

LEADERSHIP CONFERENCE EDUCATION FUND

CIVIL RIGHTS MONITOR

vol. 3, no.5

FEBRUARY 1989

INSIDE....

FAMILY AND MEDICAL LEAVE ACT.....	p. 1
HATE CRIME STATISTICS ACT.....	3
VOTER REGISTRATION LEGISLATION.....	5
RACIAL JUSTICE ACT.....	7
AMERICANS WITH DISABILITIES ACT.....	9
CHILD CARE.....	10
OTHER ISSUES.....	13

CIVIL RIGHTS-RELATED ISSUES IN THE 101ST CONGRESS

During the 100th Congress, bills dealing with an array of human needs and civil rights were debated but not resolved. These matters will be raised again in the new Congress. Here is some background.

Family and Medical Leave Act

Introduced in the 99th and 100th Congresses by Representatives William Clay (D-MO), and Patricia Schroeder (D-CO) and Senators Christopher Dodd (D-CT), and John Chafee (R-RI) in the 100st Congress, the bill addresses the conflict many experience between work and family demands. It would require employers to provide limited leave on the occasion of the birth, adoption, or foster care placement of a child, or to care for the employee's child under age 18 who has a serious health condition. The bill in the 100th Congress would also have allowed leave for the care of a child who is 18 or older and incapable of self care because of a physical or mental disability. The House version would have required leave to care for a parent with a serious health condition.

The House and Senate bills also provided for temporary medical leave for a seriously ill employee. The House bill provided 15 weeks of unpaid leave during any 12 month period and the Senate bill provided for 13 weeks. During the leave period, employers would be required to maintain pre-existing health insurance but the leave is otherwise without pay. Employees returning to work are entitled to the same position or an equivalent position with similar benefits, pay and other terms and conditions of employment.

Action in the 100th Congress

The House Committee on Education and Labor passed a bipartisan compromise version of the Family and Medical Leave Act (H.R. 925) on November 17, 1987 by a vote of 21 to 11. The House Committee on Post Office and Civil Service ordered the provisions of the bill covering federal employees reported

favorably by voice vote on February 3, 1988. The Senate Committee on Labor and Human Resources passed the Parental and Medical Leave Act (S. 2488) on July 14, 1988 by a vote of 11 to 5. The bill never reached the floor in the House. In the closing days of the 100th Congress, the Senate bill became part of a "package" which also included Child Care Legislation and an anti-obscenity bill. A vote to cut off debate on October 7 lost by a vote of 50-46 (60 votes are needed to end debate).

The need

In testimony at hearings in the House and Senate, witnesses described in very personal terms the need for a national policy on family and medical leave. The House Committee Report wrote (100-511, p.18):

"Ms. Iris Elliot, described... the difficulties she faces as a full-time worker with a preschool aged son and a seriously ill infant. Her employer, a national corporation, had no family leave policy. Ms. Elliot was offered a 90 day personal leave, without pay or job protection, but she could not risk losing her position or health benefits as the sole medical insurance carrier for her family. She concluded her testimony by saying 'No parent should ever have to be torn between nurturing their seriously ill child and reporting to work like I did.'"

And from the Senate Committee Report (100-447, p. 25):

"A tragic example of the need for job protection for parents when their children are seriously ill was provided by Mr. Thomas Riley. His son was diagnosed as having cancer when he was four and a half years old. During the illness and extensive treatments, Mr. Riley was hired as a supervisor at a jewelry manufacturing company with the expressed understanding that he would need and receive time to accompany his son to medical treatments. Over the next six months his son's condition deteriorated, and Mr. Riley somehow managed both to care for his son and work at least 50 hours a week. He took a total of six days off from work during this period, all of which were uncompensated.

"Shortly after his son died, Mr. Riley was fired for no apparent reason, and in spite of his incredible efforts to give the job everything he could. He spoke for himself and many others in saying: 'I have always worked hard for a living, and taken pride in providing for my family. There are millions of American fathers like me. I don't want any, or expect any, special favors from anyone, from my employers or the Government. But I don't think that parents should be forced to choose between caring for their children or keeping their jobs.'"

