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ORAL ARGUMENTS HEARD IN VOTING RIGHTS REDISTRICTING CASES

On April 19, 1995, the Supreme Court heard oral arguments in two redistricting cases from Louisiana and Georgia, *U.S. v. Hays*, No. 94-558, and *Miller v. Johnson*, No. 94-631. Both cases involve challenges to majority-minority districts created by the state legislatures as part of the states' redistricting plans, and both plans were approved by the Department of Justice pursuant to its preclearance authority under section 5 of the Voting Rights Act. These are the first redistricting cases to reach the Supreme Court's since its June 1993 decision in *Shaw v. Reno* in which the Court concluded that "a plaintiff challenging a reapportionment statute under the Equal Protection Clause may state a claim by alleging that the legislation, though race-neutral on its face, rationally cannot be understood as anything other than an effort to separate voters into different districts on the basis of race, and that the separation lacks sufficient justification."

In both cases, three judge federal panels ruled that the state plans were unconstitutional. In Louisiana the district court ruled that District 4, represented by Cleo Fields (D), was unconstitutional because the specific intent of the legislature was to draw a majority African-American district and the "bizarre and irregular shape" of District 4 "can only be explained credibly as the product of race-conscious decision making," and thus the plan must be judged by the strict scrutiny standard, which the court found the plan failed to meet. Strict scrutiny requires that official actions of a race-conscious nature be narrowly tailored to address a compelling state interest.

In Georgia, in a 2-1 decision, the federal panel ruled that Georgia's 11th district represented by Democrat Cynthia McKinney was racially gerrymandered and thus unconstitutional. The majority interpreted *Shaw* to mean that race-based redistricting is subject to strict scrutiny when race is "the overriding predominant force determining the lines of the district" and found that the bizarre shape of the district and evidence presented in the case established that race was the predominant motive. The dissenting judge found that a *Shaw* claim had not been proven because the 11th Circuit was not bizarre in shape when compared to other Georgia districts which "have no tradition of being neat, geometric shapes."

Louisiana Argument

The Louisiana Attorney General, Richard Ieyoub, defending the State redistricting plan, began by saying that the issue was whether all race-conscious remedies are always subject to strict scrutiny in determining whether they violate the Fourteenth Amendment. He was asked for a definition of a majority-minority district by Chief Justice Rehnquist and responded that it is a district that gives minorities a fair opportunity to elect representatives of their choice. Justice Scalia asked if the state was saying that people vote by race and thus a "fair opportunity" requires that lines be drawn by race. Ieyoub responded that that was the reality.

Justices Kennedy and Souter then asked a series of questions on whether considering race in drawing the lines was "perpetuating" or "entrenching" racial voting. Ieyoub said the message the state was sending in drawing the majority-minority district was that race is one factor that will be considered in redistricting, that the 4th district, which is 55 percent black, provides a fair

opportunity for blacks to elect a representative of choice and that the message is not one of separation but one of inclusion.

Ieyoub argued that the District Court had misread *Shaw* in applying the strict scrutiny test to the 4th district, which the state asserts is not bizarre in shape when compared to other Louisiana districts and the state's history of redistricting. In response to a question from Justice O' Connor, the Louisiana Attorney General said that the 4th was the most compact majority-minority district that could be drawn and that it followed a number of the boundaries of the old District 8 [which was not drawn with the intent of electing a minority candidate].

This led to a discussion about whether the shape of the old District 8 was the result of political gerrymandering. The Attorney General said that political considerations had been a factor. In response to questions about how to evaluate the shape of districts in regard to "bizarreness", Ieyoub stated that the Court should consider the state's history of drawing districts of various shapes and look for "compactness" that doesn't depart too much from what the state has done in the past.

Justice Souter then questioned whether Ieyoub was saying that since by the state's standard the district was not bizarre, strict scrutiny should not be applied, and that *Shaw* required a bizarre shape to trigger strict scrutiny. Ieyoub replied in the affirmative.

Justice Souter said: "but under your calculation if the district is not bizarre enough to apply strict scrutiny, we won't examine for other violations such as packing." [Packing occurs when minority populations are overconcentrated in a single district, generally at the 80 percent level and above, in excess of the percentage needed for minority voters to elect candidates of their choice.] Ieyoub asserted that the other issues could be raised separate from an examination of the shape of the district.

Solicitor General Drew Days, appearing for the U.S. in support of the Louisiana plan, began by arguing that to trigger strict scrutiny there must be a showing of bizarreness. Justice O'Connor interjected that the "evidence shows clearly that the predominant purpose of drawing... [the 4th district was to] achieve a certain racial goal regardless of appearance." This led to a series of questions about whether under *Shaw*, the standard to trigger strict scrutiny was "purely a visual test." Days maintained that the Court's precedent was that strict scrutiny was triggered by irregular shape. Days also observed that this legal claim does not preclude others and that for example it is always possible to raise a packing claim and show vote dilution.

Justice O'Connor then raised the question whether the plaintiffs had standing to challenge the district since they don't live in the 4th District. Days responded that the U.S. did not raise the issue of standing but that it is problematic. "How far do you take it," Days questioned, "can anyone in the state challenge [the 4th District]?"

Edward Warren, attorney for the plaintiffs, who challenged the district, began by discussing the configuration of the 4th District and said its boundaries split 12 parishes [local political jurisdictions like counties] and that no previous redistricting plan had ever split more than 7 parishes in total. Justice O'Connor asked in which district the plaintiffs reside and how they were harmed. Warren said they reside in the 5th District which is contiguous to the 4th and they

were harmed by being classified by race for the purpose of redistricting.

Justice Ginsburg said that since the plaintiffs are of different races -- black, white, Native American -- each race has been treated equally. She asked how their equal treatment could be considered racial discrimination. Warren argued that they had a right not to be classified by race for purposes of voting. In response to a series of questions about who had standing to challenge the drawing of district 4, Warren seemed to say first that anyone residing in a district contiguous to District 4 could do so, and then to expand his response to include anyone residing in the state.

Justice Scalia asked if race had to be the predominant factor for the plan to be unconstitutional. Warren responded in the affirmative. He said that race can be one of many factors that are considered but not the predominant factor. Justice Breyer then asked: "When have you gone too far, what is the standard, the workable principle?" Warren said that the starting point of the examination should be what are the facts, what factors "drove" the drawing of the district. Justice Breyer said but since 1789 race has been a factor in creating many districts, "when is it appropriate?" Warren said that in *Shaw* the Supreme Court said that "race can help us define the boundaries, the problem is when race takes over and [districts] are drawn on the racial stereotype that the races vote differently...."

