

CR 1.8: C. 12

HEARING
BEFORE THE
UNITED STATES
COMMISSION ON CIVIL RIGHTS

HEARING HELD
IN
CAIRO, ILLINOIS
March 23-25, 1972

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CRI-8:C12

CONTENTS

SESSIONS	Page
March 23, 1972, 9 a.m.-----	1
March 23, 1972, 9:50 a.m. (Executive Session)-----	6
March 23, 1972, 1 p.m.-----	7
March 23, 1972, 7 p.m.-----	83
March 24, 1972, 9:30 a.m.-----	132
March 24, 1972, 1:30 p.m.-----	180
March 25, 1972, 9 a.m.-----	267
STATEMENTS	
Opening Statements: Frankie M. Freeman, Commissioner-----	1, 7
Statements on Rules: Maurice B. Mitchell, Commissioner-----	3, 9
Statement: Mr. John McKnight, Acting Chairman, Illinois State Advisory Committee to the U.S. Commission on Civil Rights-----	12
Concluding Statement: Frankie M. Freeman, Commissioner-----	324
WITNESSES	
Mr. Michael Smith, Staff Attorney, U.S. Commission on Civil Rights-----	14
Rev. John I. Cobb, Cairo, Illinois-----	16
Mr. Harvey Lorberbaum, Chief, Office of Special Projects, Region 5, Office of Economic Opportunity, Chicago, Illinois-----	23
Mr. Russell Deberry, Mr. Vernon Hodge, Jr., Mr. William Beard, and Mr. Robert Meeks, Cairo, Illinois-----	30
Mr. Charles Vanderbosch, Assistant Director, Field Operations Division, International Association of Chiefs of Police, Annandale, Virginia-----	47
Mr. William Bowers, Chief of Police, and Mr. James H. Dale, Jr., Commissioner of Police, Cairo, Illinois-----	55
Mr. James H. Rush, Director, Criminal Justice Planning for the Greater Egypt Regional Planning and Development Commission, Carbondale, Illinois; Mr. Arthur Bilek, Chairman, Illinois Law Enforcement Commission and Mr. John J. Jemilo, Regional Administrator, Law Enforcement Assistance Administration, Chicago, Illinois, accompanied by Mr. Allen Ganz, Counsel-----	71
Miss Rhona Jenkins and Miss Shelley McKee, Cairo, Illinois, and Mr. Pat Sams, Cache, Illinois-----	84
Mr. Jack Greaney, Acting Headmaster, Camelot Parochial Schools; Mr. Rye Eaves, Chairman of the Board, Camelot Schools; and Mr. Tom Madra, Cairo, Illinois-----	93
Mr. Van Ewing, Member, Cairo School Board and Mr. Ralph Anderson, Teacher, Cairo Junior High School, Cairo, Illinois, and Dr. Grace Duff, Superintendent, Alexander County Educational Service Region, Tamms, Illinois-----	103
Mr. Gene A. Mason, Superintendent, Cairo Public Schools, Cairo, Illinois-----	123
Dr. Morris Osborne, Chief, Equal Educational Opportunities Division, Office of Education and Mr. Edward Trainor, Regional Commissioner, Internal Revenue Service, Chicago, Illinois, accompanied by Mr. Charles Lock, Counsel-----	132

	Page
Dr. Michael Bakalis, Illinois State Superintendent of Schools, Springfield, Illinois, accompanied by Dr. Fred Bradshaw, Mr. Peter Bianca, and Mr. Michael F. Stramaglia, Staff Members-----	137
Rev. Charles Koen, Executive Director, United Front, Cairo, Illinois----	153
Mrs. Geneva Whitfield and Mrs. Bernadine Peairs, Cairo, Illinois-----	161
Mr. James S. Johnson, Executive Director, Alexander County Housing Authority, Cairo, Illinois, accompanied by Mr. John Holland, Counsel----	168
Mr. Van Ewing, Executive Director, United Cairo Community Development Non-Profit Housing Corporation, Cairo, Illinois-----	180
Mr. Allen E. Moss, City Council Member, Commissioner of Public Health and Safety, Cairo, Illinois, accompanied by Mr. John Holland, Counsel-----	189
Mr. John L. Waner and Mr. Irving Horwitz, Department of Housing and Urban Development, Chicago, Illinois, and Mr. Jerry D. Sternstein, Office of Housing and Buildings, Illinois Department of Local Government Affairs, Springfield, Illinois-----	197
Mr. Wilbur Tuggle, Department of Housing and Urban Development, Chicago, Illinois-----	214
Mr. John Bleveans, Chief Counsel, Lawyers' Committee for Civil Rights Under Law, Cairo, Illinois-----	215
Mr. Fred Wood, Jr., Cairo Coordinator for the Shawnee Development Corporation and Mr. Lewis Thomas, Director, Mainstream Program, Cairo, Illinois, and Mrs. Sarah Jane Clark, Staff Member, Shawnee Development Council, Karnak, Illinois-----	222
Mr. Frank Hollis, Lawyers' Committee for Civil Rights Under Law; Mr. James Whitfield; and Mr. James Wilson, Cairo, Illinois-----	232
Mr. T. J. Connaughton, Vice President for Operations, Burkart-Randall Manufacturing Company, accompanied by Mr. Stephen Shulman, Counsel-----	238
Mr. Richard V. Dorsey, Director, Industrial Relations, Burkart-Randall Manufacturing Company, Cairo, Illinois-----	246
Mr. John G. Cheeks, Springfield Office Director, Fair Employment Practices Commission, State of Illinois-----	251
Hon. James Walder, Mayor, Cairo, Illinois and Hon. Jack Bauer, Chairman, County Board of Commissioners, Cairo, Illinois-----	253
Mrs. Jean Vasser, St. Mary's Community Clinic, Cairo, Illinois-----	267
Emmett Gillespie, D.D.S., and William Kobler, D.D.S., Cairo, Illinois----	270
Sister Joan Marie, Administrator and Sister Gladys Marie, Associate Administrator, St. Mary's Hospital, Cairo, Illinois-----	284
Mr. Daniel Larsen, Supervisor, State of Illinois Regional Office, Office of Economic Opportunity; Mr. Gerald Bennett, Assistant to the Regional Director, Department of Health, Education and Welfare; and Mr. Roy Armstrong, Acting Director of Comprehensive Health Planning, Region 5, Department of Health, Education and Welfare, Chicago, Illinois----	295
Mr. Nolan Jones, Director, Pulaski-Alexander County Development Corporation, Cairo, Illinois, and Mr. Richard Grigsby, Deputy Director, Mounds, Illinois-----	307
Mr. Paul Wisner, Director, Governor's Office of Human Resources, Chicago, Illinois-----	314

EXHIBITS ENTERED INTO THE HEARING RECORD

	Page
Exhibit No. 1 Notice of Hearing.....	328
Exhibit No. 2 Staff Paper: "Demographic, Economic, Social, and Political Characteristics of Cairo and Alexander County, Illinois".....	329
Exhibit No. 3 Letters received by Harvey Lorberbaum with attachments.....	361
Exhibit No. 4* A Survey of the Police Department, Cairo, Illinois, by the International Association of Chiefs of Police.....	383
Exhibit No. 5 Sample of Police Record, Cairo, Illinois.....	384
Exhibit No. 6 Summary of Police Cases, by race.....	388
Exhibit No. 7 Letter from Jack Greaney, Headmaster, Camelot School....	396
Exhibit No. 8 Testimony by Dr. Grace Duff, Superintendent, Alexander County Educational Service Region (with attachments*).....	397
Exhibit No. 9 Letters to Dr. Michael J. Bakalis, Illinois State Superintendent of Public Instruction, Springfield, Illinois, from President and Secretary, Cairo Board of Education, and letter from George A. Mason, Acting Superintendent of Schools, Cairo, Illinois, to Hon. Richard Ogilvie, Governor of Illinois, with attachments.....	402
Exhibit No. 10 Letter from Preston Ewing, Jr., Director, NAACP National Education Department, Midwest Area to Commissioner, Internal Revenue Service.....	408
Exhibit No. 11* Photographs of Pearis' Home.....	409
Exhibit No. 12 Applications on File, Alexander County Housing Authority.....	410
Exhibit No. 13 Alexander County Housing Authority Regulations.....	412
Exhibit No. 14 Report of the Inter-Agency Task Force on Cairo.....	427
Exhibit No. 15 Membership on Public Boards and Commissions, City of Cairo and Alexander County, Illinois.....	431
Exhibit No. 16 Census Breakdown of Populations of City of Cairo and Alexander County, by race.....	434
Exhibit No. 17 "Housing Subsidies Are a Grand Delusion," reprint from <i>Fortune</i> , February 1972.....	435
Exhibit No. 18 Letter from Dr. Maxine Rosenbarger, Director, Comprehensive State Health Planning Agency to E. J. Gillespie, D.D.S., Cairo, Illinois.....	443
Exhibit No. 19 Brochure of Southern Illinois District Dental Society....	444
Exhibit No. 20 Report on St. Mary's Hospital, Cairo, Illinois.....	452
Exhibit No. 21 Information on St. Mary's Community Clinic, Cairo, Illinois.....	582
Exhibit No. 22 Financial Assistance by Geographical Area;* letter from Gerald Bennett, Assistant to the Regional Director, Department of Health, Education and Welfare to Frank Ellis, Regional Health Director, HEW.....	588
Exhibit No. 23 Miscellaneous Letters Received from Cairo Citizens by U.S. Commission on Civil Rights.....	592

*This Exhibit is on file at the Commission.

UNITED STATES COMMISSION ON CIVIL RIGHTS

THURSDAY, MARCH 23, 1972

The U.S. Commission on Civil Rights met at 9 a.m., Thursday, March 23, 1972, in the Federal Courtroom, Post Office Building, Cairo, Illinois, Frankie M. Freeman, Commissioner, presiding.

PRESENT: Frankie M. Freeman, Commissioner; Maurice B. Mitchell, Commissioner. Also present: John A. Buggs, Staff Director-designate; John H. Powell, Jr., General Counsel; Lawrence B. Glick, Deputy General Counsel; John C. Ulfelder, Assistant General Counsel; Conrad Smith, Assistant General Counsel; Stephen C. Brown, Counsel; Michael R. Smith, Counsel; and Michael D. Walker, Counsel.

PROCEEDINGS

COMMISSIONER FREEMAN. The hearing will come to order.

I would like to swear in the reporter, Mr. McLaughlin.

(Whereupon, Joe C. McLaughlin was sworn in as Reporter.)

COMMISSIONER FREEMAN. Next I will swear in the engineer, Mr. O'Neill.

(Whereupon, Donald O'Neill was sworn in as Sound Engineer.)

COMMISSIONER FREEMAN. Mr. Stephen Brown and Mr. Michael Walker.

(Whereupon, Stephen Brown and Michael Walker were sworn in as Clerks.)

COMMISSIONER FREEMAN. Ladies and gentlemen, I am Frankie M. Freeman, a St. Louis attorney and a member of the United States Commission on Civil Rights. I wish to welcome you to this hearing conducted by a Subcommittee of the Commission and introduce you to Dr. Maurice B. Mitchell, Chancellor of the University of Denver, another Commissioner, who is serving with me on this Subcommittee.

I also wish to introduce to you some of the members of the Commission's staff who will participate in this hearing. They are, on my immediate left, Mr. John A. Buggs, Staff Director-designate; on my far right, Mr. John H. Powell, Jr., General Counsel; and next to Mr. Powell, Mr. Lawrence B. Glick, Deputy General Counsel. Is Mr. Conrad Smith here?

MR. BUGGS. No.

COMMISSIONER FREEMAN. This hearing is being held under the authority of the Civil Rights Act of 1957, as amended. As required by

law, notice of this hearing was published in the *Federal Register* on Saturday, February 19, 1972. A copy of this notice will be introduced into the record as Exhibit No. 1.

(Whereupon, the document referred to was marked Exhibit No. 1 and received in evidence.)

COMMISSIONER FREEMAN. The Commission is an independent, bipartisan agency of the United States Government established by Congress in 1957. Its duties are as follows:

1. To investigate sworn allegations that citizens are being deprived of their right to vote by reason of their race, color, religion, or national origin.

2. To study and collect information regarding legal developments which constitute a denial of equal protection of the laws.

3. To appraise Federal laws and policies with respect to the equal protection of the laws.

4. To serve as a national clearinghouse for information with respect to denials of equal protection of the laws because of race, color, religion, or national origin; and, finally,

5. To investigate sworn allegations of vote fraud in Federal elections.

Under the law, the Commission is required to submit reports to the President and the Congress which contain its findings and recommendations for corrective legislation or executive action. To enable the Commission to fulfill its duties the Congress has empowered the Commission to hold hearings and issue subpoenas for the attendance of witnesses and the production of documents. Under the law, also, the Congress has empowered the Commission to hold such hearings before a duly appointed Subcommittee of no fewer than two Commissioners. We are holding this hearing under this authority with Dr. Mitchell and me serving as members of this Subcommittee.

When we have finished this opening public session we will go into an executive session in accordance with the statute governing Commission hearings which provide for such a session, closed to the public, during which persons who may be defamed, degraded, or incriminated by testimony given at the public sessions will have an opportunity to be heard.

The public sessions will resume this afternoon at 1 p.m., in this courtroom where all the sessions will be held. We will hold an evening session tonight beginning at 7 p.m., which will adjourn at 10 o'clock. We will convene tomorrow at 9 a.m., adjourn for lunch at noon, and reconvene here for an afternoon session which will end about 6:30 p.m. The concluding session on Saturday morning will begin at 9 a.m. and adjourn at 12:30 p.m.

In carrying out its legislative mandate, the Commission has made detailed studies in the fields of the administration of justice, education, employment, housing, and voting. To augment these studies it has held hearings in communities throughout the country from California to New York.

We have come to Cairo for specific reasons. The Commission has received allegations from individuals and organizations all over the country that extensive and overt racial discrimination exists here. We have also been told that government officials at all levels have not utilized all of their authority to assist Cairo in dealing with these problems and in some instances have abused their authority and contributed to the worsening of problems in Cairo.

We realize that information which is received from secondary sources or from persons outside a community can often be misleading and distort the truth. We have come here, therefore, to ascertain for ourselves the nature and extent of problems and, among other issues, to seek the reasons why Federal statutes have not been enforced or have not been effective, and to find out how similar situations in other communities may be rectified.

I would like to emphasize that a hearing of the Commission is not an attempt to embarrass any one State, community, or individual. The history of the Commission shows that it has always been honest and objective in all its presentations, even though the subject matter is inherently emotional. The same objectivity will hold true in this hearing.

We will hear from representatives of the local community, from representatives of the local, State, and Federal governments, and from persons who, while they may not be residents of Cairo, have firsthand knowledge of conditions here and are, therefore, competent to speak to them. Federal law protects all such witnesses subpoenaed to appear before the Commission from threats or intimidation.

The testimony we will hear during the next 2½ days will explore the pattern of racial and economic conflict that has developed here and the effect it has had on the community. We will examine a wide range of Government programs that have been proposed for Cairo and try to determine why so few of them have come into being. Our inquiries will cover economic development, education, employment, health services, housing, and law enforcement. Equally important, we will focus on possible solutions which can be pursued by the community and its governing officials at all levels.

I want to emphasize again that in turning our attention to the racial situation in Cairo we also will learn a great deal about similar situations in other communities throughout the country. In this way, we hope to gather information and arrive at conclusions that will be enlightening and of benefit to Americans everywhere.

When this hearing is completed, the Commission's efforts in Cairo will not end. As in the past, we intend to follow up this hearing to see that responsible officials act on the information brought forth in this proceeding.

And now I shall ask Commissioner Mitchell to read the rules of this hearing. Commissioner Mitchell.

COMMISSIONER MITCHELL. Thank you, Commissioner Freeman.

As the Chairman has said, the hearing has been divided into two parts after the opening session this morning. First there will be an

executive session which will be held in this room and which will begin in a few moments. At this executive or closed session, individuals have been invited to appear, if they so desire, and to state their objections to the public presentation of any testimony which they believe might be damaging to them.

Following such objections, the Commission will decide whether the testimony will be received in public.

Then, beginning at 1 p.m. today, testimony will be received in public in this room and will continue through early Saturday afternoon.

At the outset I should emphasize that the observation I am about to make on the Commission's rules constitutes nothing more than a brief summary of the significant provisions. The rules themselves should be consulted for a fuller understanding. Staff members will be available to answer questions which arise during the course of this hearing.

In outlining the procedures which will govern the hearing, I think it is important to explain in some detail the differences between the public session and the executive session.

Section 102 (e) of our statute provides, and I quote :

If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall receive such evidence or testimony in executive session. The Commission shall afford any person defamed, degraded, or incriminated by such evidence or testimony an opportunity to appear and be heard in executive session, with a reasonable number of additional witnesses requested by him, before deciding to use such evidence or testimony.

The executive session to follow this morning is being held to comply with this statutory mandate.

Several weeks ago, the Commission met in Washington and received the material which had been collected in preparation for this hearing. It was then determined that certain individuals were entitled to a hearing in executive session. Accordingly, these individuals were notified of their right to appear at this session. Each also was sent a copy of the Commission's rules which explained this right and was invited to communicate with the Commission in the event he wished to appear or had any questions concerning the executive procedure.

Although some of these persons have been subpoenaed by the Commission to appear during the public session of this hearing, none of them was subpoenaed to appear at this executive session. Ten days ago they received notice of this executive session, an explanation of its purpose, and an invitation to appear if they so desired. They are not required by law to appear. The decision to appear or not to appear lies entirely with them. The executive session is for their benefit alone, and if they determine to forego this opportunity, that is their privilege.

In providing for an executive session, Congress clearly intended to give the fullest protection to individuals by affording them an opportunity to show why any testimony which might be damaging to them should not be presented in public. Congress wished to minimize dam-

age to reputations as much as possible. Congress wished to provide persons an opportunity to rebut unfounded charges before they were well publicized. Obviously, this protection would be meaningless if the person were confronted with and required to respond in public to the anticipated allegations.

Following the presentation of the testimony in executive session and any statement in opposition to it, the Commissioners review the significance of the testimony and the merit of the opposition to it. In the event that they find the testimony to be of insufficient credibility or the opposition to it to be of sufficient merit, they may refuse to hear certain witnesses even though they have been subpoenaed to testify in public session.

An executive session of this type is the only portion of the entire 2½ days of this hearing which is not open to the public.

The public hearing which begins this afternoon is somewhat different. The public and the press are invited and urged to attend the open sessions.

Copies of the rules which govern this hearing may be secured during any recess from a member of the Commission's staff. Persons who have been subpoenaed and persons who have been afforded an opportunity to appear in executive session have already been given their copies.

All persons who are scheduled to appear in public session who live or work in the State of Illinois have been subpoenaed by the Commission.

All testimony at the executive and public sessions will be under oath and will be transcribed verbatim by the official reporter.

All witnesses in public and executive sessions are entitled to be accompanied and advised by counsel. Counsel may subject his client to reasonable examination. He may also make objections on the record and argue briefly the basis for such objections.

Persons subpoenaed to the public session and persons who have been afforded an opportunity to appear in executive session may request that witnesses be subpoenaed on their behalf. All requests for subpoenas must be in writing and must be supported by a showing of the general relevance and materiality of the evidence sought.

In addition, persons who have been afforded an opportunity to appear in executive session may be accompanied by a reasonable number of witnesses who need not be subpoenaed. They may also submit statements prepared by themselves or others for inclusion in the record, providing these are submitted within the time required by the rules.

All witnesses at public sessions have a similar right to introduce statements into the record. At public sessions there is a limited right of cross-examination which is spelled out in detail in the rules.

Finally, I should point out that in many cases the Commission has gone significantly beyond the congressional requirements in its rules to provide safeguards for witnesses and other persons. We have done

this with the intent of insuring that Commission hearings be conducted in the fairest and most impartial manner.

Now, Madam Chairman, I would like to discuss for just a moment the security measures in effect here.

Undoubtedly, you have noticed the security measures that are being employed by Federal marshals at this hearing. The Commission regrets any inconvenience these measures may cause you but points to the fact that less than 3 months ago it was found necessary to cancel a Commission hearing in another part of the country so the safety against injury to the audience, the witnesses, and others associated with the hearing would not be jeopardized.

It is now standard procedure for the Commission to request the Federal marshals' service to provide security at its hearings.

We and the marshals know that the vast majority of the citizens of this city have no intention or desire to disrupt or to otherwise impede the orderly process of this hearing. The Federal marshals, however, have in their best judgment determined that the security measures that they have instituted are necessary in order to assure the safety of everyone in this room and to provide the kind of atmosphere in which this hearing can be conducted with dignity and dispatch.

The Federal judge under whose care this courtroom is operated has required that no more persons be admitted to this room than can be seated here. When, therefore, the room reaches its seating capacity, the marshals will admit no other persons.

In addition there is a prohibition against smoking that you are asked to observe.

We ask your cooperation with the marshals as they work to expedite entry into this room and in maintaining order, and, in addition, we urge you to explain to your friends in Cairo who may wish to attend this hearing that simple compliance with the security measures of the marshals is all that is required.

COMMISSIONER FREEMAN. Thank you, Commissioner Mitchell.

This public session is now adjourned until 1 p.m., and I will ask all persons except those who are here in response to the invitation of this Commission for the executive session to be excused at this time.

(Whereupon, at 9:47 a.m., the public session was adjourned, to be reconvened at 1 p.m. this date.)

THURSDAY AFTERNOON SESSION

March 23, 1972

COMMISSIONER FREEMAN. This public hearing of the Civil Rights Commission will come to order.

Ladies and gentlemen, I am Frankie M. Freeman, a St. Louis attorney and a member of the United States Commission on Civil Rights. I wish to welcome you to this hearing conducted by a Subcommittee of the Commission and introduce to you Dr. Maurice B. Mitchell, Chancellor of the University of Denver, another Commissioner, who is serving with me on the Subcommittee.

I also wish to introduce to you some of the members of the Commission's staff who will participate in this hearing. They are, on my left, Mr. John A. Buggs, Staff Director-designate; Mr. John H. Powell, Jr., General Counsel; Mr. Lawrence B. Glick, Deputy General Counsel; Mr. Conrad P. Smith and Mr. John C. Ulfelder, Assistant General Counsels.

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3. To appraise Federal laws and policies with respect to the equal protection of the laws;

4. To serve as a national clearinghouse for information with respect to denials of equal protection of the laws because of race, color, religion, or national origin; and, finally,

5. To investigate sworn allegations of vote fraud in Federal elections.

Under the law, the Commission is required to submit reports to the President and the Congress which contain its findings and recommendations for corrective legislation or executive action. To enable the Commission to fulfill its duties the Congress has empowered the

Commission to hold hearings and issue subpoenas for the attendance of witnesses and the production of documents.

Under the law, also, the Congress has empowered the Commission to hold such hearings before a duly appointed Subcommittee of no fewer than two Commissioners. We are holding this hearing under this authority with Dr. Mitchell and me serving as members of this subcommittee. In this courtroom, all the sessions will be held from now on, beginning, as I said, right now.

We will hold an evening session tonight beginning at 7 p.m., which will adjourn at about 10 o'clock.

We will convene tomorrow at 9 a.m., adjourn for luncheon at noon, and reconvene here for an afternoon session which will end about 6:30 p.m.

The concluding session on Saturday morning will begin at 9 a.m. and adjourn at 12:30 p.m.

In carrying out its legislative mandate, the Commission has made detailed studies in the fields of administration of justice, education, employment, housing, and voting. To augment these studies, it has held hearings in communities throughout the country from California to New York.

We have come to Cairo for specific reasons. The Commission has received allegations from individuals and organizations all over the country that extensive and overt racial discrimination exists here. We have also been told that government officials at all levels have not utilized all of their authority to assist Cairo in dealing with these problems, and in some instances have abused their authority and contributed to the worsening of problems in Cairo.

We realize that information which is received from secondary sources or from persons outside a community can often be misleading and distort the truth. We have come here, therefore, to ascertain for ourselves the nature and extent of problems, and among other issues to seek the reasons why Federal statutes have not been enforced or have not been effective, and to find out how similar situations in other communities may be rectified.

I would like to emphasize that a hearing of the Commission is not an attempt to embarrass any one State, community, or individual. The history of the Commission shows that it has always been honest and objective in all its presentations, even though the subject matter is inherently emotional. This same objectivity will hold true in this hearing.

We will hear from representatives of the local community, from representatives of the local, State, and Federal governments, and from persons who, while they may not be residents of Cairo, have first hand knowledge of conditions here and are, therefore, competent to speak to them. Federal law protects all such witnesses subpoenaed to appear before the Commission from threats or intimidation.

The testimony we will hear during the next 2½ days will explore the pattern of racial and economic conflict that has developed here and

the effect it has had on the community. We will examine a wide range of Government programs that have been proposed for Cairo and try to determine why so few of them have come into being. Our inquiries will cover economic development, education, employment, health services, housing, and law enforcement. Equally important, we will focus on possible solutions which can be pursued by the community and its governing officials at all levels.

I want to emphasize again that in turning our attention to the racial situation in Cairo we will also learn a great deal about similar situations in other communities throughout the country. In this way we hope to gather information and arrive at conclusions that will be enlightening and of benefit to Americans everywhere.

When this hearing is completed, the Commission's efforts in Cairo will not end. As in the past, we intend to follow up this hearing to see that responsible officials act on the information brought forth in this proceeding.

And now I shall ask Commissioner Mitchell to read the rules of this hearing. Commissioner Mitchell.

COMMISSIONER MITCHELL. Thank you, Commissioner Freeman.

As Commissioner Freeman has said, the hearing has been divided into two parts. First there was the executive session which was held this morning. At the executive or closed session, individuals were invited to appear, if they so desired, and to state their objections to the public presentation of any testimony which they believed might be damaging to them. This afternoon we begin the public session which will continue through Saturday.

At the outset I should emphasize that the statement I am about to make on the Commission's rules constitutes nothing more than brief summaries of the significant provisions. The rules themselves should be consulted for a fuller understanding. The Commission's staff members will be available to answer questions which arise during the course of this hearing.

In outlining the procedures which will govern the hearing, I think it is important to explain in some detail the differences between the public session and the executive session which was concluded this morning.

Section 102(e) of our statute provides, and I quote:

If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade or incriminate any person, it shall receive such evidence or testimony in executive session. The Commission shall afford any person defamed, degraded or incriminated by such evidence or testimony an opportunity to appear and be heard in executive session, with a reasonable number of additional witnesses requested by him, before deciding to use such evidence or testimony. End of that quote.

Several weeks ago, the Commission met in Washington and received the material which had been collected in preparation for this hearing. It was then determined that certain individuals were en-

titled to a hearing in executive session. Accordingly, these individuals were notified of their right to appear at this session. Each also was sent a copy of the Commission's rules which explained this right and was invited to communicate with the Commission in the event he wished to appear or had any questions concerning the executive procedure.

Although some of these persons have been subpoenaed by the Commission to appear during the public session of this hearing, none of them was subpoenaed to appear at the executive session. Some time ago they received notice of the executive session, an explanation of its purpose, and an invitation to appear if they so desired. They were not required by law to appear. The decision to appear or not to appear lies entirely with them. The executive session is their privilege.

For the open public hearing which begins this afternoon, the public and the press have been invited and urged to attend the sessions.

All persons who are scheduled to appear who live or work in the State of Illinois have been subpoenaed by the Commission.

All testimony at the public sessions will be under oath and will be transcribed verbatim by the official reporter. Everyone who testifies or submits data or evidence is entitled to obtain a copy of the transcript on payment of costs. In addition, within 60 days after the close of the hearing, a person may ask to correct errors in the transcript of the hearing or his testimony. Such requests will be granted only to make the transcript conform to testimony as presented at the hearing.

All witnesses are entitled to be accompanied and advised by counsel. Counsel may subject his client to reasonable examination. He also may make objections on the record and argue briefly the basis for such objections.

If the Commission determines that any witness' testimony tends to defame, degrade, or incriminate any person, that person or his counsel may submit written questions which, in the discretion of the Commission, may be put to the witness.

Persons subpoenaed to the public session may request that witnesses be subpoenaed in their behalf. All requests for subpoenas must be in writing and must be supported by a showing of the general relevance and materiality of the evidence being sought.

In addition, all witnesses have the right to submit statements prepared by themselves or others for inclusion in the record, provided they are submitted within the time required by the rules. Any person who has not been subpoenaed may be permitted in the discretion of the Commission to submit a written statement at this public hearing. Such a statement will be reviewed by the members of the Commission and made a part of the record.

Witnesses at Commission hearings are protected by the provisions of Title 18, U. S. Code, section 1505, which makes it a crime to threaten, intimidate, or injure witnesses on account of their attendance at Government proceedings.

Copies of the rules which govern this hearing may be secured during any recess from a member of the Commission's staff.

Persons who have been subpoenaed have already been given their copies.

Finally, I should point out that these rules were drafted with the intent of insuring that Commission hearings be conducted in a fair and impartial manner. In many cases the Commission has gone significantly beyond congressional requirements in providing safeguards for witnesses and other persons. We have done this in the belief that useful facts can be developed best in an atmosphere of calm and objectivity.

We hope that such an atmosphere will prevail at this meeting.

Madam Chairman, I would like to make one further comment. Those present undoubtedly have noticed the security measures that are being employed by the Federal marshals at this hearing. The Commission regrets any inconvenience that these measures may cause you.

Less than 3 months ago the Commission found it necessary to cancel a hearing in another part of the country so that safety against injury to the audience, witnesses, and others associated with the hearing would not be jeopardized. It is now standard procedure for the Commission to request the Federal marshals' service to provide security at its hearings.

We and the marshals know that the vast majority of the citizens of this city have no intention or desire to disrupt or to otherwise impede the orderly process of this hearing. The Federal marshals, however, have in their best judgment determined that the security measures they have instituted are necessary in order to assure the safety of everyone in this room and to provide the kind of atmosphere in which this hearing can be conducted with dignity and dispatch.

The Federal judge under whose care this courtroom is operated has required that no more persons be admitted to this room than can be seated here. When, therefore, the room reaches its seating capacity, the marshals will admit no other persons.

In addition, there is a prohibition against smoking that you are asked to observe.

We ask your cooperation with the marshals as they work to expedite your entry into this room and in maintaining order. In addition, we urge you to explain to your friends in Cairo who may wish to attend this hearing that simple compliance with the security measures of the marshals is all that is required.

COMMISSIONER FREEMAN. Thank you, Commissioner Mitchell.

We will now call the Acting Chairman of the Illinois State Committee, Mr. John McKnight, for a statement at this time.

STATEMENT OF MR. JOHN McKNIGHT, ACTING CHAIRMAN, ILLINOIS STATE ADVISORY COMMITTEE TO THE U.S. COMMISSION ON CIVIL RIGHTS, EVANSTON, ILLINOIS

MR. McKNIGHT. Madam Chairman, Commissioner, it is good to have you and the staff here in Illinois, and especially to have you with us in the city of Cairo.

I regret that the Honorable Richard Ogilvie, Governor of Illinois, is not able to personally welcome you because he has other pressing commitments. Nonetheless, I would like to welcome you on behalf of the citizens of Illinois and your Illinois State Committee. There are three members of the Committee here today, and it is my privilege to introduce them.

Mrs. Theresa Cummings. Will you stand, Mrs. Cummings?

(Mrs. Cummings stood.)

And Mr. Preston Ewing. Mr. Ewing is not here. I guess he hasn't gotten in.

And is Mr. Robert Lansden here?

(No response.)

The Commission held its last hearing in Illinois 13 years ago, and that was in the city of Chicago. This hearing should provide some important contrasts, for Cairo is a small community located at the southernmost tip of the State of Illinois. Cairo is a very old river community with a Southern atmosphere that is reminiscent of the pre-Civil War years.

During your hearing, you will receive a great deal of information about the pattern of racial and economic conflict that has developed in this city. Your Illinois Committee has long been concerned with these problems.

Six years ago, on June 10 and 11 in 1966, we held an open meeting in this very courtroom, and then we reviewed the civil rights problems in Alexander, Pulaski, and Massac Counties. The Committee heard many citizens describe the discriminatory practices and policies of the local institutions. Although local and State officials were frequently cited as the agents of discrimination, many statements pointed to direct Federal involvement in racially restrictive practices.

In January of 1967, the Illinois State Committee released a report on Federal civil rights programs in Cairo which concluded:

1. That the Federal Government must take ultimate responsibility for the racial segregation and discrimination in Cairo;
2. That the Federal Government should take the lead in dealing with the area's depressed economy; and
3. That nondiscrimination is essential if any Federal program for economic and social development is to achieve its goal.

The Committee's report found then that the black communities in Alexander, Pulaski, and Massac Counties were being consistently shortchanged by the Federal Government. Repeatedly, the report described federally administered and federally funded programs that

were not serving the local black communities. The Committee found that most of these programs had failed in the past, they were failing in 1967, and, most importantly, they were threatening to fail in the future.

Furthermore, the Committee found that responsible Federal officials at administrative levels were not even aware of these failures.

If the American Government is to insure equal opportunity and participation, it must know, at the very least, where its programs are inadequate. Unfortunately, we found that Cairo was not a case of Federal overseeing; it was a case of Federal oversight.

In June of 1969, the State Committee submitted a report to the Governor of the State of Illinois regarding the civil disorder in Cairo and requested that he act to the fullest extent of his authority to restore public order in the city.

In September of 1970, the State Committee again requested the Governor to use the resources of his office to bring about an end to the shooting and turmoil that existed in the city of Cairo.

The State Committee has met in numerous executive sessions and closed meetings with Federal and State authorities to discuss the problems of Cairo. These officials have made many visits to Cairo to examine the problems themselves. Nonetheless, the community continues to be a site of major conflict. We are very concerned with the inability of all levels of government to deal with the problems of Cairo, a community with less than 10,000 people.

It is in this context that this hearing is conducted. We hope that the information you receive will illuminate the problems and point toward the answers for this beleaguered city.

Perhaps, at this point, it is well for us to remind you of one of the witnesses at our 1966 public meeting in Cairo. She was an 84-year-old black woman who lived, with her 93-year-old husband, in a three-room wooden hut in a rural area north of Cairo. The couple was supported by welfare payments of approximately \$80 per month.

The witness was asked whether the new Federal civil rights law, the act of 1964, had improved her situation, and she answered, from the transcript:

"Listen. I don't see a bit of difference now than I did way back in '51 or '52 in the civil rights. It hasn't reached us. It ain't got to us—not the civil rights. I reckon it's on the way, but it ain't got here yet."

Six years have passed, and the information gathered by this Committee still demonstrates that if civil rights are on the way, they certainly haven't arrived.

It is our hope that as a result of this hearing those responsible for the health and welfare of this community, the residents, as well as Federal, State, and local officials, will begin to make those changes that are so clearly needed.

It is our intention, as your State Committee, to establish a continuing Subcommittee on Cairo that will maintain constant contact with

this community to monitor the progress in dealing with the problems that are revealed by your hearing. We look forward to receiving your recommendations and pledge our best efforts to seek their implementation at all levels of government.

Thank you.

COMMISSIONER FREEMAN. Thank you, Mr. McKnight. On behalf of the Commission I would like to extend our appreciation to you as Acting Chairman, and to all the members of the Illinois Committee, because they serve as volunteers and give their time, and we would like them to know that the Commission has been very much helped by the work that you have done. Thank you.

MR. MCKNIGHT. Thank you very much, Mrs. Freeman.

COMMISSIONER FREEMAN. Mr. Powell, will you call the next witness?

MR. POWELL. Mr. Michael Smith.

(Whereupon, Mr. Michael Smith was sworn by Commissioner Freeman and testified as follows:)

TESTIMONY OF MR. MICHAEL SMITH, STAFF ATTORNEY, U.S. COMMISSION ON CIVIL RIGHTS

COMMISSIONER FREEMAN. You may be seated. You may proceed.

MR. POWELL. Mr. Smith, would you please state your name, address, and occupation for the record?

MR. SMITH. Michael Smith, 2121 P Street, Washington, D.C. I am staff attorney with this Commission.

MR. POWELL. Mr. Smith, I have here a document entitled "United States Commission on Civil Rights Staff Report: Demographic, Economic, Social, and Political Characteristics of Cairo and Alexander County, Illinois." Are you familiar with this document?

MR. SMITH. Yes, I am.

MR. POWELL. Was this document prepared in connection with this hearing?

MR. SMITH. Yes, it has been.

MR. POWELL. Do you have a summary of this document?

MR. SMITH. I do.

MR. POWELL. Madam Chairman, at this time I ask that the document be introduced as Exhibit 2 of these proceedings and that Mr. Smith be asked to summarize the document.

COMMISSIONER FREEMAN. The document will be received.

(Whereupon, the document referred to was marked Exhibit No. 2 and received in evidence.)

MR. POWELL. Mr. Smith, would you summarize the document?

MR. SMITH. I will.

The research done by the staff of the U.S. Commission on Civil Rights into demographic and other characteristics of Cairo and Alexander County indicates that the area is one of the most economically depressed in the State of Illinois. It has widespread and serious

problems in the areas of education, housing, employment, poverty, and race relations.

In 1970, Alexander County had a total population of about 12,000, slightly more than half of which reside in the city of Cairo, the county seat.

Both Cairo and the county as a whole have lost almost half their population in the last two decades. Cairo has had a total population decline of about 48 percent since 1950. The entire county has lost nearly 40 percent of its population. Since 1960, Cairo's population has decreased by more than 3,000 persons.

The black population in Cairo numbers approximately 2,350, or third have incomes of less than \$2,000. About 30 percent of the county population, the majority (nearly 70 percent) residing in Cairo. The proportion of blacks to the total population has remained fairly constant over the last two decades.

Although poverty is a serious problem throughout the area, blacks are in a much worse situation than whites. The median county income for white families is about \$6,400; for black families, only \$2,800. Over half have incomes less than the Federal poverty level, and about one-third have incomes of less than \$2,000. About 30 percent of the county population receives some sort of public assistance. It is also estimated that over one-third of the population of Cairo receives public assistance. The proportion of blacks receiving such assistance is more than twice that of whites.

The average value for a house in Alexander County is less than \$7,000. Cairo ranks second in the State among comparable cities in its proportion of substandard housing. Housing owned and occupied by blacks has a median value of only \$5,000. There is some public housing in the county, but it is almost completely segregated. There is a great need for new housing for low- and moderate-income families, particularly for blacks.

The unemployment rate for the county is extremely high, over 9 percent. For white males it is 6.5 percent, but for black males it is more than twice that—16.2 percent. Jobs are scarce, and competition is strong. The city and county governments employ few blacks, almost none in higher echelon jobs. Local boards and commissions have almost exclusively white memberships. The majority of black males are employed in blue-collar jobs (over 60 percent), compared to 45 percent of white males. More than twice as many white men hold managerial jobs than do black men.

The prospects for economic development depend on the attraction of new commerce and industry from other areas, as well as the expansion of existing business and industry. Some efforts are beginning to be made by a regional development corporation largely funded by the Federal Government.

Underlying all of Cairo's problems are extensive discrimination and constant racial tension. The white and black communities, increasingly

polarized over the past 5 years, usually do not work together to solve problems. Black demands for equality of opportunity have been met with intense opposition and occasional violence from the white power structure. The result has been increased militancy on both sides.

COMMISSIONER FREEMAN. Thank you, Mr. Smith. Mr. Powell, will you call the next witness.

MR. POWELL. The next witness is the Reverend John I. Cobb.

(Whereupon, the Reverend John I. Cobb affirmed the truth of his testimony to Commissioner Freeman and testified as follows:)

TESTIMONY OF THE REVEREND JOHN I. COBB, PASTOR, CHURCH OF GOD AND CHRIST, CAIRO, ILLINOIS

MR. POWELL. Reverend Cobb, would you please state your name, address, and occupation for the record?

REV. COBB. Reverend J. I. Cobb, pastor of the Church of God and Christ, 331—30th Street. I live at 223—30th Street. Also, I am a job developer with Operation Mainstream.

MR. POWELL. Reverend Cobb, how long have you lived in Cairo?

REV. COBB. I have been here 21 years.

MR. POWELL. You are a member of the Cairo Police and Fire Commission? Is that correct?

REV. COBB. Correct.

MR. POWELL. Would you please tell us briefly what your responsibilities are as a member of that commission?

REV. COBB. It is to examine applicants. It is our duty to see that proper notices are published for the benefit of getting applicants for the fire and police board, to examine them, also to review the conduct periodically of the police department, hear complaints, and give decisions.

Principally that is what we do. We keep up with the various correspondence coming down from the State organization.

MR. POWELL. Reverend Cobb, what is the racial composition of the Cairo Police Department?

REV. COBB. At present we have one Negro serving on the police department.

MR. POWELL. How many policemen are there on the force?

REV. COBB. I understand it should be about 20 at this time. Could be less, because there's a few problems. But I think I would feel safe in saying 18 to 20.

MR. POWELL. A staff report we just had summarized indicates that this community is a community which has approximately 30 percent black population. What in your opinion is the reason why in such a community there is only one black person on the police force?

REV. COBB. Because of the conflicts, racial conflicts, within the community, it's highly difficult to do police work within the community. Now, the police department reflects the general attitude of the community. The conduct of parents and teaching of parents reflects itself

in the children as they grow up and become men and then as they take place in the department naturally some of those attitudes carry over.

Now, it is not altogether a problem of—It may be a problem that comes from the whites, but it has been somewhat difficult also for the Negro policemen to effectively do their job because of problems within the Negro community, and some of these problems are created because of the attitudes of whites, things that have caused them to react and show their dissatisfaction and grievances, and naturally the police is the enemy.

MR. POWELL. Tell me, are the operations of the local police department such as to decrease the tensions you mention, or do they, on balance, increase such tensions?

REV. COBB. Pardon me. Repeat that, please.

MR. POWELL. Are the operations of the Cairo Police Department such as to increase racial tension or do they decrease racial tensions? How would you describe police-community relations in the city?

REV. COBB. It is very bad. There are certain areas that at certain times the police department doesn't even police. Where there are large concentrations of Negroes such as Pyramid Court there are times when there is absolutely no protection in the area.

If you call the police, they're not going out there. It's been the policy of the department periodically when there's trouble that the department did not patrol that area.

MR. POWELL. I see.

REV. COBB. When it comes to the attitude of the police toward the community, the attitude of the majority of the white community or the majority race is reflected within the department itself.

MR. POWELL. Reverend Cobb, we understand that you have been involved in civil rights activities in this city since the early 1960's. Is that correct?

REV. COBB. Right.

MR. POWELL. During this period have you seen an improvement in race relations or have they remained the same, or are they, on balance, worse?

REV. COBB. There's not very much of improvement. Now, there has been some improvement in the way people live as a result of Federal programs coming in to the community, but the local people, the local government officials, city, and county to an extent, are reluctant to move. And the same attitude reflects itself here that reflects itself all over the country.

There is a tendency to protect the social order of the past. Statements such as this have been used: "This is a town with a Southern atmosphere." That statement can mean a lot of things to a lot of people. It means one thing to a white and it means another to Negroes.

If I were to hear that statement, it would mean a town where we had segregated schools and they would be protected by law. It would mean riding buses and sitting on the back of the bus. It would mean taking a back seat or not being a first class citizen.

This is exactly what the Southern community with a Southern atmosphere means to a Negro. And, of course, Cairo is a town with a Southern atmosphere.

I heard the present State's attorney—I read a report that he had some years ago, and in that report that expression was used by him. And, of course, the attitude shown in court and in various places, it let me know just about exactly what he meant by that.

MR. POWELL. Reverend Cobb, since you have been here, and in the course of your experience both as a civil rights worker and as a member of the police and fire commission, have you made recommendations to city officials to improve the status of race relations in the city?

REV. COBB. Every administration for the past 20 years I have visited the city councils and have talked to them, every administration, the city councils, and been in conference with the mayor, sometimes with groups, at times alone, with the Ministerial Alliance, also with representatives of the NAACP, and with other groups, and my plea was that the total community should be involved in community development, all of the people should be involved, and the minority group should not be always represented by the same people.

Every committee, you get the same people, and in most cases people who were not able to make proper decisions, make a decision but would say what was wanted to be said. In other words, they were not representing the people.

These are some of the problems.

I recommended that Negroes be included on all boards and commissions that have to do with the welfare and well being of Negroes.

I pointed out many things that I saw that were not—that I didn't think were good. Sometimes it was a thing that caused poor whites as well as Negroes to suffer. I considered it injustice.

But in most cases when I spoke of housing, boards that dealt with housing, I spoke of citizens of the community that were supposed to look into the problems and make recommendations, these boards should be properly drawn up from a cross-section of the community with people that could offer suggestions. In most cases the city council would sit quiet and listen and then in many cases sneer or show of the lack of interest, and, if that did not take place, there was a lack of action.

And then when attempts were made by people in the community to set up certain things among themselves and those people who were not afraid of being called—well, people that had the courage to step forward and were not afraid to be called “nigger lovers”—And this is a thing that it seems to me that most whites don't want to be called, and that is a “nigger lover.” So, therefore, they withdraw themselves. They are concerned about what the cousins and things are going to say.

When it came to jobs, I pointed out to the city council from time to time that there were many jobs being taken by people in Missouri and Kentucky. Negroes within the community needed jobs. They were placed on welfare.

I had a few whites to come to me and say they were being pressured, they were being told that they should fire their Negroes that had been working for many, many years and hire whites. And, of course, he said that he would not—that he didn't want his name to be known or wouldn't tell me exactly who those persons were that were pressuring them.

These are things that took place many years ago.

Now, the Negro couldn't pay his tax and keep his house up. He had to pay the same thing for his food as the whites. There was no adjustments, readjustments, of anything, but he had to pay the same thing. So, therefore, his property went down. He lost his property and many times were bought in by corporations or just laid out and he couldn't keep it up.

So the struggle has been hard. If it had not been for Federal programs coming in to give some relief, God knows what would have happened since the early and middle '50's up to this present time. It's been quite a relief to us.

MR. POWELL. You mentioned that Federal programs have been quite a relief. Do you think that the activities of the Federal Agencies and Federal officials have been adequate in this city?

REV. COBB. I do not think that they have been adequate, not all the way. It's much better now. But I do think that the Federal Government should have taken a more positive—played a more positive role in the changes that would take place within our community in schools and all of these things.

I think that the change is far too slow. I think that the cause of much frustration and unrest among the Negroes is because of the dragging of the feet of the Federal Government in many areas.

You see, we have paid a great price, but the thing that we hear is that the time is not right, you're trying to go too fast, while our boys are dying in Korea and Vietnam and many other places, and these young men are taken out of the schools and their future disrupted, and others are looking at what is going to happen to theirs, and all of this is before them, and they're quite at an unrest.

So I would say that the Federal Government is moving just a little bit too slow all across the country.

And the way we see it from where we stand is that every time that we strive to do something to help ourselves that there are some more policemen armed with guns; more ammunition is bought to put a stop to the drive to better the condition of the Negro.

This is the way that we see it in this community, and this is the way it is seen across the country. More guns.

If some of the money that is being put into guns by the Federal Government through the local communities were put to use in other places to help bring about the social change, then I think that the community would be far better and there would be less unrest among Negroes in the city of Cairo.

MR. POWELL. Madam Chairman, I have no further questions.

COMMISSIONER FREEMAN. Commissioner Mitchell?

COMMISSIONER MITCHELL. Reverend Cobb, you said you heard Cairo described as a Southern city. By your definition would Detroit be a Southern city? Chicago?

REV. COBB. I think that "South" has moved all over the country—up-South, cross-South, and however you want to describe it.

COMMISSIONER MITCHELL. You say that there are situations in Cairo where when a call is sent to the police for help from a black area the police do not respond? Did I hear you correctly?

REV. COBB. Particularly the Pyramid Court area.

COMMISSIONER MITCHELL. Do you believe that that is a deliberate decision on the part of the police department?

REV. COBB. From the past, even before I got on the board, I understand that that was the policy of one of the former acting chiefs, probably with the advice of the council, for maybe the safety of the policemen who were inadequately trained for the type of operation probably that was needed in the Pyramid Court area.

COMMISSIONER MITCHELL. Is there a training program in Cairo at the police department level now in community relations with the police that takes into account the special problems of black sections of the city?

REV. COBB. The type that is given with the cooperation of State police is through the University of Southern Illinois. This is about the only training when they first go on the force.

COMMISSIONER MITCHELL. Do you think it's adequate?

REV. COBB. I do not think it is adequate. I think it should be followed up with further training.

COMMISSIONER MITCHELL. Now, let me ask you again who do you think is telling the police department not to go to Pyramid Court?

REV. COBB. That would be a decision made or given by the police commissioner, possibly with the sanction of the city council.

COMMISSIONER MITCHELL. You believe that there is such a policy in existence in Cairo?

REV. COBB. Probably unwritten, but it is the policy and practice.

COMMISSIONER MITCHELL. I have no further questions.

COMMISSIONER FREEMAN. Reverend Cobb, I'm not sure I understand what is the position or what is the authority of the police and fire commission.

If you're reading from a document, sir, will you identify it?

REV. COBB. This is—

COMMISSIONER FREEMAN. While you're looking, will you tell me how many members are on the police and fire commission?

REV. COBB. On the police and fire? Oh, there are three members on this commission.

COMMISSIONER FREEMAN. You are one of three members?

REV. COBB. I am, yes.

COMMISSIONER FREEMAN. What are the powers of that commission? This is what I—

REV. COBB. We are to recommend—or to keep records of those persons passing the examination and make a list of those qualified, keep it on file, and it is from this list that the chief selects those persons, selecting from the one with the highest score to go to work on the police department or the fire department.

COMMISSIONER FREEMAN. Does the commission have the power to review or decide whether an examination is going to be given or not?

REV. COBB. Whether it will be given?

COMMISSIONER FREEMAN. Yes.

REV. COBB. We are the ones that decide if the examinations are going to be given and when.

COMMISSIONER FREEMAN. Does the commission have the power to decide that an examination will not be given?

REV. COBB. Yes.

COMMISSIONER FREEMAN. Suppose you disagree with—that you as an individual commissioner would disagree with the examination. You could vote against that examination? Is that right?

REV. COBB. Yes, I could.

COMMISSIONER FREEMAN. Does the commission hire the members of the police force?

REV. COBB. No, we do not hire them. We only examine them, and they are selected by the chief of police.

COMMISSIONER FREEMAN. I'm trying to understand how, if you will—How often does the commission meet?

REV. COBB. Once a month.

COMMISSIONER FREEMAN. And your decisions are made by vote?

REV. COBB. Yes, they are.

COMMISSIONER FREEMAN. Is it correct for us to assume then on the basis of the testimony that when the decisions are made that you are probably in a minority vote?

REV. COBB. In some cases.

COMMISSIONER FREEMAN. With respect to the hiring of the black police officers or the white police officers, does the commission have anything to do with who is hired?

REV. COBB. The commission do not have anything to do with who is hired. We possibly could recommend, but I don't know cases where we have. Usually when we had blacks on the list it was brought to our attention that they wanted—if they were qualified, they wanted to hire more blacks—if they qualified—but they tried to stick—The board sees to it that they hire the ones that are qualified according to the rules.

COMMISSIONER FREEMAN. Which board are you referring to?

REV. COBB. I refer to the commission.

COMMISSIONER FREEMAN. Your board?

REV. COBB. Right.

COMMISSIONER FREEMAN. How many persons work for the commission?

REV. COBB. We have a secretary.

COMMISSIONER FREEMAN. Just one staff person?

REV. COBB. Right.

COMMISSIONER FREEMAN. Is there any act that could be undertaken that you believe that you could—that has been undertaken that you could have changed as you look back over it by your vote or by your persuasion?

REV. COBB. Well, —

COMMISSIONER FREEMAN. I'm trying to see if you believe that you have been effective as a member of the commission.

REV. COBB. Possibly not as effective as I could have been had I had more experience or more training in some of the things that I feel a commissioner should know or should do serving on the board.

Now, usually the decisions that we make, I think them out as thorough as possible, and in some cases get some legal advice on some points without calling names of persons that I am considering, that I may make the proper decision.

COMMISSIONER FREEMAN. Then you have an attorney that advises you?

REV. COBB. Right.

COMMISSIONER FREEMAN. Mr. Buggs, do you have any questions?

MR. BUGGS. One or two.

Reverend Cobb, what kind of examinations are given for police officers?

REV. COBB. Oral examination, physical, and written.

MR. BUGGS. And who keeps check on the scores? How are the scores arrived at?

REV. COBB. We have a secretary, and, of course, we have all three members check the scores. We count them together.

MR. BUGGS. Is it a numerical score for each question asked?

REV. COBB. Well, yes, we count them one, two, three. It goes up to I believe it's grade 60 is considered passing.

MR. BUGGS. And then the scores are averaged and divided by three?

REV. COBB. Usually—I'll explain this—our secretary, which is very familiar with that, with the counting, usually checks on that and assists us in the multiplication of all those scores. And if a person has veteran's points, for veterans, we are assisted by the secretary who is very familiar with the operation of that.

I came to the board with no knowledge of that type of operation. And he has been—had served and has been quite helpful in that area.

MR. BUGGS. You say there is no written exam?

REV. COBB. There is a written examination.

MR. BUGGS. There is?

REV. COBB. The first examination is a written examination.

MR. BUGGS. And they have to pass the written examination before they get to the oral?

REV. COBB. That's right. They have to pass the written examination. We are the ones that conduct all the examinations with the exception of the physical.

MR. BUGGS. Who scores the written examination?

REV. COBB. All three of the commissioners. We're there. We witness the scores.

MR. BUGGS. I know, but who scores it?

REV. COBB. The secretary usually finalizes the scoring.

MR. BUGGS. By what process? Does he know enough about police work to know whether or not the questions have been answered correctly?

REV. COBB. He is a former member of the board.

MR. BUGGS. He is a former member? Has he been a police officer?

REV. COBB. He is a former member of the police and fire commission.

MR. BUGGS. Has he had training in a police academy some place?

REV. COBB. That I do not know.

MR. BUGGS. I have no further questions.

COMMISSIONER FREEMAN. Mr. Powell, do you have any further questions?

MR. POWELL. Madam Chairman, I have no other questions.

COMMISSIONER FREEMAN. Thank you, sir, Reverend Cobb. You may be excused. Will you call the next witnesses, Mr. Powell?

MR. POWELL. Next we have an overview panel, Mr. Harvey Lorberbaum and Mr. Albert Thomas.

COMMISSIONER FREEMAN. Will Mr. Thomas and Mr. Lorberbaum come forward please?

MR. POWELL. Is Mr. Thomas here?

(No response.)

MR. POWELL. Madam Chairman, I might indicate that Mr. Thomas has been validly served with a subpoena and we will look into the reason for his absence.

COMMISSIONER FREEMAN. Will you report the reasons to us later, Mr. Powell?

MR. POWELL. Yes, Madam Chairman.

(Whereupon, Mr. Harvey Loberbaum was sworn by Commissioner Freeman and testified as follows:)

TESTIMONY OF MR. HARVEY LORBERBAUM, CHIEF, OFFICE OF SPECIAL PROJECTS, REGION 5, OFFICE OF ECONOMIC OPPORTUNITY, CHICAGO, ILLINOIS

MR. POWELL. Mr. Lorberbaum, would you please state your name, occupation, and address for the record?

MR. LORBERBAUM. Harvey Lorberbaum, Chief, Office of Special Projects, Region 5, Office of Economic Opportunity. My address is 5225 South Blackstone, Chicago, Illinois.

MR. POWELL. Did you serve as Chairman of a Federal task force which was created to bring Federal resources to the city of Cairo?

MR. LORBERBAUM. Yes, sir.

MR. POWELL. Would you briefly tell us how that task force was created, what its activities were, and whether you think the task force was successful?

I might ask while you're looking, is the task force still in operation, Mr. Lorberbaum?

MR. LORBERBAUM. Yes, sir it is.

In late 1969, the then Mayor of Cairo, Illinois, Mr. Thomas, came to Chicago and met with various representatives of the Federal Agencies. At that meeting he told about the problems in Cairo, indicated that Federal programs were badly needed in Cairo.

In about August of 1969 a number of the Federal Agencies becoming quite aware, having been quite aware, of a depressed economy, racial conflict, economic boycott, all types of problems, a number of the representatives of Federal Agencies started to meet informally to try to determine what would be the best method of approaching the kinds of information requests that were coming in.

So really these were kind of two things that came about somewhat concurrently.

MR. POWELL. Would you indicate which Federal Agencies were represented at these meetings?

MR. LORBERBAUM. The meeting with Mayor Thomas included the Health, Education, and Welfare, Small Business Administration, Housing and Urban Development, Office of Economic Opportunity, in addition to a number of other Federal Agencies that were not necessarily members of the Federal Regional Council at that time.

During this meeting Mayor Thomas set forth some assumptions and made some suggestions to the assembled group of Federal representatives. He set these forth in a letter dated January 6, 1970, after his December 10th meeting, and, very briefly, he indicated that "successful solution to the problems in Cairo requires an integrated program progressing on several dimensions simultaneously."

I'll skip around. The document will be available to you.

MR. POWELL. Thank you.

MR. LORBERBAUM. He also indicated—and again I'm quoting his point No. 2—"the primary responsibility for initiating and designing specific programs should rest with local groups composed of representatives from all segments of our citizenry."

The third point was that time was extremely important. "We must act quickly, though with sound and adequate planning, if the recent disturbances are not to be renewed."

No. 4, "The city of Cairo, due to its recent social disturbances and extremely low skilled work force, is not able to attract outside industry as a method of economic progress, at least not initially."

And his point No. 5 was that "a feasible set of programs must have capability of being self-sustaining (not requiring external help) within a period of approximately 5 years. We need and want external

help, the type of help that will allow permanent solutions to our problems.”

To that he attached a draft of a program.

The Federal task force, which started out initially as an ad hoc committee of interested Federal officials and then was designated by the Federal Regional Council as an official task force of that Council, met and directed a letter to Mayor Thomas in March of 1970 indicating that the Federal Agencies had reviewed programs that could conceivably be available to the city, that it was requesting that a broad-based citizen local task force be established in the community to assist with the development and recommendation of those programs and proposals to Federal Agencies.

The task force was quite aware of the fact that individuals in the community did not feel that they were being represented and, therefore, the request for the broad-based citizens' local task force with full input from local citizenry.

The task force spent its time for approximately a year and a half, almost 2 years, reviewing proposals, continuing to make recommendations for the formation of a local task force to assure broad-based citizen participation.

In frustration at what was a general lack of response to the request for the local group formation, a team from the task force was finally sent to Cairo in 1971 to attempt by personally appealing to the mayor and a number of the citizens to get such a local group established.

This again was met with pretty much of a nonresponse. A list of members of a former advisory board were transmitted to the task force by the mayor at that time.

