

REAUTHORIZATION OF THE U.S. COMMISSION ON CIVIL RIGHTS

HEARING
BEFORE THE
SUBCOMMITTEE ON
CIVIL AND CONSTITUTIONAL RIGHTS
OF THE
COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES
ONE HUNDRED SECOND CONGRESS
FIRST SESSION

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JULY 25, 1991[~]
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Serial No. 9



Printed for the use of the Committee on the Judiciary

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U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1991

46-239 1-1

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-035623-7

H521-72

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REAUTHORIZATION OF THE U.S. COMMISSION ON CIVIL RIGHTS

THURSDAY, JULY 25, 1991

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CIVIL AND CONSTITUTIONAL RIGHTS,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:16 p.m., in room 2237, Rayburn House Office Building, Hon. Don Edwards (chairman of the subcommittee) presiding.

Present: Representatives Don Edwards, Michael J. Kopetski, Henry J. Hyde, Howard Coble, and Bill McCollum.

Also present: Stuart J. Ishimaru, assistant counsel; Ivy L. Davis, assistant counsel; and Kathryn Hazeem, minority counsel.

OPENING STATEMENT OF CHAIRMAN EDWARDS

Mr. EDWARDS. The subcommittee will come to order.

Today the subcommittee conducts a hearing on the issue of reauthorization of the U.S. Commission on Civil Rights. The Commission was originally established by the Civil Rights Act of 1957 as a temporary, six-member Commission charged with studying discrimination and denials of equal protection, and investigating specific allegations of discrimination.

For 25 years the Commission proved to be the premier Federal factfinding agency in the field of civil rights. It held numerous hearings and consultations to gather facts and information. Its detailed reports and analyses vividly illustrated the problems of discrimination to our Nation. The reports and hearings of the Commission helped the Congress and the courts to develop responses to some of the most difficult and troubling issues of the time. The Commission was an independent and highly regarded Federal agency.

However, during the 1980's the Commission abandoned this factfinding mission. Instead of conducting hearings and developing reports, the Commission became a mere platform for divisive rhetoric. The Commission was mismanaged, and its productivity declined to a point of inactivity. Because the Commission was producing nothing, its budget was cut sharply but allowing it to continue to produce if it chose to. We didn't want to close down the Commission, because we knew we would have a heck of a time getting it started again, so we cut it way back, although we were under enormous pressure, especially from civil rights groups throughout the country, to get rid of it altogether.

In 1989 when this subcommittee last addressed the issue of reauthorization, the Commission was faced with its sorry legacy of the 1980's—virtually no reports, hearings, or other factfinding, and no monitoring of the enforcement by the Federal Government.

The saving grace in 1989 was that a number of new appointments were to be made. Under this authorization, the Commission has new membership, leadership and management. The Commission has worked together without the divisive rhetoric of the 1980's, but, of course, the question still remains: What has the Commission done and what is it going to do in the future? That is what we are interested in.

We are interested very much about the record of the last 20 months, and, if reauthorized, what will your plans be?

I might say, Mr. Fletcher, that you really should be congratulated on your splendid speech to the Urban League of a couple of weeks ago. It really was very refreshing and made good sense, and I appreciate your people sending us a copy, although it received wide publicity in all the newspapers. It certainly pointed to the direction this country ought to go in the 1992 elections. We certainly don't want any part of what went on in the 1990 election, with all of the divisiveness and racial implications.

So, Mr. Fletcher, we welcome you.

Mr. KOPETSKI, the gentleman from Oregon.

Mr. KOPETSKI. Mr. Chairman, I want to reserve my time for questions later. I have no opening statement.

Mr. EDWARDS. Our witness today is the Chairman of the Commission, Arthur A. Fletcher of Denver, CO. Mr. Fletcher is a distinguished professor of business administration and director of the Center for Corporate Social Responsibility at the University of Denver. He served as Assistant Secretary of Labor under President Nixon and as Deputy Assistant to the President for Urban Affairs under President Ford. Mr. Fletcher has brought new leadership and vision to the Commission.

We welcome you here today. We ask that you raise your right hand, and do you swear and affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

Mr. FLETCHER. Yes, I do, sir.

Mr. EDWARDS. We welcome you.

Will you introduce your colleague, and you may proceed.

STATEMENT OF ARTHUR FLETCHER, CHAIRMAN, U.S. COMMISSION ON CIVIL RIGHTS, ACCOMPANIED BY WILFREDO GONZALEZ, STAFF DIRECTOR

Mr. FLETCHER. All right. My colleague is Wilfredo Gonzalez, who is our Staff Director, and he and I accepted our appointments the same day, and I think we were just about sworn in at the same time with the same understanding what a tremendous challenge that lay before us, and to date we are satisfied that we at least have a grip on the challenge. I won't say we have whipped it yet, but we got a grip on it.

Mr. Chairman, in November 1989, Congress placed the Commission on a 22-month probation when it was reauthorized. Our ac-

complishments during that time, given our limited resources, have demonstrated that the Commission is again functioning as an independent, credible, moral authority on civil rights for the United States.

Before I proceed, Mr. Chairman, I think this is really about asking the question: Is there a need for the Commission at this stage in the Nation's development, further development, and, if so, what will the Commission do to manage its problem?

I think the answer to that question is self-evident, and I am going to ask you for the moment just to turn to the chart. We provided you with some charts descriptive of the United States for the sole purpose of providing a graphic demonstration of the extent to which there are still a considerable number of racially motivated incidents throughout this country.

If you look at the four or five graphic displays that we have here, you will see that just during the small amount of time that myself and my Staff Director—the Commission Staff Director—has been on board, that we have been having racial incidents galore. Not a single State has escaped.

These, Mr. Chairman and members of the committee, are just a kind of capsule summary of what is going on. I am of the opinion that, once the Justice Department has its hate violence operation in place and can really track it on a day-by-day basis, what we have here will amount to just the kind of a rubbing of the surface of what is going on in this country at this stage, some 37 years after this Commission has been created and doing its work, and after we have the voting rights, the housing rights, employment rights, public accommodation rights, education and business opportunity rights on the books, all legislation that we had hoped would help us be much further than we are at this time, at this stage in our development on this problem than we are.

So I think the purpose of the charts is to say yes, there is a need for the Commission, and, not only that, but there is a need for it to be returned to its 10-region configuration and provided with the resources that we need to get on with the mission that we all had in mind when this particular Commission was created. I will come back to this a little later on, but I think just a glance at what we have done will indicate that we are a long, long ways from solving this problem. And further, I might say, before getting back to the testimony, the reason for the letter and the reason for the speech at the Urban League, and the reason for the letter pleading for a summit called by what I perceive to be the most powerful men in the United States—namely, the President of the United States, the Speaker of the House, and the minority leader, and the majority leader in the Senate, as well as the minority leader there—is to speak with one voice and call a summit to the Nation's Capital, or wherever it would be convenient to convene it, and discuss this particular issue with the clear understanding that the leadership of this country is opposed to the climate and environment that seems to be authorized in the kinds of things that are displayed in the chart.

I will go back to my testimony. You might want to ask me some questions about that a little later on. I would be happy to try to answer them.

The leadership provided by our current Commission and the Staff Director is one of the most important factors in the progress we have made during the past, during the last 17 months. To that end, each of us is committed to functioning as an effective collegial body. As an example, at our February 1, 1991, retreat, we unanimously decided to do a broad-ranged project to address increased racial tensions in American communities. We intend to focus national attention on the strain of race relations because of worsening racial tension and the continuing need to find solutions to what has apparently been deemed "the national tragedy."

In recent years, the number of cross burnings and other types of racial violence and incidents have increased. Failure to create a social and workplace environment that thrives on diversity will not only mean continued denial of equal opportunity but will have dire consequences for America's economic strength in the future.

The Commission has a very broad mandate, and it is using it to address complaints of police abuse; race baiting; and the Mt. Pleasant situation in the District of Columbia; increased racial tension in Selma, AL; and border violence directed toward undocumented Mexicans and other Hispanics crossing into the United States.

Examples of our activities that do not produce a direct and immediate payoff in terms of published works: The Commission sent a letter to the President, to President Bush, concerned about policy changes on scholarships, worked with Social Security Administration to develop administrative data to facilitate monitoring of minority and immigrant economic status; meetings with Cabinet Secretaries and meetings with key national civil rights organizations.

The following studies and reports reflect projects currently underway or just recently completed, and I have some of them on the desk before me here: The Evaluation of the Civil Rights Act of 1990; Immigration Reform and Control Act; Economic Status of Black Women, an Exploratory Investigation; Changing Perspectives on Civil Rights; Immigration and Violence: Racial and Religious Bigotry in America; Asian American Civil Rights Issues for the Nineties; the Socio-Economic Status of Hispanic Americans: Past Trends and Future Perspectives; Towards Equal Opportunity in Education; Minorities and Women and the Media; Indian Civil Rights Act; the Fair Housing Amendments of the Act of 1988.

Given sufficient resources, Mr. Chairman, we would be able to do the following: Issue an annual report to the President and the Congress on the status of civil rights of this Nation every year; now that is needed, but we don't have the resources to do it. Hold a number of briefings to focus on immediate and inflammable situations resulting from racial tension; we would like to do that.

We just held one in Denver, and it was very disturbing, Mr. Chairman, to find people coming before the Commission and saying, "I'm here out of fear and intimidation, but I can give you a list of names that would like to be here but who are afraid to come before the Commission for fear there would be economic retaliation along jobs or employment lines." We have a sneaking suspicion that if we were to hold briefings, not full-fledged hearings just more briefings, along that same line in various areas of the country over various other subjects, we would find the same thing.

I found it difficult to believe that in this climate today the people are still afraid to appear before a Civil Rights Commission panel to tell us what the quality of life and the circumstances that they are up against in their various respective communities. And this, incidentally, is kind of baffling because Denver, CO, is something of a model. A city with less than 15 percent black population ends up with two blacks running for mayor. You would think, if you were to come in and just look at the overview, a city that just had an Hispanic mayor and now two blacks running for the mayor and one of them winning, you would think there couldn't be any problems here, and I went there thinking that we would find a few difficulties hither, thither, and yon, but nothing like the depth of fear that was expressed at that panel, and in my hotel room there were folks who—all night long I was getting calls: "I don't really want to come to your hotel to talk to you, but if you could meet me somewhere, or there's a friend of mine's home, if you'd come there, there will be five or six more people who want to talk to you that just refuse to be seen at your briefing."

Again, we are going to use the briefing approach. Since we don't have the funds that we need to hold the 3-day hearings, we are going to use the briefing approach rather extensively to get at this problem to the degree that we have resources to do it to continue—continue continuously—we would continuously monitor civil rights enforcement at most of the Federal agencies, we would strengthen the regional offices and the State advisory committees by holding four meetings per State per year.

We would love to be in a position to file amicus curiae briefs. The reason for that is that we are an independent agency and we do not feel that the Justice Department could handle our brief before the courts as well as we do and we could after having gone out and dug up the facts. We would hate to depend on somebody else to make our case. We think we could make it better than anyone else after we have gathered the information.

Finally, to enter into cooperative agreements with Federal, State, and local government agencies to jointly conduct public information and educational activities.

Mr. Chairman, in 1983 the Commission had 256 full-time, permanent employees. We had 171 in headquarters and 85 in the field. Today, Mr. Chairman, we have a total of 79 full-time, permanent employees, less than one-third of the total in 1987, with 51 in headquarters and 29 in the field.

Mr. Chairman, again just a brief glance at the graphs that we gave you would clearly indicate that there is no way that the staff that we have on board can do the job that has to be done, nor with the limited authority that we have under the present authorization.

My Staff Director, myself, and the Commissioners feel that the hour to demonstrate an increased level of trust and confidence in our ability to do the job has not only arrived but is past arriving. We need a stronger authorization, and, indeed, we need the funds. One is tied to the other. To give us more authorization without giving us the funds to get it done, and I realize that this isn't an appropriation hearing, but the two are inextricably tied, and we

want to make that case while we are also attempting to make the case for reauthorization.

The other point I want to make sure I make with reference to our appeal for reauthorization, and that is, the business of 2- and 4-year reauthorization decisions simply won't do it. Race and race problems that this country is faced with aren't going away in 2 years, they aren't going away in 4 years, so in our reauthorization legislation we have asked for 25 years with a clear understanding that with that kind of reauthorization we can hire quality people and hope to keep them, as opposed to having them looking over their shoulder every 2 or 3 years wondering whether there will be a place, whether there will even be a Commission, let alone a place for them to do their work.

So we think we have thought out our position pretty well, and we would appreciate all the consideration we can get to be reauthorized with the power and strength to do what we have to do.

You have the full text of my testimony, and we will certainly be happy to submit it for the record.

Mr. EDWARDS. It will be made, without objection, part of the record, Mr. Fletcher, and thank you very much.

[The prepared statement of Mr. Fletcher follows:]

STATEMENT OF
THE HONORABLE ARTHUR A. FLETCHER, CHAIRMAN
U.S. COMMISSION ON CIVIL RIGHTS
BEFORE THE SUBCOMMITTEE ON CIVIL AND CONSTITUTIONAL RIGHTS

COMMITTEE ON THE JUDICIARY

JULY 25, 1991

Mr. Chairman and members of the Subcommittee, I am pleased to testify today in strong support of the reauthorization of the U.S. Commission on Civil Rights. I am also here to state that the Commission must be restored to its former level of resources if Congress wants us to carry out our broad mandate as the "Nation's conscience on civil rights." I am here speaking on behalf of the Commission on Civil Rights, a revitalized, independent, bipartisan agency of the Federal Government. Let me state, at the outset, that the Administration has, in fact, endorsed Senator Hatch's reauthorization bill and has requested funding to restore the seven (7) regional offices that were eliminated in FY 1987.

In November 1989, the Congress put the Commission on a "22-month probation" when it was reauthorized. I believe our accomplishments, during that time, given our very limited resources, have demonstrated that the Commission is again functioning as an independent, credible, moral authority on civil rights issues. However, given the seriousness and complexity of

the civil rights issues that our Nation faces today and in the future, if the Commission is going to assume its rightful leadership role on civil rights, we must be restored to at least our former resource level so that we can carry out the mandate the Congress has given us.

The leadership provided by our current Commissioners, and the Staff Director, is one of the most important factors in the progress we have made during the past 17 months. Each member of the Commission has his or her own viewpoint on many of the issues, and we have differences in our racial, cultural and even economic backgrounds. As a result of our various backgrounds, the Commissioners are interested in a wide array of projects dealing with the civil rights concerns of the different groups in our society. Despite our differences, we share the common goal of fulfilling the Commission's legislative mandate to the best of our ability. To that end, each of us is committed to functioning as an effective collegial body. As a result, we were able, at our annual planning retreat on February 1, 1991, to reach consensus on a reauthorization statute for the Commission that will retain our current structure but will also enhance our ability to carry our mandate of moral suasion on pressing national civil rights issues.

As an example, the Commission has unanimously decided to do a broad-ranging project to address increasing Racial Tensions in American Communities. The projections of the Workforce 2000

project tell us that minorities and women will predominate in the labor force in less than 10 years. If the increase in bigotry and violence that we are currently experiencing has not been curbed by then, the consequences of the convergence of these two trends could derail our future. The Commission intends to focus national attention on the state of race relations, the causes of worsening racial tensions, and the continuing need to find solutions to what has aptly been deemed "our national tragedy."

Although we have made tremendous progress as a Nation since the Civil Rights Commission was created in 1957, many people today are still being illegally denied opportunities in employment, housing, education, political representation and other areas because of their race, color, religion, sex, age, disability, or national origin. Thirty-four years ago, we were preoccupied with attacking overt racism -- white racism against black people. Despite the significant progress we have made since then, much work remains to be done.

Discrimination still pervades most sectors of society and all geographic areas. In fact, it is increasing. You are all familiar with the racial tension incidents in Bensonhurst, Howard Beach, Los Angeles, and Mount Pleasant. But these types of incidents are happening everywhere, almost every day. For example, just in the last few weeks, the newspapers have carried the following illustrative stories:

- o In Tamarac, Florida, a 20-year-old black cook was questioned by police for 45 minutes after officials at the bank, where he wanted to open an account, reported that he planned to rob it.
- o A Brooklyn real-estate agency was set afire recently after workers there reported receiving threatening phone calls about selling property to minorities in a predominantly white neighborhood.
- o In Gladstone, Missouri, six young white men were charged with racially motivated attacks on a black family's home. The men are alleged to have made racial slurs and threats and done extensive damage to the home of the black family.
- o As recently documented by the Christopher Commission, there were numerous racial slurs used by the Los Angeles police in their communications over their car radios.

Further, in recent years, the number of cross burnings and other types of racial incidents in housing, on college campuses, and in the workplace have increased. (See attachment I.) Recent surveys show that negative racial stereotyping is getting worse.

Today, new and profound demographic, social and economic changes are reshaping America. With these changes comes the hope of a more vigorous and tolerant society in which a person's race, color, national origin, religion, sex, age or disability are not

impediments to realizing one's full potential. Yet, these changes also raise concern that progress towards solving long-standing civil rights problems has stalled, and may have been even reversed.

Structural changes in the American economy are shrinking the number of good jobs that are available for persons with little education. Jobs are being "upskilled." In this new environment, today's and tomorrow's businesses, will increasingly require better-educated employees. Persons without the skills and education to enter this evolving economy face a bleak future. On the one hand, this high demand for skilled labor provides an exciting opportunity for bringing minority members, women and the disabled fully into the mainstream workforce. But if our educational system continues to fail to adequately prepare these groups, and if these Americans continue to face barriers to training and access to stable, higher paying jobs with employers, this Nation faces a civil rights nightmare. Failure to create a work environment that thrives on diversity will not only mean continued denial of equal opportunity, but will have dire consequences for America's economic strength in the future.