Experts in the field testified about the importance of parental care for newborn and ill children. Dr. Ed Zigler, Director of the Yale Bush Center on Child Development and Social Policy said "Parental leave is critical to the healthy development of children and families." Dr. T. Berry Brazelton, Harvard University and Children's Hospital in Boston, "urged that at least one parent have the opportunity to care for a newborn in order to create a

strong foundation for the child's later development." Dr. Stuart Siegal, Children's Hospital in Los Angeles, "testified that the prospects for long-term survival for children with life-threatening illnesses are much better when the parents are able to assist with the treatment."

"[I have] encountered numerous instances where parents had to choose between bringing their child to the hospital for much needed medical treatment and evaluation versus losing their jobs... In almost all cases, the employers were aware of the nature and severity of the illness that the parent was dealing with in their child, but nevertheless, the parent was still faced with this terrible choice."

Witnesses also spoke about the need for job guaranteed leave for employees who experience major illnesses. Ms. Frances Wright in testimony before the Senate Subcommittee on Children, Family, Drugs, and Alcoholism told of her firing while undergoing treatment for cancer:

"Because of my illness, I lost my job, my self-esteem, my job satisfaction, as well as the continuity of a salary and benefits as a result of my job performance and seniority. I was angry and frustrated. I had to fight against becoming bitter. I had to fight to keep my enthusiasm, vitality and desire to lead a productive and meaningful life based on my own self-motivation and productivity."

The United States is the only industrialized country that does not have a national policy of maternity or parental leave. For example, Japan provides 12 weeks of partially paid maternity leave; Canada provides up to 41 weeks with 60 percent of salary the first fifteen weeks; in European nations, 5 to 6 months of paid leave is the norm for new mothers. One hundred and thirty five countries provide at least maternity leave, and 127 provide some wage replacement. France, Great Britain and Italy first provided maternity benefits prior to World War I, and these benefits "are now part of more general paid sick leave laws providing benefits for all workers unable to work for medical reasons" (House Report, 100-511, p. 27).

In the U.S., nineteen states now affirmatively require employers to provide some form of job guaranteed leave for family and/or medical reasons. The terms and conditions vary widely, which "highlights the need for a federal minimum standard... to provide uniform and consistent coverage."

Bills were introduced in the 101st Senate on February 2, 1989 by Senators Christopher Dodd (D-CT) and John Chafee (R-RI) and in the House on February 7 by Representatives William L. Clay (D-MO), Patricia Schroeder (D-CO) and Marge Roukema (R-NJ). Both bills provide up to 10 weeks of unpaid leave upon the birth of a child; the adoption of a child; or the serious illness of a child or parent. Unpaid medical leave is also required for a seriously ill employee.

Hate Crime Statistics Act

Introduced originally in the 99th Congress by Representative Barbara Kennelly (D-CT) the bill sought to establish a system to gather statistics

on crimes based on the victim's race or religion. A substitute bill (H.R. 2455) sponsored by Rep. John Conyers (D-MI) passed the full House on July 22, 1985. The House bill provided for the collection of data on crimes based on the victim's race, religion or ethnicity. A counterpart to the House bill was referred to the Senate Judiciary Committee on July 24, 1985 but no further action was taken.

The Hate Crime Statistics Act (H.R. 3193) introduced in the 100th Congress by Rep. John Conyers (D-MI), provided for the Attorney General to collect "data on the incidence of criminal acts that manifest prejudice based on race, religion, sexual orientation, or ethnicity" [including] homicide, assault, robbery, burglary, theft, arson, vandalism, trespass, threat, and such other crimes as the Attorney General considers appropriate.

Senator Paul Simon (D-IL) introduced a companion bill in the Senate (S. 794) that called for collection of data for crimes related only to race, religion and ethnicity. The Senate bill did not include crimes based on sexual orientation.

Action in the 100th Congress

H.R. 3193 passed the House Criminal Justice Subcommittee by a vote of 5-2 on October 14, 1987 and the Judiciary Committee on October 20 by a vote of 21-13. The bill passed the full House on May 18, 1988 by a vote of 383-29.

The Senate bill (S. 702) was amended in the Subcommittee on the Constitution to include sexual orientation, and was reported out of the Senate Judiciary Committee by a unanimous voice vote on August 10, 1988. No further action occurred.

