practiced within the legal

1 system when women do try, similar to the ADA question
2 that your raised, Michael. Women go in and try to get
3 their cases litigated, they become really hassled and
4 discriminated against within the legal system because
5 they're told things like, just settle, just keep it
6 quiet, there's no sense in pushing this any further.
7 Or your married, what do you really need this for,
8 anyway? So these are all things that are happening in
9 the hear and now. Two women who are very highly
10 skilled research physicians moved to this state within
11 the last few years. They took very high level research
12 positions at a very high level institution. After
13 being here a short while because they were pushing the
14 outcome of this research, they started getting
15 restrictions on what they could do and they were
16 regulated to looking busy. When they complained that
17 they were experiencing unfair treatment they were told,
18 at that point in time, that they just need to keep
19 quiet about and then they were shoved off into other
20 departments. When they were shoved into the other
21 department they filed with the EEOC. Upon hearing that
22 they filed, the institution took immediate steps to
23 dismiss them. By, I think it was June of 1985, they
24 were dismissed. They have finally now found an
25 attorney that's willing to take the case because no

1 attorney in this state wants to take a case against
2 that particular institution. Unfortunately, these are
3 the things that women in this state are living with on
4 a daily basis. Sexual harassment which, as public
5 opinion polls might lead you to believe is on the
6 decline. And this, I think, is a spin that the media
7 has once again put on the issue. Yet we see the most
8 recent filing of sexual harassment at the Mitsubishi
9 plant in Illinois. Granted this is alleged harassment,
10 the verdict is not out on this yet, but nonetheless, 26
11 women are putting their reputations on the line that
12 this is in fact what had happened to them. They would
13 much rather deny it. I know cases of women and I've
14 articulated them in here as well who leave their jobs
15 practically daily. In this day and age a woman leaves
16 her job because it's easier to leave quietly than to
17 try to file a suit of sexual harassment simply because
18 there is absolutely no support in our legal system or
19 within corporations. So these are some the concerns
20 that I want to represent in terms of speaking for women
21 throughout the state. I also would like to add that I
22 think some of the issue has to do with masculine origin
23 of our language. It premeditates how we visualize
24 things. When we hear the terminology man, I don't
25 think most of us immediately see all mankind gathered

1 together even though in a lot of our literature, man is
2 in reference to mankind. Most likely, and I'm only
3 speaking from my own experience, the natural
4 visualization is a male and in most cases it's probably
5 a white male with all due respect to those of you in
6 the room. That kind of visualization and
7 interpretation they put on everything, the
8 constitution, the legal process, everything, I think
9 impacts the way this whole issue of affirmative action
10 is being presented. I also think one of the keys facts
11 in making a divisive issue between genders, is really
12 the de-industrialization of this country. Men have
13 been lead to believe, especially young men in their
14 30's who in the mid-80's were the first to loose their
15 jobs because of the de-industrialization. They were
16 unfortunately faced with the fact that ranks of women
17 were simultaneously entering the work force. And, once
18 again, it was put out there in such a way that it was a
19 misconception. Yes, women were entering the work force
20 but nine times out of ten they were doing it because
21 their stoggies were moving 27 percent of their income.
22 That's hard to make a car payment, a house payment, a
23 tuition payment, so women entered the work force in
24 large numbers at that time to make up that gap in
25 family income and they were entering in the low wage,

1 low skill jobs. None of which, any of these men
2 loosing their high skilled jobs would have likely
3 wanted to take. So I think that's another divisive
4 means of making it appear that any success on the part
5 of women in the work place is an immediate threat or
6 detriment to men.

7 MR. CHASE: Thank you very much.

8 MR. PIERCE: Basically I want to let
9 you know I'm currently representing Alvin Pierce
10 representing perhaps, Indiana Affirmative Association.
11 It's a organization that I'm president of currently.
12 It serves the entire State of Indiana. Practitioners
13 in the area of human resources, specifically those who
14 have responsibility for maintaining affirmative action
15 plans, corporations, universities, etcetera. That's my
16 main point for being here. I do happen to work at USA
17 Group as a CM Employee Relations Representative. Prior
18 to that having been a manager of Employment Diversity
19 at Indiana Gas Company as well as manager for Poor
20 Relations. That's my orientation for being here and
21 basically I have not ever prepared a presentation paper
22 before so this is my first stab at it. I'll read it to
23 you. My paper which is probably less than five minutes
24 or about that much time which kind of expresses
25 basically from practitioners's standpoint what we feel

1 on the debate on affirmative action right now in the
2 country entails how, on most part, how most
3 practitioners that are members of my organization feel
4 about affirmative action as we see in corporations and
5 business institutions as well as it relates to working
6 with the OSC. Although the OFCCP in audit to
7 compliance. That's basically what I can present to
8 you. Practice versus politics. The current debate
9 over affirmative action in this country is based on
10 politics than on a sincere desire to measure and
11 evaluate it's effectiveness of the program.

12 Affirmative action is such a divisive issue in America,
13 politicians have used it as a tool to gain political
14 advantage over rivals when advantageous to do so. The
15 debate tends to focus on social issues, specifically
16 how affirmative action has not solved the problem of
17 poverty and lower education attainment among the
18 minority groups. In addition, too much attention is
19 focused on how few non-minorities have suffered what
20 they have perceived to be reverse discrimination.

21 Politicians have used incomplete, slanted information
22 to distort true intentions and outcomes of affirmative
23 action programs while stirring up the negative and
24 sometimes racist passions of the uniformed. On the
25 other hand, little attention has been given to the raw

1 statistics used by the Department of Labor or OFCCP to
2 enforce Executive Order 11246. The statistics should
3 review a good faith effort and measurable progress.
4 Contractors across the nation have made an encompassing
5 of the affirmative action programs. This information
6 should also reveal the major efforts beyond compliance.
7 Major corporations and educational institutions have
8 made remote the value of the diversity in the work
9 place and higher education. Furthermore, not much
10 attention is given to the fact that most major
11 corporations in America have embraced affirmative
12 action as a viable method for achieving diversity in
13 the work place. These efforts have produced more
14 minority and female CEO's, board members, doctors,
15 lawyers, business managers, teachers, skilled laborers,
16 technicians, etcetera than would have been completed
17 without affirmative action programs. Affirmative
18 action programs can also claim major responsibility for
19 assisting not only minorities and females but also
20 veterans, disabled veterans and disabled individuals in
21 finding meaningful, productive work in spite of major
22 challenges. This fact alone just disproves much of the
23 rhetoric on which the opponents on affirmative action
24 base their entire argument. Affirmative action has
25 served and helped all americans have the opportunity to

1 be contributing members of society. If we can move the
2 analysis away from mere political maneuvering,
3 campaigns and politicians in general, perhaps a fair
4 evaluation of affirmative action can occur. Analysis
5 should occur when practitioners working in field of
6 affirmative action, corporate, community and
7 educational leaders. In addition to those who have
8 benefitted as well as those who have suffered because
9 affirmative action should participate in this analysis.
10 And finally, the OFCCP itself should participate in the
11 analysis through the agency's role in enforcing and
12 evaluating affirmative action programs over the years.
13 There should be an assessment of the current situation
14 in order to turn the desire future state. Next, the
15 gaps should be identified and an action plan developed.
16 Any attempts to merely get rid of affirmative action
17 without this type of analysis is suspect and
18 irresponsible. Practitioners have played a major role
19 in administrating affirmative action programs over the
20 years and have played a key role in the successes of
21 affirmative action. Their knowledge and experience
22 should be kept. Most practitioners in the field of
23 affirmative action are usually caught between advocacy
24 and compliance. While most practitioners are charged
25 with developing, promoting, monitoring, enforcing

1 affirmative action programs within their organizations,
2 they are typically the same individuals responsible for
3 limiting the organizations exposure and liability doing
4 compliance audits, charges, complaints and legal
5 actions. This dual role usually requires the
6 practitioner to play both the advocate/change agent
7 when addressing internal issues in the company and the
8 company spokesperson/legal counsel when faced with
9 outside scrutiny. Most practitioners know their
10 organizations short comings and realize that their
11 positions, in many cases, would not exist if there were
12 no risk of legal exposure due to laws, executive orders
13 and compliance audits. These same practitioners,
14 however, have many cases become valuable change agents
15 in their organizations due to their knowledge of the
16 organization and its employees. Without notable goals
17 and time tables, many organizations would have never
18 moved from mere to compliance to seeing affirmative
19 action and diversity as part of their organization's
20 overall business plan. Most organizations develop a
21 mission, a vision and a set of goals. These goals are
22 deemed important usually to have some set of time table
23 that those goals are deemed to be important, usually
24 have some sort of time table and measurement
25 established. The architects of our current day

1 affirmative action programs were strategic in realizing
2 that goals can only be achieved through specific,
3 measurable marks. In reality, measurable standards
4 enforceable by law have been a primary leverage most
5 practitioners have used to initially get the attention
6 for the cause of affirmation action within their
7 organizations. A presentation of these statistics
8 usually provide an accurate assessment of the
9 organization. Presenting these statistics allow to
10 discuss in most organizations to move from just
11 compliance to discussions of equal opportunity for all
12 employees to finding ways to remove barriers which
13 prohibit any employee from being successful. Analysis
14 of the data has assisted most organizations in
15 identifying problem areas which affect all their
16 employees. Practitioners who perhaps agree that the
17 statistics, time tables and goals are good as long as
18 they are reasonable and enforce only after appropriate
19 notice, education, technical assistance from the agency
20 charged with enforcement. Organizations who have
21 demonstrated compliance with regulations from the past
22 should be able to continue their efforts free from
23 continuous adversarial audits from the OFCCP. A
24 schedule of periodic reviews to provide technical
25 assistance and check compliance should be negotiated

1 between the agency and the organization. In addition,
2 there should be continuous efforts to simplify a
3 reporting in statistical requirements. These types of
4 changes will allow the OFCCP to focus more of its
5 efforts in resources than on those organizations who
6 are out of compliance completely. Affirmative action
7 has been good for America. It's about economics. Dr.
8 Arthur Fletcher authored the 1969 revised Philadelphia
9 plan which showed that voluntarily affirmative action
10 programs to be enforceable. Mandated programs feel
11 that affirmative action can be flexible and change. In
12 his video, The Real Truth, he states that his original
13 intent in developing enforceable standards was to deal
14 with the economic discrimination versus social
15 acceptance. Dr. Fletcher stressed that the goal was to
16 increase economic participation of minorities and
17 females in American society. In this participation you
18 have a family earn enough money to own homes, provide
19 education for children, pay taxes, buy goods and
20 services and to give to charity. Dr. Fletcher clearly
21 states that life's plan was primarily designed to
22 improve the quality of life for affected classes
23 economically. He realized the affirmative action would
24 need to change to be flexible as conditions changed.
25 He feels that merely strict scrutiny to determine

1 discrimination, which is our statistical analysis, and
2 narrowly drawn plans to correct specific instances of
3 discrimination provide the flexibility that both meet
4 affirmative action objections as well as not
5 epitomizing anyone. While most agree that
6 discrimination has not been eliminated, it is obvious
7 that increased economic participation of minorities and
8 females have benefitted America. This is evident in
9 the continuous growth of minority and women owned
10 business. While progress has been made, we've yet to
11 arrive. The government should continue to play a role
12 to stop illegal discrimination and promote equal
13 employment, equal opportunity for all people, enhancing
14 competition for the economic rewards of a free society.
15 This requires an effort to equal the playing field
16 and/or correct past, unchecked discrimination should
17 only stop when the playing field is truly equal and
18 illegal discrimination has been eliminated.

