

# NEBRASKA'S OFFICIAL CIVIL RIGHTS AGENCIES

—A report of the Nebraska Advisory Committee to the United States Commission on Civil Rights prepared for the information and consideration of the Commission. This report will be considered by the Commission, and the Commission will make public its reaction. In the meantime, the findings and recommendations of this report should not be attributed to the Commission but only to the Nebraska Advisory Committee.

August 1975

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--A report prepared by the Nebraska Advisory  
Committee to the U.S. Commission on Civil Rights

ATTRIBUTION:

The findings and recommendations contained in this report are those of the Nebraska Advisory Committee to the United States Commission on Civil Rights and, as such, are not attributable to the Commission.

This report has been prepared by the State Advisory Committee for submission to the Commission, and will be considered by the Commission in formulating its recommendations to the President and the Congress.

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UNITED STATES COMMISSION ON CIVIL RIGHTS

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LETTER OF TRANSMITTAL

NEBRASKA ADVISORY COMMITTEE TO THE  
U.S. COMMISSION ON CIVIL RIGHTS  
August 1975

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John A. Buggs, Staff Director

Sirs and Madam:

The Nebraska Advisory Committee submits this report of its investigation of Nebraska's official civil rights agencies as part of its responsibility to advise the Commission about civil rights problems within the State.

During our 7-month investigation we examined the four State official civil rights agencies--the Nebraska Equal Opportunity Commission, the Commission on Indian Affairs, the Mexican-American Commission and the Nebraska Commission on the Status of Women, and four local civil rights agencies--the Commission on Human Rights of the City of Grand Island, the Lincoln Commission on Human Rights, the Omaha Human Relations Department, and the Mayor's Commission on the Status of Women (Omaha).

Through its research, the Advisory Committee found that the Nebraska Equal Opportunity Commission was created to avoid Federal intervention rather than to promote civil rights activity. Many of the other civil rights agencies studied were created for the same purpose.

The Advisory Committee found that most of the agencies face a similar set of problems: inadequate budget, false expectations by client groups, insufficient staff, lack of adequate staff training, and limited powers.

The Advisory Committee is making recommendations to the State legislature and to the individual State agencies. These include: amending the enabling legislation of the Nebraska Equal Opportunity Commission, the Mexican-American Commission, and the Commission on

Indian Affairs; having each agency analyze its training needs; giving enforcement agencies the power to initiate investigations of patterns and practices of a denial of civil rights; and upgrading the budgets of the agencies examined to a level commensurate with the agency's responsibilities.

We urge you to concur with our recommendations and to assist this Advisory Committee in followup activities.

Respectfully,

/s/

JOHN A. GALE  
Chairperson

### ACKNOWLEDGMENTS

The Advisory Committee wishes to thank the staff of the Commission's Central States Regional Office, Kansas City, Mo., for its help in the preparation of this report.

This project was the principal staff assignment of Etta Lou Wilkinson, with writing and review assistance from Leslie A. Berger and Melvin L. Jenkins, and support from Gloria O'Leary and Jo Ann Poole. The report was prepared under the overall supervision of Thomas L. Neumann, regional director, Central States Regional Office.

Final edit and review was conducted in the Commission's Office of Field Operations, Washington, D.C., by Bonnie Mathews, acting chief editor, assisted by Bruce E. Newman, and Audree B. Holton.

Preparation of all State Advisory Committee reports is supervised by Isaiah T. Creswell, Jr., Assistant Staff Director for Field Operations.

## THE UNITED STATES COMMISSION ON CIVIL RIGHTS

The United States Commission on Civil Rights, created by the Civil Rights Act of 1957, is an independent, bipartisan agency of the executive branch of the Federal Government. By the terms of the Act, as amended, the Commission is charged with the following duties pertaining to denials of the equal protection of the laws based on race, color, sex, religion, or national origin: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to denials of equal protection of the law; maintenance of a national clearinghouse for information respecting denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

## THE STATE ADVISORY COMMITTEES

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 as amended. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

CONTENTS

	<u>Page</u>
I. INTRODUCTION.....	1
II. THE NEBRASKA EQUAL OPPORTUNITY COMMISSION (NEOC).	8
III. NEBRASKA COMMISSION ON INDIAN AFFAIRS.....	33
IV. NEBRASKA MEXICAN-AMERICAN COMMISSION.....	44
V. NEBRASKA COMMISSION ON THE STATUS OF WOMEN (CSW).	54
VI. COMMISSION ON HUMAN RIGHTS OF THE CITY OF GRAND ISLAND.....	61
VII. LINCOLN COMMISSION ON HUMAN RIGHTS.....	66
VIII. OMAHA HUMAN RELATIONS DEPARTMENT.....	73
IX. MAYOR'S COMMISSION ON THE STATUS OF WOMEN (OMAHA).....	85
X. CONCLUSIONS, FINDINGS, AND RECOMMENDATIONS.....	89
APPENDIX A: NEBRASKA'S OFFICIAL CIVIL RIGHTS AGENCIES....	96