I am here to tell you that the Commission has never been more vital to sustaining progress toward true equality -- and indeed, the socio-economic well-being and security of our Nation -- than it is today.

We have a broad statutory mandate. I would like summarize it briefly:

The Commission shall--

- (1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, sex, age, handicap, or national origin;
- (2) study and collect information concerning legal developments constituting discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin or in the administration of justice;
- (3) appraise the laws and policies of the Federal Government with respect to discrimination or denials of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin or the administration of justice;
- (4) serve as a clearinghouse for information in respect to discrimination or denials of equal protection of the laws because of race, color, religion, sex, age, handicap, or national origin, including but not limited to the fields of voting, education, housing, employment, the use of public facilities, and transportation, or in the administration of justice;
- (5) investigate allegations made in writing and under

oath or affirmation, that citizens of the United States are unlawfully being accorded or denied the right to vote, or to have their votes properly counted, in any election of the Presidential electors, Members of the United States Senate, or the House of Representatives, as a result of any patterns or practice of fraud or discrimination in the conduct of such election; and

(6) The Commission shall submit such reports to the Congress and the President at such times as the Commission, the Congress or the President shall deem desirable.

I want to illustrate to you the critical work that the Commission is undertaking today to carry out that mandate under our broad ranging agenda to address Racial Tensions in American Communities.

Within our limited resources, we are doing the following:

- o Immediately after the alleged police brutality incident in Los Angeles became public, our regional office staff began to aggressively monitor the situation for the Commission for potential civil rights violations. This included numerous contacts with law enforcement officials at the Federal, State, and local level. As a result of our interest, and that of others, the mayor established the Christopher Commission to investigate and report, with findings and recommendations, on the incident.

- o In response to the kind of "race baiting" ads that occurred in a 1990 Senatorial campaign, on July 18, the Commission sent a letter to the President, the Congressional leadership, and the Governors urging them to avoid these kinds of destructive tactics in the upcoming 1992 political campaigns because they only inflame the increasing racial tensions.
- o Immediately after the recent disturbance in Mount Pleasant, the District of Columbia Advisory Committee held a briefing session to inform the Commissioners what were the root causes that led to this eruption of violence. In response to the concerns raised by the Committee, the Commission will soon be holding a hearing which will result in a report with findings and recommendations.
- o In response to increased racial tensions in Selma, Alabama, the Advisory Committee held a four-day factfinding meeting that covered school desegregation, voting rights, equalization of municipal services and equal employment opportunities. The Advisory Committee's report will be released this fall with recommendations designed to reduce racial tensions.
- o The Advisory Committees of Arizona, California, New Mexico, and Texas will conduct a joint inquiry designed to examine the increased tensions along the United States-Mexico border including shootings, assaults and

other acts of violence and intimidation against the Hispanic population, and to determine what official response by the Government is appropriate. Much of the violence has been directed toward undocumented Mexicans and other Hispanics crossing into the United States.

In addition to these quick response actions, the Commission expends a considerable amount of its resources on activities that do not produce a direct and immediate payoff in terms of published works, but which are essential to our mandate. Here are some specific examples of these activities:

- o Commission staff met with staff of the Office for Civil Rights (OCR) of the Department of Education to discuss OCR's investigations of Asian admissions at Harvard and UCLA.
- o Staff provided Department of Education, Office for Civil Rights (OCR) with a set of recommendations for additional items to include in the Elementary and Secondary School Civil Rights Survey. Because the survey is used to identify for more intensive reviews, schools that may not be complying with civil rights laws, the additional items we recommended will aid the Department in enforcing these laws.
- o Commission staff also met with the Office for Civil Rights of the Department of Education to discuss changes in policies regarding scholarships targeted at racial and

ethnic minorities. Based on an analysis of this and other information, the Commission sent a letter on January 23, 1991, to President Bush expressing our concern about the policy changes on the scholarships.

- o Staff have been working with the Social Security Administration to develop their administrative data in such a way as to facilitate the monitoring of minority and immigrant economic status.
- o Finally, over the last few months the Commissioners have been meeting with Cabinet Secretaries to express our concerns about a wide variety of civil rights issues that come within each of their Departments' jurisdiction. For example, we met with Secretary Sullivan at Health and Human Services, to discuss minority health care issues; with Secretary Derwinski of the Department of Veterans Affairs about veterans benefits for women and minorities in the wake of the Persian Gulf War; and with Secretary Skinner at the Department of Transportation about the awarding of contracts to minority and women owned firms at the New Denver Airport. In August, we will be meeting with Secretary Martin to discuss enforcement activities at the Department of Labor.
- o In an effort to improve our relationships with the civil rights community, the Commissioners have met with civil rights leaders of national civil rights groups, and have

been invited to address and participate in conferences sponsored by these groups.

While all of these activities have been, and will continue to be, crucial to the reestablishment of our impact on the national civil rights debate, we are also mindful of our mandate to conduct studies and produce reports to the President and the Congress. The following studies and reports, reflect projects currently underway or just recently completed:

- o Evaluation of the Civil Rights Act of 1990. The Civil Rights Act of 1990, a major piece of civil rights legislation, was passed last year by both Houses of Congress but vetoed by President Bush. The Commission carefully reviewed the proposed legislation (S. 2104 and H.R. 4000). Based on staff analysis of the legislation, the Commissioners adopted a statement supporting the Civil Rights Act of 1990 in June and submitted a cover letter to the President urging him to sign the bill. This statement, including recommendations for modifying the legislation, and the Commission's analysis of the legislation are contained in the July report, Report of the United States Commission on Civil Rights on the Civil Rights Act of 1990.
- o Immigration Reform and Control Act (IRCA). The Commission examined the effects of the Immigration Reform

and Control Act (IRCA) upon discrimination under the Commission's monitoring function. The project was continued into FY 1990 to provide support for the Task Force on IRCA-Related Discrimination. This Task Force was activated by the March 1990 GAO finding that employer sanctions caused a widespread pattern of discrimination against authorized workers. Its members were Chairman Fletcher of the Civil Rights Commission, Vice Chairman Silberman of EEOC, and Assistant Attorney General Dunne (Chair). The Civil Rights Commission, along with the other participating agencies, was involved in factfinding, statistical analyses, and writing the final report. The Task Force issued its required report to Congress in September 1990. The report recommended that employer sanctions be eliminated because they tended to discriminate.

- o The Economic Status of Black Women: An Exploratory Investigation. A staff report was issued in April 1990. The report documents patterns of labor market discrimination against black women in comparison to white women, reaching both heartening and disheartening conclusions with respect to black women's economic status. On the one hand, the report finds that the hourly pay of black women has increased substantially, both relatively and absolutely, over the past half century, and the occupational distributions of black and

white women have undergone an equally large convergence over the same period. On the other hand, the report shows that black women still earn less than white women, and black women's overall economic status continues to be far below white women's. As one example, black women have substantially higher unemployment rates than white women with similar characteristics. The report also finds that black women continue to fare worse relative to white women in the South than in the rest of the country, and that the legacy of past discrimination has a larger effect on older black women than on their younger counterparts.

- o Changing Perspectives on Civil Rights. Staff completed summary reports on Civil Rights issues. The report on the Los Angeles forum summarized the views of the participants on the effects of changing demographics on the nature of the civil rights issues, and the report on the Nashville forum summarized participants' views on other emerging civil rights issues. Both reports were released at the end of 1990.
- o Intimidation and Violence - Racial and Religious Bigotry in America. In this September 1990 report, the Commission concluded that the phenomenon of racial and religious violence and harassment is a continuing threat to the maintenance of a peaceful, democratic and pluralistic society. The Commission urged upon all

Americans a cooperative and relentless effort, by all legal means, to excise from American life the roots of bigotry and violence that deny the rights of racial, religious and ethnic minorities.

- o Asian American Civil Rights Issues for the 1990s. We at the Commission are keenly aware that Asian Americans do face prejudice, discrimination, and barriers to equal opportunity. This fall we are planning to release a major report documenting the wide-ranging civil rights problems faced by Asian Americans today.
- o The Socioeconomic Status of Hispanic Americans: Past Trends and Future Prospects. Next year, the Commission will complete a study that examines several issues crucial to minority progress in a rapidly changing economy. In particular, we focus on the extent to which Hispanics are likely to partake in the new economic order. Are their educational skills sufficient to meet the needs of the jobs of today and of the future? Once they have acquired their education, can they get a job? To what extent are their efforts hampered by discrimination? Once they are employed, can they advance as quickly and as far as their non-Hispanic counterparts? These and other issues will be the focus of a comprehensive overview of where Americans of Hispanic descent are today in terms of their socioeconomic status,

and the issues that are likely to shape this status in years to come.

- o Towards Equal Opportunity in Education. In Fiscal Year 1991 the Commission launched a major new project on equal opportunity in education. As part of this project, the Commission will examine a number of important civil rights issues in the field of education. We expect to complete two reports in the next fiscal year: a report on equity in school finance, and a report on the education of Hispanic Americans. Future reports will focus on bilingual education, determinants of minority success in college, and issues related to multicultural curricula. The project will also serve to restore the Commission's role in monitoring the Federal enforcement of civil rights laws, by scrutinizing the activities of the Departments of Education and Justice and ensuring that they are doing everything possible under their mandate to secure equal educational opportunity for all Americans.

- o Minorities and Women in the Media. The Commission has initiated a project, in which a number of members of Congress have expressed a keen interest, to investigate the portrayal and representation of minorities and women in the electronic media.
- o Indian Civil Rights Act. The Commission recently approved this report for publication. It describes the

difficulties faced by many tribal courts because of inadequate funding; for example, high turnover of trained judges because of low salaries; caseloads comparable to those of State courts, but with only a fraction of their resources; and lack of training for judges and other court personnel because of limited resources. It also cites the Federal Government's trust obligation to assist tribal governments in their development.

- o Fair Housing Act Amendments of 1988. In September 1990, the Commission began a major study on the implementation, enforcement, and effectiveness of the 1988 law aimed at eliminating housing discrimination in this country. We examined the Department of Housing and Urban Development's (HUD) new, expanded role in fair housing enforcement. We are also assessing the role of every major segment affected by the new provisions, including the State and Local Human Relations/Rights Agencies that have agreements with HUD to process housing complaints, the business and industry groups such as Realtors and builders, fair housing councils that often represent complainants in their pursuit of equal opportunity in housing, and advocacy groups such as the NAACP that get the message out to the public about the law. This intensive study will culminate in at least two reports: State and Local Agencies Recertification Under the Fair

Housing Act, and the Enforcement of the Fair Housing Act by the Federal and Private Sectors.

- o Long-term State Advisory Committee Studies. Long-term State Advisory Committee studies underway include: race relations and civil rights issues in Alabama, Arkansas, and California; voting rights in Arizona and Rhode Island; police-community relations in Florida, Nevada, and New Jersey; and various aspects of education in California, Idaho, Kansas, Massachusetts, Minnesota, Vermont, and Wisconsin, to give but a few examples.

The information above outlines what we can, and are, doing within our limited financial and staffing resources.

Now I would like to give you some idea of the types of activities the Commission should do, provided we are reauthorized, and provided we are given sufficient resources to carry out our very broad and critical mandate:

- o Issue an annual report to the President and the Congress on the status of civil rights in the Nation.
- o Hold a number of briefings throughout the Nation to focus on immediate and inflamed situations resulting from racial tensions.
- o Continuously monitor civil rights enforcement at most Federal agencies, such as the Equal Employment Opportunity Commission; Office for Civil Rights in the

Departments of Health and Human Services, Education, Labor, Agriculture, and Housing and Urban Development, etc. and the Civil Rights Division of the Department of Justice.

- o Hold four (4) State Advisory Committee meetings in each State per year by strengthening SAC support and services by reopening all 10 regional offices. Mr. Chairman, you wrote to a former Chairman of the Commission in 1986, at the time of the appropriations cuts, to inform him that the cuts did not envision closing any regional offices. Unfortunately, seven (7) had to be closed. We are now in the process of trying to reestablish them to meet the concern you expressed five (5) years ago.
- o Conduct a survey of the public's attitudes on racial and ethnic issues.
- o File amicus curiae briefs with the Supreme Court on pending civil rights cases.
- o Enter into cooperative agreements with Federal, State and local governmental agencies to jointly carry out public information and educational activities, pursuant to the Commission's national clearinghouse function.

These activities will not be possible if the Congress and the President do not restore the Commission to at least its former level of funding and personnel. In 1983, the year we were reauthorized and reconstituted into our present structure, the

Commission had 256 full-time permanent employees. There were 171 employees in Headquarters and 85 assigned to Regional programs with an average of eight (8) employees in each of ten (10) regional offices. Today, we have a total of 79 full-time permanent employees in the Commission -- less than one third of the total employees we had in 1983. There are 51 employees in Headquarters, and 29 in the field. In salary and benefits costs alone, we would need almost \$13,000,000 in 1991 dollars to support that 1983 staffing level. (See Attachment II.)

We all agree, I trust, that the problems of civil rights are more critical and more threatening today than they were in 1983. Certainly, the problems are even more complex and divisive than they were when the Commission was established in 1957. And they are not going away in the foreseeable future. Since 1983 Congress has passed several amendments and major bills dealing with civil rights, which the Commission is expected to monitor. However, due to severe budget cuts, this agency does not presently have sufficient resources to monitor all of these new laws.

If you, in the Congress, and the President, are committed to resolving the civil rights issues we face today and in the future, you will not only reauthorize the Commission for a long period of time, but will also restore us to at least our 1983 level. The Nation needs a "conscience on civil rights" and we want to carry out our mandate to serve in that capacity. (See Attachment.)

ATTACHMENTS to Chairman Fletcher's July 25, 1991 Testimony on the U.S. Commission on Civil Rights' Reauthorization

I. Racial Tension Incidents:

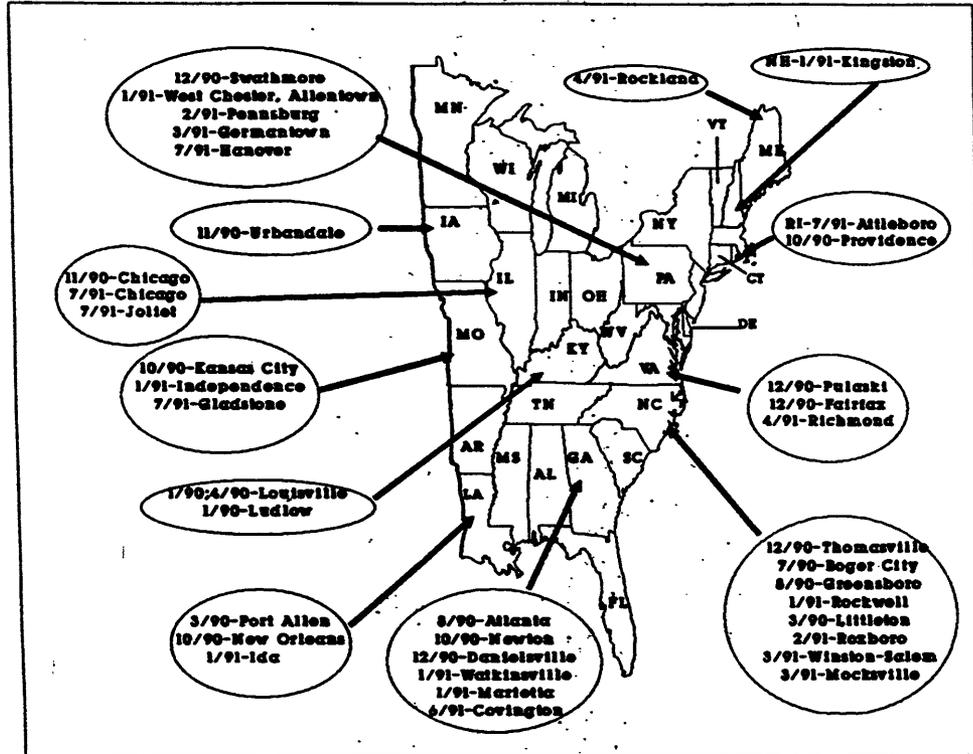
- Maps of United States showing sampling of racial tension incidents between January 1990 and July 1991.
- Listing of the sampling of racial tension incidents compiled by USCCR staff over last 18 months. The document lists, by state, for each instance, the month and year, city and type of incident.

II. Comparisons of the Commission's FY 1991 and FY 1992 Appropriation and Staffing Levels to FY 1983 and earlier levels:

- Chart comparing FY 1991 and FY 1992 staffing levels, by organizations, to FY 1983 staffing level.
- Chart comparing, by organization, FY 1991 staffing costs to FY 1983 staffing costs in 1991 dollars. The chart reflects, in addition to inflationary increases, costs associated with 1991 SES pay raises, geographical differentials, and special clerical salary rates.
- Chart comparing USCCR Personnel Costs between FY 1983 and FY 1992 in FY 1991 dollars. The personnel costs exclude severance pay costs, 1991 SES pay raise, geographic differentials and special clerical salary rates. The bar graph shows the actual personnel costs for each year.
- Chart comparing USCCR Personnel Costs between FY 1979 and FY 1992 in FY 1992 dollars. The personnel costs exclude severance pay costs, 1991 SES pay raise, geographic differentials and special clerical salary rates. The bar graph shows the actual personnel costs for each year.
- Chart comparing USCCR Appropriations between FY 1983 and FY 1992 using 1991 dollars. The bar graph shows the actual appropriation for each year through FY 1991.
- Chart comparing USCCR Appropriations between FY 1979 and FY 1992 (requested). The bar graph shows the actual appropriation for each year.

III. Copies of the Commission's Reauthorization Bill approved by the Commissioners on February 1 and March 1, 1991. These are in both: (a) "whole bill" format; and, (b) "amendments" format with a section-by-section analysis for each version.