19 MR. CHASE: Thank you Mr. Pierce. We
20 have about ten minutes or so for questions. Michael, I
21 see your hand up.

22 MR. GRADISON: Your experience, when
23 the attacks basically in the legislative branch against
24 affirmative action programs and they've achieved their
25 goal. Perception, everything you've talked about to do

1 according to perception out there. It's hardly reality
2 in achieving these goals. But when they talk to major
3 corporations, General Motors, what have you that indeed
4 the laws were repealed or found unconstitutional,
5 whatever the case may be, is that good business for
6 them? They make money by having a widely diversified
7 work force and the experiences they would continue as a
8 matter of their own choice. A vast majority of these
9 big companies to retain a vigorous affirmative action
10 program of their own. Is that the kind of experience
11 you have labor side and on the company side?

12 MS. SANDERS: Well, from what I've read
13 in terms of the major corporations, I believe it's been
14 inculcated in some of the major corporation culture.
15 And they do recognize that you can't disregard
16 contributions of greater than half the work force. I
17 think that at this point in time between all women and
18 then color, we make up something like 64 percent when
19 you combine the two. So I think if they're seeing, the
20 major corporations are seeing that, some of the smaller
21 companies are still arguing from the perspective that
22 they're too small, they can't do it. But that's pretty
23 much what they say about most legislation that there
24 really isn't anyway.

25 MR. PIERCE: Yes, I think actually the

1 answer to your question about major corporation, I do
2 believe most major corporations today realize for the
3 most part there's value in diversity. And they
4 recognize that these affirmative action plans provide
5 an opportunity to find a way to diversify their work
6 place and have a mandate to do so. I don't think that
7 would have come about, however, if it had not been for
8 the force of the standards and I think that's what Dr.
9 Fletcher talks about. He's the architect of the thing
10 that we're talking about today, his whole intent from
11 the source and I would invite you all to get his video
12 tape and even call him to talk to him about that. His
13 intent was to an economic program. Economic program to
14 help those who need that assistance who are
15 discriminated, locked out. I think some of the
16 distortions occur when we start talking about a lot of
17 political issues, raising up some of the political
18 fears and the intent gets lost there. So I think, yes,
19 a lot of companies would continue their efforts if that
20 were repealed. But I think you would loose a lot
21 because of the fact there's so many out there who
22 aren't still catching a vision and valuing diversity.
23 Discrimination still does exist so you still need some
24 type of agency oversight, I still think you still need
25 some type of legislative oversight.

1 MR. TAYLOR: Would the slide have been
2 underway, slide back towards the lesson of
3 reenforcement affirmative action plans. What's your
4 experience here in Indiana with you and all the other
5 fellow Equal Employment officers. The private ground
6 in Indiana, what's been their understanding, their
7 perception, what do they think is happening in many of
8 their companies?

9 MR. PIERCE: Well, I think for the most
10 part we felt that because of the political debate at
11 the time the shift back to conservatism as well as
12 really a slam dunking, if you will, of affirmative
13 action. Anything that represents affirmative action
14 that basically it's allowed some of your people in
15 companies who once were verbal supporters of
16 affirmative action and would do the right thing maybe
17 for the wrong reasons because of political advantage or
18 public image of the company in the community. Now
19 we're backing away from that and not wanting to create
20 those programs continually anchorage minorities to come
21 through the doors. And really, these practitioners are
22 people you should talk to because they are the people
23 who are out administrating affirmative action on the
24 front lines and I see them try to walk this tight rope
25 between being the advocate in the company, sometimes

1 risking their own jobs and then trying to defend the
2 company from loosing its shirt when it's made some
3 major mistakes and trying to balance that. But also
4 being the ones who see the need for it to continue
5 because they can see that discrimination first hand.
6 So there's a little bit of anxiety, little of
7 anxiousness about what's going to happen. Because for
8 many that does represent something that they've worked
9 their life to do is to make and change and I think it's
10 come about because of those kinds of efforts. And so I
11 think that's what's needed still is some agency,
12 government involvement. I think we all agree that we
13 need to lessen bureaucracy, make OFCCP an agency
14 effective. And I think there's been some signs of that
15 in some of our interactions. Being more technical
16 assistance oriented than compliance, quality
17 professionalism of the offices, etcetera. I think we
18 need to keep working in that direction.

19 MR. MCADAMS: Maybe I'm looking at it
20 from a different perspective but I work in a large
21 corporation, in a union position. And as the president
22 of the NAACP what I see is companies using downsizing
23 to dismantle affirmative action. Because every time
24 they combine jobs, the person that gets laid off in the
25 department sectors is a black person. It's either a

1 black male or if it's two females, it's the black
2 female and I think that's the reason you have the
3 increase in minority businesses is because blacks are
4 getting laid off and the only way they can make a
5 living is to go into business for themselves.

6 MS. SANDERS: I think that same
7 argument holds true for women owned business. Indiana
8 now ranks 13 out of 50 states in the growth of women
9 owned businesses and I think that whole sector has been
10 a piece of it. When you can't find a remedy for your
11 situation within the work place that exists, you have
12 to go out and create your own.

13 MR. PIERCE: I don't know if all that
14 is true but I agree with that kind of thinking. But
15 it's somewhat an argument in what's the lesser of two
16 evils?

17 MS. SANDERS: Right. I'm not promoting
18 it.

19 MR. PIERCE: Exactly, but I think the
20 thing is that a lot of those minorities or females
21 wouldn't have the resources even to go into business
22 for themselves had they not had positions in corporate
23 America, pension plans, 401K accounts, investing in
24 benefits that they can take and then walk out into
25 society and be productive members and that statistic is

1 also true, I think, of general America. You'll find
2 that more white males and white females in general or
3 other classes are starting businesses. There's more
4 new business started in general because of downsizing.
5 But even there the laws have a role to play. Those
6 downsizings should be scrutinized for adverse impact.
7 What is the impact of the downsizing on affected
8 classes and that should be done by your EEO
9 professionals in the corporation and they could face
10 legal challenges for not doing that correctly and I
11 think some of your bigger corporations have experienced
12 that. You talk to the legal counsels of those
13 companies and they'll talk about the numerous of
14 lawsuits settled because of statistical discrimination
15 in downsizing and that kind of thing. It has served to
16 help those be done who are professionally, as well as
17 more sensitive, to how many of certain classes are
18 being downsized, some cases not.

19 MR. CHASE: I think this is related,
20 but Sanders you spoke about the industrialization. I
21 wondered if you could spell that out a little bit. Is
22 that downsizing or is that something much bigger?

23 MS. SANDERS: Well, I think it's much
24 bigger. I think one of the symptoms or one of the
25 ramifications of the de-industrialization is the

1 downsizing. But I see the de-industrialization process
2 as the motivating factor for downsizing. The movement
3 of major corporations to other foreign countries where
4 it's less costly in terms of resources, including human
5 resources, and that started catching on. Then the
6 downsizing started hitting. Now we have other
7 organizations, service organizations that are sort of
8 getting on the right side of the band wagon. We've now
9 learned that the real accrument or whatever you want
10 to attach to it, is right sided. Not necessarily
11 downsizing. They've suddenly had this revolution that
12 they don't need to be so large so we must down size. I
13 think de-industrialization has a larger philosophy in
14 terms of what direction our country is taking. Whether
15 it be a industrial or service oriented.

16 MR. CHASE: The de-industrializing
17 hobby is one that's just beside the surface. Other
18 countries produce the product.

19 MS. SANDERS: Yes.

20 MR. CHASE: I would think you both for
21 coming here today and making presentations and we look
22 forward to reading the papers. Thank you very much.

23 MS. SANDERS: Thank you.

24 MR. CHASE: Dr. Boniface, Dr. Scott.

25 MR. CHASE: The presenters are Dr.

1 Boniface Hardin from Martin University and also with us
2 is Marvin Scott and Dr. Dulce Marie Scott of Butler
3 University. The way we're operating is we're allowing
4 presenters about five minutes each to discuss their
5 papers so that we have time for questions. Father, you
6 want to start?

7 DR. HARDIN: Good afternoon, chairmen
8 and commissioners. Good to see you again. I would
9 just like to have a personal note that I'm very honored
10 to have with me family here that I was the co-minister
11 of their marriage and I'm kind of a God father or
12 something, I don't know what, but you're very good
13 friends and so I don't know what the thought is on this
14 matter. I just have a few remarks and they are kind of
15 philosophical and most of you all know me, I'm kind of
16 a rough hawser and my hair is getting grayer and my
17 body aches. So as I was reinventing affirmative action
18 and I tried to find this title of my remarks in this
19 way. This does not mean that I am opposed to the
20 concept of affirmative action or its impact on the
21 country. I've seen the long term results it has had on
22 people and it has been good. I want it to be more
23 effective and perhaps more realistic. Historical
24 Reflection One. To understand my point of view I
25 suggest a reading called the 13, 14, 15 Amendments to

1 the Constitution of the United States. The 13
2 amendment outlaws involuntary servitude yet microed
3 counts are allowed to exist in Indiana as a way of life
4 even as we speak. The 14 amendment establishes a
5 criteria of citizenship of the United States. Yet the
6 district impact of due process on African Americans in
7 Indiana is the only two evident in our prisons and
8 death row. The 15 amendment articulates the right to
9 vote, however, we noted it took 75 years for women to
10 gain what was lawfully theirs and that the 1965 Voting
11 Rights Act which was enacted to fork the voting abuses,
12 had to be renewed every seven years and was finally put
13 into law January 1, 1995. Thirty years later. What
14 does this have to do with affirmative action? Only
15 that the amendments were accepted as the law of the
16 land. The reality is that laws made to correct
17 inaccuracies are being reputed openly with impunity.
18 Historical Reflection Number 2. As a student of
19 Indiana history, the civil war of the north and south,
20 a board member of the President Benjamin Harrison home,
21 an enactor of the lack of work of Douglas throughout
22 Indiana, I say the civil war still lives on in the
23 minds and hearts of its citizens. This war was cruel
24 and left no winners. While John Brown was hanged for
25 stealing guns to free slaves at Harper's Ferry, Jeb

1 Stuart, a West Pointer, who captured John Brown joined
2 the confederacy and was considered an honorable man.
3 Union soldiers later marched off to battle saying John
4 Brown's body lies motored in the ground. What does
5 this have to do with affirmative action? Only that the
6 wounds of the south and the north have not healed. The
7 cavorts of war is not always seen as a place of
8 righteousness, but often the demon of the 19 century
9 which destroyed not only many youth of that time, but
10 the second, third and fourth generation survivors.
11 There are also hard feelings toward African Americans
12 who were seen to be one of the causes of this ancestral
13 devastation. Assessment for the Future. Affirmative
14 action is a now a bad word standing along side
15 religion, politics, abortion and same sex relations
16 unless we change the word. Calling it acting fairly or
17 good business practices to which those who have
18 accepted affirmative action believes that is what it is
19 anyway. Corrective action laws, penalties are not the
20 future and success for the equal Brown program. There
21 are many persons who responded to the law in the first
22 place who have adopted the program as the right way of
23 doing things. These people need to be rewarded. Some
24 kind of tax relief and formal acknowledgement by
25 government. Businesses are often honored by community

1 organizations for doing good and they like it. It's
2 good business. Sooner the business that takes the
3 extra step to correct long term problems related to
4 civil rights but welcome the annual recognition by the
5 Civil Rights Commission. It would be very american and
6 good business. There are many people who care about
7 justice in the work place. While we most mobilize on
8 them and build on what we have for the future. To me,
9 F equals CP square. Future is change times
10 possibilities times probabilities. This action holds
11 true for affirmative action also. Personal note on
12 higher education. Finally, a personal note about
13 higher education in Indiana. It is still segregated
14 with impunity. Civil rights literature pro and con
15 continue to pawn out the strides in education.
16 However, the reality is that the public and private
17 schools of this state are not dedicated to the poor
18 African Americans, minorities or the adult learners
19 unless they are the elite student and faculty. In
20 Indiana we have accord 40 which sets two tracks in the
21 high schools. One for vocational programs and the
22 other for college. The net result of this process is
23 that many persons, especially the poor african american
24 minority will be shut out of college and loose the
25 option and opportunities for jobs. Final question. If

1 affirmative action is the right thing to do, if we, who
2 work so hard and long to get what little we have
3 gained, willing to change words and approaches for the
4 long term. Those are my comments.