The task force wrote back and indicated that the group would be a fine starting point and offered its assistance to develop a broad-based local group with broad-based representation starting with and working with the advisory group whose names the mayor had forwarded to us.

That offer at this time to my knowledge has not yet been responded to.

Individual agencies during this period of time did fund programs in Cairo. Programs that were funded for the most part were reviewed very carefully by the task force or a team of the task force to ascertain that built into the programs were strict adherence to the requirements of citizen participation.

In late 1971 the task force made a recommendation to the Regional Council that it be relieved of its responsibilities since it had met with frustration, since it felt that it had utilized all of the things that were at their disposal and still was unable to get the kind of positive response that it felt was necessary and should have been forthcoming.

The Governor's Office of Human Resources, who were part of the task force, indicated that they would like to see the task force continued at least with quarterly meetings for informational purposes

because they felt that there had been some positive accomplishments even though all of the long-range goals and even some of the intermediate goals had not been achieved.

The Regional Council made a decision that the task force would be continued on that basis.

That is pretty much where we are at now.

MR. POWELL. Madam Chairman, the witness mentioned two letters. If you have extra copies, we'd like to have them, and I would ask them to be entered into the record of these proceedings with the appropriate exhibit numbers.

COMMISSIONER FREEMAN. They will be received.

(Whereupon, the two documents referred to were marked Exhibit No. 3 and received in evidence.)

MR. POWELL. You mentioned that individual agencies did fund programs in this area. Would you tell us specifically—Do you have at your fingertips what specifically those agencies are, what those programs are?

MR. LORBERBAUM. I can tell you some of them, Mr. Powell.

MR. POWELL. All right.

MR. LORBERBAUM. But I certainly would not know—I probably don't even know most of them.

MR. POWELL. If you can do it quickly, fine. Otherwise we can get it subsequently. Do you prefer giving it to us subsequently?

MR. LORBERBAUM. The Office of Economic Opportunity funded a health program, community clinic, through the Shawnee Development Corporation, in Karnak, to the St. Mary's Hospital. Having reviewed the report, in the first 14 months' operation some 5,000 patients have been served, thanks to the wonderful work of the Sisters over there and the staff.

The emergency food and medical program. Additional funds have been put into the area during that period of time.

A recreation program had been funded, a recreation summer program, as well as a funding for the development of three or four play lots in areas where there were no facilities for children.

The Head Start program was refunded. I believe at that time it was also expanded in the city.

A program was funded I think for—And this is something that Mr. Wisner can give you much more clarification on. I know that the State was involved in a housing development corporation funding as well as a legal program, legal assistance program, in the community.

I'm certain that there were many others.

MR. POWELL. You mentioned that programs which require as a condition of their being implemented broad-based community participation could not be implemented because there was no such participation. Are there any programs which could have been instituted upon local initiative which were not implemented—local initiative, that is, of just the local officials?

MR. LORBERBAUM. Of just the local officials?

MR. POWELL. Yes.

MR. LORBERBAUM. In other words, without any type of citizen—

MR. POWELL. There are no such programs?

MR. LORBERBAUM. Oh, yes. Yes. Department of Labor has a number of programs that are available. I'm sure that the Law Enforcement Assistance Agency has programs that are available. Many programs are available.

MR. POWELL. Do you have knowledge as to whether or not any of those programs have or have not been implemented by virtue of the act or nonact of local officials?

MR. LORBERBAUM. I know an application for a careers in public service or public service careers was funded by the Department of Labor and then turned down by the city council.

I believe there may have been something similar, although I do not have direct personal knowledge of it, with reference to the Law Enforcement Assistance funds.

MR. POWELL. So that there are some programs which but for the failure of the local officials to make proper application would be implemented and would perhaps benefit the community?

MR. LORBERBAUM. I don't know if it was a question of not making proper application. In some cases after having made proper application and the programs were approved, they were turned down.

MR. POWELL. I see. One last question. Are you aware of any Federal programs which any Federal Agency could have instituted in Cairo under its own authority and which such Agencies have failed to utilize?

MR. LORBERBAUM. No, not under its own authority without any type of local participation. I do not have knowledge of any programs like that, sir.

MR. POWELL. Madam Chairman, I have no further questions.

COMMISSIONER FREEMAN. Commissioner Mitchell?

COMMISSIONER MITCHELL. Mr. Lorberbaum, an ad hoc task force in simple English is an informally gotten together group of people or agencies who just decide without any real authority but just because they feel there is a problem or they have been told there is a problem they ought to try to do something about it?

MR. LORBERBAUM. Yes, sir.

COMMISSIONER MITCHELL. And that's what you mean when you talk about HEW, HUD, Small Business Administration, OEO getting together as an ad hoc task force to try to provide some assistance to Cairo or in the Cairo area? Right?

MR. LORBERBAUM. Well, actually, it was called the Ad Hoc Standing Committee on Cairo. And the Agencies involved had individual programs in the area.

COMMISSIONER MITCHELL. But there was a feeling if they got together as a group evidently they might be able to do something in an interagency way or pool their resources or make—attract attention so something could get done?

MR. LORBERBAUM. Yes, sir.

COMMISSIONER MITCHELL. And what you're really saying is that given a community in which there is a black minority as large as 30 percent or 40 percent or something like that, if the majority group does not want conditions in that city to change by the use of Federal resources, they can decide? Is that right?

MR. LORBERBAUM. In many cases, yes. There are some limited examples of programs that were funded without the enthusiasm of the majority of the community.

COMMISSIONER MITCHELL. The word "enthusiasm" doesn't seem to belong anywhere in this discussion.

Let me ask you something then. Here is the United States Commission on Civil Rights—

MR. LORBERBAUM. Yes, sir.

COMMISSIONER MITCHELL (continuing). Which is supposed to come here and look around and go back and sit down and make some recommendations to the Congress and the President of the United States and possibly the officials of the State of Illinois about the alleviation of clearly evident problems or those that appear to be clearly evident in this area. We will know by Saturday how we feel about how clear and how evident they are.

Here you are representing the might of the Federal institution. Here is Mr. McKnight who for years as the Chairman of the State Advisory Committee of the Civil Rights Commission of this State has been plaintively saying: "These are deplorable problems. There are high rates of unemployment. There is human suffering. There is injustice. And let the Federal Government do something about it."

Now you say, in 1972: "Well, for a couple of years we had an ad hoc task force on this thing. We couldn't get anywhere and we just gave up and filed the papers."

Now, what's the Civil Rights Commission—What is your recommendation to me? What do you think I ought to do? How do you think I ought to talk to the Congress and the President?

MR. LORBERBAUM. Mr. Mitchell, if I might make one slight correction, the ad hoc committee was an ad hoc committee—

COMMISSIONER MITCHELL. All right.

MR. LORBERBAUM (continuing). Until about January or February, at which time it became a task force, not an ad hoc task force, and it did review programs. It did help to implement programs here in the community.

The successes were minimal since there are very limited programs that can be put into a community without community acceptance.

COMMISSIONER MITCHELL. So you're not making any recommendation to me then? You have learned as a result of the work of your task force that there is no recommendation that will work?

MR. LORBERBAUM. Oh no, I think there are many, sir. I think there are many, sir.

COMMISSIONER MITCHELL. Have you ever made those in the form of a recommendation in writing?

MR. LORBERBAUM. In writing? No, sir. I have discussed them with local officials. I have discussed them with our community action agency.

COMMISSIONER MITCHELL. But I speak now to the problem you have when discussing them with local officials. Local officials decide often for others who aren't asked what the outcomes of those discussions will be. Is that correct?

MR. LORBERBAUM. Yes, sir.

COMMISSIONER MITCHELL. Thank you Mrs. Freeman.

COMMISSIONER FREEMAN. Mr. Buggs?

MR. BUGGS. Mr. Lorberbaum, you mentioned the fact that you and members of the task force were on more than one occasion frustrated, and the only example I heard of the frustration was the lack of the kind of citizen participation vehicle that is required in order to bring certain kinds of programs into the community. What in your opinion was the reason why that vehicle was never instituted?

MR. LORBERBAUM. In my opinion the leadership of the community did not feel it important enough to do it.

MR. BUGGS. Did not feel that the program was important enough or the people weren't important enough?

MR. LORBERBAUM. I don't know. Did not feel that the effort was important enough, very obviously, since the effort was not put forth.

MR. BUGGS. You indicate that there are some limited programs that can be instituted in the community that do not have to go through local officials. How many of those programs in the OEO arsenal, for example, were in fact instituted in Cairo?

MR. LORBERBAUM. OEO programs in those that are run by the Office of Economic Opportunity-funded agency; there are probably a half a dozen of them providing various services in the city.

MR. BUGGS. Is there a Head Start program?

MR. LORBERBAUM. Yes, sir. Head Start. Recreation. Emergency food and medical. Community center outreach program. The health program which is soon to be added to, I understand, by a dental program.

MR. BUGGS. Did the task force attempt to place any pressure on local officials through the Governor of the State or through the Human Resources Department of the State of Illinois to open Cairo up to some of these programs?

MR. LORBERBAUM. I know that the Governor's Office of Human Resources, who were very active in their participation on the task force, spent many an hour in Cairo trying to work with local officials, with community groups, with citizens to move them in that direction, as did a number of the Federal members of the task force.

MR. BUGGS. Thank you.

COMMISSIONER FREEMAN. Thank you. Mr. Ulfelder?

MR. ULFELDER. No.

COMMISSIONER FREEMAN. The witness is excused.

Earlier one of the witnesses that was called did not appear. Counsel was directed to find out the reason for the nonappearance.

The Chair believes that it is appropriate at this time to advise that witness perhaps through any counsel that may be present of the provision of the rules with respect to the contempt of the Commission.

Proceedings and process of the Commission are governed by section 105(g) of the act, which provides:

“In case of contumacy or refusal to obey a subpoena, any District Court of the United States or the United States District Court of any territory or possession or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business or has appointed an agent for receipt of service of process, upon application by the Attorney General of the United States, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or subcommittee thereof, there to produce pertinent, relevant and nonprivileged evidence if so ordered or there to give testimony touching the matter under investigation, and any failure to obey such order of a Court may be punished by said Court as a contempt thereof.”

Mr. Counsel, we will expect a report from you on the failure of the witness to appear.

MR. POWELL. Yes, Madam Chairman.

COMMISSIONER FREEMAN. We would now like to swear in another Clerk who was not here this morning. Miss Brenda Watts.

(Whereupon, Miss Brenda Watts was sworn as Clerk.)

COMMISSIONER FREEMAN. Mr. Powell, will you call the next witnesses?

MR. POWELL. Madam Chairman, the next is a panel of witnesses who will testify regarding law enforcement complaints, and former black police officers—Mr. Russell Deberry, Mr. Vernon Hodge, Mr. Wilbert Beard, Mr. Robert Meeks.

(Whereupon, Messrs. Russell Deberry, Vernon Hodge, Wilbert Beard, and Robert Meeks were sworn by Commissioner Freeman and testified as follows:)

TESTIMONY OF MESSRS. RUSSELL DEBERRY, VERNON HODGE, WILBERT BEARD, AND ROBERT MEEKS, CAIRO, ILLINOIS

COMMISSIONER FREEMAN. Mr. Powell, you may proceed.

MR. POWELL. Beginning with the gentleman to my left closest to the wall, would you each please state your name, address, and occupation for the record?

MR. DEBERRY. I am Russell Deberry. I work for the Division of Highways. My address is 2707 Poplar, Cairo, Illinois.

MR. BEARD. My name is Wilbert Beard. I am a salesman for Southern (Bannit). I live at 522 22nd Street, Cairo, Illinois.

MR. MEEKS. I am Robert Meeks. I live at 716 Pyramid Courts. I am investigator for the Illinois Defender Project.

MR. HODGE. Vernon Hodge, Jr. I work at Illinois State Penitentiary. I am a guard in the Illinois State Prison. 1212 Walnut.

MR. POWELL. Mr. Meeks, what is your occupation again?

MR. MEEKS. I am an investigator for the Illinois Defender Project.

MR. POWELL. Mr. Hodge, did you have an occasion in January this year to call upon the Cairo Police Department for assistance in connection with an accident involving your parked automobile?

MR. HODGE. Yes.

MR. POWELL. Would you please describe the circumstances of that incident?

MR. HODGE. Well, it happened around about 3 months ago I think, month of February, I think. My car was parked on the righthand side of the street, and I was inside at the time. And a friend come in and told me that this lady was coming, going north, Walnut—up North Walnut—and she ran into my car.

So when she hit it she kept, you know, going. So after Dude come and told me, me and him got in his car and tried to find this lady. So we found her, you know, where she stayed.

So I asked her, asked this lady, did she hit my car? She said yes. So we brought her back where my car was at the time.

So she say yes, that was the car that she hit. So after the lady come I went in and called for the police department. So they come, you know, so I told them that this lady had hit my car and kept on going, so I told them I had to go get her and bring her back at the time, you know.

And so he filled some papers and told me I come over about 30 minutes later and pick up the report.

So I did. And so after I went there, I went there for the report, and so I looked at the paper, and I looked down on the paper, and they didn't have that the lady hit my car and kept on going, you know.

So I asked why didn't they have this on the paper? So this man told me that he would have to see her about this, you know. It wasn't on the report that she hit my car and kept on going. So he told me if I didn't get out of there, you know, he would lock me up, you know, where I belonged.

MR. POWELL. Would you describe the general attitude and demeanor, Mr. Hodge, of the officer who was talking to you? Was he courteous or was he discourteous? Was he abrupt?

MR. HODGE. He was discourteous, yes.

MR. POWELL. Mr. Hodge, do you know whether other black residents of Cairo have had similar problems when seeking assistance from the Cairo Police Department?

MR. HODGE. Why, yes. Yes. Yes.

MR. POWELL. Mr. Deberry, have you ever been involved in incidents where police officers used force on you or where racial slurs were used by officers?

MR. DEBERRY. Yes, I have.

MR. POWELL. Would you please describe some of these incidents?

MR. DEBERRY. As a matter of fact, it was Tuesday night around 11:30 or 12 o'clock—

MR. POWELL. You say Tuesday night. You mean March 20—

MR. DEBERRY. Of this month—of the past Tuesday in this week.

MR. POWELL. That would be March 21—

MR. DEBERRY. Okay.

MR. POWELL (continuing). 1972?

MR. DEBERRY. Right. Some friends were taking me home from down in the Pyramid Courts area. I stay on 27th Street. So we took Washington into Sycamore. We turned right at the stoplight. Right at the corner is a four-way stop. That means the traffic stops coming from four ways.

We pulled up there. We stopped at the stop sign. And we saw a police officer had another black man pulled over to the streets and he was doing a lot of provocative talking. He was cursing the guy.

So we pulled up and we stopped. We set there for about 3 minutes. The driver of the car that I was in asked the officer if he would move his car because he had parked crossways the block, but he was on the other side of the street where he had stopped the guy—if he would move the car and let us through, you know, that we were going down and he was going to let me off at my house which was only about half a block away from where the incident was taking place.

So the officer told him that he wouldn't move, that he could back up, you know, back the car out.

So he said: "Well, you know, it's against the law to back into an intersection. You mean to tell me that you want me to back into an intersection and then give me a ticket?"

He says: "I don't care what you do," you know, "You're going to back your car out or I'm going to slap you in jail," you know.

So the guy said: "Well, I'm not going to jail. I haven't done anything. I haven't broken the law, you know. I want to get by. I'm parked here. I can't move; you know."

So in the meantime this was going on, one of the guys asked the black guy, you know, why he had stopped him, you know, like: "Why did he stop you? What's the trouble?"

The reason for that was that so many incidents has happened with the police department and blacks that if other blacks see one black pulled over by a police officer or police officers they know that he's going to be subjected to harassing, you know, harassments. He's going to be hollered at, talked at like he's not human at all. So then they usually come to the aid and say, you know: "What's the trouble?" or they try to form more than one person standing there in order to see that some kind of justice is given, you know, in its right perspective.

So this is what was happening. We actually got—He told the guy that he couldn't talk to us; we didn't have any business asking, you know, what was going on; it wasn't our business, you know; he hadn't stopped us.

And so the guy kept talking, so he finally let him tell us what was wrong, and he told us about he had a defective tail light. The same officer had stopped him two blocks away and give him a warning ticket, so he went and bought a brand new tail light bulb. He put it in, but it was due to defective wiring that the light kept going on and off when he would drive and hit bumps.

And he was trying to explain this, but the officer wouldn't let him explain it, you know. He just kept saying: "You're going to go to jail. anywhere," you know. He said: "You're going to jail, and you're going to respect this badge."

So then, you know, we tried to get some kind of agreement, you know, say: "Okay, he's got a new bulb." And the guy went and touched the wire and the lights came on. He said: "The light's on so you can see the light will burn but it's in the wiring and I can't get it fixed until in the morning. I don't have money to get wiring fixed in the car at night."

So he said: "And I live only"—which was only about 15 feet from where he stayed. He says: "Well, can I park my car there? I'm not going anywhere else tonight in the car. So the light won't make any difference, you know."

He says: "No, you're not going to park anywhere. You're not going anywhere," you know. He said: "You're going to jail, and you're going to jail tonight."

And he took his driver's license, and as we stood there he went to the car. He says: "Well, I know what to do about this." So he got on the radio—only one officer—and he got on the radio and he called somewhere or somebody, but in less time than you can say a miracle of beauty it was like I don't know how many people around the car, you know, that was local whites, some merchants from some of the boycotted areas downtown. There was other police officers, you know, and—

MR. POWELL. You are stating that in answer to the patrolman's call additional policemen came and also additional nonpolice civilians who were armed?

MR. DEBERRY. That's correct.

MR. POWELL. In the course of your contact with this policeman and other police, would you describe the demeanor of the policeman? Were racial slurs used? Was he courteous or was he abrupt or was he offensive?

MR. DEBERRY. He was very much not courteous at all. There were racist words used by a used-to-be or suspended police officer, not the officer that was there at the arrest, that was trying to make the arrest. And there was a guy—Well, I don't know his name is necessary. Should I use the name?

MR. POWELL. It's not necessary to mention names unless you want to.

MR. DEBERRY. Okay. Then the officer that's suspended came up in a little El Camino truck and he says to us: "You going to learn to respect the white folks of Cairo, nigger," you know.

And so I looked at him and I said to him: "Well, you're not even in uniform, you know. You don't have anything to do with the arrest, you know. Why are you here and why do you have a gun on?"

He said—

MR. POWELL. Would you back up for a moment? You say that additional police responded to the call?

MR. DEBERRY. Right.

MR. POWELL. Additional people who were nonpolice responded to the call. What happened at that point? What, if anything, did those people do or say?

MR. DEBERRY. The police and the nonpolice were all together, you know, like if you hadn't known they were local you would have thought they were policemen too. They were talking to each other. They were—Like the regular uniform police were explaining to the local whites what had gone on.

MR. POWELL. Were firearms employed? And if so, how? Were guns employed? If so, how?

MR. DEBERRY. Right. Okay. The police came up, you know. They unstrapped their holsters, pulled their pieces—or their guns out. And some of the local whites had their guns and were like kneeling behind the cars and over the fenders with the guns.

MR. POWELL. Now you're describing a situation in which police and nonpolice personnel have their guns drawn?

MR. DEBERRY. Drawn. Right.

MR. POWELL. Are they pointed at—

MR. DEBERRY. They're pointed at us.

MR. POWELL. Did you have a gun drawn?

MR. DEBERRY. No, I didn't. I was—

MR. POWELL. Did any of the people who were apprehended have a gun drawn?

MR. DEBERRY. No.

MR. POWELL. Did you have a gun?

MR. DEBERRY. No, I didn't.

MR. POWELL. Continue.

MR. DEBERRY. So the guy says to us after he said: "You're going to learn to respect, you know, the whites in Cairo, nigger"—And I started to telling him about he wasn't a police nor in uniform. He said to me: "My gun is my uniform, and this gun is the law," you know. And with that he left in his truck.

The only thing that really ended the incident was that a guy—I don't know if he's chief deputy or not—I'm not sure who he was—but he was driving the sheriff's station wagon with "Sheriff" wrote on it. He came up and talked to the city police that was trying to make the arrest for the tail light, default in the tail light. And after one of the guys with me explained to this guy from the sheriff's department what had happened and how far the guy stays from home and he's going to park the car anyway, he went over and talked to

the city police and the city police let it go at that, gave the guy his license back, you know, and nothing else was said.

And they just dispersed and we went on our respective ways.

MR. POWELL. Was there any apology given by the city policeman?

MR. DEBERRY. No, no apologies at all.

MR. POWELL. What was his general attitude and the attitude of the other city police in the course of letting you go?

MR. DEBERRY. He never said anything else nor did he get close in contact with us, like after he talked to the sheriff. Like he went to his car and the sheriff stayed around and they only went up and make a U turn at the corner and went back down Poplar, which was south. He headed back towards the police station.

MR. POWELL. Were you in any way prevented after that from getting where you were going?

MR. DEBERRY. No, I wasn't. They sort of patrolled behind the car until we pulled in front of my house. They were riding behind us with their lights out, and after I parked in front of my house, or the guy that was driving me home parked in front of my house, they then passed the car and turned their lights on. The headlights I'm speaking of.

MR. POWELL. Mr. Deberry, on the evening of September 29, 1971, were you stopped by members of the Cairo Police Department and subsequently taken to the police station?

MR. DEBERRY. Yes, I was.

MR. POWELL. Would you please describe what took place that evening?

MR. DEBERRY. My wife was pregnant at the time and I was going out to borrow a friend's car to take her to the hospital. I had already taken her once, but it was false labor so I had to bring her back.

And I went back to get this friend to take me. So in the process of leaving home I went up—well, what we call uptown. It's a block beyond where I stay, which is on 29th, to get a car.

So the guy was driving me up. I got out the car, walked across the street. There was about, oh, I guess three police cars with officers all over the streets. They had their red lights going, you know. They had a black guy against the car.

So I—You know, they had their guns out on him, like every one of them had their guns out at that time, rifles and whatever.

So when I came up, you know, I didn't have time to say anything about where I was going or to explain anything as to why I was in that vicinity where they had this black guy against the car. I had, you know, no instant knowledge of what they had him there for. I was snatched from behind. I was hit up side of the head and called by name by the police officer and he told me to get my ass in the car.

MR. POWELL. Did he use a racial slur at that time?

MR. DEBERRY. He just said: "Deberry, get your ass in the car," you know.

And I said: "Like for what? Why am I arrested?" You know. "Like I'm trying to get a doctor."

And he says: "You're going to get a doctor all right, you know, like when we get you to the station we're going to see that you get what you supposed to be getting," you know.

So they put me in the car, handcuffed me as tight as possible, like to stop the circulation in my hands. I had trouble using my fingers for a while.

They took me down. Later the chief came in. But before they took me down the chief came up during the incident and he said to the police officers: "I want every nigger in Cairo rounded up, and if it means busting their heads to bring them to jail, then I want them brought in."

MR. POWELL. When you say "the chief," will you tell us to whom you're referring?

MR. DEBERRY. By name?

MR. POWELL. Yes.

MR. DEBERRY. I'm talking about Chief Bowers.

MR. POWELL. All right. Go ahead.

MR. DEBERRY. He said: "I want every nigger rounded up in Cairo tonight. If it means busting their heads to get them in jail, then we're going to do that."

So I'm sitting in the car but I'm hearing him say this because he's outside the car.

All right. They take us down. They had about five youth which was delinquent. I think they were around 13, 14, something like that. They had them up against the wall. They said they had been there about an hour before I got there. I don't know how long, you know, they had been there, but they said about an hour.

They took us in jail and had me to face the wall. They took the handcuffs off. I had to hold my hands up over my head against the wall which was between the office of the chief and where the cells are. It's a little gangway like, and it's very narrow.

We stood there for about 15 to 20 minutes, and then the chief entered into the jail. He gave a little pep session talk I guess you could call it. He came in. He says: "All right. I'm the new chief. I'm not none of the other little punk chiefs that were here. I'm not going to take anything from no nigger."

MR. POWELL. He's addressing 14- and 15-year-old black youth now?

MR. DEBERRY. Along with some men like myself. Right.

MR. POWELL. All right.

MR. DEBERRY. He says: "I'm not going to take anything from any nigger, and you're going to find out that I'm not the punk chiefs that's been here." He says: "We've had four or three," which ever it was, "to resign. But I'm not going to resign. Before I quit the police force I'll be dead." You know. "Nobody is going to make me quit the police department."

And he says: "And another thing is that none of my police officers' wives, mothers, or grandmothers get knocked in the face or their pocketbook snatched. If they do, some nigger is going to die for it," you know.

So this is what the incident had happened about that I didn't know—that some white woman had supposedly been hit in the face that was some kin to some of the police officers and her purse snatched.

Then he finally said that was what the incident was all about.

He came up to me. He says: "Deberry, I'd like to talk to you."

I says: "Okay."

He says: "Hell, I've known you a long time." He says: "I used to play basketball in the projects."

I say: "Yeah, I know you did."

He says: "Then why do you hate me?" you know.

I say: "It's not a matter of me hating you," you know, "but I don't like anything that's against me."

He says: "Well, I have no hard feelings toward you, Deberry." He says: "I'm a police officer. I've got to do my duty, you know." He says: "Like I was a little hotheaded tonight, the reason I was saying all those words I said," you know, he says: "Like I tell you what I'm going to do. I'm going to let you go," he says.

Now, he never told me I was under arrest. When they put me in the car they never said: "You're under arrest" or for what I was under arrest for. I was just thrown in jail.

So then he says: "You can go. I don't believe you'd even snatch a purse or hit an elderly lady in the mouth." You know. He had me thinking it was some old lady.

And so then he says: "Okay."

So I said: "No, I didn't, you know, but here I am with the rest." You know.

So on the way out after he had dismissed me to leave the jail, I had to get the keys to the car, and I says: "Could I get my keys to the car?"

So the officer that had the keys didn't know that he had released me because he was in the office at the time he told me I could go, told me to get back against the wall.

I said: "Well, the chief just told me I could go, man. You mean I got to get back against the wall again?"

He said: "Until I find out."

So he asked the chief. He said: "Yes, you know, I told him to go."

I said: "Now can I have my car keys?"

He threw them out into the dark, which there is an area on the side of the police department that you can see from the cell to the ground, and he threw them out into the dark because they had all the lights out at the police station.

MR. POWELL. He threw them out the window?

MR. DEBERRY. No, he threw them out the door. It's a doorway. On the ground. And so he stood there.

So in the process of me leaving, you know, I went out to search for the keys. I didn't give him no more problems about that.

He says: "Before you go, I want you to take a message to the black people of Cairo, and that is that if anything like this go down again there's going to be some bloodshed in the streets and we don't give a damn how old they are or how young they are," you know, "that we're going to do that. So you can rest assured that you're going to get everything that your hands call for and that you think you can deal with."

MR. POWELL. Was this statement made in the presence of the chief of police?

MR. DEBERRY. Yes, the chief was there all the time. After he released me the chief was still outside giving his little pep session talk to the little youths.

MR. POWELL. Did he make any comment of admonition regarding this statement you just made?

MR. DEBERRY. No. That was the police commissioner that did that and that was Jimmy Dale.

MR. POWELL. Jimmy Dale made the statement you just—

MR. DEBERRY. No, about the weapons. They displayed their weapons so they could be seen. And he was walking around like in the little gangway where we were.

MR. POWELL. Who was walking around?

MR. DEBERRY. Jimmy Dale, the police commissioner, with I guess a sub-Thompson or a .45 Thompson grease gun with a little wire handle that can be folded up and then let out into a rifle.

MR. POWELL. And during the period when these guns were being displayed was that when the statement you just quoted was made?

MR. DEBERRY. Right. That was to tell the black people what they were going to get and that they were prepared for anything that happened in Cairo so far as the blacks was concerned.

MR. POWELL. This was a police officer making this statement?

MR. DEBERRY. Yes. Right.

MR. POWELL. He was making the statement in the presence of the police commissioner?

MR. DEBERRY. The police commissioner made the statement.

MR. POWELL. Oh, the police commissioner made the statement?

MR. DEBERRY. Yes. Right.

MR. POWELL. I see. Mr. Deberry, do you know whether other black residents of Cairo have had similar experiences with members of the Cairo Police Department?

MR. DEBERRY. Yes. I know of a lady that was pregnant and we had a boycott march once downtown on the stores, and she was knocked down and hit with a stick and she lost her baby because of the incident.

MR. POWELL. How long ago was that?

MR. DEBERRY. That was I think a little bit before December. I'm not sure of the month.

MR. POWELL. I see. Thank you, Mr. Deberry.

MR. DEBERRY. All right.

MR. POWELL. Mr. Beard, were you ever a member of the Cairo Police Force?

MR. BEARD. Yes, I was.

MR. POWELL. When did you leave the police department? What was your rank at the time?

MR. BEARD. I left November 6, 1970. My rank was sergeant.

MR. POWELL. What has been your experience in law enforcement—in the law enforcement field—since leaving the the Cairo Police Department?

MR. BEARD. Law enforcement major, S.I.U. Also I worked for the Lawyers' Committee for Civil Rights under Law as a special investigator.

MR. POWELL. I see. At the present time, Mr. Beard, there is only one black officer on the Cairo Police Force, and we understand that total staff is about 20. In your opinion, why aren't there more black officers on the force?

MR. BEARD. Well, the situation we were in while I was on the police department, there was a lot of racial tension outside and within the department. Fellow police officers will use remarks like, you know: "We're going to go out to Pyramid Court and what we should do is bomb them all out or blow them all up," you know, and stuff like this.

And there were also statements made, you know, like "that nigger this" or "that nigger that," you know, which I had to verbally reprimand a radio operator one night.

MR. POWELL. While a member of the police force, did you take steps to end use of such language? And if you did, what happened?

MR. BEARD. I made reports to the chief of police that such language was being used and certain signs were being displayed on the bulletin board.

MR. POWELL. When you say the chief of police, who do you mean? Who was the chief of police at this time?

MR. BEARD. Chief Roy Burke.

MR. POWELL. Go ahead. What happened?

MR. BEARD. Nothing.

MR. POWELL. I beg your pardon? What happened?

MR. BEARD. Nothing.

MR. POWELL. Mr. Beard, during your tenure on the Cairo Police Force, did the black community in Cairo receive police protection equal to that of the white community?

MR. BEARD. No, they didn't.

MR. POWELL. To what would you attribute this lack of equal treatment?

MR. BEARD. Well, up to the 1967—There was police protection but enforcement of laws they operated on something like a double standard, you know. What was good for the white guy, you know, what he was arrested for, a black guy being arrested for the same charge would not receive, you know, as fair treatment as the white guy would receive.

But in 1967 when all the trouble, all the shooting and everything, you know, racial disorder erupted in the city of Cairo, the whole Pyramid Court housing area in Cairo was restricted as far as police patrol. There was an order issued by the chief of police at that time that we would not patrol the Pyramid Courts.

MR. POWELL. Do you have an opinion as to whether this problem still exists today?

MR. BEARD. From what, you know, I have heard from people I know that live in the Pyramid Court, the situation still exists.

MR. POWELL. Mr. Beard, when there were complaints of mistreatment or harassment by police officers toward members of the black community, how were such complaints handled?

MR. BEARD. Generally they were, you know, through the chief's office. They went through the chief's office. And what happened after that I don't know. I never heard of any, you know, results from any complaints of mistreatment of policemen—mistreatment of blacks by policemen.

MR. POWELL. Aside from the results, were they investigated? Were they looked into?

MR. BEARD. Not that I know of.

MR. POWELL. Mr. Beard, in your capacity as an investigator for the Lawyers Committee since you left the department, have you heard allegations that the use of racial slurs by policemen or the mistreatment and harassment of the black citizens by police officers still exist?

MR. BEARD. Yes, I have.

MR. POWELL. Would you briefly describe any incidents with which you are familiar that illustrate this problem?

MR. BEARD. Well, one of the incidents was September 29th with Mr. Deberry, Russell Deberry, in which he was confronted by the police, Cairo city policemen, on the street and supposedly brutalized and they used harsh language against him and several people in the area.

And also on the same night, the same date, a Mr. Napoleon Garrett of 1209 Walnut was inside his cafeteria, and according to witnesses interviewed, he was singing Christian songs when the police broke into his place and mistreated him. They brutalized him according to the witnesses. They dragged him outside the place beating him all the time going out to the car.

MR. POWELL. Thank you.

MR. MEEKS, were you ever a member of the Cairo Police Department? If so, when?

MR. MEEKS. I resigned on the 26th of October 1970. I was a member of the department.

MR. POWELL. Why did you resign your position as a police officer with the Cairo Police Department?

MR. MEEKS. Well, I had an incident. A racial-like remark was made in my presence. And I confronted the chief—

MR. POWELL. In giving your testimony, please do not mention any specific names or positions.

MR. MEEKS. All right. Well, I had this incident where a radio operator, patrolman, made a remark like: "Shoot this nigger in the back," or something like this. And it just so happened that I was in the station at the time, and I went into the radio room and confronted this operator, also confronting the chief because he was sitting there with him, and at the time there was countless people in that room at that time.

The chief got up and left. He made some remark about going to the Mark Twain or something.

So the very next day when I came to work he called me into his office and he told me, said: "You understand that I'm new here." And it just seemed to me like he was sanctioning these racist remarks which this guy made in my presence.

So I just told the chief, I said: "Well, I don't respect you, and if I don't respect you there's no sense in me working for you," and that he would have my resignation before I went off shift.

MR. POWELL. In giving your resignation, you did not give your resignation to the present chief? That is correct, isn't it?

MR. MEEKS. No, no, not Bowers. No, no.

MR. POWELL. Mr. Meeks, does the black community in Cairo today have confidence in the Cairo Police Department?

MR. MEEKS. Well, I really couldn't say. You said the white community, you know.

MR. POWELL. Does the black community?

MR. MEEKS. Oh, black community?

MR. POWELL. Yes.

MR. MEEKS. I don't think so.

MR. POWELL. Mr. Meeks, what steps in your opinion must be taken to restore confidence in the police department?

MR. MEEKS. Well, I would think that you would have to get some black officers, somebody that the blacks can relate to.

I also would think that a police-community relations unit should be established over there that might can breach this—well, this darkness that is between the police department and the blacks—and the black community.

MR. POWELL. You mentioned the incidents that you experienced. Have other black police officers had similar experience to your knowledge? Have other black officers who were on the Cairo Police Department had similar experiences?

MR. MEEKS. Well, I wouldn't know. I had this experience myself and that was the reason for me resigning.

MR. POWELL. Madam Chairman, I have no further questions, but at this time I might note that a reference was made to an individual who did not receive a notice and I take it that the evidence might tend to defame and degrade that individual, and I suggest that that reference be stricken from the record.

COMMISSIONER FREEMAN. The reference will be stricken.

MR. POWELL. I have no further questions.

COMMISSIONER FREEMAN. Commissioner Mitchell?

COMMISSIONER MITCHELL. I have no questions now.

COMMISSIONER FREEMAN. Mr. Deberry and the other members of the panel, we have heard your testimony concerning police-community relations. My question is directed to each of you, and actually it is in broader context. All of you are residents and, I believe, have lived here for the most part all of your lives. And we—as you know this Commission—are looking into other areas.

We are looking into the schools, housing, health—and by that we mean the hospitals, the physicians, and the dental care that is available.

And I would like to begin with you, Mr. Deberry, and ask if you will just make a brief comment to this Commission concerning the availability to the black residents of this community, for instance, of health care—hospitals, medical, and dental care.

And the same question is to all of you. And particularly also with respect to housing and schools.

MR. DEBERRY. You're talking about validity or the utilizing—

COMMISSIONER FREEMAN. Is it available? Do the black residents of this community have access to—equal access to—hospitals in this community?

MR. DEBERRY. They have equal access to the hospitals, yes, but not the same medical facilities.

COMMISSIONER FREEMAN. Will you explain that for us?

MR. DEBERRY. Well, for instance, in a black and white situation that I was in, a white lady came out that had fallen off of a porch and broken her leg. She was immediately taken to the emergency room, X-rayed and all of that. And in the time I was sitting there in the lobby—there's a place right out from the emergency room—a black was brought in that had been in a car wreck and he was unconscious, couldn't talk.

They had to find somebody to find out where he worked, whether he had insurance or whether or not he got hurt in a fight, you know, and how would the hospital bill be paid?

All this is the questions that they give to a black when you go to the hospital here, you know. And like you said, you can be bleeding or half dying or unconscious and they are going to sit there and try to find somebody that knows you to give this information before they even wait on you or call a doctor.

COMMISSIONER FREEMAN. What about the doctors in this town?

MR. DEBERRY. I haven't been to that many of them. But the doctors that I do go to, the blacks, I would say that they do the best they can because they have got all of the pressure of all the blacks because there's only two black doctors I think in Cairo. That's Chambliss and Robinson. And the rest are white.

Then you have all of your blacks going to them. Maybe some of the whites take some, have some black patients. I don't know. But I know that they have the majority of the blacks in Cairo. And this is too much for, you know, like two doctors to take care of that much percentage.

COMMISSIONER FREEMAN. What about the dentists?

MR. DEBERRY. The dentists—there's no black dentists in Cairo at all and they don't want to wait on you.

COMMISSIONER FREEMAN. Have the dentists ever refused to treat black patients?

MR. DEBERRY. Yes, like I was refused by a dentist.

COMMISSIONER FREEMAN. Will you tell us?

MR. DEBERRY. I woke up that evening. I had a toothache. So I went to the drug store. It was only mild, and I went to the drug store and got some stuff for it, and it kind of eased it some.

But over that night it swole, and my whole face, you know, like I had headaches and my eyes got so they started hurting from the toothache.

So I managed through the night. The next morning I started calling dentists in Cairo to see if I could get an appointment. So I called two or three of them. They said: "Okay, you have to notify us within a 5-day limit before you can get an appointment."

So I knew this was legitimate. I says okay, you know. I didn't make an appointment so okay.

So I kept laying and I kept laying and I said maybe if I go in and they see how much pain I'm in and how I'm swole up, you know, that I do have the money—Because it's a question with some of the dentists, so I have heard from some of the blacks that been to them—the white dentists I'm speaking of—that if you're on welfare they want to know that even before they work with you because they say that the welfare don't pay them their money on time or something and they're getting tired of waiting on their money.

So I assured him that I had the money then, you know, and I just wanted the tooth pulled because it was, you know, just paining me so.

The receptionist told me—this was on the phone—"Well, the office is full. You didn't make an appointment. And the doctor is all tied up for the day. But if you could come in within 5 days, you know, if you could hold off just for 5 days, then we can wait on you."

So, you know, I set there and I said 5 days? You know. I'm almost dead today.

So I said: "I know. I'll go down." You know. So I went down to the dentist's office, walked in, and the receptionist was watching TV in the little hallway. The doctor was sitting at his desk with the door half closed. Nobody else was in the office. The chair was empty.

I came in. I said—No, I didn't tell her that I was the one that called. I just says: "I've got a toothache. My face is swollen. I'd like to get a tooth pulled."

She said: "Oh, I'm sorry, sir, we don't do extractions, you know. We only work on dental plates. But I can recommend you to a black doctor in Cape Girardeau, Missouri," which is some 30-some miles away, you know.

So I say: "You know, I need it pulled now. I don't have transportation to get over to Missouri."

So she said—And I said: "Besides, it's 4." I says: "What time, you know—How long does the office stay open?"

She said: "Well, he's open until 5:30."

Now, it was 4:20 something then, you know, and 30 miles away, and I've got to locate a car.

She says: "You don't even have to have an appointment with him," and says: "Oh, I hear that he's very good, you know. As a matter of fact, I'll give you the number."

So she wrote the number of the dentist down. She assured me that he was a black dentist, good dentist, no appointment needed.

I says: "Okay."

She says: "Let me give you another number." She gave me one in East Prairie, Missouri, which is about 40-some miles away from Cairo, you know. She says: "If this one don't take you or if you miss them by getting over there too late, then go to East Prairie. I think he stays open till 6 o'clock, you know."

So I says, well, okay, this is the best I could do, so I took the card that she gave me with the numbers, went to the Lawyers Committee, explained to them that I had been there and that the guy refused to pull my teeth by telling me they didn't do extractions when on the outside of the building he's got "Dentist" wrote on the wall, and "Dentist" sure means that they do extractions to me. And, you know, the way I was feeling I was hoping anyway.

So I was turned down, and my teeth weren't pulled. I had to go 40 miles to do that.

COMMISSIONER FREEMAN. Here in Cairo?

MR. DEBERY. Here in Cairo. Right.

COMMISSIONER FREEMAN. Do any of the other witnesses have any comments to add to that? Any other similar experiences?

(No response.)

Mr. Buggs, do you have any questions?

MR. BUGGS. No.

COMMISSIONER FREEMAN. Commissioner Mitchell?

COMMISSIONER MITCHELL. Mr. Beard, you are studying law enforcement, which is why I'm addressing this question to you. What are the police needs of the black community in Cairo? We often hear in hearings that if you call the police they won't come. What do you call them for? Does the black community have the same kind of police requirements that the rest of the community has?

MR. BEARD. Yes, they do. The people—Some of the people out in Pyramid Court are victimized by criminals just as other members of the community are victimized by criminals. And when you tell them or demonstrate to them that you're not going to respond to their pleas for help or assistance, then you just tell them: "We're abandoning you to your own vices," and it's really a deplorable situation.

COMMISSIONER MITCHELL. What are you learning at Southern Illinois University about the solution to problems like this? You know, we have just had a man testify before you from the Federal Agencies who seemed to be absolutely helpless in the face of the community unwillingness to generate the kind of police protection for all its citizens that should be generated, and yet this problem is not unique, believe me, to Cairo.

I come from Denver where we have the same problem, and we have it with a variety of minority groups, and we have deep troubles there.

What are you learning at Southern Illinois? What is the general direction of the studies you are pursuing? What are they telling you about how you'd begin to deal with this problem?

If you had to write a set of recommendations, what would they include?

MR. BEARD. Well, it would be for one thing—I don't know whether it would be an absolute solution; I'm sure it wouldn't be—but it would be to establish a police-community relations program so you have some type of communicative line open to the police and the community and so you can discuss some of the problems.

Another thing would be to hire or advertise, try to recruit more black policemen and get them on the police department, because, you know, if you don't have black policemen on the police department, if you have a totally white police department or almost totally white police department, and a large percentage of blacks in your community, it's just from outward appearances only tells you something is wrong, there's something definitely wrong, and why aren't there any black policemen?

COMMISSIONER MITCHELL. There are Federal programs and I suppose even State programs that would provide funds for that kind of training and development and even equipment? Is that correct?

MR. BEARD. That's correct.

COMMISSIONER MITCHELL. Do you know of any such effort here that has been made to develop such a program in Cairo?

MR. BEARD. No, I don't.

COMMISSIONER MITCHELL. Mr. Meeks, just as a former police officer, I'm always upset when I hear that civilians are carrying guns and drawing them. Apparently a lot of that has happened in Cairo from what I read in the papers and see from what the Commission's investigators are telling us.

Is it your opinion that a lot of people in this community are just every day walking around carrying hand weapons?

MR. MEEKS. You mean my opinion?

COMMISSIONER MITCHELL. Yes.

MR. MEEKS. Yes, I'd venture to say—At night in Cairo?

COMMISSIONER MITCHELL. Yes.

MR. MEEKS. Six out of 10 persons got a gun.

COMMISSIONER MITCHELL. So this is really an armed community?

MR. MEEKS. Sure.

COMMISSIONER MITCHELL. And if the citizens all began to use guns it wouldn't make any difference how many policemen—Twenty policemen couldn't police this community. Is that correct?

MR. MEEKS. That's very true if everybody decided to get out and indulge into violence like that.

COMMISSIONER MITCHELL. So everybody in Cairo is just living in peace through the goodwill of his neighbor who could shoot him if he wanted to, who's walking around carrying a gun?

MR. MEEKS. These things happen here. People carry guns.

COMMISSIONER MITCHELL. Are people armed in the black community, too?

MR. MEEKS. You know, I would think so.

COMMISSIONER MITCHELL. Is there a gun law in Cairo?

MR. MEEKS. Why, sure.

COMMISSIONER MITCHELL. What's the law?

MR. MEEKS. Well, you know, like according to the law no felon can have a gun. But you see these signs all the time saying if you outlaw guns, only outlaws will have guns.

COMMISSIONER MITCHELL. Suppose I walked down the street in Cairo and took out a pistol and just walked around swinging it around my finger. Would anybody do anything about it?

MR. MEEKS. I'm quite sure. The policeman would stop you probably. I mean that's a flagrant violation, you know, and the police would stop you.

COMMISSIONER MITCHELL. Have you ever heard of anybody being arrested for that?

MR. MEEKS. For carrying a gun?

COMMISSIONER MITCHELL. Yes.

MR. MEEKS. For carrying a gun, yes, but not for twirling one around in his hand.

COMMISSIONER MITCHELL. Again, speaking to you as an individual, how do you reverse that situation?

MR. MEEKS. You mean the situation where everybody was carrying a gun?

COMMISSIONER MITCHELL. Where 60 percent—at night eight out of 10 people or six out of 10 people walking around armed.

MR. MEEKS. Well, you know, in this community there's a lot of fear, and fear makes people pick up arms. Now, if this fear was removed, maybe you wouldn't have to carry a gun.

COMMISSIONER MITCHELL. What is the fellow who carries a gun afraid of?

MR. MEEKS. Well, he's probably—In a community like this he's afraid of somebody taking a shot at him at night. Because we are so polarized here. The average black, he probably figures: "Well, some white may take a shot at me and I got to defend myself. I got to have something." The average white probably thinks the same way.

COMMISSIONER MITCHELL. Is it your impression that that's true all over this country?

MR. MEEKS. To a certain extent. To a certain extent, yes.

COMMISSIONER MITCHELL. Mrs. Freeman?

COMMISSIONER FREEMAN. You know, we're having a night hearing. Are you suggesting that maybe there won't be many people here?

MR. MEEKS. I'm not suggesting that, but the only thing that I was suggesting is this: There's a lot of fear around here and people do carry guns here. I mean this happens.

COMMISSIONER FREEMAN. Well, let the word go forth that there will be no guns in this courtroom tonight. You may be excused.

This hearing is now in recess until 3:30.

COMMISSIONER FREEMAN. The hearing will come to order.

Mr. Powell, will you call the next witness?

MR. POWELL. Madam Chairman, the next witness is Charles Vanderbosch. This witness will be questioned by John Ulfelder, Assistant General Counsel for the Commission.

(Whereupon, Mr. Charles Vanderbosch was sworn by Commissioner Freeman and testified as follows:)

TESTIMONY OF MR. CHARLES VANDERBOSCH, ASSISTANT DIRECTOR, FIELD OPERATIONS DIVISION, INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, ANNANDALE, VIRGINIA

MR. ULFELDER. Mr. Vanderbosch, would you please state your name, address, and occupation for the record?

MR. VANDERBOSCH. My name is Charles Vanderbosch. I live at 7255 Beverly Manor Drive, Annandale, Virginia. I am an assistant director of the field operations division of the International Association of Chiefs of Police.

MR. ULFELDER. Mr. Vanderbosch, how long have you been employed by the International Association of Chiefs of Police?

MR. VANDERBOSCH. I have been employed with the International Association of Chiefs of Police since 1964. Prior to that I spent 18 years with the Chicago Police Department where I held a supervising position.

MR. ULFELDER. Have you had extensive training in the law enforcement field?

MR. VANDERBOSCH. I did. I hold a master's degree from De Paul University, Chicago, in political science. I have attended numerous

training programs and received extensive vocational training in the police field. And since I have been with the International Association of Chiefs of Police I have participated or supervised in excess of 30 management surveys of police agencies throughout the country.

MR. ULFELDER. Did you participate in the field work in preparation of a report entitled "A Survey of the Police Department of Cairo, Illinois"?

MR. VANDERBOSCH. I did. I was the supervisor of the team that came to Cairo to conduct a management study of the police department in 1970.

MR. ULFELDER. How many members were there of that team?

MR. VANDERBOSCH. There were two police management consultants.

MR. ULFELDER. What was their background and experience in the field of law enforcement?

MR. VANDERBOSCH. One of the consultant's names was Ralph Anderson. He's a retired captain from the New York Police Department. He holds a master's degree in police administration. After his retirement from the New York Police Department and prior to joining the IACP Mr. Anderson was a professor of police science at the University of Texas. In fact, Cairo was his first job with the association.

The second team member was Frank Zuno who was a captain with the Tucson Police Department. He holds a bachelor's degree in public administration from the University of Arizona and has participated in approximately 20 to 25 surveys for the IACP.

MR. ULFELDER. Would you briefly summarize the findings and recommendations of your report?

MR. VANDERBOSCH. First of all, I think I should qualify my testimony at this point because the survey was conducted in March—February and March—of 1970, and it's been a couple of years ago, and I have no knowledge if any of the conditions that were existing then still exist now.

I will summarize briefly what we did find in the police department.

And one of the first things we noticed was that the department had long suffered from inadequate and incompetent leadership. I would say that the Cairo Police Department in 1970 was barren of professionalism.

We found that too many officers were untrained, that the recruit training was not necessary to candidates for the police force.

However, from what I understand, this has been subsequently altered, that after we left the State of Illinois did conduct some training.

We found that the citizens of the community, both black and white, had little faith in their police department. Part of our survey team, including myself, interviewed members of the community, the man on the street, business people and people in the black and white communities, and generally we came up with the answer that people really didn't think that the police department was doing a good job from either side of the town.

We also found that the present economic base of this city could not afford a professional police department, that the salaries of the police officers at that time, though conforming to the minimum standards established by statute in the State of Illinois, were rather low and would not attract capable young people to the police service.

We found that there were some members in the police department and also city officials who were insensitive to the racial conditions confronting them. The solution seemed to be to "blast away and we'll win."

And we found that the racial strife and its related incidents of violence were the outstanding police problems in the community.

We also found some deficiencies in organization and technical aspects of the department.

And we found that there was no approach or no attempt made at community relations.

So basically these were the inadequacies we found outside of the technical ones which pertain to management.

MR. ULFELDER. What recommendations did you make in your report to try to resolve some of those problems?

MR. VANDERBOSCH. Well, we made approximately 200 recommendations in this report to improve the quality of police services in the city of Cairo. To my knowledge, none with the exception of the training which the State police gave the people have been implemented or carried out.

One of the things, I think, which is pertinent to this particular hearing was that we proposed a new organization for the police department and devoted some of our efforts to try and guide the police department into developing some form of community relations program—not "some form"—a community relations program which would involve all of the police officers.

We established the office of police coordinator which would respond to the police chief, and this individual's job would be to develop programs and to attempt to have the police department implement these programs with the community.

We also recommended that the police department establish a community council under the auspices of the chief of police. This community council would consist of five to seven individuals representative of the community who would meet periodically with the chief of police and keep him abreast of the problems of the community and the relationship of the department to the community.

These were some of the recommendations we did make which were pertinent to this hearing.

MR. ULFELDER. In the course of your study did you examine the role of the police chief-police commissioner setup that exists in Cairo?

MR. VANDERBOSCH. Yes, sir.

MR. ULFELDER. And what did you find concerning that?

MR. VANDERBOSCH. At the time we were conducting our field work the police department did not have a chief of police. They had gone

through three chiefs in the preceding 8 months. But they were in the process of employing an individual for this position.

In checking the legal basis of the creation of the police department and also the responsibilities of the chief of police, we found that the chief of police in Cairo at that time in 1970 was merely a figurehead type of office, that according to Chapter 24 of the Illinois Revised Statutes pertaining to the villages and cities that under a commission form of government that one of the commissioners would have the responsibility of the police department.

In most communities this individual acts merely as a policy-setter and allows the chief to run the police department. He is not unlike a mayor in which the chief of police must report to someone. In the commission form of government he reports to a commissioner.

However, in Cairo we found that through a city ordinance that the position of police commissioner was much strengthened and, in effect, the police commissioner was the chief of police, that the chief would merely parrot and relay messages from the police commissioner or he could not make a move unless he was given the sanction or had to check with the police commissioner.

I think this is something that has been overlooked in this hearing.

MR. ULFELDER. You mentioned that you believed that the only step you had recommended in your report that had been taken to your knowledge thus far was in the field of training.

MR. VANDERBOSCH. Right.

MR. ULFELDER. Have you ever been contacted by the present Chief Bowers or Police Commissioner Dale about your report or have they sought your advice concerning matters of organization or other matters concerning the Cairo Police Department?

MR. VANDERBOSCH. We mailed the report to the city of Cairo either in July or August 1970. We haven't heard from the city since that time.

Our only conversations with the city was at the time—was with the administration in office, in which we told them—we told the police commissioner—to make a careful check of the individual he was selecting for chief because we felt there was something in his background which would prevent him from taking office.

The city commissioner and the—from what we understand—and the city attorney were alleged to have contacted the residence of this chap and hired the individual and this person had a criminal record at the time.

MR. ULFELDER. I have no further questions.

COMMISSIONER FREEMAN. Commissioner Mitchell?

COMMISSIONER MITCHELL. Mr. Vanderbosch, do you remember what it cost? What did the city of Cairo pay to have that study made?

MR. VANDERBOSCH. The city of Cairo did not pay a cent for this study. This study originated from the Governor's office, who was highly disturbed at the activities here in Cairo.

This was in the latter part of 1969 when there were a lot of—numerous shootings and arsons. And he instructed the director of the Illinois Law Enforcement Commission to have something done about Cairo to find out what was wrong with the city and the police department.

The director of the Illinois Law Enforcement Commission contacted us. We prepared a contract, and the funds for this study were furnished by the Illinois Law Enforcement Commission.

COMMISSIONER MITCHELL. The taxpayers, in any event, paid for the study?

MR. VANDERBOSCH. Right.

COMMISSIONER MITCHELL. You never heard again from Cairo. Did you hear again from the Governor's commission?

MR. VANDERBOSCH. No, I didn't. No, we didn't.

COMMISSIONER MITCHELL. So the taxpayers formed a commission to study the police problems in Cairo and they paid for that study and you went ahead and did the work, and then you sent everybody your diagnosis of the patient's condition, and apparently he has just been allowed to slowly drift toward the grave anyhow?

MR. VANDERBOSCH. I would like to think that as a result of the study, because the commission did receive a copy of the report, that some of the funds received from the Illinois Law Enforcement Commission to Cairo in the area of training were prompted in part by the report.

COMMISSIONER MITCHELL. What did the study cost, by the way?

MR. VANDERBOSCH. Oh, I'd say between \$16,000 to \$18,000.

COMMISSIONER MITCHELL. \$16,000 to \$18,000? What you found in Cairo—You say you have done 30 of these—

MR. VANDERBOSCH. I'd say yes.

COMMISSIONER MITCHELL (continuing). Personally, and you must have seen many other such studies. Did you find here a picture that is typical of cities this size in the United States?

MR. VANDERBOSCH. Cairo is the most atypical city I've ever been in. We have done studies in the Deep South, in the upper New England States, the Midwest, and we have never found another Cairo. It's a unique city.

COMMISSIONER MITCHELL. What would you say are its most unique characteristics?

MR. VANDERBOSCH. The most unique characteristics are—The No. 1 is the complete lack of professionalism and responsibility upon the city administration and specifically in this case would be the police department and the city officials who are related to the police department.

COMMISSIONER MITCHELL. What else strikes you as being especially worthy of note aside from the amateur or unprofessional or offhand or whatever you want to call it—

MR. VANDERBOSCH. Basically I think this would be the thing. We never did see a city in which the activities of the municipal services

were allowed to be conducted in the manner they are allowed to be performed here.

The police department was totally undisciplined at the time. There was no provisions made for disciplinary actions. And up to the time we were there no one had been subjected to disciplinary measures. They were using up thousands of rounds of ammunition and there was very few reports made of the shooting incidents.

In fact, if it would have not been for the State police facility just outside of town we would have never been able to find out how many cases of arsons or shootouts, as it were, occurred in Cairo.

And the city just went along as if nothing was happening.

COMMISSIONER MITCHELL. We have heard here earlier that the police won't answer calls in a black section of the city. Do you suppose they are afraid to go?

MR. VANDERBOSCH. Well, this situation existed in 1970, and we saw where the police did not give the Pyramid Courts any police protection at the time of coverage. This was evident at the time.

They would circulate around. And at the time we were here there were about 12 or 14 police vehicles patrolling about four or five square blocks. This was the local police department reinforced with the State troopers.

And they were questioned: "Why don't you go inside this project if these people are shooting at you and you're firing back in self-defense? Why not go in there and try to find out—knock on doors, do some investigation, and find out who is doing the shooting?"

And they felt that they would be endangered and it really was not worth the effort, and no one in city government forced them to really conduct a followup investigation or preliminary investigation.

COMMISSIONER MITCHELL. What kind of protection do you think the rest of this community gets from a police force that is as unprofessional as the one you're talking about?

MR. VANDERBOSCH. I was—Rather, I listened with rather deep interest at the ex-police officers testifying about their experience at the hands of the local police department. We found that the white citizens also are exposed to this type of abuse. In fact, when we were here doing the field work, some of our consultants were riding in the police vehicles with the Cairo police officers, and a number of stops were made, traffic, field inquiry type of stuff, and they were rather taken aback at the crudeness, at the vulgarity of the police officers talking to the citizens of Cairo.

And so, to go a long way to answer your question, from what we have seen, that there was at that time very little police protection or service afforded the citizens of Cairo.

COMMISSIONER MITCHELL. So the inadequacy of this police force is costly and dangerous not only to the black community but to the entire community?

MR. VANDERBOSCH. Right. Right.

COMMISSIONER MITCHELL. And you have a police force which, if uncontrolled, takes on the characteristics of the worst elements of police control of a community?

MR. VANDERBOSCH. Yes.

COMMISSIONER MITCHELL. Thank you.

COMMISSIONER FREEMAN. Mr. Vanderbosch, on the basis of your findings and the way you have described the police force as it was at least in 1970, was there any value that you could see to Cairo to having a police force?

MR. VANDERBOSCH. I really don't think that people—that the taxpayer in Cairo was getting his money's worth from the type of police service he was receiving at the time.

COMMISSIONER FREEMAN. Would you have any information about who in the Cairo government or the government of this State would have the power to bring about a change or improvement of the police force?

MR. VANDERBOSCH. Well, I really don't know, although I am originally from Illinois, but it seems to me that in the late '50's or so we had a suburb of Chicago by the name of Cicero in which the sheriff felt that the law and order had broken down, and the sheriff at that time was the present Governor, and the sheriff's department took over the police protection of the city of Cicero.

I kind of think that some legal study could be made and to examine the police powers of the Governor, you know, when law and order does break down, and to determine, you know, that there should be something along the line—I'm not an attorney—but I'm pretty sure the statutes would cover this.