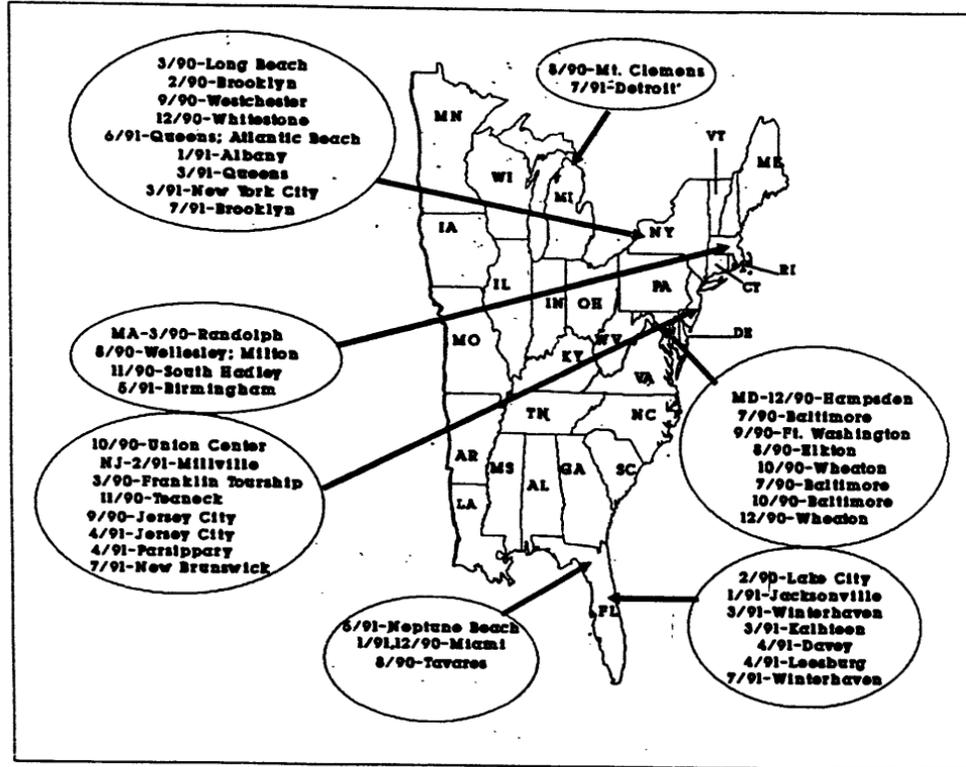
**Sample of Racial Tension Incidents
(January 1990 to July 1991)**



As compiled by USCCR Staff

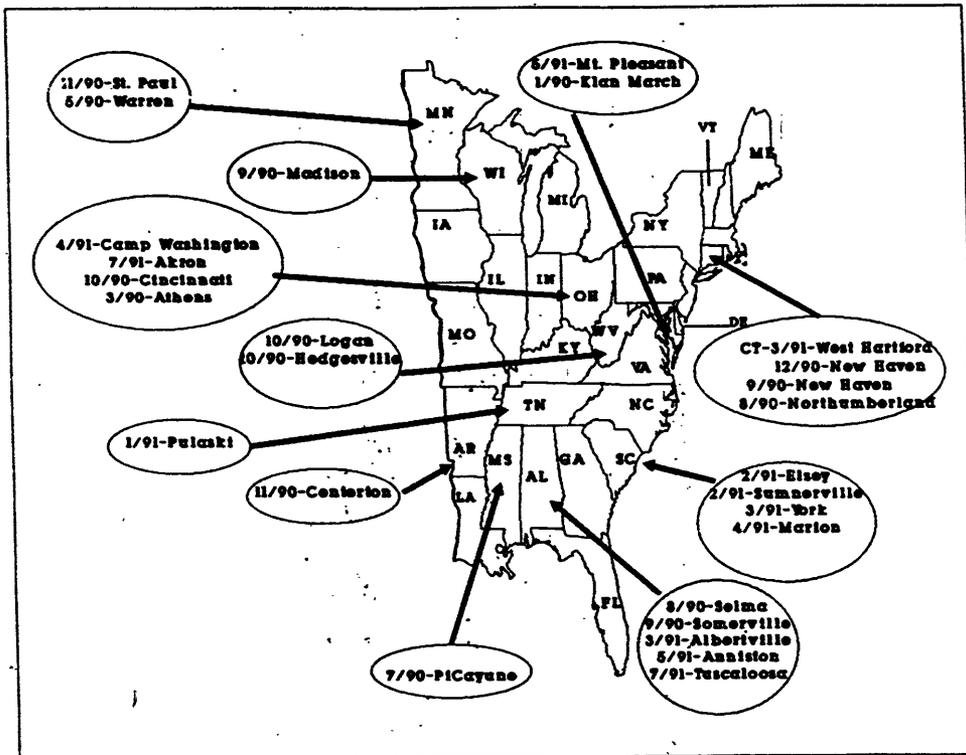
**Sample of Racial Tension Incidents
(January 1990 to July 1991)**

2 of 5



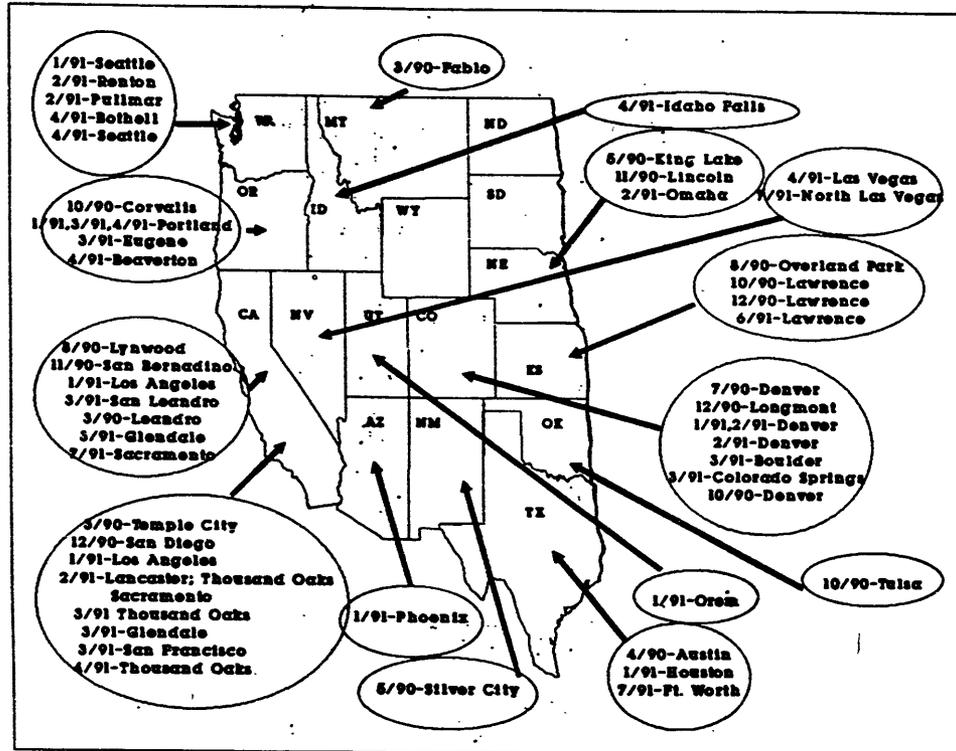
28

**Sample of Racial Tension Incidents
(January 1990 to July 1991)**



As compiled by USSCR Staff

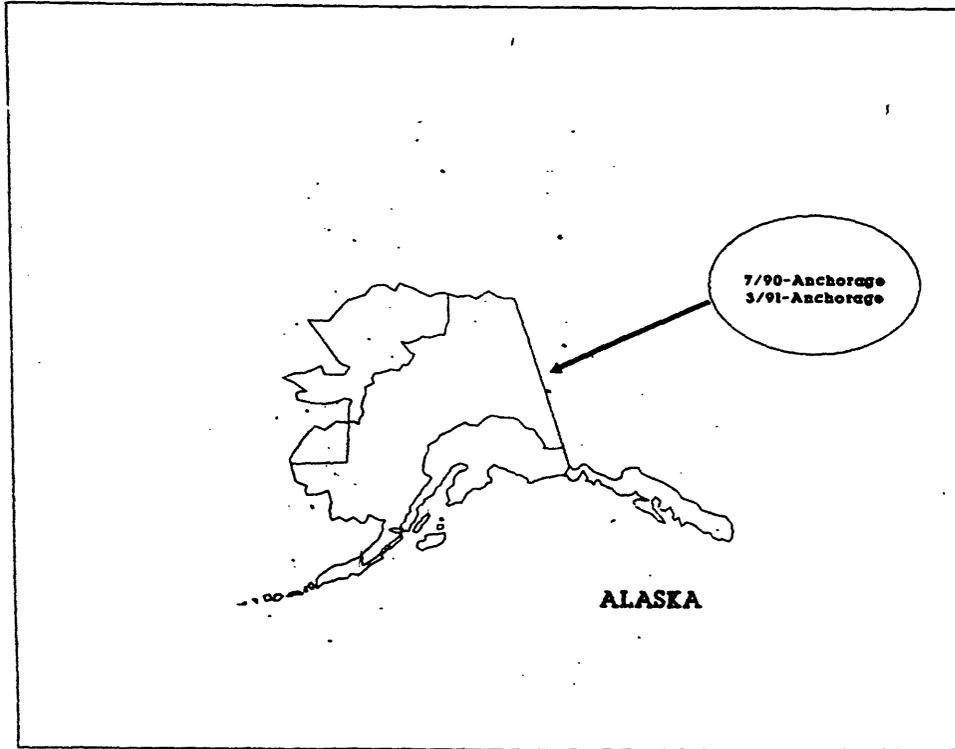
**Sample of Racial Tension Incidents
(January 1990 to July 1991)**



As compiled by USCCR Staff

**Sample of Racial Tension Incidents
(January 1990 to July 1991)**

5 of 5



As compiled by USCCR Staff

**Sample of Racial Tension Incidents
(January 1990 to July 1991)**

Alabama

5/91 - Anniston - cross burning
 3/91 - Albertville - cross
 burning
 7/91 - Tuscaloosa - racial
 violence
 8/90 - Selma - racial protest
 9/90 - Somerville - Klan rally

Alaska

3/91 - Anchorage - racist news
 - letter - high school
 7/90 - Anchorage - anti-Semitic
 vandal

Arizona

1/91 - Phoenix - skinhead march
 1/90 - Phoenix - anti-Semitic
 Temple vandalism

Arkansas

11/90 - Centerton - Klan rally

California

3/90 - Temple City - housing
 violence - racial
 harassment
 1/91 - Los Angeles - arson -
 ethnic violence
 2/91 - Lancaster - cross
 burning
 1/91 - Stockton - cross burning
 2/91 - Thousand Oaks -
 synagogue vandalism
 2/91 - Sacramento - housing
 violence - racial
 harassment
 12/90 - San Diego - racial
 harassment
 3/91 - Thousand Oaks -
 synagogue arson
 4/91 - Thousand Oaks -
 synagogue arson
 4/91 - Los Angeles - school
 violence - racial
 4/91 - Riverside - cross
 burning
 3/91 - Glendale - Anti-Arab
 threat - college campus
 4/91 - Thousand Oaks - housing
 violence - racial har-
 assment
 3/91 - San Francisco - housing
 violence - racial har-
 assment
 3/91 - San Leandro - racial
 graffiti - school
 7/91 - Sacramento - racial
 violence
 7/91 - Upland - racial violence
 7/91 - Chino - racial violence
 8/90 - Lynwood - racial
 violence
 4/91 - Oakland - Conviction of
 police officers for
 civil rights violations
 1/91 - Los Angeles - racial
 violence - immigration
 11/90 - San Bernadino - racial
 harassment - college
 campus

Colorado

- 1/91 - Thornton - racial assault
- 12/90 - Longmont - ethnic intimidation
- 1/91 - Denver - anti-King Day demonstration
- 2/91 - Denver - anti-Arab violence on college campus
- 3/91 - Boulder - housing violence - anti Semitic
- 4/91 - Aurora - racial assault
- 3/91 - Colorado Springs - racial & religious violence church
- 7/90 - Denver - racial assault
- 10/90 - Denver - racial harassment - college campus

Connecticut

- 3/91 - West Hartford - anti-Semitic Violence-school
- 12/90 - New Haven - racial protest - school
- 9/90 - New Haven - graveyard desecration - ethnic
- 8/90 - Northumberland - cross burning

DelawareDistrict of Columbia

- 10/90 - Klan march - violence
- 5/91 - Mt. Pleasant - racial violence - police conduct
- 4/91 - Washington - racial violence - police conduct

Florida

- 2/90 - Lake City - housing violence - racial harassment
- 1/91 - Jacksonville - cross burning
- 3/91 - Winterhaven - housing violence
- 3/91 - Kathteen - cross burning
- 3/91 - Winterhaven - cross burning
- 4/91 - Davie - housing violence - racial harassment
- 7/91 - Winterhaven - racial violence
- 5/91 - Neptune Beach - racial murder
- 1/91 - Miami - racial assault - police conduct
- 12/90 - Miami - racial violence
- 12/90 - Miami - racial violence
- 12/90 - Miami - racial rioting
- 8/90 - Tavares - racial assault

Georgia

- 12/90 - Danielsville - racial assault - terroristic threats
- 1/91 - Watkinsville - Klan/Neo - Nazi march
- 1/91 - Marietta - racial fight - school
- 10/90 - Newton - high school - racial tension
- 8/90 - Atlanta - racial vandalism
- 6/91 - Covington - racial tension - high school

Hawaii

Idaho

4/91 - Idaho Falls - housing
racial harassment

Illinois

7/91 - Chicago - racial murder
7/91 - Joliet - racial violence
11/90 - Chicago - racial
harassment - college
campus

Indiana**Iowa**

11/90 - Urbandale - cross
burning

Kansas

6/91 - Lawrence - racial
protest
12/90 - Lawrence - racial
protest
10/90 - Lawrence - cross
burning
8/90 - Overland Park - racist
handbills

Kentucky

1/90 - Louisville - arson of
four black churches
6/90 - Louisville - racial
violence
1/90 - Ludlow - cross burning

Louisiana

3/90 - Port Allen - housing
violence - racial
harassment
1/91 - Ida - rally & cross
burning
10/90 - New Orleans - racial
murder

Maine

4/91 - Rockland - anti-Semitic
violence - synagogue

Maryland

12/90 - Hampden - racial
assault
10/90 - Baltimore - racial
assault
8/90 - Elkton - racial assault
- high school
10/90 - Wheaton - racial
assault - police
conduct
6/91 - Frederick County -
racial assault - police
conduct
6/91 - Hagerstown - racial
violence - prison
9/90 - Ft. Washington - racial
vandalism
2/91 - Montgomery County -
racial violence - police
conduct
7/90 - Baltimore - racial
assault
7/90 - Baltimore - racial
assault
12/90 - Wheaton - racial
assault

Massachusetts

3/90 - Randolph - synagogue
vandalism
4/91 - Boston - anti-Semitic
threats - college campus
7/91 - West Springfield -
racial violence

Massachusetts (cont.)

- 8/90 - Wellesley - racial confrontation
- 8/90 - Milton - racial vandalism
- 5/91 - Birmingham - racist graffiti
- 11/90 - South Hadley - racial harassment - college campus

Michigan

- 7/91 - Detroit - racial violence
- 7/91 - Detroit - racial violence
- 8/90 - Mt. Clemens - ethnic intimidation

Minnesota

- 11/90 - St. Paul - anti-Semitic - college campus
- 5/90 - Warren - cross burning

Mississippi

- 7/90 - Picacone - racial threats

Missouri

- 1/91 - Independence - racial intimidation
- 7/91 - Gladstone - racial violence
- 10/90 - Kansas City - Klan racist telephone recording

Montana

- 3/90 - Pablo - racial threats

Nebraska

- 11/90 - Lincoln - racial harassment
- 2/91 - Omaha - racial slurs & intimidation
- 5/90 - King Lake - racial murder

Nevada

- 4/91 - Las Vegas - housing violence - racial harassment
- 7/91 - North Las Vegas - racial violence

New Hampshire

- 1/91 - Kingston - cross burning

New Jersey

- 2/91 - Millville - Klan rally
- 4/91 - Jersey City - cross burning
- 4/91 - Parsippany - religious & ethnic harassment
- 10/90 - Camden - cross burning
- 10/90 - Union Center - racial threats
- 7/91 - New Brunswick - racial murder - police conduct
- 9/90 - Jersey City - racial tensions - hospital
- 3/90 - Franklin Township - racial violence - police conduct
- 11/90 - Teaneck - racial shooting

New Mexico

- 5/90 - Silver City - cross burning

New York

- 3/90 - Long Beach - housing
violence - ethnic
harassment
1/91 - Albany - anti-King Day
rally by Klan
3/91 - Queens - racial murder
4/91 - Buffalo - racial assault
2/90 - Brooklyn - housing
violence - racial
7/91 - Brooklyn - arson -
racial harassment
7/91 - Brooklyn - housing
violence - ethnic
harassment
6/91 - Queens - housing
violence - ethnic
harassment
6/91 - Atlantic Beach, Long
Island - racial violence
- high school
12/90 - Whitestone - racial
violence - high school
9/90 - Westchester - racial
assault
3/91 - New York City - racial
murder - police conduct
3/91 - New York City - racial
violence - police
conduct
2/90 - Brooklyn - racial
violence - police
conduct
1/91 - Bensonhurst - racial
stabbing
1/90 - Brooklyn - racial
violence
10/90 - Oswego - anti-Semitic
slurs - college campus
8/90 - Albany - cross burning

North Carolina

- 3/90 - Littleton - cross
burning - racial
harassment
2/90 - Roxboro - Klan march
12/90 - Thomasville - Klan
march
1/91 - Rockwell - Klan rally

North Carolina (cont.)