5 MR. CHASE: Thank you very much. Next
6 we have presenters, Marvin Scott are you going to
7 present it? Dr. Scott.

8 DR. SCOTT: I know a few of you on the
9 panel. If I had known Mr. Gradison was going to be
10 here today, I would have saw him last night. As I move
11 around giving speeches all day, I see different people.
12 We took somewhat of a different approach. The title of
13 our discourse is Affirmative Action into the 21st
14 Century, Revision and Survival. Affirmative action
15 came to have different meanings. To begin with it
16 needs to be distinguished from policies of
17 nondiscrimination or equal opportunity laws and
18 policies which for they, employers are engaging in
19 discrimination when recruiting, hiring and the
20 promotion of workers. The term affirmative action has
21 been previously used in a racial discrimination context
22 and President John F. Kennedy's Executive Order 10925,
23 in 1961 establishing an obligation of the part of the
24 federal contractors not only to refrain from
25 discrimination but to undertake affirmative action.

1 I'm sure that equal employment principles are followed
2 in all company facilities. This type of affirmative
3 action would involve activities such as close
4 monitoring of promotion, decision, special outreach
5 programs which would spread information about
6 employment or other opportunities to previously
7 excluded groups so as to encourage them to apply and so
8 on. The selection process and decisions on hiring,
9 promotion appointments, would continue to be based on
10 the traditional criteria of merit without regard to
11 group membership. According to some civil right
12 leaders and analysts, however, this first type of
13 affirmative action which was dependent on the good will
14 of employers and administrators did not produce
15 satisfactory results since the number of blacks various
16 significant areas of employment remain low. By the end
17 of the 1960's the unemployment rate of blacks was still
18 twice as high as that of whites. Coupled with tax
19 urban riots, this state of affairs led liberal
20 politicians, political leaders, to conclude that the
21 the resource to result driven programs which guaranteed
22 preference to minorities was necessary in order to
23 level the playing fields for blacks. This type of
24 affirmative action seeks to correct institutional
25 racism rather than identifiable discriminatory acts.

1 Affirmative action has been under attack since the late
2 1970's. A well known reverse discrimination suit, The
3 Board of Regents of University of California versus
4 Bocky, 438 U.S. 265, 407 1978, the higher court stated
5 in a equally divided ruling that quotas were illegal.
6 But it was legal to take race into account as one of
7 the factors in acting in the admissions. Several
8 reverse discrimination suits have been filed since
9 then. A federal court decision issued in March, 1996
10 which said that the University of Texas Law School
11 could not give preference to black and hispanic
12 students. Admissions is part of the strategy to
13 increase racial diversity. It directly challenge the
14 ruling made in the Bocky case. While the application
15 of goals and time tables survived a frontal attack
16 during the Reagan and Bush administration, state
17 commitment to enforcement policies ended in the 1980's.
18 The enforcement of the academic level also ended during
19 the Reagan administration. In the 1990's affirmative
20 action continued to be part of the political discourse
21 as the Supreme Court and members of both political
22 parties increasingly expressed opposition to racial
23 preference. A press conference on February 24, 1995
24 President Clinton referring to affirmative action said,
25 "We should not be defining a thing we cannot defend.

1 So it's time to review it and discuss it and be
2 straightforward about it." As summarized by Steel, the
3 Supreme Court recently has disallowed preferences
4 except in instances of identifiable discrimination.
5 Erodes that statistical racial imbalances of prima
6 facie evidence, racial discrimination and in effect
7 granted white males the right to challenge consent
8 decrees that use preference to achieve racial balance
9 in the work place. In 1995 the Supreme Court issued a
10 ruling requiring a test of strict scrutiny for public
11 contracts, set asides. Restrained affirmative action
12 in public school desegregation and restricted majority
13 minority congressional redistricting. After a long
14 review of affirmative action is stated in the New York
15 Times, the Clinton administration decided to suspend
16 for at least three years, all federal programs that
17 reverse some contracts exclusively for companies owned
18 by minorities and women. In July of 1995 as a result
19 of efforts by California Governor, Pete Wilson, the
20 University of California Board of Regents banned the
21 application of racial preferences in admissions.
22 Hiring and contracts in all of its nine universities.
23 It also continued on with efforts to eliminate
24 preference policies at the level of state. He is
25 backing a proposed ballot initiative to end racial,

1 ethnic and gender preferences in education, employment
2 and contracts in California. A brief review indicates
3 that we identified four distinct positions on
4 affirmative action in the existing literature. At one
5 extreme there are those who argue that it is now time
6 to wipe the slate clean, that the effects of past
7 discrimination no longer pose obstacles to people of
8 minority backgrounds and that the role of the state
9 should be limited to guarantee that discrimination on
10 the basis of race does not take place. The other
11 extreme, there are those proponents of affirmative
12 action who not only defend its continued existence but
13 also argue that we should return to the enforcement
14 levels of the 1970's. Were these analysts the vestiges
15 of past discrimination continuing barriers to
16 opportunities of the present generation of black
17 people? Discrimination is still an active problem and
18 substantial progress will not be made without
19 affirmative government. Other analysts and policy
20 makers take various middle of the road positions. Some
21 oppose affirmative action as defined in terms of group
22 parity representation and racial preference but favor
23 the continuation of special outreach programs for
24 minorities and women. A fourth position argues that
25 affirmative action should continue to exist but it

1 ought to be based on class rather than race and this is
2 the agenda. This ought to be solely the cause because
3 chief in envisionaries of affirmative action have been
4 middle class blacks and middle class women. A well
5 known proponent of CLASS has opposed to race based on
6 policies is William Julius Wilson. A noted sociologist
7 at University of Chicago who notes that despite the
8 implementation of anti-discrimination legislation and
9 mandates and purposely enforced, affirmative action
10 programs, it was clear by 1980's that conditions were
11 getting worse, not better, for a significant number of
12 black americans. Other scholars have also noted that
13 black communities were becoming divided between
14 expanding stable middle class and disadvantaged, lower
15 class groups. In fact, according to some analysts,
16 affirmative action indirectly contributed to the
17 deterioration of the inter-city black communities. As
18 middle class blacks move into the main stream, white
19 economy and into more suburban areas, they take with
20 them entrepreneur skills, capital which would be
21 necessary for the development of inter-city economies.

22 MR. CHASE: Dr. Scott, I'm sorry, if
23 you could maybe wrap up in about a minute. I'll open
24 up for questions. I know it's a short time frame, I
25 appreciate you trying.

1 DR. SCOTT: Maybe if I read our review
2 statement. That will probably summarize it. It's
3 rather lengthy. Again, the 1990's Americans debated
4 the question of how justice and equality can be
5 guaranteed to all Americans. While affirmative action
6 is defined by preferential treatment toward protection
7 groups, attempted to guarantee equal opportunity to all
8 is now time that its policies be reformed so as to
9 ensure it's viable into the 21 century. We support the
10 continuation of affirmative action programs which are
11 based on class rather than race, ethnicity or agenda
12 coupled with continuation of aggressive outreach
13 programs for minorities and women. We're also in
14 support of the preservation of strong enforcement anti-
15 discrimination laws. Affirmative action was designed
16 as a temporary remedy in order to level the playing
17 field among all races. After a few decades of racial
18 preferences, the children of those who were able to
19 improve their socioeconomic status as a result of
20 racial preference should not continue to enjoy
21 preferential treatment. The playing field has been
22 leveled for them, strong enforcement of anti-
23 discrimination laws should suffice to protect their
24 right of equal opportunity to access. Development
25 stemming from the April, 1989 class action lawsuit

1 brought by Shoney's, Inc., restaurant, of black
2 employees show that blacks can effectively have
3 resource to the legal system in order to obtain regress
4 in cases of unfair employment practices. Affirmative
5 action programs based on income levels, rather than
6 group characteristics will ensure that the poor,
7 including the black poor, apparently do benefit from
8 affirmative action, are given opportunity to improve
9 their social conditions while special outreach to
10 preferred groups ought to be continued. Preferential
11 treatment should be given only to those who have not
12 yet benefitted from affirmative action. To those who
13 are from the lower socioeconomic background. I state
14 by Martin Scott in an interview in CEO Magazine,
15 August, 1995, the real issue is the number of poor
16 people in this country. We're dealing more the with
17 the issue of class and status now, not black and white.
18 We have approximately 260,000,000 people in America, of
19 which 60,000,000 are from families of four with incomes
20 of \$15,000 or less. That's in an intractably poor
21 group of people in our society. The vast bulk of them,
22 majority Americans, who aren't being served by
23 affirmative action or any other action. Affirmative
24 action was a well intentioned, very good program to
25 bring about change. People haven't figured out how to

1 use this program effectively to move forward.
2 Continuing it will spell disaster as we move into the
3 fifth generation of welfare dependent individuals in
4 our society. Americans need to pay more attention to
5 programs that will help poor children acquire knowledge
6 and develop the skills that will enable them to raise
7 their socioeconomic status if they so desire, including
8 income based preferential treatment. The right to
9 equal opportunity to those who are not disadvantaged to
10 begin with can be enforced with strong anti-
11 discrimination laws. Thank you.

12 MR. CHASE: Thank you both very much.
13 I'll open it for about ten minutes for questions.
14 Shelia, you have a question?

15 MS. KENNEDY: Yes, I think that Marvin
16 answered the initial question I had but as I understand
17 you position as opposed to the history that you shared,
18 you would chip affirmative action to a more
19 socioeconomic basis. What kinds of programs do you
20 favor, and by the way, I have made this argument as
21 well, so I'm not trying to attack here but I would like
22 to know, given your other positions about government in
23 general, what kind of programs are you suggesting ought
24 to be a part of that effort? What have government do
25 for the folks, however we define the group that should

1 benefit?

2 DR. SCOTT: Well, I think that's
3 already in place, the programs are in place. It's just
4 a matter --

5 MS. KENNEDY: Which ones?

6 DR. SCOTT: Well, you name one or two
7 and I'll nod affirmative. Which ones do you have in
8 mind?

9 MS. KENNEDY: I see, okay. Well, what
10 I'm asking is which you have in mind but I think I've
11 got my answer. Thank you very much.

12 DR. SCOTT: Well, for instance, not to
13 be evasive but prevential treatment in terms of
14 contracts set aside, all of those programs I would
15 favor if included all of the society in terms of income
16 base.

17 MS. KENNEDY: Thank you.

18 DR. SCOTT: I know this is going to be
19 a tough one, Mr. Gradison.

20 MS. BRITA: Describe to me what you
21 mean by special out reach programs?

22 DR. SCOTT: Well, it's what you prefer
23 the doctor of university has a new case now where they
24 go to minority communities searching for applicants to
25 the university. It could also be involve publicizing

1 the jobs in places where people know that the jobs
2 exist because this wasn't one of the problems with
3 racial discrimination is that people should not know
4 that there were jobs offered. This would ensure that
5 they know and then once they decide to apply for the
6 positions, then a strong legislation that would tax
7 them against discrimination, you stop this to make sure
8 that they are hired by the employers or admitted to the
9 universities.

10 MR. CHASE: Mike?

11 MR. GRADISON: Well, Shelia asked about
12 various programs you still support. I mean, for
13 instance, the OFCCP, they still should have a role in
14 terms of enforcing the affirmative action programs and
15 federal contracts. As a monitoring agency and an
16 enforcement agency, or one of the other. Is that one
17 or should we gain competence?

18 DR. SCOTT: All of those things that
19 are in place now should remain in place. The only
20 thing we're asking for is that the people who are most
21 critical of affirmative action are those who are not in
22 it and that creates dismissiveness within a society and
23 if we include more individuals in it because of states,
24 I mean, there are people in West Virginia, in the
25 mountains of Virginia and Appalachia who are as

1 deprived as any inter-city child minority could ever
2 dare to be and have not had opportunities. In American
3 we sell hope and opportunity. If we can't do that, we
4 need to shut it down.