The need

A study by Abt Associates for the National Institute of Justice, U.S. Department of Justice, The Response of the Criminal Justice System to Bias Crime: An Exploratory Review, warns in its statement of the problem:

"Bias crimes, or hate violence, are words or actions designed to intimidate an individual because of his or her race, religion, national origin, or sexual preference. Bias crimes range from threatening phone calls to murder. These types of offenses are far more serious than comparable crimes that do not involve prejudice because they are intended to intimidate an entire group. The fear they generate can therefore victimize a whole class of people. Furthermore, our country is founded on principles of equality, freedom of association, and individual liberty; as such, bias crimes tear at the very fabric of our society.

"For a variety of reasons...there are not accurate data regarding the number of bias crimes committed each year. However, there is plenty of documentation to suggest that the problem is widespread, and considerable evidence that it is increasing. Bias crimes may also be turning more violent: compared with the past, a larger proportion of incidents appear to involve personal injury as opposed to vandalism. Explanations for these changes

include increased economic competition from minorities, visibility of gay men, ethnic neighborhood transition, and a perceived decrease in government efforts to prevent discrimination in education, housing, and employment."

Further, a report prepared by the Center for Democratic Renewal on incidents of hate violence from 1980 through 1986 states that "Not a day has passed in the last seven years without someone in the United States being victimized by hate violence. Harassment, vandalism, arson, assault and murder motivated by racism, anti-semitism or other forms of bigotry - such as homophobia - plague every section of our country."

The National Gay and Lesbian Task Force reports that in 1986 4,946 acts of anti-gay violence and victimization were reported to it from across the country. These incidents included verbal harassment, intimidation, assault, police abuse, vandalism, arson, bomb threats and homicide. There are indications that the problem has been exacerbated by the AIDS crisis. NGLTF reports that "reference to AIDS was made by perpetrators in 14% (681) of the total number of incidents, including 5% of the physical assaults."

The collection of data on the extent and nature of hate crimes is viewed as a needed step if the Nation is to address the problem of hate crimes. In the words of the Abt Associates study:

One of the most pressing considerations related to bias crime is the need for adequate data. Accurate and complete data are needed to understand the severity, pattern, and location of bias crimes. With improved data collection, law enforcement officials and prosecutors will be better able to make appropriate resource allocation decisions and to target specific neighborhoods or organizations for special attention.

Bills were introduced in the 101st Congress on February 22, 1989 by Senator Paul Simon (D-IL) and Representative John Conyers (D-MI). They provide for the collection of data on crimes based on the victim's race, religion, ethnicity or sexual orientation.

Voter Registration Legislation

Introduced in the 100th Congress by Senators Alan Cranston (D-CA) and Quentin Burdick (D-ND) and Representatives John Conyers (D-MI) and Hamilton Fish (R-NY), the Universal Voter Registration Act (S.2061, H.R.3950) sought to establish national standards for voter registration in federal elections for the purpose of removing structural barriers to registration.

Under the bill, an eligible voter would be able to register to vote by mail, in person at a designated place not far from his/her home, at certain federal, state, county or municipal agencies, and at private agencies that volunteer to register eligible voters. The bill would also allow for registration on the day of the election. Within two years of enactment each state would have to submit to the Federal Election Commission a plan for implementing the requirements of the law.

The bill also calls for states to prepare and submit to the Federal

Election Commission a mail-in voter registration form similar to or identical with the federal postcard application forms currently used by the Department of Defense to register members of the military. Financial assistance would be provided to states and local governments to assist in developing programs to implement the provisions of the bill. Enforcement would be the responsibility of the Federal Election Commission, which would have authority to bring a civil action against a jurisdiction that does not comply with the legislation. Individuals could also bring civil suits against states that do not comply.

Action in the 100th Congress

S. 2061 and H.R. 3950 were referred to the Senate Rules Committee and the Elections Subcommittee of the House Administration Committee respectively. Hearings were held by the Senate Committee and the House Subcommittee but no further action was taken.

The need

Senator Cranston in testimony before the Senate Committee said:

"There are many reasons why people don't vote. Some people may not vote because they believe their vote will not make a difference. Some people may not vote because of disillusionment with the political system. Some people may not vote because they feel left out of an impersonal form of politics that relies increasingly on money and media. We must find ways to motivate these people to become involved in the political system.

"However, we know that some people don't vote because the registration process is too complicated. Once registered, the majority of people eligible to vote do so. In the 1984 presidential election, 84% of those citizens who were registered voted. But two-thirds of those who didn't vote couldn't vote because they were unregistered. Registration barriers remain in many parts of our country."