- 3/91 - Winston-Salem - Klan
rally
3/91 - Hocksville - Klan rally
8/90 - Greensboro - cross
burning
7/90 - Boger City - firebombing
- church

North DakotaOhio

- 4/91 - Camp Washington -
housing violence racial
harassment
7/91 - Akron - racial violence
12/90 - Cincinnati - Klan rally
racial violence
3/90 - Athens - racial assault

Oklahoma

- 10/90 - Tulsa - racial assault

Oregon

- 1/91 - Portland - cross burning
4/91 - Portland - racial
assault
4/91 - Beaverton - cross
burning
4/91 - Portland - racial
harassment
3/91 - Portland - racial
harassment
3/91 - Eugene - anti-Semitic
harassment
10/90 - Corvallis - racial
assault college campus

Pennsylvania

- 12/90 - Swathmore - racial
violence - college

Pennsylvania (cont.)

- campus
- 1/91 - West Chester - Klan march
- 1/91 - Allentown - Klan rally
- 2/91 - Pennsburg - anti-Semitic demonstration
- 3/91 - Upper Uwchlan - cross burning
- 3/91 - Germantown - housing violence - anti-Semitic
- 7/91 - Hanover - racial violence

Rhode Island

- 7/91 - Attleboro - racial violence
- 10/90 - Providence - racial slurs - college campus

South Carolina

- 2/91 - Elsley - Klan rally
- 2/91 - Summerville - Klan march
- 3/91 - York - cross burning
- 4/91 - Marion - Klan rally

South Dakota**Tennessee**

- 1/91 - Pulaski - White Supremacists rally

Texas

- 7/91 - Ft. Worth - racial assault
- 1/91 - Houston - racial murder
- 4/90 - Austin - racial slur - college campus

Utah

- 1/91 - Orem - racial assault

Vermont**Virginia**

- 12/90 - Pulaski - cross burning
- 4/91 - Richmond - anti-Semitic violence - synagogue & school
- 12/90 - Fairfax - racial tension - high school

Washington

- 2/91 - Renton - ethnic violence
- 1/91 - Seattle - racial assault & slurs
- 4/91 - Bothell - cross burning
- 4/91 - Seattle - cross burning
- 2/91 - Pullman - racial threats

West Virginia

- 10/90 - Logan - racial verbal assault
- 10/90 - Hedgenville - ethnic violence

Wisconsin

- 9/90 - Madison - anti-Semitic acts

Wyoming

U.S. Commission on Civil Rights
 Comparison of Staffing Levels by Organization
 (FY 1991 and FY 1992 to FY 1983)

Attachment II

<u>Current Organization</u>	<u>FY 1991 (Actual)</u>	<u>FY 1992 (Requested)</u>	<u>Prior Organization</u>	<u>FY 1983 (Actual)</u>
o Office of Staff Director	5	7	o Office of Staff Director(9)	16
o Congressional Affairs Unit	1	1	o Office of Programs, Planning, & Evaluation(7)	8
o Public Affairs Unit	4	4	o Office of Congressional & Public Affairs(2)	13
o Office of Civil Rights Evaluation	6	7	o Congressional Liaison Div.(6)	20
o Office of Programs, Policy & Research	7	7	o Press & Communications Div.(6)	
o Office of General Counsel	11	12	o Community Relations Div.(7)	
o Office of Management	17	22	o Office of Fed. Civil Rights Eval.	36
o Immed. Office (1)(2)			o Office of Programs & Policy Review	29
o Adm. Svcs. & Clearing- house Division(7)(9)			o Office of General Counsel(26)	49
o Budget & Finance Div.(4)(5)			o Solicitors Unit(3)	
o Personnel & EEO Div.(5)(6)			o Office of Management	
	(51)	(60)	o Immed. Office (3)	
			o Adm. Svcs. Div.(8)(30)	
			o Pub. Mgmt. Div.(3)	
			o Distribution Ctr.(3)	
			o Editing & Pub. Div.(5)	
			o Pub. & Supp. Ctr.(3)	
			o National Clearing- house Library(8)	(171)
			o Budget & Fiscal Div.(7)	
			o Personnel Div.(7)	
			o EEO Unit (2)	
o Regional Prog. Coord. Unit	2	4	o Office of Regional Program	7
o Region. 1-Boston	0	3	o Region. 1-Boston	6
o Region. 2-New York	0	3	o Region. 2-New York	7
o Region. 3-Washington, DC	6	6	o Region. 3-Washington, DC	10
o Region. 4-Atlanta	3	5	o Region. 4-Atlanta	10
o Region. 5-Chicago	3	5	o Region. 5-Chicago	10
o Region. 6-Dallas	0	3	o Region. 6-San Antonio	8
o Region. 7-Kansas City	5	5	o Region. 7-Kansas City	6
o Region. 8-Denver	3	5	o Region. 8-Denver	7
o Region. 9-Los Angeles	6	6	o Region. 9-Los Angeles	8
o Region. 10-Seattle	0 (28)	3 (48)	o Region. 10-Seattle	6 (85)
	79	108		256

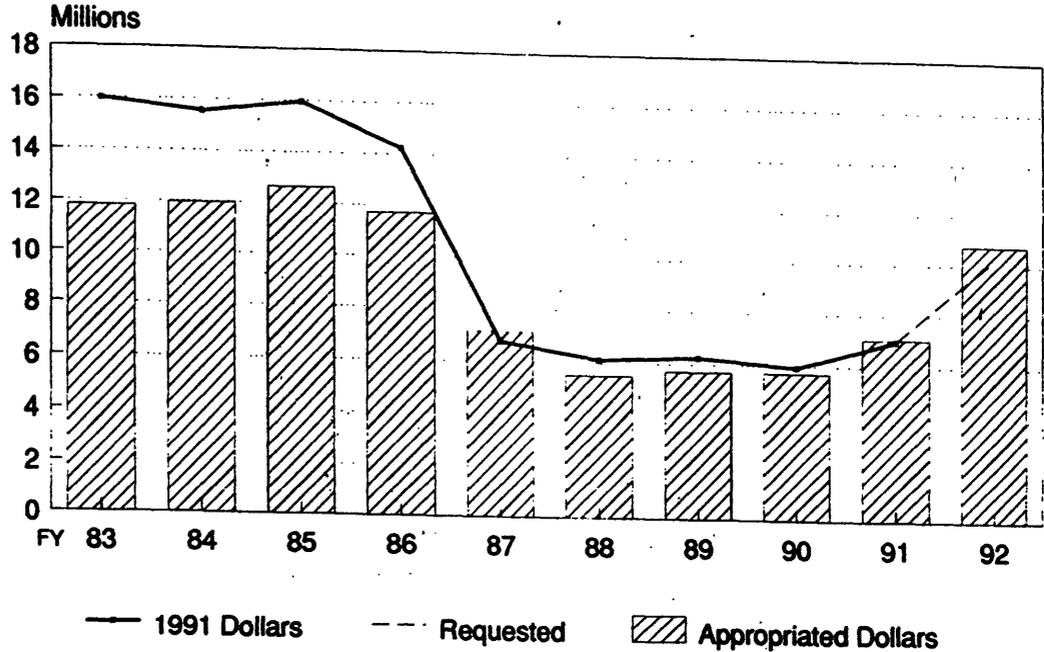
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U.S. Commission on Civil Rights
 Comparison of Salary and Benefits Costs by Organization
 (FY 1991 to FY 1983 in 1991 dollars)

<u>Current Organization</u>	<u>FY 1991 (Actual)</u>	<u>Prior Organization</u>	<u>FY 1983</u>
o Office of Staff Director(5)	\$311,082	o Office of Staff Director(9)	\$953,851
		o Office of Programs, Planning, & Evaluation(7)	
o Congressional Affairs Unit(1)	53,375	o Office of Congressional & Public Affairs(2)	441,765
		o Congressional Liaison Div.(6)	
o Public Affairs Unit(4)	166,667	o Press & Communications Div.(6)	677,851
		o Community Relations Div.(7)	
o Office of Civil Rights Evaluation(6)	230,564	o Office of Fed. Civil Rights Eval.(20)	995,329
o Office of Programs, Policy & Research(7)		o Office of Programs & Policy Review(36)	1,870,188
	397,094		
o Office of General Counsel(11)	513,086	o Office of General Counsel(26)	1,678,313
		o Solicitors Unit(3)	
o Office of Management	725,274	o Office of Management	1,926,141
o Immed. Office (1)		o Immed. Office (3)	
o Admin. Svcs. & Clearing- house Division(7)		o Admin. Svcs. Div(8)	
o Budget & Finance Div.(4)		o Pub. Mgmt. Div.(3)	
o Personnel & EEO Div.(5)		o Distribution Ctr.(3)	
		o Editing & Pub. Div.(5)	
		o Pub. & Supp. Ctr.(3)	
		o National Clearing- house Library(8)	
		o Budget & Fiscal Div.(7)	
		o Personnel Div.(7)	
		o EEO Unit (2)	
o Regional Prog. Coord. Unit(2)	1,327,588	o Office of Regional Programs(7)	4,439,184
o Region. 1-Boston(0)		o Region. 1-Boston(6)	
o Region. 2-New York(0)		o Region. 2-New York(7)	
o Region. 3-Washington, DC(6)		o Region. 3-Washington, DC(10)	
o Region. 4-Atlanta(3)		o Region. 4-Atlanta(10)	
o Region. 5-Chicago(3)		o Region. 5-Chicago(10)	
o Region. 6-Dallas(0)		o Region. 6-San Antonio(8)	
o Region. 7-Kansas City(5)		o Region. 7-Kansas City(6)	
o Region. 8-Denver(3)		o Region. 8-Denver(7)	
o Region. 9-Los Angeles(6)		o Region. 9-Los Angeles(8)	
o Region. 10-Seattle(0)		o Region. 10-Seattle(6)	
Totals (79)	<u>\$3,724,730</u>	(256)	<u>\$12,982,627</u>

USCCR APPROPRIATION

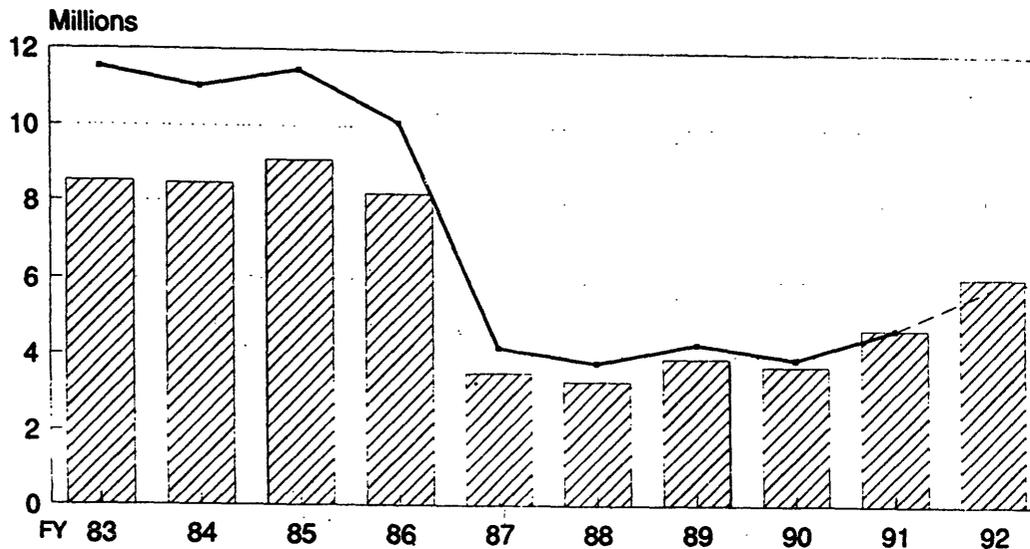
FY 1991 Dollars



Excludes severance benefits

USCCR PERSONNEL COSTS

FY 1991 Dollars

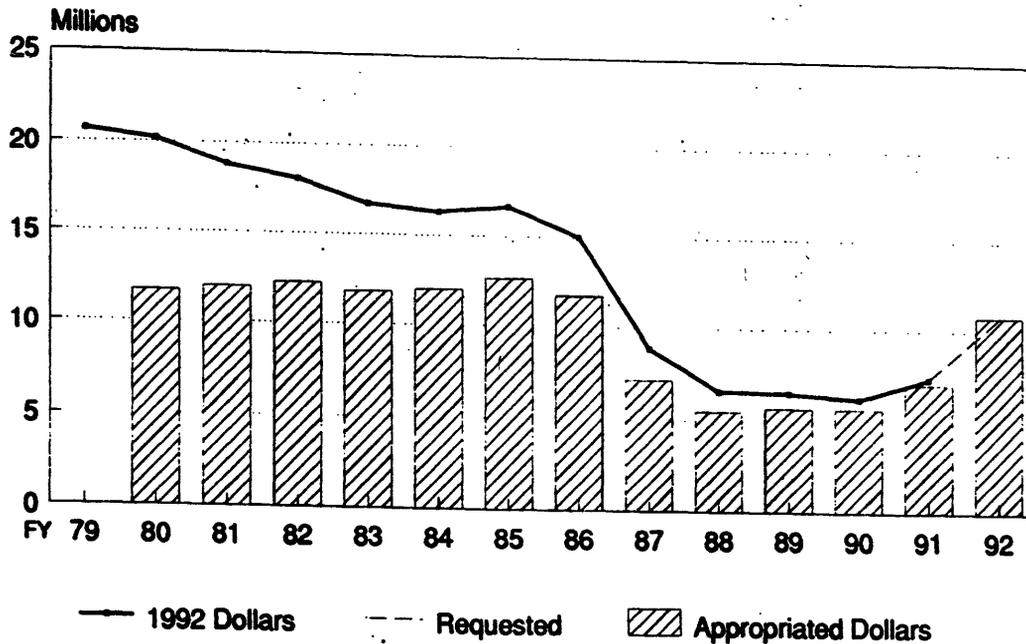


— 1991 Dollars - - - Requested ▨ Appropriated Dollars

Excludes severance benefits, 1991 SES pay raise, geographic differentials and special clerical salary rates

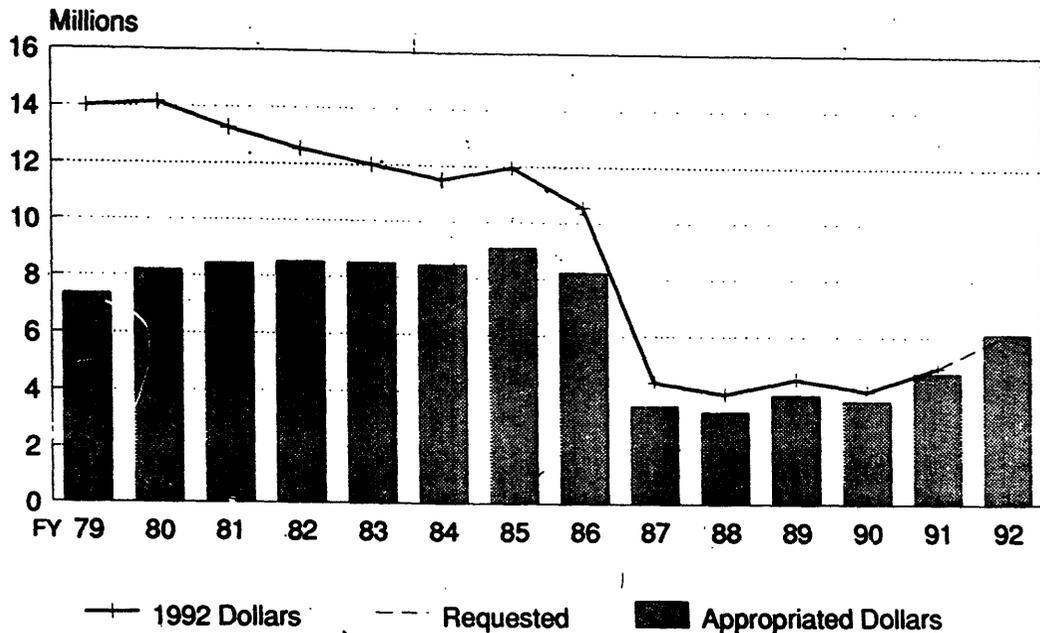
USCCR APPROPRIATION

FY 1992 Dollars



USCCR PERSONNEL COSTS

FY 1992 Dollars



Excludes severance benefits

A BILL

To extend the United States Commission on Civil Rights,
and for other purposes.

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled,*

Sec. 1. SHORT TITLE.

This Act may be cited as the "United States Commission on Civil
Rights Act of 1991."

Sec. 2. ESTABLISHMENT OF COMMISSION.

There is established the United States Commission on Civil Rights,
an independent, bipartisan, factfinding agency of the Federal Government
(hereinafter in this Act referred to as the "Commission").

Sec. 3. COMPOSITION; MEMBERSHIP; APPOINTMENT; TERMS OF OFFICE.

(a) APPOINTMENT.-

(1) IN GENERAL.-The Commission shall consist of 8
members. Members of the Commission shall be appointed as follows:

(A) four (4) members of the Commission shall be
appointed by the President; and

(B) two (2) members of the Commission shall be

1 appointed by the President pro tempore of the Senate, upon the
 2 recommendations of the Majority Leader and the Minority Leader, and of
 3 the members appointed, not more than 1 shall be appointed from the same
 4 political party; and

5 (C) two (2) members of the Commission shall be
 6 appointed by the Speaker of the House of Representatives upon the
 7 recommendations of the Majority Leader and the Minority Leader, and of
 8 the members appointed, not more than 1 shall be appointed from the same
 9 political party.

10 (2) **TERMS OF OFFICE.**-The term of office for each
 11 member appointed shall be 6 years. Any member appointed to fill a
 12 vacancy shall serve for the remainder of the term for which his or her
 13 predecessor was appointed.