COMMISSIONER FREEMAN. In your opinion do the conditions which you describe represent a breakdown of law and order?

MR. VANDERBOSCH. Pardon?

COMMISSIONER FREEMAN. Do the conditions which you have described within the police department represent a breakdown of law and order?

MR. VANDERBOSCH. Right. We believe that a police officer should be a professional individual. In fact, the association I am with is striving to achieve this goal. The Cairo Police Department in 1970 was poles apart from our objective.

COMMISSIONER FREEMAN. Mr. Buggs, do you have any questions?

MR. BUGGS. Just one or two.

Mr. Vanderbosch, you have indicated that there was no training of the Cairo Police Department. What about target practice?

MR. VANDERBOSCH. There was a lot of unofficial target practice. I really don't mean to be facetious. But I really don't know—target practice is actually really secondary to the training of the police officer.

MR. BUGGS. In most cases——

MR. VANDERBOSCH. Police officers should be trained to deal with people. And target practice makes them a good shot, you know.

MR. BUGGS. You have also testified to the fact that the police officers said that the reason that they did not do any police work in Pyramid Courts was because they were afraid.

MR. VANDERBOSCH. Yes.

MR. BUGGS. Isn't there such a thing that some police agencies call "crime containment areas?" Would you explain what that means?

MR. VANDERBOSCH. I really don't believe that I understand your question—the crime containment areas?

MR. BUGGS. I have been in a couple of communities where police service has been not quite as bad in the black community as it is reported to be in Cairo, but where police have taken the position that it is better to let crime exist in one part of a community to safeguard the rest of the community, so they don't patrol or do very much in terms of suppression of crime or providing police services in those areas.

MR. VANDERBOSCH. All right. I'll answer your question now that I understand it.

First of all, this is new. I have never been introduced to this term or to this philosophy in the first place.

In Cairo actually I don't think this is the question, because the only crime occurring in Cairo at the time we were there, the crime of any consequence, were the arsons and were the shootings, and it was based on racial strife.

We don't know, and I don't think anyone in Cairo does know, what the crime rate is in this community because the department at that time did not have records, and the records they did have we just really could not read and get a picture of it, so I don't think it was that sophisticated here to have a so-called crime containment.

The problem here was strictly a very deep-seated racial condition existing in this city.

COMMISSIONER FREEMAN. Commissioner Mitchell has another question.

COMMISSIONER MITCHELL. Mr. Vanderbosch, I'm sorry. I just didn't see a note I had made to ask you another question.

When you have a department that doesn't keep records and when you have a department that, therefore, can't tell you what the crime situation—or it doesn't tell you, does not appear to be able to tell you what the crime situation is in a community, do you have a possibility or do you not have a possibility of graft?

MR. VANDERBOSCH. There is a possibility of a lot of things. There's possibilities of showing a good crime picture, as it were. In other words, "we're a crime-free community."

There's a possibility that complaints made against the police department are not recorded so "we don't have any problem with the people in our community."

There's all sorts of possibilities when no records are kept.

COMMISSIONER MITCHELL. Now, do you have the figures for the year in which you made this study as to the cost of the police department here—the budget?

MR. VANDERBOSCH. The budget figures?

COMMISSIONER MITCHELL. Yes. I'm looking at some here that say in 1970 it was roughly \$185,000. Does that sound right?

MR. VANDERBOSCH. Right.

COMMISSIONER MITCHELL. It appears to have gone up sharply. Would that be a high figure for a police department or a low one?

MR. VANDERBOSCH. Usually a police budget accounts for anywhere from about 25 to 45 percent of the total municipal budget depending on the community. So I really don't know.

The only thing I would say, that the salaries at that time were extremely low. Extremely low.

COMMISSIONER MITCHELL. Thank you.

COMMISSIONER FREEMAN. Mr. Ulfelder?

MR. ULFELDER. Before you go, Mr. Vanderbosch, is this a copy of the report?

MR. VANDERBOSCH. Right.

MR. ULFELDER. Madam Chairman, I would like to introduce this into the record as an exhibit.

COMMISSIONER FREEMAN. It will be received.

(Whereupon, the document referred to was marked Exhibit No. 4 and received in evidence.)

COMMISSIONER FREEMAN. Thank you very much. You are excused.

MR. VANDERBOSCH. You're welcome.

COMMISSIONER FREEMAN. Mr. Powell, will you call the next witnesses, please?

MR. POWELL. Next we have a panel, Madam Chairman, Mr. William Bowers and Mr. James H. Dale, Jr.

(Whereupon, Mr. William Bowers and Mr. James H. Dale, Jr., were sworn by Commissioner Freeman and testified as follows:)

TESTIMONY OF MR. WILLIAM BOWERS, CHIEF, CAIRO POLICE DEPARTMENT, AND MR. JAMES H. DALE, JR., CAIRO POLICE COMMISSIONER, CAIRO, ILLINOIS, ACCOMPANIED BY MR. JOHN G. HOLLAND, COUNSEL

COMMISSIONER FREEMAN. You may proceed.

MR. HOLLAND. Let the record show that Mr. Holland will represent these people as Counsel, Madam Chairman. And at this time on behalf of these witnesses we would like to cause to be entered in the record, if we may, the criminal record of Mr. Russell Deberry, one of the people in the panel that testified, if we may enter that, please.

COMMISSIONER FREEMAN. It will be received.

(Whereupon, the document referred to was marked Exhibit No. 5 and received in evidence.)

COMMISSIONER FREEMAN. Mr. Powell, you may proceed.

MR. POWELL. Would you, beginning with the gentleman on my left, each please state your name, address, and occupation for the record?

MR. DALE. James H. Dale, Jr., age 37, address 701—35th Street, Cairo, and I am commissioner of police in Cairo.

MR. POWELL. Mr. Bowers?

MR. BOWERS. My name is William C. Bowers. My age is 31. I live at 34th and Sycamore and I am chief of police here in Cairo.

MR. POWELL. Mr. Bowers, how long have you been a member of the Cairo police force?

MR. BOWERS. Approximately 4 years.

MR. POWELL. How long have you been chief of the department, Mr. Bowers?

MR. BOWERS. Since August 11th.

MR. POWELL. August 11, 1971, is that?

MR. BOWERS. Yes, sir.

MR. POWELL. Mr. Dale, how long have you been police commissioner for the city of Cairo?

MR. DALE. I took office the second Tuesday of May 1970. I don't know the exact date.

MR. POWELL. May 1970?

MR. DALE. 1971. I'm still in 1971.

MR. POWELL. Mr. Bowers, what professional training have you had in the field of law enforcement?

MR. BOWERS. I received 240 hours of instructions at Southern Illinois University. I have also received training from the United States Army in bomb disposal. I have received training at the Belleville Community College in homicide investigation.

MR. POWELL. Mr. Bowers, how many officers are there in the Cairo Police Department?

MR. BOWERS. Twenty.

MR. POWELL. And only one of these officers is black? Is that correct?

MR. BOWERS. That's correct.

MR. POWELL. Why do you think there are so few black officers in the police department, Mr. Bowers?

MR. BOWERS. Mr. Powell, since I have been chief we have had none apply to take the test up until this test was given I believe it was last week. We had two apply, two take the test, and there's two who are to be interviewed by the police and fire board at the oral examination.

MR. POWELL. Mr. Bowers, have you heard the testimony given earlier at this proceeding?

MR. BOWERS. Mr. Powell, I will also state that prior to this last test that was given, right after I took office there was another test given and I advertised over the local radio station specifically for black applicants. I received none.

MR. POWELL. I see. You have heard the earlier testimony, have you not?

MR. BOWERS. I have, sir.

Mr. POWELL. Referring specifically to that testimony concerning the treatment of black citizens of Cairo by the police and the attitude of blacks toward the police as being not an instrument of service but an instrument of harassment, have you done anything—Are you familiar with this situation I might ask?

Mr. BOWERS. I am not familiar with it since I have been chief of police. The area which was brought up was Pyramid Court, and since I have been chief of police it has been constantly patrolled and there have been calls answered in the Pyramid Court area.

Mr. POWELL. What specifically have you done to eliminate this kind of practice and this kind of attitude that black citizens have toward the police department as being an instrument of fear rather than an instrument of service?

Mr. BOWERS. Well, I have saw to it that the black community received the service which they require by the point that I have just set forth—the patrolling of the predominantly black area around Pyramid Court and the answering of calls when calls are made by the citizens.

Mr. POWELL. Mr. Bowers, does the Cairo Police Department have a procedure for handling citizen complaints against a police officer?

Mr. BOWERS. Yes, sir.

Mr. POWELL. Would you please describe that procedure?

Mr. BOWERS. It is brought to my attention if the complaint is not made directly to me. After the complaint is received by myself, an investigation is launched by myself, and if the investigation deems it necessary, charges are brought against the officer before the police and fire board and a hearing is instrumental thereafter.

Mr. POWELL. Mr. Bowers, how many citizens' complaints have you received in the last year?

Mr. BOWERS. I haven't been chief of police in the last year.

Mr. POWELL. Well, how many citizens' complaints have you received since August 11, 1971, when you did become chief of police?

Mr. BOWERS. I would really have to refer to the records on that. Just to pull the number out of my hat I can't really say.

Mr. POWELL. Well, you can provide the specific information to us at a later date. But would you give me a ballpark figure as to how many complaints?

Mr. HOLLAND. We object to that. We feel that he has answered. He said he didn't have the knowledge without referring to his records.

COMMISSIONER MITCHELL. Ask him whether he had one.

Mr. POWELL. Have you received more than one complaint?

Mr. BOWERS. Oh, I'm sure I have, yes, sir.

Mr. POWELL. Would you then give me roughly some idea of how many citizens' complaints you received in the—what is it?—7 or 8 months that you have been chief of police?

Mr. HOLLAND. Again we'll object.

Mr. POWELL. Your objection is noted, Mr. Holland.

Mr. HOLLAND. I would like to finish it, sir. I'd like to finish my objection for the record.

We will be glad to check our records and give you that information. But the witness has stated that he does not have that information and it's not proper to ask him to guess.

MR. POWELL. Well, Mr. Holland, the Chairman of this proceeding will decide what is proper and what is not proper upon my advice. Now, the police chief has been chief for a number of months. He has received a number of complaints. We defer to you. We will not ask him to give the specific information now. He can provide that later.

I'm now asking him whether or not he is familiar with his operation. He has received a number of complaints. All that I want is his best estimate as to the number of complaints. Have you received more than 10?

MR. BOWERS. No, sir.

MR. POWELL. Okay. How many complaints roughly would you say you have received? Has it been—

MR. HOLLAND. We object.

MR. POWELL. Has it been—

MR. HOLLAND. We object.

MR. POWELL. Has it been—

MR. HOLLAND. We object. We object. Improper questioning. The witness has answered.

MR. POWELL. Your objection has been noted, Mr. Holland.

MR. HOLLAND. May I have a ruling from the Commission, please?

COMMISSIONER FREEMAN. The objection is overruled.

MR. POWELL. Now, Mr. Holland, in round figures, you say you received less than 10. Have you received five or more? Mr. Bowers?

MR. HOLLAND. Objection. I instruct the witness not to answer the question.

MR. POWELL. Mr. Holland, I should inform you that this witness is here pursuant to subpoena, and I would advise the Chairman to consider citing him for contempt if he doesn't answer questions.

Now, if Mr. Bowers doesn't have the information, then we might consider that. If he's telling us that in the 8 months that he's been police chief that he doesn't have any idea of the number of complaints, well, then we might consider that.

I understand that you have had more than one complaint in the 8 months that you have been police chief. Is that correct?

MR. BOWERS. Yes.

MR. POWELL. Of the complaints that you have received, Mr. Bowers, have any of those complaints been substantiated—pursuant to the procedure you have described?

MR. BOWERS. I have one officer now who is under suspension pursuant to the decision of the police and fire board. He has had a hearing.

MR. POWELL. This was pursuant to a citizen's complaint?

MR. BOWERS. This was pursuant to a complaint of another officer.

MR. POWELL. Well, that doesn't fall in the category we're discussing then, does it? We're now talking about citizens' complaints.

Have any of the citizens' complaints you have received since you have been chief of police been substantiated?

MR. BOWERS. No, they haven't.

MR. POWELL. Mr. Dale, what was your professional experience in the field of law enforcement prior to becoming police commissioner?

MR. DALE. Repeat that question again, Mr. Powell.

MR. POWELL. What was your professional experience in the field of law enforcement prior to becoming police commissioner?

MR. DALE. Oh, approximately 6 years affiliated with either the sheriff's department or the auxiliary police department.

MR. POWELL. Did you have any formal training in the field of law enforcement?

MR. DALE. I had some schooling. I went through an FBI school—two FBI schools.

MR. POWELL. It has been noted in the testimony of Mr. Vanderbosch that the real power under the system of law enforcement you have here lies with the police commissioner. Would you agree with that? And in doing so would you describe the responsibilities of the police commissioner in Cairo in relation to the operations of the police department?

MR. DALE. I believe that Mr. Vanderbosch was talking about the Cairo Police Department in 1970, and if I am not mistaken, this is 1972. And I have no knowledge whatsoever of any of the situations as he describes existing in the Cairo Police Department today and thoroughly object to anyone even thinking that it might be this way.

MR. POWELL. Well, talking not about 1970 but about 1972, Mr. Dale, would you describe your responsibilities as police commissioner in Cairo in relation to the operations of the police department?

MR. DALE. I control the expenditures. Primarily my primary function is to make sure that the police department has adequate funds to operate. When it comes to any matters of law enforcement, the chief of police has full free rein to do as he sees fit.

Anything that pertains to any changes he makes in the police department which involves funds he checks out with me first, and we squabble over it a little bit, because he usually wants a little bit more money than I'm willing to come up with or the city council is willing to come up with. But this is as far as office of commissioner has anything to do pertaining to law enforcement in the city of Cairo.

MR. POWELL. Mr. Dale, do you ever have occasion to give direct orders to the police chief?

MR. DALE. Do I ever have occasion to? I imagine at times I have had occasion to give the chief a direct order. I imagine I would, yes.

MR. POWELL. Do you have occasion to give orders directly to members of the police department as opposed to the chief himself?

MR. DALE. Not in matters of law enforcement, no. I ask them to do something for me possibly, look up a record or something, which would be necessary in the line of business I have, but as far as direct order in enforcing law, no.

MR. POWELL. One of the recommendations made in the report gathered by the International Association of Police Chiefs was that this police department should have a community relations program. Is one in existence now?

MR. DALE. It is not.

MR. POWELL. Do you think that one should be?

MR. DALE. I think from what I have seen of police-community relations, the total failures it's been in almost every instance it's been enacted in every other city in the country—and this I am thoroughly well studied on—that we'll not have it in Cairo.

MR. POWELL. So as long as you are commissioner of police you will not have a community relations program?

MR. DALE. That's correct. Not as they are set up and to be administered, no, we will not.

MR. POWELL. In setting up such a program you would not have to set it up in the way that others have been set up, would you? Couldn't you initiate a program—

MR. DALE. If someone comes into Cairo and hands me \$75,000 and says: "Commissioner Dale, here's \$75,000. You set up a police-community relations program as you see fit. You don't have to hire who I say hire," then we'll have it. Until then, no.

MR. POWELL. You mentioned \$75,000. Is it true that money was offered to this city—

MR. DALE. That's correct.

MR. POWELL (continuing). To set up a police-community relations program?

MR. DALE. That's correct.

MR. POWELL. And—

MR. DALE. This is the figure.

MR. POWELL. And that money was turned down by you?

MR. DALE. The money was turned down by me because I had no control whatsoever over the program.

MR. POWELL. You mean to say that you did not have some discretion in how the program would operate and be set up?

MR. DALE. The program was topheavy on administration expenses and it had left nothing to do anything for any police-community relations work. It had \$25,000 salaries in there, which is not—This is not a \$25,000-a-year community. So I vetoed the program as well as several other people, and I would veto it again.

MR. POWELL. Mr. Dale, you have heard the testimony about the use of racial epithets by members of the Cairo Police Department, have you?

MR. DALE. Have I heard?

MR. POWELL. Did you hear the earlier testimony?

MR. DALE. I heard the testimony, yes.

MR. POWELL. Now, assuming that that testimony is accurate, assuming it without deciding it, do you think that is proper?

MR. DALE. Well, I'm not assuming anything. I don't say any person—

MR. POWELL. Well, let me ask you a more general question, Mr. Dale. Do you think the use of racial epithets by police officers to people in the community they are serving is proper? Do you think that's proper?

MR. DALE. I don't think that any slur at anyone's nationality, their color or anything else is proper, no, sir.

MR. POWELL. Thank you. Now, are you familiar with the testimony and the attitude of blacks in this community that policemen here use such racial epithets?

MR. DALE. I'd say that some blacks possibly feel this way, but then there's also many that don't.

MR. POWELL. All right. Now, have you made an investigation to ascertain whether or not this does in fact happen? Have you looked into this question as to whether it happens?

MR. DALE. I have been on the scene often enough when arrests are effected to know whether or not the policemen are out of line. And I won't say that in every instance every time that they are completely right. They are only human like anyone else. But I don't feel that they are out of line constantly as has been indicated by others.

MR. POWELL. Mr. Bowers, would you care to comment on this?

MR. BOWERS. Well, I was on the street before I assumed the office that I have now, and in handling individual black citizens or black complainants or the subjects of the complaints, I have seen in many instances the officers bend over backwards not to perpetrate these things that have been brought forward, for the simple reason, as many of us know, the pendulum has swung terrifically to the left and it is impossible for an officer to do the things that have been said that has been done without losing his position.

There is too many avenues of commissions and organizations to complain to for an officer to continue constant harassment of this type and still maintain the position that he holds.

MR. POWELL. From what we have heard so far presumably the only avenue that any citizen has is the courts.

MR. BOWERS. No, that's not correct. Any citizen who feels that he has been abused by a police officer can bypass me completely and go right to the police and fire board, and that is what this is set up for, and they will make an individual investigation of the allegations of the person involved, and then they will determine whether or not charges should be brought against the individual police officer involved. They do not have to even come to me at all.

COMMISSIONER FREEMAN. Were you describing this as an example of the pendulum swinging to the left?

MR. BOWERS. I don't understand your question, Commissioner.

COMMISSIONER FREEMAN. I understand you to say the pendulum has swung to the left, and then you went on to describe these remedies that the persons would have, the victims would have.

MR. BOWERS. I believe that the safeguards against anyone being victimized is a very good thing. This did not exist in the past. What I was saying, the amount of safeguards that exist now, it is almost impossible for a person to keep getting by with things that have been described.

MR. POWELL. Tell me, Mr. Bowers, do you think that Cairo needs an effective community relations program?

MR. BOWERS. If Cairo can set up its own community relations program and have the people that they pick to govern the community relations program, because each community has problems that are unique to its community. And to say that a solution that worked in Chicago or Detroit would work in Cairo is incorrect in my way of thinking.

MR. POWELL. Are you making an effort to set up a program on your own?

MR. BOWERS. I'm making an effort to make a study of the possibilities of a program that could be set up for the city of Cairo.

MR. POWELL. Is such a study underway now?

MR. BOWERS. By myself, yes.

MR. POWELL. I see. Mr. Bowers, you have heard testimony relating to an incident which is alleged to have occurred on September 29, 1971. That incident involved, among other things, a statement attributed to you, Mr. Dale. Would you care to comment? Mr. Dale?

MR. HOLLAND. If you would, repeat the statement you have in mind. Mr. Dale doesn't recall it.

MR. DALE. I thought you had a question directed to Chief Bowers.

MR. POWELL. Let me repeat the question. There has been testimony with respect to an incident which is alleged to have occurred on September 29, 1971. Among the several things testified to, Mr. Dale, was a statement made by you. Would you care to comment?

MR. DALE. Which incident would this be now?

MR. HOLLAND. He doesn't know the statement you refer to. Would you repeat the statement?

MR. POWELL. Did you hear the earlier testimony?

MR. DALE. I heard the previous testimony but I don't remember the date.

MR. POWELL. I just wanted to make sure you had an opportunity to respond.

MR. BOWERS, you heard Mr. Vanderbosch's testimony. Have any of the recommendations made in that report been implemented?

MR. BOWERS. Yes, sir, they have.

MR. POWELL. What ones?

MR. BOWERS. At the time that the report was made there was not adequate training on the Cairo Police Department. But since then I do not have any regular patrolmen who have not attended school. My men are required to attend 240 hours of basic law enforcement instruction at either the University of Illinois or Belleville Junior College which is located in Belleville, Illinois.

And at the present time I have only two probationary officers who have just recently joined the force that haven't been. But I'm trying to acquire reservations for them at this time at Southern Illinois University. This is under the auspices of the State of Illinois. We receive funds from them for this program.

MR. POWELL. Mr. Dale, as an elected official responsible for overseeing the Cairo Police Department, what steps have you taken to learn about community concerns in the law enforcement field?

MR. DALE. I don't know exactly what specific steps that—

MR. POWELL. Do you meet with community groups or organizations to discuss departmental policies or actions?

MR. DALE. I talk to everyone who comes to the city council meetings, which we have city council meetings twice a month. And anyone that wants to ask any question, has anything at all on their mind, he is— He can bring forth their questions to the regular council meetings.

I do talk to a good many people from various civic clubs through the city, black and white, on both sides. I have friends of both races that are board of directors you might say of a great many civic organizations.

As far as setting up meetings, no, we haven't had occasion or the need hasn't arisen to have any series of talks that you might call it.

MR. POWELL. In view of the extensive racial conflict about which we have heard testimony, do you think it would be appropriate for you to seek out black organizations to discuss department policy and practice, particularly in a city which has about 37 percent black population?

MR. DALE. Well, Mr. Powell, I don't personally consider that we have had any racial problems. I figure—I look at more the criminal conspiracy.

MR. POWELL. Madam Chairman, I have no further questions.

COMMISSIONER FREEMAN. Commissioner Mitchell?

COMMISSIONER MITCHELL. Mr. Dale, I'm still a little confused about who runs the police department. Who is the boss?

MR. DALE. The chief of police is Bill Bowers. He can be found in his office any day from 8 to 5 or 7 to 4.

COMMISSIONER MITCHELL. Who does he report to?

MR. DALE. Who, sir?

COMMISSIONER MITCHELL. Who does he report to?

MR. DALE. He reports to me every morning at 9 o'clock.

COMMISSIONER MITCHELL. Who do you report to?

MR. DALE. I report to the city council twice a month.

COMMISSIONER MITCHELL. For operational—

MR. DALE. This is indicative of every other city in the country. This is nothing unique.

COMMISSIONER MITCHELL. Well, everybody reports to somebody.

MR. DALE. Everybody reports to someone. You have a chain of command, which we have.

COMMISSIONER MITCHELL. Somewhere in every reporting system you can say that the buck stops here. I have a dollar bill on my desk that has painted right across it I'm the boss of the University of Denver. Who's the boss of the police department at Cairo?

MR. DALE. I guess the sole boss would be the city of Cairo—the citizens of the city of Cairo. That's what we're all responsible to—the people that pay the bill, the taxpayer.

COMMISSIONER MITCHELL. I have 40,000 alumni at the University of Denver and I suppose in a classic sense you might say that—

MR. DALE. You're responsible to your—

COMMISSIONER MITCHELL. Something happens today. Who says jump and who says how high?

MR. DALE. Well,—Well, we have—As I started to say, we have a joint responsibility. The chief has his job to make certain that the laws of the city of Cairo are enforced. I have my job to make certain that the chief of police does this within the budget of the city of Cairo.

COMMISSIONER MITCHELL. What is the size of the budget?

MR. DALE. This year we are operating on \$170,000.

COMMISSIONER MITCHELL. \$170,000?

MR. DALE. Yes. This is less than it was 2 years ago and prices are up.

COMMISSIONER MITCHELL. It's less than it was?

MR. DALE. Yes.

COMMISSIONER MITCHELL. How do you get that budget?

MR. DALE. That's not within my department. That comes under the city controller.

COMMISSIONER MITCHELL. Someone has to go to somebody and say—

MR. DALE. Well, I think the city controller figures out how much income the city will have in the course of a year and each department has a percentage. I assume that this is the way it would be. We know roughly about how much it will take to operate the police department.

When you organize a council, the first council meeting everybody goes through and figures out exactly what each thing will cost, and you total it up and this is what you come up with.

COMMISSIONER MITCHELL. Yes, but you must go to them and say: "Here is the way the money would be spent if I had it," and then you must account for it when it gets spent.

MR. DALE. Oh, yes, that's absolutely correct. Everyone—The budget is drawn up with all four commissioners and the mayor in attendance, and I don't draw my budget up. We all draw the entire city budget up at one time, in other words. Do you see what I mean?

COMMISSIONER MITCHELL. Are you consulted in the drawing up of the budget?

MR. DALE. Oh, yes.

COMMISSIONER MITCHELL. You make recommendations then?

MR. DALE. No, I ask if it's okay. I need X amount of dollars for new patrol cars during the course of the year. I look at the other three commissioners and the mayor, and if it's okay, it's okay.

COMMISSIONER MITCHELL. Is this a full-time job for you?

MR. DALE. No, sir. I operate my own business. This is a job that takes I don't know how many hours a month. At one time it was a token job. A person ran for the office of commissioner of Cairo. It paid \$100 a month, I think.

COMMISSIONER MITCHELL. It's not a token job any more?

MR. DALE. Not if you're willing to have an effective city and an effective police department it's not a token job. It's token pay.

COMMISSIONER MITCHELL. How do you make it effective now?

MR. DALE. Sir?

COMMISSIONER MITCHELL. Do you make it effective by directing it?

MR. DALE. I think that the record will show that it's much more effective now than it was before I took office.

COMMISSIONER MITCHELL. What have you done to make it more effective?

MR. DALE. I have——

COMMISSIONER MITCHELL. Strong controls?

MR. DALE. I have got a competent chief of police who everybody including myself in the city of Cairo, black and white, know that he is honest. He is a competent law man. He knows it. He's a citizen of Cairo. He grew up here. He's not going to go bouncing off somewhere as the past four chief of polices we had. He started with the department and went up through the ranks. This means a great deal with policemen and with the people.

COMMISSIONER MITCHELL. So you pick the police chief?

MR. DALE. That's right. I appoint the police chief. And by taking him through the ranks he was the most competent man, possibly not in years but in knowledge and enthusiasm, in the matter of youth, and, as I say, he was a citizen of Cairo—everything here, wife and family. There was no question in my mind about his ability to do this job.

There was a little bit of question in his mind when he first took the job whether he could do it. I think 8 months later he is glad that I appointed him.

COMMISSIONER MITCHELL. Good. Now, we heard some comment earlier about the lack of records kept in the police department. Is there a policy about records?

MR. DALE. There is at the present time. I can't say what my predecessor or his predecessor did. I can only say that the Illinois State Police—I received a comment out from left field from a trooper, State police trooper, who was in the police station one day and I came in. He didn't know who I was. He had no way of knowing. I had work clothes on. As I say, I run my own business. And he was making a statement to the radio dispatcher that Cairo had the finest set of records of any city in the State, because that was his job, recordchecking.

And we log every call that comes in, telephone or radio call. Every

person that comes into the police station, the conversation is recorded. We have a record of what was said, what complaint was made.

Every arrest that is effected we have from start to finish a file and we can get this one in 5 minutes.

COMMISSIONER MITCHELL. You say you don't know anything about what happened before. Do you literally mean that?

MR. DALE. I had no occasion to delve into the recordkeeping. That was not part of my job. I was, as I say, an auxiliary patrolman.

COMMISSIONER MITCHELL. Suppose I got picked up and brought in and somebody wanted to know if I had been arrested last year. Wouldn't you know?

MR. DALE. Oh, yes. The chief, as I say—I don't run the department in all instances. The chief could tell you how far our records go back. But I would say that our records are pretty complete back to 10 years.

COMMISSIONER MITCHELL. So you do know something about the past then?

MR. DALE. Well, only in what conversations we have had. I haven't been through them. I do know that we have records.

COMMISSIONER MITCHELL. So then you say the gentleman who came here and said there are literally no records and no way of—

MR. DALE. Well, if the gentleman said there are no records I suggest that he come back over and take a look. This would be my only comment.

COMMISSIONER MITCHELL. You think that study was inaccurate?

MR. DALE. Yes.

COMMISSIONER MITCHELL. And did not accurately represent the condition of the Cairo Police Department?

MR. HOLLAND. That's right.

COMMISSIONER MITCHELL. That is your opinion?

MR. DALE. That's correct.

COMMISSIONER MITCHELL. We talked a moment ago about community relations programs. I don't know whether community relations programs are the answers to tensions in a community, but how many—and you say you have seen them all—

MR. DALE. No, no, sir, that would be misrepresenting.

COMMISSIONER MITCHELL. You know about them all?

MR. DALE. I have read a good bit. I read a lot.

COMMISSIONER MITCHELL. You don't know of any such program that works?

MR. DALE. Yes, sir. I have talked to various law enforcement people around the State of Illinois and they all have the same common complaint that money has been appropriated, usually great deals of money, and it always it seems to me goes back to what we had here and my basic objection that I had in Cairo to the police-community relations program that was presented to the city of Cairo—and I after studying it and talking to several people turned it down—that, as I say, it was top-heavy with administrative cost.

We had administrators and sub-administrators and assistant sub-administrators and four secretaries who used up \$60,000 of a \$75,000 grant in the course of a year.

Now, to me, if we are going to do something on a community basis to make the minority people or any group who doesn't like policemen—If we are going to do something to get these groups to appreciate policemen more, it's not by paying a big salary to an administrator and having nothing to operate on.

I can't see it this way. I mean there has to be a better way to do it. If we're going to spend money, let's get something for our dollars. And I haven't had to me a program presented yet that wasn't topheavy in rakeoff, to me. I mean that's all it was.

COMMISSIONER MITCHELL. As an administrator I get a little jumpy when I hear you object to paying administrators.

MR. DALE. I do. I can't see the administrative cost topheavy.

COMMISSIONER MITCHELL. Well, what did you mean when you said this isn't a \$25,000-a-year town?

MR. DALE. Well, the chief of police makes \$9,000. Professional people in town—I won't say professional people—but a good average wage in Cairo is \$125 a week. This is \$6,000 a year. Doctors—There's not too many doctors that make over \$20,000, \$22,000 a year. They might make \$100,000 in St. Louis but they don't here.

COMMISSIONER MITCHELL. You wouldn't argue that a person in Cairo just because he doesn't make as much as another American citizen deserves less police protection or less—

MR. DALE. Oh, no. I firmly believe—After all, I say I owe my existence to the taxpayer. And they are the fellows, the final sole boss of the police department, and I believe that every bit of police protection we can afford them will still not be as much as they have paid for, because we are going to operate shorthanded no matter what, any way you want to go about it.

COMMISSIONER MITCHELL. Before I stop questioning you, you said a few minutes ago that in your opinion there is no racial problem here that is a police problem.

MR. DALE. That's true. I don't believe in my personal opinion that—the racial aspect of this has been far overblown. We haven't had the antagonism between the black and white races in Cairo to even a small degree of what you have had in many other towns who haven't had the notoriety and the publicity we have had in Cairo.

We have had many incidences of criminal damage to property, many instances of criminal damage to body also. People have been shot. Things have been burned. But it's been for one sole purpose and this has gained money through contributions and certain individuals have profited by it, and this has all been in the name of civil rights.

COMMISSIONER MITCHELL. Mr. Bowers, people who have testified here today have suggested—including a police official or a police departmental organizational expert who has made some studies around the country—that there is personal abuse and often physical abuse to

both white and black people by the police in this community. I gather he got that impression when he made his study in 1970. You were on the police force at that time I believe.

MR. BOWERS. Yes, sir.

COMMISSIONER MITCHELL. And you were here when they made that study?

MR. BOWERS. Yes, sir.

COMMISSIONER MITCHELL. Does that finding coincide with your awareness of any such problem on the police force?

MR. BOWERS. The State of Illinois statutes state that a police officer has the power to effect an arrest by the use of force if it is necessary. This is reasonable force. And there's not a police department in the country or a police officer in the country that has ever been a police officer for any length of time that hasn't run into the situation where he must use force to—

COMMISSIONER MITCHELL. Well, I don't think either of us is talking about that, and I think what was suggested was a degree of unnecessary force.

MR. BOWERS. I have never saw any unnecessary force used on black or white.

COMMISSIONER MITCHELL. In all the time you have been on the police force?

MR. BOWERS. That's correct. I have seen force used to secure a legal arrest but as far as just going out of their way to purposely beat somebody to death or try to, I have never seen this. There again there's too many safeguards against this type of thing.

COMMISSIONER MITCHELL. Now, Mr. Bowers, it has been testified here that there are defects in the record-keeping characteristics of the Cairo Police Department. Is that true?

MR. BOWERS. I didn't hear you, sir.

COMMISSIONER MITCHELL. It has been testified here that there were inadequate or essentially no records kept in the Cairo Police Department. Is that true today?

MR. BOWERS. Commissioner Mitchell, I invite you to my department to browse my record department if you'd like, and you can see or make your own mind up as to the statement that was made in 1970.

COMMISSIONER MITCHELL. You believe you have good records going back over 10 years?

MR. BOWERS. I have records that go further back than 10 years.

COMMISSIONER MITCHELL. Well, I have a birth certificate which goes back even further than that, but I mean I'm talking about records in depth as a police department would keep them.

MR. BOWERS. I have excellent records, and we have kept them.

COMMISSIONER MITCHELL. So essentially what you are saying is in direct contradiction to the testimony of the gentlemen who just a short while ago sat where you are sitting?

MR. BOWERS. That is correct, in direct—As far as I'm concerned his statement was completely unfounded as I know it.

COMMISSIONER MITCHELL. Do you think he was making it up?

MR. BOWERS. I hardly think so.

COMMISSIONER MITCHELL. Do you think he was speaking untruthfully?

MR. HOLLAND. Just a moment. We object to this, Mr. Mitchell. This amounts to arguing with the witness. Objection.

COMMISSIONER MITCHELL. I won't argue. I withdraw the question. If it troubles you, I will withdraw the question. You understand the dilemma a Commissioner finds himself in when he hears diametrically opposed testimony back to back.

MR. HOLLAND. The Commission has an answer. It's arguing with the witness. Objection.

COMMISSIONER MITCHELL. Mr. Bowers, who's the boss of the police department in Cairo?

MR. BOWERS. I am.

COMMISSIONER MITCHELL. Who do you report to?

MR. BOWERS. The commissioner.

COMMISSIONER MITCHELL. What can he tell you to do?

MR. BOWERS. What do you mean what can he tell me to do?

COMMISSIONER MITCHELL. Well, can he tell you to pull all the cars off the street and put the policemen on foot?

MR. BOWERS. He might tell me that, yes.

COMMISSIONER MITCHELL. Would you do it?

MR. BOWERS. Not if I don't think it was necessary.

COMMISSIONER MITCHELL. You'd just tell him that you weren't going to pay any attention to those instructions?

MR. BOWERS. May I ask you a question, Commissioner?

COMMISSIONER MITCHELL. Sure. Delighted.

MR. BOWERS. You obviously have a boss, I assume.

COMMISSIONER MITCHELL. Yes, my board of trustees is my boss.

MR. BOWERS. All right. If your board of trustees were to instruct you in something pertaining to your job, would you if you didn't deem it necessary—would you explain to them why you didn't? Or would you say: "No, board of trustees, I'm not going to do that"?

COMMISSIONER MITCHELL. It depends on whether they gave me any time to explain to them.

MR. DALE. We're arguing.

COMMISSIONER MITCHELL. Yes, I think we are now getting argumentative. I must confess that I can't find out who runs the Cairo Police Department. And I think that's troublesome. And perhaps you should examine this organizational and administrative structure of the police department to see whether you can produce a better response.

But I am making that as a generous if personal statement and not as a question or as the opinion of the Commission.

COMMISSIONER FREEMAN. Mr. Bowers, you have stated that the department has a procedure for handling citizens' complaints against police officers, and I would like to ask if you will file a copy of that procedure with the Commission.

MR. BOWERS. I didn't completely understand you, ma'am.

COMMISSIONER FREEMAN. You said that you had a procedure for handling citizen complaints.

MR. BOWERS. Yes, ma'am.

COMMISSIONER FREEMAN. Will you submit for the record a copy of the procedure?

MR. BOWERS. Yes, ma'am.

(The document referred to was not received by the Commission.)

COMMISSIONER FREEMAN. Thank you. The witnesses are excused.

Mr. Powell, will you call the next witness?

MR. HOLLAND. Just a moment. He would like to make an additional statement.

MR. DALE. I'd like to make an additional statement.

COMMISSIONER FREEMAN. It will be received for the record.

MR. DALE. This will be for the record.

COMMISSIONER FREEMAN. You can just file it for the record.

MR. HOLLAND. He'd like to make the statement for the record.

MR. DALE. This is pertaining—We have had charges placed against the Cairo Police Department that we discriminate against black people over white people. And I would like to read into the record and present a written report of this—the ratio of black and white arrests effected in the Cairo Police Department since September 16th of 1971 to March 15th of 1972. This is a 6-month period.

Arrested: White, 714. Black, 240.

Paid in fines: White, \$12,175. Paid in fines, black, \$2,896.

Days worked in jail. Days served by people who spend time in jail.

Worked and served: White, 508 days in jail. Black, 156 days in jail.

Of those arrested for one reason or the other—it could have been unfounded arrest or some other reason, the officer changed his mind, any number of reasons—white, 75 cases dismissed; black, 27 cases dismissed.

Pending cases with no disposition, 104 white and 44 black.

And I think, if you will notice, this is top-heavy on the white if you go by population percentage. It shows no discrimination whatsoever and I would like to let you have this.

COMMISSIONER FREEMAN. It will be received, Mr. Dale. The witnesses are now excused.

(Whereupon, the document referred to was marked Exhibit No. 6 and received in evidence.)

COMMISSIONER FREEMAN. Mr. Powell, will you call the next witness?

MR. POWELL. Next we have witnesses from the Illinois Law Enforcement Assistance Commission, Mr. James R. Rush, Mr. Art Bilek, and Mr. John Jemilo. Mr. Jemilo is from the Law Enforcement Assistance Administration.

(Whereupon, Messrs. James R. Rush, Arthur Bilek, and John J. Jemilo were sworn by Commissioner Freeman and testified as follows:)

TESTIMONY OF MR. JAMES R. RUSH, DIRECTOR, CRIMINAL JUSTICE PLANNING FOR THE GREATER EGYPT REGIONAL PLANNING AND DEVELOPMENT COMMISSION, CARBONDALE, ILLINOIS; MR. ARTHUR BILEK, CHAIRMAN, ILLINOIS LAW ENFORCEMENT COMMISSION, AND MR. JOHN J. JEMILO, REGIONAL ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, CHICAGO, ILLINOIS, ACCOMPANIED BY MR. ALLEN GANZ, COUNSEL

MR. POWELL. Beginning with the gentleman on my left and closest to the wall, would you each please state your name, address, and occupation for the record?

MR. JEMILO. My name is John Jemilo, 6346 North Karlov Avenue, Chicago, Illinois, Regional Administrator for the Law Enforcement Assistance Administration, U.S. Department of Justice.

MR. BILEK. My name is Arthur J. Bilek. I am the chairman of the Illinois Law Enforcement Commission, whose offices are at 150 North Wacker Drive, Chicago, Illinois.

MR. GANZ. My name is Allen Ganz. I am the counsel for the Illinois Law Enforcement Commission.

MR. RUSH. My name is James R. Rush, the Criminal Justice Planning Director for the Greater Egypt Regional Planning and Development Commission, 211½ West Main Street, Carbondale, Illinois.

MR. POWELL. Mr. Ganz, you are appearing only as Counsel and you are not going to testify? Is that correct?

MR. GANZ. That is correct.

MR. POWELL. You need not be sworn in.

MR. RUSH. How long have you been involved in law enforcement planning for the Greater Egypt Planning and Development Commission?

MR. RUSH. Since approximately January 1969.

MR. POWELL. Mr. Rush, how long have you been involved in law enforcement planning for the part of southern Illinois including Alexander County and the city of Cairo?

MR. RUSH. Since approximately November 1970.

MR. POWELL. To what extent, Mr. Rush, has the city of Cairo used your program for law enforcement assistance?

MR. RUSH. The program—I would like to clarify one point. It's not my program.

MR. POWELL. Well, your—

MR. RUSH. I work for a regional agency which is county oriented, is an advisory arm of local government.

MR. POWELL. Why don't you briefly tell us what that is and then continue?

MR. RUSH. Okay. It's a regional planning commission which is locally created. It receives funds both locally and from various State and Federal planning grants. It is a regional planning commission under Illinois—established under Illinois State law—which serves primarily the five Illinois Counties of Franklin, Jackson, Jefferson, Perry, and Williamson.

For purposes of criminal justice planning, however, it does include five additional counties, those of Alexander, Pulaski, Union, Johnson, and Massac.

MR. POWELL. To what extent has the city of Cairo used the programs available pursuant to the program of your organization?

MR. RUSH. The one—I'd like to talk about it perhaps from first hand knowledge which is from October or November 1970 to date. Previous to that I was not working in the area and I only have second hand knowledge of what actually transpired.

I think in terms of the actual figures I believe one of the other witnesses has brought those with him—the actual dollar amounts or what have you.

Since October of 1970—Did you say the city of Cairo or the County of Alexander?

MR. POWELL. I'm talking about the city of Cairo.

MR. RUSH. The city of Cairo at the request of certain city officials, I assisted or attempted to assist them in putting together or salvaging or however you want to call it the police-community relations program that had been awarded to the city. I worked with them to some capacity in that. To another capacity in assisting them—the city—in a joint application with the Alexander County Sheriff's Department at the urging of the Illinois State Police in submitting an emergency grant application for an additional base radio station at the police department.

Currently, I am working with them in attempting to upgrade the police supportive services. By that, it's as part of a two-county program including Pulaski and Alexander Counties and the communities within them, which includes both police communications, police records and, in rural areas, police patrol services.

MR. POWELL. Mr. Rush, at one time the city of Cairo received an award of \$75,000 from the Illinois Law Enforcement Commission to establish a police-community relations program but only used a small part of the grant. Why in your opinion did Cairo officials fail to utilize this grant?

MR. RUSH. Well, I think—That's a rather complex problem. I worked, as I said, with them at that time then Mayor Thomas, then City Attorney William Meehan, along with some other technical advice, and with the Illinois Law Enforcement Commission staff, in attempting to do something—be able to come up with a program for the money itself or for the grant.

My records indicate this took place in the—primarily in the months of February, March—January, February, March—of 1971. It involved putting together several recommendations to both the Illinois Law Enforcement Commission and to the city officials of Cairo after a series of meetings with the various interests of what I thought could be done.

The grant itself or the program itself I feel failed because of a lack of understanding of what the program was intended to do primarily on the part of citizens within the city and city officials. Certain city

officials were submitted to considerable pressure, I understand. I know I received some phone calls.

But if I could perhaps quote from a couple of pieces of information, if I can dig them out here, published about that time, one was March 1971 issue of the Tri-State Informer. It has a seal of the Citizens' Council, "States' Rights, Racial Integrity," with the crossed flags on it:

"Support those elected officials who stand firm on law and order. We publicly denounce weak-kneed politicians who think the only solution to our community problems lies in State and Federal grants. Community and police relations boards are nothing more than police control which in the end only handcuffs police and increases the strength of criminals. We urge others to support our local police and help keep them independent."

That is an indication, a sample, of some of the public information which began going out related to this specific program.

There were other flyers and so on denouncing the project for various reasons but primarily saying that: "We need to support our local police by turning down Federal grants."

One other I would like to read I received in my office March 19, 1971. Across the top it reads: "Attention, Attention, Attention, Attention."

"Do you know that this Friday a grant will be made by the Illinois Law Enforcement Commission for \$250,000 to start a public safety advisory board at the request of the City Attorney and city officials? This will handcuff our Police and Fire Department. Send wires to Chicago office of Illinois Law Enforcement Commission and state your opposition to this grant. Call your mayor and state your views. Do you know that our City Attorney has received help from LEAA in city legal work? Don't sell your soul for a Federal grant."

Now, this was some of the information coming from one segment of the community. From another segment of the community in discussions I had with some representatives of the black community they indicated to me that unless all black representatives on the advisory board which we were attempting to establish were chosen by a particular group within the community, they would not be supportive of the program.

Essentially what we were running into was the traditional stand-off with not being able to pull out the middle road, if you will.

The reasons for failure as I say once again, lack of understanding in terms of what we were attempting to do with the program, rumors within the community, the statement that was made on the one flyer that "next week a \$250,000 grant is going to be made" when that was not true. It was a couple—at that point well over a year prior to that the grant of \$75,000 had been made.

So, as I say, the information running in the community, playing on people's fears, put pressure upon the city officials so that I believe that they finally said: "We can't hack it."

Now, this was primarily—My involvement ended primarily with this program in March–April of that year.

MR. POWELL. It has been testified to that there was some \$60,000 of so-called fat in the program, unnecessary administrative expense. Do you agree?

MR. RUSH. Not necessarily. I have with me—As I understand it, this is one of the few tentative budgets that were prepared for this. And I could read this into the record if you want it.

This is a memorandum to Mayor Thomas of Cairo from myself dated March 16th. Would you like me to read this?

MR. POWELL. If it bears on the point here as to whether the expenses were pertinent or unnecessary, yes, please.

MR. RUSH. On the one hand, it gives us what we were talking about in terms of expenses.

“The following is a suggested budget for the PCR program of the Cairo Police Department as we discussed with John Fahnstock”—who is of the Illinois Law Enforcement Commission—“and Bill Meehan”—who at that time was city attorney—“last Thursday, March 11.

“Personnel Director, \$18,000.

“Assistant Director, \$10,000.

“Community Representative, \$6,000.

“Secretary, \$3,600.

“Total plus social security and fringe benefits, \$41,360 in personnel.

“Equipment, which included telephone, typewriter, desk and chairs, an equipped van, and an automobile, \$11,300.”

There was no consultant or contractual monies budgeted.

\$7,000 in travel budgeted.

\$2,000 budgeted for office supplies, expendable items.

Rent for a storefront and office at \$150 a month, 12 months.

The evaluation at \$2,000 to include professional fees, clerical, travel, and report printing and so on.

Plus recreation fund of \$1,040.

With a total being \$66,500. At that time that’s the figure we were trying to work with.

MR. POWELL. Based upon your experience in helping to put such programs together, do you consider that to be excessive?

MR. RUSH. The one item on which I did think it perhaps could be excessive was the salary of the director at \$18,000. However, the city officials indicated that they had been attempting to hire someone, that the salary would have to be almost that high to convince someone from outside the area to come to Cairo and head up a program in terms of looking for somebody who had experience and so on.

MR. POWELL. So that that figure was put there at the request of city officials?

MR. RUSH. Yes.

MR. POWELL. It has been testified also that the program is pretty much dictated to out of the region or Washington and that the local

officials do not have too much discretion in casting a program as they desire. Is that so? Would you care to comment on that?

MR. RUSH. The only comment I would put there, and perhaps the other witness would like to comment to that too, is my experience in other programs that I have helped put together, helped, assisted in writing the grant proposals and so on, helped plan, and that is essentially the process of the applicant or the recipient of the monies writing a program or a project which would be building towards implementing their plans for improvement of some segment of the criminal justice system. That program which would necessarily have to be consistent with the regional plan and with the State plan for the expenditure of funds if awarded by the State agency, which receives the block grant from the Federal Agency, if awarded by the State agency, as long as they live up to the term of the agreements that they set forth in their grant application, it is my understanding that there is no unnecessary interference.

And as I have seen it operate with the tremendous workload that the staff of the Illinois Law Enforcement Commission has, we have been hard put to get the assistance sometimes when we needed it. So it's almost been the other way around.

I would say one other thing in terms of the grant that was made to Cairo. I do not know how that grant was awarded, whether or not an application was written. If that was—I have not seen the grant application itself, whether it was in fact signed by the Council, a resolution passed and supported through the police department or signed by the police chief as project director, or however, I'd have to defer I think to the other witnesses.

MR. POWELL. Is there anyone who could help us out in that regard? Was there an application pursuant to which this grant was made or not? Mr. Jemilo?

MR. JEMILO. I have no information on that specific grant.

MR. POWELL. Mr. Bilek?

MR. BILEK. Yes, there was an application made and submitted to the Illinois Law Enforcement Commission.

MR. POWELL. And that application—Was it prepared at the local level?

MR. BILEK. Yes, it was.

MR. POWELL. Then how can it be said that it included criteria or components that local people didn't want? Did someone at your level, above or below, dictate to local officials what should be in the program?

MR. BILEK. Our agency, the Illinois Law Enforcement Commission, dealt with a variety of local officials. We dealt with Chief of Police Clutz, Chief of Police Bell, Chief of Police Peterson, Chief of Police Burke, and Chief of Police Theriak, Mayors Leo Stenzel, Pete Thomas, and James B. Walder.

Now, it's very possible during that long progression of dealings with a variety of people, Chief of Police No. 3 may not have agreed with the

decision that was reached earlier with Chief of Police No. 1, and so on.

MR. POWELL. I see.

MR. BILEK. But originally a group of representatives from the community met with representatives from the commission and an application was drafted that was signed by the duly authorized officials of the community and submitted to the commission.

MR. POWELL. Thank you.

Mr. Rush, in your professional opinion, what are the major law enforcement problems in Cairo today?

MR. RUSH. I think they are probably pretty much the same as they are throughout our region in southern Illinois. I'd be quite happy to submit a copy of our regional criminal justice plan which attempts to spell out what those problems are and delineate directions in which we must go to begin solving those problems.

But, briefly, in terms of law enforcement specifically as a segment of the criminal justice system, southern Illinois has traditionally suffered from a lack of well trained manpower, lack of adequate salaries to adequately reward their police officers, lack of the basic law enforcement systems such as good communications systems, good record systems, basic patrol system, and so on.

In terms of the city of Cairo itself, I believe, which has a fairly large department for its population, as I understand it their officers are trained. I am not familiar with what their salaries are currently. But they are at least trained and they do have the equipment needed to carry out their task.

So from that standpoint compared to some of the surrounding area they perhaps may have better potential law enforcement in Cairo than the surrounding rural areas. However, I can't specifically speak to that point, in that I have not made any specific analysis of the city police department.

MR. POWELL. Thank you very much.

Mr. Bilek, how long have you served as chairman of the Illinois Law Enforcement Commission?

MR. BILEK. Since January 29, 1969.

MR. POWELL. Mr. Bilek, what steps has the Illinois Law Enforcement Commission taken to assist Cairo with its problems in the field of law enforcement?

MR. BILEK. We have taken three separate categories of assistance to Cairo. We have provided technical assistance on the part of our staff, outside consultants, universities, governmental agencies and the like. We have provided planning grants to the region in which Cairo was located in which Cairo participated in the money and services available through the planning grant. And we have provided direct action awards to Cairo to implement terms of the planning grant.

And if you will allow me, I will enumerate each of those.

In the area of technical assistance we have on 17 separate occasions provided direct technical assistance to the city of Cairo by one or more members of the Illinois Law Enforcement Commission's staff,

sometimes as many as four separate staff members. The technical assistance range in visits of from 1 hour to over a week in duration.

We have also included assistance to the city of Cairo from the following agencies: Michigan State University, the International Association of Chiefs of Police, the University of Illinois, the Police-Community Relations Coordinator of the city of Peoria, Southern Illinois University, the Governor's office, the Lieutenant Governor's office, the Illinois State Police, and the Greater Egypt Planning Commission.

So this was just in summary the scope of our technical assistance rendered to Cairo.

In the area of planning grants we have provided four separate planning grants to the area in which Cairo was located.

The first was on 3/14/69 and it was for comprehensive criminal justice planning to Alexander County and the city of Cairo for \$663.59.

On 10/29/69 we provided to the city of Cairo, Alexander County, and the four adjacent counties a planning grant of \$8,565.44.

On 10/16/70 we provided a comprehensive criminal justice planning grant to Cairo, Alexander County, and the nine adjacent counties for \$40,000.

And on 9/24/71 we awarded a similar grant to Cairo, Alexander County, and the nine adjacent counties for \$50,000.

So the total amount of planning money that has been provided to the city and the adjacent region—and you must understand that in some cases that is nine counties although Cairo was a co-participant in that—has been \$99,229.03.

These planning grants are given first originally, if you recall, to Alexander County and then to the larger and larger areas to help develop the plans in which we can award action grants.

The last area of assistance we have given to Cairo has been in action grant programs, and I will list those.

On 8/15/69 we made an award for a police-community relations program of \$75,000.

On 10/24/69 we made a statewide grant for a public defender program within which was a model public defender's unit which was located in the city of Cairo, and it is estimated that approximately \$11,145.97 of that total grant went to Cairo.

On 3/20/70 we made a grant for a police management and operations survey with recommendations to be conducted by the International Association of Chiefs of Police to the city of Cairo in the amount of \$15,660.

On 3/23/70 we made a grant for special police recruit inservice and human relations training to be jointly conducted by the Illinois State Police, Southern Illinois University, and the University of Illinois Police Training Institute for a 6-week, 240-hour training program for every member of the Cairo Police Department. The grant award was for \$6,000.

On 5/27/70 we made an award for law enforcement equipment involving one squad roll, one juvenile officer's vehicle, nine portable radios, and miscellaneous office equipment totaling \$9,420.

On 3/31/71 we made a statewide grant for a model State's attorney's program for the State of Illinois. One phase of that program was in the five counties which included Alexander County.

Within that program were two legal counsels, two investigators, and one secretary, and various miscellaneous expenses.

It has been estimated that the services available under that part of the model State's attorney's grant to the city of Cairo totaled \$26,750.33.

On 3/26/71 we refunded the statewide model public defender program, which included the Cairo storefront public defender's office, and it is estimated that \$11,949.94 of that program went to Cairo.

On 6/25/71 we made a grant for police communications to provide a base station for Cairo, an emergency radio interface between the Cairo city police, the Alexander County police, and the Illinois State police. The grant was in the amount of \$5,088.

The last was on 11/19/71 we refunded the model State's attorney's program for the State of Illinois including the five-county component, including Alexander County and Cairo, and it is estimated that \$13,085 of that award went to Cairo.

The total amount awarded for the city of Cairo, part of this being an approximation figure, was \$174,099.24 in a total of nine separate grants.

The one last point that I would like to make is that of this amount only \$100,231.11 was actually drawn down or expended. The remaining money was reverted back to the Illinois Law Enforcement Commission.

So overall we have provided for four planning grants, 17 technical assistance visits or meetings, nine action grants, and the total of the action grants was rounded off to \$175,000. The total of the planning grants including a much larger area than Cairo was \$100,000.

MR. POWELL. Thank you. That's very comprehensive.

MR. JEMILO, how long have you been Regional Director of the Law Enforcement Assistance Administration for the region that includes the State of Illinois?

MR. JEMILO. I was appointed on June 15, 1970. I will have 2 years with this Agency this coming June.

MR. POWELL. What role does your office play in reviewing the comprehensive plans submitted by each of the States, including Illinois, in your region? And what action can your office take to focus needed assistance in communities such as Cairo that have serious law enforcement problems?

MR. JEMILO. The Law Enforcement Assistance Administration was established by the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and is basically a program which provides Federal technical assistance and Federal funds to upgrade criminal jus-

tice agencies in this country and specifically to reduce crime and delinquency in the country.

Specifically, the program is operated and is so mandated by the legislation as a State block grant program, which means that funds from our Agency are provided to State criminal justice planning agencies, and then the State criminal justice planning agencies utilize these funds as determined by local, regional, and statewide planners within the State.

Now, the function that the Law Enforcement Assistance Administration plays in this program is this: The States are required to submit to the Law Enforcement Assistance Administration on a yearly basis a comprehensive plan to reduce crime and delinquency and to upgrade criminal justice agencies, including police, courts, and corrections, in the State after first determining the needs, the problems, and the priorities within that State.

And that plan is then submitted to the LEAA regional office. My regional office serves a six-State area and is known as the Federal Region No. 5. These six States include Illinois, Indiana, and Ohio, Minnesota, Michigan, and Wisconsin.

Now, once the plans are submitted to us—and the plans must be submitted to us on a yearly basis—these are reviewed to see that they meet the Federal guidelines established. These guidelines are established through the mandated legislation.

If it is apparent to us at the regional level that the needs, problems, and priorities have been assessed by the State and that the action programs that the State has indicated in the plan are reflective of those needs, problems, and priorities, we then approve the plan and we release the money.

MR. POWELL. Thank you. Madam Chairman, I have no further questions.

COMMISSIONER FREEMAN. Commissioner Mitchell?

COMMISSIONER MITCHELL. Mr. Bilek, you said something about returning or an unused \$75,000 that had been allocated either to Cairo or to this region. Is my recollection correct? Or funds were not drawn down, \$74,000 out of \$174,000?

MR. BILEK. In the case of our planning grants all of those amounts were expended. In the case of our action grants the awards, rounded off to the nearest thousand, were \$175,000. The amount drawn down was \$100,000, \$75,000 was not expended that we had awarded and were allowing them to utilize under the guidelines of their applications.

COMMISSIONER MITCHELL. What happens when you don't draw down those funds? They just revert to the State?

MR. BILEK. Yes. We keep a quarterly check on each of the grants, and if we find that the grantee is not expending the funds in accordance with the time frame within the grant application or any other irregularity, then we enter into contact with the grantee and we determine if the grantee wants to either return the grant or if we should rescind the grant.

Sometimes what will happen is they make an estimate and they do not come exactly to it. That has occurred in a couple of the cases here where we gave \$6,000 for the training and they actually expended \$5,097. Those cases are normal situations.

The other situations are where a grant will no longer be desired by a community or we will feel that a community is not handling the grant properly. If it is not desired, we simply have them send us a letter so indicating and we then terminate the grant.

If we find that it is not being operated in accordance with the grant application that we approved, then we terminate the grant and the money reverts.

COMMISSIONER MITCHELL. Since what we are up to here is an effort to identify whether the State and the Federal Governments are doing their duty in a sense by Cairo, it is important then to identify whether this money was recalled by you or whether it was turned back by the potential recipient. And what you're saying is it was turned back by the recipient?

MR. BILEK. Let me look at these just for a moment.

In all of the cases but one, the grants and the amounts awarded—The amounts expended and the amounts awarded were the normal type of grant expenditures and either were used in total or were a reasonable expenditure and there was no need to expend further monies from the grant and whatever was remaining was sent back.

In one case, the police-community relations grant, the award was \$75,000 and the expenditure was \$6,538. In that particular case the staff engaged in negotiations with the community to determine if it was still a viable grant, and it was the conclusion reached on both sides that it was not viable.

We sent them a letter asking if they would rescind the grant on their end, and we received a letter back from them indicating that that was their intent. We received that on 12/15/71, a letter from Mayor J. B. Walder, stating that the city council concurred with the intention of the Illinois Law Enforcement Commission to rescind the grant, and at that point we terminated that grant.