Justice Scalia said to Warren the plaintiffs' position is not that race must be predominant but simply a motivating factor. Warren responded that these may be semantic differences. Justice Stevens said the state made the decision that race was an important factor and asked "why isn't that acceptable?" Warren said the district court determined that it was "self-evident" that the district was drawn on the basis of race -- "this is not a hard case." Justice Ginsburg said *Shaw v. Reno* has opened the door to all kinds of challenges -- "how can you contain it?" Warren insisted that it was not hard to contain because most districts are drawn on the basis of where a community of interest resides.

Georgia Argument

In the Georgia case, David Walbert, arguing for the state, said it was futile to try to determine whether race was a predominant factor and conceded that the Georgia legislature wanted to draw a majority-minority district. He continued that the Court's rulings in this area and the evidence in this case clearly establish that reapportionment is the most complex issue to come before a state legislature and the issue should be decided by the state legislature. "This case should not be in the courts," he said.

Justice Scalia asked if he would say the case should not be before the courts if the issue was the drawing of district lines to exclude blacks. Walbert responded that in such cases there was clear harm, but that there was no harm in this case. Justice Scalia insisted that the harm was that someone who should have been in the district is not, and that the question is the same whether blacks are included or excluded.

Walbert urged the Court to stay away from an examination of the shape of the district and asserted that in this case the lines were drawn along geographical markers. Justice Souter responded that while it was clear that the district lines follow geographic boundaries, it was also clear that the only motivation in drawing the lines was the creation of a majority-minority district.

Solicitor General Drew Days III, again supporting the State, began by saying that an examination of whether race is the predominant or motivating factor is not the proper analysis: "The analysis is whether blacks are being given different treatment from that given whites, and if so, strict scrutiny is triggered. If not, strict scrutiny is not the standard." Days said that blacks did not receive special or different treatment, and that the court did not look at the extent to which the majority-minority district was drawn in a manner similar to that which had produced other districts. "The court ignored the fact that Georgia was doing what it had historically done in the past," he argued.

Justice Ginsburg then reminded that the state legislature initially drew two plans, both with two majority-minority districts, and drew the present plan with a third majority-minority district only after DOJ rejected the first two. Days interjected that the plans were rejected because they fragmented black populations and moved blacks out of districts. Justice O'Connor asked if the DOJ's policy was to insist on the maximization of the number of majority-minority districts since it was not unlawfully "retrogressive" for the State to develop a plan with two majority-minority districts. Days responded in the negative and said that DOJ was doing what Congress had told it to do and what the Court has established as precedent in this area, and that DOJ had also considered the State's prior constitutional violations.

A. Lee Parks, attorney for the plaintiffs who challenged the 11th district, began by stating that this is a case of intentional racial gerrymandering that is at odds with the Constitution, and asserted that the DOJ required that the State's plan maximize the number of black districts. Justice Thomas asked if there were anything wrong with the Georgia legislature, out of a desire to maintain as many Democratic districts as possible, deciding that the best way to do this would be to create majority black districts because blacks traditionally vote Democratic. Parks said the problem with the Justice's hypothetical was that the legislature still employed racial classifications and the "desires of the Democratic Party do not rise to a compelling state interest to allow that type of district to succeed."

Justice Breyer commented that in reapportionment decisions, race, religion, national origin have often been taken into account, and referring to Shaw's caution that the use of race may go too far, asked, "how do we measure too far?" Parks answered that one must look at the shape, at the boundaries, but also at what drove the proportionality.

This led to a series of questions about whether "goes too far" could be defined as race becoming the predominant factor, with Justice Souter asserting that the predominant factor standard raised greater claims than the bizarre claim. Parks disagreed and asserted that the predominant standard was workable.

Justice Souter picked up on Justice Thomas' question and asked what if rather than looking at race, the legislature looked at voting returns by precincts and drew lines to maximize Democratic voters and ended up with an odd shaped district that was 60 percent minority. Parks said there would be no violation because race was not a predominant factor.

Parks said that during the redistricting process, the State had lambasted DOJ and said the Department was insisting on a dangerous plan that would cause racial polarization, breed extremism and diminish minority political effectiveness. Justice O'Connor interjected that the

State was here today to defend the plan.

Justice Stevens asked if it would be unconstitutional to divide a city into three council districts, one Irish, one Swedish and one Jewish. Parks responded that hypothetically it would not be but that ethnicity is a subcategory of race and thus he "would want the State to have to go through hoops" and prove that these were communities of interest.

A decision in the two cases is expected by early July.

SUPREME COURT DENIES REVIEW OF MINORITY SCHOLARSHIP PROGRAM

On May 22, 1995, the Supreme Court, without comment, denied review of the U.S. Court of Appeals for the Fourth Circuit's decision that the Benjamin Banneker scholarship program at the University of Maryland which is restricted to high achieving African-American students violates the U.S. Constitution's Fourteenth Amendment's Equal Protection Clause.

The Fourth Circuit in its unanimous decision stated:

"The issue in this case is whether the University of Maryland at College Park may maintain a separate merit scholarship that it voluntarily established for which only African-American students are eligible. Because we find that the district court erred in finding that the University had sufficient evidence of past discrimination to justify the program and in finding that the program is narrowly tailored to serve its stated objectives, we reverse the district court's grant of summary judgment to the University."

The District Court had found the Banneker scholarship program constitutional ruling that it was narrowly tailored to meet a compelling state interest and it addressed the present-day effects of the University's past discrimination, as documented by the University of Maryland. The University had identified four present day effects of the University's past discrimination: (1) the poor reputation of the university in the African-American community, particularly among parents and high-school counselors who influence students' college choices; (2) underrepresentation of African-Americans in the student population; (3) low retention and graduation rates of African-Americans; and (4) perceptions of a campus climate that is hostile to African-Americans.

Reaction to the Supreme Court's Denial

William E. Kirwan, President of the University of Maryland issued a statement expressing his deep sadness at the Supreme Court's decision not to review the 4th Circuit's ruling as the University of Maryland had requested. He went on to say:

"The Benjamin Banneker Scholarships were created in the late 1970s, under an Office of Civil Rights [of the U.S. Department of Education, formerly the Department of Health, Education and Welfare] order, to aid in dismantling, physically and psychologically, the state's segregated higher education system. To date, the Office of Civil Rights has not

rescinded that order.

"The history of our segregated past continues to live in the minds of a significant segment of our population. These memories have made it very difficult to recruit African American students to an institution like ours without the use of incentive programs....

"Allowing the lower court ruling to stand sends a discouraging message to those who are working to remedy the present effects of past discrimination. It is especially ironic that a program with documented effectiveness in addressing accessibility would be rejected by the Court at a time when southern states are struggling to put in place a more equitable educational system.

"We will, of course, respect and obey the order of the Court. However, we are unswerving in our commitment to make this the State university for all of Maryland's students."