Arthur Flemming, Chair of the Citizens' Commission on Civil Rights and former Chair, U.S. Commission on Civil Rights, in testimony before the Senate Committee reported on the findings of a Citizens' Commission study that identified the types of barriers created by registration laws. The Citizens' Commission found that barriers to registration such as restrictive and discriminatory use of deputy registrars, inaccessible registration places, inconvenient hours in which to register, and printed materials that do not transmit pertinent information to non-English speaking citizens seeking to register and vote would be eliminated through a national system of registration by mail and election day registration. The Commission concluded that while restrictive registration practices affect all citizens they have a disproportionately adverse effect on low-income, minority and disabled citizens.

Lani Guinier, NAACP Legal Defense Fund, provided examples of arbitrary, restrictive and discriminatory election and registration requirements.

"Virginia, for example, has a law prohibiting registrars from

soliciting registration. Some Virginia cities have recently adopted requirements that volunteer groups who want to sponsor registration have to pay to advertise that registration. In 1983, in a breakthrough, the Virginia General Assembly finally agreed that local registrars must list their phone number in the phone book and that registrars must place a sign to indicate where their office is located. Before LDF and the Lawyers Committee for Civil Rights Under Law won a registration case against Mississippi, registration was more difficult than obtaining a fishing license or getting a gun permit. In Toombs County, Georgia, the chief registrar refused to deputize black volunteers because he did not believe in 'spoon feeding' or 'making it too easy' for citizens to register.

"In Phillips County, Arkansas, prior to an LDF lawsuit filed in 1984, registration was conducted only at the courthouse during business hours, closed at 4:00 P.M., and at lunchtime. Even after a consent decree was signed by the state encouraging the use of volunteer deputy registrars, the county clerk did not consider it her obligation to insure that forms turned in by volunteer deputy registrars were processed in a timely fashion. Although the clerk recognized that round trips to the courthouse in this large rural county would be reimbursed (often for amounts exceeding \$20.00) for county employees travelling to satellite locations, she forced volunteer deputy registrars to bear the costs of 40 mile round trips to make further inquiries of potential voters when she could ascertain the necessary information herself from the adjacent post office. Being required to bear the cost of such travel unfairly burdens blacks in a county where 42% of blacks, compared to 9% of whites live in households without access to a car, truck or van. In Crittenden County, Arkansas, the clerk terminated a volunteer deputy registrar for registering too many voters. These state sanctioned barriers to registration discourage citizens, particularly blacks, from even attempting to exercise their right to vote."

The United States has almost the worst voting rate of the industrialized democracies. In 1984, only 53.1 percent of Americans of voting age voted. In 1986, the percentage was 37.1, and in the Presidential election of 1988 the percentage was 50.1. Further, the percentage has been dropping since 1960 when the percentage was 62.8.

Efforts to eliminate barriers to voter registration will be a focus of 101st Congress.

Racial Justice Act

Introduced in the 100th Congress by Representative John Conyers (D-MI) the Racial Justice Act would prohibit racial discrimination in the application of the death penalty. It would prohibit a state from imposing the death penalty if a criminal defendant could show, by using statistical evidence, racial disparities in the pattern of capital sentences within that state. If the evidence showed a greater likelihood of death sentences for killing whites than for killing blacks or for black defendants than for white

defendants, no death sentence could be imposed on the defendant unless the state presented clear and convincing evidence that the apparent racial disparity is explained by non-racial factors.

Action in the 100th Congress

In the House the bill (H.R. 4442) was referred to the Judiciary Committee, and no further action was taken. In the Senate, Senator Edward Kennedy (D-MA) offered the measure as an amendment to the Drug Bill. The amendment was defeated 35-52 on October 13, 1988.

The need

The American Civil Liberties Union (ACLU) which coordinated efforts to gain passage of the Racial Justice Act in the 100th Congress has written that:

"There is overwhelming evidence that race is the single most important factor in determining those who will be sentenced to death as punishment for a crime and those who will receive a punishment other than death. An extensive body of research on sentencing patterns spanning the last 15 years has found repeatedly that race considerations permeate decisions of life and death in state courts throughout this country.