COMMISSIONER MITCHELL. Now, you made a grant in the amount of apparently \$15,000-plus for study of the police department in Cairo.

MR. BILEK. That is correct.

COMMISSIONER MITCHELL. Have you had occasion to examine that report?

MR. BILEK. No, I have not, Commissioner. Not personally. Our staff has, but I have not.

COMMISSIONER MITCHELL. What do you usually do when you get a report like that?

MR. BILEK. We have had a number of those in Illinois, and what we then attempt to do is to get the community that originally asked for the study and received it to implement the recommendations under that study. And we do this in a variety of ways.

We deal with the regional planning group, of which Mr. Rush is represented here, and we say to them: "Now, here is a study. Here are the problems identified. Here are the recommendations. Can you work with your local people here and try to get them to do that?"

We use the same approach directly with the local people.

And then we include in our plan, in our comprehensive plan that we submit to the Federal region, the main priorities from various studies and various research conducted throughout the State.

Now, not all of the recommendations that would be in a local plan can we fund. In Illinois, for example, there's 800 separate police departments, 102 sheriff's departments, and so on. And in a given year we receive about three times the requests for money that the Federal Government awards to Illinois on a per capita basis.

So it just simply is not possible for us to fund all of them. But we attempt to fund as many as we can, and then the others we try to encourage and work with the local people to implement them through their own local resources.

COMMISSIONER MITCHELL. Is it unusual that in a study that produced such a drastic finding that there is no further correspondence with the source of the data? Here is, after all, a man who says this is the most unusual police department in the United States.

MR. BILEK. In the case of the Cairo study that was utilized by our technical assistance people and by the region in an attempt to encourage Cairo to implement the recommendations within that study.

COMMISSIONER MITCHELL. Mr. Rush, do you have a view on that study?

MR. RUSH. Pardon? I didn't understand the question.

COMMISSIONER MITCHELL. I'm just interested in your reaction to the study made by the International Police Chiefs group that was referred to earlier here today and on which, once the study was completed, there seems to have been no further action, correspondence, or reaction from either the source of the funds or the object of the study.

MR. RUSH. I think perhaps it's not that unusual, knowing people. The study as you have indicated is a rather critical study. I think the people, the local officials, felt that they had been unjustly criticized and for that reason they have rejected the entire report perhaps for certain items that they didn't recognize.

One of the unfortunate things in the conducting of a police management study through an outside consultant—you know, they do a job for the money and they're gone—is that there is not a continuing development of a program then to implement the recommendations.

It's a role which the regions in Illinois attempt to fulfill but find it difficult when you consider that I myself work in 84 communities in 10 counties.

COMMISSIONER MITCHELL. I'm in a field of work in which a lot of this study activity goes on and people are racing around trying to grab off grants, and I must confess that listening here today has rein-

forced my private suspicion that we should declare a national moratorium on research and then have a single study to figure out why nobody ever uses any of the research we have ever done before.

I have no more questions.

COMMISSIONER FREEMAN. Mr. Bilek, perhaps Mr. Jemilo, I believe you referred to the quarterly review of the grants. We would like to know if, when you have reviewed the manner in which the grants are carried out, you have made such a review to determine the extent to where there is racial discrimination. Have you? Is this included in any of your reviews?

And also have you received any complaints that there is racial discrimination?

And a final question is: What do you perceive to be your responsibilities with respect to charges of racial discrimination in the carrying out of these grants?

MR. BILEK. The grants that we administer require the applicant to indicate that they will not engage in any type of discrimination, including racial, in the carrying out of the implementation of the grant. And were we to become aware in any particular case of a failure to observe that particular requirement of the grant, we would take action to either terminate the discrimination, were that possible, or we would rescind the grant.

To answer the second part of your question, the only communication that we received indicating discrimination in this particular geographical area was a complaint from a Mr. Ewing, I believe, who indicated that in one of our planning grants to this area—Let me back up just a little.

In each of these planning grants we require there to be a planning council, and in the first planning grant that we gave to this region we worked with them and developed a planning council that had nine members from Cairo and Alexander County. Of those nine members, four were black, and the commission felt that this was a reasonable representation.

In our second grant—you recall we gave four—we discovered through this letter from Mr. Ewing to us that the representation from Alexander County when we went from simply an award to Alexander to the five counties in this area—that the representation from Alexander County was now five people, all of whom were white, and we immediately engaged in negotiations with them to rectify that situation.

And the subsequent grant that we provided to this area required that there be racial balance on the planning board, and the next grant had five representatives who were white from Alexander County and two who were black on the planning board.

The fourth grant had five white and two black.

And negotiations were just completed for the new planning board, and I would have to ask Mr. Rush: Do you know what the breakdown is on the new one, which will be our new grant?

MR. RUSH. Yes, there will be eight members, three black, five white.

MR. BILEK. So we did have one case where we were notified that discrimination was existing and we did enter in that case and attempt to bring it back into proper balance.

COMMISSIONER FREEMAN. Does your office initiate any investigations on its own to determine whether there is in fact racial discrimination in the employment by the grantee?

MR. BILEK. We have not to date unless there has been some reason to believe that that is in fact occurring.

COMMISSIONER FREEMAN. If the grantee or any grantee would receive a grant of \$11,000 and then would set up a circus and nobody complained about it, would you assume that because you had received no complaints that there was no need to make an investigation to determine whether the funds were being spent in accordance with the terms of the grant?

MR. BILEK. Yes, Commissioner.

COMMISSIONER FREEMAN. But you have not made an independent survey with respect to these grants on the basis of racial discrimination in employment?

MR. BILEK. No, Commissioner.

COMMISSIONER FREEMAN. Do you consider it to be the duty of the commission to make such independent investigations?

MR. BILEK. I would not consider that to be a duty unless there was some reason to believe that there was discrimination occurring.

COMMISSIONER FREEMAN. Are you familiar with the responsibilities under the law of the recipients of these funds?

MR. BILEK. Yes, I am.

COMMISSIONER FREEMAN. Will you check them further?

MR. BILEK. Yes, I will, Commissioner.

COMMISSIONER FREEMAN. Thank you. The witnesses may be excused.

This hearing will be in recess until 7 p.m.

(Whereupon, at 5:18 p.m., the hearing was recessed, to be reconvened at 7 p.m., this date.)

THURSDAY EVENING SESSION

March 23, 1972

COMMISSIONER FREEMAN. This hearing is called to order.

Mr. Powell, will you call the next witness?

MR. POWELL. Madam Chairman, next is a panel of public school and private school students in the city of Cairo, Miss Rhonda Jenkins, Miss Pat Sams, and Miss Shelley McKee. That's Mr. Pat Sams. I beg your pardon.

(Whereupon, Miss Rhonda Jenkins, Miss Shelley McKee, and Mr. Pat Sams were sworn by Commissioner Freeman and testified as follows:)

TESTIMONY OF MISS RHONDA JENKINS, MISS SHELLEY McKEE, CAIRO, ILLINOIS, AND MR. PAT SAMS, CACHE, ILLINOIS

COMMISSIONER FREEMAN. Mr. Powell, you may proceed.

MR. POWELL. Beginning with the young lady on my left closest to the wall, would you each please state your name, address, and school, the school which you attend?

MISS JENKINS. Rhonda Jenkins, 109 Pyramid Court, and I attend Cairo High.

MISS McKEE. Shelley McKee, No. 10 Edgewood, Cairo, Illinois, and I attend Camelot.

MR. SAMS. Pat Sams, senior, Cache, Illinois, Route 3, and I attend Camelot.

MR. POWELL. Miss McKee, will you please tell us where you attended school before coming to Camelot?

MISS McKEE. Cairo High School.

MR. POWELL. What were the reasons for deciding to come to Camelot?

MISS McKEE. Because my grades were low and I couldn't get individual help in my classes.

MR. POWELL. Were there any other reasons?

MISS McKEE. Well, I had some trouble at school and the tension was pretty heavy on me. But the main reason was for education.

MR. POWELL. Miss McKee, what differences do you find between Camelot and the Cairo High School?

MISS McKEE. The teachers help me more. We can have more private studies and the classes are smaller. And the atmosphere. We have a nice atmosphere. And like if we need sessions the teachers have private sessions with us, and they can do this, and we can have night classes.

MR. POWELL. Mr. Sams, what were your reasons for changing from the Cairo public schools to Camelot School?

MR. SAMS. The administration told me that I couldn't graduate.

MR. POWELL. Why was that?

MR. SAMS. Because my credits weren't high enough.

MR. POWELL. What differences do you find between the Cairo public schools and the Camelot School?

MR. SAMS. I haven't been at Camelot long enough to form an opinion yet.

MR. POWELL. Miss Jenkins, you have stated that you are now at Cairo High School. Have you ever attended any other high school than Cairo High School?

MISS JENKINS. Yes. Thornton Township High School in Harvey, Illinois.

MR. POWELL. How would you compare the two schools?

MISS JENKINS. Cairo High School is undeveloped, and Thornton High School is compared to Cairo—Cairo education, the way of teaching is bad and a lot of things in the school need to be improved, like the books. The books are not up to date, and the material. Just everything. Everything in the school is bad.

MR. POWELL. Miss Jenkins, have you ever been expelled from Cairo High School?

MISS JENKINS. No.

MR. POWELL. Have you ever been suspended, Miss Jenkins, from Cairo High School?

MISS JENKINS. No, just sent home.

MR. POWELL. Just sent home?

MISS JENKINS. Stay home for a day.

MR. POWELL. What reasons were given to you for being sent home, Miss Jenkins?

MISS JENKINS. Because of the way I dressed. The principal said my dresses were either too short or he just didn't like the way I dressed.

MR. POWELL. Do you feel that you were treated fairly?

MISS JENKINS. No.

MR. POWELL. Why not?

MISS JENKINS. Because the dresses that I wore to school, they were long compared to the guidance counselor's dresses.

MR. POWELL. Miss Jenkins, how would you say the black and white students get along together at Cairo High School?

MISS JENKINS. The black and white students get along at Cairo fine until 3:30 comes. That's when the parents comes to school to pick up the children, and then there's no contact between the students because they're afraid of the parents and they are afraid of Mr. Verble because he hates to see blacks and whites together.

MR. POWELL. In what way does he manifest that attitude?

MISS JENKINS. Well, he just hates to see people having a good time. Like there was an incident at school today about his daughter. He was real upset because he just found out that his daughter was digging a black dude.

MR. POWELL. Miss Jenkins, do you feel that all students at your high school are treated equally regardless of race?

MISS JENKINS. No.

MR. POWELL. Would you care to say why you feel that way?

MISS JENKINS. Well, all my teachers treat the blacks— All the teachers that I have treat the black and white students fairly. But it's the principal. He doesn't treat us alike. Like he has his pets. And like he has certain people that he likes to pick on all the time.

MR. POWELL. Is there a difference in the kind of punishment a student gets if he is black as compared to if he were white?

MISS JENKINS. Yes. The black students whenever they do something always get sent home.

MR. POWELL. What happens when a white student misbehaves?

MISS JENKINS. Just probably get a detention.

MR. POWELL. Mr. Sams, do you feel that attending an all-white school adequately prepares you to live in an integrated society?

MR. SAMS. No, sir. Since I have attended Cairo High for 4½ years, I don't think that the other few months will really matter.

MR. POWELL. Miss McKee, would you comment on that?

MISS MCKEE. I don't think it's bad. I think—Because I have a lot of black friends and I have been to Cairo High's ball games and I have cheered for Cairo High ball games, and I wouldn't refuse to talk to anybody just because they were black.

MR. POWELL. Miss McKee, roughly how many students are there attending Camelot at present?

MISS MCKEE. Grade school and high school?

MR. POWELL. Yes.

MISS MCKEE. About 220.

MR. POWELL. Are any of these students black?

MISS MCKEE. No, but they are welcome to come if they want to.

MR. POWELL. I see. If they are welcome to come, why do you think there are no black students at Camelot?

MISS MCKEE. I really don't know.

MR. POWELL. Miss Jenkins, why do you think there are no black students at Camelot?

MISS JENKINS. Because they couldn't afford it.

MR. POWELL. Is that the only reason why there are no black students at Camelot in your opinion, Miss Jenkins?

MISS JENKINS. I think if a black student went to Camelot I don't think they would really feel welcome.

MR. POWELL. Do any of you feel that there are racial problems among students in Cairo?

MISS MCKEE. I don't think there's as much as there's put up to be. I think there were a few years ago, but I think things are calming down a lot and I don't think it's the trouble that we had.

MR. POWELL. Do you think there are racial problems among the adult population in Cairo, Mr. Sams?

MR. SAMS. Yes, to one extent there is. Not quite as much as there used to be.

MR. POWELL. Would you want to comment on that, Miss Jenkins?

MISS JENKINS. I think there's a lot of racial problems between the grownups in Cairo.

MR. POWELL. What about the students?

MISS JENKINS. No, because I have a lot of white friends, and I get along pretty good with them.

MR. POWELL. Is there very much extracurricular activity in either of your schools? Miss Jenkins?

MISS JENKINS. No.

MR. POWELL. Miss McKee, what about Camelot?

MISS MCKEE. We have homecoming. We had a homecoming parade. We have junior-senior prom. We have basketball, baseball.

MR. POWELL. Is that—

MISS MCKEE. And we have—Like we have a carnival at school, spring carnival. Then we have a spirit day.

MR. POWELL. Is that intraschool or is it between schools?

MISS MCKEE. Well, you can bring a guest from out of school. We have also had open dances.

MR. POWELL. What kind of additional activities would you like to see planned, Miss McKee, at Camelot?

MISS MCKEE. I don't know. I think we have plenty right now. It keeps us busy.

MR. POWELL. What kind of recreational activities are there for students in Cairo, Mr. Sams?

MR. SAMS. In Cairo or in the high school?

MR. POWELL. In Cairo.

MR. SAMS. I'm not too sure, but I believe there's a ball team, a baseball team, and there used to be a CRC basketball team that I used to play on from Cairo—not from Cairo High but some students from Cairo High. It was formed by Calvin Boggs.

But other than that I'm not for sure what they have.

MR. POWELL. Are these recreational activities integrated, Mr. Sams?

MR. SAMS. Yes, they are.

MR. POWELL. Which ones are integrated?

MR. SAMS. Both.

MR. POWELL. Do you think that the recreational activities in Cairo are sufficient?

MR. SAMS. No, I think they need some beefing up.

MR. POWELL. What additional activities would you like to see?

MR. SAMS. For one would be basketball and just regular activities.

MR. POWELL. Miss McKee, do you plan to stay in Cairo after you graduate?

MISS MCKEE. No.

MR. POWELL. Miss Jenkins?

MISS JENKINS. No.

MR. POWELL. Mr. Sams?

MR. SAMS. No.

MR. POWELL. What are most of your fellow students planning to do after they graduate?

MISS JENKINS. Leave Cairo.

MR. POWELL. Why, Miss Jenkins?

MISS JENKINS. Because they feel there's nothing in Cairo, there's nothing for them to look forward to, no advancement. Like there's just nothing in Cairo for us.

MR. POWELL. Miss McKee, would you care to comment?

MISS MCKEE. I think a lot of my classmates are going on to college, and they will probably go other places for jobs. There's just not that much advancement and progress that you can get in Cairo.

MR. POWELL. Are there any other reasons why you think they might not want to return to Cairo? Miss McKee? Miss Jenkins?

MISS MCKEE. A lot of them will probably marry and go out. But I just don't think they want to come back because there wouldn't be anything for their children to grow up in.

MISS JENKINS. I don't think they would come back to Cairo because of all the tension and the hate in Cairo.

MR. POWELL. Would you care to comment, Mr. Sams?

MR. SAMS. No.

MR. POWELL. Do any of you think that more students would want to stay or come back to Cairo if there were more jobs here?

MR. SAMS. Yes, they would rather—I believe they would rather come back.

MR. POWELL. What about if there were less racial conflict here in Cairo? Do you think more people would like to come back?

MR. SAMS. Well, I believe if you create more jobs you won't have as much conflict.

MR. POWELL. Why do you think that?

MR. SAMS. Well, what the beef is, seems to be about now, is just that—is just jobs. When everybody is working, everybody is making money, everybody is happy. When you don't have money and you're not working, you get displeased. You try and change things.

MR. POWELL. Do any of you have any ideas or suggestions regarding positive solutions to Cairo's problems? Miss Jenkins?

MISS JENKINS. Well, no.

MR. POWELL. Miss McKee?

MISS MCKEE. Only thing I could think would be employment and like the housing, if they can make that better, where some of them wouldn't have to live in rundown houses and they could just—Like a Federal program to build houses where everybody could be more equal.

MR. POWELL. Do any of you have an opinion as to whether or not adequate efforts are being made to do some of the things you suggest? Mr. Sams?

MR. SAMS. No.

MR. POWELL. Madam Chairman, I have no further questions.

COMMISSIONER FREEMAN. Miss Jenkins, Miss McKee, and perhaps Mr. Sams, I think both of you said that you have friends of the other race. Is that correct?

MISS JENKINS. Yes.

MISS MCKEE. Yes.

MR. SAMS. Yes.

COMMISSIONER FREEMAN. And you also said that you will probably not stay here. You know that this is a community where there is a lot of tension and which has a pretty poor reputation. Is there any suggestion or any thought that you have that perhaps maybe you could do something to change the adults? Would it be true that this hatred

that you're talking about is probably on the part of the older folks of this community?

MISS MCKEE. I think it is. I think a lot of it is the parents. They tell their kids not to run around with certain kids and they reject them and they sort of put all this stuff in their heads, and the kids are just sort of rebelling from what they try to put in their heads.

COMMISSIONER FREEMAN. Well, then, you seem to be an example of some young people who need to educate your parents—and I'm talking about the total parent population now. Would you consider and probably think of some things that you could do to help this community? It's not pleasant to live in a community that has the reputation that Cairo has. And it has lost people and you are going to go away, and perhaps others are going away.

Do you think that possibly there's anything that could be done to save the city that maybe you could contribute? I'm asking for an opinion. But I would ask you, each of you, to speak to this.

MISS MCKEE. I think the only thing that could help us, if we had more opportunity to put into Cairo and after we go off and get our education or whatever we do. We could come back and build Cairo up to what we want it to be. Then we would be the grownups running it and we could have our own ideas and there wouldn't be all this other pressure on us.

COMMISSIONER FREEMAN. Does that mean then that you would vote some of these people out of office?

MISS MCKEE. I might. I really don't know that much about how they feel. But like the program from the Government that was supposed to come here for jobs—I think it was career planning or something—and it was voted out. I think that was a big mistake because we need that, because so many kids are trying to find part-time jobs and they can't do it. And a lot of kids would be happier and it might settle things if we could work together, and through these programs it might help a lot.

COMMISSIONER FREEMAN. So some of these officials then are not considering the welfare of young people like yourself? Is that correct?

MISS MCKEE. Yes.

COMMISSIONER FREEMAN. Miss Jenkins, do you have a comment to add to that?

MISS JENKINS. I think that if the parents both black and white could get together socially, have some kind of social contact, that things would be a whole lot better if they could get together sometime.

COMMISSIONER FREEMAN. Do you know of any such groups that are in effect or in operation in this city at this time?

MISS JENKINS. No.

COMMISSIONER FREEMAN. Can you think of anything that you could do or any of you could do to help them get together?

MISS JENKINS. No.

COMMISSIONER FREEMAN. Mr. Sams, do you have any—

MR. SAMS. About the only thing we could do to help them get together would be to suggest something and that would be it. They'd have to take it from there.

COMMISSIONER FREEMAN. You all agree they need help?

MR. SAMS. I think so.

MISS MCKEE. Yes.

COMMISSIONER FREEMAN. Commissioner Mitchell?

COMMISSIONER MITCHELL. Well, it's really not fair to ask you some of the questions I would love to get answers to.

MISS MCKEE, just for starters, are you being taught about your city? In your education are you learning about the problems of Cairo?

MISS MCKEE. Well, not in the government class, but in our—we have a class for freshmen at Camelot. It's—I can't think what they call it. American problems. They're learning a lot about all these problems that we have in Cairo. And I think it's helping them a lot.

COMMISSIONER MITCHELL. Have you had any experience—Have you taken that class? Are you part of that?

MISS MCKEE. No, that was for freshmen and I didn't come to Camelot until sophomore.

COMMISSIONER MITCHELL. So you have never really had a course in a school here that taught you the structure of the government of this city and the nature of its problems, the size of its budget, what it costs to run the city, and how the city deals with problems when it has them?

MISS MCKEE. No.

COMMISSIONER MITCHELL. Are you interested in that?

MISS MCKEE. Yes, I think it would help us all if we'd have a program. It would make us realize what is going on.

COMMISSIONER MITCHELL. I talk to young people sometimes, Miss McKee, in my university, and they say, well, a lot of stuff they get is not relevant. They don't feel it's helping them deal with the problems they have got right now. Do you have that feeling about your education?

MISS MCKEE. No, because some day we're going to need it. It's better that we learn it now.

COMMISSIONER MITCHELL. Miss Jenkins, at Cairo High School do they teach you how this city works?

MISS JENKINS. No, but I have a teacher that teaches sociology, and like when he get through teaching he'll take time out sometime and we have a little discussion about the problems in Cairo. But that's all.

COMMISSIONER MITCHELL. That sounds like pretty good teaching.

MISS JENKINS. Yes.

COMMISSIONER MITCHELL. What other courses do you take?

MISS JENKINS. What courses I take?

COMMISSIONER MITCHELL. Yes. What are you studying now?

MISS JENKINS. Government. Sociology. Music appreciation. I take typing. And that's about it.

COMMISSIONER MITCHELL. Well, I must say I find that a very impressive—

MISS JENKINS. Also black history.

COMMISSIONER MITCHELL. Mr. Sams, how about you? Have you been exposed to education in the structure of your city's government, your State government?

MR. SAMS. No, not—Since I just come to Camelot a couple months ago, like she said it was for freshmen and I didn't catch it.

COMMISSIONER MITCHELL. So when you get right down to it, with the exception of Miss Jenkins who has an interested sociology teacher, you haven't really been—

MISS MCKEE. No, we have a government class and we talk about elections and politics and problems and we have—Usually most of our classes are discussions.

COMMISSIONER MITCHELL. And you talk about structure of the city government?

MISS MCKEE. Yes, we have city government and State government.

COMMISSIONER MITCHELL. Who is in charge of the police department?

MISS MCKEE. Chief Bowers.

COMMISSIONER MITCHELL. What does the police commissioner do?

MISS MCKEE. They talk about hiring and firing and—

COMMISSIONER MITCHELL. Mr. Sams, are you going to college?

MR. SAMS. Yes, sir. I am going to try to.

COMMISSIONER MITCHELL. Where would you like to go?

MR. SAMS. Murray. It's cheaper than going to S.I.U.

COMMISSIONER MITCHELL. What do you want to be?

MR. SAMS. I want to try and major in history.

COMMISSIONER MITCHELL. And do you want to teach or just go back into business or—

MR. SAMS. I'd like to try and teach. It all depends on my first 2 years.

COMMISSIONER MITCHELL. Miss McKee?

MISS MCKEE. I'm going to Career College and I'm going into public relations.

COMMISSIONER MITCHELL. Miss Jenkins, are you going to go to college?

MISS JENKINS. I'm planning on going to Southern and I plan on majoring in art.

COMMISSIONER MITCHELL. Are you taking art now? Are you studying it? Do you draw?

MISS JENKINS. No, they don't have an art program at Cairo High, but the other school I attended I had three art courses.

COMMISSIONER MITCHELL. Now, you know, you reflect in all the testimony I have heard today—You really reflect the greatest optimism despite the problems that you reflect, because it would seem to me that you have ambitions. You're looking toward a future. Whatever the inadequacies of this school system, it has equipped the three of you to view the future with some optimism.

I'll just observe that whenever you leave Cairo to go, it's probably not going to be much better, because life is that way. Wherever you are going, people are leaving there to come someplace else.

Thank you. I have no more questions.

COMMISSIONER FREEMAN. Mr. Buggs, do you have any questions?

MR. BUGGS. Just one or two, Madam Chairman.

Is there any organization in Cairo to which black and white youngsters can belong together?

MISS JENKINS. CRC.

MR. BUGGS. What is CRC?

MISS JENKINS. Well, it's a program that tries to get the black and white students together, but we just can't seem to get any white kids interested in it, so it's just blacks. But it's open to both.

MR. BUGGS. Has anyone ever suggested a student human relations committee at Cairo High School that black and white could get together and try to decide how they as young people were going to try to solve some of their problems and some of the problems of the city?

MISS JENKINS. No.

MR. BUGGS. Do you suppose, Miss McKee, that if a group of black and white kids from Cairo wanted to get together with a group of white kids from Camelot and have a communitywide human relations committee that there would be any objection on the part of the adults of the community to that kind of operation?

MISS MCKEE. Yes, I think there would be objection with the adults.

MR. BUGGS. Why? Don't they want you to get along together?

MISS MCKEE. Well, I guess they want us to, but they have just seen so many things they—All the trouble we have had has been on them, you know. It's been their businesses that's been hurt. And that's just the feelings they hold.

MR. BUGGS. What about 11 o'clock on Sunday morning? We've been talking about 8 or 9 o'clock on Monday through Friday for school. What about churches? Is there any integration in any of the churches?

MISS MCKEE. Not in mine there isn't.

MISS JENKINS. Not at mine.

MR. BUGGS. If through the churches there was some desire on the part of the ministers and the people who are supposed to be teaching the Judeo-Christian ethic that black and white youngsters should within the context of their churches get together and discuss their problems, would the parents still object?

MISS MCKEE. Well, we have a CYO group. It's Catholics. And it's blacks and whites. And none of the parents object. But I think that where black goes to church and where white goes to church is their own opinion, where they want to go to church, and where they want to go to school, the same as Camelot. If they wanted to come to Camelot they could come.

MR. BUGGS. But suppose young people from a white church wanted to get with young people from a black church. Would there still be the

opposition there from the parents that there would be if the two schools wanted to get together?

MISS McKEE. I really don't know. I don't guess it's been tried.

COMMISSIONER FREEMAN. Thank you very much. You may be excused.

Mr. Powell, will you call the next witnesses, please?

MR. POWELL. Madam Chairman, next is a panel of teachers and administrators from the Camelot school, Mr. Jack Greaney, Mr. Rye Eaves, and Mr. Tom Madra.

(Whereupon, Messrs. Jack Greaney, Rye Eaves, and Tom Madra were sworn by Commissioner Freeman, and testified as follows:)

TESTIMONY OF MR. JACK GREANEY, ACTING HEADMASTER, CAMELOT PAROCHIAL SCHOOLS; MR. RYE EAVES, CHAIRMAN OF THE BOARD OF CAMELOT SCHOOLS; AND MR. TOM MADRA, CAIRO, ILLINOIS

COMMISSIONER FREEMAN. Mr. Powell, you may proceed.

MR. POWELL. Beginning with the gentleman on my left closest to the wall, would you each please state your name, address, and occupation?

MR. GREANEY. Jack Greaney, 2414 Elm, Cairo, Illinois, Acting Headmaster, Camelot Parochial Schools.

MR. EAVES. Rye Eaves, 2111 Holbrook. Jeweler.

MR. MADRA. Tom Madra, 2904 Elm Street, Cairo. Public warehouse business.

MR. POWELL. Mr. Eaves and Mr. Madra, did each of you have children enrolled in the public school system in Cairo at the time when the public schools undertook to fully integrate?

MR. EAVES. Yes, we did.

MR. MADRA. Not necessarily. I don't know exactly what your definition of that total integration is. I did have children in school but they were in parochial school possibly at the time you're speaking of.

MR. POWELL. Well, as we understand it, in 1967 the schools entered into a plan pursuant to which there would be one school for the various grades K through 12, one for K to 3, one for 4, 5, 6, another for 7 and 8, and another for 9 through 12. At that time did you have children in the public school system?

MR. MADRA. It's possible I may have put my children in parochial school a year prior to what you're talking about. I'd have to check and reconfirm that.

MR. POWELL. Mr. Eaves, what were the circumstances in the public schools which led to the creation of the Camelot School and the enrollment of your children in that Camelot School?

MR. EAVES. Well, one thing I think that was bad for the public schools was the overcrowding of the schools. I don't think that our public school was ready to receive the amount of students that it had to receive when they went to full integration.

We took two facilities that were almost filled to capacity and then we closed one of those down and put it in the other one, and we got an

overcrowding, and I think that any time you get an overcrowding such as that you get turmoil, and it's not conducive to good education.

So I felt that—my personal feelings—that my children would get a better education in a private school.

MR. POWELL. Were there any other circumstances that led you to enroll your students in the Camelot School, Mr. Eaves?

MR. EAVES. No, sir, none that I can think of.

MR. POWELL. Mr. Madra, would you care to comment?

MR. MADRA. Well, Mr. Powell, I think our school system was integrated prior to the time that you are talking about. I mean there were black children in white schools. There were some predominantly black schools and some predominantly white, but it was more or less some neighborhood distribution and matters of choice.

I think the beginning of what you would like to call the racial turmoil in our school system was when Preston Ewing, who is now on your staff, pulled black football players—

MR. POWELL. Mr. Ewing is not a member of this staff.

MR. MADRA. Well, he's on the—He signs letters as the secretary for the Illinois Division or something. And he pulled black football players off of the Cairo High School bus a few minutes prior to its departure for its first—for its opening game of the season. I think that was in 1967. And he did this because there were no black cheerleaders elected by the student body.

Up until that time I think the whites and the blacks were attending school together, they were playing together, they were working together, and they had a good athletic team.

And some of the boys, the black boys, who were seniors on that bus cried when Preston Ewing pulled them off because there were no black cheerleaders. And, of course, they went up and six of the 11 starting members of the football team were not there and they got the dickens beat out of them.

And I think that was the beginning of the racial—not just the disciplinary problem but the racial problem in our schools.

MR. POWELL. Is this the kind of things that led you to enroll your child in the Camelot School, Mr. Madra?

MR. MADRA. Well, this is a part of it, sir, but I will tell you this: That if it had been an all-white school system, lily white, and a handful of whites created the anarchy and the disruption and the disobedience to authority that was created in our school system under the Black United Front, there would have still been a private school formed, because the white people who wanted their children to have an education wouldn't have let the white people who wanted to disrupt the school system do so.

MR. POWELL. Thank you.

MR. EAVES, in addition to being a jeweler, I understand that you are chairman of the board for the Camelot School. Is that right?

MR. EAVES. That is right.

MR. POWELL. Mr. Eaves, what is the total number of students now enrolled in the Camelot School?

MR. EAVES. I would say roughly about 220.

MR. POWELL. How many of these students are white?

MR. EAVES. All white.

MR. POWELL. Has there ever been a black student enrolled at Camelot?

MR. EAVES. No, sir. There's never been one made an application.

MR. POWELL. Would black students be welcome to attend Camelot School were they to apply?

MR. EAVES. They certainly could.

MR. POWELL. Do you have an opinion regarding the reasons why no black ever applied?

MR. EAVES. No, I really don't.

MR. POWELL. Is there a tuition remission scholarship program at Camelot?

MR. EAVES. There is tuition—Yes, we had to pay tuition, and I think Mr. Greaney would be better qualified on the scholarship program than I would to answer that.

MR. POWELL. Either you or Mr. Greaney can answer the next question. Have any such scholarships ever affirmatively been offered to black students?

MR. GREANEY. Do you want me to answer? As it is set up, and the way I understand it—Now, I have taken this office 2 months ago so I am not completely familiar with the backlog and so forth. As I understand it we have had a few townspeople willing to pay a tuition. Some of these townspeople named to whom that tuition was to be granted and others didn't specify any particular student, but if Reverend Potts—who was usually the one handled this—felt like we had a student enrolled who was in financial need, he talked with the family and if the need was established then this was offered.

MR. POWELL. So while you do have scholarships and there are students getting scholarships, there are not now nor has there ever been a scholarship offered to a black student? Is that correct?

MR. GREANEY. We have had no application for scholarship. We have not just gone out and offered scholarships. If a family has come to us and asked for financial help, then we have tried to render it if at all possible.

And my door is open for anyone any time to come in and ask, and I'll be glad to work with them.

MR. POWELL. Then if a deserving black student were to apply, you believe that it's very possible that a scholarship would be offered to them?

MR. GREANEY. Yes, sir. If the money is available and we feel that there is a financial need there.

MR. POWELL. Mr. Eaves, is the Camelot School recognized as an accredited school by the superintendent of public instruction?

MR. EAVES. No, sir, I am sure it is not.

MR. GREANEY. May I answer there? We are in the process of accreditation. I sent a letter to Dr. Bakalis 2 weeks ago. I am waiting on an answer now. We are in our third year of application.

MR. MADRA. I think we could have been accredited, speaking as a past member of the board, except for the Illinois parochial bills that were introduced and passed, and this changed the accreditation from something that was academic to something that was political.

And we have a letter from the office of superintendent of public instruction's office saying that our accreditation was being deferred pending a redefinition—redefinition—of what could be accredited, which indicates that the terms and the criteria for which the accreditation was issued have now changed due to the possibility of private schools receiving some public monies.

MR. POWELL. Mr. Eaves, does the fact that Camelot is not yet accredited jeopardize the students at Camelot in any way?

MR. EAVES. No, sir, it does not.

MR. POWELL. Mr. Greaney, has the Camelot School ever applied to the Internal Revenue Service for recognition as a tax-exempt educational organization?

MR. GREANEY. Yes, sir, they have applied. I don't know any other details. As I said, I have just taken the office. I'd have to check on any other information you'd need.

MR. POWELL. Mr. Eaves, has such tax-exempt status been granted to the school by the Internal Revenue Service?

MR. EAVES. I'm reasonably certain it has.

MR. POWELL. Has the Internal Revenue Service ever made inquiry to members of your board to determine whether the Camelot School has a nondiscriminatory enrollment policy, Mr. Eaves?

MR. EAVES. Not to my knowledge.

MR. POWELL. Mr. Madra?

MR. MADRA. Yes, they have.

MR. POWELL. They have made affirmative inquiry? Or did you—

MR. MADRA. I don't know whether it's been an affirmative inquiry. I believe that the past president of the board of directors, John Dillingham, did have discussions with Internal Revenue and filled out a questionnaire and supplied materials to indicate.

I might also add here, sir, that when Camelot was first formed I have reason to believe that there were several Negro families and members of other minority groups in this community who indicated a desire to enter their children in Camelot. They were welcome in Camelot. But they received intimidation from the Black United Front and threats of violence against their lives and their families and their children if they enrolled them in that school. And they therefore did not carry out the plans to go forward with that.

MR. POWELL. In preparing for this hearing, Mr. Eaves and Mr. Madra, the staff in talking to a number of community people have heard it said that Camelot School was in part established in the con-

text of racial conflict in the public schools. There is some indication that that conflict has subsided, substantially.

Now that the conflict in the public schools has subsided, do you foresee a decline in the enrollment at the Camelot School, Mr. Eaves?

MR. EAVES. Not for that reason. There is a possibility that there will be a decline in the enrollment of Camelot School the same as there will in the public school.

As you probably well know, there is not a lot of employment here for people, and people will move away, and naturally, when they move away, the children go to another school. That would be the only reason that I would see a decline in the enrollment of Camelot would be the lessening of the amount of families in town that have children in school.

MR. POWELL. You don't think the public schools will begin to draw these students from Camelot?

MR. EAVES. I don't feel that to be true facts, no, sir.

MR. GREANEY. May I comment, Mr. Powell?

MR. POWELL. Yes, please, Mr. Greaney.

MR. GREANEY. I have checked into this, and our enrollment in first and second grades has dropped in years past, as has the Catholic grade school and the public schools, and I think it's due to the fact that young married couples who have this age children are moving away from Cairo because there's no opportunity here for them. There's no employment. There's no jobs that pay a decent salary.

And they don't want to have to live in a shack and go hungry just to stay in their town, you know, because they like it. And that's only sensible.

And I think if you ask the public schools or the Catholic schools you will find this to be true. It's the lower grades that the enrollment is dropping off, and I attribute it to this.

MR. POWELL. Either Mr. Eaves or Mr. Madra, would you please describe the method by which the Camelot school obtained the building in which the high school is now housed?

MR. MADRA. Well, there's not much question about that—that the people who owned the property gave it to them.

MR. POWELL. Who owned the property?

MR. MADRA. I was a part owner of the property.

MR. POWELL. How did you get title to that property?

MR. MADRA. I bought it at public auction together with three other gentlemen.

MR. POWELL. From whom did you buy it?

MR. MADRA. From the Cairo Public School System. School District No. 1.

MR. POWELL. It was, in fact, owned by the Cairo public schools? How much money did the Camelot School have to pay for the building?

MR. MADRA. I don't see that that's material to this particular hearing, but they didn't have to pay anything. We gave it to them as a gift.

MR. POWELL. I see. How much did you pay for it?

MR. MADRA. I don't think that's material to this investigation either, sir. What are you trying to make? I mean what kind of a point are you trying to make?

COMMISSIONER FREEMAN. Will you answer the question?

MR. MADRA. I beg your pardon?

COMMISSIONER FREEMAN. Will you answer the question?

MR. HOLLAND. Just a moment. As Mr. Madra's counsel—and I will step up—I will instruct him not to answer that question.

MR. MADRA. Thank you, Mr. Holland.

COMMISSIONER FREEMAN. On what basis, Counsel?

MR. HOLLAND. Oh, it could tend to incriminate him.

COMMISSIONER FREEMAN. Counsel, if you're going to appear—

MR. HOLLAND. It's immaterial. It's arguing with the witness. And it's abusive. I instruct him not to answer the question.

COMMISSIONER FREEMAN. Counsel, if you are going to appear with the witnesses, will you move your chair up beside the witness table?

MR. HOLLAND. It would be a pleasure. I will be glad to.

COMMISSIONER FREEMAN. Mr. Holland is representing these witnesses.

MR. HOLLAND. Show that I am representing Mr. Madra.

COMMISSIONER FREEMAN. Would you stand, Counsel, and state the witness that you are representing so that the record will be clear?

MR. HOLLAND. Thank you. Let the record show that I am representing Mr. Madra throughout this proceeding.

COMMISSIONER FREEMAN. So you are advising Mr. Madra only?

MR. HOLLAND. That's right.

MR. POWELL. Would you please state once again just concisely what are the grounds for the objection to that question?

MR. HOLLAND. I think the Commission is being abusive towards the witness for one thing. Secondly, I think it could tend to incriminate him. And I'm instructing him not to answer.

MR. POWELL. You think it might incriminate him?

MR. HOLLAND. In addition to the Commission being abusive towards the witness, being ungentlemanly, and being improper towards this witness.

MR. POWELL. Mr. Eaves, has the county school superintendent given you any technical assistance when you have requested it?

MR. EAVES. Yes, they have.

MR. POWELL. Mr. Greaney, does the Cairo Public School System provide busing for those of your students who need to use busing?

MR. GREANEY. Yes, they do.

MR. POWELL. Is this required by State law?

MR. GREANEY. Yes, sir.

MR. POWELL. Mr. Greaney, have the Camelot School and the Cairo public schools ever competed against each other in athletic events?

MR. GREANEY. No, sir.

MR. POWELL. Why not?

MR. GREANEY. Well, sir, I would really have to say that the coach would be more qualified to answer that than myself. He schedules the games and I leave that strictly to him.

MR. POWELL. As the headmaster of the school, do you think it would be a good idea in terms of getting along if there were such events?

MR. GREANEY. I think at this time it would be, yes.

MR. POWELL. Have the Camelot School and the Cairo public schools ever jointly sponsored any extracurricular activity?

MR. GREANEY. Jointly sponsored? Or had activities open?

MR. POWELL. Have they ever jointly sponsored any extracurricular activity?

MR. GREANEY. Not to my knowledge.

MR. POWELL. Has there ever been any activity in which they have been involved together?

MR. GREANEY. We have had dances at which we have had Cairo high school students.

MR. POWELL. But that was something—that was a dance given by the Camelot School?

MR. GREANEY. Yes, sir.

MR. POWELL. And Cairo students are welcome at such dances?

MR. GREANEY. Yes, sir.

MR. POWELL. I see. Madam Chairman, I have no further questions.

COMMISSIONER FREEMAN. Commissioner Mitchell?

COMMISSIONER MITCHELL. I will pass right now if I may.

COMMISSIONER FREEMAN. Mr. Greaney, I believe you indicated you are the headmaster of the school?

MR. GREANEY. Acting headmaster, yes, ma'am.

COMMISSIONER FREEMAN. Yes. And of the total number of students, all of the students are white?

MR. GREANEY. Yes, ma'am.

COMMISSIONER FREEMAN. All of the faculty white?

MR. GREANEY. Yes, ma'am.

COMMISSIONER FREEMAN. What is the amount of the tuition?

MR. GREANEY. The tuition is \$340 per student per year.

COMMISSIONER FREEMAN. How many of the students pay full tuition?

MR. GREANEY. For an accurate figure I would have to check with the records.

COMMISSIONER FREEMAN. Will you submit to this Commission for the record the total number of students, the total number that are receiving either full or partial scholarship, and the amount of the scholarship which they receive?

MR. GREANEY. Those paying full tuition and those paying less than full and the amount?

COMMISSIONER FREEMAN. That is right.

(This information appears as Exhibit No. 7.)

COMMISSIONER FREEMAN. In addition to that, Mr. Greaney, will you submit to the Commission or will you tell use how does a student get admitted to Camelot?

MR. GREANEY. Okay. I can do that now.

COMMISSIONER FREEMAN. Yes, will you tell us this now?

MR. GREANEY. By making an application to the school and by the board going over this.

COMMISSIONER FREEMAN. When you say the "board", will you describe that for us?

MR. GREANEY. The school board, consisting of 11 members elected by the parents of the total parent population of the school.

COMMISSIONER FREEMAN. Are there any white members of the board?

MR. GREANEY. Any white members?

COMMISSIONER FREEMAN. Are there any black members of the board? I'm sorry.

MR. MADRA. Scholarships or general admission?

COMMISSIONER FREEMAN. The admission.

MR. GREANEY. There are no black members of the board, no.

COMMISSIONER FREEMAN. You have here, however, a situation of self-perpetuating segregation. It's an all-white student body and all-white parents and all-white board.

MR. GREANEY. I don't feel so, Mrs. Freeman. Since I have been in the office—and I think if you check that I don't think you will find a black person that I have been other than nice to or cooperative with in the community. I think that my door is open at any time for anybody. Since I have been in, no black person has even come in and we have run an announcement every semester that we are open for admission to any race, creed, color or anything.

COMMISSIONER FREEMAN. Is the school accepting applications for admission?

MR. GREANEY. It will be accepting applications for the fall term within the next month, yes, ma'am.

COMMISSIONER FREEMAN. So that if the word would go from this hearing that Camelot is now ready, willing, and able to admit black students, then—

MR. GREANEY. Yes, ma'am.

COMMISSIONER FREEMAN (continuing). If they would present themselves to the door—

MR. GREANEY. Yes, ma'am.

COMMISSIONER FREEMAN (continuing). They will be accepted?

MR. GREANEY. Yes, ma'am.

The notice will go out in the paper soon. The door is open. We have our—we go for a quality education. That's our main objective—is a college preparatory education. And only thing that we require is that our students meet this requirement and that they live up to our rules and regulations, our disciplinary rules and regulations. And I feel

that any student is welcome to come in and make application at any time.

I will add this: That I feel that a black student making application—maybe not application, but being accepted—would be somewhat ostracized from his black community for this, because I have had indications—Now, no person, no black parent, has actually come to me, but I have gotten word back through sources that they would like to enroll their children with us but they fear the backlash that might come from their own community.

COMMISSIONER FREEMAN. But your testimony is that if the parent would come and ask for admission that your rules are such that the student would be admitted. Is that your testimony?

MR. GREANEY. If they met the qualifications which are—

COMMISSIONER FREEMAN. Well, is there any difference from any of the other students that have been admitted? They had to meet the qualifications too?

MR. GREANEY. Yes, Ma'am. Right.

COMMISSIONER FREEMAN. Then you don't have separate qualifications for black applicants, do you?

MR. GREANEY. No, Ma'am.

COMMISSIONER FREEMAN. Mr. Buggs?

MR. BUGGS. Yes.

Mr. Madra, when public property is sold at public auction, is not the price paid a matter of public record?

MR. MADRA. I'll have to beg your pardon. I couldn't understand all of your question. My ears are stopped up.

MR. BUGGS. When public property is sold at public auction, is not the price paid for that property a matter of public record?

MR. MADRA. I would think it should be.

MR. BUGGS. Would you object to telling us what the price was?

MR. MADRA. I think that the gentleman if he wants to know can go to the courthouse and find out. I think he already knows.

MR. BUGGS. I don't know. The question was do you object to telling us?

MR. MADRA. Yes, sir, I'll tell you. The property was bought for \$4,400.

MR. BUGGS. Thank you, sir.

MR. MADRA. Now, Madam Chairman, if I might, I just received this subpoena late this afternoon. I have been on a business trip to the West Coast. I notice in the rules that if I had been timely served I would have had an opportunity to prepare a written statement and have it introduced into the record of this hearing. I would like to have until noon Saturday in order to prepare a written statement to put into the record of this hearing.

COMMISSIONER FREEMAN. We will receive your written statement and it will be included in the record, Mr. Madra.

MR. MADRA. Thank you.

(The statement referred to was not received by the Commission.)

COMMISSIONER FREEMAN. Thank you. You may be excused.

MR. GREANEY. Madam Chairman, may I make one statement?

COMMISSIONER FREEMAN. Commissioner Mitchell has a question.

MR. GREANEY. I'm sorry.

COMMISSIONER MITCHELL. Mr. Madra, tell me about this tax structure in Cairo. You pay a school tax as a citizen?

MR. MADRA. You better believe it.

COMMISSIONER MITCHELL. So you are paying school tax and then in addition to that you are taxing yourself to put your child in school if you send him to Camelot? Is that right?

MR. MADRA. That's right. I have one child in Camelot and I have another child going to another private school.

COMMISSIONER MITCHELL. And that's also true about you, Mr. Eaves?

MR. EAVES. That is true.

COMMISSIONER MITCHELL. So you function in that sense like any private school or parochial school—

MR. MADRA. Yes.

COMMISSIONER MITCHELL (continuing). Or Catholic school? In the classic sense of the parochial school, the Catholic schools operate in essentially the same way? Is that correct?

MR. MADRA. Yes, sir.

COMMISSIONER MITCHELL. Why do you call this a parochial school, by the way? Is there firm church connection? I know you have an association with the Baptist Church but the use of the term "parochial" is unusual.

MR. MADRA. I don't know why that was adopted by the original board of directors, because we have had Catholic, Protestant, Jewish children all attending this school. It is nonsectarian. So I don't know why the name "parochial" was put into it.

COMMISSIONER MITCHELL. Mr. Greaney, you're not accredited?

MR. GREANEY. Sir?

COMMISSIONER MITCHELL. Your school is not accredited?

MR. GREANEY. No, sir. Not as of yet.

COMMISSIONER MITCHELL. Now, I run a university. Technically, if one of your graduates were to apply for admission to my university, which is accredited, by the terms of my accreditation I shouldn't accept your students unless I expose them to certain types of independent tests, and I don't have to do that. You understand that, I'm sure.

MR. GREANEY. Yes, sir.

COMMISSIONER MITCHELL. What tests do your students take to prepare themselves for admission? Do they take SATs?

MR. GREANEY. Yes, sir, they take SAT.

COMMISSIONER MITCHELL. And ACT?

MR. GREANEY. ACT generally everyone takes. Those who feel they are going to schools that will require it take the SAT also. And those who feel—or like those who know they are going to a school that requires it will take the Ohio Psych.

COMMISSIONER MITCHELL. Would you care to comment on the levels you are achieving in SATs or ACTs as compared with national norms?

MR. GREANEY. I'd really have to check the records to make a—I would say though probably somewhere between just—in the middle between above, you know, average and average, right in a category there.

COMMISSIONER MITCHELL. So you have no evidence that would indicate that you are not delivering quality education? Right?

MR. GREANEY. No evidence that we are not?

COMMISSIONER MITCHELL. I mean, in other words, your scores are about average or better, in your opinion?

MR. GREANEY. Yes, sir.

COMMISSIONER MITCHELL. Are your students going to colleges?

MR. GREANEY. Yes, sir.

COMMISSIONER MITCHELL. Have any of them been turned away because they do not come from an accredited school?

MR. GREANEY. Not to my knowledge. We have had some turned away because of being late, you know, and so forth, but not to my knowledge because of not being from an accredited school.

COMMISSIONER MITCHELL. Thank you.

COMMISSIONER FREEMAN. Thank you. The witnesses are excused.

MR. GREANEY. Mrs. Freeman, may I ask—You would like to have this tuition mailed in to you? Is that correct?

COMMISSIONER FREEMAN. Yes. Our staff will tell you about the procedures.

MR. GREANEY. Later, you mean?

COMMISSIONER FREEMAN. Yes.

MR. GREANEY. Okay. Thank you.

May I make one statement before I leave? I'd like to thank you—

COMMISSIONER FREEMAN. We'd like to have it.

MR. GREANEY. I'd like to thank you for your interest, and I hope something constructive comes out of it, and I'd be willing to work with you any time.

COMMISSIONER FREEMAN. Thank you. You may be excused.

Mr. Powell, will you call the next witnesses?

MR. POWELL. Madam Chairman, the next witnesses are Mr. Van Ewing, Mr. Ralph Anderson, and Dr. Grace Duff.

(Whereupon, Mr. Van Ewing, Mr. Ralph Anderson, and Dr. Grace Duff were sworn by Commissioner Freeman and testified as follows:)

TESTIMONY OF MR. VAN EWING, MEMBER, CAIRO SCHOOL BOARD AND MR. RALPH ANDERSON, TEACHER, CAIRO JUNIOR HIGH SCHOOL, CAIRO, ILLINOIS; AND DR. GRACE DUFF, SUPERINTENDENT, ALEXANDER COUNTY EDUCATIONAL SERVICE REGION, TAMMS, ILLINOIS

COMMISSIONER FREEMAN. Mr. Powell, you may proceed.

MR. POWELL. Beginning with the young lady, would you each please state your name, address, and position for the record? Dr. Duff?

DR. DUFF. I am Grace Duff. I live at Rural Route 2, Tamms, Illinois. I serve as the elected Superintendent of the Alexander County Educational Service Region, serving Alexander County.

MR. ANDERSON. I am Ralph Anderson. I live Route 1, Cairo. I'm a teacher of remedial reading at Cairo Junior High School.

MR. EWING. I'm Van Ewing. I live at 2305 Commercial Avenue. I'm a school board member and director of a housing development corporation locally.

MR. POWELL. Would you each tell us briefly what your responsibilities are in your respective positions? Mr. Ewing?

MR. EWING. As a board member or—

MR. POWELL. Well, as a school board member, Mr. Ewing.

MR. EWING. Well, as a school board member I am one of seven elected members or at least individuals elected to give direction to the public educational system we have here in Cairo.

MR. POWELL. Mr. Anderson?

MR. ANDERSON. I am a Title I remedial reading teacher at Cairo Junior High School. Altogether I have a total of 55 seventh and eighth grade students, ages 11 to 14, in 10 different classes. Two of these classes meet daily, six of them on alternate days. Each class has no fewer than four students and no more than eight students.

Remedial reading students in the Title I program are those that have an IQ at least 80 who are according to tests results—who, according to test results, have a reading deficiency.

It is an assumption of the Title I program that special intensive instruction in small classes can result in some remediation of reading difficulties.

MR. POWELL. Dr. Duff?

DR. DUFF. I head the intermediate district, which in Illinois is the middle district level between the local school district and the State superintendent of public instruction. I'm a State employee paid by the State, considered an arm of the superintendent of public instruction.

I serve primarily in an advisory capacity to the local school districts within my region.

MR. POWELL. Mr. Anderson, Title I guidelines require full involvement of parents of such students in the planning and implementation of the Title I program. To your knowledge, have parents been fully involved in the planning and implementation of Title I programs in the Cairo School System?

MR. ANDERSON. To my knowledge, the involvement of parents in the Title I program of Cairo public schools has been very, very nominal. The advisory committee does exist, some of us learned this year, and it has made no reports.

I'm not aware of in what manner they have advised or been asked to advise.

Further, at present I am in doubt as to whether they have yet seen a copy of the Title I program that has been written for this district. On making inquiries, I have heard that they are attempting to secure it.

MR. POWELL. Dr. Duff, would you care to comment?

DR. DUFF. My office finds very little documented evidence that the parent committee here really functions according to the guidelines of Title I. We have made this exception and expressed our concern to the Title I section of the office of public instruction.

MR. POWELL. Mr. Anderson, Title I guidelines also require that teachers employed with Title I funds teach only in Title I programs. Do you know of any violations of these guidelines?

MR. ANDERSON. Yes, sir, I know of several violations. I can talk about one of them.

Mr. Lawrence Ware, who is presently a full-time teacher at Bennett School, was earlier in the year a Title I teacher aide at Cairo Junior High School assigned to work with remedial classes in reading and math. For 2 weeks Mr. Ware was used daily as an assistant in a non-Title I class in a building other than the one to which he was assigned, and he was used quite often as a substitute in regular classes, thus negating to a large degree his possible effectiveness as a Title I teacher aide. The students constantly complained of his absence.

Nonetheless, at the end of each week he was required to initial a Title I time book in the Title I office, 2037 Washington, certifying that he had indeed worked as a Title I teacher aide.

When I complained about this to the school administrator I was told that: "Mr. Anderson, you're the only teacher I know who would risk his job to see that the law is obeyed. We can always find a way to get rid of you."

Indeed, since the board has again dismissed me, I can hardly be blamed for seeing connection.

MR. POWELL. Mr. Anderson, have you been questioned by your superiors about alleged membership in the NAACP?

MR. ANDERSON. Yes, sir. In the summer of 1971 when I was re-applying for position with the Cairo public schools after having been dismissed allegedly for financial reasons, a top Cairo public school administrator, one in a position to recommend me for employment, asked me if I belong to the NAACP or the United Front. My wife was with me at the time and a witness.

The same administrator later told me that if positions were to become available for which I were qualified that he felt that it would be important that I not be a member of any organization that is a part of the conflict in Cairo.

MR. POWELL. Mr. Anderson, our staff investigation has turned up an incident involving a case in which a school administrator—student was not permitted to wear a button containing the words "Black Solidarity." Are you familiar with this incident?

MR. ANDERSON. Yes, sir, I am. In 1970-71 I was the sponsor of the first student council at Cairo Junior High School—at least 4 years. During a meeting of the executive committee of the Cairo Junior High School Student Council I was present when Mr. Mason, who was then the principal of the junior high school, told James Wilson, the presi-

dent of the student council, and also the president of the youth chapter of the Cairo NAACP, to take off the "Black Solidarity" button which he was wearing.

He actually didn't wait for James to comply. He removed the button for him in the presence of the other members of the executive committee.

MR. POWELL. Mr. Ewing, as a member of the school board, do you feel that the action of Mr. Mason in the incident just described was a proper kind of action to take, and if not, why not?

MR. EWING. Certainly not. First of all, I feel that administrators as well as kids or the youth in our school system are people, and we have to give the youth respect if we expect them to respect us.

And if Mr. Mason, or—I'm sorry—I called Mr. Mason's name—but if the principal at that particular attendance center felt that the button was offensive, I think that he had no right to pull the button off. It would have been a better procedure if he had called the youth in conference and discussed the matter with him. And, of course, if the youth was willing, you know, to take the button off, I think this would have been a proper procedure. But if he was not willing we still have to recognize people's constitutional and individual rights, you know, to express themselves in the manner that they see fit as long as they are not in violation of any of our laws.

MR. POWELL. Thank you.

Mr. Ewing, can you give us a racial breakdown of employment in the Title I program?

MR. EWING. Well, at the beginning of the year we had approximately five employees in the Title I program, both certified and noncertified.

MR. POWELL. Is that a total of five or a total of five black employees? Which did you mean?

MR. EWING. There was a total of five black employees.

MR. POWELL. Out of a total of how many altogether in the program?

MR. EWING. Approximately 26 to 27. I did a percentage breakdown at the time that school opened in the early part of the year. Title I program as far as certified personnel were concerned, we had a payroll of approximately \$148,225. Out of that payroll only 4.7 percent of it was designated, you know, for black certified personnel, and, of course, 95.3 percent was designated for white certified personnel.

Yet in comparison, out of approximately 900 students or close to 900 that are really eligible to participate in the Title I program, we find that the overwhelming majority of the students involved in the Title I program are black. Yet, the teacher-to-student ratio as it relates to black students to black instructors, we find a very low ratio.

MR. POWELL. Mr. Ewing, in your opinion, has the school administration made a good-faith effort to find qualified black teachers for either the Title I program or the district in general?

MR. EWING. No. And a little earlier in the year this has been admitted by some of our administrators, you know, that there has been an

effort, but I don't feel that the kind of concerted effort that should have been put forth was put forth in a situation where the majority of our school population is black.

MR. POWELL. Mr. Ewing, what is the total number of people employed in the administration office? And of that number, how many are black?

MR. EWING. Well, as far as district paid personnel there are either six or seven, and there are no blacks at all. In Title I—

MR. POWELL. You gave me those.

MR. EWING. You mean as far as Title I is concerned?

MR. POWELL. No, that's all right.

MR. EWING. I gave you the district figure before.

MR. POWELL. Yes.

MR. EWING. In the Title I office there are approximately five employees with the janitor in the building, and the janitor is the only black employee.

MR. POWELL. I see. Mr. Ewing, recently there was a Title IV program recommended to the school district for adoption. Would you please describe what the Title IV program was intended to accomplish?

MR. EWING. Well, Title IV is a Federal program that is designed to aid and assist school districts to work with problems that are incident to desegregation, and we had a definite need, you know, for that here in Cairo, because in 1967 through HEW the Cairo Public School System was forced to adopt the Princeton Plan, and, of course, the Princeton Plan being that there would be upper and lower grade centers on the elementary level, would have two grade levels on the intermediate grades, which was seven and eight in the junior high school, and also four grade levels in the high school.

MR. POWELL. Mr. Ewing, in your opinion, did all segments of the community have a chance to participate in the planning for this Title IV program?

MR. EWING. Would you repeat that?

MR. POWELL. In your opinion, did all segments of the community ultimately have a chance to participate in the planning of this Title IV program?

MR. EWING. Ultimately we did have, but only after a group of concerned individuals raised the issue that here was a program designed to deal with some of the problems that we were experiencing in our Cairo public school systems and once again the program was being brought into the system where the community knew nothing about what the program was designed to do nor did they have any kind of input into it.