The American Council of Education, an association of 1,600 higher education institutions and 200 associations and organizations, issued a statement expressing its disappointment at the Supreme Court's denial of review and asserting that "this case does not signal a final ruling on the issue of minority scholarships, nor does it necessarily invalidate other such programs." Robert Atwell, president of ACE stated:

"The decision does not address the full range of circumstances in which minority scholarships have been established, nor does it address the use of such scholarships to achieve diversity, a goal that was held to be legitimate on educational grounds by the Supreme Court in the *Bakke* case. While colleges and universities would be well advised to examine the specifics of the *Podberesky* decision,...we advise those that offer minority scholarships not to make undue changes in their programs, nor to abandon their efforts to enhance minority participation and success in higher education."

For further discussion of this case, see CIVIL RIGHTS MONITOR, vol. 7, nos. 6, 3, and 2.

DEPARTMENT OF JUSTICE GETS \$16 MILLION SETTLEMENT IN FIRST ACTION AGAINST AN INSURANCE COMPANY UNDER THE FAIR HOUSING ACT

On March 30, 1995, Attorney General Janet Reno announced that the Department of Justice (DOJ) had negotiated a \$16 million settlement with American Family Mutual Insurance Company of Milwaukee, Wisconsin, "for allegedly providing blacks with...policies [inferior to] those offered to whites and in some cases for simply refusing to insure homes of African Americans." In announcing the agreement, the Attorney General said:

"When property is not insured, homes cannot be rebuilt, neighborhoods deteriorate, and communities suffer. All of Milwaukee benefits from today's actions by American Family. Today's agreement ensures that African Americans will be part of the American Family. We commend the company for recognizing the need to service the entire community,

taking steps to compensate victims of its past actions, and ensuring that all citizens of Milwaukee have a chance to receive quality insurance for their homes. Risk discrimination is permitted, race discrimination is not."

The agreement provides that the insurance company will not discriminate, will pay more than \$14 million in damages to the victims of the discrimination and their attorneys fees, will advertise in media outlets that target African Americans, and that its inspections of homes in African American and white neighborhoods will be conducted on an equal basis.

The case was initially filed in 1990 by eight black Milwaukee homeowners and the NAACP charging discrimination under the Fair Housing Act of 1968. DOJ had begun an investigation of the company in 1988 after receiving numerous complaints and intervened in the case in federal court early this year. DOJ's investigation found that:

- o African American homeowners disproportionately received inferior, more costly, "repair cost" policies while white homeowners with similar risk assessments were provided the more favorable "replacement cost" policies.
- o Blacks were forced to submit to inspections more often than whites and agents failed to return calls from black customers and refused to keep appointments.
- o The company insured a significantly lower percentage of homes in predominantly black neighborhoods than in comparable white neighborhoods.
- o Even after accounting for various socioeconomic factors, the differences could not be explained by non-racial factors or any actuarial data.

The insurance company had argued in the district court that the Fair Housing Act did not cover insurance sales, and the district court agreed. On appeal to the Seventh Circuit, American Family argued that a Federal law (the McCarren-Ferguson Act) which generally precludes federal regulation of insurance companies bars application of the Federal Fair Housing Act to prohibit racial discrimination in the sale of homeowner's insurance. The U.S. Court of Appeals for the Seventh Circuit rejected the claim, and reversed the district court holding that the Fair Housing Act "is an Act of Congress that does not specifically relate to the business of insurance" and thus does not "invalidate, impair, or supersede any law enacted by any State for the purpose of regulating the business of insurance."

On the question of the Fair Housing Act's coverage of insurance sales, the Seventh Circuit agreed with the plaintiffs that the language of the Act making it unlawful to refuse to sale or rent "or otherwise make unavailable" a dwelling or to discriminate in the terms or conditions, of the sale on the basis of race, color, sex, familial status, or national origin, covered insurance sales as mortgage lenders require that borrowers secure property insurance and without such insurance one cannot secure the house loan.

American Family sought review by the Supreme Court, and on May 17, 1993, the Supreme Court without comment denied review of the Seventh Circuit decision. This allowed the suit to proceed. The DOJ filed an amicus curiae brief before the Supreme Court in support of the

NAACP's position.

The complaint filed by DOJ together with the March 30, 1995, agreement by all three parties (DOJ, American Family, and NAACP plaintiffs) alleges that American Family:

- o gave explicit instructions to agents and underwriters to consider race in deciding whether, and on what terms, to offer homeowners insurance;
- o required agents and underwriters to consider race as a factor in deciding whether to inspect a home -- the results of which were used to deny coverage in some cases;
- o overlooked deficiencies in conditions of homes in white neighborhoods that were used to deny coverage in black neighborhoods;
- o made disparaging and stereotypical references about African Americans as being poor insurance risks; and
- o criticized agents, including African American agents, who sought to do business in the African American community, and discouraged them from doing such business.

The agreement is the product of negotiations among the three parties and provides for remedial objectives including:

"(1) compensating for past disparities in the availability of American Family insurance in the predominantly African-American community in Milwaukee; (2) enhancing the availability of American Family homeowners insurance in that area in the years to come; (3) offering such insurance to qualified applicants in all segments of the Milwaukee metropolitan area; and (4) investing in the future of that community through these steps."

Deval Patrick said: "We are persuaded by the evidence that American Family discriminated in the past. By entering this agreement, American Family has turned a new page."

AFFIRMATIVE ACTION HEARINGS HELD ON THE HILL

Both the House and the Senate have held hearings on affirmative action with additional hearings planned in both Houses. The first such hearing of the 104th Congress was held March 24th before the House Economic and Educational Opportunities Subcommittee of the Committee on Employer-Employee Relations (formerly the Education and Labor Committee). Subcommittee Chair Harris Fawell (R-IL) opened the hearings by asserting that what he sees as the major problem with affirmative action is the paradox that relying on affirmative action to achieve equality of treatment and equality of opportunity necessarily deflects from the achievement of equality. The Chair stated:

"So it seems an employer, especially today, can be 'damned if he or she does or damned if he or she doesn't.' If the employer chooses to use 'affirmative action' race-based or

gender-based employment to diversify the workforce, the employer may be sued under charges of 'reverse discrimination.' On the other hand, if the employer spends millions of dollars for so-called objective merit-based tests for hiring or promotions (as the City of Chicago did recently when it attempted to measure merit promotions for police and firemen), the 'numbers' may still show disparate impacts racially, thus still subjecting the employer to charges of discrimination. On the other hand, if the employer tries to hire outside the test results in an effort to get better 'numbers,' the employer will be again subject to charges of discrimination from those who had high scores on the tests but were passed over in favor of employees with lower scores. That too was Chicago's fate."

