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CIVIL RIGHTS COMMISSION AUTHORIZATION
ACT OF 1976



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HEARING

BEFORE THE

SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

NINETY-FOURTH CONGRESS

SECOND SESSION

ON

S. 2288, H.R. 8957, and S. 1834

APRIL 12, 1976

Printed for the use of the Committee on the Judiciary



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WASHINGTON : 1976

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CIVIL RIGHTS COMMISSION AUTHORIZATION ACT OF 1976

MONDAY, APRIL 12, 1976

U.S. SENATE,
SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, in room S-126 of the Capitol, Hon. Hugh Scott, presiding.

Present: Senator Scott.

Staff present: Jane L. Frank, chief counsel; Ben Dixon, professional staff member; Ken Davis, administrative assistant to the minority leader; Lydia S. Greig, chief clerk; and Joseph Allen, subcommittee clerk.

Senator SCOTT. The subcommittee will come to order.

OPENING STATEMENT OF HON. HUGH SCOTT. A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

I have been asked to hold this hearing because Senator Tunney, the chairman of the subcommittee, is unable to be present.

At the end of my remarks, without objection, I will include the remarks of Senator Tunney. I am presiding as the ranking minority member of the Subcommittee on Constitutional Rights.

Today we begin hearings on S. 2288 and its companion bill H.R. 8957 to raise the authorization for the U.S. Commission on Civil Rights.

The Senate bill, which I introduced on September 4, 1975, is the first authorization increase in the Commission's budget since 1972.

It provides an additional \$843,000 for the present fiscal year; \$1,975,000 more for the transition quarter between July 1 and September 30, 1976; and an annual sum of \$10,276,000 for the fiscal years 1977 and 1978.

Since I introduced this bill, appropriations for this fiscal year have already passed the Congress and been signed into law by the President. But the congressional budget process and the 1957 Civil Rights Act require us also to raise the authorization limitation in order to assure that the increase in appropriation can last beyond this fiscal year.

The Commission needs more money. Since 1957, it has produced a wealth of information particularly useful to this subcommittee and to the public.

During our recent consideration of the 1975 Voting Rights Act amendments, the Commission's publication—"The Voting Rights Act, Ten Years After"—provided much of the information on which we based our decision to extend and expand the act's protections.

Now that the amendments have become law, we expect that the Commission will do even more to assure that groups now covered by the Act will learn about and utilize bilingual assistance and materials to enable them to exercise their franchise effectively.

I understand that the Commission is planning educational seminars in several States on the new bilingual assistance provisions of the Voting Rights Act. I applaud this effort, and urge that it be made a higher priority and that more funds be expended on it.

In another area, the Commission has focused extensively on discrimination in education. Among other things, it has prepared a series of reports on the aftermath of *Brown v. Board of Education*.

This year, it is undertaking an in-depth study of desegregation in public schools and the effects of busing. I welcome a dispassionate look at this explosive subject.

The Congress and the nation owe a great debt to the Commission for its many efforts in the civil rights field. At last count, 60 percent of the Commission's recommendations have resulted in legislation.

Since the Commission's workload has increased substantially in the last several years, especially during the past year, I believe that legislation to raise the authorization limitation is clearly justified.

Just recently, the House passed H.R. 8957, raising the authorization in differing amounts and for differing times than those found in S. 2288. I have asked today's witness to address both bills, and, if there is no objection, will insert both of them in the record at this point.

[The bills referred to follow:]

94TH CONGRESS
1ST SESSION

S. 2288

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 4, 1975

Mr. HUGH SCOTT introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To raise the limitation on appropriations for the United States Commission on Civil Rights.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Civil Rights Commission
4 Authorization Act of 1975".

5 SEC. 2. Section 106 of the Civil Rights Act of 1957
6 (42 U.S.C. 1975e; 71 Stat. 639), as amended, is further
7 amended to read as follows:

8 "Sec. 106. For the purposes of carrying out this Act,
9 there is hereby authorized to be appropriated for the fiscal
10 year ending June 30, 1976, the sum of \$7,843,000, and for
11 the period beginning July 1, 1976, and ending September 30,

1 1976, the sum of \$1,975,000, and for each fiscal year there-
2 after through the fiscal year ending September 30, 1978,
3 the sum of \$10,276,000 and such additional amounts for
4 those fiscal years and period prior to October 1, 1978, as
5 may be necessary for increases in salary, pay, retirement,
6 and other employee benefits authorized by law which arise
7 subsequent to the date of enactment of the Civil Rights Com-
8 mission Authorization Act of 1975.”.

91TH CONGRESS
2^D SESSION

H. R. 8957

IN THE SENATE OF THE UNITED STATES

APRIL 6, 1976

Read twice and referred to the Committee on the Judiciary

AN ACT

To raise the limitation on appropriations for the United States Commission on Civil Rights.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Civil Rights Commission
4 Authorization Act of 1976".

5 SEC. 2. Section 106 of the Civil Rights Act of 1957 (42
6 U.S.C. 1975e) is amended to read as follows:

7 "SEC. 106. For the purposes of carrying out this Act,
8 there is hereby authorized to be appropriated for the fiscal
9 year ending June 30, 1976, the sum of \$7,893,000, and for
10 the period beginning July 1, 1976, and ending September 30,
11 1976, the sum of \$1,993,000, and for the fiscal year ending

II

1 September 30, 1977, the sum of \$9,540,000, and such addi-
2 tional amounts for those fiscal years and period prior to
3 October 1, 1977, as may be necessary for increases in salary,
4 pay, retirement, and other employee benefits authorized by
5 law which arise subsequent to the date of the enactment of the
6 Civil Rights Commission Authorization Act of 1976.”

Passed the House of Representatives April 5, 1976.

Attest: EDMUND L. HENSHAW, JR.,
Clerk.

Senator SCOTT. Our witness today will be Dr. Arthur Flemming, Chairman of the U.S. Commission on Civil Rights.

I understand a statement will be submitted by Mr. Manuel Fierro, of the National Congress of Hispanic-American Citizens, who is unable to be present today. When submitted it will be inserted, without objection, following the statement of Dr. Flemming.

Senator Tunney, the chairman of the subcommittee, asked that I insert his statement in the record at this point as he is unavoidably absent today.

Without objection, this will be done.

[The statement referred to follows:]

OPENING STATEMENT OF HON. JOHN V. TUNNEY, A U.S. SENATOR FROM THE STATE OF CALIFORNIA; CHAIRMAN, SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS

Senator TUNNEY. As the Subcommittee on Constitutional Rights begins its hearings on raising the limitation on appropriations for the U.S. Commission on Civil Rights, I would like to express my thanks to the Commission for its invaluable support during the consideration of the Voting Rights Act extension of 1975 and for its generally magnificent effort in the whole field of civil rights.

I join with Senator Scott in supporting the increase in the appropriations for the Commission. The Commission has done much with a relatively small budget. Judging from the evidence of its publications, it has shown impeccable scholarship. The Commission's series on Federal civil rights enforcement efforts, its attention to the problems of Indians, its report on Asian-American and Pacific peoples, its publication on bilingual-bicultural programs, its definitive work on voting rights—"The Voting Rights Act—Ten Years After," its desegregation series, and its legal treatise entitled "Constitutional Aspects on the Right to Limit Child Bearing," are some of the works that have moved us toward a more equitable society.

I have one suggestion with respect to future priorities: more attention should be paid to the expansion of the Voting Rights Act to protect language minorities was in large part predicated on the existence, and even increase, of discriminatory feeling against this group. It is my belief that bigotry does not stop at the polling place and needs to be rooted out from all parts of society. It is critically important that the Commission devote resources to educating minority groups on how to participate effectively in the election process. Information on this subject as part of a full study of discrimination against Mexican-Americans, would be of invaluable help to this subcommittee, the Congress, and the President.

In sum, I look forward to your continued work and continued excellence.

Senator SCOTT. I would like to request the statement or statements be summarized, if possible, in about 10 minutes. The subcommittee will be glad to accept a lengthier written statement which will be inserted in the record following the remarks.

As there are no other opening statements, we will proceed accordingly.

Dr. Flemming, we are delighted to welcome you here.

Would you like first to introduce those who are with you?

STATEMENT OF ARTHUR S. FLEMMING, CHAIRMAN OF THE U.S.
COMMISSION ON CIVIL RIGHTS

ACCOMPANIED BY:

JOHN BUGGS, STAFF DIRECTOR;
LOUIS NUNEZ, DEPUTY STAFF DIRECTOR;
BERT SILVER, DIRECTOR OF MANAGEMENT;
JOHN BIRKLE, BUDGET OFFICER; AND
WILLIAM BLAKEY, DIRECTOR, CONGRESSIONAL LIAISON

Dr. FLEMMING. John Buggs accompanies me, the staff director of the Commission on Civil Rights. There are other members of the staff here and John will introduce them and identify their positions for the record.

Mr. BUGGS. Mr. Louis Nunez, the deputy staff director; Mr. Bert Silver, the director of our office of management; John Birkle, our budget officer; and William Blakey, our congressional liaison director.

Senator SCOTT. Thank you.

Go right ahead.

Dr. FLEMMING. Senator Scott: first of all, on behalf of my colleagues I would like to take note of the fact that this may very well be the last time that we will have the opportunity of appearing before you. I want to express on behalf of my colleagues our very deep appreciation for the support that you have provided the U.S. Commission on Civil Rights, but more especially, the support that you have provided the civil rights movement during your long period of service in the Congress of the United States. We are all deeply indebted to you.

Senator SCOTT. Thank you; I appreciate that.

Dr. FLEMMING. On a more personal note, I have had the privilege of being associated with you in a number of capacities over the years and I just want to say it has meant a great deal to me to have the opportunity of working with you.

Senator SCOTT. Thank you very much. Dr. Flemming. I will be sorry that these opportunities are ending, but I am sure my successor will be someone who is and will be very deeply committed to civil rights legislation and civil rights actions.

Dr. FLEMMING. I am very pleased to have the opportunity this morning of discussing with you the two bills which would raise the limitation on appropriation of the Commission on Civil Rights and provide an increased authorization through fiscal 1977—this is the case of H.R. 8957—and fiscal 1978, as provided for under S. 2288.

I would like to request that the Commission's request for appropriation for the 2 fiscal years covered by H.R. 8957 be included in the record as they will provide the factual information on what we have done and the fiscal justification for the requested amounts.

Senator SCOTT. Without objection, that will be done. Do you have an extra copy?

Mr. BUGGS. Yes.

Senator SCOTT. Give it to the reporter.

[The document referred to follows.]

Commission on Civil Rights Request
for Appropriation—Fiscal Year 1977

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For expenses necessary for the Commission on Civil Rights,
including hire of passenger motor vehicles, [\$7,700,000] \$9,540,000.

[For "Salaries and expenses" for the period July 1, 1976, through
September 30, 1976, \$1,925,000.]

(Departments of State, Justice and Commerce, the Judiciary,
and Related Agencies Appropriation Act, 1976.)

STANDARD FORM 300-T
June 1976, Office of Management and Budget
Circular No. A-11, Revised.

COMMISSION ON CIVIL RIGHTS
SALARIES AND EXPENSES

PROGRAM AND FINANCING (in thousands of dollars)

Identification code	19 75 actual	19 76	19 estimate	19 77 estimate
30-36-1900-0-1-751				
Program by activities:				
1. Non-legal reports and studies.....	1,345	1,539	393	1,609
2. Hearings, legal reports and studies.....	780	853	217	1,271
3. State advisory committee and community programs...	2,583	2,823	723	3,081
4. Liaison and information dissemination.....	587	647	162	728
5. Federal program evaluation and complaints.....	840	976	246	1,004
6. National issues and conferences.....	142	366	93	475
7. Basic civil rights research and Clearing-house Library.....	546	689	159	825
8. Age discrimination programs.....	...	...	...	547
Total program costs, funded 1/.....	6,823	7,893	1,993	9,540
Change in selected resources (undelivered orders).....	166	...	...	...
10 Total obligations.....	6,989	7,893	1,993	9,540
Financing:				
25 Unobligated balance lapsing.....	11	...	...	...
Budget authority.....	7,000	7,893	1,993	9,540
Budget authority:				
40 Appropriation.....	7,000	7,700	1,925	9,540
44.20 Supplemental now requested for civilian pay raises.....	...	193	68	...
Relation of obligations to outlays:				
71 Obligations incurred, net.....	6,989	7,893	1,993	9,540
72 Obligated balance, start of period.....	686	733	706	434
74 Obligated balance, end of period.....	-733	-706	-434	-530
77 Adjustments in expired accounts.....	-22	...	...	...
90 Outlays, excluding pay raise supplemental.....	6,920	7,737	2,194	9,437
91.20 Outlays from civilian pay raise supplemental.	...	183	71	7
1/ Includes capital outlay as follows: 1975, \$47 thousand; 1976, \$15 thousand; TQ, \$0; 1977, \$23 thousand.				
(Mono cast: 22.18)	(Mono cast: 8.9)	(Mono cast: 5.9)	(Mono cast: 8.9)	(Mono cast: 8)

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

Narrative Statement on Program and Performance

1. Non-legal Reports and Studies--Studies concerning areas in which there may be civil rights denials are conducted and reports issued with recommendations to the President and the Congress.