"This discriminatory pattern of capital sentencing mirrors a pattern of disparate sentencing based on the race of the defendant and the race of the victim, that was once specifically provided for by law. The thirteenth and fourteenth amendments were passed to make such laws illegal.

"On April 22, 1987, the Supreme Court decided McCleskey v. Kemp, 1075 S.Ct. 1756 (1987). In McCleskey, Warren McCleskey, a black man who was sentenced to die for the murder of a white police officer, challenged the validity of his Georgia death sentence under the fourteenth and eighth amendments of the Constitution. He based his claim on substantial evidence that race, more than anything else, was the determining factor in the decision to sentence him to death. Although the Court did not dispute that the evidence indicated that race more likely than not influenced sentencing decisions in capital cases in Georgia, it held that Warren McCleskey was not entitled to relief unless he could show that he had been the victim of intentional discrimination in the specific decisions in his case. The difficult standard of proof required by the Court virtually ensures that most death sentences which result from systemic discrimination will not be remedied. Only in the rare case when a defendant can prove what went on in the minds of a prosecutor, judge or jury member would a capital defendant be protected against race discrimination."

Since 1972, more than 700 blacks have been sentenced to death for killing whites, and 27 of them have been executed. Forty whites received the death penalty for killing blacks and not one was executed.

Justice Brennan in dissent in the McCleskey case wrote:

"... Warren McCleskey's evidence confronts us with the subtle and persistent influence of the past. His message is a disturbing one to a society that has formally repudiated racism, and a frustrating one to a Nation accustomed to regarding its destiny as the product of its own will. Nonetheless, we ignore him at our own peril, for we remain imprisoned by the past as long as we deny its influence in the present.

"It is tempting to pretend that minorities on death row share a fate in no way connected to our own, that our treatment of them sounds no echoes beyond the chambers in which they die. Such an illusion is ultimately corrosive, for the reverberations of injustices are not so easily confined. 'The destinies of the two races in this country are indissolubly linked together,' id', at 560, (Harlan, J., dissenting), and the way in which we choose those who will die reveals the depth of moral commitment among the living."

The bill is expected to be reintroduced in the 101st Congress.

Americans with Disabilities Act

Introduced in the 100th Congress by Senator Lowell Weicker (R-CT) and Representative Tony Coelho (D-CA), the purpose of the bill is to provide a clear and comprehensive national mandate for the elimination of discrimination against persons with disabilities. The bill would have established coverage similar to that presently afforded against discrimination on the basis of race, sex, national origin, and religion. It would prohibit discrimination on the basis of handicap in employment, housing, public accommodations, travel, communications, and activities of State and local governments. For example, in the area of employment, disabled persons would receive the same coverage Title VII of the Civil Rights Act of 1964 gives for race, color, religion, sex, or national origin. Currently, the only federal law prohibiting discriminating against the disabled in employment is section 504 of the Rehabilitation Act, which applies only to federally funded activities. Similarly, the provision of the proposed bill prohibiting discrimination in public accommodations parallels Title II of the Civil Rights Act of 1964.

The bill would make it unlawful to establish or impose, or to fail or refuse to remove any architectural, transportation, or communication barriers that prevent participation of persons on the basis of handicap. Further, it would be discriminatory to fail or refuse to make reasonable accommodation so that an individual with a physical or mental impairment could apply, have access to, or participate in a program, activity, job, or other opportunity.

Action in the 100th Congress

Joint hearings were held by the Senate Subcommittee on the Handicapped and the House Subcommittee on Select Education. No further action was taken.

The Need

The bill's findings include:

36 million Americans have one or more physical or mental disabilities, and this number is increasing as the population as a whole is growing older;

historically, society has tended to isolate and segregate persons with disabilities, and, despite some improvements, discrimination against persons with disabilities continues to be a serious and pervasive social problem;

discrimination against persons with disabilities persists in such critical areas as employment, housing, public accommodations, education, transportation, recreation, institutionalization, health services, voting and access to public services;

the continuing existence of discrimination denies people with disabilities the opportunity to compete on an equal basis and to pursue those opportunities for which our free society is justifiably famous, and costs the United State billions of dollars in unnecessary expenses resulting from dependency and nonproductivity.

The bill will be reintroduced early in the 101st Congress.