The first witness before the subcommittee was Deval Patrick, Assistant Attorney General for Civil Rights, U.S. Department of Justice (DOJ). Mr. Patrick noted that the President has charged the DOJ to review the federal government's affirmative action programs as part of the Administration's broad-based assessment of affirmative action. Since this review is in process, Patrick focused his testimony on the state of the law and the limits the Supreme Court has imposed on affirmative action remedies.

Patrick emphasized two fundamental points: first, the Clinton Administration is committed to the goal of expanding opportunity for all Americans and second, discrimination on the basis of race, ethnicity, and gender persists in this country: "not just the effects of past discrimination, but current, real-life, pernicious discrimination of the here and now." Mr. Patrick offered examples of the discrimination that continues to torment our society:

"White officers in a city police department in Florida admitted that the police department threw applications from blacks in the trash can, did not hire a black applicant for 30 years and routinely (including the Chief of Police himself) used racial epithets.

"In a Louisiana corrections center, the policy of not hiring women was unusually blatant. The minimum passing score on the required written examination was 90 for men, but 105 for women. In fact, one woman scored 100 on the exam in April 1987, but was disqualified, while a year later, a male applicant scored a 79 and was hired despite the fact that he had a prior arrest and did not have the required high school diploma."

Mr. Patrick also addressed a pending lay-off case that has received considerable media attention, United States v. Board of Educ. of the Township of Piscataway Nos. 94-5090, 94-5112 (3rd Cir), in which the DOJ has argued before the court that the Board of Education did not break the law in choosing to retain a black teacher and lay off a white teacher during a reduction in force. He noted that before considering race, the School Board had considered the teachers' seniority, evaluations, involvement in extracurricular activities and qualifications and training. It was only after concluding that the two teachers were equal in all relevant aspects that the Board of Education took its voluntary affirmative action plan into consideration and rather than flipping a coin decided to keep the black teacher as she was the only black member of the Business Department faculty.

In summarizing what the Courts have said with respect to affirmative action remedies, Mr. Patrick noted that lawful affirmative action includes "a range of activities, from recruiting and special outreach to goals and timetables. Quotas-- meaning numerical straightjackets that

disregard merit-- are unlawful period. By contrast, the Department of Justice has supported affirmative action plans which do not compromise valid qualifications, and which are flexible, realistic, reviewable and fair. Generally, this means we have defended the legality of affirmative action plans where (1) race, national origin or gender is one among several factors considered, (2) relevant and valid job or educational qualifications are not compromised, (3) numbers used, if any, are genuine goals...(4) timetables for achieving the goals are reasonable...(5) rights of non-beneficiaries are respected."

He concluded by urging Congress not to get "so caught up in the passion and rhetoric swirling around the issue of affirmative action that...[the Members] lose sight of the work remaining to fully integrate this remarkable society. It is the responsibility of each of us to work toward lowering the barriers that continue to deprive our nation of the talents and contributions of so many women and minorities."

Following Mr. Patrick's testimony, the subcommittee heard from a panel that included a member of the University of California Board of Regents, Ward Connerly; Linda Chavez, President, Center for Equal Opportunity; Dr. Glenn Loury, Professor, Department of Economics at Boston University; Terry Eastland, Fellow, Ethics and Public Policy Center; and Theodore Shaw, Associate Director-Counsel, NAACP Legal Defense and Education Fund, Inc.

Dr. Loury testified that although there remain "profoundly troubling racial differences in economic advantage which warrant the attention of this Committee and of all Americans...these problems cannot be mitigated by affirmative action policies." He opined that: "As a close student of the socio-economic trends affecting minority groups in this country, it is my opinion that the long-term interests of minorities in this society will be helped, not harmed, by a rational reassessment and reform of current preferential policies."

The Subcommittee held a second hearing on May 2 with Chairman Fawell once again highlighting his concerns that in an effort to comply with the very laws prohibiting racial and gender discrimination, employers may resort to hiring or promotion practices that are based on discriminatory criteria. This concern for "reverse discrimination" provided the theme for the entire hearing.

Testifying first was Barbara Brown, an attorney with Paul, Hastings, Janofsky, & Walker. Ms. Brown offered a detailed review of the law on affirmative action, noting that in its rulings on the issue, the Supreme Court has treated separately public and private employers. Public employers may implement race and gender conscious policies only if the affirmative action program can survive strict scrutiny by the courts. It must be a remedy for discrimination; the program is narrowly tailored to remedy a specific problem; and the program is temporary and is reviewed regularly.

Ms. Brown contended that there is greater leniency for private employers, who must meet a four-part test for race and/or gender conscious policies. There must be manifest underrepresentation; the affirmative action must focus only on the jobs where underrepresentation exists; affirmative action cannot unnecessarily trample the interests of other employees; and affirmative action must be temporary and reviewed regularly.

Also testifying at this hearing was John J. Sweeney, International President of the Service Employees International Union, who expressed the opinion that recent attacks on affirmative action reflect the great sense of economic insecurity and fear many Americans are feeling. He stated:

"Workers of every background, color and ethnicity are being rendered more insecure and are seeing their standard of living decline. They are worried about their children's future. Working people are suffering because the kinds of public services upon which they and their families depend-- schools, public safety, public hospitals, and so on-- are deteriorating. Corporate downsizing and government cutbacks are spreading fear and insecurity across the face of the nation. We must not allow affirmative action to become a scapegoat for economic problems caused by capital flight, corporate restructuring and government policies."

A second House body, the House Judiciary Subcommittee on the Constitution, began hearings on affirmative action on April 3. Chairman Charles Canady (R-FL) opened the hearings by noting his concern that affirmative action is leading to group preferences and asserting that when Congress originally passed the nation's civil rights legislation, "its goal was to ensure that race would not be a source of advantage or disadvantage for anyone." Since that time, however, "the law has deviated from this principle of neutrality and nondiscrimination into a system of counting citizens by race or gender and doling out advantages and disadvantages accordingly," Canady asserted.

Testifying before the subcommittee, Bill Taylor of the Citizens' Commission on Civil Rights, noted the short length of time this country has promoted the concept of equality of opportunity:

"It has only been in the last four decades that it has become national policy and that we have engaged in an effort to find fair and effective ways to end and remedy the discriminatory practices that extended over a period of two centuries. While we have made great gains during this period, the lives of hundreds of thousands of people remain untouched by civil rights laws and policies, and children are being born today who have little hope of having a fair and equal opportunity to lead productive and successful lives."

Mr. Taylor then observed that affirmative action has worked, is still necessary and is not unfair to others. He pointed out that African-American representation has increased in virtually every industry as a result of affirmative action. Despite these significant advances, Mr. Taylor observed, affirmative action is still needed because women and minorities still face barriers in seeking employment, education and jobs. Mr. Taylor cited the over 91,000 complaints filed at the Equal Employment Opportunity Commission, the Federal Glass Ceiling Commission Report, the employment testing studies conducted by the Urban Institute and the Fair Employment Council of Greater Washington that have documented the discrimination still encountered by minority job seekers, and the racial disparities in poverty, unemployment, and income that the Citizen's Commission has documented in its reports. Finally, Mr. Taylor asserted that affirmative action is not unfair to others as the courts have gone to great lengths to balance competing interests in shaping affirmative action remedies.