Number of Publications

	<u>1975 Actual</u>		<u>1976 Estimate</u>		<u>TQ Estimate</u>		<u>1977 Estimate</u>	
	<u>Begun</u>	<u>Completed</u>	<u>Begun</u>	<u>Completed</u>	<u>Begun</u>	<u>Completed</u>	<u>Begun</u>	<u>Completed</u>
Employment.....	1	-	1	1	1	-	-	1
Education.....	1	2	-	2	1	-	-	-
Economic Development.....	-	2	-	1	-	-	-	-
Housing.....	-	-	-	1	-	-	-	-
Voting.....	1	1	-	-	-	-	-	1
Administration of Justice.....	-	-	-	-	-	-	-	-
Other.....	1	1	1	1	-	-	3	3
Total	4	6	2	6	2	-	3	5

2. Hearings, Legal Reports and Studies--Hearings are conducted by the Commissioners to investigate and obtain information about civil rights denials. Legal and quasi-legal studies are conducted and reports issued with recommendations to the President and the Congress.

Number of Publications

<u>Publications by Subject</u>	<u>1975 Actual</u>		<u>1976 Estimate</u>		<u>TQ Estimate</u>		<u>1977 Estimate</u>	
	<u>Begun</u>	<u>Completed</u>	<u>Begun</u>	<u>Completed</u>	<u>Begun</u>	<u>Completed</u>	<u>Begun</u>	<u>Completed</u>
Hearing Reports.....	1	-	-	2	-	-	4	2
Hearing Staff Papers.....	1	1	-	-	-	-	5	5
Hearing Transcripts.....	2	4	3	1	-	-	5	4
Other.....	2	3	-	1	-	-	-	-
Total	6	8	3	4	-	-	14	11

Hearings

<u>1975 Actual</u>		<u>1976 Estimate</u>		<u>TQ Estimate</u>		<u>1977 Estimate</u>	
<u>No.</u>	<u>Days</u>	<u>No.</u>	<u>Days</u>	<u>No.</u>	<u>Days</u>	<u>No.</u>	<u>Days</u>
2	12	3	9	-	-	5	17

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3. State Advisory Committee and Community Programs--State Advisory Committees hold conferences, open and closed meetings and issue reports to gather and disseminate information about civil rights problems. Programming to implement Commission recommendations and to provide solutions to civil rights problems is maintained.

Selected Workload Factors

	<u>1975 Actual</u>	<u>1976 Estimate</u>	<u>TQ Estimate</u>	<u>1977 Estimate</u>
State Advisory Committee Planning				
Meetings.....	186	190	47	195
State Advisory Committee Special Work				
Assignments.....	34	40	10	50
State Advisory Committee Factfinding				
Meetings.....	17	20	4	25
State Advisory Committee Closed or				
Executive Meetings.....	4	5	1	10
State Advisory Committee Conferences....	15	20	5	20
State Advisory Committee Reports.....	26	20	5	20
National State Advisory Committee				
Conference.....	-	1	-	1

4. Liaison and Information Dissemination--The Commission uses publications, films, liaison with private and public groups, the media, and a variety of other techniques to provide civil rights information to those who have rights, those who have responsibilities to comply with Federal civil rights laws and policies, those who implement these laws and policies and the general public.

Selected Workload Factors

	<u>1975 Actual</u>	<u>1976 Estimate</u>	<u>TQ Estimate</u>	<u>1977 Estimate</u>
Issues of Civil Rights Digest.....	5	4	1	4
Publications.....	2	2	1	2
Spanish Translations.....	✓	✓	✓	✓
Liaison.....	✓	✓	✓	✓
Exhibits.....	✓	✓	✓	✓
Internal Newsletter.....	✓	✓	✓	✓
External Newsletter.....	-	-	-	✓

5. Federal Program Evaluation and Complaints--Programs of Federal agencies are appraised for compliance with civil rights laws to determine whether their benefits reach all groups equitably. Complaints which allege discrimination are received from the public and referred to Federal agencies having jurisdiction.

Selected Workload Factors

	<u>1975 Actual</u>		<u>1976 Estimate</u>		<u>TQ Estimate</u>		<u>1977 Estimate</u>	
	<u>Begun</u>	<u>Completed</u>	<u>Begun</u>	<u>Completed</u>	<u>Begun</u>	<u>Completed</u>	<u>Begun</u>	<u>Completed</u>
Publications.....	-	4	-	3	1	-	1	-
	<u>1975 Actual</u>		<u>1976 Estimate</u>		<u>TQ Estimate</u>		<u>1977 Estimate</u>	
Complaints.....	1,926		2,000		500		2,000	

6. National Issues and Conferences--Current civil rights issues are examined and monographs, statements or reports are prepared dealing with the issues. Conferences are held in connection with Commission projects or to provide liaison with private and public civil rights agencies.

Selected Workload Factors

	<u>1975 Actual</u>	<u>1976 Estimate</u>	<u>TQ Estimate</u>	<u>1977 Estimate</u>
Publications.....	1	7	1	12
Conferences and Consultations.....	4	2	1	2

7. Basic Civil Rights Research and Clearinghouse Library--Basic civil rights research in the cases of discrimination is conducted. Technical assistance in research methodology is provided to ongoing Commission studies. A library, to support research, studies, hearings, conferences, and other Commission activities is maintained.

Selected Workload Factors

	<u>1975 Actual</u>		<u>1976 Estimate</u>		<u>TQ Estimate</u>		<u>1977 Estimate</u>	
	<u>Begun</u>	<u>Completed</u>	<u>Begun</u>	<u>Completed</u>	<u>Begun</u>	<u>Completed</u>	<u>Begun</u>	<u>Completed</u>
Publications.....	-	1	4	2	-	1	1	1
Seminars and Colloquia.....	✓				✓			✓
Technical Assistance.....	✓				✓			✓
Library.....	✓				✓			✓

8. Age Discrimination Programs--Hearings are conducted and a study undertaken to make recommendations to the President and the Congress concerning unreasonable discrimination because of age.

Selected Workload Factors

	<u>1975 Actual</u>	<u>1976 Estimate</u>	<u>TQ Estimate</u>	<u>1977 Estimate</u>
Hearings.....	-	-	-	3
Reports.....	-	-	-	1

STANDARD FORM 304-T
 June 1975, Office of Management and Budget
 Circular No. A-11, Revised.
 304-103T

**COMMISSION ON CIVIL RIGHTS
 SALARIES AND EXPENSES**

OBJECT CLASSIFICATION (in thousands of dollars)

Identification code	19 75 actual	19 76 estimate	19 77 estimate	19 77 estimate
30-36-1900-0-1-751				
Personnel compensation:				
11.1 Permanent positions.....	4,181	4,769	1,244	5,074
11.3 Positions other than permanent.....	278	303	84	668
11.5 Other personnel compensation.....	49	51	5	61
11.6 Special personnel services personnel				
Total personnel compensation.....	4,508	5,123	1,333	5,803
Personnel benefits:				
12.1 Civilian.....	374	425	110	496
12.2 Benefits for former personnel				
21.0 Travel and transportation of persons.....	428	476	115	754
22.0 Transportation of things.....	9	10	2	11
23.0 Rent, communications, and utilities.....	717	861	203	1,007
24.0 Printing and reproduction.....	247	351	85	530
25.0 Other services.....	367	496	111	751
26.0 Supplies and materials.....	126	136	34	165
31.0 Equipment.....	47	15	...	23
32.0 Construction				
33.0 Information and library				
34.0 Contractual services and other purchases				
35.0 Depreciation charges and bad debts				
36.0 Research and development				
37.0 Grants				
Total costs funded.....	6,823	7,893	1,993	9,540
94.0 Change in selected resources.....	166	...	...	...
99.0 Total obligations.....	6,989	7,893	1,993	9,540

(Mono cast: 22.13)

(Mono cast: 6.9)

(Mono cast: 6.9)

(Mono cast: 6.9)

(Mono cast: 5)

STANDARD FORM 300-T
 June 1975, Office of Management and Budget
 Circular No. A-11, Revised.

**COMMISSION ON CIVIL RIGHTS
 SALARIES AND EXPENSES
 PERSONNEL SUMMARY**

Identification code 30-36-1900-0-1-751	19 75 actual	19 76 estimate	19 70 estimate	19 77 estimate
Total number of permanent positions.....	263	280	...	288
Full-time equivalent of other positions.....	21	22	...	41
Average paid employment.....	261	279	...	315
Average GS grade.....	10.00	10.14	...	10.14
Average GS salary.....	\$17,655	\$18,861	...	\$18,960
Average salary of ungraded positions.....	\$18,025	\$18,926	...	\$18,926
(Mono cast: 22.13)	(Mono cast: 5.9)	(Mono cast: 5.9)	(Mono cast: 5.9)	(Mono cast: 5)

STANDARD FORM 306
 July 1968, Bureau of the Budget
 Circular No. 4-11, Revised.
 508-103

COMMISSION ON CIVIL RIGHTS
 SALARIES AND EXPENSES
 DETAIL OF PERMANENT POSITIONS

	19 75 actual	19 76 estimate	19 77 estimate
Executive Level V.....	1	1	1
GS-18.....	2	2	2
GS-17.....	2	2	2
GS-16.....	5	5	5
GS-15.....	15	16	16
GS-14.....	22	24	24
GS-13.....	31	35	35
GS-12.....	40	47	50
GS-11.....	28	27	30
GS- 9.....	19	23	23
GS- 8.....	6	7	7
GS- 7.....	24	27	27
GS- 6.....	24	21	21
GS- 5.....	29	28	30
GS- 4.....	11	11	11
GS- 3.....	2	2	2
Ungraded.....	2	2	2
Total permanent positions.....	263	280	288
Unfilled positions, June 30.....	-24	-5	-5
Total permanent employment, end of year...	239	275	283
	(Mono cast: 16.3)	(Mono cast: 4.9)	(Mono cast: 4)

LEGISLATIVE AUTHORIZATION OF THE COMMISSION

The United States Commission on Civil Rights is an independent bipartisan agency first established by the 1957 Civil Rights Act (P.L. 85-315). Public Law 92-496 extended the life of the Commission until June 30, 1978, raised the Commission's appropriation limitation, and extended the Commission's jurisdiction to include denial of equal protection of the law because of sex. The duties of the Commission, as enumerated in the Civil Rights Act of 1957, and as amended by the Civil Rights Act of 1964 (P.L. 88-352), by P.L. 90-198, and by P.L. 92-496 are:

"Sec. 104(a) The Commission shall --

"(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, sex or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

"(2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin or in the administration of justice;

"(3) appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin or in the administration of justice;

"(4) serve as a national clearinghouse for information in respect to denials of equal protection of the laws because of race, color, religion, sex, or national origin, including but not limited to the fields of voting, education, housing, employment, the use of public facilities, and transportation, or in the administration of justice;

"(5) investigate allegations, made in writing and under oath or affirmation, that citizens of the United States are unlawfully being accorded or denied the right to vote, or to have their votes properly counted, in any election of presidential electors, Members of the United States Senate, or of the House of Representatives, as a result of any patterns or practice of fraud or discrimination in the conduct of such election."

"Sec. 104(b) The Commission shall submit interim reports to the President and to the Congress at such times as the Commission, the Congress or the President shall deem desirable, and shall submit to the President and to the Congress a final report of its activities, findings and recommendations not later than the last day of Fiscal Year 1978."

Six Commissioners appointed by the President by and with the advice and consent of the Senate, determine policy for the agency. A full-time Staff Director, also a Presidential appointee, is responsible for the day-to-day conduct and administration of Commission affairs.

HIGHLIGHTS OF THE BUDGET REQUEST

The appropriation request for Fiscal Year 1977 totals \$9,540,000 and 288 positions. The amount appropriated for Fiscal Year 1976 was \$7,700,000 to support 280 permanent positions. Adding the Fiscal Year 1976 supplemental requests of \$193,000 for pay costs and \$276,000 to implement P.L. 94-135 to the amount already appropriated produces a total of \$8,169,000. The increase requested for Fiscal Year 1977 is therefore \$1,371,000 and 8 permanent positions.

The following are the new projects we propose the Commission undertake in Fiscal Year 1977:

1. Employment

- a. A study of unemployment and underemployment among minorities and women.
- b. A study dealing with affirmative action.

2. Housing

- a. A study dealing with the forces for residential segregation and their impact on the racial/ethnic composition of public schools.

3. Women's Rights

- a. A study of the impact of lack of reproductive choice on low income women.
- b. A study dealing with domestic violence.

4. Political Participation

An investigation of barriers hindering minority and female participation and success as participants in the political process.

5. Administration of Justice

Part II of the Administration of Justice in Prison Study.

6. Monitoring the Federal Establishment

Another follow-up to the Civil Rights Enforcement Effort Report.

7. Age Discrimination

A study of unreasonable discrimination based on age in programs receiving Federal financial assistance.