So we raised issues about this, because originally what had happened, one of the Federal officials and one of our top administrators had gotten together and they had developed a program, and we just felt—and when I say “we” I'm speaking of, you know, many people in the community—that there should be broad-based participation.

Too frequently here in Cairo many, many programs have been brought in and only the officials have decided whether or not the programs were coming in. Yet many of these same programs within the framework of their guidelines, it has been pointed out that there must be citizens' participation.

So we had just arrived at a point where we felt that since this was one of the basic guidelines that we did indeed want to make sure that through some equitable means we would make sure that community people, teachers, students and, of course, administrators and parents would be involved in the planning and the implementation of the program.

And this did take place in the Title IV program. However, after many, many efforts on the part of the parents, the students, the teachers, and community people, after this was brought before the board with little or no consideration of what the program was designed to do, the program was killed by the board of education.

MR. POWELL. Mr. Ewing, in your opinion, what were the reasons underlying the board's rejection of the proposal?

MR. EWING. Well, first of all, there was a great deal of community pressure that was placed on some of the board members. During this period of time the John Birch Society members were quite active in voicing their opinion, and even though they had a right, you know, to attend the meeting. And I thought that this was good, because it for once sort of brought—well, created dialogue, you know, between the two communities, both the black community and the white community.

And for once at least on this program, you know, we were beginning to plan something together, you know, rather than something being planned and saying: "This is what it is."

But basically due to pressures and due to the feeling that this community harbors, you know, that Federal dollars mean Federal control, many people saw this as another avenue where another Federal Agency was going to pump money into Cairo and dictate to the citizens of the school community how to run their programs.

I think this was one of the basic fears.

And then once again I think I should also point out that in one of our attendance centers, I feel that the chief administrator in this attendance center encouraged most of his teachers, you know, to be against it—the Title IV program.

In fact, there was an election that was held among the teachers to find out, you know, the teacher support for the Title IV program, and, oh, about 95 percent of the teachers at three attendance centers were for the program, and there was another—At one attendance center there were approximately 18 teachers who were against it, and, of course, this was at our high school.

MR. POWELL. Could you identify that administrator who so indicated that he was against it?

MR. EWING. Well, the individual was the principal at the Cairo High School, Mr. Leo Verble.

MR. POWELL. I see. Mr. Ewing, recently the office of superintendent of public instruction funded a Title VI program for the Cairo public schools. Did the conditions of that grant require that a black director be hired to administer the program?

MR. EWING. It did.

MR. POWELL. And did the school district in your opinion make a good-faith effort to find a black director?

MR. EWING. I think there were several factors involved. An effort was made, yes. There was several phone calls, and several other contacts were made.

There were a few other things that was involved in this. First of all, during the time of the year that the program—that we finally got the program off of the ground or at least got it approved, individuals having the qualifications that the job required—It's a little difficult to find people with this kind of background, you know, that late in the year.

But, on the other hand, I think I must confess that I know for a fact through some of the connections and stuff that I have as president of the local branch of the NAACP that there are people available.

I have talked with some of the officials at OSPI. There was never really an official request made to the office of public instruction asking them to assist them in finding a person.

And, of course, the office of public instruction, they are only able to assist school districts in this manner upon request.

MR. POWELL. Dr. Duff, what is the current financial situation of the Cairo public schools?

DR. DUFF. I have a prepared statement. May I read it?

MR. POWELL. Hopefully, it's not too long. You can submit it for the record if it's going to be more than about 3 or 4 minutes.

DR. DUFF. I would like to—Because you can't go into this in a piecemeal fashion.

MR. POWELL. Good. Fine.

DR. DUFF. You must have some longevity to it—

MR. POWELL. Fine.

DR. DUFF (continuing) And a little bit in depth. And I would appreciate that opportunity. I will read as fast as I can.

I wish to preface my remarks by saying that in recent years the composition of the Cairo Board of Education has changed rather rapidly. Most of the present members are either in their first term of membership or they are completing their first term of membership.

This rapid turnover works against sound planning, direction and long-range goals in school finance as well as in educational programs.

Thus, the boards of education in recent years have not mandated curriculum changes based on student characteristics and need followed by the establishment of priorities for curriculum changes and a process of elimination of courses of lesser priority. Multiethnic materials had to be mandated by local citizens' petitions and public hearings. Yet a large percentage of the student body has been and is currently black.

The board of education has not employed or designated any employee as business manager who would work their money claims to the fullest extent under the law, initiate new money claims such as impaction aid, and who could give direction to staying within the adopted budget.

Given proper supervision, when emergencies arose, then something else had to go or additional resources found in order to stay in line with revenues.

With administrative changes which will be discussed later, this important function of business management of approximately \$1.5 million has been seemingly everybody's business.

Our office met with the committee of the board in the spring of 1969 and advised them to hire or pull from among their employees a qualified business manager because of the severity of the financial condition of the schools. This was not done, and to this date the business affairs are handled by several administrative staff members and thus lack adequate overall coordination.

Except as provided by the daily newspaper for coverage of board meetings, no planned program of telling the public about the schools, their strengths as well as their weaknesses, has been in existence.

Our office in a meeting with the president of the board and its attorney in the spring of 1968 advised the district to initiate such a program, since it was evident that a tax raise was then needed.

Newspaper reporting is good but, after all, newspapers sell newspapers and not necessarily the public schools.

No organized program of public relations that depicts the school financial base is yet in effect today other than newspaper coverage of board meetings.

Our office has repeatedly requested the board to give the people a chance to vote for or against a tax raise. The comment was always that people won't vote for more taxes. Our comment: But the people should be given a chance to vote their expression. If they don't vote an increase, then they're telling you as board members that they expect you to live within what they're providing you and, if necessary, you will have to cut programs.

This past December 1971 the board gave the people their first chance to vote for an educational tax raise in 10 years and 3 months, the last vote and increase in tax being in September 1961.

During the consolidation of Cairo and Sumner High Schools in 1967 and 1968, student unrest was prominent. At the close of the 1967-68 school year the Cairo schools lost their superintendent of 6 years, assistant superintendent, high school principal, and junior high school principal. Thus began the rapid turnover of administrative staff.

The new superintendent of 1968-69 employed approximately \$120,000 of additional staff by November 1968 over and beyond budgeted staff allocations by use of blank contracts, contracts signed by the board with the employee and salary lines vacant.

The secretary of the board brought this to our attention, and we asked for administrative review by the State office of public instruction.

I personally went to Springfield and requested this review.

For reasons unknown to us, the office of superintendent of public instruction did not come in with assistance until some 46 letters, according to Mr. Robert Grant, from concerned parents in Cairo were received by Mr. Robert Grant, the then assistant superintendent in charge of recognition.

On March 5, 1969, the office of superintendent of public instruction staff did come to Cairo for an administrative review. Documentations of this review with recommendations are attached hereto as well as additional evidence depicting the Cairo schools' financial plight.

I will skip a portion.

The 1968-69 superintendent of schools resigned effective September 1969, and the then assistant superintendent, who was hospitalized with a heart attack during September 1969, was appointed acting superintendent of schools and later appointed superintendent of schools.

The 1969-70, 1970-71 superintendent knew Cairo's school problems, since he had been an employee of the district 18 years, from 1951 to 1969. Under his leadership the board reduced the staff in March 1970—all first-year, nontenure teachers.

By fall 1970 other administrative staff somehow managed to get practically all of the vacated positions and their buildings refilled.

He again led the board of education in January and February 1970-71 just before he resigned in a staff reduction, and again all first-year certificated teachers received notices.

During the middle of February 1971, the president of the board called at my office and inquired as to the pertinent issues facing the schools at that time. Together we decided that he would call a special meeting of the board and I would prepare the agenda—the board at this time had not designated anyone as acting superintendent—and that I would attend this special meeting.

This I did. I leave with you copy of this special meeting agenda of February 25, 1971.

(Copy of this Agenda is on file at the Commission.)

As you can readily see, this special meeting was primarily devoted to the schools' financial condition.

At the February 25, 1971, special meeting the principal of Cairo Junior High was the only administrative person who said that his building could maintain a staff cut. He said that when he came in the fall of 1970 to junior high that he felt the building was overstaffed.

However, the high school principal said he could not maintain quality education in his building with any cut of more than three certified teachers.

At this meeting the board designated the administrators to study staffing plans and report back to the board.

This reduction, which came into being for the present year 1971-72, has been the first major effort of any size toward moving into the realm of balancing income and expenditures.

Most school finance authorities would say that this effort has been very slow in developing, and maintaining this effort is certainly on the plus side for the present board of education.

I would like now to show you some of the average daily attendance figures in this district.

In 1965-66 the average daily attendance for the year was 1,977.01.

In 1966-67 it had fallen to 1,818.82.

In 1967-68 it had fallen again to 1,718.25 students.

In 1968-69 it had been further reduced to 1,632.16.

In 1969-70 it was down to 1,182.22.

And in the past year closed that we have complete figures, in 1970-71, there was another slight reduction down to 1,176.77 students.

Now, for comparison purposes, the neighboring school district, No. 101, Meridian, at Mounds, has 82 teachers for 1,725 students in K through 12 grades, while the District No. 1 has 82 teachers for 1,343 students in K through 12 grades as of September 1971.

These figures are taken from the 1971-72 Directory of Illinois schools, the office of superintendent of public instruction in Springfield, just released this week.

The amount of deficit financing, which is from these school treasurers' records, shows that in 1965-66 and in 1966-67 there was no need for deficit financing because in the spring of 1965 the district issued \$155,150.46 of funding bonds. These bonds were by back door referendum of May 1965 to pick up outstanding teachers' orders at the close of that year. Therefore, no anticipation warrants are shown for the 2 years there.

In 1967-68 the district issued \$180,000 of anticipation warrants.

In 1968-69 the district issued \$280,000 anticipation warrants plus \$7,450 loan from the building fund.

In 1969-70 the district issued \$210,00 worth of anticipation warrants less a loan due from the transportation fund of \$6,500.

For the last completed, fully completed, year of 1970-71 the district issued \$214,000 worth of anticipation warrants plus \$45,000 loan from the building fund.

These figures reflect the condition of the educational funds as of June 30th of each of those respective years.

The other figures I will skip over, but they show the continual excess of expenditures over income.

The monthly attendance records to date for 1971-72 show a decrease in average daily attendance over the 1970-71 school year, so additional cuts in staffing and/or programs or finding additional sources of income are mandated for the 1972-73 school year.

This sort of summarizes the records of the financial condition of the Cairo public schools.

I leave with you a list of exhibits from the legal notice to the critical financial situation that have appeared in the papers: "Why Our Schools Are Bankrupt" that appeared in the East St. Louis Monitor.

Superintendent Evans to the present recommendations on reduction of school district deficit of 1968.

"The Cairo Schools Appear Able to Operate for Balance of Term" Cairo Evening Citizen, January 1969.

"Superintendent Evaluates Crisis Facing Cairo Schools, Course of Action Open to Help Solve Problems" of January 15, 1969.

Memorandum from Fred Bradshaw in the Office of Superintendent of Public Instruction, the subject of Cairo community school district's financial analysis of March 1969.

The letter from Robert C. Grant, the then assistant superintendent of recognition and supervision, to John Evans, the then superintendent of Cairo schools, regarding administrative financial review of April 1969.

The resolution from the Cairo Board of Education to the office of superintendent of public instruction for withdrawal of the supplementary State aid claim of December 31, 1969, which resulted in the overpayment, in which the district accepted the overpayment of State aid.

The Alexander-Pulaski County follows a population loss—showing the general population loss in our area over the past 10-year census periods.

Another exhibit the letter from A. R. Evans—

MR. POWELL. Dr. Duff,—

DR. DUFF. I'm through.

MR. POWELL (continuing). We're going to ask you to submit that entire document for the record.

DR. DUFF. Thank you. I have a complete set.

MR. POWELL. Madam Chairman, with your permission, I would like to have this rather extensive factual data from Dr. Duff entered into the record of these proceedings.

COMMISSIONER FREEMAN. It will be received. The Clerk will get the document from Dr. Duff.

(Whereupon, the document referred to was marked Exhibit No. 8 and received in evidence.)

MR. POWELL. Mr. Ewing, how does the present financial situation affect the ability of the district to provide a quality education for students enrolled in public schools? And in the course of commenting on that, would you please tell us whether or not in your opinion the curriculum of the Cairo School System is revelant to the needs of all children?

MR. EWING. No, I don't feel that it is, not currently.

First of all, I have been complaining for the last 2 years that I have been on the board. I have been overly concerned about the reading levels of many of our students.

We have had a Title I program in this district for a number of years. Yet we have students that are reading four and five grades below their grade level.

Our curriculum is designed for college-bound students. I think we recognize or at least we should recognize today that every student is not really a college-bound student, that we have many students, you know, that are going to enter into some of the other semi-professional skills.

Our youth in this community—We don't have that kind of opportunity, simply because our curriculum is based on Carnegie units, and that's basically set up for college-bound students.

So I think there's a lot to be desired in the curriculum that we have here. We have talked about changing it ever since I have been on the board, you know, but for some reason we have just not had, in my opinion, the proper kind of competent leadership that we need in our school system in order to get the job done, you know.

And I think that speaks for both the curriculum aspect of it and also the financial aspect of it.

I think with the many, many Federal programs that a community like Cairo would qualify for, yet we are not taking advantage of these things, you know, in order to implement some of the programs, you know, that are basically designed to give that kind of quality education to each child, you know, regardless of what his desires are, whether he has the ability to go to college or whether his desire is to seek a vocational education.

MR. POWELL. Mr. Ewing, our investigation indicates that there is an extremely high suspension rate in the Cairo schools, particularly at the high school level. Earlier testimony indicates that such actions might even be higher because some of the students—It has been indicated that she was sent home without even a formal suspension.

Would you please describe the use of the suspension tool in the Cairo public schools?

MR. EWING. I'd like to make one correction. I think the suspension rate has also been high at the junior high school level, too.

MR. POWELL. Also at the junior high school?

MR. EWING. Yes. Well, I think in the past so many incidents that took place in our school system have been treated as racial incidents when really in actuality many of the incidents were incidents that kids normally have whether they are in an integrated school system or whether they are in a school system whether it's all-black or whether it's all-white.

Yet because of the lack of understanding on the part of the administration, and in part the staff, and because of the repressive kind of attitude that many of the parents display, it has led, you know, to a great deal of overreacting to many minor problems. As a result of this we end up with many kids being suspended at a time when they should be counseled.

And so I think this is one of the things that has accounted for the high-suspension rate.

In addition, here recently we have had quite a number of—well, I guess we can call it suspension, but for the past 2 or 3 years one of the civil rights organizations in the community—namely, NAACP—we have had sort of a running fight with one of the top administrators in one of our attendance centers concerning dress.

And despite the fact that the board has made decisions based on the recommendations made to them by the attorney that it is a violation of a person's individual right, you know, to try and tell him, you know, how to dress—And, of course, all the Federal courts have basically substantiated this. They have basically said that an education is too important to be based on, you know, what one's physical appearance is.

But because of the fact that one of the administrators felt, you know, that regardless of what the board said or regardless of what the Federal courts say, you know—His idea was that it was not conducive to the learning situation.

And I have constantly pointed out that if we look at the dress of some of the students on our campuses, on our university campuses, we find many brilliant students with long hair and with many other situations, you know, that the person in question, you know, was opposed to.

So I think there is no direct relationship between how one is dressed and his ability to learn.

So I think there has been this kind of harassment that has caused much of the dissension and much of the suspensions that have taken place in our educational system here.

MR. POWELL. Thank you.

Madam Chairman, I have one last subject of inquiry to Dr. Duff.

Dr. Duff, you are responsible for the administration of the adult vocation program at the Cairo Egyptian Adult Vocation School? Is that correct?

DR. DUFF. No, not exactly. May I explain that it is a cooperative program, a joint agreement, between the two districts in this county, and our office helps as we can, and I serve as chairman.

The funding district is the Cairo School District No. 1. They are the administrative district. We abide by their due process for student suspensions.

MR. POWELL. Okay. Dr. Duff, are recipients of general assistance in this county required to attend this school with the condition of receiving assistance?

DR. DUFF. It's my understanding.

MR. POWELL. May we have a copy of the standards that are used in expelling students?

DR. DUFF. Yes.

MR. POWELL. Thank you.

DR. DUFF. I have filed it with my evidence. It's one of the exhibits A through T.

(These Exhibits are found in Exhibit No. 8.)

MR. POWELL. To your knowledge, Dr. Duff, if a student attending the school is suspended from that school, is his or her right to receive general assistance terminated?

DR. DUFF. That is my understanding. I know of one case.

MR. POWELL. This is so even though the training which that person is required to receive, there is no job available in the county? Even if there is no job available for that training, he is terminated from general assistance? Is that correct?

DR. DUFF. I have talked with the general assistance office, and I talked with the case worker of that particular student in an attempt to get the assistance agency to reevaluate in this case because the student wasn't oriented toward learning at that time.

MR. POWELL. All right.

DR. DUFF. He had been in and out of the school, and disruptive behavior from class to class, and language. It had gone on since August. And I wasn't able to get the agency to change their—

MR. POWELL. Dr. Duff, just briefly, without going into details about specific cases, students are required to take such vocational training, and if they don't they are terminated? And this requirement obtains even though that training is for a nonexistent job in the county? Even if there are no jobs in the county for which that person is being trained, they are required to take it, and if they don't take it they are terminated in general assistance? Is that correct?

DR. DUFF. It's my understanding that all able-bodied local general assistance recipients are assigned to the school when they come in and start to receive assistance.

MR. POWELL. Madam Chairman, I have no further questions.

COMMISSIONER FREEMAN. Commissioner Mitchell?

COMMISSIONER MITCHELL. I would like to address this one to Dr. Duff.

Dr. Duff, the Commission in coming to Cairo is pursuing among other things its conviction that one of the important opportunities that will in the end produce a society of people who can live with each other under more equal circumstances is the opportunity for equal education or an equal opportunity to have a quality education.

And so it views any circumstance in which the schools are in jeopardy with particular interest.

Now, I know something about this part of the State of Illinois for an unusual reason. Seven years ago I was vice chairman of the Illinois State Junior College Board.

DR. DUFF. Right. I remember you.

COMMISSIONER MITCHELL. I was the original vice chairman of that board and traveled around the State with my colleagues—

DR. DUFF. Yes.

COMMISSIONER MITCHELL (continuing). Receiving applications for the establishment of junior colleges, community colleges.

And the reason the State was then interested, as you will recall, and continues to be, is that it suspected that not everybody was going to be college-bound—

DR. DUFF. Right.

COMMISSIONER MITCHELL (continuing). And that education beyond the secondary schools was going to be very important.

DR. DUFF. You recall that our junior college was set up—

COMMISSIONER MITCHELL. That's correct.

DR. DUFF (continuing). Primarily 50 percent or more to be occupational, semi-technical, and that we are striving to eventually get to.

COMMISSIONER MITCHELL. That was one of the reasons it got one of the early approvals, as a matter of fact.

DR. DUFF. Right.

COMMISSIONER MITCHELL. And it was a marginal situation.

DR. DUFF. Right.

COMMISSIONER MITCHELL. Now, one could tell down here in the southern part of Illinois, as one can tell in some other parts of the country, that all of the things you have just been talking about are inevitable. Some communities lie in the path of a departing civilization, population—

DR. DUFF. Right.

COMMISSIONER MITCHELL (continuing). So they are just going to get smaller.

DR. DUFF. Right.

COMMISSIONER MITCHELL. Some communities are in circumstances in which there are going to be fewer college-bound students and the curriculum isn't going to serve the essential needs of the original community.

And some communities are not going to be able to deal with this change—integration, departing population, depression in the area.

We heard some young people here tonight announce their conviction that they are going to get up and go. I live in a State where people are coming, so we have the reverse problem of how do you stop people from coming so rapidly?

Now, what kind of planning is going on? What should the Commission be trying to recommend to HEW, to the State commissioner of education here in Illinois, to deal with these kind of problems?

What you have here seems to me to be as an old businessman a good example of frightened management incapable of adjusting quickly enough to deal with changing problems which appears to have plunged your school system into some real economic problems, relatively over-staffed and incapable of adjusting itself to intelligent staffing that meets the real fiscal capabilities of the community on the one hand, the needs of its community, which is a very specialized one, on the other, and taking advantage of existing outside programs in the third place.

Now, is there a program in Illinois—should there be a program at the Federal level?—to deal with contracting situations like this? Is it just money? Or is it teaching people how to live in a new kind of management era of school operation?

That's a tough question, but I'd like to hear your thoughts about it.

DR. DUFF. I don't think it's entirely money. In our area—You understand that I have maybe served too long in my capacity. This is my 17th year as superintendent. So I find a great reluctance to change, particularly educationally.

When you and I know that society has made tremendous strides, our schools just do not come up with—to any grips with changing their programs, like Mr. Ewing points out.

We would hope through the Title VI program that this needs assessment of students would realistically be made rather than, you know: "I guess that you need this as staff." And involve our students. Because we have a smaller group going on to higher education. And in that I include the technical programs as well.

Normally some 30 percent of our students. And we have traditionally, you know, been a college prep program in the public high schools. And how we in our community make this switch in a realistic manner has been too difficult for us to manage and we do not have—In a local context we do not have a consensus of agreement between the board and the board members and the administrative staff and the community to put their shoulder to the wheel and actually implement these changes that you and I know must be made in any educational institution if it's going to continue to live and if it is going to to continue to have a smaller credibility gap and get public funds to operate and do a quality job.

And you and I well know how important education and training is. But we have left out the whole field of career education. We have said: "You go down there", you know. "If you're in the college trap, you're fine. You're smart. But if you would happen to go over here, you're going down." We have this dichotomy that I as an educator would like to erase and put all jobs on an equal basis whether you are a college graduate or if you are going to run a bulldozer or be a welder or a plumber.

We must come into a more realistic, relevant curriculum in towns like Cairo and Alexander County; not only Cairo but my Egyptian district faces this same problem. How do we manage this? How do we get it done?

I would like to think that we'd be well along the way by now, but we are not.

And so we then lose what resources we have because we are still back here paying for low priority things that we ought to reverse and put into real meaningful, relevant things that come to life for boys and girls. And that's what this group of three youngsters here were saying tonight.

COMMISSIONER MITCHELL. Thank you.

Mr. Ewing, what are you spending per student in the Cairo School Systems?

MR. EWING. Right now it's pretty close to \$600.

COMMISSIONER MITCHELL. You have got a private school that says it's delivering quality education for \$340. Is that because they are not paying for all the old mistakes of the past?

MR. EWING. Well,——

COMMISSIONER MITCHELL. They are selling education at a dollar a day and less.

MR. EWING. Well, I think as we have pointed out, you know—at least as I have tried to point out now—that even though we are spending that kind of money in the public schools——

COMMISSIONER MITCHELL. You're not delivering quality education?

MR. EWING (continuing). We're not delivering that kind of quality education, you know, to students.

DR. DUFF. May I interrupt there? We spend more than that, Van. We are spending close to \$1,000 a student in public schools.

The thing that disturbs me greatly as an educator is that we have this feeling in our community that we will just run full blast as we are until we just close our doors and then we will let the State take us over. That's frightening to me—that we do not have the will, the will power, the strength, nor are we willing to accept our responsibility as administrators and as board members to do the things we know we should do in education and, as I pointed out, get our house in order.

This is the third year that we have gotten rid of all first-year staff, and when that happens, you know what happens to the morale of your teachers. Wouldn't you hate to head that kind of institution? I would.

COMMISSIONER MITCHELL. If I were moving an industry around the country and looking for a promising place to put it, I'd be horrified at a place that had a busted school system, that was limping along on flat wheels and had no real future and hadn't resolved its basic community relations problems and was looking for even worse.

DR. DUFF. But Cairo is eligible for almost any program, but you must have the program before you can get the funds.

We have people who think they ought to get the money first. That's a little awkward.

COMMISSIONER MITCHELL. Well, I'm glad to hear you say—to hear that somebody has got some determination, who views this with hope and with an aggressive approach. I think that's going to be the ultimate hope for communities like this.

This is really my interest in talking about education here tonight. Cairo is duplicated in many places in this country.

DR. DUFF. Right.

COMMISSIONER MITCHELL. And the opportunity for a future——

DR. DUFF. And you have——

COMMISSIONER MITCHELL (continuing)—which adults hold in their hand in behalf of children is being wasted.

DR. DUFF. And you have many communities just like ours flat broke, educationally speaking. But we need a curriculum that meets the needs of our students. And then I have a personal belief and faith in young

people that the unrest will greatly diminish and that the administrative time that is spent in dealing with unrest could be spent in much more profitable educational pursuits of faith and responsibility of our young people.

COMMISSIONER MITCHELL. Thank you both.

COMMISSIONER FREEMAN. From the testimony that the young people gave that we heard today, it appears that the unrest is fomented not by the young people but by the old people, by adults who are racists and bigots and haters.

And, of course, this is the kind of attitude that is debilitating and that will kill off any community.

I'd like for each of you to speak to what strengths, if any, you see here in Cairo and what forces there are that need some support.

Maybe there are people of good will who are just afraid to speak out. If so, what is it that an agency like this Commission could do to give them support, to at least encourage them to speak out and to get up off of it so that at least the path will be upward rather than backward as it seems to be now? And I'd like the impression from each of you.

You are going to have to leave it to the young people? Are there any people who are over 21 who want something, who have a sensitivity, who have a belief in brotherhood in this city?

MR. EWING. Well, I think that—Or at least recently I believe that we are beginning to see some ray of hope with some people that are at least willing, you know, to be—See, the problem here in Cairo, most whites are afraid to be identified, you know, with working with blacks even if it's on a very constructive basis, you know. Because they fear the criticism of their peers.

So I think that this has been one of the things, you know, that has kind of held back quite a bit of the progress in the past.

But now I am beginning to see some small rays of light. Because we have some common things of common interest among each of us. Basically that is our children, you know.

Some of the parents are fearful of the fact that we may not have a public school system, and all of us here or at least most of us, the overwhelming majority of us, are poor in this community. We cannot afford to send our children to private schools. Yet we are concerned about our children having the best quality education, you know, that can be afforded.

So we are beginning to get a small trickling of parents that are beginning to recognize some of the problems that some of the people in the black community, you know, have been pointing out, you know, some of the ills that have existed in our school system.

Before, it was just a matter of, you know, black people raising hell, you know, see, or just complaining, you know. But now they are beginning to realize that if the public school system closes that their children are just as bad off as our children are, see.

So some of them are beginning to say: "We have to try to save our schools," you see.

I saw this trend beginning with the inception of the Title IV program. It was basically a handful of people that raised a lot of Cain about the way that the program was being set up. We ended up with biracial group equally represented among both parents, students, teachers, and community people that got themselves together.

There were some rough times initially. But once they rubbed shoulders together, you know, and we got that part of it out of the way, we pretty well settled down to write a pretty darned good program.

So I think this was the beginning of the trend, see. And since that time certain individuals among this group have kind of continued to stay together, you know.

This past Monday night there was another appeal that was basically made by the same group, you know. We have PTA involvement, you know, where we have a biracial group that is saying: "Look, we demand that we be a part of the decisionmaking process," you know.

There was one time when this would happen we got no response from the board. But basically because of the efforts of my being on the board and other people, out in the community continuing to struggle to bring this thing about, we are beginning to at least have some positive reaction.

The problem is when this thing comes about we are broke. In fact, we are in debt approaching half a million dollars, you know, or at least a third of a million dollars.

So it's going to be kind of difficult, you know. But more people in the community is going to have to recognize, you know, that the foundation of any community is a good quality education system, you know, see, because if we don't provide a good educational system for our kids, what can the community survive off of, you know? We have no future leaders, you know. So we may as well all pack up and either leave or just hang around and die.

So this is really the choice and the option that the people in the community have, you know. If they want anything to happen to Cairo, they have got to get away, you know, from what has happened 3 years ago, 5 years ago, or even 6 months ago. They have got to look at the situation today and look at where they are and make up their minds where they want to go if they want to go at all.

If they don't want to go at all, you know, we may as well give it up and let's shut everything down.

But if they want to do something, we're not going to go any place divided as we are in this community today.

So I think this is the kind of thing, in answer to your question, that has to happen, and I see some small rays of light. It's just unfortunate, you know, that there is not more light shining through.

COMMISSIONER FREEMAN. Mr. Anderson or Dr. Duff?

DR. DUFF. I somewhat agree with Van. I think that our community will grow as we have interaction of the groups. I think we have to get down into the nitty-gritty and work out very realistically from where

we are to where we would like to be and face our problems and work on programs and forget personalities.

And I have great hopes through our young people that they, since they do not live in the realm of the academic world to the point that I did when I was a young person—that they want to meet real life—that the young people would help us do this job, but only as we as leaders give the opportunity to our parents, to our teachers, to our students to have this interaction.

As long as we allow programs to leave our community without this interaction, be it Title I or Title IV, we lose. We can no longer as leaders plan programs for other people without their knowledge. It just doesn't work. There has been too much of that.

We must individually bring people together, small groups as well as large groups, and we as public school people have got to talk to our parents in a different vein than we have in the past, telling them the many good things about their children, not the bad things but the good things, and then provide a school system by which every child can find success in some way every day before he leaves that school and build this rapport between parents that makes the true partnership that education really is rather than our old way of saying: "I'm the teacher. I'm the god in these four walls and you as a parent, give me your child. Then you get out of my way."

That doesn't work any more. It never did work.

We have got to bring the groups together in small ways, individual ways, and do this.

I don't think we can do it in massive groups because you and I just don't talk in a mass very well. But individually, in small groups, by a teacher who brings her parents in for coffee and rolls and talks to them about the good things her children are doing—It's things like this that are going to bring us a new and better world.

COMMISSIONER FREEMAN. Mr. Anderson?

MR. ANDERSON. Many of the remarks that are from time to time made seem to me to be unduly idealistic, foolishly optimistic. We constantly hear the refrain: "Get yourselves together. You're the only ones who can help Cairo." The youth must do it by getting themselves together. The adults must do it by getting themselves together. Senator Percy tells us this. We tell ourselves this.

There are those, on the other hand, that went out and who believe that as someone has said the reservoirs of local good will have been largely exhausted or depleted or never existed in the first place, and they feel that the only solutions, only real viable solutions, lie in massive financial and, I would add, legal assistance from outside.

I see little hope in changing people's behaviors. I see much hope in restraining their actions through legal procedure.

I submit that what Cairo needs is to subsidize a few more Preston Ewings to work locally, daily, that it would perhaps help, as someone said to me today, to have the Civil Rights Commission or some Sub-

committee of it or somebody or some group with the same concerns monitoring the affairs of this community from day to day so that we have very often occurring what is happening here tonight—those things which have previously been taking place in secret being shouted, so to speak, from the housetops.

I feel that it is quite apparent that the process of legal appeal is lengthy, costly, agonizing for the individual who operates from his meager financial resources in opposing those who spend the public money lavishly to oppose their obvious and apparent rights.

And I feel that somewhere in this area, a massive financial and legal assistance from outside for those who need it in order to contend against the impersonal, dehumanizing events that take place in this community—that it's somewhere here that the Commission could help us.

I don't know what I'm talking about that could, you know, do this kind of thing. There are some kinds of programs underway.

But I think I'll just wind up by saying that instead of saying, you know, Cairo needs to get itself together, I think we need to say, you know, that we don't down here die, you know, by ourself. If we die, we're not the ones who are completely responsible for it.

COMMISSIONER FREEMAN. Mr. Buggs, do you have any questions?

MR. BUGGS. No questions.

COMMISSIONER FREEMAN. Thank you. You may be excused.

Mr. Powell will you call the next and I believe this would be the last witness for this evening session of the hearing?

MR. POWELL. Madam Chairman, the next witness is Mr. Gene Mason.

(Whereupon, Mr. Gene A. Mason was sworn by Commissioner Freeman and testified as follows:)

TESTIMONY OF MR. GENE A. MASON, SUPERINTENDENT, CAIRO PUBLIC SCHOOLS, ACCOMPANIED BY MR. JOHN HOLLAND, COUNSEL

MR. POWELL. Let the record show Mr. John Holland is accompanying Mr. Mason as his counsel.

Mr. Mason, would you please state your name, address, and occupation for the record?

MR. MASON. Gene A. Mason, Superintendent of Schools, Cairo, Illinois, Route 6, Mayfield, Kentucky, address.

MR. POWELL. Mr. Mason, how long have you been employed as superintendent of schools? And where were you employed prior to being appointed to your present position?

MR. MASON. I have been employed as superintendent of schools since March of 1971, and prior to this I was principal of Cairo Junior High School.

MR. POWELL. What other kinds of experience have you had? You taught here for 1 year and—

Mr. MASON. Prior to being principal of Cairo Junior High School, I was principal of the elementary school in Hickman County. That is in Kentucky. Prior to this I had taught biology and coached basketball in Grays County, Kentucky.

Mr. POWELL. Mr. Mason, would you please tell us how many students are presently enrolled in the Cairo School System and what percentage of those students are black?

Mr. MASON. There's presently 1,320 students approximately, give or take a few. About 68 or 69 percent of those students are black.

Mr. POWELL. Mr. Mason, would you please explain the financial crisis presently facing the Cairo School District?

Mr. MASON. Well, the present situation has been coming about now for about 7 or 8 years, and I guess now what the State is asking this district to do or these kids to do is pay the price for the mistakes that's been made 7 or 8 years ago and has been building up to this time.

At the present we have issued \$140,000 anticipation warrants on the 1972-73 school year. This means that we have spent \$140,000 of the tax money that's coming in in 1972-73 plus we owe the building fund or the educational fund owes the building fund \$25,000.

Now, we were presently paying back the State \$81,000 which was overdrawn in 1968-69 and the State refunded this \$81,000 to this district this current year.

Mr. POWELL. Mr. Mason, what effect has the creation of the all-white Camelot School, private school, had upon the financial situation of the Cairo public schools?

Mr. MASON. Well, it's simply decreased our ADA, which has decreased our State aid. Of course, we don't have that number of students which we have to hire teachers for, but it had hurt us in our student population which we received financial assistance for from the State.

Mr. POWELL. The fewer students in the public schools means less aid to the district?

Mr. MASON. Less State aid, yes.

Mr. POWELL. Mr. Mason, how does the present financial situation affect your ability to provide a quality education to all of the students enrolled in the public schools?

Mr. MASON. Well, in education, as in other areas, you have to have money in order to buy education. And the smaller amount of money that you have to operate on, the lesser the education I guess we could say.

Mr. POWELL. Mr. Mason, what efforts have you made to make the office of superintendent of public instruction aware of the financial crisis facing the Cairo School District?

Mr. MASON. I have written a number of letters which has been turned over to the Commission requesting financial expertise from Dr. Bakalis. I have also written letters to Dr. Bakalis requesting a 2-year delay on the repayment of the \$163,000 that is presently owed back to the State with the hopes that the legislature will do something within

a 2-year period of time which will improve the funding of districts such as ours.

MR. POWELL. Madam Chairman, at this point in the record the letters to which the reference has been made will be made part of the record.

COMMISSIONER FREEMAN. They will be received.

(Whereupon, the documents referred to were marked Exhibit No. 9 and received in evidence.)

MR. POWELL. Do you feel, Mr. Mason, that the office of public instruction has been responsive to your request for financial and technical assistance?

MR. MASON. Well, most every time that I have called they have come down here and stayed 3 or 4 hours and gone through the buildings, and I have gotten letters from them, and these letters, some of these letters, saying that "you're going to have to live within your means." And since our debt is so great and we are paying out quite a bit of interest each year, it's almost impossible to adopt a balanced budget without a large reduction in staff.

And at the beginning of this year we had reduced our teaching staff by 17 teachers. We also decreased our number of noncertified personnel. We were trying to get an approximate reduction of \$200,000. I think we ended up with about \$185,000 reduction in money.

Before the year is over, the legislature mandated a teacher salary increase which amounted to the sum of about \$40,000, which meant that we had only decreased \$140,000.

MR. POWELL. You are saying that the office of superintendent of public instruction has required that you adopt a balanced budget and that's going—

MR. MASON. For this next school year. This is a requirement that was made when we accepted the \$81,000 and which they returned to us this current year.

MR. POWELL. But as I understand it, you have as yet made no effort to in fact adopt such a budget, have you?

MR. MASON. Well, I have drawn up a partial budget, but we had a board meeting last Monday night and plans were discussed, and it was brought out that the community and the teachers should be involved in this process and explained to exactly what do we mean by split session, what do we mean by year-round school, what will this do to our educational process, how much money does this mean in the way of savings.

And we are in the process now of having meetings with parents and teachers and getting their ideas on this and explaining these different plans to them.

I just had a meeting at 6 o'clock over at Bennett School with some parents and some teachers.

MR. POWELL. If you were to in fact adopt a balanced budget and assuming that the adoption of that budget still left you in the red, do you think there might be some prospect that the office of superintendent of instruction might be forthcoming with assistance, further assistance?

MR. MASON. Well, there might be a possibility that he might delay payment of this \$163,000 that we currently owe the State.

MR. POWELL. Mr. Mason, does the Cairo School District receive Title I funds? It does? Is that correct?

MR. MASON. Yes, it does.

MR. POWELL. What is the amount of Title I funds received by Cairo public schools?

MR. MASON. About \$214,000.

MR. POWELL. What percentage of the students in Cairo schools are eligible to participate in Title I programs?

MR. MASON. Are you talking about the district as a whole or public schools?

MR. POWELL. I should break that down in terms of the public schools first and then, if you have the figure for the private schools, I'd like that also.

MR. MASON. There's 1,247 altogether. I would imagine about 900 of those students go to public school.

MR. POWELL. Thank you. Mr. Mason, we have heard testimony this evening concerning the operation of the Title I programs. There was one allegation that Title I guidelines require the involvement of parents in the planning and implementation of Title I program, that although there is a Title I committee there is actually very little involvement of the parents in the planning and implementation of the Title I program. Would you care to comment on that?

MR. MASON. Well, there is a biracial committee, a nine-member biracial committee, parent advisory committee, for Title I. They have meetings once a month. The agenda sometimes is sent. Sometimes they don't have an agenda. But a letter is sent to them telling them of a time and a place of the meeting. Sometimes they have an agenda.

There is maybe not as much involvement as should be in our Title I program, but we are trying to better this by getting more parent participation. We can send these letters out all day if we can't get any parents to attend these meetings.

MR. POWELL. We have also heard that although Title I guidelines require Title I staff to engage exclusively in Title I programs, they are, in fact, required to involve themselves in other programs such as substituting and what not, and that notwithstanding the fact that they are in fact required to engage in activities outside of the Title I program, they have been obliged to sign affidavits or documents to the effect that they are limited to Title I programs.

Would you care to comment on that? Are you familiar with this practice?

MR. MASON. Yes, I am.

MR. POWELL. Would you care to comment on that?

MR. MASON. Well, this is true, particularly earlier in the year, because students hadn't been tested and we had no students for the Title I teachers at the beginning of the school, and so they were used as substitutes. And Mr. Ware, who was a teacher aide at the time at

Cairo Junior High School, was used as a teacher aide—or a teacher—at times to substitute for a district teacher or for a Title I teacher who was absent.

Mr. Ware had a teaching certificate although he was a teacher aide. Mr. Ware is now employed by the Title I program as a regular teacher at Bennett Elementary School.

MR. POWELL. As you know, the Title I program is intended to provide financial assistance to meet the needs of educationally disadvantaged children and raise their achievement to levels normal for their age. What are the testing devices used to determine whether Title I funds are achieving the purposes for which they were designed? And in your opinion could they be improved?

MR. MASON. Well, I think that they could be improved. These are the standard achievement tests used by this district. We have got written into the Title I program next year—I don't know whether it will be approved or not—to have all nonreading students in our Title I program that are reading behind their particular grade level in the Title I program.

Now, we have a Title I program that has about 900 students. We only touch about 450 of those students in a year. We would like to touch more students. But the guidelines specify you can only have six to eight students in a class, and this limits the number of students that you can get to each year.

MR. POWELL. How in your opinion could the Federal guidelines for Title I be improved?

MR. MASON. Well, I think that they could—You could have more students in each class. You could handle 10 to 12 to 15 students in a Title I class, maybe not as easy as you could six to eight, but I think that you could do almost the same job as you were doing with six or eight students.

I think this would be one of the most important changes I could think of.

MR. POWELL. Mr. Mason, there are many school districts around the Nation which have serious financial problems similar to those of your district. In your opinion, what steps should the Federal Government be taking to help assure that all the children in our schools are getting a quality education?

MR. MASON. Well, I think it's going to take more assistance from the Federal Government such as this Emergency School Assistance Act that's currently now—I think it has been passed by the Congress—in order to have more Federal money flowing to districts such as ours without so many restrictions on those funds.

MR. POWELL. Under that act, the Emergency School Assistance Act, districts which are under court order to desegregate receive preference. On the other hand, districts such as yours which are under administrative mandate to desegregate don't receive the preference. Do you think that is fair?

MR. MASON. Well, it's not fair because those that desegregate voluntarily are being punished, so to speak, because they are not eligible for these funds.

MR. POWELL. Mr. Mason, you mentioned that the Federal Government ought to provide more funds for districts such as yours. Yet we have heard testimony that a proposal was before the board which I believe you recommended which would have provided more funds to assist the district in desegregating. There was some question of community involvement but eventually there was community involvement. Yet that proposal was rejected.

Would that in your opinion indicate that this district might reject Federal funds if it were offered?

MR. MASON. Well, I can only assume that the board of education didn't accept this money because accepting Federal money meant too many Federal guidelines, and, in other words, they would hold the strings and they would call the moves, so to speak.

But I think that the board now maybe has kind of changed its feelings and would accept Federal money.

MR. POWELL. You don't expect that Federal funds are going to come down without any guidelines, do you?

MR. MASON. No, I don't expect that, but—

MR. POWELL. You think guidelines to some extent are proper, don't you?

MR. MASON. I'm saying that the guidelines be not so restrictive such as certain number of students in class. I think that what this district needs right now is some kind of flat grant.

MR. POWELL. But if the guidelines were to require that all education which was supported by Federal funds would be on an integrated, nondiscriminatory basis, you think the money would be accepted in this district?

MR. MASON. I think it would.

MR. POWELL. You think those guidelines are proper?

MR. MASON. Yes.

MR. POWELL. We have heard testimony, Mr. Mason, on the racial breakdown on employment in the Title I program. Were those data accurate?

MR. MASON. I couldn't hear all of the testimony that was given a while ago. I was sitting near the back of the room.

MR. POWELL. Would you give us then a breakdown?

MR. MASON. Well, currently we have six black teachers and seven white teachers in our Title I program.

MR. POWELL. Total of 13 teachers?

MR. MASON. Thirteen teachers.

MR. POWELL. Go ahead.

MR. MASON. And there are four teachers aides. One of those teacher aides are black. The other three are white.

MR. POWELL. So that is a total staff of 20?

MR. MASON. No, it's—

MR. POWELL. Six and seven—

MR. MASON. I think it's 17 altogether.

MR. POWELL. Of that number, how many are black again?

MR. MASON. There are only seven black.

MR. POWELL. What efforts are you and the Title I director making to assure that employment in the Title I programs more accurately reflects the racial composition of the schools? Your school system is 68 percent black roughly? Isn't that correct?

MR. MASON. That's correct.

Well, we have a letter here from Dr. Bakalis showing that we are in compliance with the desegregation plan—racial segregation in schools, elimination and prevention of segregation in schools. We are in compliance with those guidelines. But we are writing colleges and teacher placement services for applications, you know, every year assuming that we may need some.

But we don't have the funds to go out and make personal visits to these colleges and talk to these people in person, and this limits us, too, in the area of being able to select a larger selection, so to speak.

MR. POWELL. Well, you refer to a letter from Dr. Bakalis. But Dr. Bakalis in funding your Title VI program did require as a condition of that funding that you get a black director? Is that correct?

MR. MASON. Yes, he did.

MR. POWELL. That would tend to indicate he thinks you need to take more steps in the direction of employing minority people? Is that correct?

MR. MASON. We took every avenue that I knew of in order to get a black director without going out actually looking for one. I am talking about me personally going from college to college and from placement service to placement service seeking out a black director.

I heard what Mr. Ewing said a while ago. I took objection to that because I have got two letters on file that I have written to Mr. Fred Rosman and to Mr. Jim Selinger, who are both employees of OSPI, asking them for assistance in getting a director, and I spoke to some people in Chicago when we were up there on a Title I meeting with Mr. Ford about helping us seek out and finding a black director for this Title VI program.

I talked to a girl from Carbondale who lacked about 3 hours having the number of hours that would qualify her for this position. And Dr. Duff knows about this—that she lacked only 3 hours. But she couldn't meet those requirements. And this particular young lady was black.

And I think that every possible avenue was searched in order to find a black director for this project, and we ended up hiring two co-directors, one of which is black and the other white.

MR. POWELL. Mr. Mason, earlier this evening we heard testimony to the effect that a student was not permitted to wear a button containing the words "Black Solidarity." In fact, our investigation indi-

cates that you snatched the button off that student and told him to put it in his pocket.

MR. MASON. This is—

MR. POWELL. Let me finish. We further had testimony from a member of the school board that he didn't think that was a proper conduct.

Would you care to comment on that?

MR. MASON. This is very un—this is not true. And whoever made the statement should not have made it. Because I remember the situation very well. This was with James Wilson.

I had a personal talk with this student in my office. I was principal of the junior high school at the time. And I asked this student to take off the button because I felt that it might stimulate a fight maybe between a black and a white student. And he didn't take it off, or he did take it off for a time but he put the button back on.

And I asked him again to take it off. And he did take it off. But I did not snatch the button off of the student, and I so made the board aware of it at the time. Mr. Crumble was superintendent at the time and I met with the board and told them about the button incident and later we got a civil rights charge on this about taking the button off.

But I did not take the button off the student. I asked the student to remove the button.

MR. POWELL. I see.

Mr. Mason, earlier at the hearing a school board member testified that the suspension rates at the junior and senior high schools are extraordinarily high. Do you have any opinion as to why this is so? And if it is true, what steps are you taking to correct the situation?

MR. MASON. Well, we would like to think of a suspension as stimulating a parent-teacher conference. If a student is suspended for 10 days, this doesn't mean the student stays out for 10 days. If the parent will call the particular school and arrange a meeting with the principal and the teacher, the student may come back that afternoon or the next day. And as long as a solution is reached, then the student is reinstated almost immediately.

But this seems to be the best way that we have of maintaining discipline in our school system.

I have had meetings with principals and asked them to cut down on the suspension rate if at all possible, and I think if you will check my record last year at the junior high school, very, very few suspensions—I made very very few suspensions last year at the junior high school. And there are more occurring now; I'll grant you this.

MR. POWELL. Do you suppose better use could be made of your counselors in this regard?

MR. MASON. Well, we are using our counselors, but, you know, if nothing else works, then we go to the suspension.

MR. POWELL. Mr. Mason, Title III of the Elementary and Secondary Education Act of 1965 is designed to stimulate local school districts to seek creative solutions to their educational problems. Applicants

are particularly encouraged to provide education for minority groups.

Has the Cairo School District ever applied for such funds?

MR. MASON. Not to my knowledge. Not since I have been here. We have applied for a Title VI and a Title IV since I have been in this district, and we talked to Dr. Osborne about the possibility of us being eligible for Emergency School Assistance Act.

MR. POWELL. Do you think funds such as Title III would be helpful?

MR. MASON. Well, there are very few funds available through Title III the way I understand it, you know, and if you are funded for 1 year this means you are funded for 3 years. And there are very few funds available this current year in Title III to my knowledge.

MR. POWELL. Madam Chairman, I have no further questions.

COMMISSIONER FREEMAN. Commissioner Mitchell, do you have any questions?

COMMISSIONER MITCHELL. No, ma'am.

COMMISSIONER FREEMAN. Mr. Buggs?

MR. BUGGS. No, ma'am.

COMMISSIONER FREEMAN. Thank you, Mr. Mason. You may be excused.

MR. POWELL, are there any documents to be introduced at this time?

MR. POWELL. Not at this time, Madam Chairman.

COMMISSIONER FREEMAN. This hearing will be adjourned until tomorrow morning at 9:30.

(Whereupon, at 9:25 p.m., the hearing was adjourned, to be reconvened at 9:30 a.m., Friday, March 24, 1972.)

U.S. COMMISSION ON CIVIL RIGHTS

FRIDAY MORNING SESSION

MARCH 24, 1972

COMMISSIONER FREEMAN. This Friday session of the hearing of the United States Commission on Civil Rights is called to order.

Ladies and gentlemen, this morning we will conclude our focus on education. This will be followed by testimony from witnesses relating to housing. After housing, we will move into a focus on employment.

The schedule is that we anticipate having a brief recess at about 10:30. We will then go until 12:15 when we will recess for lunch and reconvene at 1:30. We will continue until about 4:30 when we will have another 15-minute recess and then conclude this afternoon's session about 6:45.

Mr. Powell, will you call the first witnesses?

MR. POWELL. Madam Chairman, next is a panel of State and Federal officials: Dr. Morris Osborne, Dr. Michael Bakalis, the Honorable Edward Trainor.

Madam Chairman, due to a conflict in schedule Dr. Bakalis has indicated he might not be able to be here at 9:30, but he is expected later on this morning.

MR. LOCK. Madam Chairman, I am Charles Lock appearing as Counsel.

(Whereupon, Dr. Morris Osborne and Mr. Edward Trainor were sworn by Commissioner Freeman and testified as follows:)

TESTIMONY OF DR. MORRIS OSBORNE, CHIEF, EQUAL EDUCATIONAL OPPORTUNITIES DIVISION, OFFICE OF EDUCATION, AND MR. EDWARD TRAINOR, REGIONAL COMMISSIONER, INTERNAL REVENUE SERVICE, CHICAGO, ILLINOIS

COMMISSIONER FREEMAN. Mr. Powell, will you proceed?

MR. POWELL. Beginning with the gentleman on my left and closest to the wall, would you each please state your name, address, and position for the record?

DR. OSBORNE. I am Morris Osborne, Director of Equal Educational Opportunities, U.S. Office of Education, Region 5, based in Chicago.

MR. TRAINOR. I'm Edward Trainor, Regional Commissioner of Internal Revenue for the Midwest Region based in Chicago.

MR. POWELL. Dr. Trainor, we understand that a private school recently formed in this community, the Camelot School, has applied

for and been granted tax exempt status. We are interested in what procedures are used in granting such status with particular reference to whether or not a check is made with the appropriate State educational licensing agency to verify whether or not the applicant has been accredited. Would you please comment on that?

MR. TRAINOR. I understand the Commission has a copy of the public information file on this exemption from Camelot School which has been made available to you, so I won't repeat the material in that file.

(This material is available in the Commission's files.)

If you will examine the file, you will note that this is one of the questions we ask—is whether or not the school has been accredited or is in the process of being accredited. The file is quite complete.

MR. POWELL. Well, the file indicates that while the Camelot School has made application for accreditation, it has not yet received accreditation. And the question that we would be interested in having answered from you is what is the policy of the Internal Revenue Service in those instances where a school has made application for tax-exempt status and has not yet received accreditation?

MR. TRAINOR. This is a very technical question that I really don't feel I am capable of answering without checking reference on this particular point.

MR. POWELL. Well, would you have any comment at all as to whether or not it's in the public interest to grant such status to a school whose status under State law raises some question as to whether it is in fact the kind of educational school that meets minimal standards under State law?

Accreditation connotes some standards. Lack of accreditation leaves you unable to evaluate whether the school is, in fact, doing the right and proper job. Unless you look to that or unless you examine in some way whether the school is fulfilling its educational obligations, is it in the public interest to grant such tax exempt status?

MR. TRAINOR. I would have to refer to the file here to see what we have on this particular aspect of it. I thought the questions were going to be more in the tax field.

MR. POWELL. Commissioner Mitchell, who as you know is an educator, is interested in pursuing the matter.

COMMISSIONER MITCHELL. Yes. What is the policy of the Internal Revenue Service with regard to the exemption from taxation or from tax responsibilities of a private school? Can you speak to that?

MR. TRAINOR. Yes. The Internal Revenue Service, of course, has the established policy which is published particularly in the area of discrimination which is covered in Revenue Ruling 71-447, which is a public Revenue Ruling, that speaks to this.

Now, we have regulations that are published that require certain information to be submitted to the Internal Revenue Service before this is granted.

Our policy in this area is that we accept the information submitted, which of course is subject to verification at any point, and this can be revoked if we find that the information that was submitted is incorrect.

COMMISSIONER MITCHELL. Has an effort been made to verify, for example, the statements made in behalf of Camelot School?

MR. TRAINOR. We have had no complaints. There is nothing in our file to indicate we received any indication that they haven't performed in conformity with our policy.

COMMISSIONER MITCHELL. Your theory is that you have to have a complaint, that you respond only when—

MR. TRAINOR. Well, the file does contain the information that was published in two newspapers that they did have a nondiscriminatory policy. We received no information otherwise.

Now, if we do receive this or we make an investigation and find this, of course, it would be revoked if they weren't in conformity with their original application.

COMMISSIONER MITCHELL. So, in other words, you have not yet made effort to evaluate on the scene the situation—

MR. TRAINOR. This has not been subject to on-the-scene examination.

COMMISSIONER MITCHELL. Are there any plans to do that?

MR. TRAINOR. To my knowledge, I couldn't speak to the specific case.

COMMISSIONER MITCHELL. Could there be any plans without your knowledge?

MR. TRAINOR. There could be.

COMMISSIONER MITCHELL. How would I activate such an investigation? By just asking you or writing you?

MR. TRAINOR. This Commission or any individual—

COMMISSIONER MITCHELL. As a private citizen.

MR. TRAINOR. As a private citizen they should notify the District Director of Internal Revenue at St. Louis, Missouri, who is the director that has responsibility for exempt organizations in this area, and any information that is submitted will be fully investigated, and we will take the appropriate action.

COMMISSIONER MITCHELL. To the best of your knowledge, has the Internal Revenue Service ever revoked tax exemption on the part of a private school for racial discrimination?

MR. TRAINOR. Well, the racial discrimination, of course, is a fairly recent policy of the Internal Revenue Service where this is a factor. There have been a number of schools that have been denied exemption because they did not meet this criterion.

COMMISSIONER MITCHELL. I have on my desk a letter to the Commissioner of Internal Revenue in Washington, D.C., dated the 28th of May of 1971, signed by a resident of Cairo, who says:

"Dear Mr. Commissioner :

"We have reason to believe that Camelot School, an all-white private school in Cairo, Illinois, enjoys tax exempt status under Federal tax laws and that donations to it by taxpayers result in charitable deductions to those taxpayers.

"We believe that the continuation of Camelot's tax exempt status, if it exists, is unlawful."

He quotes a court decision.

And he goes on to say that the school is, in his opinion, practicing racial segregation.

Now, would that be adequate to trigger off an investigation ?

MR. TRAINOR. Well, I think it's hard to make an evaluation here—

COMMISSIONER MITCHELL. As a citizen ?

MR. TRAINOR (continuing). Without seeing what the contents of the letter—

COMMISSIONER MITCHELL. May I show it to you ?

MR. TRAINOR. You surely may.

Well, from the information contained here, of course, there is no indication of actual refusal to admit students.

Now, this, of course, was addressed to the Commissioner. I have never seen this letter before. I am unaware of what happened. But I'm sure it would cause us to reevaluate the file and see what the situation was.

COMMISSIONER MITCHELL. Madam Chairman, can we have the letter introduced as evidence and put into the record ?

COMMISSIONER FREEMAN. The letter will be received as part of the record.

(Whereupon, the document referred to was marked Exhibit No. 10 and received in evidence.)

MR. POWELL. That letter would be in the file now, would it not ?

MR. TRAINOR. It's not—I have the public file with me and I have been assured by the Commissioner of Internal Revenue that there is nothing in the nonpublic portion of this file, and if I could read from his telegram a statement so I can quote him correct, if you wouldn't object, he mentioned the fact that file concerning the Camelot Parochial School has been made available to the Commission. This is the public portion. "The remaining documents which are not a matter of public record in the tax exempt application file of this school do not contain any information which would indicate that the Camelot Parochial School is not operating in a manner consistent for the purpose for which it was recognized as being tax exempt."

COMMISSIONER MITCHELL. Well, on the face of it now—I don't want to be contentious—but on the face of it, here is a man that writes you a letter from a community which is almost 40 percent black, and he says, "Here's an all-white school that has applied for tax exemption."

Would you say there is no evidence in there that even suggests the possibility that there might be a violation?

MR. TRAINOR. Well, as I say, without looking at the whole thing I don't think I am in a position to make a final determination now.

COMMISSIONER MITCHELL. What do you have to look at to look at the "whole thing"?

MR. TRAINOR. Well, we say in our announcement which was announced when this school was granted that we were assuming that since they have a public announcement that they do have a nondiscriminatory policy that this is part of the condition upon which they are founded.

Now, we have to have an individual situation here of proof that they are not in compliance with this. But if we do have this, of course, then we would proceed.

COMMISSIONER FREEMAN. Dr. Trainor, are you suggesting that the Internal Revenue Service has a double standard in terms of reviewing this kind of situation where with respect to a policy of racial discrimination which has been adopted that there is no independent inquiry made by the agency to determine whether there is compliance, whereas in other situations the individual may find himself under scrutiny at any time?

MR. TRAINOR. No, I didn't say this. I think you misunderstood my answer.

COMMISSIONER FREEMAN. On the basis of the questions that have come to your attention this morning and the letter that was brought to your attention, could we ask that at least—could this Commission anticipate that your office will be looking into the matter?

MR. TRAINOR. We will look into it definitely from this letter. As I said, I have never seen this letter.

COMMISSIONER FREEMAN. Well, I would request that a copy of this letter be made available to Dr. Trainor now and that perhaps we can follow up and we will expect to get some reply from your office as to what action has been taken.

MR. TRAINOR. I would be very happy to do this.

MR. POWELL. Madam Chairman, this letter is now part of the record of these proceedings, and we will pursue the matter.

I might suggest that the Honorable Michael Bakalis is now here, Madam Chairman, and request that he be permitted to come up and take his place at the witness stand.

He may want to have one or two of his associates there, and it may be necessary to put a couple more chairs at the table.

COMMISSIONER FREEMAN. Dr. Bakalis, come forward, please.

Will persons who are to give testimony remain standing, please, for the oath—the persons who will be witnesses?

(Whereupon, Dr. Michael Bakalis, Dr. Fred Bradshaw, Mr. Peter Bianca, and Mr. Michael F. Stramaglia were sworn by Commissioner Freeman and testified as follows:)

**TESTIMONY OF DR. MICHAEL BAKALIS, ILLINOIS STATE SUPER-
INTENDENT OF SCHOOLS, SPRINGFIELD, ILLINOIS, ACCOMPANIED
BY STAFF MEMBERS DR. FRED BRADSHAW, MR. PETER BIANCA,
AND MR. MICHAEL F. STRAMAGLIA**

COMMISSIONER FREEMAN. Mr. Powell, you may proceed.