Testifying on the second panel before the Judiciary subcommittee, Anne Bryant, Executive Director of the American Association of University Women, tried to confront directly the racial politics that too often dominate the current affirmative action debate. In addition to noting how affirmative action benefits women and minorities, Ms. Bryant explained how affirmative action benefits society and families. She testified:

"The expansion of women into traditionally male dominated fields has benefited society by increasing the breadth of those professions. For example, the advancement of women in medical science fields has resulted in increased attention to women's health issues such as breast cancer. The increase in the number of women physicians has created a far more diverse pool from which patients can choose. Increased recruitment and training of women police officers, prosecutors, judges and court personnel have led to an improvement in the handling of domestic violence and sexual assault cases."

With respect to the benefits of affirmative action for families, Ms. Bryant noted that if men wanted what was best for their working wives and daughters, they too would lend their support to affirmative action. She noted:

Forty-six percent of United States workers are women. In a time when most families depend on the earnings of both parents, and in some cases just the mother, it is imperative that all adults have the opportunity for maximum earning power to support themselves and their children...Continuing affirmative action policies will mean that more families will be able to feed and clothe their children adequately, buy homes, send their children to college, and start small businesses.

Hearings also began in the Senate, where Sen. Bond (R-MO), Chair of the Senate Small Business Committee, held a hearing on April 4. As the MONITOR went to press, the transcript was not available. In addition to these hearings, Majority Leader Bob Dole has asked Senator Nancy Kassebaum (R-KS), Chair of the Senate Labor and Human Resources Committee, also to conduct hearings on affirmative action.

Proposed Legislation

Representative Charles Canady (R-FL) has announced that he intends to introduce legislation that would in effect eliminate federal affirmative action programs for women and minorities. According to a Leadership Conference on Civil Rights letter to members of Congress the proposal, as outlined by Representative Canady, "would seriously undermine equal opportunity for women and minorities and would create legal chaos with respect to the enforcement of equal employment opportunity laws." The LCCR letter further states:

"One of the bill's targets will be the Executive Order 11246, which the Nixon Administration used to require federal government contractors to make good faith efforts to achieve modest goals toward inclusiveness of minority workers in their workforces. The concept of goals and timetables was suggested by business leaders who knew that management-by-objectives is effective and produces results. The purpose of the Executive Order program, which was later expanded to include women workers, is to break down the "old boy network" and open the doors of opportunity to qualified

workers who were previously excluded. The Executive order in clear and explicit language prohibits quotas. The Executive Order has been, along with the Voting Rights Act, one of the most successful and effective civil rights programs.

"Court-ordered affirmative action remedies for proven, intentional discrimination also appear to be wiped out by the bill. These remedies were developed by federal judges to remedy longstanding exclusionary practices by employers and unions which had not yielded to lesser measures. Women and minorities will be denied the only structural mechanism which works to undo intentional barriers to their employment and advancement if this proposed legislation becomes law."

At the MONITOR went to press introduction of the legislation was expected shortly, with committee action on the bill expected in late summer or early Fall.

GROUPS CALL ON ADMINISTRATION AND CONGRESS TO STAND FIRM ON AFFIRMATIVE ACTION

In a strong display of solidarity, representatives of women's organizations including the nation's most influential feminist groups joined with other organizations to warn Congress and the Administration of the political ramifications that would result from any retreat on affirmative action. At a March 15th press conference in Washington, D.C., Eleanor Smeal, President of the Feminist Majority noted, "In this affirmative action debate, women's jobs and women's futures are on the line. Those of us who have been defending greater opportunity for women know the importance of affirmative action. We will not be eliminated from this debate. We will not be put in a box and set aside once again."

Calling themselves "Women United For Equality," the multi-racial coalition representing women's, civil rights, religious, professional, labor and educational organizations all across the nation stressed that affirmative action has had a significant impact in opening up opportunities for women and that efforts to drive a wedge among voters by framing this debate only in terms of race were inexcusable. Barbara Arnwine, President of the Lawyers' Committee for Civil Rights Under the Law, stated her hopes that the press conference would help eradicate the myth that affirmative action benefits only African Americans and that it has limited utility for the rest of the nation. She noted, "We want it to be very clear that women have been major beneficiaries of affirmative action and that without it our prospects in this country are bleak. We will not allow people to drive a schism between women, between blacks, between Asians, and between Hispanics and between all men and women of this country on this issue."

Groups ranging from the Women's Legal Defense Fund to the National Council of Senior Citizens as well as the 9 to 5 National Association of Working Women were represented at the press conference. In highlighting the economic need for affirmative action, the coalition indicated that every American benefits as a result of affirmative action. The coalition's statement also noted that affirmative action benefits families, especially given the current economic conditions that require several members of the family to work to make ends meet.

In discussing the impact of affirmative action on women the statement asserts that affirmative action helps families by providing working wives, daughters, and mothers with opportunities they were previously denied despite their merit, and that now is not the time to turn back the clock on all the progress the nation has made in encouraging inclusive efforts by employers, educational institutions and public contracting officials to recruit, train, hire, promote, and contract with women and people of color who would otherwise be excluded. Even with the significant gains that have been made over the past thirty years, women and minorities still fall short of reaching true equality. For example, a woman working full-time, year-round earns only 71 cents for every dollar earned by her male counterpart.

Among the other points made in the coalition statement were the following:

Women are united for equality. We will accept no retreat on affirmative action.

Affirmative action has helped to open doors, benefiting women, people of color, their families and the national economy.

Affirmative action is good for America, good for business, and good for working people because it promotes the values of inclusion, fairness, and merit.

Affirmative action does not mean quotas or arbitrary preferential treatment.

After the press conference, the group marched to the White House before attending a meeting with high administration officials at the Old Executive Office Building.

Women's Equality Poll

On a related matter, the Feminist Majority Foundation issued the results of a survey of the attitudes of a cross-section of American women and men across the country and a cross section of voters in California that included their views on affirmative action.

The participants were initially asked if they favored or opposed a California referendum that reads:

"The state will not use race, sex, color, ethnicity, or national origin as a criterion for either discrimination against, or granting preferential treatment to, any individual or group in the operation of the state's system of public employment, public education, or public contracting."

The result was that by 81 percent to 11 percent, an overwhelming majority of the respondents said they would favor this proposition if it is offered in their state. All groups included in the survey, in all sections of the country, including those who favor or oppose affirmative action -- blacks, Latinos, women, liberals, and Democrats all say they would favor the initiative.