8. Conferences

- a. A National Conference of SAC Chairpersons.
- b. A conference for non-Federal reservation Indians.
- c. A Western regional civil rights conference.

9. General Civil Rights Activities

- a. A study of the provision of public facilities and service.
- b. A review of the literature dealing with race and IQ.

ACCOMPLISHMENTS IN FISCAL YEAR 1975ACTIVITY 1 - NON-LEGAL REPORTS AND STUDIES

The Commission undertakes original reports and studies in civil rights and related areas for a variety of reasons among which are the following:

- . To establish facts not otherwise available, and to suggest remedial legislation.
- . To evaluate the effectiveness of existing legislation, policies and regulations and the manner in which they are enforced.
- . To present facts to the public in order to increase its awareness of problems and to develop information which can help solve the problems.
- . To point out continual instances of overt discrimination.

The Civil Rights Act of 1964 extended the functions of the Commission by giving it a responsibility to provide information to national and community organizations and institutions, Government agencies and the general public concerning civil rights matters. As part of this function, the Commission issues clearinghouse publications designed to better understanding by providing reliable information about civil rights problems and about the laws, procedures, and approaches available for resolving them.

The following reports, studies and publications were completed in Fiscal Year: 1975:

Minorities and Women as Government Contractors

This report, released in the fourth quarter of FY 1975, examines the effectiveness of various governmental programs intended to provide marketing opportunities for businesses-owned or controlled by minorities and women by means of government procurement contracts. Although the emphasis was on Federal programs, procurement by State and local governments was also examined.

Twenty Years After Brown

This series of reports examines the extent of civil rights progress in the United States since Brown v. Board of Education, the Supreme Court's landmark school desegregation decision of May 17, 1954. Two reports in the series were released in FY 1975 the first, Twenty Years After Brown: The Shadow of the Past, published in June 1974, provided historical background for the series. The second in the series, Twenty Years After Brown: Equality of Educational Opportunity, released in the third quarter of FY 1975, covered the evolution of educational opportunity during the 20 years since Brown.

Voting Rights Act: Ten Years After

In January 1975, the Commission published the Voting Rights Act: Ten Years After, a report assessing the status of minority voting rights in jurisdictions covered by the special provisions of the Voting Rights Act of 1965 which was extended in 1970. The report describes the progress that occurred since the Commission's report Political Participation (1968) and documents the many barriers that still prevent minorities from enjoying equal political rights in the jurisdictions that were studied. The Commission recommended that the Voting Rights Act's special provisions be retained for an additional 10 years.

A Better Chance to Learn: Bilingual-Bicultural Education

This report, released in the fourth quarter of FY 1975, examined the concept and experience of bilingual education to determine its validity and feasibility as an alternative to existing forms of schooling for children whose predominant language is not English. The benefits of bilingual education to English speaking children was also explored.

Making Civil Rights Sense Out of Revenue Sharing Dollars

This clearinghouse report, published in the third quarter of FY 1975, was intended to stimulate public interest and participation in the general revenue sharing program, particularly among those concerned with the rights of minorities and women. In this report, the Commission described how revenue sharing works, examined its civil rights implications and suggested ways in which local citizens could monitor or influence the use of revenue sharing funds.

ACTIVITY 2 - HEARINGS, LEGAL REPORTS AND STUDIES

The Commission, using the subpoena power granted by Congress, conducts public hearings serving **several** purposes.

- . To obtain information concerning civil rights problems which provide the basis for Commission reports and recommendations for the President and the Congress.
- . To make information, which could result in corrective action, available to the community in which the hearing is held.
- . To bring civil rights problems and potential solutions to these problems, to the attention of the Federal government and the Nation.
- . To obtain information concerning the manner in which Federal departments and agencies are discharging their civil rights responsibilities under laws passed by Congress, and to bring this information to the attention of appropriate Federal officials and the Nation.

Commission hearings are designed to use one area of the Nation as a microcosm in order to identify civil rights problems that are representative of problems throughout the Nation, or a large portion of it. Hearings also are designed to explore and evaluate successful solutions to civil rights problems found in one community or area so that the Commission can suggest solutions applicable to other parts of the Nation.

Also included in this activity are reports, studies and publications dealing with primarily legal areas.

Chicago, Illinois Hearing on Women and Poverty

In June 1974, the Commission held a three-day public hearing in Chicago, Illinois, on Women and Poverty. This hearing had a national focus on those programs and policies which keep a disproportionate number of women in poverty although theoretically designed to enable people to break the poverty cycle. The hearing concentrated on primary means of livelihood, from salaries and wages to public assistance, social security and pensions. Within this framework, job training programs and childcare facilities were also explored.

Information collected at the June hearing indicated that the exploration of issues had not been completed. The Commission wanted to explore more fully aspects of traditional employment for women. Also, one of the employers with which we wished to explore some issues needed additional time to prepare information. Accordingly, the hearing was resumed in Fiscal Year 1975 with sessions in July, August and November.

When completed, the hearing provided documentation for the finding that the programs designed to place women in salaried employment, or to provide income security have not been effective. Minority women were also shown to suffer from a double jeopardy--race and sex discrimination.

Boston, Massachusetts Hearing on Public School Desegregation

The Commission held a five-day hearing on public school desegregation in Boston, June 16-20, 1975. The hearing focused on the roles of the Federal, State and local governments as well as the private sector, including community leaders in the implementation of a Federal court order to desegregate the schools. The hearing also had a national focus as it sought to determine what roles and responsibilities ought to be undertaken by the various levels of government in order to better direct Federal resources to accomplish peaceful and orderly compliance with the law.

Boston School Desegregation Paper

This document was prepared as background information for the Commission's Boston hearing on School Desegregation. It included a description of the Boston school system, the role of the Federal, State and local governments in the desegregation process in Boston and the role of the private sector and the Boston Communities. It also included statistics on the cost incurred and summarized the ten years of litigation that preceded the Federal court's order to desegregate the Boston public schools.

Equal Opportunity in Suburbia

This report, released in August of 1974, is the product of an extensive study of racial isolation in the Nation's metropolitan areas. It is a study of why this pattern of isolation has occurred, how it is crippling the growth and prosperity of our cities, and how it can be arrested and reversed. The information in the report was gathered through Commission hearings in St. Louis, Baltimore, and Washington, D. C. and factfinding meetings of State Advisory Committees in those cities and in Boston, Phoenix and Milwaukee.

The Other Side of the Tracks, A Handbook on Nondiscrimination
in Municipal Services

This publication, designed for use by citizens across the country in obtaining equal services from local governments, was released in September 1974. It outlines in lay language what citizens can do about inequality in the provisions of such services as paving, garbage collection, police services in cities, towns, villages, counties and special districts. The booklet explains that although localities are not required to provide such services as sewers and street lights, localities are required to guard against discrimination in those services that are provided.

Constitutional Aspects of the Right to Limit Childbearing

This legal study, released in April 1975, analyzed the manner in which the proposed constitutional amendments designed to nullify or limit the right to limit childbearing, as defined by the Supreme Court, would undermine the First, Ninth and Fourteenth Amendments to the Constitution. Additionally, the study related the treatment of abortion under common law, as well as the history of statutes prohibiting abortion, to the constitutional issues. Further, the study analyzed the effect on private law (including torts and property), tax and criminal law, of a constitutional amendment establishing embryonic or fetal rights. Finally, the study described the threat to the enforcement of other civil rights provisions in the Constitution posed by a successful effort to deny the right to terminate a pregnancy.

Congressional Relations

In Fiscal Year 1975, Commissioners and staff testified before Congressional committees, or prepared statements for Congressional committees, on the following matters having civil rights implications:

- . Testimony on Equal Housing Opportunity in Suburbia before the House Judiciary Subcommittee on Civil Rights and Constitutional Rights.
- . Testimony on Extension of the Voting Rights Act before the House Judiciary Subcommittee on Civil Rights and Constitutional Rights and before the Senate Judiciary Subcommittee on Constitutional Rights.
- . Testimony on Amendments to the Equal Credit Opportunity Act before the Consumer Affairs Subcommittee of the House Banking and Currency Committee.

ACTIVITY 3 - STATE ADVISORY COMMITTEE AND COMMUNITY PROGRAMS

This activity is concerned with the Commission's field programs and the 51 State Advisory Committees established in each State and the District of Columbia.

The Commission operates a field program for a variety of purposes:

- . To make itself more aware of what the "grass roots" civil rights problems are and how the majority and minority groups are reacting to the problems and proposed solutions.
- . To monitor the field programs of Federal agencies which have responsibilities in civil rights.
- . To disseminate information to the majority community, minority communities, private organizations, civil rights organizations, and State and local governments concerning civil rights problems and proposed solutions to those problems.
- . To assist in the design of programs at the local and State levels which attempt to find solutions to civil rights problems and which serve as pilot projects in that information and solutions developed become transferable to other communities with the same type problems.
- . To assist in the design, execution and follow-up activity of hearings, with responsibility for field follow-up.
- . To contribute to the formulation of, and follow-up to, recommendations developed in Commission studies and hearings.
- . To maintain field liaison with public and private groups and State and local governments and to appraise the activities of State and local governments.
- . To receive, investigate and process complaints.

The field program of the Commission is implemented through a headquarters staff in Washington, regional offices located in New York, Washington, Atlanta, Chicago, San Antonio, Denver, Kansas City and Los Angeles and 51 State Advisory Committees.

A State Advisory Committee is composed of residents of the particular State engaged in various professions, balanced as to political affiliation, sex, age, race and ethnicity, serving without

compensation other than expenses. Members of State Advisory Committees are appointed by the Commission. Staff assistance and services are provided to the SAC's by the regional offices and the Washington staff.

State Advisory Committee (SAC) Activities

In Fiscal Year 1975, the 51 State Advisory Committees were involved in a total of 256 meetings, conferences and special work assignments. These activities covered the full spectrum of civil rights concerns. The following examples illustrate the type of activities undertaken by State Advisory Committees in Fiscal Year 1975.

- . The Florida Advisory Committee held a two-day factfinding meeting on police/community relations in Miami and Dade County, June 20-21, 1975. The meeting sought to determine the status of minorities in the police and sheriff's departments in the areas of employment, promotions and training and how minorities in the community were treated by the staff of those departments.
- . The Michigan Advisory Committee held a factfinding meeting February 20, 1975 in Livonia, Michigan to examine the impact of the Housing and Community Development Act of 1974 (P.L. 93-383) and the "Block Grants" available under Title I of the Act.
- . The Indiana Advisory Committee held a factfinding meeting in August 1974 to examine the plight of migrant workers in the State of Indiana.
- . The Missouri Advisory Committee held a factfinding meeting on May 21-22, 1975 to develop a factual record of actual revenue sharing funds used in metropolitan St. Louis and the State of Missouri. The main focus was on citizen participation and the relationship of revenue sharing allocations to the needs of minorities and poor people.
- . The Iowa Advisory Committee held a statewide Civil Rights Conference in Des Moines on May 1-2, 1975, to examine Federal programs and the mechanism used to get information to minorities and poor people.

The New Mexico Advisory Committee held a three-day factfinding meeting in Farmington in August 1974 to ascertain the cause of racial tension in Farmington and San Juan County between the Navajos and white citizens. The focus was on community attitudes, administration of justice, alcohol abuse, employment and medical services.

The California Advisory Committee held a factfinding meeting on April 10-11, 1975, dealing with Salinas Union High School District and the Mexican American community. The Committee examined the affirmative action plan and the bilingual/bicultural programs to ascertain their effect on Mexican American students.

The Colorado Advisory Committee held a factfinding meeting on May 10, 1975, to ascertain the number of minorities and women in medical and legal professions in the State and what obstacles might prevent their access to those professions.

The Montana Advisory Committee held a media conference on April 12, 1975 in Missoula focusing on two issues: (1) employment and (2) image making. These issues were examined in the context of their effects on minorities and women.

The Connecticut Advisory Committee held a one-day factfinding meeting on equal employment in New Haven, June 12, 1975. The Committee sought to document to what extent blacks and Puerto Ricans receive equal treatment in hiring process, promotions and other aspects of public employment in that city.

The Kansas Advisory Committee held a factfinding meeting on December 18, 1974 in Topeka on seeking to document the reasons women were not granted credit as easily as men in the State of Kansas.

The New York Advisory Committee held a factfinding meeting in July 1974 which dealt with the problems of Asian Americans in the State of New York and primarily in New York City. The focus was on social services and their unequal distribution in the Asian American community.

The Massachusetts Advisory Committee conducted an investigation of the school desegregation problems in the City of Boston. The report to the Commissioners culminated in a Commission hearing in Boston in June 1975. The SAC is continuing to work in the community to ameliorate the problems of desegregating that city's schools.

State Advisory Committees in Arizona, California, Colorado, Kansas and Texas conducted conferences in those States in a follow-up program to implement the recommendations contained in the series of Commission reports on Mexican American education.