EXHIBITS

	Page
1.1 Race and Sex Composition of Population--Lincoln SMSA 1970	5
1.2 Race and Sex Composition of Population--Omaha SMSA (Nebraska Portion) 1970	5
1.3 Race and Sex Composition of Population--Grand Island 1970	6
1.4 Race and Sex Composition of Population--Scottsbluff 1970	7
2.1 Coverage Under Nebraska Civil Rights Laws	19
2.2 Complaints Received by NEOC 1965-1973	22
2.3 Case Disposition, NEOC 1965 - November 16, 1973	23
3.1 Commission on Indian Affairs Budget	37
4.1 Nebraska Mexican-American Commission Budget	47
6.1 Complaints Received by Commission on Human Rights of the City of Grand Island	63
7.1 Complaints Received by Lincoln Commission on Human Rights	71
8.1 Formal Employment Complaints Received As Compared to All Complaints	80

## I. INTRODUCTION

The decade of the 1960s was a unique period of civil rights progress in America. The Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Housing Act of 1968 represented the first far-reaching national civil rights legislation in a century. This Federal action was mirrored at the State and local levels as well. For example, the Nebraska Equal Opportunity Commission was created in 1965, and local human relations commissions were established in Omaha (1966), Lincoln (1966), and Grand Island (1970). In addition to these agencies which have civil rights enforcement responsibilities, public "pro-active" agencies have also been chartered. These are agencies which lack enforcement powers and are usually charged with developing information regarding issues covering specific groups, e.g., Mexican Americans, Native Americans, or women. Often they fulfill an ombudsman or advocacy role for clients.

By the early 1970s, much of the public enthusiasm for civil rights appeared to have waned. Whites generally expressed the opinion that enough had been done for minorities, particularly for blacks, while minorities just as resolutely believed that little change had actually taken place during the previous decade.

In the meantime, official civil rights agencies<sup>1</sup> were experiencing profound change. In some States, these changes were developmental; increased staff enabled the handling of larger caseloads. Significant

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1. For purposes of this report an "official agency" is one that has been constituted as a public entity either by legislative action or executive order. Organizations established by private citizens or private agencies are not included in this definition.

case law was being made, and far-reaching conciliation settlements were effecting rapid revision of recruitment, testing, and hiring practices. The civil rights commission in Michigan is recognized as having enjoyed this kind of developmental growth and influence.

On the whole, however, official human rights agencies have begun to experience more troublesome times. Agencies have received increased jurisdiction, for example, discrimination based on sex or physical disability, without receiving additional resources to handle larger complaint loads.<sup>2</sup> The results have been long delays between the filing of a complaint and its resolution, larger backlogs, accusations of inefficiency, and intensified frustration for complainants, respondents, and staff investigators.

The Nebraska Advisory Committee to the U.S. Commission on Civil Rights on March 22, 1974, decided to undertake a survey of the eight official civil rights agencies in the State--the Nebraska Equal Opportunity Commission, the Commission on Indian Affairs, the Nebraska Mexican American Commission,<sup>3</sup> the Nebraska Commission on the Status of Women, the Commission on Human Rights of the City of Grand Island, the Lincoln Commission on Human Rights, the Omaha Human Rights Department, and the Mayor's Commission on the Status of Women (Omaha).

For more than a year the Advisory Committee collected information regarding the agencies and found that the general public knew far too little about them to make fullest use of them. Relatively little was known about their statutory responsibilities, their structures, functions, budgets, and their relationships to other Federal, State, or local entities (in fact, at the outset of the investigation it was not certain how many official agencies existed in the State). Sporadic news reports in the media are generally limited to decisions on significant complaint cases or comments by officials on current events related to civil rights.

The study consisted primarily of questionnaires mailed to agency heads, followed by personal interviews with staff executives, agency policymakers, elected officials having supervisory authority over the agencies, media representatives, and clients of the agencies. A total of 55 persons were interviewed individually.

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2. Galen Martin, "New Civil Rights Act Coverages--Progress or Racism" (paper delivered at the Conference of National Association of Human Rights Workers, New York, N.Y., Oct. 8, 1974).