But when the participants were told that passage of the proposition would affect

affirmative action, support for it drops to 29 percent. The respondents were asked:

"Would you still favor this proposition if it would outlaw all affirmative action programs for women and minorities?"

"Would you still favor this proposition if it would discourage or even end programs to help women and minorities to achieve equal opportunities in education and employment?"

"Would you still favor this proposition if it would discourage or even end programs to give women and minority-owned businesses a chance to compete with other businesses on getting government contracts?"

In response to the first question, 29 percent said yes and 58 percent said no. Support for the second question was 30 percent and opposition was 58 percent, and for the third support was 31 percent and opposition was 57 percent.

And when participants were asked directly about their support for affirmative action, more than two-thirds expressed support for it. Respondents were asked whether they supported the following statement:

"The state may use affirmative action programs designed to help women, minorities, and others who have not had equal opportunities in education, employment, and in receiving government contracts to achieve equal opportunities."

Sixty-eight percent of the respondents expressed support for the statement, and 25 percent expressed opposition to it.

PRESIDENT ATWELL OF THE AMERICAN COUNCIL ON EDUCATION SAYS NEW REPORT SHOWS CONTINUED NEED FOR AFFIRMATIVE ACTION

The enrollment of minority students at the nation's colleges and universities is increasing. However, minority students are less likely than other students to graduate, according to the American Council on Education's (ACE) Twelfth Annual Status Report on Minorities in Higher Education. In releasing the report, ACE President Robert H. Atwell voiced his concern about numerous proposals being debated on Capitol Hill that would seriously undermine and possibly even reverse the positive trends that have occurred in recent years. Atwell noted, "I think that what is being considered on the Hill by way of affirmative action or student aid cuts could have a very devastating impact on these numbers when you consider the fact that half...[of all college students] receive aid and an even higher proportion of the underrepresented minorities receive student aid. If you were to substantially reduce that, or as some have proposed even to eliminate it, you cannot even imagine what a disaster that would be."

The report states that the two-decade trend of increased college enrollments among

students of color continued between 1992 and 1993, but at slower rates. The largest gainers were Hispanics and Asian Americans who experienced a 3.9 percent and a 3.6 percent enrollment rise respectively. The African American gain was only 1.3 percent between 1992 and 1993, while American Indian enrollment increased 2 percent during the same time period.

In addition, minority students showed gains in the number of degrees conferred from 1991 to 1992. The minority gain in bachelor degrees was 11.4 percent, first-professional degrees 9.5 percent and associate degrees rose by 8.3 percent. Despite this encouraging trend, ACE expressed concern over the report's finding that African American, American Indian and Hispanic students are less likely to complete their schooling than white or Asian students. Only about one-third of African American students gain a baccalaureate degree within 6 years. The numbers for American Indians and Hispanics are 30 percent and 41 percent respectively. In contrast, 56 percent of white students and 63 percent of Asian Americans graduate within the same 6 year period.

Interestingly, the report found that these differences in school completion are largely due to socioeconomic differences among the students. Although African American, Hispanic, and American Indian students withdrew from college at higher rates than white or Asian American students, these differences disappeared when the research controlled for academic preparation and socioeconomic status.

To combat these realities, ACE recommends that institutions of higher learning utilize campus-wide strategies involving university administration, faculty, and students to address the environmental, academic, and financial issues that cause minority students to leave college before graduation. Such strategies include, but are not limited to, financial aid, academic advising, and student support services. Most important, the report states, is the commitment of a college's board and president to the goal of reducing student attrition.

ACE also asserts that a university's commitment to retaining students of color should be reflected in its hiring and promotion of faculty and staff of color. Although the report found that the number of faculty of color employed on campuses across the nation has been rising, the gains have occurred primarily among temporary lecturers and visiting staff rather than full-time faculty. For example, the overall tenure rate of minority faculty dropped 2 percentage points from 1981 to 1991 while white tenure rates rose by 2 percentage points. According to the report, favorable interactions with faculty is the most important determinant of a student's decision to remain in school.

In re-stating ACE's support for affirmative action, Atwell emphasized, "I think that one of the things that government does that is good is heighten our consciousness of an issue. In this case, one of the great issues in all of higher education is the need to increase the participation and success of the underrepresented minority. I think that the special efforts represented by affirmative action at the governmental level have heightened the consciousness of the nation and of the university. So I think that affirmative action and the special efforts have played a really vital role in this."

The report, co-authored by Deborah J. Carter, Associate Director of the office of Minorities in Higher Education (OMHE), and ACE Senior Scholar Reginald Wilson, is available

from the ACE by calling (202) 939-9365.

GLASS CEILING COMMISSION ISSUES REPORT: DISCRIMINATION STILL DEPRIVES WOMEN AND MINORITIES OF OPPORTUNITIES

Women and minorities make up two-thirds of the population and 57 percent of the workforce yet account for only 3 percent of senior management positions at Fortune 1000 industrial corporations, according to a report released by the bipartisan Federal Glass Ceiling Commission. The findings suggest that although some progress has been made in recent years, proactive efforts are still needed to address the invisible but impenetrable barrier that continues to deprive women and minorities of access to the highest levels of the business world regardless of their accomplishments or merit. Secretary of Labor Robert Reich, who chaired the Commission, summed it up by stating, "In short, the fact-finding report tells us that the corporate hierarchy does not yet look anything like America."

The report entitled "Good For Business: Making Full Use of the Nation's Capital" is the result of three years of study that included a consortium of consultants, commission hearings, studies, interviews, focus groups, panel discussions, and review of public and private research. The commission concluded that:

"in the private sector, equally qualified and similarly situated citizens are being denied equal access to advancement into senior-level management on the basis of gender, race or ethnicity. At the highest levels of corporations the promise of reward for preparation and pursuit of excellence is not equally available to members of all groups. Furthermore, it is against the best interests of business to exclude those Americans who constitute two-thirds of the total population, two-thirds of the consumer markets, and more than half of the workforce....the current state of affairs is not good for business...shattering the glass ceiling both serves our national values and makes our business stronger."

Some corporate leaders interviewed by the Commission said that as their trading partners become more globalized and diverse, there is a growing need for their workforces to reflect the diversity of the market-place in order to succeed in this increasingly competitive environment.

The report identified three levels of barriers that need to be eliminated to allow women and minorities to gain equal access to executive suites. They are societal barriers, which may be outside the direct control of business, internal structural barriers that are within the direct control of business, and governmental barriers.