Administration of Justice in Prison Project

The project continued during FY 1975 with publication of SAC reports and follow-up activities to the fourteen open meetings held in Fiscal Year 1974. During FY 1975 preparation of a national clearinghouse report was started which will be published in early Fiscal Year 1976.

Asian American SAC Activities

The Asian American activities during FY 1975 consisted of an informal open hearing in New York City by the New York SAC and the publication of two reports by the California SAC. Follow-up activities were carried out by both committees during the year.

Native American SAC Activities

The New Mexico SAC held informal public hearings in Farmington to identify problems and suggest solutions in connection with the Navajo Indians and the Farmington community. The Arizona SAC, following up the Commission hearings in Arizona, published a report on Indian employment. The Minnesota SAC published a report on Indian issues in Minneapolis and St. Paul. A staff report on voting irregularities on the Pine Ridge Reservation in South Dakota was issued. The Western Regional Office sponsored a conference in Seattle, Washington to discuss issues and problems of Alaskan Native Americans and exchange suggestions with Alaska State and Federal officials in preparation for an indepth program during FY 1976.

Migrant Farmworkers Project

One SAC informal open hearing was held this year in Indiana and a report published. Because of the complex issues involved, staff and SACs in other regions are studying the various aspects of the migrant problems before holding public meetings during FY 1976.

State Advisory Committee Publications

In Fiscal Year 1975, the following State Advisory Committee reports were published:

- . Louisiana - The Quest for Housing: A Study of Housing Conditions in New Orleans, July 1974
- . North Carolina - Economic and Political Problems of Indians in Robeson County, August 1974
- . Nebraska - Inmate Rights and Institutional Response -- The Nebraska State Prison System, August 1974
- . Montana - Employment Practices in Montana -- The Effects on American Indians and Women, September 1974
- . Montana, North Dakota, South Dakota (joint report) - Indian Civil Rights Issues in Montana, North Dakota, and South Dakota, September 1974
- . New Mexico - The Struggle for Justice and Redress in Northern New Mexico, October 1974
- . Colorado - Colorado Prison Study, October 1974
- . Delaware - The Delaware Prison System, November 1974
- . Alabama - Alabama Prisons, December 1974
- . Maryland - To Grant or Not to Grant, December 1974
- . Maine - Federal and State Services and the Maine Indian, December 1974.
- . New York - Warehousing Human Beings, December 1974
- . Arizona - Adult Corrections in Arizona, December 1974
- . Minnesota - Bridging the Gap: The Twin Cities Native American Community, January 1975
- . Rhode Island - Minorities and Women in Government: Practice Versus Promise, January 1975

- Massachusetts - Route 128: Boston's Road to Segregation, January 1975
- Arizona - Indian Employment in Arizona, February 1975
- California - Asian Americans and Pacific Peoples: A Case of Mistaken Identify, February 1975
- Indiana - Indiana Migrants: Blighted Hopes, Slighted Rights, March 1975
- Utah - Credit Availability to Women in Utah, April 1975
- California - A Dream Unfulfilled: Korean and Pilipino Health Professionals, May 1975
- Illinois - Education Bilingual/Bicultural - Un Privilegio O Un Derecho, May 1974 (Spanish translation May 1975)
- Florida - Toward Police/Community Detente in Jacksonville, June 1975
- Illinois - A Decade of Waiting in Cairo, June 1975
- Michigan - Civil Rights and the Housing and Community Development Act of 1974, Volume I: Livonia, June 1975
- Kansas - Inmate Rights and the Kansas State Prison System, December 1974

ACTIVITY 4 - LIAISON AND INFORMATION DISSEMINATION

As the national clearinghouse for civil rights information, the Commission is responsible for disseminating information regarding denial of equal protection of the laws because of race, color, sex, religion, or national origin, including but not limited to the fields of voting, education, housing, employment, the use of public facilities and transportation, and the administration of justice.

Before the Civil Rights Act of 1964, the agency was responsible principally for providing information to the President and the Congress. The 1964 Act expanded the Commission's responsibility to that of providing information to national and community organizations and institutions, governmental agencies, and the public as well. In effect, the Civil Rights Act of 1964 gave the Commission a public education function, the effectiveness of which is important to the success of the Nation's efforts to secure civil rights for all its citizens.

This requires the Commission to develop effective techniques for disseminating the information it collects, through the news media and otherwise. By providing reliable information about civil rights problems and the laws, procedures, and approaches for resolving them, contributions are made to better understanding. Activities are directed toward:

- . Members of minority groups and women, in order to assist them in understanding their rights and the procedures for achieving those rights.
- . Members of the dominant group, in order to acquaint it with the extent and nature of civil rights denials and to help it understand what must be done to remedy it.
- . Private persons and organizations which have responsibilities for applying civil rights laws and policies, to help them understand their responsibilities.
- . Government officials responsible for implementing laws and programs.
- . Community leaders and civic groups which assume responsibility for effectuating change in the community.

Publications

Preparation and dissemination of Commission publications is a major agency function which includes editing, processing, publicizing, and distributing. During Fiscal Year 1975, approximately 650,000 copies of Commission publications were distributed, including clearing-house publications and the Civil Rights Digest. In March 1975, a record number of 7,410 individual requests were received and processed.

Publication of the monthly intra-agency newsletter, "Inside", commenced with the beginning of Fiscal Year 1975. It will continue to be published monthly in a newsletter format ranging from six to eight pages.

The Catalog of Publications and the Civil Rights Directory were revised and published, the Directory revision being the first for that publication in five years. It is planned that both of these publications will be revised and issued annually in the future.

Spanish Translations

The demand for Spanish versions of Commission publications increased during Fiscal Year 1975. A variety of statements and press releases, originated both in the Commission's national offices and in the regional offices, were translated into Spanish. Translations were completed of Counting the Forgotten, the report on census undercount; the Commission hearing rules; Statute, Rules, and Regulations; and the report of the Illinois State Advisory Committee on bilingual-bicultural education. Translation of the Commission's report on bilingual-bicultural education is nearing completion.

The Civil Rights Digest

The Digest is a quarterly forum for discussion of civil rights issues and is unique in its ability to present controversial ideas and debates. Four regular issues of the Digest were published in Fiscal Year 1975. These issues dealt with employment discrimination, bilingual education, school desegregation, fair housing, women in prison, and affirmative action, among other topics. Another printing of 30,000 copies of the Spring 1974 special issue on women was ordered because of heavy demand. In addition, a fifth special issue of the Digest devoted to the New York Puerto Rican Hearing was released.

In addition to a mailing list of 30,000, the Digest was distributed at conventions and meetings of national and local organizations. Upon request, it was sent to community groups, educators, civil rights organizations, government officials, and private citizens. Many articles have been reprinted by other publications.

Media Relations

Fiscal 1975 was clearly a record-setting year insofar as Commission media activities were concerned. Eleven formal, announced Commissioner news conferences were held to release 12 different reports. Subjects of the reports were suburban access, municipal services, voting rights, revenue sharing, the right to limit childbearing, bilingual-bicultural education, minorities and women as government contractors, Volume II of the post-Brown series, and the series regarding Federal civil rights enforcement. Releases, statements, and press advisories were prepared for each of these formal and scheduled news conferences.

Four other reports on discrimination in mortgage finance, the Oglala Sioux election, Brown I, and a "popular" summary of the Mexican-American education series were issued by news releases. Releases also were distributed regarding Congressional testimony on housing and voting rights, opposition to anti-abortion and anti-busing legislation, an article in Civil Rights Digest on discrimination against American Jews in international business, a new HEW policy on health care for Native Americans, a conference on the Milliken v. Bradley decision, a consultation on the Brown II report, and regional conferences for human rights workers in Boston and Atlanta.

Liaison

Liaison with private groups, both local and national, is an important function of the Commission. Groups are contacted, kept informed of Commission activities, and encouraged to make use of Commission publications and exhibits. An effective method of reaching groups is through conventions and conferences where Commission publications are exhibited and distributed.

In connection with representation at meetings, the Commission's exhibit was used at various conferences. This basic exhibit provides an overview of the Commission's interest and concerns and is intended to promote an awareness of broad civil rights problems and the need for corrective action. The exhibit is flexible and covers housing, education, employment, political participation, administration of justice, and poverty-low income.

ACTIVITY 5 - FEDERAL PROGRAM EVALUATION AND COMPLAINTS

The Federal program evaluation function of the Agency consists of monitoring, both on a day-to-day basis, and through formal studies, the civil rights functions and responsibilities and related program activities of Federal agencies both in Washington and in the field. The Commission realizes that it is not sufficient to only monitor the direct civil rights activities of agencies and departments. There is great need and great potential for monitoring the civil rights consequences of substantive programs of departments and agencies since the operation of these programs very often may be unintentionally discriminatory.

Complaints are received from citizens who allege that they have been denied equal protection of the law because of race, religion, national origin or sex. These complaints are referred to Federal or State agencies for resolution and the complainants are kept informed as the complaint is processed and resolved. Individual complaints sometimes serve as clues in pointing out general areas where the Commission should institute studies.

Federal Civil Rights Enforcement Effort Follow-up Report

In Fiscal Year 1973, the Commission began an indepth review of the civil rights enforcement efforts of the Federal Government. This follow-up study extended through Fiscal Year 1974 and resulted in four published reports in Fiscal Year 1975, is an expansion of the report on the same subject which the Commission published in 1970, with follow-up reports issued in 1971 and 1973. The latest review covered the activities of the agencies in four regional offices as well as in Washington and went into far greater depth than the Commission's earlier report.

The following four volumes of the Federal Civil Rights Enforcement Effort Follow-up Report which were released in Fiscal Year 1975: To Regulate in the Public Interest, To Provide for Fair Housing, To ensure Equal Educational Opportunity, and To Provide Fiscal Assistance.

Appraisal of Federal Agencies in Fiscal Year 1975

In Fiscal Year 1975, the Commission continued its program of monitoring the Federal establishment to appraise, on a day-to-day basis, the civil rights implications of programs. Comments on proposed regulations were forwarded to several agencies, including the Federal Reserve System, the Departments of Health, Education and Welfare, Labor, the Internal Revenue Service, and the Office of Revenue Sharing of the Department of the Treasury.

Complaints

In this fiscal year, 1,926 complaints were processed in the central and regional offices.

ACTIVITY 6 - NATIONAL ISSUES AND CONFERENCES

The Commission prepares monographs, statements and short reports on civil rights subjects which have become matters of public debate, or in its best judgement are likely to become matters of public debate. All pertinent arguments are gathered, analyzed and subjected to the facts revealed by studies and/or conferences and consultations. The documents then are prepared to provide hard factual information to the President; the Congress, or appropriate Congressional Committees; Federal, State or local agencies; non-governmental organizations and the general public.

Conferences are also held to promote Commission projects and as a liaison device with local, State and private civil rights agencies.

Milliken v. Bradley Consultation

A consultation on "Milliken v. Bradley: Implications for Metropolitan Desegregation", was held in Washington, D. C. on November 9, 1974. Six scholarly papers were prepared by experts or authorities and reviewed by them with Commissioners and commented upon by three reactors for each paper. The purpose of the consultation was to assess what effect this Supreme Court decision had and will have on metropolitan school desegregation. A report on the consultation will be released the first quarter of Fiscal Year 1976.

Twenty Years After Brown Consultation

A consultation on the **second** of the series of Commission reports on "Twenty Years After Brown" was held in Washington, D. C. on December 17, 1974. A group of scholars and educators were invited to comment upon the report. The Commissioners were enabled to learn of the present position of school and agency professionals regarding desegregation of the Nation's public schools.

Regional Civil Rights Conferences

Two more of the series of regional civil rights conferences were held last fiscal year. The New England conference held in Boston on September 22-24, 1974 was attended by just over 100 persons, most of whom were professional staff members of State and city governmental agencies dealing with civil rights, women's rights and human relations. The conference theme was: "Making Public Employment a Model of Equal Opportunity".

The Southern Conference, held in Atlanta on April 16-18, 1975, was attended by more than 150 professionals, who came from eleven Southern States. The conference theme was: "Making the Constitution Work for All Americans". Participants, for the most part, represented official, governmental agencies at the Federal, State, county and city level.

ACTIVITY 7 - BASIC CIVIL RIGHTS RESEARCH AND
CLEARINGHOUSE LIBRARY

The Commission conducts basic civil rights research:

- . To discover the underlying causes and dynamics of discrimination through the use of current social science methods and theories so that effective corrective measures can be developed and disseminated.
- . To document the personal, social, economic and political consequences of discrimination and of subtler forms of bias.
- . To provide an impetus to non-governmental researchers to conduct studies which will contribute to a better understanding of discrimination and to more effective social policies to eliminate discrimination.
- . To develop the kind of knowledge which will provide insight into the problem of non-compliance with anti-discrimination legislation, and the means for combating non-compliance.

A clearinghouse library is maintained to support the basic research, program studies, hearings, conferences and legal activities of the Commission.

Longitudinal Study of School Desegregation

The design of the Longitudinal Study of School Desegregation was completed and submitted by the contractor. The completed design was reviewed by twenty-six persons expert in school desegregation or social science. The design along with the comments on the design were released by the Commission to the public.