MR. POWELL. For the benefit of the witnesses who were not here when this panel began, I might indicate that we have been discussing with Commissioner Trainor the policy question regarding whether it is in the public interest to grant a tax exemption to a private educational institution which under State law has not received accreditation and concerning which there have been some complaints that it is maintained on a segregated basis.

With that in mind, Dr. Bakalis—Well, before I get to that, Dr. Bakalis, would you just briefly describe what your responsibilities are regarding education in this State?

DR. BAKALIS. Let me just first, if I might, introduce Mr. Fred Bradshaw, Mr. Peter Bianca, and Mr. Michael Stramaglia, all from the office of the superintendent of public instruction, my office.

The superintendent of public instruction is the chief State school officer of the State of Illinois. He is the constitutionally defined chief State school officer.

Under the old Illinois Constitution he was an elected official on a partisan ballot. Under the new Illinois Constitution he will be an appointed official in a manner which is yet to be determined by the legislature of this State.

The code gives the superintendent responsibilities in a broad range of areas, in the supervision, recognition of schools, a broad responsibility in the certification of teachers, a responsibility in the accumulation of vital statistics for school districts, a responsibility to aid and encourage and provide leadership and services in areas of curriculum.

It's a very broadly defined role which has been used in various kinds of ways by various kinds of individuals who chose to use the position either narrowly or broadly.

The office of education is a large office employing almost a thousand people in almost every aspect of public education in the State of Illinois.

We do have some connection with private institutions, although that is not our main responsibility. Our main responsibility is in the area of public education.

The superintendent of public instruction also does have connection with the institutions of higher learning through his seat on boards of higher education and governing boards of higher education throughout the State of Illinois.

MR. POWELL. Dr. Osborne, would you again state what your position is and briefly describe your responsibilities in that position?

DR. OSBORNE. I am the director of equal educational opportunities for a six-State region comprising Ohio, Indiana, Illinois, Michigan, Minnesota, and Wisconsin for the U.S. Office of Education.

We primarily administer all programs under Title IV of the Civil Rights Act of 1964 and Emergency School Aid Act which has recently been passed.

MR. POWELL. Dr. Osborne, you have heard Commissioner Trainor comment on the policy questions we have mentioned earlier?

DR. OSBORNE. Right.

MR. POWELL. Dr. Bakalis, you have heard me summarize that testimony. Do you think that the policy which would grant tax exemption to a school of the nature that I have described contributes to the continuation of segregated schools in this country? And what steps do you think the Internal Revenue Service should take to assure that tax subsidies are not freely given to private schools which discriminate and private schools as to which there is some question whether they meet the requisite standards under State law in terms of educational sufficiency?

DR. OSBORNE. Are you asking me?

MR. POWELL. You first, Mr. Osborne, and then Dr. Bakalis.

DR. OSBORNE. Well, I think that there is no question in my mind as an educator, as a professional educator, that the Internal Revenue Service has very little business granting any educational institution a tax exemption prior to checking with the chief State school officer and his office on the accreditation of that institution.

If that is not the policy—this is my educated opinion—therefore that I can go forth and open any school at any place—and if I interpret Illinois Code or most State school codes correctly it is the chief State school officer's responsibility to accredit not only private institutions but public institutions because education is a State responsibility—therefore, I would state again for the record that it would seem to me highly improper or unprofessional for the Internal Revenue Service to allow tax exemption on any institution without checking through the chief State school officer to see if it's an accredited institution.

MR. POWELL. Dr. Bakalis?

DR. BAKALIS. I would agree with Dr. Osborne in general, except for some peculiarities which we have at least in the State of Illinois in regard to recognition of private schools.

We are not required by law to offer any kind of recognition to any private institution—any private elementary or secondary school—in this State.

In fact we have very vague if nonexistent powers in terms of recognizing all kinds of private independent schools.

In the past few years there has been a rash of independent private schools springing up across this State and across the Nation. They may be storefront schools. They may be basement schools. They may be whatever you choose to call them. At present under Illinois law there is nothing that we can do to either control or approve or not approve those kinds of schools.

I think in my personal opinion this is an unfortunate situation at present, but it is the situation which exists right now.

But my position philosophically is certainly that we have the ability I believe in my office to make determinations as to whether a school is based on any kind of discriminatory policy, and I certainly would not be in favor of granting any kind of tax exemptions to a school that would be classified in that category.

MR. POWELL. Dr. Bakalis, have you made any recommendations regarding changes in the situation you have described where a school—

DR. BAKALIS. Pardon me? I'm sorry.

MR. POWELL. Have you recommended any changes in the law with respect to whether a school can come into existence without being recognized, without being accredited?

DR. BAKALIS. We will make recommendations to the legislature this year so that any school in Illinois in the future will have to have some kind of accreditation from the office of the superintendent of public instruction. That does not exist at present. As I said, there are many, many schools being created throughout the State right now.

MR. POWELL. But at such time as that is the case that no school can arise without being accredited, would you then say that the Internal Revenue Service as a matter of policy should check with your office in determining whether a school is accredited before tax exempt status is granted?

DR. BAKALIS. Philosophically, I would say yes. Whether we have the capacity and capability to check out all these schools that are, as I said, in existence right now I can't say.

MR. STRAMAGLIA, who heads up the area of recognition and supervision, would be more prepared to say that, and I will defer that to him.

MR. STRAMAGLIA. Presently in the State of Illinois we have 1,140-some public school districts. We have innumerable private and parochial schools throughout the State, mostly concentrated in the metropolitan Chicago area and in some of the more industrial counties.

Our present staff, our present financing for recognition and supervision would not permit us going into each individual school at this time.

We have, therefore, in the last fiscal year, deferred recognizing any private or parochial schools that have not been recognized before.

DR. OSBORNE. May I ask a—

MR. POWELL. Yes, Dr. Osborne.

DR. OSBORNE. I don't want to—I'm not indicting anyone, but once again I have to agree with Mike that in the philosophical context—But, you know, this has been discussed before, and I think that the Commission ought to examine this very carefully—knowing Dr. Bakalis as I do and his dedication—that the issue is not particularly what is in the school code on recognition.

But you're in a philosophical dilemma, programmatically, not only in Illinois but in most States, that on the one hand he is constitutionally bound by law as I understand it in this State by "every child must attend a certain school." Am I correct? Compulsory school law.

And the issue here again remains, as I have talked in private to counsel, that it would seem to me that the IRS is providing tax exemption without any criteria.

The issue, sir and madam, is that the IRS is issuing tax exemption without applying basic criteria.

MR. POWELL. Well, I'm sure that Commissioner Trainor would say they have criteria. The question is whether that criteria are adequate. And he might want to comment on that.

DR. OSBORNE. This is what I'm asking, you know—is what criteria are they using on tax exempted private institutions?

MR. POWELL. I want to give Commissioner Trainor a chance to speak, and then I want to turn to some other areas. Time is going on.

MR. TRAINOR. Well, I could just clarify first of all policy for the Internal Revenue Service has to be set for all 50 States of this Nation, and I think this is an example right here of some of the problems that we run into when we try to establish a criteria that can be applied across every State, because we have a variety of State laws.

Now, I'm sure the Internal Revenue Service—and I think it has taken the position here in its announced policy—we would be more than happy to work with this Commission if they have suggestions as to ways we could change this.

As I stated, very frankly, I am not an educator and this area of the law is very technical and I'd be happy to cover the tax aspects of this. However, the details of the accreditation, of course, I think presents a real problem, and I am sure that we have taken this position and would continue to take it that if you have suggestions as to how we can improve our procedures here we would be more than happy to cooperate with this Commission.

MR. POWELL. Dr. Osborne and perhaps Dr. Bakalis, very briefly, what are the deficiencies in the Emergency Assistance Act and how does it discriminate against districts like Cairo where integration was not court ordered? Dr. Osborne?

DR. OSBORNE. Well, in 1970 when the Emergency School Aid Act came into existence implementively—it goes back to the March 24th statement by the President that he wanted \$1.5 billion to aid and assist those school districts that were in the process of desegregating. And when the bill went through the legal process in Congress and the Supreme Court finally struck down or gave the decision that “in all deliberate speed” was up in the South, 800 school districts suddenly, or 1,600, became involved in desegregation process.

Congress, through administrative edict, released \$75 million which is now known as the Emergency School Aid Act. But they placed again rather severe criteria. And they penalized Illinois and they particularly penalized districts like Cairo, in that these had to be court ordered districts, when to my left here Dr. Bakalis, if that—The only way you can get that money is you have to be court ordered, you know, to desegregate.

Yet Illinois is probably the fourth State right now in the United States that is applying State legislative edict and State leadership.

to provide equal educational opportunities and, therefore, under this legislation, these districts can't get this money.

In fact, we called Washington, the Office of Education, and asked if Cairo would not be eligible, and they said no, because they desegregated in 1967, and if they weren't court ordered they weren't eligible. Evanston, Carbondale.

The only districts that were eligible under this money was Phoenix-South Hollit court ordered and Kankakee which is Title VI.

Right now, if that remained in existence right now, Illinois along with Minnesota in the six States I deal with will be the two States that will probably reach desegregation sooner than other States in the Nation and would not be eligible as long as they allowed it to be court ordered. And there is a great discrepancy again.

School districts like Cairo, Evanston, all of these voluntary districts either—They ought to receive first priority. To me this is a discrimination in the law itself.

MR. POWELL. Dr. Bakalis?

DR. BAKALIS. I have nothing really more to add. I think Dr. Osborne has covered it very well. The court ordered restriction is a real restriction. We think in Illinois we have taken some important steps initiated by the State without any kind of mandates or orders from the Federal Government and we think the emphasis has been on local involvement to carry out the State guidelines, and what we need now is some kind of incentive and help, and that certainly is not coming forth with the kind of restrictions Dr. Osborne has been talking about.

MR. POWELL. Dr. Osborne, we earlier discussed, when I saw you last, your involvement with the Title IV program and the circumstances under which it was rejected. We have had substantial testimony on that question. And since your testimony on that point would be merely cumulative I would ask you to address yourself to the broader questions in Cairo.

And on the basis of your professional expertise and visits with this community, what are some of the positive steps this school district could be taking to provide a quality education for all students in Cairo?

DR. OSBORNE. Well, first of all, I think I would like to put Cairo, you know, in its perspective, as I see it as an educator.

First of all, I'm a native Missourian and have known something about Cairo for quite, you know, a number of years.

One, I think Cairo has to be complimented on the fact that they have desegregated their schools in such a manner that not only overcame *de jure* segregation but *de facto*, because they went to the Princeton Plan, and I think this was a positive thing.

I think also that the people of Cairo and the educational administration at all levels, including the superintendent within the district and the county superintendent and Dr. Bakalis' office, have to recognize that the tax base here is highly restrictive, in that—what?—70 percent of these children come from substandard housing, that this is the first step for the southern black to get out of the Delta and to

move forward, and that the expenditure per pupil in Cairo may well take five times what it is now over a period of 15 or 20 years.

Because this particular community is the recipient of a lot of things that the people themselves don't want, including the black population.

For instance, for years Cairo has been subjected to plantation atmosphere that people would come in, trade, do this, remove themselves. The river—It has been well documented. In fact, there is a book out from a Southern Illinois University professor right now on the history of Cairo.

What I'm merely saying is that in a city of this type and kind that it's going to take concentrated effort of local and State and Federal funds to provide the type and kind of education because of the diversity of the population, not only the white population but the black population. You can't look at it singularly.

Cairo—If it doesn't work here—In other words, there's a 30 percent white, 70 percent black population. They have got the most advanced desegregation plan in America, in that the Princeton Plan overcomes both factors, and that in my estimation the people in this city have got to overcome the mistrust of one another.

We have been in here—We spent more man hours in Cairo, my staff, on Title IV work than in any city in six States.

And it seems to me that when you start talking about, you know, expenditure per pupil and the type of educational program that the Cairo School District ought to sink every dollar that they can secure at the local, State, and Federal level and quit worrying about whether it's going to be a Federal controlled dollar or it's going to be this or it's going to be that. Because that's a bugaboo. That's a ridiculous thing.

You well know that you're going to increase the quality of education as you increase the dollar behind the child. And if the people in Cairo themselves will not pass a tax issue or tax support base—one of the lowest in the State—and they won't do this, then you cannot walk away on the support to the child, and the school administration at all levels must seek external dollars. Because you can't walk away from a child.

In other words, they just went through a tax referendum and got beat 2½ to 1. But in my estimation the child is still here and you'd better get a support level to that child. It's just that simple.

And if you can't get it internally, then get it externally. If you can't get it at the State level, then get it at the Federal level.

MR. POWELL. Dr. Bakalis, you are familiar with the general financial situation in this school district. What are the powers of your office and the limitations of State law with respect to what you can do to help?

For example, if this school district were to go bankrupt, could you assume responsibility for education in Cairo?

DR. BAKALIS. I'll speak to these questions in a general way. Then I would like Mr. Bradshaw and Mr. Bianca and Mr. Stramaglia to

comment, because they have been here working with the district. They have been close to the situation and certainly are close to the financial aspects of it.

The responsibility of my office in regard to the financing of districts throughout the State is such that we administer and carry out the mandates of the legislature in regard to the school aid formula. We do not have a bank account, so to speak, where we can write checks out to districts if and when they find themselves in financial difficulty. I wish we did.

The financial situation across the State of Illinois generally is a serious one. Cairo's situation is certainly difficult, is exaggerated in many cases. There are many additional problems here. But there are literally dozens of districts throughout the State that find themselves in very, very serious trouble.

This is a problem that is going on across the country.

Last year in the General Assembly, as part of what I think is our responsibility, we made a recommendation to the general assembly for a new school aid formula which would have an added ingredient which that would be based on a compensatory education formula—that is, to try to get the dollars where the need was greatest.

This was not accepted by the General Assembly of the State of Illinois. It would have brought a considerable amount of additional dollars to a community like this and others throughout the State.

We'll come back this year to the general assembly with a similar kind of formula.

I have made a recommendation to the people of Illinois that over the next 3 years we increase our level of State support to a minimum of 50 percent. Right now the State of Illinois' contribution to the total 100 percent of the school financing is approximately 37 or 38 percent, somewhere in there.

We have a number of court cases in the State of Illinois similar to those which we have seen across the country, particularly the now famous Serrano decision in the State of California, which, as you know, indicated that the use of the local property tax as the major source of funding public education was unconstitutional and that it violated the equal protection clause of the 14th amendment to the Federal Constitution.

We have at least three cases like that in Illinois, which probably will be decided—I don't know when. I don't know how quickly the courts will act. But I expect within a year we'd have some indication of that.

I have a superintendent's advisory committee on school finance which is looking at the overall picture of the formula and where the revenues will come from and will make a recommendation soon.

The Governor of Illinois has appointed a task force on school finance which had its first meeting yesterday and will make recommendations for a new formula funding.

What I'm trying to suggest is that through court decisions, by activity in my office, and through the Governor's office we are at the verge—and I don't mean tomorrow but certainly within a year I would hope—of some, I think, major revisions in the ways local schools are funded in the State of Illinois.

If the general assembly does not respond, I think they will be made to respond by certain kinds of court decisions.

But at present there is extremely little that I can do for an individual district that finds itself in very serious trouble.

Sixty-five percent approximately of the local tax referenda are being turned down across the State of Illinois. You can see that this is a statewide kind of phenomenon that has many, many causes behind it.

So we cannot other than give the kind of hopefully leadership at the State legislative level in recommendations for new kinds of funding and recognizing certain problems, encouraging districts to perhaps apply for funding as Dr. Osborne has suggested from other sources, working with the Federal Government and those legislators there who seek to have a larger Federal role.

At present the Federal contribution to the State of Illinois—and Mr. Bradshaw will correct me—is 5 or 6 percent. Fred, somewhere in there?

MR. BRADSHAW. Yes.

DR. BAKALIS. And I think it certainly needs to be perhaps tripled or quadrupled.

So these are the kind of things that are happening, but at present there is no way that my office can really bail out any district, and that means that what has happened is that districts need to sit down and establish priorities and recognize that they cannot do everything they would like to do or that it would even be desirable to do given the tight situation with the dollar, and have to make some very hard decisions.

State Government has to do that. I had to do that in my office. We reduced our budget 2 years in a row from the previous year. At the same time we took on new responsibilities and new obligations.

Now, that wasn't easy to do. It meant that we had to set priorities, make reductions, and really decide what is it that we want to do, what's most important, and make those kinds of decisions.

Every school district in this State has to do exactly the same kind of thing, and it's not easy when you have to cut programs at times or you may have to reduce personnel at times, because we are talking in human terms here.

But, unfortunately, given the state of the economy, given the present school aid formula, given the present disposition of the general assembly of this State, for whatever reason, those kinds of things have to be done.

And we don't live in ideal worlds. We live in real worlds. And I would hope that every district in the State would respond to that reality.

I would like Mr. Bradshaw to give some more depth and detail on the financial condition of this particular district.

MR. BRADSHAW. I have been involved with the Cairo schools from the financial aspect off and on for 3 years, 3 to 4 years and, as Dr. Osborne indicated, the assessed valuation, which is basically how we measure wealth of school districts in Illinois, has been decreasing over this 3 to 4 year period.

But when we look at it from the point of view of the assessed valuation per pupil, whenever they had exodus of pupils out of the district some 3 years ago actually, the public school district assessed valuation per pupil had a major increase due to that because of the reduced number of students for the first year following that.

And that was really one of the major reasons the district got into major financial difficulty was because the general State aid allocation to a district is paid somewhat like your income tax principle. In other words, you have withholdings on an estimated basis, and you settle up at the end of the year.

Well, that's exactly what happens in the school aid. And during the 1969-70 school year the Cairo district was paid on the basis of their attendance the previous school year, which included a large number of pupils which were not in attendance then in the 1969-70 school year, and in June then of 1970 when the actual claim was filed, there were considerably fewer students than at the time the estimated claim was filed, and this amounted to somewhere in the neighborhood of a quarter of a million dollars overpayment to the district in 1969-70.

And that was when the State office of superintendent of public instruction made the decision that if we had collected the entire quarter of a million dollars back in 1 year we would have bankrupted the district. So decision was made at that time then to take this payment back over a 3-year period, and that was what was done.

Getting back to the—

MR. POWELL. Well, we have heard this testimony, and I want you to talk, but we don't have very much time.

MR. BRADSHAW. All right.

MR. POWELL. You can submit that for the record if you wish.

MR. BRADSHAW. All right.

(This information was not received by Commission.)

MR. POWELL. We are familiar with those general things, and I would like very much to hear it, but in the interest of time I really want to have the Commissioners have a chance to question the witnesses and we only have about 20 minutes.

MR. BRADSHAW. Do you want me to answer the specific question you asked earlier about what the State would do if a district did go bankrupt?

MR. POWELL. If you could do—

COMMISSIONER FREEMAN. Just a minute, sir, before we do that. I have an announcement that I would like to make.

(Remarks off the record.)

MR. POWELL. Yes, answer that question, and then I want the Commissioners to have a chance to pursue that.

MR. BRADSHAW. I am not certain I can answer that because we do have a number of districts that get into various positions, and Illinois law then or school law—The county board of school trustees has the authority then to have that district which is in this difficulty to be annexed in an adjacent district, or they could split the district up and put it in two or three districts which would probably be larger and more affluent.

The particular situation due to the rivers and the position of Cairo district being only one of the two districts in this county, I don't know what they would do here, and I don't know what the superintendent of public instruction would have the authority really to we'll say send in a team and be the administrative thing. This has never really happened.

MR. POWELL. Thank you very much.

Madam Chairman, at this time I want to turn the questioning over to the Commissioners.

COMMISSIONER FREEMAN. Commissioner Mitchell?

COMMISSIONER MITCHELL. Dr. Osborne, one of the problems that the Commission is here to look at is typified by a city like Cairo. This isn't just an ordinary place where we are trying to find out what ordinarily goes on. This is a very special kind of community.

One of the things we run into when we come to a place like this is that when we talk to State and national officials they tend to say: "Well, you know, we can't tell people what to do. We have broad programs, and they are available."

Now, you have talked about the problems of failures of bond referendums and the need to go on out and secure Federal funds.

DR. OSBORNE. Right.

COMMISSIONER MITCHELL. Yet the facts of life, the civil rights facts of life, if you want to call education a civil right, which this Commission feels it is, are that unless—If a community wishes to turn down Federal funds and stop its bond referendums from ever being successful and therefore turn off its funds, if the community, the voting community, chooses to degrade the quality of its school system, it appears to have a right to do so.

Now, that's sort of like seceding from the educational assumptions of the United States. How does the Federal Government view that kind of a possibility? Do you think to yourself: "Well, too bad. If you don't want to run your schools, you don't have to?" Or is there some right to an education, to equal educational opportunity, that transcends that?

DR. OSBORNE. You are asking me to state HEW policy. You know, Commissioner, that I'm not going to state HEW policy, because right now you know where HEW policy is coming from.

But, you know, philosophically and theoretically—

COMMISSIONER MITCHELL. Where is it coming from?

DR. OSBORNE (continuing). What is going to happen is that within 10 years, if communities such as Cairo continue not to seek funds where funds are, you are going to get a national curriculum. Because we are not going to allow about 10 more years down the road children to be subjected to damn foolishness on the part of a citizen that in Cairo you well know that—I have been here. And you sit in one meeting and the white power structure will say the blacks are controlling it, and the blacks will say the whites are controlling it, and yet the child is caught in the middle.

And you have got “Mickey Mouse” power structures running between administrative levels, between one principal and another principal, between one superintendent and another superintendent, and as long as this chicanery and foolishness continue what is going to happen is you are going to get a national curriculum.

And it’s only going to be a matter of time until Congress is going to catch on to what is happening.

Now, you asked me what HEW policy is right now, what the Feds are going to say. We came in here—and there are people in here that know this—and said that we would do everything in our power to “bring you Title IV money.”

But invariably you’d get this group to say: “Well, you have got to go to the teachers.”

So we went to the teachers. Another group says: “Well, you have got to go to the community.”

So we went to the community. Another group says: “Well, you have got to do this, and you have got to do that.”

And what it all amounted to was that we were going everywhere but nobody was going to each other, you know.

What I said earlier I maintain again. Put it in a philosophical, theoretical framework. If you continue down the road and local communities are going to abort the child, then the citizenry, broad citizenry, of the Nation can’t abort the child.

I wrote in a document—and it’s somewhere—that children still reside in Cairo, you know. They still go to school. And it’s like my daughter says. They’re not hung up on it, you know. It looks like it’s my generation.

Now, one thing they didn’t bring out that ought to be brought out here, when you put up against the ability of Cairo on an assessed valuation per child and their effort—That’s what you have got to get at. And once the white ran, you know—What is strange to me too that somebody better bring out in testimony here is that, sure, you go on ADA, you know, anticipated money. How in the world did one superintendent and another superintendent at the county level approve those figures knowing that those kids had gone to Camelot and across the river?

Now, and the State people too. You had all sorts of counts, and nobody called the shot back about 2 years ago when this happened.

Now, if anybody—And now suddenly there are people saying in

Cairo: "Balance the budget." Well, hell, balancing the budget is no problem. Fire 60 teachers.

COMMISSIONER MITCHELL. What you're saying really is—and I'm asking you now as a Commissioner who is supposed to speculate with his fellow Commissioners about what would you do in places like Cairo—

DR. OSBORNE. What would I do?

COMMISSIONER MITCHELL. What you're saying to me is another 10 years of this and the Federal Government is going to take over—

DR. OSBORNE. They have to.

COMMISSIONER MITCHELL (continuing). In order to redeem its obligation to the civil rights of citizens of this country? It's going to have to take over in places like Cairo—

DR. OSBORNE. That's right.

COMMISSIONER MITCHELL (continuing). And run the community services?

DR. OSBORNE. In my estimation as a professional educator, you cannot allow the child to be ignored. For instance, right now look at the Federal dollar right now behind the child in this city. And you know as well as I do if you look at the ability of these people to support their schools and the effort that they are putting, it's pitiful compared to some people in Mississippi, because this is not all that poor a community.

COMMISSIONER MITCHELL. Are you suggesting that there is a lack of enthusiasm for the support of the schools because they are mainly black?

DR. OSBORNE. I'm suggesting if you look at the history of it, Cairo has never been in a strong position to support their schools, and there is no reason to support them now because look where—If you looked at your socioeconomic structure of where your kids are gone to the Camelot School, there's less reason today to support the public school than there ever was.

But Cairo has never been in a strong position to support their schools. They have never exerted all of this. If you ask me—and I know right now and you do too—if you walk down the streets of Cairo that there are a lot of people that maintain that the only thing that is going to bring this district into focus is to let them go bankrupt and then shock treatment will do it.

But that's a pretty big gamble, sir, you know.

COMMISSIONER MITCHELL. That's letting children go bankrupt, isn't it?

DR. OSBORNE. That's right. I'd rather—You know, I have got children too. I'd rather do it now. And Mike can only do so much, and he's fighting it at the legislative level, and we're fighting now.

But we came in here in good faith and said that we know, for instance, sir—I think you ought to know this; maybe it's in testimony from Mike and the lawyers—we said any time you run a high dropout rate, a high expulsion rate, you have children that are substandard in

economic—black and white—And there's as many white kids in this district that are substandard as there are black children, and you have all of these factors. What you have got hold of educationally is a low academic self-concept on the part of the child.

And another thing that Cairo ought to be proud of. When all of this shooting and everything that was going on, the schools in Cairo have had less police patrol probably than any school in the Nation.

And what we were trying to do with Title IV money, which is awful little money, sir—\$19 million across the Nation—we said that if we can get a little money in here and the school can become the catalyst where the community can come to—And Craig Ford is sitting right back here, and I wrote the first document, and it was written in a vacuum, and rightfully so. Pres Ewing told me, he said: "Morris, you wrote it in a vacuum. You better get some community people involved."

We did. All we were trying to do was to get some people to work and provide the school, you know, solidified capability where people could get together. Because the kids are still going to be here.

But then the board voted 4 to 3 "no." And they got a financial situation. And in our Civil Rights Act, sir, we can bring an advisory specialist to the board of education to advise them on problems incident to desegregation, and one of the things they can advise the superintendent on was once the white ran, what do you do with your tax base?

And we were going to get R. L. Johns and Kern Alexander, which are two of the best finance men in the United States. And the board turned it down.

But I'm here to tell you, to testify today, that I don't know what happened, but there were 150 people over here to a meeting and they all voted that they wanted this program, and they all got involved.

Okay?

I've got a sneaking suspicion somewhere up in this power structure that people will say—tell you one thing and they will turn right around and do another one. Because this Title IV program didn't have a thing to do to open old wounds.

What we were trying to do was increase the academic self-concept on the part of the child and provide the best advisory specialists we could to that superintendent. And anybody that is telling you that you can balance the budget in Cairo—It's very simple. Fire 60 teachers. It's no problem.

I was kind of irked about this because I spent 90 days, I talked to every board member, and everybody says: "You're going to open old wounds." Hell, maybe old wounds have never been looked at correctly.

COMMISSIONER MITCHELL. They certainly don't seem to have healed.

Mr. Trainor, have you heard anything in this dialogue at this panel that would make you wonder whether you should examine the Camelot tax exemption? I mean is there anything in here that would arouse the hackles of an Internal Revenue Service man?

MR. TRAINOR. As I said earlier, we do investigate. It so happens this particular school hasn't had a field investigation. But "investigation," of course, is a broad term.

As I mentioned, this document that you showed me today, we'll look at this and make a determination. But I think the Commission must recognize that we have to base our examination on facts and not—

COMMISSIONER MITCHELL. You're sitting next to an expert in the field. Perhaps you'll have a chance to discuss this with him before you leave.

Mr. Bakalis, can I ask you a couple of questions before I turn this over to the Chairman? You are concerned I'm sure with the condition of the schools in the State of Illinois, and you must realize, because you have commented on it in your testimony, that there are some schools that have significantly serious problems. And as I said earlier, some of these appear to be beyond the range of ordinary kinds of remedies.

Now, the problem that is torturing this community, it seems to me, is the fiscal integrity of its educational system. I don't mean integrity in any sense of dishonesty. I mean the ability of the school system to run its schools or the community to run its schools without going broke.

Now, first, does the State do anything to provide to a school system or to examine when it exists in a school system financial supervision of any kind so that the taxpayers at least know that the school system that knows it's going to go broke isn't hiding that fact from the community, for example?

Or do you know, as Mr. Osborne has suggested, that a budget or set of figures submitted to you at the State level is not evading or avoiding the mention of the development of a private school that will drain a big chunk of the students out of the system and still asking for an ADA base that it can't possibly expect in the end to earn on the basis of attendance?

COMMISSIONER FREEMAN. Before your answer, I have an announcement.

(Remarks off the record.)

COMMISSIONER FREEMAN. You may answer Dr. Mitchell's question, Dr. Bakalis.

DR. BAKALIS. This really goes back to something Dr. Osborne was saying, and I'd like to just stress that for a minute.

I happen to believe that we are in a very critical time in this country where we are facing a choice of really making a creative—this may sound like a trite, "cliche-ish" term—but a creative kind of federalism or having the Federal Government come to the point of a national curriculum or national involvement and so forth.

We have had a long, historic tradition in this country, and in Illinois particularly even more, of localism and of local control. It is a bed-rock of the American educational system.

Even today with an increased mobility, with an increased homogenous kind of population in our values and our standards, anything that seems to be a threat or a challenge to a locality's governing itself in regard to schools is taken very seriously.

We are involved in litigation right now in the State of Illinois in a situation which arose in Decatur, which I won't go into in any great detail, but the essence of what we are involved in in Decatur is really to ask the question: When does local control somehow subvert the child's—what is constitutionally guaranteed to him by the State constitution? The State constitution guarantees an education of high quality to every child. The State has the prime responsibility for education.

Now that, of course, philosophically comes into conflict with the statutes, with the historic traditions, with all kinds of things in regard to localism.

In my opinion, no locality under the guise of local control or anything else has the right to deny any child what is guaranteed to him constitutionally by the State, and that is a high quality education.

But those issues are not resolved yet. They are not resolved in the courts. They are not resolved philosophically in the country. And we hold onto this very strong feeling, which isn't altogether bad—and I don't want to leave this Commission with the impression that somehow I'm saying local control is a bad thing and should be done away with.

I'm saying, sir—excuse me for a second—I'm saying though that somehow we have to look at the changing relationships between the locality, the State, and the Federal Government to create a much more realistic governance kind of structure than we ever have before.

COMMISSIONER MITCHELL. My question simply was when you get a budget from a school system are you getting it from a school finance officer you have trained or whose training you have any standards for?

DR. BAKALIS. No, we do not.

COMMISSIONER MITCHELL. Do you do anything—

DR. BAKALIS. This is another area we have very—

COMMISSIONER MITCHELL. Do you audit those budgets in terms of your knowledge of the community?

DR. BAKALIS. Expenditures, no.

COMMISSIONER MITCHELL. Or do you take any statements you get?

MR. BRADSHAW. There is no requirement in law. We don't even receive copies of the school district budgets.

COMMISSIONER MITCHELL. In other words, if a city council wants to instruct the school superintendent or a school board or whatever to take a position with respect to enrollment, you just take it as it comes?

MR. BRADSHAW. With the exception of the city of Chicago. The boards have no relationship with the other forms of municipal government.

DR. OSBORNE. Especially fiscal independence.

COMMISSIONER MITCHELL. So there is no audit and thus it is possible to submit to the State an estimate of average daily attendance which is known is not going to be accurate a year later?

MR. BRADSHAW. Let me clarify that a little bit, Commissioner, if I could. Accurate attendance data was submitted for 1968-69 which would be the basis for filing—for the payment of the estimated claim in 1969-70.

Now, it was hard data for 1968-69.

COMMISSIONER MITCHELL. Is it proper if 1968-69 have X number of students and you know there has been a very—

MR. BRADSHAW. Yes, and there is a provision in the law. The district could have filed a claim in October using September attendance data and this matter was discussed with the board of education. They were aware of the fact that they were going to be overpaid money but the board I think in their—

DR. GRACE DUFF (from the audience). (inaudible) recommendation to withdraw that claim and take the money interest-free.

MR. BRADSHAW. Is she the witness, Commissioner, or am I?

MR. POWELL. That was Dr. Grace Duff that just spoke.

COMMISSIONER FREEMAN. She was a witness last night.

COMMISSIONER MITCHELL. You're the witness.

MR. BRADSHAW. All right. The reason I know is I wrote the letter, you see, to the board, and the board—It was explained to the board, and the board made the decision as to whether they would take the money or not take the money. And the reason I would say why the board took the money, they needed the money and it was a matter of borrowing from the State a quarter of a million dollars interest free or going to local banks and borrowing the money.

So when they took it they knew what they were doing and it was not on the recommendation of the superintendent of public instruction. The local board was explained the two options and they made their own decision.

COMMISSIONER MITCHELL. Mr. Bakalis, just one more question. These three gentlemen with you, are they your colleagues?

DR. BAKALIS. Staff people in the office, and these are the three gentlemen who have been probably closest to the Cairo situation in terms of actual involvement in work.

COMMISSIONER MITCHELL. How many such staff people would you have in your office?

DR. BAKALIS. Oh, well, we have—

COMMISSIONER MITCHELL. At this level.

DR. BAKALIS. I don't know. Twenty-five, 30.

COMMISSIONER MITCHELL. These are top administrative staff people?

DR. BAKALIS. That's right.

COMMISSIONER MITCHELL. How many of the 25 or 30 you have are black?

DR. BAKALIS. Oh, four or five.

COMMISSIONER MITCHELL. This school system is 70 percent black, which provides I think special kinds of problems and calls for special

kinds of understandings. Would you assign or have you assigned a black staff member to this area?

DR. BAKALIS. Mr. Robert Lyons from our equal educational opportunity unit has been down here. We have been discussing the possibility of a—whatever you want to call it—task force, whatever it might be, coming down here, which would have certainly black membership. We have staff people who could do that.

COMMISSIONER MITCHELL. That has not been done in the past?

DR. BAKALIS. Except for Mr. Lyons, no.

COMMISSIONER MITCHELL. Thank you.

COMMISSIONER FREEMAN. Mr. Buggs, do you have any questions?

MR. BUGGS. No questions.

COMMISSIONER FREEMAN. Mr. Powell, do you have any more questions?

MR. POWELL. No. Any other questions we will ask them to answer and submit for the record in view of the time, Madam Chairman.

COMMISSIONER FREEMAN. Thank you. The witnesses may be excused.

We will now have a 15-minute recess and reconvene at 10:50.

COMMISSIONER FREEMAN. Will the hearing come to order?

I'd like Mrs. Lorraine Jackson to be sworn in as Clerk.

(Whereupon, Mrs. Lorraine Jackson was sworn as Clerk.)

COMMISSIONER FREEMAN. Mr. Powell, will you call the next witness?

MR. POWELL. Madam Chairman, the next witness is the Reverend Charles Koen.

(Whereupon, Reverend Charles Koen was sworn by Commissioner Freeman and testified as follows:)

**TESTIMONY OF REVEREND CHARLES KOEN, EXECUTIVE DIRECTOR,
UNITED FRONT, CAIRO, ILLINOIS**

MR. POWELL. Reverend Koen, please state your name, position, and address for the record.

REV. KOEN. Charles Koen, executive director of the United Front. Minister of the gospel.

MR. POWELL. How long have you lived in Cairo?

REV. KOEN. On and off for 26-odd years.

MR. POWELL. Reverend Koen, as one of the leaders of the United Front, would you tell us the purposes and objectives of your organization?

REV. KOEN. The objectives are to move around human dignity and striving to create a sense of pride as well as social and economic accomplishments for black and oppressed people.

MR. POWELL. Reverend Koen, are you presently attempting to implement these goals and objectives in Cairo? And if so, how?

REV. KOEN. Yes, we are. Our basic means is through the utilization of an economic boycott, a selective buying campaign, which has been perpetrated against the merchants of the city of Cairo.

MR. POWELL. Reverend Koen, what problems have you had in achieving your objectives?

REV. KOEN. Well, we have had many problems. Do you want to take them categorically or discuss them generally? We have had problems in education, which I am sure has been discussed. We have had tremendous problems in law enforcement. We have had problems on the judiciary level. We have problems from a State level and we have problems from a Federal level and other governments. So, you know, that's really in depth.

MR. POWELL. Well, we are particularly interested in the problems that you are having at the State and Federal level in the areas of administration of justice.

REV. KOEN. Okay. There's been an obvious breakdown for the last 3 years particularly. There's been a breakdown since I know from my childhood up to the age of 19 before I went to college with law and order. And since the struggle has been waged here for 3 years the breakdown that has existed for many years has become very obvious through means of picketing and means of escalating our selective buying campaign.

As far as State government is concerned, there have been two raids on Pyramid Court region, and in these two raids, one raid which was made in January of 1971, it was discovered that the warrant which was issued to search homes in Pyramid Court was illegal as well as the State troopers coming into the Pyramid Court region and searching homes with illegal warrants.

And in the process of coming into the Pyramid Courts region, into black citizens' homes, some black citizens were brutally beaten and some were thrown in jail, which were later—Many of these charges were dropped against the black citizens. That's as far as the State government is concerned.

As far as the Federal Government is concerned, on different levels of the Federal Government, and especially with OEO, we have initiated what we call a comprehensive plan whereby the community could have moved ahead together.

Now, the local power structure, as many times local people in power are called, have constantly moved against these economic plans of economic development for our community. Some of these plans have been utilized by other local agencies, and, of course, some of the projects have been funded, such as the local clinic which is just here in the community, and that was the result of the Flying Black Medics from Chicago coming.

But there are many of our economic development plans which we have initiated in the last 3 years have somehow been lost in the bureaucracy of the Federal Government.

On the other hand, the oppression against the black community has not ceased in terms of being evident and being present.

MR. POWELL. In what way do you feel the Federal Government or the State government could be more helpful in reaching a solution to the problems in Cairo?

REV. KOEN. I think the big problem that exists here—I don't "think"; I know it is—the major problem is this: Is law enforcement.

The State government moved about a year ago to obtain funds through what is called the Illinois Law Enforcement Commission, which is a commission that obtains funds from Federal Government along with some local funds. And this commission funded—channeled funds into the Cairo Police Department, which many of the individuals at that time, many individuals who still function with that department, are part of United Citizens for Community Action, which is hooked up with National White Citizens' Council, which is the base operation similar to the Ku Klux Klan in Jackson, Mississippi.

Now, our reason here is that if the State government is going to do anything along with the assistance of the National Government, they should not have moved in terms of bringing money here into the community which was to be utilized by Law Enforcement Commission which was controlled by individuals who are part of a Klan or a Citizens' Council operation.

Consequently, this past summer the remaining funds that was left in this account was pulled back by the Illinois Law Enforcement Commission, because there were guns purchased and the city police department could not be accountable for all the guns which were purchased.

There were other activities that the police department has undertaken with these funds which the Federal Government and the State government has not released to the public yet in terms of what these activities were, nor have the guns been discovered that was missed by the Illinois law enforcement officials.

So we hold and we stand to indict the State government as well as the Federal Government in participating in acts of this nature.

Now, it was also discovered that the same chief of police who was chief then, Roy Burke, also had indictment against him for evidently a person—or having a Federal charge against him and he could not carry a weapon. Now, that was discovered later on. This fact was brought to the public's attention this past summer.

Now, our point is that we in the Pyramid Court region, the black community, have been harassed. We have been put in jail by local and State policemen based on ordinances that were passed by local policemen. We had to go to Federal court in terms of our local Lawyer Commission—Local Law Committee here—simply because it was stated that we could not march on the public highway.

This was a State ordinance, and the State moved against us in terms of State policemen because we were peacefully marching down the public highway.

Now, we have been arrested and put in jail and pay a huge amount of bond money out on a consistent basis especially in 1969, 1970, and 1971.

Now, we have taken our case, our different cases, to the Federal and State courts through Lawyers Committee, a local operation here. We have been forced to bring in lawyers from around the country to defend us on illegal charges, on trumped-up charges, and then we turn around and we see justice on the other hand where guns come up missing with State and Federal funds, a chief of police who operates here for at least a year who should not have been a chief of police in that position in the first place because he had a felony charge against him at one time or another.

And when we find these things out, it was hush-hush. We don't know nothing about what has happened to these cases or what is happening.

We protested against the Illinois Law Enforcement Commission even funneling funds into Cairo based upon the fact that the operation here locally was controlled by a vigilante structure. We relayed this to the Governor of the State. We relayed this to different individuals in terms of Federal people.

And still we find that when it comes to justice that we are always on the other end of the stick in terms of receiving injustices.

MR. POWELL. Where there is a breakdown of law enforcement such as you have described in Cairo, is it your view that the State should move in and see to it that law enforcement is adequate and operated on a fair basis to all?

REV. KOEN. Well, we have demonstrated the need for the State to move and we had a couple meetings with the Governor of the State and with different officials. Unless the State changes policies in terms of the policies they have utilized in the past in relationship to the black community of Cairo, it is probably best for the State to stay out.

Now, if they want to change their policies and treat black and white people fairly and move in, to enforce the law where they should, and not just against black people in terms of illegal law enforcement against black people—then it's no use for the State government to be in here—period.

Now there are some individuals with the State government who have been responsive to the Cairo situation. But there are other individuals with the State government who have continuously been encountered with roadblocks established by the supreme authority in the State who is the Governor.

MR. POWELL. Reverend Koen, have you or your representatives of your organization attempted to sit down with city officials to find solutions to the problems of the city? And if you have, what has developed from those?

REV. KOEN. Well, you know, there are a couple of problems that are existing in Cairo. First of all, you probably know that Cairo is first in poverty in the State, second in substandard housing, third in unemployment.

Now, if you break these statistics down on a racial standpoint you find that the black people are really suffering.

Now, in most cases when you go and talk to the local authorities here, first of all most of them really don't want to talk with the United

Front, simply because we have known of the trickery that they have employed in the past, simply because we're not up trying to obtain a job from the city, simply because we refuse to sell our dignity, recognizing that our people's dignity is at stake.

Therefore, the city authorities don't want to deal with us. They are used to dealing with people they can control, and when they deal with people who are intelligent, people who reflect positive and progressive ideas, well, that's just ahead of their means of communication and means of understanding.

And this has been my experiences with them in the last 4 or 5 years. Even since I was 16 years old, as a matter of fact.

MR. POWELL. Madam Chairman, at this time I will turn the questioning over to the Commissioners.

COMMISSIONER FREEMAN. Commissioner Mitchell?

COMMISSIONER MITCHELL. Reverend Koen, do I understand you to say that an Illinois crime or law enforcement commission appropriated or made available funds in Cairo which were used to purchase guns that then disappeared from public ownership and have not been traced?

REV. KOEN. Well, used to purchase equipment in general. Now, guns were part of this equipment that was purchased. But some of the guns came up missing in terms of the city police department could not be accountable for all the guns that was purchased.

COMMISSIONER MITCHELL. That's a matter of public record, is it?

REV. KOEN. Well, it was an article done by AP or United Press International back in the summer that brought this to the light of the public.

COMMISSIONER MITCHELL. I understand you further to say that police raids or State raids were made on the homes of black citizens in this area—

REV. KOEN. Right.

COMMISSIONER MITCHELL (continuing). And that search warrants were defective and were subsequently set aside?

REV. KOEN. Correct.

COMMISSIONER MITCHELL. What was the nature of the defect of the search warrants? Do you remember?

REV. KOEN. Im not sure about that. You can talk to—

COMMISSIONER MITCHELL. That's also a matter of public record.

REV. KOEN. That's a matter of public record. Right.

COMMISSIONER MITCHELL. Can you tell me something about the United Front? Is it a membership organization? Is it a national organization? A local organization?

REV. KOEN. Well, the United Front is a coalition of a multiplicity of organizations. You do not have to have a membership. You just participate. And we have like weekly Saturday rallies where people whenever they feel the need they come together and relate to each other on a spiritual level, and this has been the basis of the movement staying together.

Now, that's basically what the United Front has been involved in. Now some time ago the Small Business Administration, during the

time that our selective buying campaign had pretty much crippled the economy of Cairo where we were forcing the merchants and power structure to deal with us—obtained funds through the Small Business Administration where many of the white local merchants were able to sustain themselves against our selective buying campaign because they could freely obtain Small Business association loans.

At that time we recognized that it was a national conspiracy. Maybe the State and Federal Government did not recognize the direct participation, but in an unconscious manner this was taking place.

Therefore, we brought together all of the loosely organized United Fronts from around the country and recognized that we had to mobilize around solidarity for the basic survival of black people here in this community.

COMMISSIONER MITCHELL. About how many United Front units are there around the country would you say?

REV. KOEN. I guess there are anywhere that we have a loose coalition with, around seven or eight of them.

COMMISSIONER MITCHELL. Are you a tax-exempt organization too?

REV. KOEN. We have tax-exempt status.

COMMISSIONER MITCHELL. You do?

REV. KOEN. Yes.

COMMISSIONER MITCHELL. So you can receive contributions without ordinary—

REV. KOEN. Well, we are a nonprofit organization but we are not tax-exempt. I'm sorry.

COMMISSIONER MITCHELL. You're a not-for-profit organization?

REV. KOEN. We have been trying to apply for the status but so far we have been tied up in the State and Federal bureaucracy and we have not been able to obtain a tax-exempt status where when people give us funds they can deduct it from their income tax.

COMMISSIONER MITCHELL. Do most people in Cairo belong to or work with the United Front?

REV. KOEN. In one way or another I would say that United Front probably has contact or affects the lives of many of the blacks or most of the blacks in the last 3 years of our operation.

COMMISSIONER MITCHELL. Are you an elected president of the United Front?

REV. KOEN. Yes.

COMMISSIONER MITCHELL. And is there a regular election? You get elected every time? Or you serve a term of some sort?

REV. KOEN. Well, the way that the executive director and the other local structures are established is that it is established basically upon a central body with the advice of the advisory board which is a group of local people who are a cross-section group of people from school teachers, ministers, and just poor people in general who serve on this board and advise and administrate in terms of being like the overseers locally.

COMMISSIONER MITCHELL. Thank you.

COMMISSIONER FREEMAN. Reverend Koen, has the United Front proposed any economic development programs to improve the conditions which you have found here in Cairo?

REV. KOEN. Yes, we have. Just about in every area that affects the lives of the poor people here in the community, we have come up at one point or another with a proposal or we have done something in terms of improving the conditions.

We have like one or two people, and at one point we had two people—now we have one person—whose responsibility is just to write proposals and trying to meet the need.

Now, we have worked with local government. I have a resolution here that dates back to 1969 which we offered the local authorities to accept as pointing out the real problems of Cairo, and that's when we demonstrated in Springfield in terms of—and went to Springfield with facts and figures and with proposals. And we met with the Governor and we were not able to obtain any positive results from him, so we demonstrated.

And as you probably read, while we were peacefully demonstrating at the Governor's office hoping to improve the conditions here, many people were arrested. Now, these were blacks. Because we had met with local authorities and pointed these problems out to them and asked them that we should go jointly together. And they refused to do so.

However, the programs and the attention that we brought to bear on Cairo, they have benefited from it.

So what I am saying is that many people—We have moved many times. And most of the time independently of the power structure *per se*. But we have tried to obtain the cooperation of the power structure, especially in the beginning stages of the struggle here. But they refused to deal with us on most accounts.

COMMISSIONER FREEMAN. You're saying then that you have never been able to receive State support for any of your proposals? Financial support? Is that correct?

REV. KOEN. Well, we have on one proposal, with the housing proposal that we initiated, which is now the Cairo Housing Development Authority.

Out of our demonstration and our efforts in Springfield the Governor was good enough to make one promise, and that was that he would move around the substandard housing conditions that exist here in Cairo, and local housing board has obtained some funds. Mr. Van Ewing is director of this housing board.

Now, what has happened with the housing board is that the local power structure has refused on most accounts to deal with working in cooperation to make sure that the housing board is successful in establishing decent housing for all the people of Cairo.

COMMISSIONER FREEMAN. Have you ever sought Federal financial assistance to carry out any of your programs?

REV. KOEN. Yes, we have. Well, our comprehensive program motivated Federal authorities to become involved.

Now, the problem that we have with the Federal authorities is that they would not normally move unless they had the support of the State authorities, and in most cases we have not had the support of State authorities.

COMMISSIONER FREEMAN. Reverend Koen, yesterday during the testimony concerning the students at Camelot, which as you know has an all-white student body—

REV. KOEN. Right.

COMMISSIONER FREEMAN (continuing). In response to one of the questions that was put, the statement was made that there had been no black applicants ever received and also the statement was made that these people—the families—would probably not have applied for admission to Camelot because of the fear of intimidation by the United Front. Will you respond to that statement?

REV. KOEN. Yes, I will respond to it. Most of the people who are organized—I mean the main organizers of Camelot are people who are in the forefront of the vigilante operation.

Now, as far as where black kids go to school, as far as the United Front is concerned we really have no real concerns. We hope that they will go to the public schools. But as far as we are concerned where they go to school is left up to the black children in this community.

COMMISSIONER FREEMAN. Is the essence of your reply that the United Front has not intimidated—

REV. KOEN. Yes, ma'am.

COMMISSIONER FREEMAN. Thank you. Mr. Buggs, do you have any questions?

MR. BUGGS. No questions.

COMMISSIONER FREEMAN. Thank you, Reverend Koen. You may be excused.

MR. POWELL. May I just ask him one other question?

COMMISSIONER FREEMAN. Yes.

MR. POWELL. Reverend Koen, you mentioned in response to questions put by Madam Chairman that Federal authorities won't move unless they have the authority of State officials, and there was some confusion as to whether you meant State officials at the Capitol level or local officials. Did you have reference to the local officials?

REV. KOEN. I think it has been both.

MR. POWELL. I see.

REV. KOEN. In many instances.

MR. POWELL. I see.

Thank you, Madam Chairman. I have no further questions.

COMMISSIONER FREEMAN. Thank you, You may be excused.

REV. KOEN. Thank you for the opportunity.

COMMISSIONER FREEMAN. Mr. Powell, will you call the next witness?

MR. POWELL. Madam Chairman, next is a panel of witnesses who are residents of Pyramids Court—Mrs. Geneva Whitfield and Mrs. Bernadine Peairs.

Mrs. Peairs, would you sit on the lefthand side?

(Whereupon, Mrs. Geneva Whitfield and Mrs. Bernadine Peairs were sworn by Commissioner Freeman and testified as follows:)

TESTIMONY OF MRS. GENEVA WHITFIELD AND MRS. BERNADINE PEAIRS, PYRAMID COURTS, CAIRO, ILLINOIS

MR. POWELL. Beginning with Mrs. Peairs, would you please state your name and address for the record?

MRS. PEAIRS. Bernadine Peairs.

MR. POWELL. Address?

MRS. PEAIRS. 724 Pyramid Courts.

MR. POWELL. You are a housewife?

MRS. PEAIRS. Yes.

MR. POWELL. Mrs. Whitfield?

MRS. WHITFIELD. I'm Mrs. Geneva Whitfield. I live 622 Pyramid Court and I'm a housewife.

MR. POWELL. Mrs. Peairs, where did you live before you moved to Pyramid Court?

MRS. PEAIRS. 318—21st Street.

MR. POWELL. And why did you move?

MRS. PEAIRS. Because the house was no good, was in no condition to live in—not for anyone.

MR. POWELL. I understand that you have some pictures which you would like to show the Commissioners. Would you please describe these pictures for our Commissioners?

MRS. PEAIRS. Yes, I will.

MR. POWELL. What was the condition of your house? Would you please bring those pictures up?

MRS. PEAIRS. This is the house that I lived in (indicating picture). As you can see, it's no good. Look, here is bricks for steps. These concrete blocks. And over here is where it have the base for the porch to be held up, and it's about to fall in. The house is just not fit for anyone to live in.

MR. POWELL. Who owns that house? Do you know?

MRS. PEAIRS. Man by the name of Sam Moses.

MR. POWELL. What's the condition of the house inside?

MRS. PEAIRS. It's about the same as the outside.

MR. POWELL. Do you want to show the next picture? Let's take a look at the next picture and describe that.

MRS. PEAIRS. Well, this is the house that I live in, the first one. And this is—The rest of the houses down the block. And the one that I lived in is in better condition than the rest of them. So—

MR. POWELL. What kind of rent did you pay when you were living in that house, Mrs. Peairs?

MRS. PEAIRS. \$55 a month. Pay your own light and gas and heat.

MR. POWELL. Let's see the next picture. That's the bathroom in the house you lived in at that time?

MRS. PEAIRS. Yes, it is. It's just filthy. It's hard to keep it clean because it's not painted and it's just really filthy. You can sit here and look down on the ground, you know.

MR. POWELL. Let's look at the next picture. What's this?

MRS. PEAIRS. This is the ceiling of my kitchen. This is the wall.

MR. POWELL. Did it leak?

MRS. PEAIRS. Yes, it did. Here is cracks and—

MR. POWELL. Maybe perhaps the audience would like to take a look. Show the audience. Did it keep you in winter—Did you manage to stay warm? What was the heating like?

MRS. PEAIRS. I heat with gas, and it was \$65 and \$75 a month.

MR. POWELL. In addition to your rent?

MRS. PEAIRS. Yes.

MR. POWELL. You were paying a total of \$120 a month for heat and—

MRS. PEAIRS. That's just for the heat and for staying in the house.

MR. POWELL. Let's take a look at the next picture. What's that?

MRS. PEAIRS. This is the ceiling of my living room. This is a hole. Soot comes out of where they used to have wood and coal stoves. And over here is on the side of it, where they had cracks and holes.

MR. POWELL. Thank you. One more picture?

MRS. PEAIRS. Two more.

MR. POWELL. Two more pictures? What's this?

MRS. PEAIRS. This is the ceiling of the kitchen. Here is where they tried to put a patch over where it was a big hole in the kitchen, and there's steady cracking and plaster falls everywhere.

MR. POWELL. And the last picture. What does this show?

MRS. PEAIRS. This is a bedroom where my children slept and this is a window. Here is where the window was broke, and I tried to patch it up to keep some of the air out of it.

MR. POWELL. Madam Chairman, I understand we have smaller versions of these pictures and I request permission to have them made a part of the record of these proceedings.

COMMISSIONER FREEMAN. They will be received.

(The pictures referred to were marked as Exhibits No. 11 and received in evidence.)

MR. POWELL. Mrs. Peairs, when did you decide to move to Pyramid Courts?

MRS. PEAIRS. About 3 or 4 months ago.

MR. POWELL. Where did you apply?

MRS. PEAIRS. At the Riverside View on Ohio Street called high rise.

MR. POWELL. When you made your application, were you given an opportunity to move into any of the other public housing projects in the city other than Pyramid Courts?

MRS. PEAIRS. No, I was not.

MR. POWELL. Do you feel you should have had an opportunity to move elsewhere if you so desired?

MRS. PEAIRS. Yes, I do.

MR. POWELL. Mrs. Whitfield, how long have you lived in Pyramid Courts?

MRS. WHITFIELD. For about 8 years.

MR. POWELL. What is the racial pattern of tenants at Pyramid Courts? Is it integrated? Are there black and white tenants?

MRS. WHITFIELD. It is all-black.

MR. POWELL. Do you believe that Pyramid Courts should have both black and white residents?

MRS. WHITFIELD. I do. I feel that black and white—If blacks wanted to live in an all-white project I feel that they should, and if whites wanted to live in a black project I feel they should be able to do so.

MR. POWELL. Why?

MRS. WHITFIELD. Why? Because I feel that that's an individual's right.

MR. POWELL. Mrs. Whitfield, in recent months have you complained about the housing conditions in Pyramid Courts?

MRS. WHITFIELD. Yes, I have, because there's many people who are in need of shelter and the only place where there is adequate housing for them would be Pyramid Courts because it's an evident fact that they will never be allowed to move into Elmwood Project which is all-white.

MR. POWELL. Specifically, what were your complaints about conditions at Pyramid Courts?

MRS. WHITFIELD. Well, cleaning up, fixing up, patching up Pyramid Courts.

MR. POWELL. What action if any has the housing authority taken regarding these complaints?

MRS. WHITFIELD. The housing haven't did anything at all about it.

MR. POWELL. Could you describe in any more detail what some of the conditions are at Pyramid Courts that you are complaining about?

MRS. WHITFIELD. Yes. The houses need paint. There's also adjacent coal bins where at one time it was heated with coal. And it's adjacent to the housing. And the roaches, the rats, and the cracked ceilings, cracked walls, bad plumbing, and bad screens. And whenever there is screen repair the tenants has to pay for the repair.

MR. POWELL. The housing authority has been notified of each of the conditions you have mentioned?

MRS. WHITFIELD. The housing authority has been notified but they have made no attempt to do anything about it.

MR. POWELL. Where they have made an attempt to make a repair, such as, as to a screen, the tenant has to pay for that?

MRS. WHITFIELD. You are billed, and you pay.

MR. POWELL. Mrs. Whitfield, do you know whether or not the housing authority has both black and white employees?

MRS. WHITFIELD. In the black project there's white and black employees. In the white project there are white employees.

MR. POWELL. I see. Do you ever see black employees working at any of the white projects?

MRS. WHITFIELD. No, there's no black employees working in the white project. Only in the black project. And my feeling to this, if the black project is not good enough for the whites to live in, then they

should not be working there. We have people who are qualified to do the same work as the white is doing now in Pyramid Courts so I'd like to see it that way.

MR. POWELL. Madam Chairman, I have no further questions.

COMMISSIONER FREEMAN. Commissioner Mitchell?

COMMISSIONER MITCHELL. Just quickly. Mrs. Whitfield, when you complain to the housing authority about conditions in Pyramid Courts, how do you complain? What is the process?

MRS. WHITFIELD. Do you mean if they respond to the complaint?

COMMISSIONER MITCHELL. No, let's say the ceiling falls, a piece of your ceiling drops in on the floor. What do you do then? How do you go about it? What is the system you use to make a complaint?

MRS. WHITFIELD. Well, I mean, whatever is wrong, then you state what is wrong to the housing authority.

COMMISSIONER MITCHELL. Who do you state it to?

MRS. WHITFIELD. James S. Johnson.

COMMISSIONER MITCHELL. Do you do it in a letter or do you go to see him?

MRS. WHITFIELD. You go to see him.

COMMISSIONER MITCHELL. You visit his office?

MRS. WHITFIELD. Mr. Johnson only answers questions he wants to answer. And Mr. Buchley may be in the pilot's seat in Pyramid Courts but he has no power.

COMMISSIONER MITCHELL. So you go to the housing commission and I guess Mr. Johnson, the gentleman you're talking about, is white?