The two societal barriers noted include the supply barrier and the difference barrier. The "supply barrier" refers to the lack of qualified women and minorities because of inequities in the nation's educational system. The report notes that although corporations cannot lead a movement to reform the nation's schools, they can be strong advocates for excellent schools by participating in initiatives such as school-to-work and internships as well as providing

scholarships. The "difference barrier" refers to the stereotypes, prejudices, and biases that individuals harbor about cultural, gender, or racial differences. The report states that "of all the barriers to corporate advancement identified, it is prejudice that tops the list."

The "internal business barriers" concern the difference between what corporate leadership says it wants to happen and what is actually happening. The underlying cause of this discrepancy stems from the perception of many white males that they are "losing the corporate game, losing control, and losing opportunity." The report noted, "Many middle- and upper-level white male managers view the inclusion of minorities and women in management as a direct threat to their own chances for advancement." Internal structural barriers, such as recruitment policies and the corporate climate, further contribute to the persistence of the glass ceiling. The report states that many executives hire only people who are most like themselves culturally and ethnically and are not willing as they see it "to risk" hiring minorities unless their clients demand increases in minority hiring.

"Government barriers" that affect the glass ceiling include the lack of vigorous and consistent monitoring and law enforcement; weaknesses in the collection and disaggregation of employment-related data; and inadequate reporting and dissemination of information relevant to glass ceiling issues. Research presented to the Commission clearly demonstrates the weakness of relying on voluntary measures to address employment discrimination. The report noted, "When the threat of enforcement is not real, the contract compliance program [Office of Contract Compliance Programs which monitors the Executive Order on Affirmative Action] ceases to have any demonstrable positive effect on minority and female employment."

The report also notes the disproportionate concentration of all minority groups in jobs outside the corporate world: "Before one can even look at the Glass Ceiling, one must get through the front door and into the building. The fact is large numbers of minorities and women of all races and ethnicities are nowhere near the front door of Corporate America."

In addition to finding that women and minorities are disproportionately represented in working class jobs where mobility is virtually nonexistent, the report also found that even in instances when they do shatter the ceiling, the compensation minorities and women receive is lower. For example, African American men with professional degrees earn only 79 percent of the amount earned by white males who hold the same degrees and are in the same job categories.

The history of the Glass Ceiling Commission dates back to 1986 when the *Wall Street Journal* reported a pattern of highly accomplished women being passed over for upper-level promotions due to an invisible barrier. The term was immediately picked up by other journalists and policy makers and was extended to include racial minorities who experienced a similar barrier. The Department of Labor, under the leadership of Secretary Elizabeth Dole and her successor Secretary Lynn Martin, issued a *Report on the Glass Ceiling Initiative* in 1991. In supporting the findings of the 1991 report, Senator Robert Dole introduced the Glass Ceiling Act of 1991, to establish the Glass Ceiling Commission to study "how business filled management and decision-making positions, the developmental and skill-enhancing practices used to foster qualifications for advancement, and the pay and reward structures used in the workplace." The Act eventually was enacted into law as Title II of the Civil Rights Act of 1991. At the time Senator Dole noted, "For this Senator, the issue boils down to ensuring equal access and equal

opportunity."

Interestingly, the latest report comes at a time when some Congressional Republicans have vowed to eliminate affirmative action. Supporters of affirmative action contend that this study clearly shows affirmative action is still needed. Others, however, include Senator Dole who despite his introduction of the legislation to establish the Glass Ceiling Commission, seemingly disagrees about the continued need for affirmative action policies. The Senate Majority Leader has ordered a congressional report on all government affirmative action programs, asked for congressional hearings on the subject, and stated on the Senate floor that it is his intention "to introduce legislation later this year that will force the Federal Government to live up to the color-blind ideal by prohibiting it from granting preferential treatment to any person, simply because of his or her membership in a certain favored group."

The Federal Glass Ceiling Commission's specific recommendations for government action are due in November.

Printed copies of the report are available from the U.S. Government Printing Office, (202) 783-3238, and its regional bookstores.

BALANCED BUDGET AMENDMENT FAILS IN THE SENATE

As reported in the last MONITOR, civil rights and anti-poverty organizations joined forces to oppose the Balanced Budget Amendment to the U.S. Constitution. The amendment which passed the House on January 26, 1995, with more than the two-thirds vote needed for a constitutional amendment, would have required that by the year 2002 or two years after ratification, whichever is later, the Federal Government could not spend more in a year than it raises in revenue.

On March 2, 1995, the Senate vote was one short of the two-thirds needed to pass the amendment, 66-34. If it had passed the Senate, the amendment would have been sent to the States (the President has no role in this process), of which three-fourths (38) must ratify for addition of an amendment to the Constitution. The final official tally was 65-35 because Majority Leader Robert Dole (R-KS) changed his vote to nay to allow him, pursuant to Senate rules, to call for a revote later in the 104th Congress. Senator Dole indicated he might do just that right before the 1996 elections.

Thirty-three of the 34 nay votes were cast by Democrats with Senator Mark Hatfield of Oregon the only Republican to vote nay. Senate Minority Leader Tom Daschle (D-SD) stated that had the Republicans been willing to provide "ironclad protection" that surplus social security funds would not be included in the deficit calculation, the amendment would have passed easily.

LEADERSHIP CONFERENCE EDUCATION FUND ISSUES BROCHURE ON DIVERSITY

The Leadership Conference Education Fund has published a pamphlet entitled Talking To Our Children About Racism, Prejudice and Diversity. The pamphlet is intended to help parents and children talk together about diversity, as well as racism and other kinds of bigotry. It offers guidelines for discussion about these difficult issues. It includes some concrete examples of children's questions and concerns and, as a starting point, some suggestions for answering them. It is especially for parents whose children are between five and eight years old, but it should be helpful for anyone concerned about helping children become open-minded.

The following are two of the ten questions and suggested responses included in the publication:

MY SEVEN-YEAR-OLD DAUGHTER TOLD A RACIST JOKE AND COULDN'T UNDERSTAND WHY I DIDN'T THINK IT WAS FUNNY. I WAS ANGRY AND EMBARRASSED. WE'RE NOT RACIST. WHAT SHOULD I SAY?

Most seven-year-olds love jokes and riddles. This is a time when their sense of humor is becoming developed and refined. At this age a racist joke is an experiment, not a malicious act. A thoughtful response to hurtful humor will help your child grasp the power of language to evoke both pleasure and pain. Try to explain why the joke could hurt someone's feelings and let her know that you don't like humor that makes fun of people. You might want to connect it to how she would feel if someone made fun of her because of the color of her hair or eyes.

This is an example of a situation that may need immediate attention. If your daughter hurt another child's feelings with this joke, you probably want to encourage her to apologize. Depending on what you and your child decide together, you might want to talk to the other child's parents, discuss what happened, and let them know how you are handling it.