3. Nebraska legislation hyphenates "Mexican-American"; the U.S. Commission on Civil Rights omits the hyphen in its usage.

It is the Advisory Committee's hope that this report will prove useful to all Nebraskans by making them more aware of the services the agencies offer. It should also help the agencies themselves assess their own achievements and needs more accurately. (This should not be construed as an "efficiency study," for the Advisory Committee did not attempt to measure the degree of effectiveness achieved by an agency in terms of its goals or the utilization of its resources.) Similarly, it should provide elected officials and government administrators charged with oversight of the agencies with a fuller perspective of the latter's problems and accomplishments. Finally, the Advisory Committee suggests that the report might be of interest to civil rights agencies in other States which may be undergoing similar experiences.

The continuing viability of official civil rights agencies is a major concern of the U.S. Commission on Civil Rights, which has recently sponsored a series of regional civil rights conferences. The first conference, held in St. Louis, Mo., February 1974, provided impetus for this Advisory Committee report.

### Nebraska Profile

Nebraska is unique in having a unicameral State legislature. There are 49 districts whose incumbents are selected in nonpartisan elections and are called senators.

Nebraska's 1970 population, as reported by the U.S. Bureau of the Census, is 1,483,493, reflecting a 5.1 percent increase since 1960.<sup>4</sup> This consists of 1,411,330 whites (95.1 percent), 39,911 blacks (2.7 percent), 21,067 persons of Spanish language (1.4 percent), 6,624 Native Americans (0.4 percent), 2,189 Asian Americans (0.1 percent), and 1,902 persons of "other" races (0.1 percent).<sup>5</sup>

4. U.S., Department of Commerce, Bureau of the Census, General Population Characteristics-Nebraska, 1970 Census of Population, No. PC(1)-B29 Nebr., p. 29--47 (hereafter referred to as General Population Characteristics).

5. Ibid., p. 29--49, U.S., Department of Commerce, Bureau of the Census, General Social and Economic Characteristics-Nebraska, 1970 Census of Population, No. PC(1)-C29 Nebr., p. 29--176 (hereafter cited as General Social and Economic Characteristics).

Grand Island is the third most populous city in Nebraska. Located in the south-central portion of the State, it reported a 1970 population of 31,269.<sup>13</sup> This can be broken down as follows:

Table 1.3

## Race and Sex Composition of Population--Grand Island 1970

	Total	White	Spanish American	Black	Native American	Asian American	Other
Total	100%	96.9%	2.5%	0.3%	0.1%	0.1%	0.1%
	31,269	30,289	784	94	40	22	40
Male	100%	99.3% <sup>1</sup>	(2)	0.3%	0.1%	0.1%	0.1%
	14,747	14,648 <sup>1</sup>	(2)	50	19	10	20
Female	100%	99.4% <sup>1</sup>	(2)	0.3%	0.1%	0.1%	0.1%
	16,522	16,425 <sup>1</sup>	(2)	44	21	12	20

1 Includes persons of Spanish language.

2 Figures unavailable by sex.

Source: U.S. Bureau of the Census.

Scottsbluff is located in the panhandle region of western Nebraska. According to the U.S. Bureau of the Census its 1970 population was 14,507.<sup>14</sup> Table 1.4 shows the race and sex composition of this population. Persons of Spanish language compose 84.3 percent of Scottsbluff's minority population.

13. Ibid., p. 29--47.

14. Ibid.

Table 1.4

## Race and Sex Composition of Population--Scottsbluff 1970

	Total	White	Spanish American	Black	Native American	Asian American	Other
Total	100%	86.0%	11.8%	0.4%	1.3%	0.3%	0.2%
	14,507	12,478	1,711	56	191	40	31
Male	100%	97.9% <sup>1</sup>	(2)	0.3%	1.2%	0.3%	0.3%
	6,861	6,716 <sup>1</sup>	(2)	23	84	19	19
Female	100%	97.7% <sup>1</sup>	(2)	0.4%	1.4%	0.3%	0.2%
	7,646	7,473 <sup>1</sup>	(2)	33	107	21	12

- 1 Includes persons of Spanish language.
2. Figures unavailable by sex.