5 MR. GRADISON: So some of the criteria
6 under which these agencies operate while retaining the
7 agency itself?

8 DR. SCOTT: A large intent.

9 MR. CHASE: Do we have other questions
10 for our presenters? Thank all of you for coming here
11 and presenting it also, we're very interested in your
12 future papers. Thank you very much.

13 (BREAK)

14 MR. CHASE: Our next set of presenters
15 are Lynn R. Youngblood, the University of Indianapolis
16 and Mr. Stan Jones from the Indianapolis Urban League.
17 Again, we're asking our presenters to spend about a
18 five minutes or so summarizing their papers and we'll
19 take each presenter and then we'll open it up for
20 questions. In the interest of being equitable and
21 fair, I've been alternating having presenters either
22 the left or the right so now I think it's from my right
23 so I'm going to ask Sam Jones if he'll go up first.

24 MR. JONES: Okay, thank you Mr. Chase
25 and ladies and gentlemen of the panel. I'd like to

1 first express gratitude to the advisory committee of
2 the commission for inviting the Urban League's
3 participation and consultation. We have done this
4 before and we have a point a view about affirmative
5 action and I want to share it with you rather quickly
6 and just call to your attention that it's vastly from
7 Mr. Roy Conley's position. If you read the New York
8 Times today he have sort of the off views as you know
9 of Pete Wilson, the Governor of California. I'm Sam
10 Jones, President of Indianapolis Urban League and I
11 think I'm the guy when the buck stops. I've been on
12 for a long time. We were part of a national
13 organization. There are 114 affiliates like ours
14 around the country. We're all most a 100 years old,
15 we're 86 years old. Nationally, a little over 30 in
16 Indianapolis. We're affiliated with the United Way of
17 Central Indiana as well as the National Urban League
18 and Mr. Charles Williams is our chairman of our board.
19 The mission of the Urban League is to assist African
20 Americans in achieving social and economic equality and
21 the league emphasis mission through advocacy, bridge
22 building among the races, direct services, technical
23 assistance, fact finding, and of course, information
24 discrimination. In our view, there could be no doubt
25 that the 1954 Brown versus Board of Education decision

1 and the 1964 Civil Rights Act have fundamentally
2 changed civil rights and social justice in America.
3 There was some other factors we could add to that but
4 those two primarily. In theory, at least, African
5 Americans now enjoy the same citizenship rights and
6 protections as white americans. While strides have
7 been made the reality of the fact is that racism and
8 discrimination are still very much a part of the body
9 of politics. Since the 1980's affirmative action
10 remedies, a tool to make opportunities available to
11 minorities for some 30 years has been under attack.
12 Those who are against affirmative action complain that
13 it uses and encourages discrimination against other
14 groups. Affirmative action opponents argue that it is
15 divestitive and victimizes others, namely white males.
16 In addition, they state that American society is now
17 color blind in respect to the treatment of minorities.
18 Those who wish to end affirmative action state that
19 discrimination occurs occasionally but offenders will
20 voluntarily correct themselves. They say that there is
21 no longer any need for affirmative action measures, a
22 redress not for address of enforcement activities. And
23 if you read the Wall Street Journal a couple of days
24 ago, the story with reference to Shoney's. Shoney's
25 has, of course, cleaned up its act but right now in

1 Indianapolis the Urban League and the NAACP and some
2 other organizations have a strong case against Shoney's
3 locally. So, people, organizations, institutions, do
4 not respond voluntarily and will not respond
5 voluntarily if they're not encouraged to do so. Even
6 an organization like Shoney's that's spent millions of
7 dollars in lawsuits and class action lawsuits and also
8 from the hiring standpoint and some indication that the
9 culture is changing, let me tell you cultural changes
10 do not take place overnight or immediately. That's a
11 long term process of affirmative action. It needs to
12 be kept around as a concept. If our society was truly
13 open and the playing field of opportunity is level,
14 then perhaps such tools to rectify the historical evils
15 of individuals and institutions from the vantage point
16 of racism and discrimination would not be necessary.
17 However, the reality of the situation, the picture is
18 much different. I could ask the question then, what
19 would our schools look like, what would our work force
20 look like, what about voting rights and housing if
21 affirmative action tools had to been in place? African
22 Americans and other minorities and women would indeed
23 be "kept in their place", out of sight, out of mind,
24 excluded and in my view, unemployed. Now I could go on
25 and on and on but just one other point I want to make

1 with reference to the importance of affirmative action.
2 Mr. Gradison and I have been long term cohorts in the
3 struggle to improve upon the quality of life in
4 Indianapolis with reference to law enforcement and
5 employment in the fire department. Some of you will
6 remember that when Reagan was president, the attorney
7 general who was then Janet Reynolds put pressure on the
8 Mayor of Indianapolis and others to eliminate the
9 consent decrees in the fire and police departments that
10 opened up opportunities for African Americans and women
11 to enjoy employment. Well, thanks to Mayor Hudnut who
12 was mayor at the time, Mary decided that he was not
13 going to cave in to the pressures of the White House
14 and the attorney general and so the Urban League,
15 NAACP, other organizations of this community joined
16 forces and we submitted, Mr. Chase, to the federal
17 courts, what do you call that legal thing? Amicus
18 Curie briefs in support of -- NICLU, yes, thank you,
19 thank you, Mr. Gradison. In support of the mayor's
20 position and I can tell you if they mayor had caved in,
21 we would not enjoy the kinds of changes that we have
22 witnessed in the fire and police departments in this
23 community. Those changes would not have come about
24 voluntarily and I don't care what anybody says,
25 including Mr. Warren Conley, who argues that we don't

1 need this kind of help. Well, the question is -- well,
2 let me go on and finish. In addition to that effort,
3 those who are opposed to affirmative action should be
4 aware of the numerous corporations here and across the
5 nation who support the remedy. I've been pleased with
6 the fact that so many companies have indicated that no
7 matter what happens in term of the federal thrust or
8 local thrust to eliminate affirmative action that
9 they're not going to cave in. Should it be reviewed?
10 Of course we should review affirmative action. Should
11 it be eliminated, the answer from my point of view is
12 no. What else can we put in its place one might ask?
13 Good faith and I would argue the question of good
14 faith. And with that Mr. Chairman, I'll yield to my
15 distinguished colleague to my right.

16 MR. CHASE: Thank you very much Mr.
17 Jones. Mr. Youngblood?

18 MR. YOUNGBLOOD: Chairman Chase and
19 members of the committee, it's a pleasure for me to be
20 here and especially share the table with my long time
21 friend and gentlemen for whom I have much respect, Dr.
22 Sam Jones. My approach to the issue is a little bit
23 different than what I've heard thus far that the topic
24 here, the title of my presentation is, Affirmative
25 Action as an Antidote to the Socioeconomic

1 Bimobilization of our Society. I guess, I'm suggesting
2 that if there are those in our society who do not
3 support affirmative action based upon the fairness and
4 justice that perhaps we can approach those persons on
5 what might be for them a more pragmatic position and
6 that is our society could become destabilized if
7 affirmative action is modified or even eliminated. And
8 it may not happen in our lifetime, in our generation,
9 but we all care about our children, our grandchildren,
10 that it will happen in their lifetimes and that's
11 basically the theme that I'll try to elaborate here. I
12 suggest in my paper that there are three forces, three
13 demographic political forces at work right now that are
14 somewhat in conflict with one another. One is the
15 movement toward welfare reform. The second would be
16 the increasing percentages of the population of
17 minorities. Thirdly, the disapportionment of personal
18 representation of minorities within the working class.
19 I'm sorry, not the working class but the working poor
20 and the welfare recipients. Those three things are not
21 intangible. For example, welfare reform in of itself
22 obviously has merit. I think all of us would agree
23 that it's important to have able bodied welfare
24 recipients at work. At the same time does it make
25 sense to eliminate affirmative action if more able

1 bodied people entered the work force and say, by the
2 way of assuming that both of those are minorities that
3 say at the same time you're going to go to work now,
4 but by the way, your access to opportunity is less than
5 it was when affirmative action was in place, that
6 doesn't seem to make sense to me. I don't know how
7 many of you read Paradine Shift. In October I heard
8 Don Tapscott who's the author of Paradine Shift, he's
9 out of Portland, Oregon. He said, "The bipolarization
10 of wealth in the United States is greater than any of
11 the so-called 22 developed countries." All of the
12 developed countries in the world, of which we are are
13 one of 22, the polarization between the wealthy and the
14 poor is broader. A week later I come home and I read
15 Time magazine and there's a graph in there saying, I
16 attempted to duplicate that in my paper, it shows of
17 the ten major industrial countries, the largest between
18 the rich and the poor is in our country. What are the
19 implications of that is my concern. The statement the
20 rich are getting richer while the poor are getting
21 poorer perhaps applies to our country and add to that
22 the poor aren't only getting poorer, they're getting
23 larger in number because of the birth rate in basically
24 minority, poor segments of our society. I researched
25 articles about John Shure who is the Vice President of

1 20th Century Fox. He dispels on myth, I find that a
2 lot of people are surprised to here that, a majority of
3 the welfare recipients are not African Americans, in
4 fact only 37 percent are african american. There's
5 good news and bad news here. Only 37 percent are
6 African Americans. At the same time that's three times
7 the population of African Americans in our society. So
8 your chance of being on welfare or being among the
9 working poor is three times as great if you're an
10 african american or a hispanic, not hispanic, white.
11 You might be interested in some statistics. The
12 percentage of African Americans grew between 1980, 1990
13 from 11.7 to 12.1. The hispanics grew 6.4 percent of
14 the population in 1980 to 9.0 in 1990. The minority
15 populations are continuing to grow. One thing I really
16 was surprised to find out in my research was that the
17 birth rates are in decline for both whites and African
18 Americans. That was something that I did not realize.
19 The african american is almost identical now, the
20 african american birth rate is a little bit ahead of
21 whites but not statistically. Hispanics, just to give
22 you the numbers again, I like statistics, the birth
23 rates per 1000 women in 1994 were white women with 64,
24 black women was 56.5 and for hispanic women it was
25 almost a 100, 99.2 The birthrate in the hispanic

1 population is really exploding. If race is in fact a
2 contributing factor through the disparity of wealth
3 then that's simply going to be compacted or impacted in
4 a negative way by increasing the birth rate among the
5 minorities. I show in my paper and as I said earlier
6 that the working percentages of population are about
7 three times the percentage of the working poor and the
8 welfare recipients are triple the population
9 percentages. I could confirm that for blacks in this
10 country. I didn't find the same information or the
11 same statistics for hispanics expect that in the end,
12 that basically that's the same thing. But I think the
13 blacks and hispanics are pretty much in the same
14 situation. Their population is about a 1/3 of what
15 their representation is among the working poor and
16 welfare. Those of us with higher education, I happen
17 to be an administrator of higher education. So many of
18 us say well, the answer to this education opportunity,
19 let's give more minorities a higher education. But the
20 California initiative, for example, will special
21 privileges and financial preferences as well so that's
22 for minorities and that will be counter productive.
23 It's interesting that it seems in California they're
24 going to overturn on the ballot in November the
25 initiative for affirmative action. So, here we have in

1 California a situation where a majority of the voters
2 are determining what might be in the best of interest
3 and the socioeconomic benefits of the minorities. I
4 don't understand how that can be an legitimate. I did
5 some research on measures for affirmative action and
6 found that a lot of the attitudes towards affirmative
7 action is determined what you think and preferential
8 treatment. If you think it's that as opposed to
9 monitoring and inclusion. Those who think of it as
10 monitoring or inclusion are much more supportive of
11 affirmative action than those who think about
12 preferential treatment. One thing about preferences
13 which I think is interesting, I found an article that
14 said we've had preferences in society already.
15 Veterans receive preferential differences in
16 contracting, hiring of school admissions, long-term
17 employees receive preference, commonly known as
18 seniority. Home owners receive a preference when it
19 comes to, all of this know this, the tax deduction that
20 we all took on April 15. All those people who get
21 those preferences in California they're likely to vote
22 against preferences in affirmative action come
23 November. Just a couple more items here. Simply that
24 the civilian work force in the federal government some
25 research has been done there to show that they feel

1 that the quality work they do has increased.
2 Longitudinal studies, equality has been enhanced
3 slightly since affirmative action has been in place.
4 That's the largest single representative in our
5 society. That probably would be the 1.7 federal
6 civilian employees. Affirmative action is being
7 supported there in a sense by that population.
8 Emerging voters. There's survey of university students
9 who have begun their year at UCLA that show that seven
10 percent of the students admitted in this year's
11 freshman class, support affirmative action in
12 admissions. That's tainted a bit by the fact they are
13 already in school and it might be easier to say we
14 support it. It also may be tainted by the fact that by
15 being a college or university, that they assume they're
16 going to have access to a well paying job. The younger
17 generation appears to be supportive of affirmative
18 action programs. My last statement would be that we
19 can do away with affirmative action if racism is
20 eliminated. There are those who say that racism is
21 gone and therefore, we should eliminate affirmative
22 action. There are those opposed to alive and well and
23 therefore, we have to have it. My position is it's
24 alive, I don't know how well it is. I like to think
25 it's not well but until we know it's terminal we can't

1 eliminate affirmative action.