MY HUSBAND, MY SIX-YEAR-OLD, AND I ARE MEMBERS OF THE NAVAJO NATION. ONLY A FEW OTHER NATIVE PEOPLE LIVE IN OUR NEIGHBORHOOD. THE KIDS ON OUR BLOCK SOMETIMES CALL MY SON A "REDSKIN." THIS DOESN'T SEEM TO BOTHER HIM, IN FACT, HE'S A WASHINGTON REDSKIN FAN. I FIND THE USE OF THE WORD "REDSKIN" TO BE HORRIBLY OFFENSIVE. MY SON IS STILL SO YOUNG. I DON'T KNOW HOW TO EXPLAIN TO HIM WHY IT'S SO HURTFUL. WHAT SHOULD I DO?

It's painful that people who wouldn't dream of using words like "kike" or "nigger" still use without thinking words like "redskin" that are so hurtful to Native Americans. However, all of these terms are classified as "offensive" or "derogatory" in most modern dictionaries. That the use of "redskin" is legitimized in popular culture as the name of a sports team is insulting.

You mention that there are a few other Native People in your neighborhood. Perhaps you can work together with them to devise ways of educating the children in your community about respectful ways of referring to American Indians, and other cultures as well. As a group, you might be able to work through the schools to teach children about the history of Native People in this country.

As your son grows and you pass along the traditions of Navajo culture, you could begin to talk to him about the effect the Europeans had on all Native American cultures, and how you all still experience that effect. It helps to remember that you don't have to cover everything in one conversation. If you think of your conversations with your son as part of an ongoing dialogue, you have an opportunity to help him understand more and more as he grows and develops. You might decide that talking about the historical use of the word "redskin" is too scary for a six-year-old, but something that an older child can handle. (There are several versions of the origination of the term "redskin," including one that has its roots in the era when bounty hunters murdered Indians for profit. They had to produce a piece of "red" skin to prove that it was an Indian that they killed.)

Even though he's still quite young, sharing your feelings about these issues and listening to what he has to say will create an atmosphere that encourages him to question what he sees in popular culture.

The pamphlet ends with a few suggestions of things parents can do to help raise children who are comfortable with diversity, and a list of books and articles for parents, teachers and other adults who would like to read more on the topic. For additional information and/or a free copy of the pamphlet (one per subscriber), write to Connie Dennard at LCEF.

LEADERSHIP CONFERENCE ON CIVIL RIGHTS HONORS RALPH G. NEAS WITH THE HUBERT H. HUMPHREY CIVIL RIGHTS AWARD

On May 3, 1995, at its Annual National Board Meeting and Civil Rights Award Dinner, the Leadership Conference on Civil Rights honored its retiring Executive Director Ralph G. Neas with the Hubert H. Humphrey Award for his devotion to civil rights. More than 1000 people attended the dinner including Attorney General Janet Reno and other administration officials and members of Congress. Richard Womack, Director of the AFL-CIO Department of Civil Rights, will serve as acting director of LCCR until a permanent replacement is found.

Ralph Neas has served as Executive Director of LCCR since 1981, and Executive Director of the Leadership Conference Education Fund since 1983. Karen McGill Arrington, the deputy director of LCEF will replace Ralph as Executive Director of LCEF.

The dinner also marked LCCR's 45th anniversary and a souvenir journal included articles on the history of LCCR, LCEF, and in commemoration of Neas' 14 years of service. An article on the Neas Years at LCCR, by Dorothy Height, LCCR Chair, states:

When Ralph Neas took over the Leadership Conference on Civil Rights in March of 1981, Ronald Reagan had just been sworn in as President and Senators Strom Thurmond and Orrin Hatch had just replaced Senators Edward Kennedy and Birch Bayh as chairs of the Senate Judiciary Committee and Senate Subcommittee on the Constitution. Needless to say, the situation in the Spring of 1981 demanded bipartisanship, creativity, pragmatism, and most importantly, strong leadership. Ralph and his LCCR colleagues showed an abundance of these qualities during the arduous eighteen month campaign to enact the 1982 Voting Rights Act Extension. When the final bill passed both Houses with substantial bipartisan support, (389 to 24 in the House and 85 to 8 in the Senate) President Reagan had no choice but to sign the historic measure into law. That law not only extended the Voting Rights Act for 25 years, but also extended the Act's bilingual assistance provisions and overturned a 1980 Supreme Court decision by reinstating the results standard in the Voting Rights Act.

This initial victory against great odds set the tone for the remainder of the "Neas Years." Given the political environment of the 1980s, who would have believed that more than 2 dozen LCCR legislative priorities would be enacted? Among the many other legislative successes during Ralph's tenure in office are the Civil Rights Act of 1991, the Americans with Disabilities Act, the Fair Housing Amendments Act of 1988, the Japanese-American Redress Bill, the Civil Rights Restoration Act as well as the defeat of Supreme Court nominee Robert Bork. Most recently, Ralph was a key strategist in the successful effort to defeat the Balanced Budget Constitutional Amendment.

In late May, Ralph will embark on a new phase of his professional life. He will join the Washington law firm of Fox, Bennett, and Turner, where he will be Of Counsel. There he will set up an affiliate, The Neas Group, which will provide strategic counseling to business and non-profit institutions. In addition, Ralph will be a part-time Visiting Professor at the Georgetown University Law Center where he will continue sharing his knowledge of the legislative process. Ralph has also agreed to serve as a consultant to the LCCR and continue to coordinate its campaign in support of affirmative action.

Richard Womack currently represents the AFL-CIO on the Executive Committee of LCCR. At the AFL-CIO, Mr. Womack is the primary spokesperson on a broad range of social issues involving worker rights, human rights and civil rights. Prior to joining the AFL-CIO Civil Rights Department, he was employed by the AFL-CIO Human Resources Development Institute (HRDI) as Assistant Director where he was responsible for the training, evaluation and supervision of field staff located in 55 cities and was a Field Coordinator for the AFL-CIO Appalachian Council. He is a member of the NAACP's National Board of Directors and the Board of The National Coalition on Black Voter Participation, and sits on the Executive Committee of the President's Committee on Employment of People with Disabilities, and the A. Philip Randolph Institute.

As deputy director of LCEF, Karen McGill Arrington served as project director for all of LCEF's endeavors including its Children's Campaign. She is a co-author of *Talking To Our Children About Racism, Prejudice, and Diversity*, and a contributing co-editor of *Voting Rights in America: Continuing the Quest for Full Participation*. She also serves as the policy/research associate for the Leadership Conference on Civil Rights. Arrington serves as an advisor to Family Communications Inc.'s Racism Project, *Different and the Same*, the Media Center for Children's

Willoughby's Wonders Project, and the Philadelphia Campaign to Promote Intergroup Cooperation. She is editor of *The Monitor* and prior to joining the Leadership Conference served as the education monitor for the U.S. Commission on Civil Rights before its reconstitution in 1983.

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