Source: U.S. Bureau of the Census

5. that the newly created agency receive its legal representation from the attorney general (rather than hiring private attorneys, as the Danner bill provided);
6. that the agency not be allowed to conduct educational programs; and
7. that the agency not be empowered to issue "cease and desist" orders against an employer judged by the agency to have discriminated against a complainant.<sup>21</sup>

These suggestions were incorporated into the Labor Committee's revised bill. At the opening of floor debate on June 14, 1965, Senator Terry Carpenter asked if "this bill as amended represents the viewpoint of the Nebraska State Chamber of Commerce." Senator Danner replied: "That is correct."<sup>22</sup>

In the course of the investigation by the Advisory Committee, the business associations were frequently cited as primary opponents of the civil rights agencies. Mel Snodgrass, public affairs director of the Nebraska Association of Commerce and Industry, insisted in an October 1974 interview that the association has consistently supported civil rights legislation.<sup>23</sup> The position of the National Association of Manufacturers, with whom the Nebraska body is affiliated, has always been that State and local laws should conform closely to the Federal law. "This eliminates a lot of red tape and legal problems for corporations operating in Nebraska," Mr. Snodgrass said.<sup>24</sup>

Senator Carpenter threatened to oppose the amended bill because he felt it was meaningless for the State's minorities. Senators opposed to civil rights legislation indicated their readiness to join him. Senator Albert A. Kjar attempted to forestall this move by repeating the view of the Chamber of Commerce:

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21. Ibid.

22. "Floor Debate," p. 1,970.

23. Mel Snodgrass, interview in Lincoln, Nebr., Oct. 24, 1974, (hereafter cited as Snodgrass interview).

24. Ibid.

*I don't think it was the opinion of the committee that this bill should be killed. I think they felt it should be passed, that there are Federal laws and regulations affecting the civil rights and Nebraska shouldn't be in a position to have a Federal law come in and supersede State law and it was the thinking of the committee if we keep this as nearly as we can to the Federal regulation, the bill would be acceptable.<sup>25</sup>*

A motion by Senator Dale L. Payne was passed which required that agency rules and regulations be approved by majority vote of the legislature.<sup>26</sup> The usual practice was to have State agencies set their own operating guidelines, with a review for legal sufficiency by the State attorney general.

The Senate majority faced a genuine dilemma: they did not want a strong civil rights agency, but they had to have an agency or run the risk of Federal involvement. Senator Sam Klaver described their plight:

*In 16 days this [Federal Civil Rights Act] becomes the law of the land. [If we do not act, we will let] the Federal Government create a commission here with plenty of employees and plenty of inspectors and whatnot to enforce the law.*

*Your choice is just this--do you want the people of your own State to be on a commission to rule and regulate this matter or do you want Federal people to come in here under Federal laws and Federal inspection of all kinds and FBI agents to come in here and enforce the law?<sup>27</sup>*

The legislators passed LB656 by a vote of 40-7, "on a wave of labor and management support."<sup>28</sup>

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25. "Floor Debate," p. 1,972.

26. Ibid., p. 1,990.

27. Ibid.

28. "Fair Employment Bill Passed by Legislature," Lincoln Journal, July 27, 1965.



### Commission

The seven members of the commission are appointed by the Governor for 3-year terms. The 32 persons who have served as members have stayed an average of slightly less than 2 years each. Members have resigned for various reasons, including press of business, relocation outside Nebraska, or disagreement with commission operations. Of the current members, one, Frances Dunson of Omaha, has served a record 5 years. The chairperson, Essie Burden of Lincoln, is currently in her second term. The others have served less than 3 years.

The commission elects its own officers. R. D. Anderson of Lincoln was the first chairperson. Commissioners are not compensated for their services but do receive reimbursement for expenses while performing their duties. Compensation of board members has long been of concern to lawmakers and staff members alike. The Chamber of Commerce recommended in 1965 that commission members receive an honorarium of \$40 per day, plus expenses, for every day worked. This amendment passed in a preliminary vote but was eliminated before final passage of the bill.

Since that time, the Nebraska Indian Commission and the Mexican-American Commission have been created; both recompense their board members with a \$35 per diem plus expenses. NEOC Executive Director Lawrence Myers and his predecessor Reid Devoe both feel strongly that NEOC commission members should receive similar remuneration.<sup>29</sup> They argue that, in addition to being equitable, it would help insure a quorum at each meeting.

One unique feature of the equal employment commission is the absolute power it has over its staff. The commission may appoint such clerks, agents, and other employees as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.<sup>30</sup>

By this authority the commissioners, not the director, have total control over staff. In practice, the commissioners hire all the professionals, while the executive director hires the clerical staff. This anomaly in management practice has been criticized by Mr. Devoe as erosive of the director's ability to coordinate staff operations.

29. Lawrence Myers, interview in Lincoln, Nebr., Oct. 23, 1974, (hereafter cited as Myers interview I); Reid Devoe, interview in Lincoln, Nebr., Feb. 19, 1975, (hereafter cited as Devoe interview).

30. Revised Statutes of Nebr., §48-1116.