2 MR. CHASE: Thank you very much Mr.
3 Youngblood. Do we have some times for questions.

4 MR. JONES: Before you hear the
5 questions, just a couple comments. I just returned
6 from a few weeks in Statesboro, Georgia which is about
7 50 miles north of Savanna. While there the week before
8 that the Attorney General Bower sent a letter to the
9 president and chancellors of all college and state
10 universities within the State of Georgia to eliminate
11 immediately preferential, he called it affirmative
12 action admissions policies and practices, that would
13 admit African Americans and other minorities to the
14 universities. The feeling that I get is that there are
15 mixed feelings between and among the administrators of
16 the colleges and the universities. Some are adamantly
17 opposed to the attorney general's position. Perhaps
18 their tenure is more solid than those who are following
19 his lead. You also know that the Fifth Circuit a few
20 weeks ago ruled against the University of Texas in its
21 admission of students in graduate school and through
22 the undergraduate school of that university. Of
23 course, California issued the one that's getting the
24 notoriety and as I said, if you happen to have read
25 this article and there are other articles mainly built

1 around Warren Conley who is the spokesperson now for
2 incrimination of affirmative action across the State of
3 California. He's an african american, he has a
4 phenomenal business and yet he admits that a large
5 percentage of his business still comes from the State
6 of California and he says it comes because he is friend
7 of the governor. Well, that's preferential treatment,
8 I think. It disturbs me that there are people in this
9 country when at the point the opportunity for African
10 Americans and women and others who are disadvantaged in
11 our society have a greater opportunity to move through
12 the glass ceiling and we want to eliminate those
13 remedies that have so effectively created opportunities
14 for us to move and I happen to be a firm believer that
15 at this point in my life, affirmative action is not
16 going to be eliminated. We may alter it a bit, but I
17 don't see it being eliminated. I may be wrong, I'd
18 like to think I'm wrong anyway.

19 MR. CHASE: Michael?

20 MR. GRADISON: For you gentlemen that
21 are here, that corporate america and companies no
22 matter what the income level there is, if they think
23 affirmative action is good they do so and all the
24 people who have testified so far today have agreed with
25 that. What has become curious to me being a follower

1 of the labor union movement is that all these foreign
2 companies, the japanese, european, are coming here and
3 buying companies and not recognizing unions. And they
4 are making dramatic shifts, changing the way it was for
5 lot of America, all backgrounds and what is being lost
6 by this whole process is the sense of commitment of the
7 Equal Employment Opportunity and affirmative action.
8 We'll buy the steel, but under our own terms. The only
9 corporate board rooms, all this dealing with that's
10 going on and the people who work for us got to have a
11 very high level of anxiety. I would think right now no
12 matter what their color or whether or not they've been
13 a direct recipient of benefits of affirmative action
14 themselves. Do you have a comment on that and what
15 that means?

16 MR. YOUNGBLOOD: Michael, I'm not sure
17 if this exactly addresses your question, but I found in
18 my research when the CEO or the COO that the work
19 force, whether it be labor or management, tends to
20 follow. They're much less threatened by, they seem to
21 have a better understanding of what affirmative action
22 and what it means. The Senior Executive Service, the
23 SES group, research shows that they're very supportive
24 of affirmative action and they articulate that in a
25 meaningful way when talk about inclusion instead of

1 quotes, for example, with their employees than is
2 likely more accepted than the quotas. That's not
3 directly answering your question. A japanese company,
4 for example.

5 MR. JONES: I would like to speak on
6 that point also. I have long since been disturbed by
7 the invasion of the corporate world by foreign
8 companies. Some of you will note that when the Isuzu
9 Subaru plant was being planned and subsequently built
10 near Lafayette I was probably the lone voice of central
11 Indiana opposed to that company being put there for a
12 lot of reasons. I thought that there was sufficient
13 land in and around Indianapolis on which that company
14 could have been built and I saw it as an attempt to
15 escape to the urban community and the opportunity for
16 urban folk with african american and others to have
17 access. Then after they built the plant someone came
18 to me asked me if I would help them find specifically
19 african american employees to make the trip up to the
20 plant and to work not only an eight hour shift but dog
21 time and I said no, because you are asking me to ask
22 people to commit suicide. If you were going to make
23 the choice subsequent to the building and plant why not
24 have made it earlier and put the plant somewhere in and
25 around Indianapolis so that people would have greater

1 access. I think, Michael, there is that attitude and
2 there's no secret that in the our community and the
3 african american community there's a strong feeling
4 that japanese tend to be anti-american. Fortunately
5 for us the late Ron Brown did a lot to build bridges
6 and I think the President may be trying to do that even
7 now. But there are some strong feelings about the
8 attitudes of Japanese and the employment of African
9 Americans. And labor unions, there's no question about
10 that. I think, for instance, that's a great concern.
11 The other concern that I have in this whole area
12 happens to center around the present political climate
13 and with candidates for positions of leadership in this
14 country who are espousing anti-affirmative action
15 positions and I am very much disturbed by that.
16 Presidential candidates, congressional candidates who
17 are using affirmative action as wedge to worm their way
18 into the hearts and mind of folk with the end result
19 being votes for them and their anti-affirmative action
20 posture. That's very, very disturbing, at least to me.
21 That's probably more disturbing right now than the
22 corporate side because these are folks who are going to
23 be setting public policy for the nation and have an
24 impact on the world and maybe even influence the
25 corporate pattern that may still exist to some extent.

1 But I think on balance, I'm basically harmed by the
2 fact that most of our, what shall I say, endogenous
3 corporations, most of our native american corporations
4 still tell us that they are not going to ban the
5 affirmative action thrust and hopefully that thrust
6 will have some impact on these new corporate leaders
7 are coming into our country to build their plants and
8 the organizations.

9 MR. GRADISON: The foreign corporate
10 leaders coming?

11 MR. JONES: Well, hopefully we can have
12 some impact, they will have some impact on them, I
13 don't know at this point. I think maybe, again, the
14 organizations, the civil rights organizations, the
15 organizations committed to healing and social change
16 still have to continue their thrust as well. We can't
17 sit back and rest on our laurels and that's why I'm so
18 happy to see you all doing what you're doing as a
19 commission. You are not here getting attitudes and
20 feelings from the grass roots. You want to know what
21 people are thinking and feeling. Hopefully you can
22 also help up to convey to the region and to the nation
23 that we feel that affirmative action conceptionally
24 should not sunset at this point in the history of our
25 life and work.

1 MR. YOUNGBLOOD: I think that the focus
2 of the civil rights movement needs to be more towards
3 that private ground as ever before because its
4 phenomena of advertisement of corporate america and, of
5 course, these foreign elements who come into and
6 enforce their movement and their way of doing business
7 and I think we need there needs to be a shift in the
8 focus of the civil rights movement. That's the whole.
9 Not just preserving the laws to having the books in
10 Washington on focusing on what private america is
11 doing, private business in America. Being bought out
12 is a case for anxiety.

13 MR. JONES: There is, yes.

14 MR. CHASE: I want to thank both of you
15 for coming here and making these presentations. Thank
16 for submitting your papers, thank you very much.
17 Welcome Mr. Hood, Mr. Vlantis. Our next presenters are
18 Theodore R. Hood who I understand is the former
19 director in the Office of Federal Contract Compliance
20 Programs, U.S. Department of Labor and also Michael
21 Vlantis who was formal the assistant director of the
22 EEOC in Tennessee.

23 MR. VLANTIS: Memphis, Tennessee.

24 MR. CHASE: Memphis, Tennessee. Again,
25 we are asking our presenters to please summarize their

1 reports in about five minutes, if you can, each. Then
2 we will open it up for questions. We'll begin with Mr.
3 Hood.

4 MR. HOOD: Basically what I have
5 attempted to do is talk a little bit about OFCCP, about
6 how it's organized and how the district offices, which
7 have the basic responsibility for carrying out the
8 programs, how they function. I've talked a little bit
9 about enforcement and how it's organized. I've talked
10 a little bit about political climate and how it affects
11 people who work for the government. I've talked about
12 corporations, some corporations and what they have done
13 and I've tried to summarize overall how employment is
14 the basis, I believe, is the basis for discrimination
15 and how an elimination of the employment problem would
16 probably solve much of the discrimination that's
17 occurring in the United States today.

18 MR. CHASE: That was our shortest
19 presentation, we appreciate that very much. Mr.
20 Vlantis.

21 MR. VLANTIS: Well, my approach to
22 affirmative action comes from the background in working
23 in investigation and enforcement of the provisions of
24 the Fair Labor Standards Act, essentially minimum wage,
25 child labor laws, the Equal Pay Act and the Age

1 Discrimination Employment Act, and Title Seven of the
2 Civil Rights Act. My experience has demonstrated to me
3 that efforts to correct the problems covered by laws
4 without active fully staffed and properly equipped
5 empowered enforcement agencies will not succeed and I
6 point to the early efforts of the Equal Employment
7 Opportunity Commission to resolve discrimination
8 questions through persuasion and coalition without the
9 support of legal enforcement powers and I think that in
10 of itself is attached to the effectiveness of this
11 approach. I can say that on my own I went out on a lot
12 of coalitions and the only reason I was really at all
13 successful was that the people I was dealing with, both
14 the charging party and the people against whom the
15 charge was against, knew that we could bring a suit if
16 we had to. So at least we got their attention and
17 that's essential. Having said this, I recognize that
18 the problems through the administrative and legal
19 process of a government agency while necessary and
20 justified to the common good is an expensive and time
21 consuming operation. Unfortunately, the process to
22 often supports the antics and justice delayed is
23 justice denied. The thrust of my argument in a
24 nutshell is that it is makes a lot more economic sense
25 to have affirmative action programs that are developed

1 by the companies, the institutions, whatever we're
2 talking about, do their own efforts than it is for us
3 to go out and investigate them. It saves money for
4 government, it saves money for the company because I
5 don't care how professional an investigation is,
6 somebody is going to get -- there's going to be a lot
7 of time wasted, a lot of company time wasted. Somebody
8 has to spend time with that investigator. That
9 investigator has to interview people. It's invariable.
10 No matter how professional that investigation is,
11 there's going to be rumors and talk between the
12 employees, it's going to take up a lot of time. It's
13 going to cost everybody time and money and it's not
14 necessarily the best way to do it. You've got an
15 affirmative action program in place, one that everybody
16 within the company or the organization has had an
17 opportunity to make a contribution to, and especially
18 as the previous people were talking about, if you get
19 the leader of the company, the chief operating officer
20 or whatever to support that, you'll get what we need to
21 be done and we'll be done with a lot less constraint
22 and problems. That essentially is my position.