CHILD CARE

Child Care legislation, introduced in the 100th Congress by Senator Christopher Dodd (D-CT) and Rep. Dale Kildee (D-MI) would have provided "direct assistance to families whose family income does not exceed 100 percent of state median income to help them pay for child care services for children up to age 15" The purpose of the legislation was:

to provide assistance to States to improve the quality of, and coordination among, child care programs, and to provide additional resources for child care services;

to promote the availability and diversity of quality child care services for all children and families who need such services; and

to provide assistance to families whose financial resources are not sufficient enough to enable such families to pay the full costs of necessary child care services.

The bill provided for grants to states, based upon a formula that took into consideration the number of children under 5, the number of children receiving subsidized lunches, and the per capita income of the state. States must expend at least 75 percent of the funds in direct payments to parents for child care.

Action in the 100th Congress

S.1885 was introduced in the Senate by Senator Christopher Dodd on November 19, 1987 and referred to the Senate Committee on Labor and Human Resources, whose Subcommittee on Children, Family, Drugs and Alcoholism held hearings on March 15 and June 28, 1988. A background hearing on child care was held on June 11, 1987. On July 20, 1988, Senator Edward Kennedy (D-MA), Committee Chair, exercised his authority under Rule 10 of the Committee Rules of Procedure to withdraw S.1885 from the Subcommittee and placed the bill before the full committee. On July 27, 1988, the Committee unanimously approved on a voice vote an amendment in the nature of a substitute and reported the bill out of Committee.

In the closing days of the 100th Congress, the Senate bill as modified became part of a "package" which included the Parental and Medical Leave Act, Child Care, and an anti-obscenity bill. On October 7 a vote to cut off debate lost by a vote of 50-46 (60 votes are needed to end debate).

Rep. Kildee introduced H.R. 3660 on November 19, 1987. The bill was referred to the Education and Labor Committee. The Human Resources Subcommittee held hearings and the Education and Labor Committee reported the bill favorably on August 10, 1988 by a 19-14 vote. No further action was taken.

During the 100st Congress Members disagreed about what standards of safety and quality should be required of child care providers. Some Members supported the establishment of federal standards for all participating providers, and others argued that applicable local or state standards should govern. Disagreement also developed over whether allowing church-based day care centers to participate in the program (thus receiving federal funds) would violate the Constitution's principle of separation of church and state.

Some Members proposed a tax-credit approach to child care that would provide tax credits for families with young children. President Bush supports this approach and has proposed a "new tax credit of up to \$1,000 for each child under age four in low-income working families." The credit would be available to families in which at least one parent works outside the home, and would not require that the children participate in child care.

The Need

The number of mothers in the working world today is substantial. In 1988, 56 percent of all American women worked, and 80 percent of working women were in their prime childbearing years. In 1984, 63 percent of mothers of children under 18 worked outside the home as did 53 percent with children under 6. Further, the majority of mothers who work outside the home work full-time. In 1985, 84 percent of all black working mothers, 69 percent of Hispanics, and 69 percent of whites worked full-time.

A 1986 survey of licensed day care programs, conducted by the National Association for the Education of Young Children found almost 40,000 with the capacity to serve 2.1 million children, and an additional 105,000 licensed family day care homes capable of serving 435,000 children. Thus

the total capacity of licensed facilities was 2.5 million children in 1986, or only 24 percent of the preschoolers with working mothers.

Before- and after-school care for school-age children can also be hard to find. The Senate Report states (Rep. No. 100-484, p. 58):

The Census Bureau estimated that, in 1985, over 2 million "latchkey" children spent some part of the day alone while their parent(s) worked. In a recent Harris poll 51 percent of teachers reported that children's being left alone after school is the most critical factor undermining their school performance.

In addition to the issue of available child care facilities, there is concern about the quality and cost of child care. The typical cost for full-time care is \$3,000 a year, with higher rates in many metropolitan areas and for infants.

"Parents are held hostage by their ability to pay for child care. The widely-publicized example of the 47 children found recently in a basement of an unlicensed Waukegan, Illinois, family day care home illustrates this problem. Parents were paying \$25 per week for this care because they couldn't afford the average cost of care in this area of \$75 per week. Fortunately, this situation was discovered before a tragedy occurred. Ms. Linda Grant from Dade County, Florida was not as lucky. In a widely publicized incident in 1986, Ms. Grant's sons, Anthony 3, and Maurice, 4 were left home alone one day when her informal child care arrangements fell through. They climbed into a clothes dryer, shut the door, tumbled and burned to death. Their names were on a waiting list of over 6,000 children in Dade County whose parents qualify for and have requested government-subsidized day care so the parents can work, attend training or school." (Senate Committee Report 100-484, p. 60)

Harry Freeman, Executive Vice President of American Express Company, in testimony before the Senate Subcommittee on March 15, 1988 summarized the importance of good child care in this manner.