Technical Assistance to Commission Projects

During its first year of operation the new research activity provided consultation assistance on research methodology to the following ongoing Commission projects: The Puerto Rican Study, Government Procurement with Minority and Female Contractors, Bilingual-Bicultural Education Project, the Mexican American Education Study, the Social Indicators Project, Equal Provision of Public Facilities and Services, Sexual Assault, Prison Project, and Voting Rights Project.

Causes and Remedies for Personnel and Institutional Racism and Sexism

Materials were acquired and the literature review began for this study which will get underway in Fiscal Year 1976.

Seminars and Colloquia

A series of colloquia was held at which researchers from other Government agencies and universities presented their work in areas of Commission interest to Commission staff. Among the subjects discussed were: the impact of the wage and employment provisions of Title VII on black income and employment, changes in black-white income differentials during the decade 1960-1970, racial attitudes and behavior among city police, the history of the Boston school desegregation crisis, and race and sex differences in attributions for success and failure.

A seminar was held on how to develop a research approach to the study of affirmative action which was attended by interested parties from the University of Maryland, the Sloan School of Management of the Massachusetts Institute of Technology, the Institute for Social Research at the University of Michigan, the National Association for the Advancement of Colored People, the National Urban League, the Office of Federal Contract Compliance, as well as by Commission on Civil Rights Staff.

National Clearinghouse Library

The collection continued to expand from approximately 12,000 volumes at the beginning of the fiscal year to 20,000 at its conclusion. The microfilm collection was doubled by adding the Federal Register (1973-1974) and the New York Times (1970-1971 and 1974-1975). The Clearinghouse Library displayed pertinent parts of the civil rights collection at the Boston and Atlanta regional conferences.

ACCOMPLISHMENTS TO DATE AND PLANS FOR
THE REMAINDER OF FISCAL YEAR 1976
AND THE TRANSITION PERIOD

ACTIVITY 1 - NON-LEGAL REPORTS AND STUDIES

School Desegregation in Prince George's County

During the fourth quarter of FY 1975, this detailed examination of the controversy over school desegregation in Prince George's County was completed. It covers the pre-Brown period through enactment of the Civil Rights Act of 1964, the period in which HEW negotiated for Title VI compliance with the local school board, the litigation resulting in the court's desegregation order and the summary rejection by the U. S. Court of Appeals of Prince George's County's appeal, and the period following implementation of the school desegregation plan. The report will be released during the third quarter of Fiscal Year 1976.

Twenty Years After Brown

The third in this series of reports dealing with Equality of Economic Opportunity was released in July 1975. This report sketched the nature and extent of changes in the economic status of minorities and women, and included a discussion of the relationship between economic opportunity and access to public accommodations. The fourth section in this series of reports released in December 1975 offered recommendations for achieving equal opportunity, where it is lacking, in housing.

Labor Unions and Equal Employment Opportunity

Part I of this study, which focuses on referral unions, is expected to be released during the later part of FY 1976. This report details the impact of the policies and practices of labor unions in facilitating admission of minorities and women into particular jobs. The report examines the extent and severity of exclusionary practices, as well as the steps taken to end such practices, through a study of relevant court cases, statistical data, existing research, and independent Commission staff investigations. The effectiveness of the limits applied by the courts, Federal agencies, and the unions are assessed.

The part of the study on labor unions and equal employment opportunity for minorities and women will examine the effects of union and management practices on advancement opportunities for minorities and women already on the job. Among the practices this portion will examine are initial job assignments, seniority systems, occupational lines of progression, job bidding, job training, and testing. The study also will assess the effectiveness of existing remedies regarding discrimination in job promotions. The second study will be completed in FY 1977.

Equal Opportunity and the Media

This study will assess the relationship of television, commercial and public, to equal opportunity for minorities and women. It examines the extent of minority and female participation in the control of radio and television stations, and also their representation on the staffs and in decisionmaking positions of such stations. The study will also inquire into the process by which licenses are granted and renewed, the relationship between networks and their affiliates, and the impact of minority and female representation, or lack of it, on programming. This study is scheduled to be completed in FY 1976.

Social Indicators for Measuring the Status of Minorities and Women

This project marks the beginning of an ongoing civil and women's rights indicators program under which the Commission will collect from Federal, State, and private sources data from which it will be able to determine longitudinal trends in the areas of civil and women's rights. The resulting findings will be used both to facilitate Commission program planning and provide the public a more definitive appraisal of the status and progress of minorities and women in America. The report will be completed in FY 1977.

National School Desegregation Guidelines

The Commission sets as a major goal the establishment of a method by which desegregation can be accomplished throughout the Nation. The Nation's school systems have generally been directed to desegregate through Federal administrative guidelines established by law or by court orders. These two methods have often resulted in the application of differential standards which have led to misunderstanding, regional diversity in the application of desegregation requirements creating an atmosphere which is not conducive to effective enforcement and implementation of desegregation. To eliminate these problems, the National Desegregation Standard project has been designed, focusing

on six core problem areas that all school districts undergoing desegregation face: (1) the recruitment of teachers and support staff, (2) the preparation of teachers to teach in an integrated school community, (3) the planning and development of a curriculum that encompasses the broadest objectives to learn, and to encourage the development of attitudes commensurate with an integrated society, (4) the development of extra-curricular activities that takes into consideration the diversity of the school population, (5) the development of administrative and community leadership to function in a desegregated school environment, and (6) the development of internal strategies within the school system to eliminate abuse of disciplinary procedures directed to minority students. These components are enveloped in patterns of effective attendance and the development of mechanisms in the school and community through which new patterns of racial adjustments are developed which do not repeat the racial patterns previously extant in a racially separate educational community environment. This project will be completed in FY 1976.

National Project on Asian and Pacific Island Americans

For many years, issues of civil rights were considered almost entirely in the context of black Americans. More recently, the problems of Spanish surnamed Americans and Native Americans have been increasingly recognized. Few facts, however, are available concerning the problems of various Asian and Pacific Island groups-- Chinese Americans, Japanese Americans, Korean Americans, Native Hawaiians, etc. Many have assumed that these groups have no civil rights problems that warrant national attention. In recent years, scattered events reported in newspapers and other media have suggested that various Asian American groups do indeed have civil rights problems. The Commission has undertaken an investigation in the area of Asian and Pacific Island Americans to disclose the extent and nature of their civil rights problems. The study, which will be completed in FY 1977, seeks to identify the various groups--who they are, what their numbers are and their rates of growth, and where they reside-- and determine the extent and nature of the civil rights problems they face--e.g., social and economic status, access to jobs, housing, social services, etc.

Sexual Assault on Women

Although several studies of sexual assault on women have been conducted, none has been directed primarily at the disproportionate impact this problem has on minority and low income women. This study, in addition to emphasizing this aspect, will review current State rape laws and evaluate the revisions proposed and enacted in order to develop a model State law which provides justice for women

and protection for minority men from discriminatory treatment by the courts. It will include an analysis of various States' definition of the crime, as well as evaluation of penalties prescribed for conviction, and evaluation of evidentiary requirements. The study, to be completed in FY 1977, also will investigate the effectiveness of existing remedial programs in order to determine whether and how Federal, State and local government agencies can and should support such activities.

ACTIVITY 2 - HEARINGS, LEGAL REPORTS AND STUDIES

Hearings

A total of nine hearing days, dealing with school desegregation, is scheduled for the remainder of Fiscal Year 1976. The information gathered in these hearings as well as the earlier one in Boston, will be incorporated into the statutory report on school desegregation.

Desegregating the Boston Public Schools: A Crises in Civic Responsibility

In August 1975, the Commission released a report based on testimony taken in five days of public hearings in Boston the previous June. The report documented the history of the school desegregation effort in Boston detailing the successes, which had not previously been adequately reported, as well as the failures. The report contained 71 recommendations to help implement school desegregation in Boston. The report concluded that the Boston School Committee consistently and persistently refused to accept the responsibilities placed on it by the Constitution as defined by the Federal district court.

Puerto Rican Project Report

A report on civil rights problems of the Puerto Rican community in the Northeastern and Midwestern United States based on the information developed at the New York Puerto Rican hearing and on the series of SAC open meetings over the last three years is being developed by a contractor. This report will be released in Fiscal Year 1976.

Navajo Nation: An American Colony

This report, based on the Window Rock hearing, was issued in the Fall of 1976.

Women and Poverty Report

This report, to be issued in FY 1976, will focus on women and poverty, based on the materials developed in the several hearings, and field investigations pursuant to those hearings.

ACTIVITY 3 - STATE ADVISORY COMMITTEE AND COMMUNITY PROGRAMS

In Fiscal Year 1976, the State Advisory Committees will continue their ongoing programs in support of national Commission projects as well as their concern for emerging local civil rights issues. It is expected that SACs will be involved in a total of 275 meetings, conferences and special work assignments out of which 20 SAC publications will flow.

Administration of Justice in Prisons

This continuing project will produce during this fiscal year a clearinghouse report on the rights of prisoners based upon data from SAC informal hearings and staff investigations. The content of the report will be a comparison of the treatment of prisoners against a list of tentative standards for treatment.

Migrant Farm Workers Project

During this fiscal year and extending into Fiscal Year 1977, SACs in migrant stream areas will conduct studies and hold open meetings on the conditions encountered by migrant farm workers. The conditions being investigated and reported include employment, housing, education, health and welfare services, administration of justice and a review of the legislation affecting migrant workers. The project will also seek to determine to what extent migrant workers have access to or are involved in the decisionmaking process affecting their lives.

Asian American SAC Activities

The Asian American activities begun in previous years will continue in the two regions in which the concentration occurs, the Northeast Region and the Western Region. A new project will be undertaken in the Midwestern Regional Office. Follow-up activities will be carried out during Fiscal Year 1976 and 1977.

National School Desegregation Project

In support of the National School Desegregation Project, State Advisory Committees in four states will conduct open meetings to gather information for the national report. In addition, SAC members will collect information in approximately twenty-four states in which one school district which has successfully desegregated will be used as a case study. Information from these case studies will also be incorporated in the final report.

Native American SAC Activities

The continuing effort to identify and report the problems of Native Americans will continue by SACs in States with significant Native American populations and problems. During Fiscal Year 1976, follow-up will continue in the States and regions in which SAC and Commission hearings have been held, and new projects will be undertaken in Alaska, Arizona, North Dakota and South Dakota.

SAC Training and Development Conferences

During Fiscal Year 1976, the Commission and staff will hold a series of conferences to acquaint SACs with new procedural and program activities of the Commission and how these will affect the SACs. In August, the SAC Chairpersons convened in Washington, following which regional conferences were held to provide the chairpersons and staff an opportunity to acquaint all members with the new procedures and plan effective programs.

ACTIVITY 4 - LIAISON AND INFORMATION DISSEMINATIONPublications

The primary vehicle of the Commission in reaching the public will continue to be reports and publications aimed at all segments of society--Government officials at all levels, educational institutions, labor, industry, and the general public--to delineate specific aspects of the civil rights movement and interpret the meaning of civil rights developments. The Commission will continue its usual activities in the area of publications distribution.

A Commission responsibility under its clearinghouse function is disseminating information concerning civil rights problems, the laws governing them, and various procedures for resolution. However, the Commission does not now have a basic piece of material describing the major civil rights laws or answering the most frequently asked questions on civil rights. Such material would help minorities and women understand their rights and the methods of achieving them more clearly. Work toward publication of such a pamphlet, to be called "Know Your Civil Rights", will continue during Fiscal Year 1976.

The Civil Rights Directory, the Catalog of Publications, and the Commission Brochure will be updated and reprinted, the latter in both English and Spanish. Publication of the internal monthly newsletter will continue.

Translations

Translation activities of the Commission are expected to increase during Fiscal Year 1976. The Spanish version of A Better Chance to Learn: Bilingual/Bicultural Education is nearing completion. Translation of the forthcoming Puerto Rican Report is anticipated, and a pamphlet on the Voting Rights Act will be issued in Spanish. Arrangements have been made for the translation of the California State Advisory Committee Report, Asian American and Pacific Peoples: A Case of Mistaken Identity, into several Asian languages.

The Civil Rights Digest

The Digest is an open forum for civil rights issues and is unique in its ability to present controversial ideas and debates. Four regular issues of the Civil Rights Digest will be produced in Fiscal Year 1976.

Liaison

The program of liaison with private groups will be broadened and increased. Exhibit activities and publication distribution at conventions will be expanded.

Media Relations

The Commission's relationship with the media involves not just sporadic contact with the press on the release of a report, but a continuing relationship that encourages those in media to avail themselves of the information available from the Commission. Through personal contact, press releases, and press conferences, efforts to interest the media to cover Commission activities, use information available from the Commission, and devote more attention to civil rights issues will be continued during Fiscal Year 1976.