MRS. WHITFIELD. Right. And what Mr. Johnson's reply is that he'll have an answer soon as he meet with the board "and I'll notify you." But this has never been done.

COMMISSIONER MITCHELL. Now, you say your complaints are ignored. You don't ever get notified?

MRS. WHITFIELD. They are ignored. He only hears what he wants to hear.

COMMISSIONER MITCHELL. Do you bring him a written complaint?

MRS. WHITFIELD. Pardon?

COMMISSIONER MITCHELL. Do you bring complaints in writing or do you give them to him verbally?

MRS. WHITFIELD. No, verbally.

COMMISSIONER MITCHELL. And you have never had a response from a complaint personally to the housing authority?

MRS. WHITFIELD. The one response I had was Mrs. Peairs obtained the apartment that she is now living in which is a two-bedroom apartment. Somehow they seem to have been giving Mrs. Peairs a run-around about an apartment and even so she was the same as living outdoors in the house that we just recently looked at the pictures of.

Mrs. Peairs came to me. I called the housing authority. I talked to them. They were very upset about my concern since I had an apartment. Then there should be no worry about someone else having one. But this is not the way it is. Her needs is my needs.

COMMISSIONER MITCHELL. Thank you.

COMMISSIONER FREEMAN. Mrs. Whitfield, is there a tenant council at the Pyramid Courts?

MRS. WHITFIELD. We are now formally organizing a tenant organization. This is a thing that we hope will be of help since we have tried everything that we know to try to get some consideration from the housing authority, and yet we find ourself getting no place.

And I feel this way: Everybody can voice for themselves and speak out and ask the things that Pyramid Courts needs, which is very badly painting, fix-up, paint-up, and fill-up.

COMMISSIONER FREEMAN. What is the range of rents at Pyramid Courts?

MRS. WHITFIELD. That's another question that is very good and I'm glad you asked. One other thing about the housing is that you never know what your rent is based on.

At times when you make an application they say your rent is based on income. Then if there is a reduction in your income, then before they will reduce your rent they will tell you that your rent is based on bedrooms. And this has happened to me.

So I have a seven-room apartment, two bathrooms, one with hot water, one with cold water, and my rent is \$70 a month. So it certainly couldn't be based out of my income. And so when I went to the housing about this situation, what they said was that I had five bedrooms. But when I rented the apartment it was based on income.

COMMISSIONER FREEMAN. What do you mean when you say one with hot water and one with cold water?

MRS. WHITFIELD. Well, what I'm saying is, only one bathroom has hot water.

COMMISSIONER FREEMAN. Bathroom you're talking about?

MRS. WHITFIELD. Bathroom. And it's complete with the stool, the face bowl, and the tub. But there's only one with hot water.

COMMISSIONER FREEMAN. Is the other equipped for hot and cold water?

MRS. WHITFIELD. Yes. I would think so. Now, the reason for not having hot water I don't know.

COMMISSIONER FREEMAN. Have you reported this to the management?

MRS. WHITFIELD. Yes. It's something that they already know, and the only answer he gave me was that the seven-room apartment was converted from a three-room and a four-room converted into a seven. Am I making myself clear?

COMMISSIONER FREEMAN. Yes. And that in the conversion they lost part of the fixtures? It that it?

MRS. WHITFIELD. Well, I suppose that's it. But then it's not such that they couldn't do something about it.

COMMISSIONER FREEMAN. Have you seen some of the other developments other than Pyramid Courts?

MRS. WHITFIELD. You mean condition of housing?

COMMISSIONER FREEMAN. No. Some of the other housing projects. The housing authority operates other housing projects, does it not?

MRS. WHITFIELD. Yes. There's home for the elderly and, of course, Elmwood, which is lily white. And the high rise which is on Ohio Street. That's for elderly people. And, well, one thing that I can say, Pyramid Courts is the worst.

And one other thing I'd like to say too is that I can't appreciate the fact that the Housing Authority takes the authority to take policemen when they feel that it's necessary into homes where there is no one there to search the homes. I don't feel that they should have keys to the apartments. And this is one of the things that has happened.

COMMISSIONER FREEMAN. Would you repeat that? Did you say the policemen have keys to the apartments?

MRS. WHITFIELD. No, the housing authority has keys to all of the tenants' homes, and whether they are home or not they will take policemen in to search apartments.

COMMISSIONER FREEMAN. The housing management—

MRS. WHITFIELD. Yes.

COMMISSIONER FREEMAN (continuing). Will take policemen in—

MRS. WHITFIELD. Yes.

COMMISSIONER FREEMAN (continuing). To an apartment whether the tenant is home or not?

MRS. WHITFIELD. That's right. And I don't feel that they should have the keys. Because there is no point in saying, well, maybe something goes wrong with the gas and this is a reason for having a key. Because the gas meter is outside. I'm sure they can cut the water off from outside. The meters are outside.

So there is no point in them having a key to the apartments except the only thing I see is cooperation with State and local police.

COMMISSIONER FREEMAN. But you're not saying that when the police come in there they come in to fix the gas, are you?

MRS. WHITFIELD. No, I'm saying that the housing authority couldn't say this was a reason for having the keys to the tenants' apartments. So what other reason would there be for them having a key?

COMMISSIONER FREEMAN. Mrs. Peairs, have you seen the Elmwood project?

MRS. PEAIRS. Yes. Quite a while ago I used to babysit up there.

COMMISSIONER FREEMAN. Is this an all-white development?

MRS. PEAIRS. Yes, it is.

COMMISSIONER FREEMAN. Is your testimony then that the housing authority operates its housing program under a policy of racial segregation?

MRS. PEAIRS. It is.

COMMISSIONER FREEMAN. Is that your testimony also, Mrs. Whitfield?

MRS. WHITFIELD. Yes, it is. Could I say something else, please?

COMMISSIONER FREEMAN. Yes.

MRS. WHITFIELD. Well, like I was 7 years getting the apartment that I have now. The only way that I did get the apartment is when I said, you know: "Since you're going to stand me off for Pyramid

Courts, then how about giving me a house in Elmwood project?" And, you know, in no time at all this house was available for me.

But in the meantime I was living in a four-room house with 14 in the family. The kitchen floor had fell in. There was a sheet of tin over the floor. The table was sitting on top of the sheet of tin to keep the cats and the dogs from coming up through the kitchen floor. And still there was nothing available in Pyramid Courts for me.

COMMISSIONER FREEMAN. Are there any vacancies in Pyramid Courts now as far as you know?

MRS. WHITFIELD. Yes, there is.

COMMISSIONER FREEMAN. As far as you know, are there people who need housing who are waiting for housing?

MRS. WHITFIELD. Sure, there are people who are waiting, and there are houses, and so they are awfully slow about getting the apartments ready for people who are in need of shelter.

One thing is that they could really hire more employees since the ones they have doesn't seem to be able to do the upkeep. But I don't think by no means that people should be shut out because of the lack of employment.

COMMISSIONER FREEMAN. Thank you. Mr. Buggs, do you have any questions?

MR. BUGGS. Yes, Madam Chairman.

Mrs. Peairs, you are one of those lucky people I suppose who at least has had a chance to see what the inside of Elmwood Place looks like. Both of those places, Elmwood Place and Pyramid Courts, were built at about the same time, in 1942. Is there any difference in terms of the way they look inside and outside, in terms of the condition?

MRS. PEAIRS. The condition is a little better. I think—I don't know if it's true or not, but they have paint in their apartments. You have to get your apartment painted out here in the Pyramid Courts when the people at the office say get it painted. At one time if you painted your house yourself you would be evicted, if you bought your own paint and painted it.

MR. BUGGS. You would be evicted?

MRS. PEAIRS. Yes. But the house that I moved in now, it was clean but it wasn't painted, and I only took that apartment temporarily. That was almost a month ago. The 2nd of April will be a month. And they haven't fixed that three-bedroom apartment for met yet.

MR. BUGGS. What about the upkeep on the outside. Any difference at all?

MRS. PEAIRS. It's a lot of difference between Pyramid Courts and Elmwood.

MR. BUGGS. Could you say what the difference is?

MRS. PEAIRS. It's a lot cleaner at Elmwood than it is here.

MR. BUGGS. Why?

MRS. PEAIRS. They clean up at Elmwood. Out at Pyramid Courts they don't do anything.

MR. BUGGS. Who is "they"?

MRS. PEAIRS. The employees.

MR. BUGGS. Mrs. Whitfield, have you ever complained to the Department of Housing and Urban Development at its Chicago office or in its Washington office with respect to the manner in which the Pyramid Courts are kept?

MRS. WHITFIELD. Well, one time I had to—I was going to be evicted because of my participating in demonstrations, and also there was a white brother who spent some time in my home, and they were going to evict me from Pyramid Courts where I now live because of this.

And so I did write in to Mr. Weaver, concerning this, and then Mr. Weaver in turn got in touch with Mr. Johnson, and Mr. Johnson is over the housing authority, and he is white, and then Mr. Johnson came to me, with a sad story like, well, the reason for eviction was not because of my demonstrations or participating with it, it was simply because he was thinking that my income was too great to live in low-income housing, and at the same time I was living on Illinois public welfare, and I think in any sense that you know that it's impossible to get enough welfare—too much welfare to live in public housing. Because, as a matter of fact, you don't get enough public welfare to live there for the rent that they charge.

MR. BUGGS. Do you know whether or not any of the residents of Pyramid Courts have complained to the Federal Government about the fact that there is a great probability of discrimination in terms of where persons may live in public housing projects based upon their race?

MRS. WHITFIELD. I'm sure there has been.

MR. BUGGS. But do you know whether or not the Federal Government has ever taken any action?

MRS. WHITFIELD. If you mean if they have taken actions, I'm sure that there would be a way of you knowing. You know. It would have been different. So there hasn't been any change.

MR. BUGGS. Thank you.

COMMISSIONER FREEMAN. Thank you very much. You may be excused. Mr. Powell, will you call the next witness?

MR. POWELL. Madam Chairman, the next witness is Mr. James S. Johnson.

(Whereupon, Mr. James S. Johnson was sworn by Commissioner Freeman and testified as follows:)

**TESTIMONY OF MR. JAMES S. JOHNSON, EXECUTIVE DIRECTOR,
ALEXANDER COUNTY HOUSING AUTHORITY, CAIRO, ILLINOIS**

COMMISSIONER FREEMAN. Mr. Powell?

MR. POWELL. Let the record reflect that Mr. Johnson is accompanied by his counsel, Mr. John Holland.

Mr. Johnson, would you please state your name, address, and title for the record?

MR. JOHNSON. My name is James S. Johnson. I am the executive director of the Alexander County Housing Authority. I live at 3000 Park Avenue in Cairo.

May I say this, please. I have a little hearing problem. I would appreciate it if you would help me.

MR. POWELL. All right.

MR. JOHNSON, how long have you been employed with the Alexander County Public Housing Authority?

MR. JOHNSON. Since September of 1939, sir.

MR. POWELL. And during that period, have you always been executive director of the authority?

MR. JOHNSON. Yes, sir, I have, except, of course, the period that I was in service.

MR. POWELL. Would you explain briefly your responsibilities as executive director of the housing authority?

MR. JOHNSON. Yes, sir. I am the principal executive officer, of course, and it is my duty to carry out the policies of the board of commissioners of the housing authority and the directives of HUD as approved by the authority.

MR. POWELL. Now, Mr. Johnson, is it correct that you maintain eight public housing projects, that your authority maintains eight public housing projects?

MR. JOHNSON. We have only five projects, but we may have different sites. That may be the question. There are five sites—Or may I put it this way:

Project Illinois 71 is Elmwood Place.

Project Illinois 72 is Pyramid Courts.

Project Illinois 73 is built on five scattered sites.

The Riverview, the high-rise apartment, is another.

And then there is a 10-unit project at Thebes, Illinois, which makes a total of five projects.

MR. POWELL. Five projects. And how many different sites is that?

MR. JOHNSON. That makes nine all told, of course. Eight in Cairo.

MR. POWELL. Okay. You maintain the Elmwood Place project which has 159 tenants and is all-white, and that is in Cairo, Illinois. Is that correct?

MR. JOHNSON. That is correct.

MR. POWELL. You maintain the Pyramid Courts project in Cairo, Illinois, which has 237 tenants, and it's all black. Is that correct?

MR. JOHNSON. That is correct.

MR. POWELL. You maintain the Greaney Gardens project which is for the elderly and that is in Cairo, Illinois, and has 10 tenants and is all-white. Is that correct?

MR. JOHNSON. That is correct.

MR. POWELL. You maintain the Moreland Manor project in Cairo, Illinois, which is for the elderly and it has seven tenants and it's all-white. Is that correct?

MR. JOHNSON. No, sir, that is not. There is one black tenant who moved in about two weeks ago.

MR. POWELL. One black tenant moved in 2 weeks ago?

MR. JOHNSON. Yes, sir.

MR. POWELL. Tell me. That project was built in 1963. Is 2 weeks ago the first time that a black person moved in?

MR. JOHNSON. Yes, sir. That is true.

MR. POWELL. You maintain Johnson Terrace project for the elderly, and that project has 17 tenants and it's all-white. Is that correct?

MR. JOHNSON. That is correct.

MR. POWELL. You maintain Butler Homes project, and that project is for the elderly and in Cairo, Illinois, and there are 16 tenants, and it's all-black? Is that correct?

MR. JOHNSON. That is correct.

MR. POWELL. You maintain Riverview project. That project is for elderly. It has 70 tenants. You have 12 black and 58 white. Is that correct?

MR. JOHNSON. I believe it's 13 black at the present time, but that is correct.

MR. POWELL. All right. And that project was built in 1968?

MR. JOHNSON. Yes, sir.

MR. POWELL. You maintain the Sunset Terrace project, which is a combination for regular tenants and elderly tenants, built in 1969. That has 10 tenants and it's all-white?

MR. JOHNSON. That is at Thebes, Illinois, yes, and that is correct.

MR. POWELL. Mr. Johnson, having been executive director for 30 years, I take it that you are very familiar with the requirements of both State and Federal law regarding the maintenance and administration of housing projects? Is that correct?

MR. JOHNSON. Yes, sir.

MR. POWELL. Now, would you explain the fact that some of your projects are all-white and others are all-black?

MR. JOHNSON. Yes, sir. I would like to put it this way:

The Project Illinois 71, Elmwood Place, and Illinois 72, Pyramid Courts, were developed in the late '30's and the early '40's by the "lead by the hand" method of the Federal Government, then the United States Housing Authority. At that time we were directed—in fact, forced—to place our projects in segregated areas. I don't mean in segregated areas as such. I mean in areas of white and areas of black—which amounts to the same thing, of course.

This was done. They were generally considered as slum clearance projects in those days. So historically those two projects have been segregated.

Now, Cairo, as you possibly have noticed, is a small city strangled by railroad property and rivers. We are not able to move around. There is very little buildable land. So, consequently, the neighborhoods have remained the same. And the makeup of the projects and the neighborhoods have remained the same.

In the mid-1960's, with the advent of the civil rights laws and requirements, the problem of disintegrating—or desegregating or inte-

grating the projects arose, of course. And it was a number of months—as a matter of fact, years I believe—before HUD or its predecessor agency issued guidelines that would assist local housing authorities in this very difficult task.

It was about this time that racial tension built up in Cairo. The city became so polarized that it has been impractical at this time to desegregate these two projects to the extent that you would consider satisfactory.

MR. POWELL. When were those guidelines issued by HUD?

MR. JOHNSON. I believe it was about 1966 or 1967. About 1967. I may be a little off on that.

MR. POWELL. Okay. Since the time when those guidelines were issued by HUD, you have had occasion to assign tenants to the various projects that you administer? Is that correct?

MR. HOLLAND. Objection. We'd like for the record to show—and I went into this extensively with the Commission in executive session—that this matter is now in litigation in the Federal Court as you have been fully advised.

We are endeavoring to cooperate in this matter in letting Mr. Johnson testify, but we do not think that this matter should be gone into extensively by this Commission because there is pending litigation.

And we think you should use your discretion in that regard.

Now, in regard to the items about repair, conditions of the project, and that type of thing, they are not in litigation, and it would be perfectly proper to interrogate Mr. Johnson extensively on that.

But otherwise he's being taken unfair advantage of on account of the Federal litigation.

MR. POWELL. Would you have any objection to Mr. Johnson discussing those matters which are a matter of public record?

MR. HOLLAND. Most of the—

MR. POWELL. The questions we are putting are questions relating to statistics which are a matter of public record. You do agree to that, don't you?

MR. HOLLAND. Oh, those statistics just like you have done? That's perfectly fair.

MR. POWELL. I suggest to you that the question of roughly how many people have been assigned to projects since 1966-67 is a statistical question.

MR. HOLLAND. Those type of questions are perfectly all right. We want to cooperate with you in that regard.

MR. POWELL. Then if you will bear with me, would you limit your objections to those questions which fall within the area of your objection? This question obviously does not fall within the area of your objection since it is a statistical question. All right?

MR. HOLLAND. Go ahead, and we'll see how your statistical question goes.

MR. POWELL. Mr. Johnson, let me repeat that question.

Since 1966 and 1967 when the HUD guidelines were issued, you have had occasion to assign tenants to the various projects which you administer, have you not?

MR. JOHNSON. That is right, yes.

MR. POWELL. All right. When assigning those tenants to a housing project, what criteria is used?

MR. JOHNSON. There are a number of criteria in our policy. First, the number of bedrooms required for the size of family. And then the eligibility factors governing the tenant, whether he be a veteran or a displacee or a disabled veteran or what have you. Those matters are set forth in our policy.

MR. POWELL. Now, do you also take into account whether the tenant is black or white and the regulations requiring that projects be administered on an integrated basis? That is to say, you have a situation where you have a number of projects which are all-white, some which are all-black. And you have a black applicant who is otherwise qualified to live in a public housing project. Don't you think that in implementing those guidelines you should see to it at least some of those tenants are assigned to projects which are now all-white and some of the white tenants are assigned to projects which are all-black? And if not, why not?

MR. JOHNSON. As I stated before, if it would be possible with all safety, I could agree. But as I have said, the tensions and the polarization and the problems, the very severe racial problems that have developed, have made it impractical in my estimation.

MR. POWELL. We have heard testimony that housing conditions in this community are very poor and that people are very poor. Are you telling me that a white tenant who is eligible to live in a housing project and can't find adequate housing isn't going to take a house—And we also have information that the housing projects are among the best qualified, although they are not up to standard, are better than the housing which exists in the private sector. Are you telling me a white tenant that you would assign to a black project which has an adequate apartment wouldn't take that apartment?

Have you ever tried to make such an assignment?

MR. JOHNSON. Yes. I have never had a white tenant that would offer to go to Pyramid Courts, no.

MR. POWELL. Have you ever tried to make such an assignment?

MR. JOHNSON. Yes, sir, I have.

MR. POWELL. Consistent with the requirements of HUD, wouldn't it be proper for you in a case where a white tenant refused assignment at a black project to deny that person assignment in a public housing?

MR. JOHNSON. Yes, sir, it would be.

MR. POWELL. You have no absolute right to public housing.

MR. JOHNSON. It would be.

MR. POWELL. People who don't want to live in public housing which is integrated have no right under HUD guidelines to live in public housing. You don't have a problem. Those people who want to live in

public housing and who are willing to obey Federal guidelines can. Those people who want to live in public housing and are not willing to obey Federal guidelines cannot.

I suggest to you that in assigning these people to projects without taking into account HUD criteria you're not complying with Federal requirements.

Do you have a comment on that?

MR. JOHNSON. No comment, sir.

MR. POWELL. Mr. Johnson, how many families have moved into your projects in the past year?

MR. JOHNSON. I'm sorry. I couldn't answer that.

MR. POWELL. How many families have moved into your projects in the past year?

MR. JOHNSON. I couldn't answer that, sir, because I'd have to go to the records.

MR. POWELL. Mr. Johnson, how many employees do you have?

MR. JOHNSON. How many employees, sir?

MR. POWELL. Yes. How many employees?

MR. JOHNSON. There are 15 beside myself, making a total of 16.

MR. POWELL. And of that number how many are black and how many are white?

MR. JOHNSON. Five are black and 10 are white.

MR. POWELL. Those five black employees, do they work at the white projects?

MR. JOHNSON. Some of them do at times. As a matter of fact, there's one working there today and has been there all week and all last week.

MR. POWELL. All right. That's today and the past week. But as a matter of policy over the years do these black employees regularly work at the white projects? We have heard testimony the black employees are limited to the black projects. Is that testimony substantially correct? Or would you say that it's inaccurate testimony?

MR. JOHNSON. No, sir, I wouldn't say it was inaccurate and I wouldn't say it was accurate. I would like to explain our position on this.

We train our employees to work anyplace they are needed. As a matter of fact, our painters and decorators are all black people. We have two who have been with us for some little while, and we have one in training to be a painter and a decorator.

Now, when we go into—We talk about painters and decorators. These are boys—or gentlemen who plasters, washes, paints, waxes the floors, and does so forth, and they work in any project. They work in the high-rise project for the elderly and in the elderly projects.

MR. POWELL. Did you describe your employees as "boys"? Did I hear you correctly? Did I hear you correctly?

MR. JOHNSON. About what, sir?

COMMISSIONER FREEMAN. He changed it.

MR. POWELL. I see. All right.

Now, these painters and decorators, some of whom are black—Is that correct? Some of your painters and decorators are black?

Mr. JOHNSON. They all are, sir.

Mr. POWELL. Now when there is a need for painting and decorating, they are assigned to white projects?

Mr. JOHNSON. Yes, sir.

Mr. POWELL. All right.

Madam Chairman, I have no further questions.

COMMISSIONER FREEMAN. Mr. Johnson, you stated that because of the tensions and polarizations that you found it was impractical to desegregate. Is this policy of yours a policy that has been approved by the Federal Agency, by the Department of Housing and Urban Development?

Mr. JOHNSON. I'm sorry. I didn't quite—I missed out some place on that, Mrs. Freeman. I'm sorry.

COMMISSIONER FREEMAN. In your testimony, you said in response to the question as to why you had all-black and all-white projects—You talked about tensions and polarization and said that in your opinion it was—or I understood you to say that it was—impractical to desegregate your housing projects.

Mr. JOHNSON. That was our feeling, yes.

COMMISSIONER FREEMAN. That is your feeling. And my question to you is whether this feeling on your part, which is in violation of the law, is known to the Federal Agency or has been brought to the attention of the Federal Agency as an explanation—

Mr. JOHNSON. Yes.

COMMISSIONER FREEMAN (continuing)—for why you have not complied with the law.

Mr. JOHNSON. Yes, Mrs. Freeman, I am quite sure that the Federal Agency is aware of it.

COMMISSIONER FREEMAN. Have you personally discussed this with any Federal official?

Mr. JOHNSON. Yes, I believe I have. I don't believe that I could give you a definite date or a definite person, but—

COMMISSIONER FREEMAN. Will you, without calling his name, submit to this Commission the name of the Federal official who approved such position?

Mr. JOHNSON. I'm sorry, Mrs. Freeman. I didn't say that he approved. You said had I discussed it with anyone.

COMMISSIONER FREEMAN. We would like to know with whom you discussed it, and if you will submit that name and his position to this Commission.

Mr. JOHNSON. There have been a number of discussions about the integration of the two projects, none on a formal basis and none in writing, I'm sorry to say.

And I could not definitely, honestly, give you the name of any one person, Mrs. Freeman.

COMMISSIONER FREEMAN. Do you understand, Mr. Johnson, that this is a Federal program—

Mr. JOHNSON. Right.

COMMISSIONER FREEMAN (continuing). Federal money—and that the Department of Housing and Urban Development has certain responsibilities in this regard, as you do, as the officer. So we are charged by law with appraising the role of the Federal Government, as we are with looking into the functions and powers of your agency.

And my question now relates to the specific projects. Are there any vacancies in Greaney Gardens?

MR. JOHNSON. No, there are not.

COMMISSIONER FREEMAN. Do you have a waiting list for Greaney Gardens?

MR. JOHNSON. Any what, Mrs. Freeman?

COMMISSIONER FREEMAN. Do you have a waiting list? Are there persons who have applied—How do you handle your applications?

MR. JOHNSON. Our applications are taken at a central office and they are listed by bedroom size.

COMMISSIONER FREEMAN. Are they separated on the basis of race?

MR. JOHNSON. No, they are not.

COMMISSIONER FREEMAN. Well, will you tell us then how you get to pull out the white people and send them to Greaney Gardens and Moreland Manor and Johnson Terrace and Sunset Terrace and send the black people to Pyramid Courts if they are not separated on the basis of race?

MR. JOHNSON. Most cases, practically all cases, the people actually request units in Pyramid Courts.

COMMISSIONER FREEMAN. Do you have any application from a person who has requested housing without asking for a specific project?

MR. JOHNSON. Without asking for a specific project? Yes, I'm quite sure we do.

COMMISSIONER FREEMAN. Could you tell us about how many applications you have on file?

MR. JOHNSON. No, I couldn't tell you exactly. It's much less than a hundred though.

COMMISSIONER FREEMAN. Do you have any vacancies in any of your—in either of the terraces, Butler Homes or the Riverview?

MR. JOHNSON. Not at the moment, no.

COMMISSIONER FREEMAN. Do you anticipate any vacancies?

MR. JOHNSON. In Butler Homes or those others?

COMMISSIONER FREEMAN. Yes.

MR. JOHNSON. Yes, I anticipate a vacancy in Butler Homes.

COMMISSIONER FREEMAN. You anticipate a vacancy in Butler Homes. This is now at present all-black?

MR. JOHNSON. Yes, it is.

COMMISSIONER FREEMAN. Do you anticipate any vacancies in Sunset Terrace?

MR. JOHNSON. No, I do not. Now, Mrs. Freeman, Sunset Terrace is a 10-unit project in a small village in the northern part of the county.

COMMISSIONER FREEMAN. It's under your jurisdiction though, is it not?

MR. JOHNSON. I didn't understand.

COMMISSIONER FREEMAN. You operate it, don't you?

MR. JOHNSON. Oh, yes. Yes.

COMMISSIONER FREEMAN. Do you anticipate any vacancies in Johnson Terrace?

MR. JOHNSON. Not at the moment, no, ma'am.

COMMISSIONER FREEMAN. Could you submit for us the applications that are now pending—not today, but within the next few days—so that we can include this in the record?

MR. JOHNSON. Oh, yes. We'd be glad to do that, yes.

COMMISSIONER FREEMAN. And the dates of the applications?

MR. JOHNSON. And the dates of application. Yes, we would.

(This information appears as Exhibit No. 12.)

COMMISSIONER FREEMAN. In other words, if somebody has been waiting on the list for 7 years, this Commission would be interested in knowing whether that person had to wait longer than a person who may have applied last year.

MR. JOHNSON. I would, too.

COMMISSIONER FREEMAN. You understand what we are looking for?

MR. JOHNSON. Yes.

COMMISSIONER FREEMAN. Thank you. I have no further questions. Mr. Buggs?

MR. BUGGS. Yes, Madam Chairman.

I suppose since, Mr. Johnson, the middle of 1950, perhaps even before that time, the Federal Government publishes at least on a yearly and I think on a semiannual basis the racial characteristics of all of the public housing projects in the United States. The assumption is, of course, that they get that information on forms that are submitted by local housing authorities. Have you ever submitted such a form?

MR. JOHNSON. No, sir, I don't recall it at the moment. You said about the middle of 1950?

MR. BUGGS. Oh, well, suppose we start with 1960. Have you ever submitted any form to the Federal Government indicating the racial composition of public housing projects?

MR. JOHNSON. I'm not quite familiar with the form of which you are speaking. However, we submit periodically, on a quarterly basis, what is known as an occupancy report which shows each project and the racial composition.

MR. BUGGS. That's the one I'm talking about.

MR. JOHNSON. Well, that is a standard form. It's submitted at the end of each quarter.

MR. BUGGS. Has anyone from the Department of Housing and Urban Development ever raised any question with you about the racial composition of any of the projects based upon your submission of information?

MR. JOHNSON. Based upon the submission of the occupancy report? No, sir, they have not.

MR. BUGGS. Thank you.

COMMISSIONER FREEMAN. Commissioner Mitchell, I believe you have no questions? You had one question?

COMMISSIONER MITCHELL. Mr. Johnson, just for the record, can you tell me how many families moved into your projects in the past year?

MR. JOHNSON. I think that question was asked before, Dr. Mitchell, and I couldn't say without going to the records, sir.

COMMISSIONER MITCHELL. Will you submit it later?

MR. JOHNSON. Yes, sir.

COMMISSIONER MITCHELL. Would you also submit the nature of these tenants, how many were white and how many were black?

MR. JOHNSON. Yes, sir.

(The information referred to has not been received by the Commission.)

COMMISSIONER MITCHELL. Now, can you tell me a little bit about the housing authority, or the Alexander County Public Authority, under which these premises are operating? Who are the members of the authority? How do they get appointed?

MR. JOHNSON. The members of the authority are appointed in accordance with State law by the chairman of the county board of supervisors. Now, that is in counties and areas of less than 25,000. In cities of over 25,000 by the mayor. But that is in accordance with—

COMMISSIONER MITCHELL. But, in fact, the Alexander County Public Housing Authority are appointed by the board of commissioners?

MR. JOHNSON. It's appointed by the chairman of the board of commissioners.

COMMISSIONER MITCHELL. Chairman of the board of commissioners?

MR. JOHNSON. Yes, sir.

COMMISSIONER MITCHELL. Are there are black members of the Commission?

MR. JOHNSON. No, sir; there are not.

COMMISSIONER MITCHELL. Of the authority? Any black members of the Commission? Is the chairman of the county board of commissioners black or white?

MR. JOHNSON. He's white, sir.

COMMISSIONER MITCHELL. Are there any black members of the authority?

MR. JOHNSON. No, sir.

COMMISSIONER MITCHELL. Have there ever been?

MR. JOHNSON. No, sir; there have not.

COMMISSIONER MITCHELL. The policies that you referred to earlier with respect to rents that are charged and eligibility for assignment to an apartment, are these in writing so that a person can come by your office and pick them up?

MR. JOHNSON. Oh, yes, sir; they are in writing. They are posted on bulletin boards in all of the offices.

COMMISSIONER MITCHELL. And may we have a copy of those for the record?

MR. JOHNSON. Yes, sir. You may, sir.

(This information appears as Exhibit No. 13.)

COMMISSIONER MITCHELL. Now, can you tell me, since we heard earlier some testimony about the way your rent is computed, what is the basis for the computation of your rent? Let us say I earn \$100, or let's make it easy. Let's say I earn \$70 a week.

MR. JOHNSON. The basis—Our rent computations, sir, are based on the income of the tenant with the exception of the welfare tenant. With the welfare tenant we have a given schedule which is worked out between the authority and the local welfare office. And it generally is on a flat rent basis by bedroom size.

In other words, a zero or one-bedroom unit I believe is \$39 including utilities, two-bedroom units \$43, \$47, and so forth.

However, if an income exceeds an income limit which will show in these regulations which I will give you and are not at my fingertips at the moment, the tenant is then charged an ineligible rent by bedroom size. I believe the \$70 is our top, including utilities and so forth.

I might say this—and I'm not sure that the Commission is aware of it—but in connection with the 1969 and again in the 1970 Housing Acts, Senator Brooke of Massachusetts added an amendment which declared—and became law which was signed of course by the President—and the amendment declared that a public housing tenant may not pay more than 25 percent of his income for rent.

The 1969 amendment went further to say that this does not apply to welfare tenants. So we still continued on the basis of our flat welfare rents by bedroom size, which as I say was in agreement with the welfare agency.

However, the 1970 bill which was signed by the President on December 22, 1970—or 1971 bill I should say—signed by the President on December 22, 1971—erased or took out that welfare restriction, but it merely added that a welfare tenant's rent—I mean a grant—might not be reduced by the amount that the housing authority would reduce his rent to bring it down to the 25 percent limit.

Have you people heard of this before?

All right. The guidelines of this thing have just come down from HUD, and we are in the process, together with all of the housing authorities in the State, possibly in the Nation, of refiguring all of these rents. And these tenants will be given credit for rent overpaid from now back to December 22, 1971—will be given credit for paid-up rent.

I have just been attending a meeting in Champaign with directors of many of the housing authorities throughout the State, and we are all in that same boat at the moment trying to refigure all of our rents and get this rent adjustment made.

COMMISSIONER MITCHELL. Thank you. Do I understand that you have applied to HUD or are in discussions with HUD with respect to funding—funds for remodeling or improvement of the premises here?

MR. JOHNSON. Yes, Doctor. That is true. We have been working with HUD on this matter since 1968 or 1969. I have the information right here with me. Always with the answer that there was no money.

Now, of course, the old projects that we have been speaking of, Elmwood Place and Pyramid Courts, were designed by the same people. They were built off of the same set of plans. They are exactly alike. But the standards that were given us and required of us by the old United States Housing Authority in 1939 and 1940 are certainly not acceptable standards today, and we are planning a very, very extensive remodeling program when HUD decides that they can give us a firm commitment on the monies which we will need.

We will be unable to do anything until we have a firm commitment of that type.

COMMISSIONER MITCHELL. And in your discussions with HUD about remodeling money and other aspects of the operation of this series of public housing setups, HUD has never raised the question with you of what appears to be the concentration of blacks in one set of developments and whites in another?

MR. JOHNSON. Yes, they have. This is a new phase of the thing. And they have discussed that.

COMMISSIONER MITCHELL. How recently?

MR. JOHNSON. Sir?

COMMISSIONER MITCHELL. How recently?

MR. JOHNSON. Within the last 2 months.

COMMISSIONER MITCHELL. Are they asking you to take action?

MR. JOHNSON. There are definite guidelines in connection with the modernization which would all take place as the thing progressed, and there are certain requirements such as tenant involvement and tenant assistance in helping to establish priorities on modernization and the integration of the two projects.

COMMISSIONER MITCHELL. Integration is a part of the guidelines, and if you remodel you will have to deal some way with those requirements?

MR. JOHNSON. Most assuredly, yes, sir.

COMMISSIONER MITCHELL. Thank you, Mr. Johnson.

COMMISSIONER FREEMAN. Thank you very much. The witness is excused.

Oh, just a minute.

MR. POWELL. Mr. Johnson, it's certainly in keeping with your responsibilities to maintain these projects to have a key in order to enter for emergencies. But we have heard testimony that that power is abused in that some employees at the housing authority open the door for police when that is not warranted. Would you care to respond to that allegation?

MR. JOHNSON. I don't recall the particular instance when anybody opened the door for police to an occupied unit—unless somebody was sick or an emergency or something.

MR. POWELL. What about when the premises are not occupied?

MR. JOHNSON. Well, if the premises are not occupied the premises are the premises of the housing authority if they are vacant.

MR. POWELL. No, I'm sorry. What if the premises are occupied but the tenant is not in at the time? Would you open the door?

· MR. JOHNSON. No, sir, not without a warrant I wouldn't.
 MR. POWELL. I see. Thank you.
 COMMISSIONER FREEMAN. Thank you. The witness is excused.
 We will now have a recess for lunch and reconvene at 1:30.
 (Whereupon, at 12:13 p.m., the hearing was recessed, to be reconvened at 1:30 p.m., this date.)

FRIDAY AFTERNOON SESSION
MARCH 24, 1972

COMMISSIONER FREEMAN. The hearing is called to order.
 I would like to swear in another Clerk, Miss Dolores Miller.
 (Whereupon, Miss Dolores Miller was sworn as Clerk.)

COMMISSIONER FREEMAN. Mr. Powell, will you call the next witness?

MR. POWELL. Madam Chairman, the next witness is Mr. Van Ewing.
 Mr. Ewing has appeared earlier, but he is appearing this time as executive director of the United Cairo Community Development Non-Profit Housing Corporation.

Madam Chairman, Mr. Ewing has already been sworn.

COMMISSIONER FREEMAN. You may be seated, Mr. Ewing.

**TESTIMONY OF MR. VAN EWING, EXECUTIVE DIRECTOR, UNITED
 CAIRO COMMUNITY DEVELOPMENT NON-PROFIT HOUSING
 CORPORATION**

MR. POWELL. The questioning of Mr. Ewing will be done by Mr. Lawrence Glick, Deputy General Counsel of the Commission.

MR. GLICK. Mr. Ewing, will you once again please state your name and occupation for the record?

MR. EWING. Van Ewing. I am the executive director of the United Cairo Community Non-Profit Housing Development Corporation.

MR. GLICK. Mr. Ewing, how long has that corporation been in existence?

MR. EWING. Well, the corporation has been in existence since 1969. However, we started functioning with an office in February of 1971.

MR. GLICK. Can you tell me what kind of an organization it is? I assume it has an executive director, a board of directors.

MR. EWING. Yes.

MR. GLICK. Can you tell me what the racial composition of the board of directors is and the number of directors?

MR. EWING. Well, currently we have four white members and 10 black members.

MR. GLICK. I see. Could you tell us the objectives of the housing corporation?

MR. EWING. Well, the basic objectives of the corporation is to provide decent and livable housing to low- and moderate-income families in the southern Illinois area.

MR. GLICK. Was there any other organization attempting to do this before the formation of the Community Housing Corporation?

MR. EWING. Yes, there was. There was a loosely-knit organization that was not— Or at the time this organization was formed it was not really a legal entity having a charter under the State of Illinois.

MR. GLICK. What prompted the formation of the Community Development Housing Corporation?

MR. EWING. Well, in 1969 after there had been quite a bit of racial turmoil in the community, the Governor of Illinois, recognizing that there was a tremendous need for the improvement of housing in this particular community, announced that he was making available or could make available to this area \$290,000 as seed money towards the development of housing for low- and moderate-income families in the City of Cairo.

MR. GLICK. Did the city officials participate in any way in helping to form the corporation, giving any guidance or assistance?

MR. EWING. The corporation that we have—

MR. GLICK. Now.

MR. EWING (continuing)—that we have established? Or—

MR. GLICK. Yes.

MR. EWING. No, not in this particular corporation, no.

MR. GLICK. Can you describe for us any problems or difficulties that the Cairo Community Development Non-Profit Housing Corporation has encountered in attempting to get housing constructed for low-income families?

MR. EWING. Yes, I can describe numerous problems that we have encountered.

Just last month we had been in existence for approximately a year. We began setting up our office on February 15, 1971. At that time I was the only staff member that was actually on board. A week later, on February 22, we brought on board the assistant director. As of the first of March of 1971 we hired a secretary. So actually we got under operation really as far as having a full staff to function in March of 1971.

MR. GLICK. What is the source of the funds to support the staff?

MR. EWING. We have a \$40,000 grant that we receive from the Illinois Housing Development Authority for administrative purposes.

MR. GLICK. I see.

MR. EWING. But in establishing the office, one of the first things that I did was to try and assess the housing needs in the community. I found that there were very little up-to-date records. Much of the information was based on the 1960 census.

We had had a great economic decline in that 10-year span which made much of the information not valid. Our economics had gone down to a very large extent.

So one of the things that I had to do was to try and find a way to try and update the information so that it would be usable for our particular purposes based on the requirements that are necessary in order to show the feasibility of producing housing.

So one of the things that I did was I took a market survey. In the market survey it showed—Well, I was looking at both need versus what the market would support. I recognized that out of approximately 3,000 units that more than 50 percent of them was in an unsound condition. Of approximately 53 percent of the unsound—now, by “unsound” what we mean is that some of the houses perhaps were repairable. They would need extensive repair. And others were dilapidated.

We found that of that large percentage, a majority percentage, of unsound units that we had here in the community that pretty close to 50 percent of those were dilapidated, and by “dilapidated” in our judgment, and in the judgment of our consultants, which is the Technical Assistance Corporation for Housing, these units were really unfit for human habitation, yet the majority of them were occupied.

We found that there was a vacancy rate among these structures but those units that were vacant were the units that were in the worst condition.

So immediately we looked at the various sites in the community that we could possibly develop housing, and, of course, under the program which we planned on using, which was the FHA section 236 program, which was a multifamily program—Well, let me back up a little bit.

Prior to looking for sites, based on our market studies, we concluded that there was a much greater need for rental housing in this area than there was for home ownership simply because we did not have the economic base, even under the federally subsidized programs, to bring about the kind of change in our housing patterns in the city of Cairo that would be necessary in order to make a meaningful change.

So what we decided that we would have to do as a first priority is to try and develop rental housing so that we would be able—people that were living in the shacks—we would be able to get them out of the shacks and put them in decent housing and hopefully the structures that they would move out of would be demolished, and then at a later date we could develop additional housing on those particular sites.

So we went about the task. We established a number of 100 units as our goal for developing. So we went about the task of looking for locations in the city where there was an abundance of vacant property that we could use, because in the development of housing, in order to make the housing feasible where it will pay for itself, even at a subsidized rate, there are certain costs that we must keep within a specified limitation.

So we were trying to keep our land acquisition cost at a minimum so that we would be able to put as much as we possibly could into what we classify as the “brick and mortar” cost of developing the units, which is actually the money that is spent for the actual construction of the units.

So we selected two sites. One of the sites, which was in the northeast section of the city of Cairo, we selected a seven-block area because

we were looking for approximately 15 acres of land in order to develop the units, because we had looked at some of the past patterns that had existed in public housing and basically we felt that it was not conducive to crowd people together in a very small geographical area.

So with 100 units of housing we wanted to try and keep the density of people in an area where there would be room for play lots and people would not be crowded on top of each other, which was the way that they basically developed housing in the late '39's and '40's when we had a program of public housing development of the type that we have in Pyramids Court, which is a similar pattern that exists all over the country.

So we wanted to try and maintain a density something to the effect of right around 10 units per acre of land, and this would mean that in a Cairo city block we would be talking about no more than 15 to 16 housing units in a block.

So this area had been designated as an urban renewal area at one time.

The other area that we looked at was in the midwest section of town just west of the St. Mary's Hospital, land which was owned by the railroads.

Well, after doing some soil testing we found that the area just in front or at least just west of the St. Mary's Hospital would not support the housing that we were talking about developing because of the characteristics of the land there.

So that left us one alternative. Because we were trying—As I pointed out earlier, we were trying to keep the cost down, and the only way we were able to keep cost down in land acquisition is trying to acquire property where there is an abundance of vacant property.

So the only other area that we had in the city was this area that had at one time designated as an urban renewal area.

So we had a meeting originally with the mayor, and which at that time was Mayor Pete Thomas, and we talked to him about what our plans were. We talked with him in terms of we would like to do this in cooperation with the city and the the city support.

So Mayor Thomas informed me that he would be more than willing to take it into consideration and that he would get together with the rest of the councilmen and they would discuss this matter.

Well, that was done, and we had subsequent meetings between myself, our consultants, the mayor, and some of the members of the city council.

MR. GLICK. Excuse me, Mr. Ewing. This area that you were interested in that had been designated as an urban renewal area, was that the property of the city or to whom did it belong?

MR. EWING. Well, the area that we were speaking of, there is a total of 240 lots in this area. The city owns approximately 84 lots out of the 240 which was acquired at the time that they were planning urban renewal.

MR. GLICK. I see. Thank you.

MR. EWING. So we had several subsequent meetings with the mayor, the corporation counsel, and with members of the commission.

Now, in several instances we did not have meetings with the full commission simply because of the work schedule and the job responsibilities of some of the other council members. At times it was a little impossible for them to be in attendance at the meetings.

So the mayor and the council adopted an ordinance of which I have a copy here, and I believe that the Commission already have a copy of that particular ordinance.

MR. GLICK. What date was that, Mr. Ewing?

MR. EWING. Just a moment. I'll have it here for you. I think that the ordinance was adopted on April 10th.

Here we go. The ordinance was introduced at a regular council meeting on April 26, 1971. It was adopted May 10, 1971, and it was approved May 10, 1971. It was recorded May 10, 1971. And it was published in the news media—I mean May 18th—of 1971.

They had—Or at least it was to be adopted May 10, 1971, and approved May 10, 1971.

MR. GLICK. This is the ordinance that would authorize the sale of the city-owned lots?

MR. EWING. Right. In other words, it would have authorized the sale of the city-owned lots, and it was pointed out at that time that the city council felt that there was no immediate nor future need for the property in question.

So after the first reading, at the second reading of the ordinance there was quite a bit of dissension. In fact, on March 22 there was a group that voiced quite a bit of opposition to the proposed ordinance, and as a result of that, the second reading of the ordinance, the city council did not go through with it.

MR. GLICK. What was the nature of the opposition?

MR. EWING. Well, the nature of the opposition was the group informed the mayor and the rest of the council that they were lame ducks and that they felt that since they were lame ducks and within a very short period of time there would be a new election, they felt that the newly elected officials should be the ones to handle this matter.

Some of the other opposition was that this corporation was an instrument of the United Front and that the United Front controlled this corporation.

In addition to that, it was pointed out that they were not interested in housing if the United Front was going to control the housing.

So, in essence, one of the things that I tried to do, because it was clearly obvious at that time that there was a complete and total misunderstanding of the operation of this program and who would actually control the program—There were several misconceptions as to whether or not this was private housing or whether it was public housing.

So I attempted through the news media to try and get—or at least to point it out in a way in general layman's terms that this indeed was

not public housing, that we were not talking about housing that a particular group would necessarily control. We were talking about housing that would be assessed at the same tax rate that all other citizens in the community would be assessed at.

We were speaking of the kind of housing that could begin or at least provide the initial thrust towards a rebuilding of the community and towards providing housing for all of the people in the community of Cairo.

And I made several news releases of which I think the Commission also have copies, pointing these various aspects out.

I even went as far as to point out how one would qualify to live in these units and that by it being Federal housing that the housing would be developed for all of the people in the community and not just, for black people, in the community.

MR. GLICK. Then what process ensued after that meeting where this opposition took place?

MR. EWING. Well, after the opposition to this, the council decided they would table the ordinance and have no further action on it.

Then a few days later we had an election, and some of the members who voiced opposition to the program were elected to this body.

So right after the newly elected officials took office, I wrote them a letter pointing out that at an earlier date I had met with the previous mayor or at least with the previous city council—because the mayor was reelected—Mr. Thomas at that time—and that I would certainly appreciate it if they would take under consideration the sale of this property so that we would be able to go about the business of trying to improve our housing patterns here in the city of Cairo.

There was a meeting, shortly after the mayor received my letter, of the council, but, however, on that particular date I had to be out of town in Chicago on business and I wasn't able to attend the meeting, and it was brought out there that the present city council—that they had some questions they would like to ask me about housing.

So as a result of that I attended the next meeting that the council held, and once again, you know, I reiterated our desires as speedily as we possibly could because of some changes that were taking place in some of the guidelines of the Federal housing programs that we wanted to try and take advantage of because of the very low wages and stuff that people in the area were earning, that we would need to try and take advantage of the various rent supplement programs that we had available to us.

So at this meeting I was questioned. Basically I went to the meeting hopeful that the main topic of discussion would be the sale of the lots and also the development of the housing. But we got into other things, mainly centered around the composition of the board of directors of the HDC.

At that point, and looking at our housing situation, as the director of the program I have nothing to do with the composition of the board. This is something that is left with the board of directors.

MR. GLICK. Well, did the council then bring up the question of the ordinance again at that meeting? And what happened?

MR. EWING. No. No, the question of the ordinance was not brought up. What we basically dealt with was the composition of the board and as to whether or not I really felt that the board was really truly representative of the community.

MR. GLICK. Has the ordinance ever been brought up again?

MR. EWING. No, it hasn't.

MR. GLICK. So, in other words, the city has not taken any action at all as it stands now with respect to the sale of the lots?

MR. EWING. No. No, it hasn't. Yet, on the other hand, there is a manufacturing company called Century Homes whom we definitely supported coming into the area because it means jobs. There has been the sale of a large tract of land to that group.

Currently—I think tomorrow is the final date—there's other city property that is being put up for public sale that should be finalized tomorrow.

But this particular ordinance we have never had any future action on that.

And, of course, in the last 2 or 3 weeks I have been making an effort to try and communicate with the city leaders. However, we have been having a little problem getting some dates established as to when it would be a convenient date for all of us.

MR. GLICK. Do you know, Mr. Ewing, as a person knowledgeable about housing in this area, whether there is a Federal Rent Supplement Program in Cairo?

MR. EWING. Well, at the same time that the city decided that it would be agreeable to selling the 84 lots in question, there was also a rent supplement resolution that was passed.

Now, in effect, what the rent supplement would do—recognizing the fact that in this community we have a number of people that work in places like Burkart's where the average wage is \$1.90 to \$2 an hour, we have many people with \$80 incomes—the Federal statutes say that for multifamily housing a person can pay no more than 25 percent of his adjusted gross income.

Now, if we take 25 percent of a man's earnings and if he is only making \$350 a month, and if we take one-fourth of that, we end up a lot less than \$100 being able to go towards housing.

MR. GLICK. You say that the city council did pass a rent supplement resolution?

MR. EWING. Correct.

MR. GLICK. Is that in effect now?

MR. EWING. No. Several months ago this resolution was rescinded by the present city council.

MR. GLICK. I see. So there is no rent supplement program?

MR. EWING. No, there is no rent supplement resolution at this point.

MR. GLICK. Thank you, Mr. Ewing.

Madam Chairman, I have no further questions.

COMMISSIONER FREEMAN. Mr. Ewing, are there vacant lots owned by the city?

MR. EWING. Many.

COMMISSIONER FREEMAN. Do you know of any program of the city or the city council for the development of these lots?

MR. EWING. Not at the present time. I don't know of any.

COMMISSIONER FREEMAN. Do you know of any programs in operation or planned by the city council for the improvement of this community?

MR. EWING. No, I don't. Not in the area of housing.

COMMISSIONER FREEMAN. And I believe it was your testimony that members of your corporation have tried to meet with city officials to discuss the needs, the housing needs, and you have not been successful in meeting with them? Is that true?

MR. EWING. Well, no, I said that within the last 3 or 4 weeks there has been a conflict in establishing a date as to when I would be available at a time when they would be available.

I have communicated with the mayor of the city of Cairo. In fact, 2 weeks ago I stopped by his office and talked with him, and he was going to talk with the other commissioners and see what would be a convenient date for us to get together. I asked for the meeting because I would like to find out what the city's plans are.

I would like to see if at all possible if there could not be some spirit of cooperation because I think that the housing need in this community is too great, and even though we are making some progress currently, one of the things that was not brought out or at least that I have not brought out in the testimony, that we are doing some other things.

We shifted our program from a multifamily program over to a homeownership program, and, in effect, what this does through the homeownership program, this means that basically all that we have to do in order to develop housing for individuals who are interested and who can afford and also meet the Federal guidelines for homeownership—It means that we will be able to do this and it is not necessary for us to go through the city council for approval other than adhering to their basic zoning ordinances and also living up to their building code standards.

COMMISSIONER FREEMAN. Has your corporation actually caused the construction of any homes?

MR. EWING. No, we have two approvals right now that we will be starting on in a very short period of time. We have another approval over in Mounds where we will be constructing a unit. They are four-family. And we have some other applications that are pending now.

COMMISSIONER FREEMAN. From what we have seen in this area, there is a real need for housing in this community. Are there any other groups that are building homes or planning to build homes as far as you know?

MR. EWING. In Cairo or the Cairo area?

COMMISSIONER FREEMAN. In Cairo.

MR. EWING. I know of none other than perhaps maybe private developers would be interested on the homeownership basis.

But, see, Cairo is a little unique in the sense that the level of income here is very low and it's very, very difficult for a person that is making under \$6,000 a year to buy a new home—

COMMISSIONER FREEMAN. What would—

MR. EWING (continuing). simply because—Pardon me?

COMMISSIONER FREEMAN. But if you are going to build housing for rent, rental housing—

MR. EWING. Well, we had planned on doing both.

COMMISSIONER FREEMAN. You had planned on doing this? What would be the cost of construction?

MR. EWING. Well, for rental housing?

COMMISSIONER FREEMAN. For rental housing.

MR. EWING. The project that we were planning would have been a \$2.8 million project.

COMMISSIONER FREEMAN. What were the rents going to be.

MR. EWING. The rents would have varied from about \$90 to \$125—\$90 for a one-bedroom apartment.

This was the reason why we needed the rent supplement program, see. At \$90 we did not have an awful lot of people who felt that they could pay \$90, but with the rent supplement program those who would not have been able to afford it—And we estimated 40 percent of them would not have been able to afford the larger rents.

The rent supplement would have come in and subsidized the rents for that particular family in order to bring it at a level.

COMMISSIONER FREEMAN. Did this \$2 million cost contemplate that you would have gotten the land free from the city?

MR. EWING. No. We weren't asking for it free.

COMMISSIONER FREEMAN. You were asking just for the actual auction price?

MR. EWING. Right. We were asking them to sell us the property, and we had a dollar amount.

COMMISSIONER FREEMAN. And the city council refused to sell you the property?

MR. EWING. Well, the original city council, they cooperated with us until such time that they received pressure from citizens' groups, and then after that they tabled the matter.

And since that time the ordinance has not been considered even though I requested this at the time that the new administration took office.

And I think I should also add that even the mayor at this time when I requested this, he even recommended that there be some cooperation in the sale of the lots.

COMMISSIONER FREEMAN. Is your offer to buy this land still open?

MR. EWING. It is still open.

COMMISSIONER FREEMAN. Has that been communicated in writing to the present city council?

MR. EWING. Well, this was one of the things that I had hoped to talk with them about, that we are still interested.

COMMISSIONER FREEMAN. Have you communicated it in writing?

MR. EWING. No.

COMMISSIONER FREEMAN. Because offers usually are written. May I suggest that you communicate it in writing. I have no further questions.

Commissioner Mitchell, do you have any questions?

COMMISSIONER MITCHELL. No.

COMMISSIONER FREEMAN. Thank you. You may be excused.

Mr. Powell, will you call the next witness?

MR. POWELL. Madam Chairman, the next witness is Mr. Allen E. Moss.

(Whereupon, Mr. Allen E. Moss was sworn by Commissioner Freeman and testified as follows:)

**TESTIMONY OF MR. ALLEN E. MOSS, CITY COUNCIL MEMBER,
COMMISSIONER OF PUBLIC HEALTH AND SAFETY, CAIRO,
ILLINOIS**

COMMISSIONER FREEMAN. You are accompanied by your counsel, Mr. Holland.

MR. POWELL. Mr. Moss, please state your name, title, and address for the record.

MR. MOSS. I am Allen E. Moss, City Commissioner, Cario, 3801 Sycamore.

MR. POWELL. And you are a member of the city council, did you say?

MR. MOSS. That's correct.

MR. POWELL. How long have you served on the Cairo City Council, Mr. Moss?

MR. MOSS. Approximately a year.

MR. POWELL. What responsibilities does the city council have with respect to the enforcement of the building code and the housing and minimum standards ordinances?

MR. MOSS. My department doesn't have any.

MR. POWELL. I beg your pardon?

MR. MOSS. My department doesn't cover that area.

MR. POWELL. What responsibilities does the city council have with respect to these matters?

MR. MOSS. Well, I suppose they'd have—most any decision would be made by the full council.

MR. POWELL. Mr. Moss, in the year you have served on the city council, at any time during that period have you had responsibilities with respect to housing?

MR. MOSS. I have never actively engaged in any housing matters, no. I have had my hands pretty well full on the other two departments.

MR. POWELL. What is your responsibility as a member of the city council?

MR. MOSS. The legal department and the fire department.

MR. POWELL. As a member of the city council though, does not the council as a whole consider housing matters?

MR. MOSS. Yes, I imagine they would.

MR. POWELL. As a member of that council, you have some say about these matters, do you not?

MR. MOSS. If it should come up, I imagine I would.

MR. POWELL. Now, you are familiar with the general housing picture in this city, are you not, Mr. Moss?

MR. MOSS. More or less, yes, sir.

MR. POWELL. Are you also familiar with the testimony that we have received regarding the state of housing in this city? We have seen pictures of housing which is very substandard. Our investigation indicates that this is a fair representation of the housing picture generally in this city. Would you agree with that?

MR. MOSS. Our housing needs improvement, yes, sir.

MR. POWELL. Now, there has been testimony, Mr. Moss, regarding efforts made by a private group to meet that housing need. There has also been testimony that an earlier city council agreed with that group, and in order to carry out the objective of improving the housing passed an ordinance pursuant to which the city council would have been able to sell 84 lots which was part of a larger package which this organization was going to buy to construct low-cost housing for poor people.

In addition, the city council passed a resolution pursuant to which the Federal rent supplement program would have been able to come into existence in the city.

There has been testimony that you are a member of a group which opposed those objectives. And at a time when you became a member of the city council this ordinance never became effective because you never took the additional steps to let that ordinance become effective and that the resolution pursuant to which the rent supplement program would have been put into effect was rescinded.

Would you care to comment as to why you as a member of the city council took this position particularly in view of the fact that the housing needs in this city are so great?

MR. MOSS. That's a long question, but I'll try to answer it.

There was a lot of local opposition because they felt like the program—It was a 235 or 236 program. I'm not clear on that. My memory doesn't serve me that exact. But there was a lot of opposition because it hadn't worked any place else.

And I still think it's fashionable nowadays to do what the taxpayers and the people who elected you want you to do.

And this opposition was so strong that we felt like it wasn't the time to proceed.

MR. POWELL. Now, you mentioned the taxpayers. Among the taxpayers in this city are a number of people, some of whom are black, some of whom are white, who are in need of housing. Don't you as a member of the city council have an obligation to meet the needs of those people?

MR. MOSS. Oh, I have an obligation, and we had a city housing board, sir, as Mr. Ewing testified. We also have a county housing board. And these groups had both been working on the housing problem. We didn't feel like we should duplicate that service.

MR. POWELL. Don't you have a responsibility as a member of the city council to meet the needs within the city?

MR. MOSS. I don't know that we are required by law to. Now, we do what we can to make—But we have a limited tax base. There's a lot of financial things that play into this, too.

MR. POWELL. What, if any, steps is the city council taking to provide low-income housing for people in the city?

MR. MOSS. As far as I know there are no immediate steps or nothing that's being pushed, but the city does have a housing board that is trying to get funded.

MR. POWELL. Madam Chairman, I have no further questions.

COMMISSIONER FREEMAN. MR. MOSS, you said that the city has a limited tax base? The city has vacant land. You don't collect any tax on that, do you—that the city owns?

Then the question is that if you had an opportunity to sell 84 lots that there would thereafter be built a \$2 million project and this would be a base, it would seem, by pure arithmetic, that would increase the tax base or improve the tax base of the city. Is that not correct?

MR. MOSS. I assume if that plan went through that it would increase the tax base. That would be a natural.

COMMISSIONER FREEMAN. Well, I'm trying to understand the logic of refusing to sell vacant land owned by the city which receives nothing to a group that wants to build housing which you say is needed on the basis that you are duplicating a service and we are not able to find out what service is being duplicated.