14 (3) **LIMITATION.**- Not more than 4 of the members
 15 shall at any one time be of the same political party.

16 (b) **REMOVAL.**-The President may remove a member of the
 17 Commission only for neglect of duty or malfeasance in office:

18 (c) **VACANCIES.**- A vacancy in the membership of the
 19 Commission shall not affect its powers. The vacancy shall be filled in the
 20 same manner and shall be subject to the same limitation with respect to
 21 party affiliation in Section 3(a)(3).

22 (d) **QUORUM.**-Five (5) members of the Commission shall
 23 constitute a quorum.

24 (e) **CHAIR AND VICE CHAIR.**-The President shall designate a
 25 Chair and a Vice Chair from among the Commission's members with the

1 concurrence of a majority of the Commission's members.

2 (1) VICE CHAIR.-The Vice Chair shall act in the place
3 and stead of the Chair, in the absence of the Chair.

4 (2) VACANCY IN THE CHAIR AND VICE CHAIR
5 POSITIONS.-In the absence of a Chair and a Vice Chair, the senior
6 member of the Commission will serve as Acting Chair.

7 (f) COMPENSATION OF MEMBERS.-

8 (1) IN GENERAL.-Each member of the
9 Commission who is not otherwise in the service of the Government of the
10 United States shall receive a sum equivalent to the compensation paid at
11 Level IV of the Federal Executive Salary Schedule, pursuant to section
12 5315 of Title 5, United States Code, prorated on an hourly basis for each
13 hour spent in the work of the Commission.

14 (2) LIMITATION.-The total amount that each
15 member of the Commission may receive under subparagraph (1) in any one
16 calendar year shall not exceed one half of the total annual compensation of
17 a Level IV of the Federal Executive Salary Schedule.

18 (3) TRAVEL EXPENSES AND PER DIEM.-
19 Each member of the Commission shall be paid actual travel expenses, and
20 per diem in lieu of subsistence expenses incurred in attending meetings and
21 other activities of the Commission when away from the member's usual
22 place of residence in accordance with subchapter 1 of chapter 57 of Title
23 5, United States Code.

24 (4) FEDERAL EMPLOYEE.-Each member of the
25 Commission who is otherwise in the service of the Government of the

1 United States shall serve without compensation, in addition to that received
2 for such other service, but while engaged in the work of the Commission
3 shall be paid expenses as provided under subparagraph (3).

4 (g) **STATUTORY EXEMPTION.**-Members of the Commission
5 shall be exempt from the operation of sections 203, 205, 207, 208, and 209
6 of Title 18 of the United States Code.

7 **Sec. 4. DUTIES OF THE COMMISSION.**

8 (a) **IN GENERAL.**-The Commission shall-

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

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

19 (3) appraise the laws and policies of the Federal
20 Government with respect to discrimination or denial of equal protection of
21 the laws under the Constitution because of race, color, religion, sex, age,
22 disability, or national origin; or in the administration of justice;

23 (4) serve as national clearinghouse for information in
24 respect to discrimination or denials of equal protection of the laws because
25 or race, color, religion, sex, age, disability, or national origin, including

1 but not limited to the fields of voting, education, housing, employment, the
 2 use of public facilities, and transportation, or in the administration of
 3 justice; and

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

10 (b) **LIMITATIONS.**-Nothing in this or any other act shall be
 11 construed as authorizing the Commission, its advisory committees (as
 12 established under Section 8), or any individual under its supervision or
 13 control:

14 (1) to inquire into or to investigate any membership
 15 practices or internal operations of any fraternal organization, any college
 16 or university fraternity or sorority, any private club, or any religious
 17 organization; and

18 (2) to appraise, or to study and collect information about
 19 laws and policies of the Federal Government, or any other governmental
 20 authority in the United States, with respect to abortion.

21 (c) **REPORTS.**-The Commission shall submit reports to the
 22 Congress and the President at such times as the Commission, the Congress
 23 or the President shall deem desirable.

24 (d) **AMICUS CURIAE BRIEFS.**-The Commission attorneys may
 25 submit an amicus curiae brief to the Supreme Court of the United States on

1 any matter within the jurisdiction of the Commission, if a majority of the
2 members of the Commission approve the submission of such brief.

3 **Sec. 5. COOPERATION OF FEDERAL AGENCIES.**

4 All Federal agencies shall cooperate fully with the Commission to
5 the end that it may effectively carry out its functions and duties.

6 **Sec. 6. POWERS OF COMMISSION; HEARINGS; SUBPOENAS.**

7 (a) **IN GENERAL.**-The Commission, or on the authorization of
8 the Commission any subcommittee of 2 or more members, at least 1 of
9 whom shall be of each major political party, may, for the purpose of
10 carrying out this Act, hold such hearings and act at such times and places
11 as the Commission or such authorized subcommittee may deem advisable.

12 (b) **DECISION TO HOLD HEARINGS.**-The holding of hearings
13 by the Commission, or the appointment of a subcommittee to hold hearings
14 pursuant to this subparagraph, must be approved by a majority of the
15 Commission, or by a majority of the members present at a meeting at
16 which at least a quorum is present.

17 (c) **NOTIFICATION.**-At least 30 days prior to the commencement
18 of any hearing, the Commission shall cause to be published in the Federal
19 Register notice of the date on which such hearing is to commence, the
20 place at which it is to be held and the subject of the hearing.

21 (d) **SUBPOENAS.**-

22 (1) **ISSUANCE.**-Subpoenas for the attendance and
23 testimony of witnesses or the production of written or other matter may be
24 issued in accordance with the rules of the Commission as contained in
25 Section 6(d)(2) et seq., over the signature of the Chair of the Commission

1 or of such subcommittee, and may be served by any person designated by
2 the Chair.

3 (2) LIMITATIONS.-

4 (A) IN GENERAL.-Except as provided
5 in subparagraph (B), the Commission shall not issue any subpoena for the
6 attendance and testimony of witnesses or for the production of written or
7 other matter which would require the presence of the party subpoenaed at
8 a hearing held outside of the State wherein the witness is found or resides
9 or is domiciled or transacts business, or has appointed an agent for receipt
10 of service of process.

11 (B) EXCEPTION.-The Commission may
12 issue subpoenas for the attendance and testimony of witnesses and the
13 production of written or other matter at a hearing held within 50 miles of
14 the place where the witness is found or resides or is domiciled or transacts
15 business or has appointed an agent for receipt of service of process.

16 (3) ENFORCEMENT.-In case of contumacy or
17 refusal to obey a subpoena, any District Court of the United States, or the
18 United States court of any territory or possession, or the District Court of
19 the United States for the District of Columbia, within the jurisdiction of
20 which the inquiry is carried on or within the jurisdiction of which said
21 person guilty of contumacy or refusal to obey is found or resides or is
22 domiciled or transacts business, or has appointed an agent for receipt of
23 service of process, upon application by the Attorney General of the United
24 States shall have jurisdiction to issue to such person an order requiring
25 such person to appear before the Commission or a subcommittee thereof,

1 there to produce pertinent, relevant and nonprivileged evidence if so
2 ordered, or there to give testimony touching the matter under investigation.
3 Any failure to obey such order of the court may be punished by the court
4 as a contempt thereof.

5 (4) **WITNESS FEES.**-A witness attending any
6 session of the Commission shall be paid the same fees and mileage that are
7 paid witnesses in the courts of the United States. Mileage payments shall
8 be tendered to the witness upon service of a subpoena issued on behalf of
9 the Commission, or any subcommittee thereof.

10 (e) **OPENING STATEMENT.**-The Chair, or one designated by
11 the Chair to act as Chair at a hearing of the Commission, shall announce
12 in an opening statement the subject of the hearing.

13 (f) **COPY OF RULES.**-A copy of the Commission's rules shall
14 be made available to any witness before the Commission. A witness
15 compelled to appear before the Commission, or required to produce written
16 or other matter, shall be served with a copy of the Commission's rules at
17 the time of service of the subpoena.

18 (g) **POWER TO ADMINISTER OATHS.**- Without limiting the
19 application of any other provision of this Act, each member of the
20 Commission shall have the power and authority to administer oaths or take
21 statements of witnesses under affirmation.

22 (h) **RIGHT TO COUNSEL.**-

23 (1) **IN GENERAL.**-Any person compelled to appear in
24 person before the Commission shall be accorded the right to be
25 accompanied and advised by counsel.

1 (2) **POWERS OF COUNSEL.**-An attorney who
2 represents a person before the Commission shall have the right to subject
3 his or her client to reasonable examination, to make objections on the
4 record, and to argue briefly the basis for such objections.

5 (i) **RIGHT TO SPEEDY HEARING; CONVENIENCE AND**
6 **NECESSITY OF WITNESSES.**-The Commission shall proceed with
7 reasonable dispatch to conclude any hearing in which it is engaged. Due
8 regard shall be had for the convenience and necessity of witnesses.

9 (j) **CENSURE AND EXCLUSION.**-The Chair or Acting Chair
10 may punish breaches of order and decorum by censure and exclusion from
11 the hearings.

12 (k) **DEFAMATION, DEGRADATION, OR**
13 **INCRIMINATION.**-

14 (1) **IN GENERAL.**-If the Commission determines that
15 evidence or testimony at any hearing may tend to defame, degrade, or
16 incriminate any person, it shall receive such evidence or testimony or
17 summary of such evidence or testimony in executive session.

18 (2) **OPPORTUNITY TO APPEAR.**-The Commission
19 shall afford any person defamed, degraded, or incriminated by such
20 evidence or testimony an opportunity to appear and be heard in executive
21 session, with a reasonable number of additional witnesses requested by that
22 person, before deciding to use such evidence or testimony.

23 (3) **PUBLIC SESSION.**-In the event the Commission
24 determines to release or use such evidence or testimony in such manner as
25 to reveal publicly the identity of the person defamed, degraded, or

1 incriminated, such evidence or testimony, prior to such public release or
2 use, shall be given at a public session. The Commission shall afford such
3 person an opportunity to appear as a voluntary witness or to file a sworn
4 statement in such person's behalf and to submit brief and pertinent sworn
5 statements of others.

6 (4) **ADDITIONAL WITNESSES.**-Except as otherwise
7 provided in this section the Chair shall receive and the Commission shall
8 dispose of requests to subpoena additional witnesses.

9 (5) **PRIOR ACCESS TO REPORT.**-If a report of the
10 Commission tends to defame, degrade or incriminate any person, then the
11 report shall be delivered to such person 30 days before the report shall be
12 made public in order that such person may make a timely answer to the
13 report.

14 (6) **RIGHT TO ANSWER.**

15 (A) **TIME LIMIT AND EXTENSION.**-Each
16 person so defamed, degraded or incriminated in such report may file with
17 the Commission a verified answer to the report not later than 20 days after
18 service of the report upon that person. Upon a showing of good cause, the
19 Commission may grant the person an extension of time within which to file
20 such answer.

21 (B) **CONTENT OF ANSWER.**-Each answer shall
22 plainly and concisely state the facts and law constituting the person's reply
23 or defense to the charges or allegations contained in the report.

24 (C) **PUBLICATION OF ANSWER.**-Such answer
25 shall be published as an appendix to the report.

1 Transcript copies of public sessions may be obtained by the public upon the
 2 payment of the cost thereof. An accurate transcript shall be made of the
 3 testimony of all witnesses at all hearings, either public or executive
 4 sessions, of the Commission or of any subcommittee thereof.

5 **Sec. 7. COMMISSION STAFF AND ORGANIZATION.-**

6 **(a) EXECUTIVE DIRECTOR.-**

7 **(1) APPOINTMENT.** There shall be a full-time Executive
 8 Director for the Commission who shall be appointed by the President with
 9 the concurrence of a majority of the members of the Commission.

10 **(2) CHIEF OPERATING OFFICER.-**The Executive
 11 Director will serve as the chief operating officer of the Commission and
 12 shall be responsible for the day-to-day operations of the agency including
 13 matters pertaining to employment, use and expenditure of funds, and
 14 general administration, consistent with policies determined by the
 15 Commission.

16 **(b) VACANCY IN THE EXECUTIVE DIRECTOR**
 17 **POSITION.-**In the event of a vacancy in the position of Executive
 18 Director, the Chair shall designate, with the concurrence of a majority of
 19 the members of the Commission, an employee of the Commission to serve
 20 as Acting Executive Director.

21 **(c) APPOINTMENT OF STAFF.-**Within the limitation of its
 22 appropriations, and pursuant to Section 7 (a), the Commission may appoint
 23 such other personnel as it deems advisable, in accordance with the civil
 24 service and classification laws and Title 5, United States Code, and may
 25 procure services as authorized by section 3109 of Title 5, United States

1 Code, but at rates for individuals not in excess of the daily equivalent paid
2 for positions at the maximum rate for GS-15 of the General Schedule under
3 section 5332 of Title 5, United States Code.

4 **(d) PROHIBITION ON USE OF UNCOMPENSATED STAFF.-**

5 Except as provided in 5 USC 3111, the Commission shall not accept or
6 utilize services of voluntary or uncompensated personnel.

7 **(e) REPRESENTATIONAL FUNDS.-**Not more than .1 per
8 centum of the total amounts appropriated to the Commission in each fiscal
9 year may be used for official representation and reception.

10 **(f) ACCEPTANCE OF GRATUITOUS SERVICES, GOODS**

11 **AND FACILITIES.-**The Commission may accept and utilize services,
12 goods and facilities of Federal, State and local agencies, organizations, and
13 individuals appointed pursuant to Section 3(a)(1) and Section 8(a) from
14 time to time, as may be necessary, to further the objectives of the
15 Commission,

16 **(g) AGREEMENTS AND ACTIVITIES FOR**

17 **COOPERATION.-**Subject to subsection (h) below and in accordance with
18 the policy and program direction established by the members of the
19 Commission and the clearinghouse function of the agency, the Commission
20 may enter into agreements to cooperate with Federal, State and local
21 agencies in public information programs, including but not limited to
22 forums, conferences or other educational events, and such other activities
23 as, from time to time, may be necessary to further the objectives of the
24 Commission pursuant to Section 4 of this Act.

25 **(h) DISCLAIMERS ON ACCEPTANCE OF GRATUITOUS**

1 **SERVICES, GOODS AND FACILITIES; AND AGREEMENTS AND**
 2 **ACTIVITIES FOR COOPERATION.**

3 **(1) DISCLAIMER ON CONFLICT OF INTEREST.-To**
 4 the extent it does not create the appearance of a conflict of interest because
 5 of the nature of the activities, entities or their affiliates, the Commission
 6 may accept and utilize gratuitous services, goods and facilities of Federal,
 7 State and local agencies, organizations and individuals as provided in (f)
 8 above and participate in an agreement or activity with a Federal, State or
 9 local agency, as provided in (g) above.

10 **(2) DISCLAIMER ON NONENDORSEMENT OF**
 11 **PRODUCTS AND SERVICES.-To** the extent that it does not constitute
 12 or imply an endorsement by the Commission of the products or services of
 13 the other entity, the Commission may accept and utilize gratuitous services,
 14 goods and facilities or enter into such agreements or activities as provided
 15 in (f) and (g) above.

16 **(3) DISCLAIMER ON NONENDORSEMENT OF THE**
 17 **OTHER ENTITY.-To** the extent it does not constitute or imply an
 18 endorsement by the Commission of, or give undue recognition to the entity
 19 involved, the Commission shall ensure that it receives appropriate
 20 recognition in all such cooperative arrangements and activities as provided
 21 in (g) above.

22 **Sec. 8. ADVISORY COMMITTEES.-**

23 **ESTABLISHMENT.**

24 **(a)** The Commission may constitute such advisory committees
 25 within States, the District of Columbia, Puerto Rico, and commonwealths

1 and territories of the United States, as it deems advisable, but the
2 Commission shall constitute at least one advisory committee within each
3 State composed of citizens of that State. The Commission may consult
4 with governors, attorneys general, and other representatives of State and
5 local governments and private organizations, as it deems advisable.

6 (b) **INVESTIGATIVE AUTHORITY.**-An advisory committee
7 established under paragraph (a) shall have the same investigative authority
8 as the Commission has under Section 6 except that such committee shall
9 not subpoena witnesses.

10 (c) **EXCEPTIONS.**-

11 (1) Members of advisory committees established pursuant
12 to subparagraph (a), shall be exempt from the operation of sections 203,
13 205, 207, 208, and 209 of Title 18 of the United States Code.

14 (2) Members of the advisory committee are not
15 "employees" under sections 2104 and 2105 of Title 5 of the United States
16 Code.

17 (d) **TRAVEL EXPENSES AND PER DIEM FOR MEMBERS**
18 **OF ADVISORY COMMITTEES.**-Each member of an advisory
19 committee shall be paid actual travel expenses, and per diem in lieu of
20 subsistence expenses incurred in attending advisory committee meetings and
21 activities of the Commission when away from the member's usual place of
22 residence in accordance with subchapter 1 of chapter 57 of Title 5 United
23 States Code.

24 **Sec. 9. STATEMENT OF ORGANIZATION.**-

25 (a) **REQUIREMENT.**-The Commission shall separately state and

1 currently publish in the Federal Register-

2 (1) descriptions of its central and field organizations,
3 including the established places at which, and methods whereby, the public
4 may secure information or make requests;

5 (2) statements of the general course and method by which
6 its functions are channeled and determined; and

7 (3) rules adopted as authorized by law.

8 (b) **UNPUBLISHED MATTERS NOT BINDING.**-No person
9 shall in any manner be subject to or required to resort to rules,
10 organization, or procedure not so published.

11 **Sec. 10. RULES.-**

12 (a) **IN GENERAL.**-The Commission shall have the power to make
13 such rules and regulations as are necessary to carry out the purposes of this
14 Act.