ACTIVITY 5 - FEDERAL EVALUATION AND COMPLAINTS

Federal Civil Rights Enforcement Effort Follow-up Report

The Commission will complete, in Fiscal Year 1976, the Federal Civil Rights Enforcement Effort Study begun in Fiscal Year 1973. Two volumes on employment and Title VI were issued this fiscal year. This undertaking will culminate with the release of the final volume on policymakers. The first six volumes of the study to date have shown that the Federal enforcement program has not appreciably improved in the last three years. A comprehensive set of recommendations for correcting the existing deficiencies are included in all of the volumes of the study.

Report on the Structure and Effectiveness of State and Local Civil Rights Enforcement

A majority of States and many localities now have their own civil rights or human rights agencies. For many minority group members and women the State and local agencies are the initial point of contact when grievances need redressing. The quality of the agencies vary greatly from State to State, locality to locality. Yet no indepth and across the board evaluation of their work has been performed.

This study, to begin in the transition quarter, will entail a review of civil rights enforcement in six States. Onsite visits will be made and documents will be examined. An analysis will also be made of the nature and impact of Federal assistance to State and local civil rights efforts.

Appraisal of Federal Agencies in Fiscal Year 1976

The program of appraising the day-to-day operations of Federal agency civil rights programs will continue. Special efforts will be made to focus on agency enforcement in the area of sex discrimination, e.g., the Department of Labor's role with regard to the Equal Pay Act of 1963, and on matters of priority concern, e.g., evaluating civil rights enforcement in the special revenue sharing programs, the Comprehensive Employment and Training Act of 1973 and the Housing and Community Development Act of 1974.

Complaints

In Fiscal Year 1976, it is expected that 2,000 complaints, including complaints at the regional office level, will be processed.

ACTIVITY 6 - NATIONAL ISSUES AND CONFERENCES

National Issues

At the end of Fiscal Year 1975, the Commission established a new activity to deal with short-term projects involving important national civil rights issues. In Fiscal Year 1976, this new activity will spearhead the Commission's National School Desegregation Project, the components of which have been described in various sections of this submission. A final report to the Nation summarizing information gathered in the four hearings, four State Advisory Committee open meetings, twenty-four case studies, the national survey, and the consultation will be issued in the transition quarter.

One other national civil rights issue will be the subject of action. A monograph on the issue of "Last Hired, First Fired" dealing with employment in a recessionary period will be published.

Consultation on School Desegregation

As part of the School Desegregation Project a one-day consultation was held in Washington, D. C. on December 8, 1975. This consultation involved selected opponents and supporters of school desegregation and focused on three basic issues:

(1) how government policy has influenced and can continue to influence school desegregation;

(2) the role of the American judiciary in implementing social policy which in the short run may be contrary to the desires of a majority of citizens, and the danger to our entire system of constitutional government that would be caused by removing the courts' authority to implement remedies for the deprivation of individuals' constitutional rights;

(3) the extent to which there has been white flight from desegregation and the extent to which judicial orders for desegregation have contributed to whatever white flight there may be. The papers and proceedings of the consultation will be published in FY 1976.

National Conference on Desegregation

In the transition quarter a conference of national leaders will be convened in Washington, D. C. for the dissemination of the findings and recommendations of the Commission and for endorsement of its report to the Nation.

Affirmative Action Consultation

A Consultation on Affirmative Action in Employment in Higher Education was held on September 9-10, 1975 in Washington, D. C. Scholarly papers were prepared by authorities and experts in: (a) the history of affirmative action; (b) Federal regulations and case law; (c) HEW guidelines and HEW action; and (d) reactions of colleges and universities. Following a format similar to last year's Milliken v. Bradley consultation, each presentation was followed by two or more reactors, and Commissioners had an opportunity to interact with presenters and reactors. A Commission publication containing the transcript of the meeting and the papers presented is being prepared.

ACTIVITY 7 - BASIC CIVIL RIGHTS RESEARCH AND CLEARINGHOUSE LIBRARY

Research Studies

Four research-type studies will begin in Fiscal Year 1976, three of which will be completed within the same fiscal year. Of these three, two are literature reviews in the area of education: (a) whether schools have the potential to effectively educate minority pupils, and (b) whether sex and race-biased school books have adverse impacts

on students. The third is an assessment of the costs and effectiveness of present social science reference aids for civil and women's rights information. The fourth study will be the major undertaking for the Office of Research for the next three to four years and will consist of a large-scale basic inquiry into the race and gender attitudes of Americans, and the situational factors that determine whether, when, and how those attitudes shape behavior towards minority and female persons.

Nationwide Survey to Assess the Extent of Substantial Progress in Desegregation

As part of its School Desegregation Project the Commission will survey a random sample of school superintendents, mayors, and Chambers of Commerce and perhaps other community leaders to determine the relationships between (1) leadership support for desegregation (by community and school leaders), and the success of desegregation; (2) leadership support, and the presence of school programs and practices commonly thought to facilitate desegregation; and (3) the presence of such programs and practices, and the success of desegregation. The study will provide the first data on these factors from a nationwide representative sample.

Technical Assistance

Consultation services concerning research methodology will continue to be provided to other Commission projects. The colloquia series with guest speakers on approaches to improving the policy - relevance of social science research will also continue.

National Clearinghouse Library

The design, (of the new library) construction, furnishing will be started before the end of Fiscal Year 1976.

PROPOSALS FOR FISCAL YEAR 1977ACTIVITY 1 - NON-LEGAL REPORTS AND STUDIESUnemployment and Underemployment Among Minorities and Women

The Commission, in Twenty Years After Brown: Equality of Economic Opportunity, found that:

The unemployment rate for nonwhites compared with the unemployment rate for whites has remained virtually unchanged since 1954. The unemployment rate for nonwhites continues to be a little more than double the white rate, and minority unemployment undoubtedly is even higher than available data indicate. Similarly, the unemployment rate for women, regardless of race, has been higher than for white men; the unemployment rate for black women has been substantially higher than for white women; and unemployment for nonwhite teenagers has been more than double the rate for white teenagers.

These disproportionately high unemployment rates have been attributed to overt discrimination and to characteristics embodied in the labor market which, coupled with the "human capital" (i.e., education, training, experience, etc.) minorities and women possess, offer less opportunity for stable employment.

This study would attempt to measure that part of minority and female unemployment and underemployment that cannot be readily explained by overt discrimination. It would identify those characteristics of the labor market that impede advancement or result in higher unemployment among minorities and women. Future demands for various types of labor would be analyzed and the skills required compared with those currently possessed and being acquired by these demographic groups.

A second phase of the project will seek to estimate the cost to society of high unemployment and underemployment among women and minorities by exploring the loss in gross national product as well as expenditures that would not otherwise be incurred for income maintenance programs (e.g., unemployment insurance, food stamps, AFDC, public housing), law enforcement, fire protection, public health, and other community services.

Forces for Residential Segregation and Their Impact on the Racial/Ethnic Composition of Public Schools

Since its inception the Commission has been concerned with the separate causes and effects of discrimination in the housing market and in public schools. In a July 1974 study, Equal Opportunity in Suburbia, the Commission found that discrimination coupled with the generally lower income of racial and ethnic minorities fosters metropolitan residential segregation. The resulting residential pattern is characterized by a suburban "white noose" of housing priced beyond many minority family pocketbooks encircling a nonwhite inner city of deteriorating neighborhoods.

Low income, which places minorities at a double disadvantage in the housing market, stems in part from discrimination in the schools. Inferior education prevents minority group members from converting their education to income as successfully as do whites. However, as the Commission found in a 1967 study, Racial Isolation in the Schools, the educational achievement of blacks is related to both the racial and income class composition of the schools they attend. The composition of the schools, in turn, affects residential segregation. In essence, racial and economic discrimination are intertwined and perpetuate each other.

The various studies on housing and education, nevertheless, have not sought to determine definitively how practices in the private housing market; Federal, State, and local housing programs; zoning and land use policies and regulations have affected both residential patterns and the racial/ethnic/income class composition of schools. The debate over Milliken (the court denied plaintiffs' motion to require metropolitanwide school desegregation on the grounds that suburban jurisdictions had not been shown to have acted willfully to exclude black children) has made apparent an urgent need to examine these relationships.

Two or three metropolitan areas will be selected for study. Land and school records, city/county council and school board minutes, other local records, and related Federal and State actions will be examined in an attempt to establish the relationship between decisions affecting housing patterns and the changing racial/ethnic composition of school districts considered segregated.

Impact of Lack of Reproductive Choice on Low-Income Women

This study will deal with freedom from forced sterilization and the right to abortion, the two major issues of reproductive choice. In both instances, the impact is greatest on low income women, who must rely on public funds to pay for abortion, and whose refusal to accept sterilization may result in the curtailment of public assistance or other Federal benefits.

Coerced sterilization includes both overt coercion and acceptance of uninformed consent. The study will ascertain the incidence of forced sterilization by race, sex, age, and economic status of those sterilized; deal with the impact of sterilization on the health and legal rights of the victims; determine the extent of Federal involvement in forced sterilizations, including both the funding of clinics which perform such operations as well as the ways in which receipt of Federal benefits is linked to the requirement for sterilization; analyze the adequacy of program regulations and policies in protecting the recipients including investigation of the efficacy of enforcement and reporting requirements; and investigate the implementation of State eugenics laws, including a focus on the differential impact of such implementation on poor and/or minority women.

Since the 1973 Supreme Court decisions in the cases of Roe and Doe, some States have not altered their laws to conform with the decisions, and others have enacted restrictive laws (requiring spousal consent, limiting Medicaid payments, regulating the medical procedure itself, and establishing reporting requirements), many of which are being systematically challenged in the courts. Congress has enacted several laws, and is considering others, which restrict access, primarily by low income women, to abortion. In addition, the policies of several Federal agencies are in conflict with the Roe and Doe decisions. Many public, as well as private hospitals, have refused to perform abortions altogether, or have agreed to perform them only in the first trimester. In all cases, the constitutionality of such actions is under scrutiny, as is their effect on women's health.

The study will include a review of Federal and State abortion laws, regulations and policies to determine the degree of compliance with the Supreme Court decisions and to assess the impact of non-compliance on women. It will also include an examination of the response of public hospitals and other health institutions in view of their particular impact on low-income women.

Equal Provision of Public Facilities and Services

This study will explore the nature and extent of disparities in the quantity and quality of public facilities (e.g., trash collection, fire protection) in minority neighborhoods compared to those provided in other neighborhoods in selected localities, determine the effectiveness of Federal procedures in preventing their occurrence, consider the implications revenue sharing might have upon the magnitude of the problem and provide a model examination format for residents to use in examining apparently disparate facilities and services in their areas.

Affirmative Action

One of the most controversial issues that has arisen over the past few years relates to affirmative action requirements to increase minority and female employment, particularly the "goals and timetables" features of affirmative action. Charges have been made that affirmative action really means quotas; that it results in hiring unqualified persons; and that it is discrimination in reverse. There is little empirical evidence, however, to determine the validity of these charges or, indeed, the effectiveness of affirmative action as a means of increasing minority and female employment opportunities.

The study will also determine the nature and examine the execution of affirmative action policies and procedures adopted by employers, and evaluate their effectiveness in increasing the number and improving the status of minorities and women. Particular attention will be directed toward appraising the adequacy of Federal affirmative action requirements and the effectiveness of the Office of Federal Contract Compliance and the Equal Employment Opportunity Commission in ensuring compliance.

Political Participation

During Fiscal Year 1977, the Commission will complete a national study of political participation. The study will investigate the barriers that hinder minority and female participation and success as participants in the political process. It will focus on the influence that minorities and women have on the nominating process and in general elections. The study will be based on field research in jurisdictions not covered by the special provisions of the Voting Rights Act, court cases, and the files of relevant private and governmental agencies.

Domestic Violence

Although only limited data are available regarding the extent of violence within a family or quasi-family context, it appears that the victims of such violence are overwhelmingly female and the perpetrators are male--husbands or boyfriends. It has been frequently alleged that police inaction and discriminatory treatment of female victims of such violence prevents most such cases from ever reaching the courtroom. Thus, although all States have laws against assault and battery, and most also have statutes prohibiting "wife-beating", such laws are systematically unenforced when they are broken in a family or quasi-family context.

The Commission will let a contract, under which a preliminary data base--regarding the incidence and nature of cases of domestic violence throughout the country, as well as their effect on women--will be established by means of a comprehensive review of the literature. Such a review will provide an analysis both of the current state of knowledge and data, as well as of the areas in which further research and data collection are needed. The contractor will also undertake a legal analysis which will address the effectiveness of existing and proposed remedies.

ACTIVITY 2 - HEARINGS, LEGAL REPORTS AND STUDIES

Hearings

Hearing days will increase to 12 in FY 1977, and will be used mainly to support ongoing Commission projects or to follow-up on projects completed. The subpoena power of hearings will thus be used to elicit specific information for Commission reports and projects. Subcommittee hearings, employing two Commissioners, will be used to a greater extent. The Commission has found that it cannot realistically predict which issues will require hearings beyond the present year. It therefore will plan for a fixed number of hearing days without specifying the subjects of the hearings.

Reports

Each of the hearings in Fiscal Year 1977 will require the preparation of appropriate staff papers. Each hearing will result in a published hearing transcript as well as a statutory report containing recommendations based on testimony elicited at the hearing.