MR. MOSS. Mrs. Freeman, I can't comment firsthand on this, but I can give you some secondhand information. The area that Mr. Ewing just described in his testimony has been under consideration for urban renewal and a townhouse approach in that area. We didn't feel like—And as late as, if I remember correctly, just about 15 months ago there was quite a bit of movement locally to get this whole area, much bigger than he had considered, into an urban renewal project.

And we didn't feel like we should consult another—We had three agencies. We had two—In fact, if you remember Mr. Ewing's testimony, he admitted he had never contacted us in writing, and we didn't feel like we should go out and solicit a third organization when we had a county organization, we had an urban renewal group, and we had a city housing board had been formed—it was a biracial group—trying to meet and get this thing rolling.

We didn't think we should get out and find another group and confuse the situation.

COMMISSIONER FREEMAN. How long has that area been under consideration for urban renewal?

MR. MOSS. I have no idea.

COMMISSIONER FREEMAN. What is the status of the consideration? Has it been declared a blighted area?

MR. MOSS. I'm sure it has, ma'am, but I couldn't testify directly to that.

COMMISSIONER FREEMAN. Well—

MR. MOSS. I think that's a prerequisite though to get—

COMMISSIONER FREEMAN. If it has been declared blighted, then there would be an ordinance to that effect and that would be a matter—Perhaps your counsel could advise you.

MR. MOSS. We'd have to check the records, I just couldn't testify to that.

MR. HOLLAND. I do not have the details on that, Mrs. Freeman, but I'm sure that some of the HUD witnesses coming up later—or Mr. Johnson who testified here earlier today had done an extensive amount of work on that area for an urban renewal project—In fact, a very substantial amount of money had been spent.

I'm sorry that I don't have the information, but it can be secured from Mr. Johnson or perhaps later from some of the HUD witnesses who are coming up.

That program had advanced considerably at one time until as I understand it, for some unknown reason, it was abandoned.

COMMISSIONER FREEMAN. This is what we are trying to find out. If it was abandoned, then, of course, it would no longer be eligible for being set aside as urban renewal. If it is an urban renewal area, then under the law the ordinance declaring it blighted must have been enacted, and surely a member of the city council ought to know whether there is such an ordinance or not.

MR. HOLLAND. It's my understanding that that area heretofore fully qualified as an urban renewal project before, as I had said, it was abandoned. I think there has always been some hope at least that the program could be reactivated.

COMMISSIONER FREEMAN. This statement that you are giving is an explanation for advice as counsel? You're not giving this as testimony, are you? If so, I'll have to swear you in.

MR. HOLLAND. What I'm doing as a courtesy, Mrs. Freeman—since you said that perhaps I could do it—I'm responding as a matter of courtesy to your question.

COMMISSIONER FREEMAN. If there are such ordinances you would provide them for us?

MR. HOLLAND. In fact, full and detailed information could be given you on this urban renewal matter. I think we might ask if Mr. Johnson is here he could—If he is still here he could come up in 5 minutes and answer this. Could we do that?

COMMISSIONER FREEMAN. We'll do it at an appropriate time.

MR. HOLLAND. Yes.

COMMISSIONER FREEMAN. Mr. Moss, are you the city commissioner for public health and safety?

MR. MOSS. That's my title, yes, ma'am.

COMMISSIONER FREEMAN. That is your title. Now, will you tell us what that job means? I mean what is your authority? What are your responsibilities?

MR. MOSS. My responsibility covers the complete operation of the fire department and the complete operation of the legal department of the city of Cairo, Illinois.

COMMISSIONER FREEMAN. You have nothing to do then with the code enforcement or the health laws?

MR. MOSS. I suppose it could spill over, but ordinarily you take care of your own department. Unless you have a real knotty problem, you don't bother your fellow commissioners with it.

COMMISSIONER FREEMAN. Thank you. Do you have any questions, Commissioner Mitchell?

COMMISSIONER MITCHELL. Mr. Moss, are you saying that there is somebody on the city council or some city office or official who is in charge of building codes?

MR. MOSS. Well, I'm sure there are. I think that comes under the mayor's department. He's going to testify later here. You might ask him.

COMMISSIONER MITCHELL. Well, but this is not a complicated question or an opinion. If I want to get permission to move a bathroom in my house in Cairo from the left side to the right side, I assume I have to get a building permit, don't I?

MR. MOSS. I think so.

COMMISSIONER MITCHELL. Who is in charge of issuing building permits?

MR. MOSS. The building inspector would be the man you'd see.

COMMISSIONER MITCHELL. Now, he has some rules and regulations governing whether you are allowed to move your bathroom around? Right?

MR. MOSS. I would assume so.

COMMISSIONER MITCHELL. Well, what is the source of those regulations? Is there a building code?

MR. MOSS. There must be, sir. As I explained when I first sit down at this table, I do not make that my specialty. I'll be glad to research the subject if you'd like a complete detail on it. But ordinarily I don't go down and find out if people want to move bathrooms or not. I'm concerned with the fire department and legal department.

Now, if you wanted to move the bathroom and there was some legal question and they referred that to me, then it would be my department.

COMMISSIONER MITCHELL. Are you a lawyer?

MR. MOSS. No, sir.

COMMISSIONER MITCHELL. Well, thank you. I have no more questions.

COMMISSIONER FREEMAN. Mr. Powell?

MR. POWELL. You stated, Mr. Moss, that you are responsible for the fire department in the city of Cairo?

MR. MOSS. That's correct, sir.

MR. POWELL. How many firemen are there in the fire department?

MR. MOSS. If you will permit me to refer to my notes, I will give you the exact figure, sir.

MR. POWELL. Certainly.

MR. MOSS. We have 13 men and one chief.

MR. POWELL. And of that number, how many of those are black?

MR. MOSS. At the present time, none.

MR. POWELL. In the history of Cairo has there ever been a black member of the fire department?

MR. MOSS. There was one.

MR. POWELL. When was that?

MR. MOSS. His name was Joe Louis Willis. In 1969.

MR. POWELL. Why is it that there are no black members of the Cairo Fire Department?

MR. MOSS. They haven't applied.

MR. POWELL. And how long was Mr.—What was his name?

MR. MOSS. Joe Louis Willis.

MR. POWELL. Mr. Willis. How long was he a member of the department?

MR. MOSS. I couldn't say. It was a short time I understand. I was not a commissioner at the time.

MR. POWELL. I see. You have no idea why there are no other black members of the department?

MR. MOSS. No. I just have to assume they haven't taken the test.

MR. POWELL. Do you have an affirmative action plan in terms of hiring black members of the department in a city which is approximately 40 percent black?

MR. MOSS. If we needed a fireman and they passed the test, the police and fire board certified the test, the physical condition, and the clearance of their criminal record, I would have no objection.

MR. POWELL. Don't you think that in a city which is 40 percent black, in a department which services the entire community, that you ought to at least make an effort to have a department which reflects the population of the city?

MR. MOSS. To explain a little background on this, when they advertise for applicants for city police and firemen the ad specifically states this. And I think if you will check our local paper you will find we advertise quite frequently.

Then they apply to the police and fire board, and I know nothing of these applicants until we decide to hire one.

Now, I'm not going to hire a man just to put a black man on. If we need one and he is capable and qualified I will give him every consideration, I promise. But we don't just hire one because we get a little pressure or something like this.

But after the police and fire board—they administer all the tests. I don't know where they get them. It's none of my business. When I need a fireman I call them, I say: "I want a fireman. Who is the top man on your list?" And they tell me. I don't care whether he's black, pink, purple, what color he is. If he is a qualified fireman he will get the job.

MR. POWELL. Well, you know, in a city such as this where our investigation reveals that on the various boards of this city and in the various city departments there are virtually no blacks, it might well be that blacks think if they went down they wouldn't get the job. Do you think in this context that you might have an obligation to make it clear that there are opportunities for all?

MR. MOSS. I'm sure—that's prescribed by law, and I'm sure they must know this if they can read the paper. And we have a black member of the police and fire board, and he can surely convey it to his community. He testified here yesterday.

MR. POWELL. Well, his testimony was to the effect that the way these departments are run the black community feels that they would not be welcome. We have further testimony that black policemen felt that they weren't welcome on the department.

Don't you think that if this is true you need to do something about it with respect to the fire department?

MR. MOSS. I haven't had any opportunity to hire anyone, Mr. Powell.

MR. POWELL. But if you do have an opportunity to hire one, would you take affirmative steps to see to it that—

MR. HOLLAND. We'd object to that question. He has told the Commission several times that he is not in the position to hire, so it's an improper hypothetical.

MR. POWELL. Oh, it's a question of policy, Mr. Holland, and he, as a member of the city council, is responsible—

MR. MOSS. Could I state my policy once and for all, sir?

MR. POWELL. Yes.

MR. MOSS. If a black applies and passed the test and is certified by the Cairo Police and Fire Board and I need a fireman, he'll be hired.

MR. POWELL. Thank you very much.

MR. MOSS. That's as simple as I can put it.

MR. POWELL. Madam Chairman.

COMMISSIONER FREEMAN. Mr. Buggs?

MR. BUGGS. Mr. Moss, you testified earlier that the basis for your opposition to the 235-236 program was because it didn't work anywhere. Am I correct?

MR. MOSS. That's right, sir.

MR. BUGGS. Could you tell me where you got that information?

MR. MOSS. There was a lot of adverse publicity. I think one of the major networks done an hour special on it. Some of the areas was in Detroit and some on the East Coast and the West Coast. It just didn't work.

And I as a public official owe it to the people and the citizens of this county, both black and white and city, to run this thing in a business-like manner, and to latch onto a program that we didn't have any information on and to complicate matters when we had too many agencies involved already is not a businesslike approach in my opinion.

MR. BUGGS. Mr. Moss, the 235-236 program is the most successful program HUD has ever had.

Mr. Moss. Well, I'm not a housing expert, sir. Maybe it is. But the literature I read was adverse to it.

Mr. BUGGS. One other question. Did you know that 235 and 236 is not public housing and not subject to a public referendum on whether it should or should not be built? It's private building.

Mr. Moss. I don't believe it was ever proposed that we have a public referendum.

Mr. BUGGS. But you say the people of Cairo have a right to say they don't want 235 housing.

Mr. Moss. I think everyone has a right to express his opinion to his elected public officials whether he's a councilman or whether he's a senator or whatever he is.

Mr. BUGGS. But if a private organization not using public funds wants to build one house or 80 houses, do the people of Cairo have anything to say about that so long as they comply with the laws?

Mr. Moss. Not if he can swing it I wouldn't think so.

Mr. BUGGS. But you complained.

Mr. Moss. I have a right to my opinion, sir. Are you telling me I don't?

Mr. BUGGS. No. I mean as a public official.

Mr. Moss. No, I didn't complain. I just voiced a vote the way the people that complained to me wanted me to vote, and that's the way I voted.

Mr. BUGGS. About a private enterprise?

Mr. Moss. I don't believe it was quite explained in those terms either. I don't remember the exact meetings. We have had a lot of meetings in the last year. But I don't remember it being explained in those simple terms.

Mr. BUGGS. But if it were a private enterprise building private housing without local public funds, would you oppose it?

Mr. Moss. Yes, if this project was explained and all of the details ironed out and everybody was informed—and as you say it was with private money and they were taxpayers—they'd have the same right to complain to me because I didn't vote for it. And I would vote for it if people convinced me it was a good thing. It doesn't matter what I want.

Mr. BUGGS. I don't really think we are communicating. If a private body comes to the city council and asks to buy property that the city council owns for the purpose of constructing on that property housing which is not public housing and which the citizens of Cairo will not be taxed to support, do you then as a public official have to take a position that that housing should not be built?

Mr. Moss. Oh, I don't take that position until I hear all the facts, sir.

Mr. BUGGS. Thank you.

COMMISSIONER FREEMAN. Thank you, Mr. Moss. You may be excused.

Mr. Powell, will you call the next witness?

MR. POWELL. Madam Chairman, next is a panel of State and Federal officials—Mr. J. L. Waner, Mr. Irving Horwitz.

Mr. Waner may have colleagues with him that he wishes to sit with him, and that's all right if you do.

MR. WANER. I'm accompanied by counsel, Mr. Joseph Paige.

MR. POWELL. Mr. Paige appears as his counsel.

COMMISSIONER FREEMAN. Will the witnesses who will give testimony raise your hands to be sworn?

(Whereupon, Mr. John L. Waner and Mr. Irving Horwitz were sworn by Commissioner Freeman and testified as follows:)

COMMISSIONER FREEMAN. You may be seated.

MR. POWELL. And Mr. Sternstein.

COMMISSIONER FREEMAN. There will just be two persons giving testimony? Is that correct? I believe there were only two that were sworn.

MR. POWELL. Mr. Sternstein hasn't been sworn, Madam Chairman.

(Whereupon, Mr. Jerry D. Sternstein was sworn by Commissioner Freeman and testified as follows:)

**TESTIMONY OF MR. JOHN L. WANER AND MR. IRVING HORWITZ,
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, CHI-
CAGO, ILLINOIS, AND MR. JERRY D. STERNSTEIN, OFFICE OF
HOUSING AND BUILDINGS, ILLINOIS DEPARTMENT OF LOCAL
GOVERNMENT AFFAIRS, SPRINGFIELD, ILLINOIS**

MR. POWELL. Beginning with Mr. Waner, please state your name, title, and address for the record.

MR. WANER. My name is John L. Waner, 5434 South Archer Avenue, Chicago 60638.

MR. POWELL. Mr. Horwitz?

MR. HORWITZ. My name is Irving Horwitz, 1470 East 56th Street, Chicago, Illinois 60637.

MR. POWELL. Mr. Sternstein?

MR. STERNSTEIN. Jerry D. Sternstein, 1508 Noble Avenue, Springfield, Illinois 62704.

MR. POWELL. Mr. Sternstein, would you please explain the role of the office of housing and buildings with respect to provision of low-income housing in the State of Illinois?

MR. STERNSTEIN. Yes. We offer technical services. We have a twofold really—a twofold function. We offer technical services to housing authorities that are in need of such services, and we supervise under State statutes what I consider to be the framework provisions of local housing authorities.

By "framework" I mean we establish the local housing authorities and approve appointments to the housing authorities.

MR. POWELL. How long has this program been in operation?

MR. STERNSTEIN. The program started in the late '30's under the State housing board. That agency went out of existence in 1969 and was superseded by my office.

MR. POWELL. How long has your office been in operation?

MR. STERNSTEIN. Since January 1970.

MR. POWELL. What you just related was what your office does?

MR. STERNSTEIN. Well, it's much—It goes much deeper than that. I'm trying to give you the essence of the office. There is a very large body of statutes—67½—that precisely defines the role of the office.

MR. POWELL. Would you briefly describe for us in general terms what your office does?

MR. STERNSTEIN. Yes. Generally we set up the local housing authorities in the communities. When a community—or let's say a city or a county—asks for a local housing authority, we have the forms and the procedures, and we expedite the creation of that housing authority.

Where there is a State program in operation—And in the early days—you asked how long the agency had been in existence—in the '30's the State—and early '40's and after the war for veterans housing—the State did build some few projects on its own. We supervised those.

In other words, we make available budgets for the maintenance of those projects. We make approvals for changes in those projects. We also work with the Federal Agency, HUD, on the public housing program. We try to work in concert with HUD on offering technical services to housing authorities, particularly small housing authorities, who are having some difficulty with the public housing program—in other words, making available through our five-man field staff some professional assistance in putting together Federal applications for low-income housing, getting into development programs, and in setting up management systems, but only for the low-income housing.

MR. POWELL. These services that you describe that you give to small housing authorities, have you provided those services in Cairo to the local housing authority?

MR. STERNSTEIN. We have made seven trips to Cairo over the last year and 3 months, and we have offered to assist Cairo on their modernization program—or Alexander County Housing Authority, pardon me.

We have offered to give assistance to the Alexander County Housing Authority on their modernization program. We have offered to assist them on any kind of management study that they want done. We have made ourselves available to them.

MR. POWELL. You would say that the services of your office are fully available to the Alexander Housing Authority in Cairo?

MR. STERNSTEIN. Yes.

MR. POWELL. Mr. Sternstein, isn't it true that when we last talked you said that you did not feel that your services were fully available in this area because there was an office that was—that the Governor's office was active here and that you felt you couldn't be active?

MR. STERNSTEIN. No. I said that we worked with the Governor's Office on Human Resources because prior to our creation as a State office the Governor's office was active in Alexander County.

Mr. POWELL. Okay.

Mr. STERNSTEIN. I didn't mean to imply that we don't give the same services to Alexander County we give to any of the other 127 housing authorities.

Mr. POWELL. In view of the rather severe housing needs in this area, why in your opinion isn't more being done to provide such housing?

Mr. STERNSTEIN. Well, I'm not sure that the answer to the severe—as you say, the severe housing—I'm using your words, Mr. Powell—I'm not sure that the answer lies in more new construction of public housing.

Mr. POWELL. I didn't suggest that it did.

Mr. STERNSTEIN. Our role is limited to public housing. If Alexander County is going to increase their housing stock—and my figures may be wrong on this but I believe they are approaching the 15 percent on subsidized housing under the public housing program—if they are going to increase their housing stock I believe it probably should come either through one of IHDA's program—Illinois Housing Development Authority's—moderate-income program with perhaps a rent subsidy to bring that down to the low-income level, or it has to come through the private market.

So I'm not sure the answer lies in building more public housing units.

I think what we were interested in doing was working with the Alexander County Housing Authority when they got a modernization program so we could make sure that was carried out in the most expeditious fashion, because we do feel that—and I have been to Pyramids Court—we do feel it needs modernization.

COMMISSIONER MITCHELL. Mr. Sternstein, I understand that it is to your office that the Alexander County Housing Authority would turn for interaction, for guidance, for some kind of help and advice?

Mr. STERNSTEIN. I would hope so. I would hope they would turn to my office and to HUD.

COMMISSIONER MITCHELL. When they turn to you and in your dealings with them, what do you have to say in any way, shape, or form about their choice of, for example, the staff of that housing authority?

Mr. STERNSTEIN. I have very little to say. I have nothing to say about their staff. You mean who they have as an executive director?

COMMISSIONER MITCHELL. Yes, or who is the—

Mr. STERNSTEIN. Maintenance?

COMMISSIONER MITCHELL (continuing). Director.

Mr. STERNSTEIN. I have nothing to say about that.

COMMISSIONER MITCHELL. Nothing to say at all?

Mr. STERNSTEIN. That's a policy of the board of commissioners.

COMMISSIONER MITCHELL. Now, how about on the authority itself, the Alexander County Housing Authority?

Mr. STERNSTEIN. I have nothing to say.

COMMISSIONER MITCHELL. Nothing to say?

Mr. STERNSTEIN. No.

COMMISSIONER MITCHELL. Earlier testimony indicated there are no black people.

MR. STERNSTEIN. You're talking about the staff of the Alexander County Housing Authority?

COMMISSIONER MITCHELL. That's correct.

MR. STERNSTEIN. That's a policy—

COMMISSIONER MITCHELL. No, I'm talking about the authority itself.

MR. STERNSTEIN. Yes.

COMMISSIONER MITCHELL. Let's get our terms straight.

MR. STERNSTEIN. All right.

COMMISSIONER MITCHELL. The Alexander County Housing Authority.

MR. STERNSTEIN. Okay.

COMMISSIONER MITCHELL. You have no interest whatsoever or nothing to say about—no interaction that influences their choice of, let us say, black personnel versus white?

MR. STERNSTEIN. If we were asked to make a management survey of the housing authority, we would then give—We can informally—Of course, you know, I can tell them if they ask me what I think. But I have no power.

COMMISSIONER MITCHELL. You have no leverage?

MR. STERNSTEIN. No.

COMMISSIONER MITCHELL. You have nothing to say about the approval of commissioners of local housing authorities?

MR. STERNSTEIN. We do approve—We don't make appointments. The appointments to the boards are made by the chairman of the county board of supervisors. We approve his appointments or their appointments.

COMMISSIONER MITCHELL. Suppose you don't approve them?

MR. STERNSTEIN. Suppose we don't approve?

COMMISSIONER MITCHELL. Has there ever been a case where you didn't?

MR. STERNSTEIN. Yes.

COMMISSIONER MITCHELL. Why wouldn't you?

MR. STERNSTEIN. Well, what we could do is we don't approve in instances where we can verify that an appointment is antipublic housing. In other words, if a man is put on a board with the express purpose of thwarting the public housing program, we simply don't approve that selection.

COMMISSIONER MITCHELL. Given a commissioner who segregates the public housing under his authority so that black people live in one kind of public housing and whites in another, does that concern you at all?

MR. STERNSTEIN. Yes.

COMMISSIONER MITCHELL. Do you believe such a situation exists in Cairo?

MR. STERNSTEIN. Well, we feel that—What we have been trying to do in Alexander County—

COMMISSIONER MITCHELL. In Alexander County?

MR. STERNSTEIN (continuing). With the housing authority here is on two occasions—you haven't asked this question but I'll volunteer it for you because I think that's where you are going—on two occasions we have tried to persuade the chairman of the county board of supervisors, one that just went out of office and one that is now in office, to appoint a minority representative to the local housing authority.

At this stage of the game we are in what I like to call a checkmate position. He hasn't made any appointment so we haven't had an opportunity to veto any appointment.

There is a board member that is serving until he is re-appointed or until a new appointment.

COMMISSIONER MITCHELL. So you have been interested in and in discussion with and are taking a position with respect to the desirability of a black officer?

MR. STERNSTEIN. I think I have to be fair and say to you that the State law is not a strong provision. The State law is not terribly strong on this. And what we are doing is because HUD has said it's their policy to have minority representatives on local housing authorities. And they have said they see no conflict of interest in, in fact, having tenant representation on local housing authorities.

We have by memo to the local housing authorities advised them of HUD's position. We have also tried to encourage in places like East St. Louis and in Alexander County the appointment of minority representatives.

COMMISSIONER MITCHELL. But you do not consider that you have any direct authority in that regard?

MR. STERNSTEIN. Since I don't make the appointment, it makes it very difficult. I can hold up an approval of an appointment.

COMMISSIONER MITCHELL. You can hold up an approval, and you could possibly change the nature or withhold service.

MR. STERNSTEIN. Well, in an established authority, let's say, withholding service, let's say, in an established authority like Alexander County, my withholding of service—they have a very small State budget, which is just to supplement their Federal budget—would have very little impact I'm afraid.

It would be—If HUD decided to withhold subsidy is where you'd have your greatest fiscal impact.

COMMISSIONER MITCHELL. In that respect, you consider yourself to be influenced entirely by HUD policy?

MR. STERNSTEIN. I didn't hear the last—

COMMISSIONER MITCHELL. You consider yourself in that respect to be influenced entirely by HUD policy?

MR. STERNSTEIN. I think it's good policy, so I'm influenced by it. If it were a bad policy I don't think I'd be influenced by it. I think it's a very good policy so I'm influenced.

COMMISSIONER MITCHELL. Thank you.

MR. STERNSTEIN. Yes, sir.

COMMISSIONER FREEMAN. Mr. Sternstein, the Alexander County Housing Authority has never had a black member?

MR. STERNSTEIN. I believe that's correct.

COMMISSIONER FREEMAN. Your agency does have the duty and the power to approve the members of the board of commissioners of the housing authority. Could your agency then consider a policy of communicating to the Alexander Housing Authority that for so long as it refuses to appoint a black member that it will withhold the approval of any appointment? Could your office consider this?

MR. STERNSTEIN. I think, you know, the question of could we consider it—We could always consider it. But from reading the State law—

COMMISSIONER FREEMAN. Could you give an opinion as to—

MR. STERNSTEIN (continuing). I think I would be on very shaky legal ground.

COMMISSIONER FREEMAN. On what basis?

MR. STERNSTEIN. I find if you read Chapter 67½, which is what we base all this on, it would be a fairly—Well, it would drift into some very loose interpretation of that chapter, because I don't find anything there that really specifies qualifications of local housing authority commissioners.

We have said that—We began to look at this problem in 1970. You know. We began to take a look and see—

COMMISSIONER FREEMAN. Do you see your role as a rubber stamp merely?

MR. STERNSTEIN. Of course not. But, you know, if we are going to have to look at the law, what you may ask me and I may respond to you this way is that maybe we need to amend the State law. Maybe we need an amendment to the State law to strengthen that provision.

COMMISSIONER FREEMAN. Since you are the executive officer in this and you are concerned with the implementation not only of State but of Federal law—

MR. STERNSTEIN. We have had very good results getting minority representatives on housing authority boards over the last 2 years, and the question arises, you know, do you need let's say to change the State law for one locality when you have had fairly good luck across the State?

I just wanted to add that to my earlier remark.

COMMISSIONER FREEMAN. Chapter 67½ contains many provisions, and I would like to read to you one of them.

MR. STERNSTEIN. Sure.

COMMISSIONER FREEMAN. I believe it would then be subsection 313, "Discrimination."

"The authority shall require that occupancy of all housing financed or otherwise assisted under this Act be open to all persons regardless of race, national origin, religion, or creed, and that contractors and subcontractors engaged in the construction or rehabilitation of such

housing shall provide equal opportunity for employment without discrimination as to race, national origin, religion, or creed.”

Is your office responsible for the implementation of this provision in any way whatsoever?

MR. STERNSTEIN. No, I believe—With reference to a Federal program, HUD is—We allow HUD to enforce that.

COMMISSIONER FREEMAN. You referred to 67½.

MR. STERNSTEIN. Yes, but there is also provision in 67½ that States, in effect, when the authority is in a Federal program—The State defers to HUD or the Federal Agency.

COMMISSIONER FREEMAN. One of the very real problems that this Commission has encountered in many hearings is that in citing a law many agencies and individuals cite a provision of the law and fail to see the provision against discrimination, or if they see it they do not give it the same weight that they give other provisions.

Now, you have cited on several occasions 67½. And I have read to you a provision of 67½ which is relating to discrimination. And I want to know your responsibilities as you perceive them with respect to this section of 67½.

MR. STERNSTEIN. If it were with reference to a State project, I would, of course, enforce that antidiscrimination provision. If it were reference to a Federal project, I would then expect HUD to enforce it, and I'm sure they do.

MR. BUGGS. Suppose HUD doesn't.

MR. STERNSTEIN. Then I would try to.

COMMISSIONER FREEMAN. Well, at this point it seems that nobody is.

MR. STERNSTEIN. No, I wouldn't want to agree to that. That you will have to ask someone else. But there is—I can't put my finger right on the provision in 67½ that makes reference to State and Federal projects.

COMMISSIONER FREEMAN. Mr. Powell?

MR. POWELL. Maybe we ought to refer to the entire requirements of the law.

You mentioned earlier, Mr. Sternstein, that the 15 percent of the housing stock in Alexander County was public housing. Is that right?

MR. STERNSTEIN. No, I said I thought that they were approaching a 15 percent cut.

MR. POWELL. Fifteen percent what?

MR. STERNSTEIN. In other words, they were getting close to having 15 percent subsidized housing.

MR. POWELL. And what significance has that?

MR. STERNSTEIN. I don't think—I'm only referring to public housing now, and I'm saying I don't think you'd want to have a community that had 75 percent public housing.

MR. POWELL. Well, let's look at a community such as Alexander County in which a large percentage of the people are poor and we have had testimony that they can't afford—Not only can they not afford

regular housing but they can't even afford subsidized housing unless it has a rent supplement program—nonprofit housing I should say, unless it has rent supplement program.

Now, if you have 15 percent publicly subsidized housing in a community in which there are 30 percent of people below the poverty line, don't you think there ought to be housing sufficient to meet the needs of these people and within their cost?

MR. STERNSTEIN. I certainly do.

MR. POWELL. Then figures don't mean anything unless you look at the needs, do they? Isn't it the responsibility of your office to look at the needs? And when you speak of figures shouldn't you speak of those figures in terms of the needs within this county?

MR. STERNSTEIN. I would never advocate, you know, not looking at the total needs situation. I'm just saying at this point in time there's not going to be—There's not going to be any more applications for public housing until they get their modernization program, I'm sure.

MR. POWELL. All right.

MR. STERNSTEIN. And at such time if HUD determines that there is a need for additional units of public housing under the low-income program, then I would hope Alexander County would ask us to assist them and we could, of course, assist them in any way possible—technical assistance now—in getting these units implemented quickly as possible.

COMMISSIONER FREEMAN. Mr. Horwitz?

MR. WANER. He appears to have been called away temporarily.

MR. POWELL. All right. Mr. Waner, would you please describe your responsibilities as Area Director for the State of Illinois?

MR. WANER. As Area Director of the State of Illinois I am responsible for administrating the administration of some 57-odd programs of HUD throughout the State, excluding the 29 northern counties of Illinois where I have full jurisdiction over all programs.

In the 29 counties the FHA office, what was previously known as the FHA office, is now called the insuring sector, and we insure all of the FHA programs in the 29 northern counties.

Cairo office is serviced through the Springfield office for the insuring programs such as 235, 236.

MR. POWELL. Mr. Waner, what relationship does your office have with the Alexander County Housing Authority?

MR. WANER. Our office through our public housing representatives have been working with the Alexander County Public Housing Authority.

MR. POWELL. Mr. Waner, we have received testimony that the public housing in Cairo is racially segregated. Have you been previously aware of this segregation?

MR. WANER. It hasn't been brought out in the record to date; I assumed the duties of Area Director for the State of Illinois in August of 1971. I became aware of the acute situation in Cairo primarily through the press. And since—I have been served with a subpoena to

appear here—I called the various members of my staff who have been working in this area, my program manager, the property management section, the people that have been in direct contact, our management officer, Henry Schwartz, who has worked with the housing authority here, Wilbur Tuggle, our director of housing program—he's also here—Mr. Winston McGill, the community development rep for renewal. I have asked him here, too.

I have sat with them and been briefed on the situation. And further I have asked the previous EO representative for this area who has devoted over 2 years to the Cairo area, and I have asked her also to be here with us, and she has been hired by the United States Government to act as a citizen adviser to us inasmuch as she's no longer with the HUD office.

So we have enough brass here, I guess, to answer all of the questions that may be put forth to us.

MR. POWELL. I take it you would agree that the maintenance of federally supported housing project on a segregated basis is contrary to HUD regulations?

MR. WANER. Did you say—

MR. POWELL. I take it you would agree that the maintenance of federally supported public housing projects on a segregated basis is contrary to HUD regulations?

MR. WANER. There is absolutely no question about that.

MR. POWELL. Now, would you tell us what steps, if any, your office is now taking to eliminate such segregation in Cairo?

MR. WANER. We have through our director of housing programs management been working with the Cairo Housing Authority, and I believe—

MR. POWELL. It's the Alexander County Housing Authority.

MR. WANER. Or the Alexander County Housing Authority. And I believe at the present time at least there are some positive steps that are being discussed to bring about an improvement in the situation that has been long overdue.

The original public housing project I understand here was built in the '40's, and subsequently to that there has been an elderly housing project built a few years ago. The original project has been a segregated development, and, as I understand it, the elderly housing project was built pretty much on a segregated basis, and it was because of the efforts of our staff that some attempt at desegregating that has been accomplished.

And currently our director of housing programs has been dedicated to bringing about desegregation. It's a slow process because the climate of the community has not been conducive to any immediate changes, but we are definitely working to that end, at least at our level.

MR. POWELL. Mr. Waner, we have also heard testimony that the public projects maintained by the Alexander County Housing Au-

thority are in substantial need of repair. Virtually many of them are substandard.

Is there anything that your office can do independent of the executive director of the Alexander Housing Authority to see that these needs are met?

MR. WANER. Unfortunately, I have got to agree with you, counselor. The housing project here is sadly in need of modernization. There's no question. Our reports from our staff all bring out the fact that they are in very sad condition.

Unfortunately, the law as written calls for community participation. It calls for the community itself to meet certain criteria before a funding can be allocated by the State.

I might also add that we are hoping that through negotiations this may come about.

As it stands today, there has not been any participation from the established government bodies in this locale to achieving that end. There has been a sad lack of cooperation.

And independent of that there is nothing in law which would authorize HUD to make a grant for improvement without the support or the community itself working and meeting all of the criteria that's necessary to make this grant.

MR. POWELL. But there are negotiations taking place now as I understand it and there is money available if those negotiations are successful. Is that correct?

MR. WANER. If the negotiations will be successful this afternoon, I'll immediately recommend a funding for that modernization. That is how readily available this money is for this modernization program. We recognize the acute need for it, and we are ready to fund it.

MR. POWELL. Thank you.

MR. HORWITZ—

MR. HORWITZ. Yes, sir?

MR. POWELL (continuing). How long have you been employed with HUD?

MR. HORWITZ. February made 9 years.

MR. POWELL. And your present responsibility is?

MR. HORWITZ. I'm the principal adviser to the Regional Administrator on matters affecting compliance with equal opportunity requirements as it affects the Department of Housing and Urban Development.

My functional responsibility is that I am the head of the office that conducts investigations and compliance in conjunction with Title VIII of the 1968 Civil Rights Act and Title VI of the 1964 Civil Rights Act, Executive Order 11246, and other related Executive orders.

MR. POWELL. And how long have you been in your present position?

MR. HORWITZ. I was made Acting Assistant Regional Administra-

tor in February of last year, and I was confirmed formally in July of last year.

MR. POWELL. You have heard the testimony about the way the Alexander County Housing Authority projects are maintained on a racially segregated basis, have you?

MR. HORWITZ. Yes, I have.

MR. POWELL. In such cases what steps does your office take to insure equal opportunity for residents of public housing?

MR. HORWITZ. Well we would be responsive—we would have to be responsive—to a complaint submitted by an applicant or a tenant of a housing authority who would claim that he or she was being discriminated against on account of race, color, or creed.

MR. POWELL. Well, in a situation which is so well known and blatant as Cairo, why do you wait for a complaint?

MR. HORWITZ. Well, first, I think we have to back up a minute and give a historical perspective.

The Office of Equal Opportunity did not come into existence until November of 1968 as a result of the 1968 Civil Rights Act. Staffing was not completed of that office until June of the following year. I don't believe—The Justice Department, incidentally, can under section 813 of Title VIII of the 1968 Civil Rights Act initiate suits without reference to HUD on patterns and practices.

If we were to conduct at that point in time when we came into existence the compliance reviews to determine whether or not patterns and practices did occur—In view of the violence that was occurring at that time I believe, if memory does not forsake me, both the Civil Rights Commission and the Justice Department in late 1969 both were involved in the Cairo situation as it existed at that time. And I believe, you know, other Federal Agencies as well as State agencies were also involved.

As far as the—The only action that HUD could conceivably have undertaken at that time was to refer the case to Justice for possible court litigation.

MR. POWELL. Well, you could do that even now, could you not?

MR. HORWITZ. We could do that even now.

MR. POWELL. Do you make onsite inspections?

MR. HORWITZ. Not at the present time.

MR. POWELL. Do you make onsite inspections when there is a complaint?

MR. HORWITZ. When there is a complaint.

MR. POWELL. Do you require local housing authorities to furnish you with racial statistics with respect to the residents?

MR. HORWITZ. The local housing authority submits racial characteristics of occupancy to the various program offices of HUD. Upon request from the Office of Equal Opportunity, those statistics are available to us.

MR. POWELL. Madam Chairman, I have no further questions.

COMMISSIONER FREEMAN. Commissioner Mitchell?

COMMISSIONER MITCHELL. Mr. Horwitz, how many people do you have in your office?

MR. HORWITZ. We have two kinds of people. We have an established ceiling now of 16 staff personnel to service six States.

COMMISSIONER MITCHELL. Do you consider you are adequately staffed for the job you are assigned to do?

MR. HORWITZ. Prudence would say—We always can use more staff.

COMMISSIONER MITCHELL. Well, I'm quite serious. You see, what you hear as you sit here in this particular cluster, or just on this particular day, is that you know there's segregated housing in this city—

MR. HORWITZ. Yes, sir.

COMMISSIONER MITCHELL (continuing). And you know that it's going to stay segregated on the basis of any present plans or principles or power that seems to be brought into play. You know that the taxpayers of the State of Illinois and the United States of America through their governments have said there shouldn't be segregated housing.

And you bring in people who represent all those institutions, and it says everywhere in fine print that there can't be any segregated housing, and then when you ask anybody they're either understaffed or they're too busy or they just got here last August or there's something, but you never seem to be able to pin down how to solve the problem.

How do you think we're going to solve this problem in Cairo?

MR. HORWITZ. Thank you. You know, I was wondering—Okay. Let me answer that in two ways if I may.

HUD did attempt for one of the few times I believe in its history to act in a coordinated fashion with the other Federal Agencies that were involved, and if the Commission would allow it I have here a report of that interagency task force on Cairo.

COMMISSIONER MITCHELL. I'd like to have the report entered as a part of the record, as a matter of fact.

(Whereupon, the document referred to was marked Exhibit No. 14 and received in evidence.)

MR. HORWITZ. Well, I think—

COMMISSIONER MITCHELL. Why don't you speak to the report?

MR. HORWITZ. Okay. If I may I think it would be both enlightening to the Commission—

COMMISSIONER MITCHELL. Is this the same *ad hoc* task force we heard about from Mr. Lorberbaum?

MR. HORWITZ. Yes.

COMMISSIONER MITCHELL. Well, we heard Mr. Lorberbaum's—

MR. HORWITZ. All right.

COMMISSIONER MITCHELL (continuing). Extended description of that.

MR. HORWITZ. I'll not belabor the Commission with it further.

COMMISSIONER MITCHELL. You know, the story of that seems to be

that everybody ran around in a circle and finally they got tired and sat down and the problem went away.

MR. HORWITZ. No, the interagency task force recognized one thing, that if the problems of Cairo were to be solved or even alleviated—all right?—that all the agencies involved had to act in a concerted fashion.

We could not approach the problems of Cairo, which unfortunately are not peculiar to Cairo—They may be more extreme in Cairo than elsewhere. But Cairo was seen as maybe an opportunity, I think, that maybe for one of those rare times in our history that Federal Agencies could put together a total package of programs and goodies and what-not to help alleviate the problem.

But one of the things that we run into—and maybe I'm pleading—what can I say?—*mea culpa?*—is that rightly or wrongly we live in a kind of political system whereby Federal assistance—and I hear from the State—is dependent upon the community's capacity first of all to request that assistance and go through all the legal and financial rituals that they must go under, that at least HUD and its allied Federal agencies—

COMMISSIONER MITCHELL. Well, you're not saying to me that the Bill of Rights depends on neighborhood consent?

MR. HORWITZ. No, but the solutions to problems I think does depend upon consent. And unless you can create some kind of political unit that is not as vulnerable—okay?—to the local pressures that we have heard described pretty graphically, it seems to me to bring about a real resolution of the kinds of problems as presented by towns and communities like Cairo. Despite our very best efforts, it's peculiar that the only small towns that we have been able to bring back as viable entities—it's curious—have been places like Vale and Aspen, Colorado, and Stowe, Vermont and Sun Valley and Squaw Valley, which are really like playgrounds for very wealthy people.

Maybe that's a commentary on the kind of society we now live in.

But I firmly believe that if we are to resolve the kinds of problems presented to us by communities like Cairo that first of all there has to be a highly integrative mechanism that can bring about a concerted approach by all the Federal Agencies.

For instance, if Justice, Civil Rights Commission, HUD, HEW, and the whole ball game that you have heard about I'm quite sure for the past few days could have acted upon the situation that existed in Cairo back in late 1968, that perhaps today we would not have to be conducting hearings as to why we failed in Cairo.

I suspect the failure is partially all of ours.

COMMISSIONER MITCHELL. So you are recommending that some process be developed that can be depended upon that will force the coordination of all of the interested agencies and superimpose that coordination upon prior systems or substitute prior systems for it?

MR. HORWITZ. As far as from where I sit, Mr. Mitchell, that is exactly it.

COMMISSIONER MITCHELL. Well, I tend to agree with you because as the Commission has held its various hearings and talked to various isolated agency personnel, it has ended up really running from office to office to office and ending up back where it started from.

MR. HORWITZ. You're always going to get an excuse.

COMMISSIONER MITCHELL. That's right. It's always the guy next door. And I think we have run out—The circle is closed. I think the Commission is going to have to consider making some recommendation to the Congress or to the President that would force the agencies to work together in this context and in situations like this.

MR. HORWITZ. If I may give one more piece of philosophy by which I might succeed in hanging myself, some time ago before I assumed my present job with HUD I had another job with HUD in which I headed up a program called "Neighborhood Facilities". And out of that grew something called the pilot program which in some ways was a predecessor of Model Cities.

And we operated in four cities in this region, and what we attempted to do then was to bring about a highly integrative approach between four Federal Agencies and the city counterparts in these four large metropolitan areas that we operated in.

And the one thing that was quite striking, one of the things the city had to do—And we're not talking about places like Cairo any more. We're talking about places like Detroit and Chicago, cities with I would hope considerably more financial capacity than places like Cairo.

One of the things they had to do was build—simply build—a building that would house multisocial services. Okay?

And would you believe that program is now at least 9 years old and in only one city do I know where the foundation is dug for one of the buildings?

COMMISSIONER MITCHELL. Yes, after having been in several of these hearings, I'm ready to believe it.

MR. HORWITZ. You're ready to believe it?

COMMISSIONER MITCHELL. It sounds like an accelerated program to me.

MR. HORWITZ. Something less than that.

COMMISSIONER FREEMAN. Mr. Horwitz, in your earlier testimony you said that your office sort of waited for complaints and that you had not received a complaint. It was a little over a year ago that this Commission issued a report called *The Federal Civil Rights Enforcement Effort* in which we found that the Federal Government itself was failing to comply with the civil rights laws.

And I would like particularly with respect to the questions which you were asked and your reply to call your attention to Section 808, because if your office waits for complaints it would appear that it is not carrying out the law.

"The Secretary of Housing and Urban Development shall:

"Make studies with respect to the nature and extent of discriminatory housing practices in representative communities, urban, suburban, and rural, throughout the United States.

"Publish and disseminate reports, recommendations, and information derived from such studies.

"Cooperate with and render technical assistance to Federal, State, local and other public or private agencies, organizations and institutions which are formulating or carrying on programs to prevent or eliminate discriminatory housing practices.

"Cooperate with and render such technical and other assistance to the Community Relations Service as may be appropriate to further its activities in preventing or eliminating discriminatory housing practices.

"And administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of this title."

Now, what you have said from your testimony—and if it is to be agreed to by what somebody described as the "brass" sitting around this table—that all of these Federal officials here are themselves failing to comply with Federal law—I would ask you if you would speak to what you feel can be done from this point on to correct the situation.

Because Cairo is not by itself but there will be many other such Caicos as long as the Federal Government will sit down and fail to comply with the law through its executive agencies.

MR. HORWITZ. Well, that's a pretty large question, I would think that first of all the—Well, it's been described that the interagency task force in Cairo was a group of people that ran around and finally got tired and sat down. I do feel that the withholding of—at least from HUD and I believe from the other Agencies—the withholding of Federal funds until such time as at least commitments to become in compliance with the law and other EO requirements was achieved by the community—I believe that's one way we affirmatively manage our programs to bring about alleviation of the problem.

But again I can only state that the Federal establishment as I know it cannot bring about significant change in places like Cairo until and unless there is a mechanism by which there is almost total control of the local environment. I don't, frankly, Mrs. Freeman—I don't perceive that happening too soon.

All I can say is that until city council members can perceive their responsibilities as something more than "I have no knowledge" or "if my constituents tell me to vote against a private housing development," the Federal Government cannot intercede at that moment. That's my understanding of the law.

COMMISSIONER FREEMAN. Mr. Horwitz, I would like you not to have to take the sole responsibility for this answer. You're the EEO man. Mr. Waner, I believe, is the program man.

MR. HORWITZ. Yes, ma'am.

COMMISSIONER FREEMAN. Mr. Waner, will you speak to this point?

MR. WANER. All right. This is a point we speak to all the time. We have the same situation in Chicago. The only pressure we apply is the carrot and the stick method.

Currently in Chicago we are withholding funds because Chicago hasn't complied. But Chicago has at least requested the funds. They haven't complied with the Austin decision.

Here in Cairo, while they give lip service to asking for funds, in a lot of instances they haven't. We have been asking for workable programs. Workable programs are nonexistent. Every time something gets started it goes by the board because it isn't completed.

We don't even have a chance in Cairo to offer the carrot, much less use the stick.

COMMISSIONER FREEMAN. Are there any HUD programs, housing, sewer, or otherwise, that are funded in Alexander County or Cairo?

MR. WANER. None whatsoever.

I might say as an observer, however, I listened to the comment about the 235-236 as not workable—FHA program—which, incidentally, is administered at this level from the Springfield office—and I'd be remiss if I didn't take issue with the previous witness.

And we find that the 235 program in Chicago, in the Chicagoland area, the 19 northern counties, is one of our finest programs and does provide immediate housing in order to subsidize interest to those who need it most.

And the repossessions are extremely small—less than those in the conventional market.

And they could be—I'm sure that allocations of that could be made into this area immediately.

And I might also say that the 236, the rent subsidy program, in Illinois, both with IHDA seed money and FHA or HUD participation, has been extremely well received.

And I might also say that it is within the jurisdiction of the insuring office to waive the necessity of whether or not the city wants to accept subsidized housing or not.

Once the land is available and the program is submitted to HUD and the money is set aside, at the discretion of the director he can waive the city participation or some ordinance. They wouldn't have to—If they didn't want to pass it, HUD could still fund it.

But they have got to have the land and they have got to have the sponsor and that has to emanate from within the community.

MR. POWELL. Mr. Waner, I want you to continue, but I want to clarify the record.

When you mentioned the "previous witness", you meant Mr. Moss, the member of the city council? Is that correct? You mentioned the previous witness. You didn't mean Mr. Horwitz?

MR. WANER. No, I'm talking about the fellow that says he didn't have anybody—

MR. POWELL. That was Mr. Moss.

MR. WANER. Yes, that was him. City Councilman Moss.

COMMISSIONER. FREEMAN. Mr. Buggs?

MR. BUGGS. Mr. Horwitz, the Civil Rights Act of 1968 did provide for the first time for a kind of mechanism that HUD now has with respect to the whole question of equal opportunity in housing. But there have been equal opportunity offices in HUD for an awfully long time prior to that time. They may not have been called by that name.

MR. HORWITZ. They were called intergroup relations.

MR. BUGGS. That's right. Intergroup relations specialists.

In 1962 the President issued an Executive order which said, in effect that no program involving the utilization of Federal funds could practice discrimination. You recall that in 1962?

MR. HORWITZ. That's 11063 you're talking about?

MR. BUGGS. That's right.

Did HUD do anything under that order with respect to discrimination in public housing?

MR. HORWITZ. That was under HHFA at that time I believe, Mr. Buggs.

MR. BUGGS. HHFA. That's right. But even after HHFA it was in force and still is in force.

MR. HORWITZ. You get me at an awkward moment. I cannot testify, you know—Well, let me put it this way. I believe the Executive order applied to FHA mortgage insurance or insured housing at that time. That was the famous "stroke of the pen" Executive order.

MR. BUGGS. No, sir. It provided—It reads: "I hereby direct all departments and executive agencies in the Executive Branch of the Federal Government, insofar as their functions relate to the provision, rehabilitation, or operation of housing and related facilities, to take all action necessary and appropriate to prevent discrimination because of race, color, creed, or national origin," and goes on "in sale, lease, rental, owned or operated by the Federal Government or provided in whole or in part with the aid of loans, advances, grants, or contributions hereafter agreed to be made by the Federal Government."

MR. HORWITZ. I cannot give you firsthand knowledge or testimony as to how that was implemented.

MR. BUGGS. Mr. Waner, were you connected with the Federal Government at that time?

MR. WANER. I was connected with the Federal Government in 1960 as FHA Director for the 19 Illinois counties, and while the law of the land called for it, there was insufficient staff and it was debatable whether or not there was will—that there was any real pressure or the willingness on the part of the Agencies to proceed.

And the result is that subsequently this was more broadly defined.

We can go further than that. We can go back to the Declaration of Independence and the Constitution.

But we have to have more and more laws clearly spelling out a lot of these things. And I think that at the present time there is no question but that HUD is dedicated and it is Secretary Romney's strong deter-

mination and will that equal opportunity be exercised in every facet in the entire spectrum of the HUD programs.

As Mr. Horwitz stated, unfortunately, at our level there is always the matter of staffing. We have three program managers for the whole State of Illinois, 101 counties, a couple of thousand political subdivisions, where our EO rep calls on the various governmental bodies and throughout the State. It's virtually impossible.

MR. BUGGS. Mr. Waner, you previously testified that the Federal Government or HUD could not really come in and assume a direct responsibility in connection with housing where rules of the Federal Government were not being obeyed. Is that true with respect to—

MR. WANER. No, I didn't say that. Perhaps we have missed something.

MR. BUGGS. I got the impression that you said that unless the local community—

MR. WANER. Oh, yes. Go ahead.

MR. BUGGS (continuing). Assumed a responsibility, for example, for maintenance—

MR. WANER. No, no. I'm afraid we're on two different—May I be in a position here—

MR. BUGGS. Yes, please.

MR. WANER (continuing). To give you a little background on the situation right here in Cairo?

The communication and how we have worked, how our staff has worked with the local authority trying to bring about some sort of a workable program in this area so that we could move money into the Cairo area—

MR. BUGGS. Mr. Waner, I don't doubt that at all. I'm willing to concede that. What I'm really trying to get at is whether or not under any guise at all administratively HUD can almost take over a housing authority as it was going to do in St. Louis with Pruitt-Igoe, for a different reason, not with respect to the question of discrimination but with respect to the whole question of the operation of that housing authority.

MR. WANER. Mr. Buggs, what I would like to do at this time, I would like for you to recognize Wilbur Tuggle, our Director of Housing Programs, and Management, who is in a better position—he has been sworn as a witness—to answer that inasmuch as he is directly responsible for the housing programs in HUD.

MR. BUGGS. Do you want to recognize him?

COMMISSIONER FREEMAN. Yes. Were you sworn, Mr. Tuggle?

MR. TUGGLE. Well, I really wasn't.

(Whereupon, Mr. Wilbur Tuggle was sworn by Commissioner Freeman and testified as follows:)

TESTIMONY OF MR. WILBUR TUGGLE, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, CHICAGO, ILLINOIS

MR. TUGGLE. Are you waiting for a response?

MR. BUGGS. Yes, the question is could HUD do here in Cairo what 3½ years ago it proposed to do in the city of St. Louis because of

mismanagement of the Pruitt-Igoe project? And that was to literally take over the housing authority.

MR. TUGGLE. The question of "can do," certainly we could do. But within any range of reality of staffing and that sort of thing it would be virtually impossible. Not "virtually impossible." It would be impossible.

MR. BUGGS. Do you recall the Pruitt-Igoe situation?

MR. TUGGLE. Yes, very well.

MR. BUGGS. Do you know that there was an administrative procedure under which HUD could have—

MR. TUGGLE. Yes, I'm sure that there are administrative procedures under which HUD can. But a question of staffing and will and many other things—Certainly the Federal Government is—You know, it does not want to directly manage and operate properties—

MR. BUGGS. That's right.

MR. TUGGLE.—if there is any other way to achieve the general goals of the Department.

MR. BUGGS. But when there is no other way there is that possibility?

MR. TUGGLE. Yes, of course, the business of there not being another way has a time reference point too. With respect to Cairo we think perhaps there is a way. At least in my opinion I think there is.

MR. BUGGS. Thank you.

COMMISSIONER FREEMAN. Thank you. The witnesses are excused.

MR. POWELL, will you call the next witness?

MR. POWELL. Madam Chairman, the next witness is Mr. John Blevians.

(Whereupon, Mr. John Blevians was sworn by Commissioner Freeman and testified as follows:)

TESTIMONY OF MR. JOHN BLEVIANS, CHIEF COUNSEL, LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW, CAIRO, ILLINOIS

MR. POWELL. Mr. Blevians, would you please state your name, address, and occupation for the record?

MR. BLEVIANS. My name is John Blevians. My office is at 909 Washington Avenue here in Cairo, Illinois, and I am a lawyer. I am the chief counsel of the Lawyers' Committee for Civil Rights under Law here in Cairo.

MR. POWELL. Would you please describe the Lawyers' Committee and its activities?

MR. BLEVIANS. Briefly, the Lawyers' Committee was originated at the invitation of President Kennedy in 1963. Its focus, its primary focus, at that time was to facilitate the delivery of legal services to civil rights workers in the South at a time when civil rights workers were being prosecuted and there was pretty much complete absence of counsel for civil rights workers in such States as Mississippi and Alabama.

We still have an office in Jackson that was set up at that time and has continued on doing civil rights work that is funded almost entirely by the Ford Foundation.

Our office here in Cairo was set up in September of 1969 at a time when some of the same conditions that pertained in Mississippi in the early '60's were here in Cairo.

There was a need that was expressed, and the Lawyers' Committee responded to, for legal help to both do criminal defense work for people who were being arrested usually in pursuit of their first amendment rights, and also there was a need for what I call affirmative civil rights suits to be brought to reach racial discrimination as you have been hearing it exists here.

And the last step in the story I guess is that in July of 1970 the Office of Legal Services of OEO designated the Lawyers' Committee and funded us to do the legal services program here in Alexander County, which you are in now and in Pulaski County immediately to the north and Union County just north of there.

So we are now almost a 90 percent federally supported legal services program, but still—Well, we maintain the identity that we had when we first came here in September 1969, but we do a wide range of legal work.

MR. POWELL. How long have you been with the program here in Cairo?

MR. BLEVEANS. Here in Cairo just a little over a year.

MR. POWELL. What did you do before that?

MR. BLEVEANS. For a year I was the director of the Washington Lawyers' Committee, in Washington, D.C.

MR. POWELL. And before that?

MR. BLEVEANS. Prior to that time I was with the Federal Government with the Civil Rights Division of the Department of Justice.

MR. POWELL. Mr. Bleveans, through the operation of your office in the area, have you become familiar with the status of equal employment opportunities for black residents in Cairo?

MR. BLEVEANS. Intimately.

MR. POWELL. Have you been involved in litigation in the area—in this area? Have you been involved in litigation in this area?

MR. BLEVEANS. Yes. Yes, I have.

MR. POWELL. Mr. Bleveans, on the basis of your observations and complaints, on the basis of the observations your office has received from clients, how would you evaluate the equal employment opportunities of private and black employers in the area?

MR. BLEVEANS. Private and black employers?

MR. POWELL. Yes. I'm sorry. I beg your pardon. How would you evaluate equal employment opportunities of blacks with public and private employers in the area?

MR. BLEVEANS. The first part, public employers, I think the record is clear beyond a doubt that this county and this city operate without the benefit of much black employment.

I have had occasion to know through one lawsuit the employment situation in one of the larger public employers that provides gas and light to the city—gas and electricity. They, for instance, have, the last time interrogatories were answered—and all of this is a matter of

public record in this court as a matter of fact—they had 25 employees, all of whom were white.

Other public employers such as the city of Cairo itself—Just let me refer quickly to a record. Well, one overwhelming impression that I have—and maybe some of this is because of the experience I had working in the South with the Civil Rights Division—is that almost without exception when you walk into a public office in this city and county, you are met with the whiteness of it.

For instance, the Alexander County Courthouse, I don't suppose there are more than three blacks in the whole courthouse. You can go up and down the halls of the various county offices that are there, the State's attorney's office—I'll just go down the hall now with you—the State's attorney's office, the treasurer's office, the assessor's office, the sheriff's office, the county clerk's office, come around to the circuit clerk's office, go out the back door to the highway department, stop off at the two court rooms, and you won't see, you know, enough black faces to remember.

So it's just an overwhelming impression of whiteness that you get when you go into, well, the courthouse.

Go into the city hall, which is—let me see where are we now?—I guess five blocks south of here, and you get the same thing. I don't believe there are any black people employed in the city hall.

And it's just on and on like that.

MR. POWELL. What about private employers, opportunities for blacks with private employers?

MR. BLEVEANS. That I don't have the sort of firm data that I have on the public employers. I know that we have received a number of complaints, and many of which have been taken by us to the Illinois Fair Employment Practices Commission, and I know that they did a study of the major private employer in the city not too long ago, and I think it's fair to say that it may be somewhat improved by virtue of the numbers of blacks who are employed by private employers.

But when you talk about lines of progression and blacks being in lines of progression that lead anywhere but out of entry level jobs, you don't find it.

In all fairness I would say that there have been two new businesses that have come to Cairo or come to this area in the last year—one is just north of town, a printing operation—and they may grow to be like a 100-employee business, and at the present time I believe that their work force reflects the racial composition of this county.

I have also had some assurances from a shipyard that is going to open up or reopen up at Mound City that they will attempt to do somewhat the same thing.

They are the bright lights as far as I am concerned in this area. Otherwise it's a pretty much all-white proposition.

MR. POWELL. Mr. Blevens, in conjunction with pending lawsuits, has your office recently compiled statistics reflecting minority par-

ticipation in the various city and county commissions and advisory boards?

MR. BLEVEANS. Yes, I have.

MR. POWELL. Mr. Blevians, with respect to all questions regarding these statistics, would you please restrict your answer to information of public record?

How many such city and county bodies are there?

MR. BLEVEANS. Well, I'm not sure. I'd say around—I know of about 19.

MR. POWELL. Would you please provide us with a summary of these findings?

MR. BLEVEANS. Yes. I have some of that on a paper that you might find useful that I could offer as an exhibit.

MR. POWELL. Yes. We will take that for the record.

(Whereupon, the document referred to was marked Exhibit No. 15 and received in evidence.)

MR. BLEVEANS. But just generally let me say first that as a lawyer representing clients in a lawsuit in the Federal Court in the Eastern District of Illinois I am bound by the rules of the Eastern District, and; therefore, any comments I make with regard to facts concerning either the Alexander County Housing Authority or the Cairo Public Utility Commission will be facts of public record in this Court.

The other agencies that I talk about, there is no litigation pending, and this information is a result of a survey I did at the end of last summer where public records or public officials were consulted and the information was obtained.

With regard to the Alexander County Housing Authority you heard testimony this morning from the person who has held the job of executive director since the authority's inception that there has never been a black person on their board.

According to the figures again in the record, there have been at least 42 appointments to this board over the course of its life. All of those have been white.

With regard to the Cairo Public Utility Commission, whose members, by the way, are appointed by the mayor of the city of Cairo with the approval of the city council, there have been at least 17 appointments to the public utility commission board. All of those have been white.

Now, if you go from there to—Well, just to mention a few that are on this list that I am providing you, the public library board—I don't have the history of the appointments for these boards but as far as the composition as of the end of last summer it goes something like this:

The public library board has nine members. No blacks.

The public building commission has five members. No blacks.

The police pension board has five members. No blacks.

I'm just skipping around here.

Selective Service Board has five members. No blacks.