23 MR. GRADISON: This question is
24 directed to both of you. My question is this whole new
25 foreign cultural toward the labor forces now playing

1 such a role with the substantial for saying for a
2 company that's now, for example, we have the North
3 American headquarters of Thompson Electronics out here
4 in Indianapolis. One of the biggest corporations in
5 the world. Their attitude reception of what the labor
6 force should be here and how the union labor force here
7 is dramatically different from their own. I don't know
8 if that should be taken into account in terms of
9 obtaining permits and adhering to the guidelines,
10 federal laws with which we're concerned today. Is that
11 something that you can address? Am I the only one
12 concerned about that, the foreign employees?

13 MR. HOOD: No, I don't believe so.
14 First of all, Magnavox in Ft. Wayne, Thompson had been
15 there several years before Magnavox itself, per se'
16 it's no longer. But the influence of foreign companies
17 obviously, in my opinion, has an active effect.
18 Particularly many of those companies do not want
19 unionized shops and obviously the reason, unions help
20 workers get benefits and they do things and proper
21 motive seems to be the only thing that's drawing our
22 interest. There has been something about the foreign
23 companies locating plants in rural communities. That's
24 definitely true; however, many American corporations
25 have done that previously and so the foreign companies

1 when they came in, they just followed suit and that
2 certainly hurts people who live in cities,
3 Indianapolis, any major city, when you build a plant in
4 the outskirts. That certainly hurts people who are
5 interested in jobs getting there. In my judgment the
6 national political scene has got to address the issue
7 of japanese and other people coming in. That's just
8 like many of those companies that will go south because
9 there aren't any unions and they'll build their plants
10 in the south. It's obvious why they do that and until
11 we get some national attention on that issue, I think
12 it will remain. That's absolutely true.

13 MR. VLANTIS: Well, I tend to agree
14 with what Ted said. My own personal experience has
15 been that when I lived in the south there were a lot of
16 complaints about the jobs in the south that were going
17 overseas but there was never any question about how
18 they got into the south to begin with. Which meant
19 they got there because they had cheap labor costs,
20 which they have non-union labor down there and they
21 came from the north. So I think it's just a
22 progression of running to where cheap labor is and
23 while I know the intellectual argument was that what we
24 do is we maximize our resources by going away from
25 cheap labor type work and to the information highway.

1 I don't know how many people that's going to employee.
2 That may be the intellectual answer but that doesn't
3 help put bread on the table in the meantime. So, I
4 really don't have the answer. But I really haven't
5 seen any greater impact from foreign companies than
6 local companies as far as how they -- I think if you're
7 concerned about union bashing, that's been going on for
8 a long time. That's been going on for a good 20 years
9 or more.

10 MR. GRADISON: But the fact is that
11 part of these packages when the japanese come in and
12 buy companies, are the packages that promote union
13 bashing. You just got to go along and preserve jobs
14 and the union has to make concessions.

15 MR. VLANTIS: Well, some of the
16 arguments, I think for the me the most obvious area of
17 that is in the automobile business and I think if you
18 want to really lay some blame what you do is you go
19 back to management in the automotive companies 20 years
20 ago when small cars were making their first influence
21 and management says to hell with them, they can have
22 that peanut business, we don't want to mess with it.
23 Well, all of a sudden it became the big business and
24 the big cadillacs are having trouble selling to because
25 you've got Lexus and so many other companies. I guess,

1 on the part of the major management of the automobile
2 companies and they didn't get smart far too long.
3 Apparently we're starting to get a little smart. I
4 understand that Chrysler apparently just set new
5 records. I don't know if whether that's because they
6 raised the prices so high and they got such big margin
7 or whether they're really selling a lot of cars but at
8 least they've set productivity and income records which
9 in the long run look well for the rest the country.
10 But, I don't know, I can't get too excited. I'm
11 probably rah-rah American as most people are, I want to
12 see American companies do well, but I don't think we
13 can lay most of out labor troubles to foreign
14 corporations. I mean, I don't see them being a hell of
15 a lot worse that what we had before.

16 MR. GRADISON: I think you're exactly
17 right.

18 MR. VLANTIS: I mean, the problems are
19 there and they need to be addressed, but I don't think
20 we can just carve out the japanese or the french or
21 anybody else and say that they're the ones that are
22 doing it. In fact, in someway the foreign companies
23 are happier to work here with our unions than they are
24 in their own country because their own unions are far
25 deeper into the operation of the company. In the

1 United States the unions have pretty well managed to
2 confine themselves to working conditions and wages for
3 their employees. They don't get into much in the
4 social aspect.

5 MR. HOOD: That's why they're here.
6 I'd like to make another comment. I'm sure everybody
7 has read about the business with the EEOC up Illinois,
8 it's a sexual harassment. And I think the climate
9 that's in a foreign company is a little different than
10 in an American company. If you will note some of the
11 comments people have written about is that the company
12 is telling the workers, hey, you know, you aren't going
13 to have any jobs and let's fight this. I don't know if
14 you are all aware of that kind of thing and I think
15 that's a big difference. I've had problems with many
16 American companies with respect to similar things but
17 you don't get what I seem to be reading in the paper.
18 That kind of a push from management with American
19 companies, we never had that kind of thing where
20 workers were threatened not to talk, and don't do this
21 and don't do that and I believe that's the difference.

22 MR. CHASE: I would like to ask both of
23 you if you could comment on whether in your impression
24 of the recent, what you might call attacks on
25 affirmative action, have had any kind of impact on

1 support, particularly financial support for enforcement
2 agencies such as OFCCP or EEOC. Do you see anything
3 like that trickling down?

4 MR. HOOD: Sure, definitely.
5 Publicity, the press, I think, has played a disservice,
6 particularly to affirmative action and I'm going to
7 speak basically about employment, I don't want to talk
8 about school admissions and that kind of thing. Most
9 generalists are pretty well versed in what they do,
10 they research their subjects very carefully. But you
11 never, well, I shouldn't say never, but very seldom
12 will you see a real objective piece on affirmative
13 action and employment in what it actually is and what
14 it actually does. You get the business of our quotas
15 and you get all the negatives kind of things and that
16 instills in the general population a negative feeling
17 about affirmative action. In my judgment it's done
18 deliberately. When you get that kind of thing, the
19 politicians certainly are influenced by people in votes
20 and they cut the purse strings. That in turn means
21 that the enforcement agencies are doing less
22 enforcement.

23 MR. VLANTIS: I must admit, I can't
24 really answer your question. The last five years,
25 since I've been retired, by experience has been that

1 there's a constant effort in government to cut costs
2 and to cut back on budgets. That's been going on for
3 many years and it's my understanding that the Clinton
4 administration makes a big thing about how many
5 government employees they've discharged the balancing
6 of the budget reduction and the federal budgets. I can
7 only say that I presume it's affected the EEOC in the
8 same way and the Department of Labor the same way it's
9 effecting other agencies. As far as the specific
10 'attack on that particular agency, I can't say that I
11 ever, the EEOC, from the time that I was there, I can't
12 say that I ever saw anything that looked to me like --
13 say, it's the same kind of thing we have on public
14 broadcasting on something like that where it was a real
15 hatchet job and it was meant to be one. I think the
16 residency for these agencies are maybe not great but
17 very vocal and I think that is as good of protection as
18 they have at all. If they have any protection, that's
19 where it comes from.

20 MR. HOOD: The OFCCP is a little
21 different then the EEOC. The OFCCP is not statutory
22 and there are no statutes the OFCCP can rely on. OFCCP
23 is an executive thing, it's done through contracts and
24 just like it was established by the president under an
25 executive order, it can be terminated. It would be

1 different with EEOC. OFCCP certainly is negatively
2 effected by publicity and the budgets are cut, the
3 staff is cut, everything is cut and done by publicity.

4 MR. CHASE: The United States Congress
5 is doing a pretty good job of chopping up those
6 agencies on their own.

7 MR. HOOD: Absolutely.

8 MR. CHASE: Do we have any more
9 questions for our presenters? Do you have another
10 comments?

11 MR. VLANTIS: Well, there was just one
12 thing I wanted to point out that in my opening remarks
13 that I don't think I clearly got to and that is that
14 the only other cost that we talked about is the
15 disruption. Probably the bigger cost and the greater
16 incentive, especially from my area, are companies that
17 are of any size is litigation costs. Litigation, as
18 everybody knows can get damned expensive and that's
19 probably one of the reasons why affirmative action is
20 not something that's fought generally by major
21 companies because they only see it as a way to do right
22 but they also see it was a way to protect themselves
23 from major litigation. Somebody was talking earlier
24 about Shoney's. I just happened to be in on the start
25 of that thing and that was just pure stupidity on the

1 part of the company and a hard headed executive who
2 just absolutely wouldn't look at the facts and make any
3 sense out of it. I mean, that's the only reason that
4 one got there. Mitsubishi, I don't know how they got
5 that one. But from what I read in the paper, it sounds
6 like it's mostly -- it's not the japanese coming over
7 here and making this sexual harassment, it's our own
8 people doing it. Again, it may be that they're getting
9 the idea from the top down that the women in that
10 company are fair game and nobody is going to do
11 anything about it. I remember one time, one quick
12 thing, I remember one time that I had an attorney tell
13 me that if we went through with what we did, those two
14 guys that were supposed to have harassed this poor
15 women out of a job, were going to get fired. I told
16 him, hell, if I could prove that they did it, I
17 wouldn't care if they got fired, that's exactly what I
18 want and I think that's the attitude you got to take.

19 MR. GRADISON: Collectively, we think
20 these things come all in of play. These agencies that
21 we've been talking about all day, have a role, maybe a
22 more dramatic role than recently because of the
23 dynamics and the changing technologies and business of
24 today. To protect the worker, it's pretty scary out
25 there right now.

1 MR. VLANTIS: Well, if you have any
2 doubts about, just go down and ask the EEOC what their
3 complaint load is, how many complaints they've got on
4 hand, how many complaints they've got per investigator,
5 to look at those complaints and how big an increase of
6 complaints they got this year over last year and last
7 year over the proceeding year. It's been a pretty
8 steady rise and I don't really envy them too much
9 because I know that they're having to figure out many
10 unique ways to handle some of this work. My personal
11 opinion is there's never going to be a time when, I'd
12 like to think there is, I'm pretty sure in my lifetime,
13 there's never going to be a time when we don't need
14 these agencies and when they will not serve a purpose.
15 Not just for the minorities, but for everyone. For one
16 thing, people like to say it's not my problem, it's
17 their problem.

18 MR. CHASE: Mr. Hood and Mr. Vlantis we
19 really appreciate you coming here today and making a
20 presentation and submitting your papers for our review.
21 Let's take a five minute break here.

22 (BREAK)

23 MR. CHASE: We are back in session and
24 our final presenter this afternoon is Nancy Griffin who
25 I've had the pleasure of knowing for quite a while now

1 from the Indianapolis Resource Center. Nancy what
2 we've been doing is asking people to please summarize
3 their papers and maybe take about five minutes or so,
4 or maybe take a little bit longer since you're the last
5 presenter and then also open it up for questions and
6 answers.