House Counsel Activity

The usual house counsel and legal activities associated with the day-to-day operations of the Agency will continue in Fiscal Year 1977.

ACTIVITY 3 - STATE ADVISORY COMMITTEES AND COMMUNITY PROGRAMS

State Advisory Committee Activities

In addition to the regional office and SAC activities carried out in connection with national projects, many SACs will undertake individual investigations pursuant to their responsibility to study

local civil rights developments and to advise the Commission on the same. During Fiscal Year 1977, we anticipate 25 major SAC activities in conjunction with national projects or as independent activities. SACs will also be involved in the dissemination of Commission publications, monitoring their own and Commission recommendations, and conducting press conferences to release SAC reports.

State Advisory Committees will continue to undertake individual factfinding, and clearinghouse activities such as State and regional conferences on civil rights; open meetings on sex discrimination in State college and university systems; studies of housing discrimination; studies of employment discrimination in private, State and local government agencies; studies and hearings on voting rights and political participation; various activities affecting education opportunities such as testing, tracking, desegregation efforts, equality of funding, bilingual and special education programs; and liaison with private groups. It is anticipated that there will be 300 SAC meetings, conferences and special projects resulting in 20 SAC reports in Fiscal Year 1977.

In addition to this and sometimes independent of SACs, regional office staff will be involved in activities such as liaison with Federal government officials of the district and regional levels, handling complaints, and undertaking special assignments and investigations.

National State Advisory Committee Conference

In Fiscal Year 1977, a national conference of State Advisory Committee Chairpersons will be convened. The format will largely follow that of the successful conference in Fiscal Year 1976.

Administration of Justice in Prisons - Part II

The current administration of Justice in Prisons project has measured conditions in prisons against a set of suggested guidelines for the treatment of inmates. During the study, it became apparent that the present system does not rehabilitate or reform the behavior of anti-social individuals. The Commission is in a unique position to study and recommend alternative systems to deal with the problems of inmates as a minority in our social and legal structure. In Fiscal Year 1977, a study will begin with the objective of recommending alternative structures to prisons.

ACTIVITY 4 - LIAISON, INFORMATION DISSEMINATIONPublications

The Commission's publications program described in the Fiscal Year 1975 and Fiscal Year 1976 portion of this document will continue. It is anticipated additionally that approximately four more Commission publications of special interest to the Spanish-speaking public will be translated into that language.

The Civil Rights Directory and the Catalog of Publications will be revised and reissued. The intra-agency newsletter inaugurated in Fiscal Year 1975 will be continued on a monthly basis.

Civil Rights Digest

Four issues of the Civil Rights Digest will be published in Fiscal Year 1977.

Liaison and Exhibits

Liaison with public and private groups will continue. Exhibiting Commission publications at conventions of these groups will be expanded.

The present Commission exhibit is designed in a cube format to allow for maximum flexibility. The cubes contain moveable panels of photographs and text illustrating the Commission's program and goals. In Fiscal Year 1977, the Commission will develop additional material on specific subjects for use with the present cube setup. Thus, the exhibit's focus will be shifted to a pertinent subject--education, housing, employment, etc.--for a particular convention.

ACTIVITY 5 - FEDERAL PROGRAM EVALUATION AND COMPLAINTSFederal Civil Rights Enforcement Effort Report

In the last quarter of Fiscal Year 1977 the Commission will begin an indepth study of Federal civil rights activities. This study will be similar in scope and depth to the seven volume report on this subject issued in Fiscal Years 1976-1977.

Appraisal of Federal Agencies in FY 1977

The program of appraising the day-to-day performance of the Federal agencies in discharging their civil rights responsibilities

will be continued and expanded. Efforts will be made to review activities which heretofore have not had priority such as action by the Bureau of the Census and the Office of Revenue Sharing.

Complaint Processing

Since its establishment, the Commission has processed over 21,000 complaints from citizens alleging denials of equal protection of the laws. Complaints have ranged from allegations of employment discrimination to charges of discriminatory site selection of new Federal facilities. Complaints have alleged discrimination on the basis of sex, race, national origin and religion. Many other complaints received by the Commission do not set forth the basis of discrimination.

Complaints are referred to the Federal agency or agencies having jurisdiction, and the agencies are asked to report to the Commission the disposition of the complaints. This Commission function assists those who have complaints covered by Federal law, but who are unaware of the agency to which the complaint should be directed. It also enables the Commission to follow-up on matters of special significance. In addition, an increased attempt has been made to refer complainants to private agencies where appropriate action may be taken.

Many complaints are also handled on an informal basis by the Commission's regional offices in cooperation with regional offices of Federal, State and local government agencies and private establishments.

Based on the pattern in the volume of complaints received in previous years, and the volume of complaints received this fiscal year, it is estimated that over 2,000 complaints will be received by the central office and the regional offices in Fiscal Year 1977.

ACTIVITY 6 - NATIONAL ISSUES AND CONFERENCES

Civil Rights Issues Monographs

It is estimated that ten monographs, statements or reports dealing with current civil rights issues will be produced in FY 1977.

Conference for Non-Federal Reservation Indians

The purpose of this conference would be to provide Indians who live on State reservations with policy information and analysis with the intent of strengthening their hand in relating to the Federal

government. It would bring together some 100 leaders of American Indians, primarily in the East, the South, and Midwest, who live on or are served by State reservations, and who do not enjoy the special relationship with the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS) which "Federal" Indians do. The conference would explore Federal policies, the "legitimacy" of the BIA's and the IHS' position of non-relationship, and how civil rights and other laws might be helpful.

Regional Civil Rights Conference

A regional civil rights conference covering the Western United States is scheduled for FY 1977. The site and specific dates will be chosen in consultation with Federal, State and local professionals in the area. The conference will be planned in consultation with regional professionals and will follow the general purpose of the previous regional civil rights conferences: to improve and strengthen relationships among those agencies and between them and the Commission and other Federal agencies. Because of the size of the population of the Western area, it is anticipated that as many as 200 persons may participate.

ACTIVITY 7 - BASIC CIVIL RIGHTS RESEARCH AND CLEARINGHOUSE LIBRARY

Race and IQ

This review of the literature will discuss alleged IQ differences between racial/ethnic groups and point out the various reasons for thinking that there is not good evidence of such differences. The discussion will cover (1) biases in IQ tests, (2) the question of what the tests measure, (3) the relationship between IQ scores and later life achievements, and (4) flaws in presently available research about the relative importance of heredity and environment on mental abilities.

Race and Gender Attitudes

This study, started in Fiscal Year 1976, will continue through Fiscal Year 1977.

Technical Assistance

Assistance with research methodology will continue to be provided to ongoing Commission projects.

National Clearinghouse Library

Modernization and expansion of the Clearinghouse Library will continue in Fiscal Year 1977. The collection will be increased by approximately 4,000 volumes in this fiscal year.

ACTIVITY 8 - AGE DISCRIMINATION PROGRAM

On November 28, 1975, the President signed P.L. 94-135. Title III, Section 307 of the law requires the Commission to hold hearings and undertake a study of unreasonable discrimination based on age in programs receiving Federal financial assistance and to prepare a report based on these findings. In Fiscal Year 1976 and the transition quarter, provided a supplemental appropriation is enacted in time, the Commission will begin research and prepare for hearings in this area.

In Fiscal Year 1977, three hearings will be held. Based upon these hearings and staff research, a report will be submitted to Congress and the President containing findings and recommendations. The law requires that this report be submitted by May 1977.

COMMISSION ON CIVIL RIGHTS

NEW POSITIONS REQUESTED IN
F.Y. 1977 BUDGET

<u>NO.</u>	<u>GRADE AND TITLE</u>	<u>SALARY</u>
3	GS-12 Attorneys	\$ 58,158
3	GS-11 Attorneys	48,765
<u>2</u>	GS- 5 Clerk-typists	<u>17,850</u>
8	Total annual compensation	124,773
	Less: 40 percent lapse	<u>-49,909</u>
	Estimated Cost	<u>74,864</u>

Dr. FLEMMING. I will just highlight some of the Commission's work in the recent past and will then be happy to respond to your questions.

When the Congress last extended the legislative life of the Commission in 1972, it limited the amount of money which could be appropriated for the Commission's program to \$7 million. Many economic facts of life have changed since then, and both the executive and legislative branches have responded to the needs of the Commission by providing more resources for the Commission to carry out its work.

The response of the Congress and the President has created a situation in which the Commission's current appropriation for fiscal 1976 exceeds the authorization of \$7 million provided under Public Law 92-496.

S. 2288 provides the sum of \$7,843,000 for fiscal 1976, \$1,975,000 for the transition quarter, and \$10,276,000 for fiscal years 1977 and 1978 which would carry us through the present legislative life of the Commission.

H.R. 8957, which passed the House of Representatives on April 5, provides \$7,893,000 for fiscal 1976 (the amount which will actually be appropriated), the sum of \$1,993,000 for the transition quarter (which equals the amount to be appropriated), and authorizes \$9,540,000 for fiscal 1977, which is the amount recommended by the President in his budget message.

The fiscal 1977 figure would provide financial resources to support the Commission's regular programs and the study of unreasonable age discrimination which the Congress called for in the Age Discrimination Act of 1975.

S. 2288 provides a larger amount for fiscal 1977 and a similar amount for fiscal 1978. Although the Commission would appreciate receiving the larger authorization for fiscal 1977 and 1978 and would prefer to avoid coming back to the Congress in a few short months to request approval of an authorization for fiscal 1978, the Commission accepted the House's decision to provide only an annual authorization through fiscal 1977.

In fiscal 1975 the Commission completed and published 26 reports of its State Advisory Committees and 12 statutory reports, plus Spanish translations in several instances.

Additionally, the Commission published numerous clearinghouse publications including the proceedings of our *Milliken v. Bradley* consultation, the Twenty Years After Brown Consultation, and two regional civil rights conferences. We also continued to publish our quarterly "Civil Rights Digest."

Prior to Congress' recent extension and expansion of the Voting Rights Act of 1965, the Commission, as you have indicated in your opening statement, sent to the Congress "The Voting Rights Act: Ten Years After." This report was prepared to assist in congressional debates by providing a factual history of progress made toward full implementation and elimination of continuing barriers to the full free and unfettered exercise of the right to vote in jurisdictions covered by the Act. The Commission also made available materials gathered by Commission staff and its State Advisory Committees on voting practices in uncovered jurisdictions. We have almost concluded a series of reports entitled "The Federal Civil Rights Enforcement Effort—1974." These reports reflect the result of our monitoring of the enforcement of nondiscrimination laws, regulations and executive orders in such important areas as housing, education, employment, revenue sharing, and the need for more effective enforcement by the regulatory agencies, and by the Federal agencies administering programs covered by title VI of the Civil Rights Act of 1964.

The Commission has also completed a series of reports in which the progress of the Nation's minorities and women since *Brown v. Board of Education* has been detailed. These reports look closely at educational, economic and housing opportunities for women of all races and minority men during the 20 years since 1954, and trace the development of equal opportunities in those important areas.

As you know, the Commission in November 1975 announced that it would embark on a 10-month major study to gather and document the facts on the progress or lack of progress in the area of school desegregation in many communities in the United States.

The Commission felt a responsibility to collect new data on the many aspects of school desegregation which have come under attack and to correct the public record with regard to the facts.

We expect to report our findings and recommendations to the Congress, the President and the American people in August of this year.

Finally, as directed by the Congress, we will embark on a study of age discrimination in Federal programs which provided for the delivery of services for older persons.

I will be more than happy to respond to any questions that you have.

Senator SCOTT. Dr. Flemming, I take it your study will give careful consideration to the interim decisions of the Supreme Court and lower courts on matters affecting the work of the Civil Rights Commission.

Dr. FLEMMING. We certainly will.

Senator SCOTT. There has been discussion in *U.S. News and World Report* about the alleged reverse discrimination. I would hope you would also treat that before it becomes an assumption on the part of the general public.

I think there is a good deal of misunderstanding in the press involving discussions of such matters as alleged quota systems, alleged reverse discrimination, and particularly the nonapplication of parts of the Civil Rights Act to large areas of the country, as we certainly have seen a great deal of segregation and a great deal of difficulty in getting rid of it in areas which the Civil Rights Act do not cover.

I think the time is eventually coming when we will have to consider some sort of national approach, some sort of further legislation, which we have been unwilling to do, and I have been unwilling to do because I have not wanted to imperil the work already done.

As a result of discussion with civil rights leaders, we came to that conclusion. But, sooner or later we are going to need, I think, some sort of national approach to many of these problems that are not yet covered.

Dr. FLEMMING. Senator Scott, we certainly will deal with the issues that you have identified. We will take a look at them in light of the most recent decisions of the courts.

For example, on the question of reverse discrimination, the Court of Appeals of the State of New York handed down a very important decision just last week, a decision which, it seems to me, is going to prove to be helpful in dealing with that particular issue.

We certainly will take note of that in connection with our work in the employment area.

Senator SCOTT. Do you have any questions?

Mr. DIXON. No, sir.