15 (b) **INTERIM RULES.**-To the extent not inconsistent with the
16 provisions of this Act, the Commission established by Section 2 of this
17 Act, shall be bound by all rules issued by the Civil Rights Commission
18 established by the Civil Rights Act of 1957, as amended, and which are in
19 effect on the day prior to the effective date of this Act, until modified by
20 the Commission in accordance with applicable law.

21 (c) **ADMINISTRATIVE PROCEDURE.**-The provisions of
22 subchapter II of chapter 5 of Title 5 of the United States Code, relating to
23 administrative procedure and freedom of information, shall, to the extent
24 not inconsistent with this Act, apply to the Commission established under
25 this Act.

1 **Sec. 11. TRANSFER OF COMMISSION EMPLOYEES.-**

2

3 **(a) IN GENERAL.-**Effective on October 1, 1991, or the date of
4 the enactment of this Act, whichever occurs first, all employees of the
5 Commission on Civil Rights are transferred to the Commission established
6 by Section 2 of this Act.

7 **(b) COMPARABILITY OF POSITIONS.-**Upon application of
8 any individual who was an employee of the Commission on Civil Rights,
9 established by the Civil Rights Act of 1957, as amended, on the day before
10 the effective date of the Act, the Commission shall appoint such individual
11 to a position, the duties and responsibilities of which and the rate of pay
12 for which, are the same as the duties, responsibilities and rate of pay of the
13 position held by such employee immediately prior to the day before the
14 effective date of this Act.

15 **(c) RETENTION OF BENEFITS.-**

16 **(1) IN GENERAL.-**Notwithstanding any other provision
17 of law, employees transferred to the Commission under subparagraph (a)
18 shall retain all rights and benefits to which they were entitled or for which
19 they were eligible immediately prior to their transfer to the Commission.

20 **(2) CONTINUITY OF PERSONNEL PROVISIONS.-**

21 Notwithstanding any other provision of law, the Commission shall be
22 bound by those provisions of Title 5, United States Code, to which the
23 previous Commission on Civil Rights, established by the Civil Right Act
24 of 1957, as amended, was bound.

25 **(d) TRANSFER OF MEMBERS OF THE COMMISSION.-**The

1 members of the Commission who were employees of the Commission on the
2 day prior to the effective date of this Act shall continue in their positions until
3 the expiration of their current term.

4 (e) **TRANSFER OF STAFF DIRECTOR (EXECUTIVE DIRECTOR).**-

5 The Executive Director (the former Staff Director) who was an employee of
6 the Commission on the day prior to the effective date of this Act, shall
7 continue in his or her position.

8 **Sec. 12. AUTHORIZATION OF APPROPRIATIONS.**-There are authorized
9 to be appropriated for each of the fiscal years 1992 through 2016, such sums
10 as may be necessary to carry out this Act.

11 **Sec. 13. EFFECTIVE DATE.**-

12 (a) **IN GENERAL.**-This Act shall take effect on October 1, 1991.

13 (b) **TRANSFER OF FILES, RECORDS, AND BALANCES OF**
14 **APPROPRIATIONS.**-The Commission shall make arrangements for the
15 transfer of all files, records, and balances of appropriations of the Commission
16 on Civil Rights as established by the Civil Rights Act of 1957 to the
17 Commission established by this Act.

18

SECTION BY SECTION ANALYSIS

Sec. 1. SHORT TITLE.

This states that this bill if enacted, would be the United States Commission on Civil Rights Act of 1991.

Sec. 2. ESTABLISHMENT OF COMMISSION.

This section states affirmatively that this Reauthorization Act is establishing an independent, bipartisan, fact-finding agency.

Sec. 3. COMPOSITION; MEMBERSHIP; APPOINTMENT; TERMS OF OFFICE.**(a) APPOINTMENT.-**

- (1) **IN GENERAL.**-This is the same language as in Section 2(b), 1(A), (B) and (C) of the current authorization statute P.L. 98-183 as extended by P.L. 101-180 (hereinafter referred to as "current statute"). The heading is added.
 - (2) **TERMS OF OFFICE.**-This is essentially the same language as Sec. 2(b)(2) of the current statute, without the need to provide for a transition since this is an extension. See Sec. 10(d) with respect to terms of current members of the Commission. The heading is added.
 - (3) **LIMITATION.**-This is the same language as the second sentence of Sec.2(b)(1) of the current statute with the heading added.
- (b) **REMOVAL.**-This is the same language as Sec. 2(d) of the current statute with the heading added.
 - (c) **VACANCIES.**-This is essentially the same language as Sec. 2(e) of the current statute but it has been split into two sentences for clarity and a cross-reference to the section dealing with the appointment of the Commissioners. A heading is added.
 - (d) **QUORUM.**-This is the same language as Sec. 2(f) of the current statute. A heading is added.
 - (e) **CHAIR AND VICE CHAIR.**-This is essentially the same language as the first

sentence of Sec. 2(c) of the current statute but the terminology of "Chairman" and "Vice Chairman" has been changed to "Chair" and "Vice Chair" to delete the gender specific term. A heading is added.

- (1) **VICE CHAIR.**-This is essentially the same language as in the second sentence of Sec. 2(c) with the change in terminology to delete the gender specific term. A heading is added.
- (2) **VACANCY IN THE CHAIR AND VICE CHAIR POSITIONS.**-This is a new provision designed to provide an orderly process for designating an Acting Chair when there is a vacancy in both positions, a situation that occurred at the Commission between December 1989 and February 1990. The "senior member" of the Commission is defined as the member with the longest continuous date of service based on last appointment. In the unlikely event two members have the same appointment date, the swearing-in date would be used to determine the "senior member".

(f) COMPENSATION OF MEMBERS.-

- (1) **IN GENERAL.**-This is essentially the same language as Sec. 4(a) of the current statute, however, it has been changed to being prorated on an "hourly" basis instead of a "daily" basis to reflect the actual practice. A heading has been added.
- (2) **LIMITATION.**-This is new and provides a limit in the authorization statute on the total salary compensation of the members of the Commission to reflect the fact that the positions continue to be intermittent and other than full-time appointments.
- (3) **TRAVEL EXPENSES AND PER DIEM.**-This is the same language as the second part of Sec. 4(b) of the current statute with a heading added.
- (4) **FEDERAL EMPLOYEE.**-This is the same language as Sec. 4(b) of the current statute but only with a cross-reference to payment for travel expenses as stated in the previous subsection. A heading is added.

- (g) STATUTORY EXEMPTION.**-This is the same language of Sec. 6(d) of the current statute with a heading added.

Sec. 4. DUTIES OF THE COMMISSION.-

- (a) IN GENERAL.**- (1)(2)(3)(4) and (5). The language is the same as Sec. 5(a)(1)(2)(3)(4) and (5) of the current statute, except that in (1)(2)(3) and (4) "handicap" has been changed to "disability" to reflect the terminology in the Americans with Disability Act of 1990. Headings have been added.

- (b) **LIMITATIONS.**-This is essentially the same language as in Sec. 5(b) and (e) of the current statute, but the limitations have been reformatted and combined into one subsection. However the provision regarding "members of eastern and southern European ethnic groups" in Sec. 5(f) of the current statute has been deleted. The Commission complied with this provision by issuing a report, *The Economic Status of Americans of Southern and European Ancestry* (October 1986), and a consultation report on *Civil Rights of Euro-Ethnic Americans in the United States: Opportunities and Challenges*. (December 1979).
- (c) **REPORTS.**-This is the same language as Sec. 5(c) of the current statute with the heading added.
- (d) **AMICUS CURIAE BRIEFS.**-This is a new provision. Unless there is a specific authority in the authorization statute, the Commission cannot file *amicus curiae* briefs. It is also intended to reinforce the Commission's independence by giving it the authority to unilaterally file such briefs.

Sec. 5. COOPERATION OF FEDERAL AGENCIES.-

This is the same language of Sec. 6(e) of the current statute with the heading added.

Sec. 6. POWERS OF THE COMMISSION; HEARINGS; SUBPOENAS.-

This is essentially the language in Sec. 3 and Sec. 6 of the current statute but it has been substantially reformatted.

- (a) **IN GENERAL.**-This is essentially the same language as the first sentence of Sec. 6(f) of the current statute.
- (b) **DECISION TO HOLD HEARINGS.**-This is essentially the same language as the last sentence of Sec. 6(f) of the current statute but "of 5 members" has been deleted because it is redundant to add it after "quorum". The heading has been added.
- (c) **NOTIFICATION.**-This is the same language as the first sentence of Sec. 3(a) of the current statute with the heading added.
- (d) **SUBPOENAS.**-
- (1) **ISSUANCE.**-This is essentially the same language as the second sentence of Sec. 6(f) of the current statute but the citations have been changed to reflect the reformatting. Chairman was changed to Chair. A heading has been added.
 - (2) **LIMITATIONS.**-A heading has been added.

- (A) **IN GENERAL.**-This is essentially the same language as the first part of Sec. 3(k) of the current statute but it has been reformatted and a heading has been added.
- (B) **EXCEPTION.**-This is the same language as the second half of Sec. 3(k) of the current statute but it has been reformatted and a heading has been added.
- (3) **ENFORCEMENT.**-This is the same language as Sec. 6(g) of the current statute.
- (4) **WITNESS FEES.**-This is the same language as Sec. 3(j) of the current statute with the heading added.
- (e) **OPENING STATEMENT.**-This is essentially the same language as the second sentence of the Sec. 3(a) of the current statute, but "by his" has been changed to "Chair" to delete the gender specific term. A heading has been added.
- (f) **COPY OF RULES.**-This is essentially the same language of Sec. 3(b) of the current statute but it has been split into two sentences and a heading has been added.
- (g) **POWER TO ADMINISTER OATHS.**-This is the same language as in Sec. 6(h) of the current statute with a heading added.
- (h) **RIGHT TO COUNSEL.**-
- (1) **IN GENERAL.**-This is essentially the same language as the first half of the first sentence of Sec. 3(c) of the current statute.
- (2) **POWERS OF COUNSEL.**-This is essentially the same language as the second half of the first sentence of Sec. 3(c) but "or her" has been added after "his" and before client to change the gender specific term. A heading has been added.
- (i) **RIGHT TO A SPEEDY HEARING; CONVENIENCE AND NECESSITY OF WITNESSES.**-This is the same language as the last two sentences of Sec. 3(c) of the current statute with the heading added.
- (j) **CENSURE AND EXCLUSION.**-This is the same language as Sec. 3(d) of the current statute, with the heading added.
- (k) **DEFAMATION, DEGRADATION, OR INCRIMINATION.**-
- (1) **IN GENERAL.**-This is the same language as the first sentence of Sec. 3(e) of the current statute with the heading added.

- (2) **OPPORTUNITY TO APPEAR.**-This is essentially the same language as the second sentence of Sec. 3(e), however, "him" has been changed to "person" to delete the gender specific term. A heading has been added.
- (3) **PUBLIC SESSION.**-This is essentially the same as the third sentence of Section 3(e) of the current statute but it has been split into two sentences and before behalf "his" has been changed to "person's" to delete the gender specific reference. A heading has been added.
- (4) **ADDITIONAL WITNESSES.**-This is essentially the same language as Sec. 3(f) of the current statute with a minor change in the cross-reference to reflect the reformatting. A heading has been added.
- (5) **PRIOR ACCESS TO REPORT.**-This is the same language the first half of the fifth sentence in Sec. 3(e) of the current statute with the heading added.
- (6) **RIGHT TO ANSWER.**
- (A) **TIME LIMIT AND EXTENSION.**-This is the same language as the second half of the sixth sentence and all of the seventh sentence of Sec. 3(e) of the current statute with headings added.
- (B) **CONTENT OF ANSWER.**-This is the same language as the eighth sentence of Sec. 3(e) of the current statute with the heading added.
- (C) **PUBLICATION OF ANSWER.**-This is the same language as the ninth sentence of Sec. 3(e) of the current statute with the heading added.
- (D) **LIMITATION ON RIGHT TO ANSWER.**-This is the same language as the tenth sentence in Sec. 3(e) of the current statute with the heading added.
- (7) **RELEASE OF EVIDENCE OR TESTIMONY.**
- (A) **IN GENERAL.**-This is the same language as the first sentence of Sec. 3(g) of the current statute with the heading added.
- (B) **PENALTY.**-This is the same language as the second sentence of Sec. 3(g) and Sec. 6(b) of the current statute, with the heading added.
- (8) **SUBMISSION OF SWORN WRITTEN STATEMENTS.**-This is the same language as in Sec. 3(h) of the current statute with the heading added.

- (9) **COPY OF THE TRANSCRIPT.**-This essentially is the same language as Sec. 3(i) of the current statute but "or her" has been added after "his" and before "testimony" to modify the gender specific term. A heading has been added.

Sec. 7. COMMISSION STAFF AND ORGANIZATION.

- (a) **EXECUTIVE DIRECTOR.**-The title of Staff Director is changed to be consistent with comparable positions at most other Commissions and Boards.
- (1) **APPOINTMENT.**-The appointment of the Executive Director provision is essentially the same as the language in Sec. 6(a)(1) of the current statute. This statute and the current statute are silent on the compensation level of the Executive Director, however, since it is a Presidential appointment without Senate confirmation, it has been established in the Senior Executive Service, upon the recommendation and approval of the Office of Personnel Management.
- (2) **CHIEF OPERATING OFFICER.**-This provision is new and reflects the actual day to day operating responsibilities and authorities of the Executive Director.
- (b) **VACANCY IN THE EXECUTIVE DIRECTOR POSITION.**-This reflects the past practice for filling a temporary vacancy in the Executive Director position and gives it a statutory basis.
- (c) **APPOINTMENT OF STAFF.**-This is essentially the same language as Sec. 6(a)(3) as the current statute with a cross-reference added to the provisions on the Executive Director's responsibilities and authorities. The heading has been added.
- (d) **PROHIBITION ON USE OF UNCOMPENSATED STAFF.**-This is essentially the same language as the first half of Sec. 6(b) of the current statute with an exception. The exception in this subsection provides for utilization of student volunteers appointed pursuant to 5 USC 3111. According to Commission and GAO interpretations of the current statute, this is permitted now, but nevertheless should be explicitly stated. The definition of "whoever" in the last half of Sec. 6(b) has been moved to Sec. 6(k)(7)(B).
- (e) **REPRESENTATIONAL FUNDS.**-This provision is new and permits limited expenditures for refreshments by the Commission at such activities as SAC meetings.
- (f) **ACCEPTANCE OF GRATUITIOUS SERVICES, GOODS, AND FACILITIES.**- This provision is new and is intended to permit the acceptance of modest gratuitous services, goods and facilities from

Federal, State and local agencies, organizations, and Commissioners or SAC members, as is required to carry out the Commission's activities. For example, acceptance of a room or refreshments for a Commission or SAC meeting. These must be accepted in accordance with the disclaimers in subsections (h)(1) and (2) below. Funds have been intentionally excluded from this provision.

- (g) **ACTIVITIES AND AGREEMENTS FOR COOPERATION.**-This provision is new and permits the Commission as part of its clearinghouse function in Sec. 4(a)(4), to enter into agreements with Federal, State and local agencies to conduct joint seminars, conferences, briefings, etc. However, such cooperation agreements and activities must be approved by the members of the Commission and be in accordance with the disclaimers in subsections (h),(1),(2), and (3).
- (h) **DISCLAIMERS ON ACCEPTANCE OF GRATUITOUS SERVICES, GOODS AND FACILITIES; AND AGREEMENTS AND ACTIVITIES FOR COOPERATION.**

- (1) **DISCLAIMER ON CONFLICT OF INTEREST.**-This provision is new and is intended to ensure that neither the acceptance of gratuitous services, goods and facilities nor the entering into agreements or activities for cooperation create the appearance of a conflict of interest. This disclaimer ensures that the Commission maintains its independence.
- (2) **DISCLAIMER ON NONENDORSEMENT OF PRODUCTS AND SERVICES.**-This provision is new and is intended to ensure that neither the acceptance of gratuitous services, goods and facilities nor the entering into agreements or activities for cooperation will constitute or imply an endorsement of products or services of the other entity.
- (3) **DISCLAIMER ON NONENDORSEMENT OF THE OTHER ENTITY.**- This provision is new and is intended to ensure that the entering into agreements or activities for cooperation does not constitute or imply an endorsement or give undue recognition to the participating Federal, State or local agency. This disclaimer ensures that the Commission maintains its independence.

Sec. 8. ADVISORY COMMITTEES.-The heading is added.

- (a) **ESTABLISHMENT.**-This is essentially the same language as the language in Sec. 6(c) of the current statute, however, it clarifies that statute to provide for establishing SACs in the District of Columbia, Puerto Rico, and other United States' commonwealths and territories.
- (b) **INVESTIGATIVE AUTHORITY.**-This provision is new and clarifies the current statute to state what has been the past practice of the SACs.

(c) EXCEPTIONS.-

(1) This is essentially the same language as Sec. 6(d) of the current statute but the current statute combined these statutory exemptions for the members of the Commission and the SAC members. This has been split and placed within each of the appropriate sections.

(2) This provision is new and is intended to clarify the existing statute as to the legal status of members of the State Advisory Committees.

- (d) **TRAVEL EXPENSES AND PER DIEM FOR MEMBERS OF ADVISORY COMMITTEES.**-This provision is new and is intended to state the past practice of paying travel expenses for members of Advisory Committees to attend SAC activities.

Sec. 9. STATEMENT OF ORGANIZATION.-

- (a) **REQUIREMENT.**-This is the same language as in Sec. 3(1) of the same current statute with a minor format change, with the exception of the last sentence, and with a heading added.
- (b) **UNPUBLISHED MATTERS NOT BINDING.**-This is the same language as the last sentence of Sec. 3(1) of the current statute with the heading added.