7 MS. GRIFFIN: That sounds fine. Thank
8 you, Paul. It's good to see you all again. As Paul
9 was just saying it's nice to be in room of like minded
10 people. As Paul said, I'm the Director of the
11 Indianapolis Resource Center for independent living
12 which is a non-profit organization that provides
13 services and advocates on behalf of people with
14 disabilities. Our center is one of about 300
15 organizations similar to it across the country that,
16 for the most part, see some federal funding. Centers
17 for independent living are a slightly unique
18 organization and my paper addresses some of the unique
19 properties of independent living but the bottom line is
20 that we grew out of a movement of civil rights for
21 people with disabilities that started in the late '60's
22 and early 1970's. Through the activities of people
23 involved early in the movement, federal legislation has
24 been passed over the years, a number of legislation
25 affecting not only employment opportunities, but also

1 rights in a variety of areas. As I said, the
2 legislation that funds centers for independent living,
3 if you will to receive money really, most centers
4 receive less than \$200,000 a year in federal funding.
5 Some as little as \$50,000 a year but the average annual
6 budget for the 300 organizations is about between
7 \$750,000 and \$1,200,000 dollars. There are lots of
8 non-federal funds, alternative funds. Because of this
9 movement philosophy of people with disabilities of
10 having equal rights and equal responsibilities as
11 citizens, when the funding was created for the centers
12 in federal legislation, congress kind of said, all
13 right, prove it. Prove that people with significant
14 disabilities can be contributing members of your
15 community and your society. So they set some
16 requirements. We have to be what is known as consumer
17 control. I'll refer to people with service consumer is
18 purchasers of our services, they are in control, they
19 get to select. What that means is that in non-profit
20 organizations our board of directors must maintain a
21 majority control of people with disabilities, they must
22 be people with significant disabilities. Hang nails
23 doesn't count basically. They must be people who
24 experience a variety of disabilities. They can't be
25 all folks who are blind or all folks who have mental

1 retardation or all folks that have cerebral palsy. We
2 have to look at our issues and our mission from a raw
3 perspective. But more importantly the mission today,
4 we are also required to maintain a majority of our
5 management staff, we are people with very significant
6 disabilities and a majority of the balance of our staff
7 who are a majority of people with significant
8 disabilities. Now as you can imagine, that means that
9 our organization is slightly a more interesting work
10 place than the average. We're pretty good at providing
11 accommodations. We have to be pretty good at
12 affirmative recruitment and hiring because in order to
13 maintain that majority balance, we have to be sure that
14 we keep the right people coming in our door and staying
15 in our office. My paper work will probably be about
16 some of the ways centers around the country have
17 managed to do this. They're pretty straight forward in
18 a lot of ways, certainly if we look to the people that
19 we serve. People who may not have a lot of paper
20 credentials or even a lot of work history but have
21 capabilities that we can identify and may have personal
22 experiences or life experiences that may not have been
23 paid experiences but can demonstrate the capacity to do
24 a particular function or position. We tend to look
25 less at credentials and more at people. We also tend

1 to recruit significantly from the community and by that
2 what I mean is we go to the neighborhoods and
3 associations and organizations where we anticipate that
4 we will find people with disabilities. We go to the
5 minority community because, as I'm sure all of you
6 know, the incidence of disability is higher among most
7 minority groups than it is european americans, I think
8 is the current term. We certainly focus advertising,
9 for example, for positions in minority newspapers, in
10 newsletters that are published by neighborhood
11 organizations from minority neighborhoods. We go to
12 other special service organizations that may offer
13 services, programs, whatever kinds of opportunity to
14 people for low income and minority population. We also
15 go, to of course, to support groups. Where do you find
16 people with disabilities? You find the nursing homes,
17 the support groups and hospitals, or groups in all
18 traditional areas but we find it to be quite
19 successful. Finally, most recently I think as time
20 goes on more and more so we will be using electronic
21 media. The one thing that we're finding is that a lot
22 of people with disabilities have figured out that
23 computer technology allows them to communicate, to
24 travel, to learn, to do work and to do a lot of other
25 things that they are not able to do in what still

1 remains a fairly inaccessible and not necessarily
2 inviting community. There are an awful lot of folks
3 with disabilities who are out there on the internet.
4 So we have them in our position, we advertise with
5 local bulletin board services that are hooked up to
6 networks and computers. We also utilize state
7 resources for that and we have our own national
8 organization that has a national bulletin board service
9 plus we utilize all the organization's national
10 electronic media services to do that and we've found
11 that to be a very effective method. Especially when
12 we're doing a national recruitment. But even locally,
13 we teach a lot of people that we work with how to use
14 computers. How to access resources and information.
15 That's one of the things that we're trying to teach
16 them to use because we see that as opening real
17 opportunities. That has helped, at least in terms of
18 identifying candidates with disabilities in our
19 program. The next step is hiring and I think all of
20 you would certainly recognize that people who are
21 different, face greater challenges in the application
22 and interview process. Luckily for me, as the Director
23 of independent living and for many of my colleagues,
24 because we are a majority of the people with
25 disabilities somebody who is different is not

1 particularly intimidating to us. I think that is a
2 real key that we need to try to get across to
3 employers, to the employers in general that the
4 presentation of difference is not the important factor.
5 We need to teach employers to look for abilities, for
6 capacity and to look beyond difference whether that's
7 race or age or ethnicity or disability or whatever.
8 That's something that, at least in our society, I don't
9 think we've gotten very good at yet. We need to keep
10 working on. We still tend to stereotype people based
11 on first impression and that's a real challenge to a
12 lot of folks that the civil rights commission is
13 concerned with. It is specially challenging, I think,
14 for people who experience significant disabilities.
15 There are the ones who come apart, if you will. I wish
16 I had a nickel for every time I had to go to check
17 out a job and couldn't get into the personnel office.
18 That's changing, it's getting better, but it's not
19 fixed. We work a great deal with people who experience
20 communication disabilities whether that be through a
21 hearing impairment, speech impediment or for example,
22 if they have some type of emotional or mental
23 disability that limits their communication. Perhaps a
24 person that has autism or who has difficulty obtaining
25 and maintaining eye contact. There are a lot of people

1 who have limited vision but they're not blind. They
2 just have, for example, only peripheral vision. They
3 may be looking at me, I'm looking at Paul, this is
4 direct eye contact for some people. If I was looking
5 at Paul and had only peripheral vision, all I would be
6 seeing is the side of the room. A lot of interviewers
7 would consider that to be adverse behavior and say this
8 person can never deal with customers. Understanding
9 that difference and working with people through the
10 hire process is something that we work very hard at.
11 In addition to that we publish and advertise, if you
12 will, to the greatest extent possible the fact that we
13 are willing to provide accommodations throughout the
14 application process. That includes letting people know
15 that we offer our application forms, job descriptions,
16 what other information we may want to provide in our
17 organization in alternative formats. We specify
18 braille, large print, tape and computer diskette but we
19 also identify others because there are sometimes other
20 alternative formats that work for certain individuals
21 far better than any of those and we don't want to
22 exclude anyone. We also advertise that that type of
23 accommodation is available in the interview and hiring
24 process. For example, if someone wants an application
25 to apply for a position with our organization, they can

1 get that application in any type of format that we come
2 up with that will work with that person. They can take
3 it home, they don't have to fill it out in office.
4 They can fill it out in our office with assistance that
5 we will provide. For example, if someone has
6 difficulty in reading those little boxes or in writing
7 in those little boxes for someone who hasn't
8 experienced it. We also will allow and encourage
9 people if they will be more comfortable to have someone
10 else assist in that process. A family member, a
11 friend, current co-worker, whatever. We try to make it
12 as open and flexible as possible. I think one of the
13 keys to employment for people with disabilities is
14 flexibility. Then, of course, when you hire someone
15 the real fun begins figuring out what is the most
16 appropriate set of accommodations to enhance that
17 person's productivity and to ensure that they are able
18 to perform successfully the position for which they
19 have been hired. Again, a majority of those folks that
20 I work with are people who experience a variety of
21 disabilities. We've got a lot of life experience in
22 figuring out how to accommodate various impairments,
23 but quite frankly, we rely first and foremost of the
24 individuals who is hired. Because most often that
25 person knows what they need and how to get it and how

1 to make it work better. We do, however, find ourselves
2 most frequently in situations of having to work in
3 teams. Two heads are better than one and sometimes
4 three or four are really stupendous. In addition;
5 however, what we have found over the years is that,
6 especially with a work force that is as unique as ours,
7 sometimes an accommodation that really supports the
8 efforts of one individual, can become a barrier to the
9 efforts of other. A simple example I can give you is
10 that I have a person in my staff who experiences
11 neuromuscular disorder that's progressing and she has
12 difficulty in maintaining body temperature that is
13 comfortable. Especially in the winter time, she loses
14 body heat very quickly and has to go through a warming
15 up. She made a request that we increase the timed
16 thermostat in the office, throughout the office, by two
17 to five degrees in the winter time at all times. Well,
18 we've already cranked it to about as high as most
19 people can stand to accommodate her and another person
20 who has a circulatory disorder but what she really
21 wanted was to have it ten degrees higher which is a lot
22 to ask of other people, but it really got to be a
23 problem because we also had a person on our staff who
24 experiences an uncontrolled seizure disorder which is
25 exacerbated by high temperature. If we were to crank

1 that thermostat even two degrees, we would have person
2 having seizures left and right, day in and day out.
3 Whereas at the moderate temperature that we've been
4 able to maintain that hasn't been a major issue for him
5 in performing his duties. What we came up with was one
6 of those super high powered electric space heaters for
7 the first employee's office. She keeps her office
8 pretty much year round now, at what for her is a very
9 comfortable 85 degrees. There's no way we were going
10 to crank the thermostat to 85 degrees but with a small
11 space heater that works well, she's able to maintain an
12 environment that works for her and the rest of us are
13 able to maintain an environment that works for us. So
14 those kind of creative working alternatives and
15 considering what options are available, it's certainly
16 something that we've had to do. It's not rocket
17 science. Basically it cost us about \$40. We've been
18 able to come up with ways to do things like that. We
19 have those long handled gadgets that have a clamp at
20 one hand a crowbar or handlebar at the other end, you
21 reach down to the floor and pick it up. We consider
22 the greatest handicap in our office to be gravity
23 because we are always dropping things. Major users of
24 magnets because it's easier to stick it into something
25 or on to something if you need a push pin. Lots of

1 things like that. Our purchase of office supplies
2 takes into consideration accommodations. That's not
3 hard to do and it doesn't cost us anymore than it would
4 any other office other than perhaps we use less because
5 people really don't want to run out of the right size
6 sticky notes. I think people tend to be conservative
7 and they appreciate the fact that we make that effort.
8 I want to rap up I think. One of the things that
9 certainly the organization that I work with and spend a
10 great a deal of time doing is trying to education
11 employers on these issues. I also provide employment
12 assistance to people with significant disabilities and
13 through that process we have the opportunity to do a
14 lot of educating. We do things like go into places of
15 employment and go through the listing of available job
16 opportunities and if we can identify a single function
17 of a single job that a person with a very significant
18 disability could perform and we will then begin
19 negotiations with an employer if they will carve out
20 that single function and look at how many other job
21 descriptions that function is in. Put them together to
22 create a job for an individual who may only really be
23 able to perform one function. But can do that and do
24 that well and relieve responsibilities from a number of
25 other people. There are really some creative ways that

1 give employers, let them know that there are lot of
2 centers doing that, but I don't think without the EEOC
3 and the Civil Right Commission we can encourage
4 employers to be a little more creative in the way that
5 they look at opportunities for folks with disabilities.
6 Paul, I had one other thing. The last page of my
7 handout has a series of bullet points that just give
8 you some examples of other creative ways that I have
9 assisted people with disabilities, primarily through
10 independent living and achieving those goals.

11 MR. CHASE: I wanted to ask you first
12 of all, I know you've been here before to talk about in
13 the context of OFCCP and affirmative action compliance,
14 first of all if you would tell us to what extent do you
15 find employers in the context of affirmative action
16 coming to your agency to look for people might be able
17 to work companies and also in the current climate have
18 you seen a decline in those kinds of, if that even
19 existed in the past, have you seen any kind of change
20 because of the current debates over affirmative action?