Mr. DAVIS. No, sir.

Senator SCOTT. Do you have anything else to add, Doctor?

Dr. FLEMMING. No.

We appreciate very much having this opportunity to make this presentation.

I might just say I personally feel that we are at a very important crossroads in the whole area of civil rights at the present time and along with my colleagues, we welcome the opportunity that has been provided us to step back and take a look at these issues and make findings and recommendations.

We believe that the Congress has put us in a position where we can take a look at these issues and in an objective manner. We also believe that the Congress expects us to stay out on the cutting edge of these issues and we intend to do just that.

Senator SCOTT. I think the work of the Commission has reflected great credit on the membership. Without the Commission, the oversight of legislation and court opinions, much of the progress that is being made would not, in fact, have been made. The extension of the last Voting Rights Act by the strange compromise of more than 5 years and less than 10 indicates that the resistance is met from time to time up here on the Hill with some legislation.

Therefore, the better the work of the Commission, the greater the opportunity for the continuance of civil rights legislation generally.

I do not view this as a matter that can be embraced within year-to-year limitations. It seems to me that this is the kind of work which cannot be ended.

Some form of oversight will be needed for a very long time to come.

Dr. FLEMMING. We appreciate those observations. I agree with you that the oversight function is going to be needed for a long while.

Senator SCOTT. I feel that that will be the case. I think the enlargement of the Commission's functions or the nationalization of them is also ultimately inevitable and it is well for the Commission to prepare for it, but I do not think any assumptions that the Commission will go out of business in a foreseeable time in the future warrant it.

I will poll the subcommittee today in order to report the bill to the full committee so we can have action as promptly as possible.

Dr. FLEMMING. We appreciate that very very much.

Senator SCOTT. The record will remain open for 30 days to allow those parties who expressed an interest in these bills to submit statements. As I said before, Mr. Manuel Fierro, of El Congreso, has asked to be allowed to submit his views. Mr. Clarence Mitchell, of the Leadership Conference on Civil Rights, Ms. Vilma Martinez, of the Mexican American Legal Defense and Educational Fund, and a representative of the New York State Right to Life Group have also asked to have their statements placed in the record. Without objection, all these statements and any others submitted during the period the record is open will be included. If there are no other statements, the subcommittee is adjourned, subject to the call of the Chair.

[Whereupon, at 10:20, the subcommittee adjourned.]

NEW YORK STATE,
RIGHT TO LIFE COMMITTEE, INC.,
Albany, N. Y., April 28, 1976.

TESTIMONY OF BARBARA MEARA, FEDERAL LEGISLATIVE DIRECTOR, NEW YORK STATE
RIGHT TO LIFE COMMITTEE, INC.

TESTIMONY FOR SENATE SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS

Attention; Mr. Ben Dixon.

The New York State Right to Life Committee, Inc. asks the Committee to vote against the additional appropriations sought by the Civil Rights Commission.

We feel the Civil Rights Commission misused its authority (and a substantial amount of the tax payers money) in its report on The Constitutional Right to Limit Childbearing. This report was an effort to deny the civil rights of unborn human beings. It represents a lobbying effort against legislation (the Human Life Amendment) presently before the Congress, contrary to the specific instructions against lobbying contained in Title 18, U.S. Code.

Chairman Arthur Fleming's appearance before the Judiciary Committee on Constitutional Amendments in opposition to a Human Life Amendment was especially disturbing. His testimony gave evidence of some serious misconceptions of the purposes of his Committee. In his testimony, Mr. Fleming described the Civil Rights Commission as a fact finding agency, but in response to questions from the sub-committee members, he admitted that no new research had been done in the very important areas that the Supreme Court decision had left unclear—particularly their inability or unwillingness to determine when a new life begins.

The Supreme Court decision on abortion has come under attack from many sources, most of whom believed the court erred in not recognizing and protecting the humanity of the unborn child from fertilization. However, some who are not opposed to abortion also find the *Roe v. Wade* and *Doe v. Bolton* decisions unacceptable because they are "bad law" (e.g. John H. Ely, "The Wages of Crying Wolf," *The Yale Law Journal*, April, 1973.)

The Civil Rights Commission went even further than the Supreme Court decision. The Commission accepted the decision as a basis for establishing a hitherto unheard of right—the constitutional right to limit childbearing. While we have no argument with the concept of a woman having the right not to have children, we must point out the obvious—her right to limit childbearing is limited once she becomes pregnant. Her pregnancy can only be terminated by bearing the child either naturally at term or unnaturally with the help of the abortionist. Obviously her right to limit childbearing can only be exercised before conception takes place.

We believe that her right to end her pregnancy unnaturally is superseded by the right of the human being who is developing within her.

We regret that the Civil Rights Commission chose to ignore the right to life of the unborn child, for all rights are eliminated for those whose right to go on living is not protected.

We would suggest that a more appropriate topic for study by the Commission might be the denial of the right to bear children which we have seen as an outgrowth of the Supreme Court decision.

We urge, therefore, that the request of the Civil Rights Commission for additional funds be denied.

MEXICAN AMERICAN LEGAL DEFENSE AND
EDUCATION FUND
Washington, D.C.

SENATOR JOHN TUNNEY,
*Chairman, Subcommittee on Constitutional Rights,
Committee on the Judiciary, U.S. Senate,
Washington, D.C.*

DEAR SENATOR TUNNEY: This is in response to your request for MALDEF's comments for the record concerning the responsiveness of the U.S. Commission on Civil Rights to the Mexican American community. Of late, one of MALDEF's major concerns has been the Commission's lack of responsiveness to the problems of our community both in policy formulation and in operational direction. The concern is of necessity a major

one because the Commission plays and has played a unique role in documenting the needs of the unrepresented and articulating solutions.

The Chicano community has long felt that the Commission's Policy and operations do not take into account their needs and desires. Major policy decisions are made concerning civil rights activities with a total disregard for the interest of our community. I will cite two examples of this problem.

First, you, as Chairman of the Senate Subcommittee on Constitutional Rights, were involved deeply with the Voting Rights Act which was renewed and expanded last year. In contemplation of the Act being renewed, the Civil Rights Commission in 1974 initiated a project to study the voting problems of minorities, including Mexican Americans. In the summer of 1974, the Commission, in consultation with the Leadership Conference on Civil Rights, decided to cancel all aspects of the project dealing with the voting problems of Chicanos, Puerto Ricans, and American Indians. Not one Mexican American was consulted concerning this decision. The Commission and the Leadership Conference in their best backroom manner summarily decided that in order to carry out their own designs the voting rights of Chicanos were going to be sacrificed. Thus, without prior consultation with Chicano leaders or organizations, the Commission made a major policy decision affecting 6-10 million Chicanos. It is incredible that a government agency statutorily mandated to protect the civil and constitutional rights of all minorities could so coldly sacrifice the voting rights of one of these minorities. If this decision had been made in innocence or had been based on sound logic, it might have been understandable. However, this wasn't the case. An internal Civil Rights Commission memo dated August 30, 1974, clearly shows that Commission staffers expressly pointed out to the Commission Staff Director that the decision would have a serious impact on Chicanos. The memo pointed out that:

In addition, in Los Angeles the preliminary notification of the Chicano and Asian communities that we planned to look at their voting problems have raised *expectations that are now dashed leaving in their wake some hostile feeling toward the Commission.* (Emphasis added)

Notwithstanding this clear expression of concern, the Commission blithely dashed the expectations of two minority communities.

Also, the decision had no logical basis; it was essentially a decision based on political expediency. My intensive involvement with this issue led me to conclude that the Commission, in order to protect the gains made by one minority group, sacrificed the rights of three other minority groups. There was no attempt to find a reasonable compromise among diverse interests; there was no attempt to find alternative solutions.

A second example of the Commission's indifference and lack of responsiveness to the Chicano community involves the Commission's recent decision to concentrate a major portion of its resources on studying the busing and desegregation issue. When a major civil rights government agency decides to strip every on-going project and concentrate its resources on one issue, it would be expected that the major elements of the civil rights community be consulted. The Commission ignored the interests of the Chicano community and placed all of its resources in an issue not of primary importance to this community. Again, no Chicano leaders or organizations were contacted or consulted *before* the decision. The busing project was not even going to include any cities in the Southwest until outside pressure forced the Commission to include Denver. Also, the Commission's own personnel rebelled at having their projects stripped to staff the new project; this led to morale problems resulting in some resignations. Given the fact that the Voting Rights Act, which has been called by Father Theodore Hesburgh the single most effective piece of civil rights legislation ever passed, was expanded to the Southwest only in 1976 and the fact the 1976 is a major election year, the Chicano community expected a major effort by the Commission to bring the Act to the people.¹ This expectation was again dashed when the Commission redirected its efforts towards busing. Only after Chicano groups complained did the Commission release a mere 4-5 thousand dollars² to hold Voting Rights Act workshops in Texas and California.

¹ It is important to note that the first duty imposed on the Commission by statute (42, U.S.C.A. Section 1975c) is that it shall "investigate allegations in writing . . . that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, sex, or national origin . . ."

² In contrast, the Commission budgeted over 129,000 dollars for travel alone for the busing project.

The Commission keeps insisting that its civil rights policies are for all minorities. However, time and time again the Chicano community has witnessed the Commission pouring vast resources into projects that have little or no relevance for Chicanos, without any prior consultation of Chicanos in the decision-making process.³

The Chicano community and the Commission should work in a cooperative manner to resolve the civil rights problems of Mexican Americans; however, this is not the case. The Chicano community has been forced to be constantly at odds with the Commission because of its indifference to this community.

Since the policy orientation of an agency is essentially a reflection of the persons running that agency, a large portion of the problems between the Commission and Chicanos stems from the lack of Chicanos at the Commission, especially in high ranking positions. Of the 191 employees at Commission's headquarters, only 11 (5.7%) are Mexican American, and the highest rated Chicano is a GS-14. Not one of the Commission's major divisions is headed by a Chicano. The following is a list of the major divisions at the ethnic and male-female designation of the directors:

Staff Director—Black male.
 Congressional Liaison—Black male
 Equal Employment Opportunity—Black male
 Office of Program and Policy Review—Black male
 Publications Management—Black male
 Office of Field Operations—Black male
 Office of National Civil Rights Issues—Black male
 Chairman of Commission—White male
 Office of General Counsel—White male
 Women's Rights—White female
 Office of Civil Rights Evaluation—White female
 Public Affairs Unit—White male
 Office of Management—White male
 Office of Research—White female

There is no way that the Commission can genuinely be responsive to the Chicano community when there are no Chicanos in the top-level management positions. The Commission has had more than enough time to recruit and hire Mexican Americans for policy-making positions. This situation is not new; as far as I know the Commission has never had a Chicano in such a position. The situation where the Commission on Civil Rights is not affording Chicanos equal employment opportunity within its employment structure is totally incomprehensible. Time and again the Commission criticizes other agencies for practicing racism against minority employees; yet, the Commission itself is patently guilty of racism against Chicanos.

In view of the fact that the Commission itself is not willing to protect the civil rights of the Mexican American community and is also unwilling to provide equal employment opportunity for this community, your Subcommittee should take steps to have the Congress provide this protection and this opportunity. I have been a student of the Commission since 1969; in all these years, my conclusion is that the Commission will not change its discriminatory practices against Chicanos. This can only be done by a concerted effort on the part of your Subcommittee and on the part of the Congress.

I am interested in your thoughts in this matter and would appreciate hearing from the Subcommittee. Thanking you in advance for your usual cooperation and assistance, I remain,

Sincerely,

VILMA S. MARTINEZ,
 President and General Counsel.

[The following bill, S. 1834 is a predecessor to S. 2288.]

³ A Commission letter (dated May 10, 1976) to your office clearly points this out. The letter states, *inter alia*: "During the last several months we [the Commission] have made a special effort to develop a closer liaison with the Spanish heritage leadership so that they could better understand the Commission policies regarding School Desegregation and its impact on the Spanish origin community." In other words, after the decision had been made the Commission sent out an emissary to Chicanos to explain what was decided. If Chicanos had been involved in the decision-making processes from the beginning, this sort of division wouldn't have to occur.

94TH CONGRESS
1ST SESSION

S. 1834

IN THE SENATE OF THE UNITED STATES

JUNE 2, 1975

Mr. HUGH SCOTT (for himself, Mr. PHILIP A. HART, Mr. MATHIAS, and Mr. TUNNEY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To raise the limitation on appropriations for the United States Commission on Civil Rights.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. Section 106 of the Civil Rights Act of
4 1957 (42 U.S.C. 1975e; 71 Stat. 636), as amended is
5 further amended to read as follows:

6 “SEC. 106. For the purposes of carrying out this Act,
7 there is hereby authorized to be appropriated for the fiscal
8 year ending September 30, 1976, the sum of \$7,843,000
9 and for each fiscal year thereafter through September 30,
10 1978, the sum of \$10,500,000 and additional amounts as

1 may be necessary for increases in salary, pay, retirement,
2 and other employee benefits authorized by law which arise
3 subsequent to the date of enactment of this Act.”.