Sec. 10 RULES.-

- (a) **IN GENERAL.**-This is the same language as Sec. 6(i)(1) of the current statute with the heading added.
- (b) **INTERIM RULES.**-This is essentially the same language as in Sec.6(i)(2) of the current statute but with a minor change in the cross-reference because of the change in format. The September 30, 1983 date has been changed to the "... day prior to the effective date of this Act". The heading has been added.
- (c) **ADMINISTRATIVE PROCEDURE.**-This is essentially the same language as Sec. 3(m) of the current statute but the reference to "section" has been changed to "Act" after "... not inconsistent with this ...". The heading has been added.

Sec. 11 TRANSFER OF COMMISSION EMPLOYEES.-

- (a) **IN GENERAL.**-This is similar to the language in Sec. 6(a)(2)(A) of the current statute but the date has been changed to October 1, 1991 and a minor modification of the cross-reference to reflect the format of this statute. However, the

exceptions in the current statute on the transfer of the Staff Director and the members of the Commission are deleted and are dealt with in Sec. 7(d) and (e) below. The headings have been added.

(b) **COMPARABILITY OF POSITIONS.**-This is essentially the same language as Sec. 6(a)(2)(B) of the current statute, however the exception with respect to the Staff Director and the members of the Commission have been deleted and are dealt with in Sec. 7(d) and (e) below, and the references to September 30, 1983 have been changed to the "day before the effective date of this Act.". The heading has been added.

(c) **RETENTION OF BENEFITS.**

(1) **IN GENERAL.**-This is the same language as in Sec. 6(a)(2)(C)(i) of the current statute with the heading added.

(2) **CONTINUITY OF PERSONNEL PROVISIONS.**-This is the same language as in Sec. 6(a)(2)(C)(ii) of the current statute with the heading added.

(d) **TRANSFER OF MEMBERS OF THE COMMISSION.**-This subsection is new and is intended to provide for the orderly transition in leadership of the members of the Commission. The reference to "current terms" relate to the appointment process for members of the Commission that were established in P.L. 98-183, as extended by P.L. 101-180.

(e) **TRANSFER OF STAFF DIRECTOR (EXECUTIVE DIRECTOR).**- This subsection is new and is intended to provide for the orderly transition in the Staff Director's position to the retitled Executive Director.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

This is similar to Sec. 7 of the current statute. The language on authorization for appropriations has been amended to provide authorization for appropriations from FY 1992 through FY 2016.

SEC. 13. EFFECTIVE DATE.

(a) **IN GENERAL.**-This sets the effective date of the reauthorization statute.

(b) **TRANSFER OF FILES, RECORDS, AND BALANCES OF APPROPRIATIONS.**-This is the same language as Sec. 6(i)(3) of the current statute with the heading added.

TERMINATION.-This draft bill does not provide for a termination date of the Commission reauthorization as established under Sec. 2 of P.L. 101-180.

A BILL

To extend the United States Commission on Civil Rights,
and for other purposes

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "United States Commission on Civil
5 Rights Act of 1991."

6 **SEC. 2. ESTABLISHMENT OF THE COMMISSION.**

7 Section 2 of the United States Commission on Civil Rights Act
8 of 1983 (hereinafter referred to as the Act) is amended as follows--

9 (1) Sec. 2(a). After ". . . Rights", add "an independent,
10 bipartisan, factfinding agency of the Federal Government"
11 and before "(hereinafter in . . .)"; and

12 (2) Sec. 2(c). After the last sentence, add "In the absence
13 of a Chairman and a Vice Chairman, the senior member
14 the Commission will serve as Acting Chairman".

15 **SEC. 3. COMPENSATION OF MEMBERS OF THE**
16 **COMMISSION.**

1 Section 4 of the Act is amended as follows--

2 (1) Sec. 4(a). After "... prorated on", change "a daily" to
3 "an hourly. . .", and after "...for each", change "day" to
4 "hour"; and

5 (2) Add a new subparagraph:

6 "Sec. 4(c). The total amount that each member of the
7 Commission may receive under subparagraph (a) in any one
8 calendar year shall not exceed one half of the total annual
9 compensation of a Level IV of the Federal Executive Salary
10 Schedule."

11 **SEC. 4. DUTIES OF THE COMMISSION.**

12 Section 5 of the Act is amended as follows--

13 (1) In subparagraphs (1),(2),(3) and (4), after "... age" and
14 before "... or national. . ." "handicap" is changed to
15 "disability";

16 (2) Subparagraph (d) of the current statute is deleted;

17 (3) A new subparagraph (d) is added:

18 " Section 5(d). The Commission attorneys may submit an
19 amicus curiae brief to the Supreme Court of the United
20 States on any matter within the jurisdiction of the
21 Commission, if a majority of the members of the
22 Commission approve the submission of such brief."; and

1 (4) Subparagraph (f) of the current statute is deleted.

2 **SEC. 5. POWERS OF THE COMMISSION**

3 Section 6 of the Act is amended as follows--

4 (1) Sec. 6(a)(1). Redesignate paragraph 6(a)(1) as
5 6(a)(1)(A). The title of "Staff Director" is changed to
6 "Executive Director";

7 (2) Add a new subparagraph 6(a)(1)(B):

8 "Sec. 6(a)(1)(B). The Executive Director will serve as the
9 chief operating officer of the Commission and shall be
10 responsible for the day-to-day operations of the agency
11 including matters pertaining to employment, use and
12 expenditure of funds, and general administration, consistent
13 with policies determined by the Commission.";

14 (3) Add a new subparagraph 6(a)(1)(C):

15 "Sec. 6(a)(1)(C). In the event of a vacancy in the position of
16 Executive Director, the Chairman shall designate, with the
17 concurrence of a majority of the members of the
18 Commission, an employee of the Commission to serve as
19 Acting Executive Director.";

20 (4) Sec. 6(a)(2)(A). Change "November 29, 1983" to
21 "October 1, 1991" and delete ". . . (other than Staff
22 Director and the members of the Commission) . . .";

- 1 (5) Sec. 6(a)(2)(B). Delete " . . . (other than the Staff
2 Director or a member of the Commission) . . . ", and change
3 "1983" to "1991" before " . . . The Commission . . . ", and at
4 the end of the subparagraph change "1983" to "1991" and add
5 "or immediately prior to the day before the effective date of
6 this Act.";
- 7 (6) Sec. 6. (b)(1). Redesignate subparagraph (b) as (b)(1)
8 and add "Except as provided in 5 USC 3111, " before "The
9 Commission . . . ";
- 10 (7) Add a new subparagraph:
11 "Sec. 6(b)(2). Not more than .1 per centum of the total
12 amounts due to the Commission in each fiscal year may be
13 used for official representation and reception.";
- 14 (8) Add new subparagraph:
15 "Sec. 6(b)(3). The Commission may accept and utilize
16 services, goods and facilities of Federal, State and local
17 agencies, organizations, and individuals appointed pursuant
18 to Section 2(b)(1) and Section 6(c) from time to time, as
19 may be necessary, to further the objectives of the
20 Commission.";
- 21 (9) Add a new subparagraph:
22 "Sec. 6(b)(4). Subject to subsection (b)(5) below and in

1 accordance with the policy and program direction
2 established by the members of the Commission and the
3 clearinghouse function of the agency, the Commission may
4 execute agreements to cooperate with Federal, State and
5 local agencies in public information programs, including but
6 not limited to forums, conferences or other educational
7 events, and such other activities as, from time to time, may
8 be necessary to further the objectives of the Commission
9 pursuant to Section 5 of this Act.";

10 (10) Add a new subparagraph:

11 "Sec. 6(b)(5)(A). To the extent it does not create the
12 appearance of a conflict of interest because of the nature of
13 the activities, entities or their affiliates, the Commission may
14 accept and utilize gratuitous services, goods and facilities of
15 Federal, State and local agencies, organizations and
16 individuals as provided in (b)(3) above and participate in an
17 agreement or activity with a Federal, State or local agency,
18 as provided in (b)(4) above.";

19 (11) Add a new subparagraph:

20 "Sec. 6(b)(5)(B). To the extent that it does not constitute or
21 imply an endorsement by the Commission of the products or
22 services of the other entity, the Commission may accept and

1 utilize gratuitous services, goods and facilities or enter into
2 such agreements or activities as provided in (b)(3) and
3 (b)(4) above.”;

4 (12) Add a new subparagraph:

5 "Sec. 6(b)(5)(C). To the extent it does not constitute or
6 imply an endorsement by the Commission of, or give undue
7 recognition to the entity involved, the Commission shall
8 ensure that it receives appropriate recognition in all such
9 cooperative arrangements and activities as provided in (b)(4)
10 above.”;

11 (13) Sec. 6(c) becomes Sec. 6(c)(1). After "... States",
12 add: "the District of Columbia, Puerto Rico, and
13 commonwealths and territories of the United States," before
14 "... as it deems. . . .”;

15 (14) Add a new subparagraph:

16 "Sec. 6(c)(2). An advisory committee established under
17 subparagraph (c)(1) shall have the same investigative
18 authority as the Commission has under Section 3 except that
19 such committee shall not subpoena witnesses.”;

20 (15) Add a new subparagraph:

21 "Sec. 6(c)(3). Members of the advisory committee are not
22 "employees" under sections 2104 and 2105 of Title 5 of the

1 United States Code.”;

2 (16) Add a new subparagraph:

3 "Sec. 6(c)(4). Each member of advisory committees shall
4 receive reasonable allowances for necessary expenses for
5 travel, lodging and subsistence incurred in attending
6 advisory committee meetings and activities of the
7 Commission when away from the member's usual place of
8 residence in amounts that shall not exceed the maximum
9 fixed by subchapter 1 of chapter 57 of Title 5 United States
10 Code, for officers and employees of the United States.”; and

11 (17) Sec. 6 (i)(2). After " . . . were in effect. . . "
12 delete "September 30, 1983" and add: ". . . on the day prior
13 to the effective date of this Act."

14 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

15 Section 7 of the Act is amended as follows--

16 (1) After " . . . appropriated", delete "\$12,180,000 for the
17 fiscal year 1984" and insert "to carry out this Act" and after
18 "each" delete "succeeding" and add "of the" before "fiscal"
19 and delete "year ending prior to October 1, 1989" and insert
20 "years 1992 through 2016".

21 **SEC. 7. TERMINATION.**

22 Section 8 of the Act is deleted.

SECTION BY SECTION ANALYSIS**SECTION 1. SHORT TITLE.**

This states that this bill if enacted, would be the United States Commission on Civil Rights Act of 1991.

SEC. 2. ESTABLISHMENT OF COMMISSION.

Section 2 of the Act is amended as follows--

- (1) Sec. 2 (a). This section states affirmatively that this Reauthorization Act is establishing an independent, bipartisan, fact-finding agency.
- (2) Sec. 2 (c). This subparagraph is a new provision designed to provide an orderly process for designating an Acting Chairman when there is a vacancy in both positions, a situation that occurred at the Commission between December 1989 and February 1990. The "senior member" of the Commission is defined as the member with the longest continuous date of service based on last appointment. In the unlikely event two members have the same appointment date, the swearing-in date would be used to determine the "senior member".

SEC. 3. COMPENSATION OF MEMBERS OF THE COMMISSION.

Section 4 of the Act is amended as follows--

- (1) Sec. 4 (a). This is essentially the same language as Sec. 4(a) of the current statute, however, it been changed to being prorated on an "hourly" basis instead of a "daily" basis to reflect the actual practice.
- (2) Sec. 4 (c). This subparagraph is new and provides a limit in the authorization statute on the total salary compensation of the members of the Commission to reflect the fact that the positions continue to be intermittent and other than full-time.

SEC. 4. DUTIES OF THE COMMISSION.

Section 5 of the Act is amended as follows--

- (1) Sec. 5 (a) (1),(2),(3),(4) and (5). The language is the same as Sec. 5(a) (1),(2),(3),(4) and (5) of the current statute, except that in subsections (1),(2),(3) and (4) "handicap" has been changed to "disability" to reflect the terminology in the Americans with Disability Act of 1990.
- (2) Sec. 5 (d). The original subparagraph (d) is deleted because the definition of "handicap"

is no longer necessary.

- (3) Sec. 5 (d). This subparagraph is a new provision. Unless there is a specific authority in the authorization statute, the Commission cannot file *amicus curiae* briefs. It is also intended to reinforce the Commission's independence by giving it the authority to unilaterally file such briefs.
- (4) Sec. 5 (f). This subparagraph regarding "members of eastern and southern European ethnic groups" in Sec. 5(f) of the current statute has been deleted. The Commission complied with this provision by issuing a report, *The Economic Status of Americans of Southern and European Ancestry* (October 1986), and a consultation report on Civil Rights of Euro-Ethnic Americans in the United States: Opportunities and Challenges. (December 1979).

SEC. 5. POWERS OF THE COMMISSION.

Section 6 of the Act is amended as follows--

- (1) Sec. 6 (a)(1). Subparagraph 6 (a)1) is redesignated as 6 (a)(1)(A). The title of "Staff Director" is changed to "Executive Director" to be consistent with comparable positions at most other Commissions and Boards.
- (2) Sec. 6 (a)(1)(B). This subparagraph is new and reflects the actual day-to-day operating responsibilities and authorities of the Executive Director.
- (3) Sec. 6 (a)(1)(C). This subparagraph is new and reflects the past practice for filling a temporary vacancy in the Executive Director position and gives it a statutory basis.
- (4) Sec. 6 (a)(2)(A). This is similar to the language in Sec. 6(a)(2)(A) of the current statute but the date has been changed to October 1, 1991 and the transfer exception for the Staff Director and the members of the Commission has been deleted. It is intended that there be an orderly transition in leadership for the current members of the Commission and the former Staff Director to the retitled position of Executive Director. The members will serve out their current terms.
- (5) Sec. 6 (a)(2)(B). This is a technical change to the date to reflect the current authorization extension to 1991.
- (6) Sec. 6 (b)(1). Subparagraph (b) is redesignated as (b)(1). The exception in this subsection provides for utilization of student volunteers appointed pursuant to 5 U.S.C. 3111. According to Commission and GAO interpretations of the current statute, this is permitted now, but nevertheless should be explicitly stated.
- (7) Sec. 6 (b)(2). This provision is new and permits limited expenditures for refreshments by the Commission at such activities as State Advisory Committee (SAC) meetings.
- (8) Sec. 6 (b)(3). This provision is new and is intended to permit the acceptance of modest

gratuitous services, goods and facilities from Federal, State and local agencies, organizations, and Commissioners or SAC members, as is required to carry out the Commission's activities. For example, acceptance of a room or refreshments for a Commission or SAC meeting. These must be accepted in accordance with the disclaimers in subsections (b)(5)(A) and (B) below. Funds have been intentionally excluded from this provision.

- (9) Sec. 6 (b)(4). This provision is new and permits the Commission as part of its clearinghouse function in Sec. 5(a)(4), to enter into agreements with Federal, State and local agencies to conduct joint seminars, conferences, briefings, etc. However, such cooperation agreements and activities must be approved by the members of the Commission and be in accordance with the disclaimers in subsections (b)(5)(A)(B) and (C).
- (10) Sec. 6 (b)(5)(A). This provision is new and is intended to ensure that neither the acceptance of gratuitous services, goods and facilities nor the entering into agreements or activities for cooperation create the appearance of a conflict of interest. This disclaimer ensures that the Commission maintains its independence.
- (11) Sec. 6 (b)(5)(B). This provision is new and is intended to ensure that neither the acceptance of gratuitous services, goods and facilities nor the entering into agreements or activities for cooperation will constitute or imply an endorsement of products or services of the other entity.
- (12) Sec. 6 (b)(5)(C). This provision is new and is intended to ensure that the entering into agreements or activities for cooperation does not constitute or imply an endorsement or give undue recognition to the participating Federal, State or local agency. This disclaimer ensures that the Commission maintains its independence.
- (13) Sec. 6 (c)(1). Subparagraph (c) is redesignated as (c)(1). This subparagraph is essentially the same language as the language in Sec. 6 (c) of the current statute, however, it clarifies that statute to provide for establishing SACs in the District of Columbia, Puerto Rico, and other United States' commonwealths and territories.
- (14) Sec. 6 (c)(2). This provision is new and clarifies the current statute to state what has been the past practice of the SACs with respect to investigative authority.
- (15) Sec. 6 (c)(3). This provision is new and is intended to clarify the existing statute as to the legal status of members of the SACs.
- (16) Sec. 6 (c)(4). This provision is new and is intended to state the past practice of paying travel expenses for members of Advisory Committees to attend SAC activities.
- (17) Sec. 6 (i)(2). This is essentially the same language as in Sec.6(i)(2) of the current statute but the September 30, 1983 date has been changed to the "... day prior to the effective date of this Act" to reflect the amendment and extension of the current statute.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 7 of the Act is amended as follows--

This provides for authorization for appropriations for twenty-five fiscal years from FY 1992 through FY 2016.

SEC. 7. TERMINATION.

Section 8 of the Act is amended as follows--

Sec. 8 of the current statute is deleted so that the Commission will not have to be terminated at the end of the proposed 25-year reauthorization period.

[The Urban League speech and letter to the President follow:]

1991 NATIONAL URBAN LEAGUE CONFERENCE

- "Ensuring Civil Rights:
An Imperative for the Nation"

Speaker: The Honorable Arthur A. Fletcher

MODERATOR

It's my pleasure to introduce to you the two gentlemen at the dias. No stranger to any of you, Mr. Johnny Jacob, the President and Chief Executive Officer of the National Urban League. And sitting to his right is The Honorable Arthur A. Fletcher, the Chairman of the United States Commission on Civil Rights, the gentleman who I am fortunate to be able to introduce to you this morning, for he is our keynote speaker. And he is a gentleman whose contributions to society have earned him the right to be called one of our country's most distinguished citizens.