21 MS. GRIFFIN: Actually, it's gone the
22 other way, Paul. It's encouraging but I think that has
23 a lot to do with the activities that we have kicked out
24 to this community. We have established a very cordial
25 working relationship with the Equal Employment

1 Opportunity Commission with the State of Indiana and
2 with our state's Civil Rights Commission and we also
3 provide specific training and technical assistance on
4 the American's Disability Act and other related civil
5 right legislation. We are frequently called upon in
6 disputes either to mediate those disputes to assist in
7 providing or creating accommodations, providing
8 sensitivity training if you will and we have negotiated
9 on pretty regular basis the opportunity for our
10 organization to be used as a recruitment site for
11 employers who have been cited for less than stealer
12 hiring practices. Our fax machine fills up on a pretty
13 regular basis every Monday with postings that come to
14 us specifically because employers who we have found to
15 be less than totally open to some applicants, are now
16 required to post their job listing with us. What we've
17 tried to do is opposed to use that hammer, is every
18 time something comes through and I think we might be
19 able to help someone is to get back to that employer
20 and say okay, tell us a little more about this job, how
21 can we help you. Maybe we can connect you with some
22 other organization or group that might really have good
23 candidates for you and so we try to build that into a
24 positive working relationship and that has been
25 growing. Again, I think that has to do with our being

1 out there and pushing. I really see a lot of
2 opportunities.

3 MR. NORMAN: Do you in the hiring, if
4 I'm going to look at them as people with needs, are
5 they going to be dealt options with personal business,
6 that type of thing? How do the employers respond to
7 that? Do they use that as kind of, well, here you go.
8 Is it going to be a problem and as a way to get out of
9 hiring this person; do you run into that much?

10 MS. GRIFFIN: Unfortunately quite a
11 bit. As I mentioned in the paper, there are still
12 tremendous myths and stereotypes and fears about people
13 with disabilities. If you can just imagine a gentlemen
14 in his mid-40's and he wheels into a personnel office
15 for an interview with his power wheelchair that is
16 driven by a mechanism in which he blows and sucks
17 through a straw to control the wheelchair, he's got his
18 respirator attached on the back that goes through a
19 trach in his throat which impairs his speech. That is
20 not someone a typical employer is going to jump at as a
21 person you need to have in a, for example, critical
22 decision making post where the person has to be count
23 upon on a regular basis. Because the perception is
24 this is a person who is sick. When, in fact, I just
25 described someone who is a police dispatcher for Marion

1 County and he is very, very effective in his job. He
2 was police officer before he acquired all this
3 technology so he had a wheel, if you will, in the door.
4 Had that not been the case, I'm not sure that he would
5 have been selected for the position. And it's based
6 on stereotypes. Certainly not on this man's abilities.
7 In this case the outcome was good. That is also true
8 for people that have communication disorders. A lot of
9 people assume that because you can't talk on the phone
10 or because you can't make eye contact or whatever, your
11 speech is somewhat difficult to understand, that you're
12 not capable of hiring technical positions because they
13 assume that that difference in communication also is
14 intelligence. It's not necessarily so.

15 MR. NORMAN: But once it falls and they
16 have these needs, do people from the companies come
17 back to you and say look, this isn't working out
18 because this person has to be off this time and that
19 time whereas if I were that person, fortunately I don't
20 have any special contributors, I would probably be
21 approved to be off. I'm wanting to know, are people,
22 do you get them positions and then down the road find
23 that these people are let go because it just didn't
24 work out, it's too awkward for them?

25 MS. GRIFFIN: We try to intervene

1 before that happens. But that type of issue does come
2 up. One of the things that we try very hard to do in
3 working with people who give us employment is to work
4 with them to ensure that and negotiate up front. All
5 right, here's your policy on sick leave and other time
6 off. Here are my needs. I may need to have some
7 flexibility within that policy, is that something that
8 you as an employer can reasonably provide to me. If
9 so, then you get it in writing and then that doesn't
10 become such an issue. At least it doesn't become
11 crisis, the negotiation process is a very different
12 thing. I think the final point that you're really
13 getting at, is employers are quite predictable. They
14 are quite frequently afraid that a person with a
15 disability is going to be sick or away more than a
16 person who doesn't have a visible disability and that's
17 a myth. That is clearly, truly a myth.

18 MR. GRADISON: I work for the state now
19 and there's a extraordinarily high percentage of
20 disabled workers there and so I can see that. I happen
21 to be one of them that is accomplished but there are a
22 various disabilities and they're there everyday and
23 they don't seem to miss work and I've not been that
24 atmosphere before. I haven't seen as much in the
25 private realm as they do the in the government realm.

1 It is a substantial number and it's something that I
2 wish everybody can see and it's very impressive indeed.
3 How they have managed to develop the equipment,
4 machinery and it's developed in such a way that it is
5 customized specifically for this position as you were
6 saying earlier because this particular position because
7 their chin or their head to have the same movement all
8 day. That, you understand, government has that kind of
9 commitment, the laws are on the books. As Paul said
10 earlier and made reference to was all this talking
11 about compliance officers ensuring those people are
12 protected by ADA and civil rights legislation. What's
13 going to happen, what kind of impact that's going to
14 have. You fear that's going to happen.

15 MS. GRIFFIN: Yes, we fear that's going
16 to happen. If we loose the tools that we have now, we
17 could be in very serious jeopardy.

18 MR. NORMAN: Well, the tools are people
19 to enforce.

20 MS. GRIFFIN: Not just those. I think
21 the basic civil rights are at risk. The basic legal
22 support, not the enforcement, just the law are at risk
23 at this point in time. It's going to be an uphill
24 battle. I think it's something that we're going to
25 have to work very hard to continue to prove that for

1 people with disabilities, for women, for minorities,
2 for whoever, the only way we really make America work
3 is to make all Americans welcome and contribute to
4 society and we can't loose site of that.

5 MR. CHASE: When you were talking about
6 representation on your board and in your organization,
7 I always think about those forms of American
8 Disabilities Act, particularly Title I and it's
9 prohibition about asking perspective employees about
10 whether they have a typical disability. How do you
11 reconcile those conflicting issues and how do you tell
12 employers that are looking to employee people with
13 disabilities but yet pure liability if they start
14 asking people, are you disabled?

15 MS. GRIFFIN: Well, again, I think we
16 have an advantage in that when someone comes to our
17 door to apply we tell them who we are and in our
18 advertising for position we include two criteria. One
19 is that personal experience with a disability is
20 required. That is a qualification for employment in my
21 organization. That doesn't mean you have to have a
22 disability, but that means you have to have experience,
23 personal experience, whether it's working with someone
24 with a disability, a family member, a grandmother, a
25 neighbor, you need to have some personal connection

1 with a person who has a disability. Exactly, that's
2 what we're getting at. The second line that we put in
3 is not qualification and that is preference will be
4 given to people who experience disabilities. It is to
5 a person's advantage, quite honestly, to identify
6 themselves as having a disability. Now I know in the
7 paper that I have found myself more than once in an
8 interview where I've had to redirect the applicant by
9 saying, I appreciate your forthrightness; however, the
10 discussion of disability related information is not
11 what we're here about today. We're talking about why
12 you were interested in this position and what
13 qualifications and experience you bring to it and just
14 basically having to cut people off if when they say, I
15 have this disorder, etcetera. I don't want to know all
16 that, I'm not interested in all of that, that is
17 irrelevant. I want to know about the person's
18 qualifications and abilities and that is a fine line to
19 walk. I think it is something that you just learn from
20 experience.

21 MR. CHASE: It seems to me that a lot
22 of those issues could be resolved just in the way that
23 you advertise your position, your job qualifications.

24 MS. GRIFFIN: We've tried that out,
25 talking with the EEOC and they have told us that

1 affirmative recruitment is not illegal. If you say you
2 want people who have disabilities, that is not illegal
3 as long as you don't say non-disabled people may not
4 apply. Now that, we could get into trouble there. But
5 the affirmative statement, seeking people who
6 experience disabilities.

7 MS. BRITA: In your education on ADA
8 and things like that, is that more like a one on one
9 basis where you're trying to inform a prospective
10 employer or do you reach larger groups of people?

11 MS. GRIFFIN: We do both and pretty
12 much everything in between. We offer regular schedule
13 training, public, if you will, we will go and design a
14 specific training or information program for an
15 employer or a community or a business group. We will
16 go and provide technical assistance to an individual
17 and then in our work to assist people, we work with in
18 main employment we will go out and seek employers who
19 may have positions that we have individuals goals and
20 desires and work with them to educate them about the
21 potential of this person in terms of their possible
22 candidacy. So it pretty much covers the spectrum.

23 MS. BRITA: Are you the only such
24 institution in the State of Indiana?

25 MS. GRIFFIN: No, there are three

1 others. There's one called Attic, Active Technology
2 Through Information something. There is a second one
3 in Ft. Wayne, Indiana that's called ACLD, independent
4 living center. It was formerly the Allen County League
5 for the Blind. There's been a charitable organization
6 there for years and they've expanded their services for
7 people with all kinds of disabilities. And the fourth
8 one is in Maryville, Indiana. There is a group forming
9 as well in Batesford, Indiana it will be for
10 independent living in southern Indiana.

11 MR. GRADISON: As I understand earlier,
12 there is a very high percentage and what concerns me is
13 that they can't find jobs in the private realm even
14 though they are able to do jobs that private companies
15 would have and since there are a number of people who
16 do have these disabilities and share your experience
17 with barriers in private companies, they can do that.
18 Most private companies on my floor at work and watch
19 these people that they have the same activity, the same
20 number go out the door and so on and these people with
21 wide range of disabilities as imaginable. The gift
22 shop at the entire base of the building are hearing and
23 visibly impaired. I have been exposed and it would
24 really be something for private employers to see how
25 well these people do and there's no concession granted

1 to them except maybe an elevator here or something, but
2 basically they do it in the single productivity. How
3 do you do that?

4 MS. GRIFFIN: Well, again, I think we
5 have an advantage in joining my staff from personal
6 experience, a variety of disabilities and we go out and
7 talk to employers. I mean, very professional people.

8 MR. GRADISON: How do you get into the
9 work place?

10 MS. GRIFFIN: We go to them but we also
11 bring them to our organization's office. To give you
12 an example, our job developer, that's his job, he's
13 blind and gets a lot of jobs that way because he
14 intimidates people. They can't believe that this blind
15 guy is in here saying I want you to consider my guy
16 here for this job and I know he's qualified and here
17 are the reasons. But there is a sales pitch that comes
18 with that and just as you said, if people could see the
19 folks in the state work force. But, you know, Michael,
20 there are several factors involved with state
21 employment that are problematic for private insurers.
22 Number one is health insurance. Because the state is
23 such a large pool, they can offer good, quality health
24 care even to people with pre-existing conditions. We
25 have not addressed the health care issue in this

1 country and quit frankly the greatest impediment to
2 employment for people with disabilities remains the
3 lack of access to health care. Most people with
4 significance disabilities cannot afford to go to work
5 because they can't afford to loose their health care.
6 Like me, I can never be insured since I was 21 years
7 old. I pay for insurance, I have all that good stuff
8 but it totally excludes everything related to my
9 disability. Guess where are all of my expenses are and
10 that's true for a number of members of my staff. I
11 cannot buy health insurance for them. So I have a lot
12 of people who work part time in order to maintain their
13 government benefits which is the only that they can
14 afford to work and that's the issue. But the state
15 because of the large pool.

16 MR. GRADISON: I've got no where else
17 to go.

18 MS. GRIFFIN: That's another issue. An
19 issue we want to take one. I sure would like to hear
20 about it.

21 MR. CHASE: Thank you very much, we
22 appreciate your presentation and also the submission of
23 your paper. We're going to take a break and we'll have
24 public forum for the public session.

25

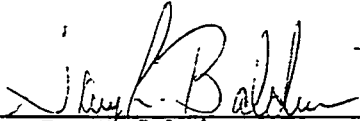
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C E R T I F I C A T E

STATE OF OHIO)
) SS.
COUNTY OF HAMILTON)

I do hereby certify that the attached proceeding before the U.S. Commission on Civil Rights, was taken by Reporter Colleen Childers and transcribed under my supervision into typewriting and that this transcript is a true and accurate record of said proceeding.

IN WITNESS WHEREOF, I hereunto set my hand and official seal of office, at Cincinnati, Ohio, this 28th day of April, 1996.



Gary L. Baldwin
Notary Public,
State of Ohio

My commission expires:
March 3, 1998