"[Child care] is a national issue that connects directly to the broad challenge that's been on many minds -- that of 'national competitiveness'.. If we are fully to restore this nation's economic vigor, then we must ensure that job-holding parents throughout the country go to work knowing their children are well cared for... [U]nless we get greater consistency of [health and safety] standards nationwide, we will inhibit the mobility we need to adapt to the structural economic changes that are apparent in every advanced industrialized nation."

Child care will be a major focus of the 101st Congress.

Other issues of interest to the civil rights community

Minimum Wage: Efforts will be made in the 101st Congress to raise the minimum wage. In the 100th Congress, Senator Kennedy led efforts in the

Senate to raise the rate to \$4.65 an hour over three years from the present \$3.35. A motion to end debate on the bill failed 56-35 on September 23, 1988. The House Education and Labor Committee approved an increase to \$5.05 over four years. No floor action was taken. Opponents of the bill insisted on the inclusion of a sub minimum or training wage.

English Language Amendments to the Constitution: Civil rights advocates will again mobilize to ward off efforts in the Congress to pass an amendment to the Constitution making English the official language (only language) of the nation. A memorandum prepared by the Mexican American Legal Defense Fund says:

"Though seemingly innocuous, English-only legislation seeks to make limited English ability a legal barrier to the exercise of such fundamental rights as voting, access to courts, or public education. Its goal is the elimination of any local, state or federal governmental communications that are made in a language in addition to English."

At the end of the 100th Congress, six such amendments were pending, and as the MONITOR went to press three amendments had been introduced in the 101st Congress.

Reauthorization of the Legal Services Corporation and Reconstitution of its National Board: The Legal Services Corporation is a private nonprofit corporation authorized by Congress that is the major funder of civil legal assistance to poor people. It provides funds to 325 local legal aid service corporations across the country. Since 1980 the Corporation has existed on appropriation bills because former President Reagan threatened to veto any authorization bill. The terms of the 11 member board have all expired but the members will continue to serve until new members are nominated by the President and confirmed by the Senate.

Fair Employment Practices Resolution for the Senate: In the 100th Congress the House adopted a resolution providing civil rights protections for its employees. The resolution provides that employment practices must be free of discrimination on the basis of race, color, national origin, religion, sex, marital and parental status, handicap or age. In the 101st Congress, efforts will be made to establish similar protections for Senate employees.

Reconstitution of the U.S. Commission on Civil Rights: The U.S. Commission on Civil Rights' authorization expires at the end of fiscal year 1989. Since its reauthorization in 1983, the Commission has been mired in controversy and Congress has reduced its funding level to less than half its 1983 level. The Citizens' Commission on Civil Rights in its recently released report One Nation Indivisible says:

"Unless the new administration is willing to join the Congress in reconstituting the U.S. Commission on Civil Rights as an autonomous bipartisan agency with members who are both independent and of unquestioned ability, Congress should refuse to reauthorize the agency."

LC EDUCATION FUND, INC.
2027 Massachusetts Avenue, N.W.
Washington, D.C. 20036
(202) 667-6243

Ralph G. Neas, Executive Director
Karen McGill Arrington, Deputy Director

The CIVIL RIGHTS MONITOR is published by the Leadership Conference Education Fund, Inc., an independent research organization which supports educational activities relevant to civil rights. The MONITOR is written by Karen McGill Arrington. William L. Taylor, Vice President of the LC Education Fund serves as Senior Editor. Editorial assistance is also provided by Arnold Aronson, President of the Fund. Items presented in the MONITOR are not to be construed as necessarily reflecting the views of the LC Education Fund. Legislative updates are for educational purposes and are not meant to suggest endorsement or opposition of any legislation. Subscriptions are available for \$30.00 a year (October - September). COMMENTS ABOUT THE MONITOR OR ANY ARTICLE CONTAINED IN THE MONITOR ARE MOST APPRECIATED.