For over 30 years, Art has devoted himself to the cause of civil rights and has taken the case for racial justice and opportunity to the highest office in this land. During the last 20 years, Arthur Fletcher has been a counselor and an advisor to three United States presidents, and today he serves as Chairman of the United States Commission on Civil Rights, having been appointed by President George Bush. His term is slated to run through November of 1995. And he is about the business of building and rebuilding that very outstanding commission. And a

gentleman with his reputation and ability will certainly be successful.

Art became involved in civil rights early in his career. In 1954 he found himself involved in fund raising to help defray expenses connected with the case of Brown vs. Board of Education of Topeka, Kansas. He did this while teaching at a rural elementary school in Kansas. Following various public and private sector positions which he held during most of the turbulent years of the '60s, Art began his government career in earnest when he served as Special Assistant to the Governor of the State of Washington and was then appointed by President Richard Nixon to be the Assistant Secretary for Labor and Employment Standards.

In the early 1970s, Art was the Executive Director of the United Negro College Fund, a position which he left to start his own business in 1973 and which he headed until 1976 when he got a call from President Gerald Ford who appointed him to be his Deputy Assistant for Urban Affairs. In recognition of his numerous public service contributions and civil rights activities, Art Fletcher has received numerous awards and doctoral degrees from colleges throughout this country, including this from his alma mater Washburn University of Topeka, Kansas, Kent State University, Malcolm X College, Shaw University, South

Carolina State College and Wilberforce University.

Today in addition to heading the United States Civil Rights Commission, Mr. Fletcher is also the distinguished Professor of Business Administration and Director of the Center for Corporate Social Responsibility at the University of Denver. In the current issue of Ebony Magazine, Art credits Mary McCleod Bethune's words as being inspirational to him in the direction that his professional life has taken. While visiting Art's seventh grade class at the Douglas Junior/Senior High School in Oklahoma City, Oklahoma, Art recalls Mrs. Bethune told the youngsters that one day, one day one of you will be doing what I'm doing which is to advise presidents of the United States. And when you get to that position, always carry a brief for the black folks.

Art Fletcher has been destined to carry that brief ladies and gentlemen. And because of his diligence in carrying that brief and his commitment to the cause of equality and justice, we have benefited as a people. We have benefitted as a nation. Ladies and gentlemen, please join me in welcoming the Chairman of the United States Civil Rights Commission, Mr. Arthur A. Fletcher.

MR. ARTHUR A. FLETCHER

I tell you what. I'm going to get some travel orders

cut so you can introduce me. I like that. I really do. John, I can't thank you enough for inviting me to participate in this event. And I feel that one good turn deserves another. I feel that because of the uniqueness of this platform that I ought to make sure that we make some national news today. So that being the case, I've chosen this moment to issue a letter, to publicize a letter, that's going to the President of the United States to the Majority and Minority Leader of the Senate, the Speaker of the House and the Minority Leader of the House. It is a letter that has been embargoed until I speak here right now. As I am speaking it will be released to the press in Washington, D.C. I think you will be interested in its contents.

Some time ago I grew concerned over the race baiting campaigning that appeared to be about to take off. After the use of it by Jesse Helms and the use of it--I won't say Mr. Helms but his advertisers. That's what they say. It wasn't him. It was his advertisers. And this young brother down in New Orleans, Louisiana, what's his name? David Duke. And the use of some unfortunate ads in the last presidential campaign, rather than to let another campaign go without speaking up and since the U.S. Commission on Civil Rights is supposed to be the nation's conscience, moral conscience on civil rights, I ask the

Commission to issue a letter challenging the candidates to cease and desist, but more importantly to come to Washington, D.C. or somewhere in the nation wherever they want to hold it and conduct a summit concerned with the business of the 1992 election. Here is the letter.

Dear Mr. President. As members of the U.S. Commission on Civil Rights, we have a profound sense of concern over the signs of growing racial division in this nation. As a result, we urge that you act decisively prior to the 1992 federal, state and local elections to prevent the use of irresponsible campaign tactics that only serve to divide this nation along lines. As signs of racial tension in our schools, in our streets, on the job, appear to be increasing, we are confronted with examples of hate crime and racial incidents. A major goal of the nation must be to alleviate these tensions.

With candidates for the presidency already being discussed, we must recognize how significant the election process is in the citizen's perception of government. A campaign can set the tone for race relations for years. The irresponsible tactics of a few cannot be permitted to divide this nation. The use of inflammatory racial rhetoric in political campaigns will only fan the flames of racial division and distrust, exacerbating social problems and making governance more difficult at all levels.

Fortunately for all Americans, most political candidates refuse to permit race baiting and similar tactics to penetrate their campaign discussions. The Commission believes that most candidates will show similar resolve in 1992. However, the specter of divisive racial tactics and the resultant alienation requires that we as public officials actively endeavor to prevent such tactics from entering the 1992 campaign.

With strong moral authority of your offices, your repudiation of such tactics by candidates or campaign committees will be a major step in responsibly dealing with this problem. While the Commission acts as the conscience of the government on civil rights, the success of any effort to sensitize both candidates and citizens on the perils of injecting racial tactics into the campaign will be largely due to the strong moral suasion that you bring to bear.

Because of the problem's severity, we urge you to convene a summit conference composed of major political officials, public officials, from federal, state and local governments, from the media, from private citizens, to address this issue and to prepare guidelines for the proper conduct of candidate campaigns. Since the summit must be understood as a non-partisan effort, we believe that an open and strong coalition is essential for establishing the

positive agenda. The primary purpose of the summit should be forcefully established in the eyes of both the candidate and the public. That the injection of racial animosities into a campaign should not and will not be tolerated.

[applause]

The summit can serve as a focal point in publicizing the inappropriateness of racial politics. The summit could also serve as a valuable instrument for discussing the practical problems of what constitutes an inappropriate use of race.

At a minimum the Commission believes that the following principles should be adopted:

1. A candidate should make every effort to avoid even the appearance of the use of racial tactics in the campaign. As we have learned even the appearance of a problem can result in the loss of faith in government. Candidates, even unsuccessful ones, can establish a perception of the integrity of government. As a result, each candidate must scrutinize his or her own actions and the actions of the staff to ensure that these actions cannot be perceived as having the effect of injecting race and bigotry into the campaign.

2. A candidate should advise his or her staff in the committees that are supporting them that they will be held personally accountable for any attempt to use race baiting

as a tactic. In summary, this Commission believes that positive non-partisan action on the part of this nation's political leadership is necessary to establish a standard of campaign conduct that is free of divisive racial stereotype, a standard that consciously avoids even the unintentional linkage of social problems with a particular racial or ethnic group in such linkage would be unfair, misleading or inflammatory, a standard in sum that is worthy of a richly multi-cultured, multi-racial society such as ours whose very diversity should enhance its strengths. And we ask you to take the initiative towards this end by convening the summit meeting to clearly define and espouse those standards. Respectfully, speaking for the Commissioners, Arthur A. Fletcher, Chairman. [applause]

For members of the press, we will hold a conference after this in order to discuss it.

Before I proceed, let me stop and do what I normally do to make sure I know who I'm talking to. What I normally take is an audience audit. I do that by identifying myself first and asking all who belong to my category to raise their hand. I'm a great grandfather. Are there any great grandfathers out there, grandparents? Hold your hand up now. Don't be sitting out there like you're not. Any grandparents out there? Looky, here. All right. Are there any parents out there? Are there parents out there

with youngsters in child development schools or day care centers? Let's see your hands. Those with youngsters in elementary school, junior high school, high school, four year institutions of higher learning. Any of you out there still struggling to get somebody through graduate school? Can I have everybody raise their hand up who had their hand up at all at any time? Look around. Hold your head up while you look around. You see we all have something in common don't we?

The thing we have in common are those children. Say that again now. We don't have to guess about it. Every hand in here went up. The white hands went up, black hands went up, all recognizing that one common denominator that puts us all in the same bag. Raising children and being responsible for the next generation. And if we dare forget that, then we will forget our God given responsibility.

Now, as you hear me speak, you might get a little confused and wonder whether you're at a church service or a football game. I use a lot of athletic and religious metaphors in trying to make my point. Let me tell you where I am in life and you can identify with me as I do this.

As a former athlete, football player, I had to devise a way to approach life, John. I decided I'd do it with a frame of life I understood. It's called football. It's

divided into four quarters, first quarter, second quarter, halftime, third quarter, fourth quarter, ballgame's over. I applied that to life. First quarter of life is 18 years. That's when you're in elementary, junior high, high school, getting read to go to college at the end of the first quarter, 18 years of age. If you understand football, you understand that if you're going to have any luck at all in the second quarter, you've got to play a good first quarter. But be well equipped, in good physical condition, etc. We change that and say we have to develop our minds and be responsible for seeing to it that our kids develop their minds during that first quarter.

Second quarter is not devoted to doing what you should have done the first quarter. The second quarter starts at 19 and ends at 36. That's half time. Now, if you'd done what you were supposed to do in that first quarter and get into school, in that second quarter you'd go to college--the first few years of that second quarter you go onto college. You end up around age 24. You're out and ready to roll. If you'd done what you should have done in the first quarter, you develop your talents and get ready to roll in that second quarter, when you walk off that campus at 24, you're ready to hit the ground running. If you didn't, 24 is just another passing day.

You begin to realize your career somewhere along

between 24 and 36. You should be on your career path by the time you're 36. Half time is a good time to ask the hard question. How good did I play the first quarter? You all can ask yourself. How good is my youngster playing in the first quarter right now? Do I have any responsibilities for making sure he or she gets his or her act together and plays a little better?

And then comes the third quarter, 36 to 54. If you've got a career and been doing any good, you're off and running. If you play that good third quarter, guess what? You'll be useful in the fourth one. You'll have done so much in the first, so much in the second, so much in the third, that folks won't want you to begin to think about retiring in that fourth quarter.

But the first quarter should be devoted to two things, continuing to contribute on the one hand, and on the other hand having discretionary time and discretionary money. Lord have mercy. [applause] To do what you want to do, when you want to do it, how you want to do it, where you want to do it, and with whom you want to do it. Oh, Lord. [applause]

The fourth quarter is from 54 to 72. Anything beyond 72 is a sudden death overtime. [laughter] Cannot be waiting on the sudden death overtime to do it. The important thing is to plan it so you get it done in

regulation time.

Now, John, with two triple bypass heart operations in less than four months I had a real tough bout with the grim reaper. He and I went 15 rounds. At the end of the 14th it was a draw. I beat him in the fifth round by one point. I'm still here. I'm still here. [applause]

But during that moment when I looked the grim reaper dead in the eye, I thought about Ms. Bethune. And I don't know whether any of you have read her last will and testament, but if you haven't you ought to. I think it's one of the most profound documents ever written. I'm not going to give it all, but I'm just going to use enough of it to set the tone for what I want to say the rest of the way in. Ms. Bethune said in her final years the following.

"Sometimes as I sit communing in my study, I feel that death isn't far off. I'm aware that death will overtake me before my greatest dream, full equality for the Negro in our times is realized. Yet, I face reality without the fear of regret. I'm resigned to death as all human beings must be at the proper time, but death neither frightens nor alarms one who's had a long career of fruitful toil.

"The knowledge that my work has been helpful to many fills me with joy and great satisfaction. Sometimes I ask myself if I have any legacy to leave, for truly my worldly possessions are few. Yet, my experiences have been rich.

And from them I distill principles and policies in which I believe firmly, for they represent the meaning of my life's work. They are the products of much sweat and much sorrow, but perhaps in them there's something of value. So as my life draws to a close, I will pass them on to Negroes everywhere in the hope that an old woman's philosophy may give them the inspiration to carry on.

"Now, here's my legacy. I leave you love. Love builds. It's positive. It's hopeful. It's more beneficial than hate. And if you hope, the Negro's growth will be great in the years to come. Yesterday, our ancestors endured the degradation of slavery, and yet they retained their dignity. I leave you a challenge to develop confidence in one another. As long as Negroes are hemmed into racial blocks of prejudice and pressure, it will be necessary for them to band together for economic betterment. I leave you a thirst for education. Knowledge is the prime need of the hour. I leave you respect for the use of power. We will live in a world which respects power above all things. Power intelligently directed can lead to more freedom. Unwisely directed it can be a dreadful destructive force. I leave you faith. Faith is the first factor in a life devoted to service. Without faith, nothing is possible. With it, nothing is impossible. Faith in God is the greatest power. But great too is faith in oneself.

"I leave you racial dignity. I want Negroes to maintain their dignity at all costs. We as Negroes must realize that we are the custodians as well as the heirs of a great civilization. I leave you a desire to live harmoniously with your fellow human beings. The problem of color is worldwide. It's found in Africa. It's found in Asia. It's found in Europe. It's found in South America. I appeal to Negroes north, south, east and west to recognize their common problems and to unite to solve them. I leave you finally a responsibility to our young folk, because the world around us really belongs to them. The youth will take over its management, and our children must never lose the zeal for building a better world."

Those were her words just before she departed. They were as true today as they were the day she said them. John, that is our mission. That's the Urban League's mission. That's the mission of the Chairman of the Civil Rights and Civil Rights Commission is to make sure we build a better world so that our youth can take it over. Their generation will have a tremendous challenge. It will be as strong, as difficult, as challenging, as treacherous, as devious, as dangerous, as anything that we've been confronted with.

You asked me to address the subject the civil rights imperative for the '90s. Now, I have to tell you that when

I said I'm pleased to be here, but you see being a Republican who's black means you don't get invited very often. [laughter, applause] I started to ask if any of you all know what it's like to be a black Republican, but there ain't but eight of us. So none of them are here. [laughter] So I know you all don't know. But I have to tell you it's tough. I'll just give you one quick description of how tough it is.

When I first became Assistant Secretary of Labor and went out out Escanaba, Michigan to speak to an NAACP convention. When I got off the plane, this gentleman and his wife met me. She was the Chairman of the Speaker's Committee. And the poor lady, her face was swollen. Her lips were thick. Her eyes. And it was evident that she had been through hell. She had been through turmoil. I could see something was wrong. And the press wanted to get some pictures, kept telling me get over there by them. And she said, no. She kept getting back. Her husband would kind of look at me and then look away.

So finally I said, well, what's the problem? He said, well, when we invited you to speak, we didn't know you were a Republican. I said, no? He said, no, no, no, no. Usually the brothers in the government are Democrats. I said, well, Nixon's a Republican. Oh, Lord. Don't you say that name. I said, you know, if it's that much of a

problem I'll go on back. He said, no, you're here now. You're here now and we done sold out the house. I said, well, why are people coming? They want to see what a black Republican looked like first. And they sure want to know what you've got to say.

So the press asked him, would you gentlemen take a picture shaking hands. He reached, you know. You'd have thought a conference table was between us or something. Finally, he asked me to step aside. He said, now look here brother when you speak tonight, would you please do us a favor? I said, what is that? He said, don't say nothing about being no Republican. Please don't mention that Lincoln freed the slaves. And for God's sake, don't call Nixon's name.

We're laughing at it, but a whole lot of you all I think can identify with exactly what I'm saying. Since I've been here, John, I've had about four people creep up to me and look around and say, I'm a Republican too. I said, come out of the closet, brother. Come on out of the closet.

Being that the opportunities come far and few in between, I thought it would be smart since I might never get to speak no more that I would share with you what I've been doing in lieu of that. I've written some pieces that I want to share with you. One of the first I call

desegregating the Republican Party. Let that sink in a little bit. The theme now is that Republicans spend your money when they're in power. And our research showed that 11.5 million black workers, plus another 8 million or so Hispanics, pay somewhere in the neighborhood of \$50 billion a year in income taxes. Now, I've been looking for the account, the escrow account, that said put all black taxes over here in this account and don't spend it until they like the president. That account don't exist you all. They're going to spend your money whether you've got access to them or not. It doesn't make sense not to have access to them. And it doesn't make sense trying to drive the few of us who are in the party out because you don't like what the party represents. I'm not going to lecture you on that, but I just want you to think about it. The tax dollars that I'm going to be talking about in a few minutes that build this country and build this economy are your tax dollars. And if we don't insist that we benefit from the economy that those tax dollars create, then we set an awful bad example for those children we just said we're all responsible for.

Now, because again I didn't think I was going to speak, I wrote that. I wrote another one in 1973 called *Preparing Today's Generation for Tomorrow's Reality*. The reality that I was talking about in '73 when I wrote this

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is upon us now and I'm sorry to say that we did not prepare for it. It came like a thief in the night and lo and behold we called it unready. I'm going to talk about how fast, what things we've got to do to do a quick turn around and get ready in a few minutes.

Here's another one I wrote, John. It's entitled Black America's Real Beginning. The state of my mind when I met with the president. The mission then was to say to him that if you believe in free enterprise and if you believe in wealth that grows wealth, then we have a lot of wealth in the ghetto. It's estimated that between the ghetto and the suburbs where the brothers and sisters live, we spend somewhere in the neighborhood of \$200 to \$300 billion a year. For reasons that defy description right now, the dollar turns over once and it's gone. And somehow we can't get the banks, we can't get the government, the various other folks who sing this self-help song, to put up infrastructure that will give us an opportunity to help ourselves with the dollar that we control. [applause]

In a few minutes I'm going to talk about all these black elected officials who are on your payroll. So there's two people on our payroll, two. The black preacher and the black politician. [applause] Mr. Charlie Uptown cannot fire Reverend Hesaka, and if he starts meddling in the church's business, Sister Janie will tell him to get on

back uptown and mind his own business. The black preacher is on our payroll. He's the only one. Now, we saw what he could do during the civil rights revolution in the streets.

And we also know that he controls a lot of money on Sunday. You want a number, the 50,000 black congregations that make up the National Baptist Conference collect \$12,500,000 every Sunday, 52 Sundays a year. That would make us the tenth--just the churches--the tenth wealthiest nation in the country. You could compare the 18 million blacks who go to church every Sunday and put money in the till every Sunday, you could compare them to Taiwan. They're the same size. Taiwan's population is 18 million and the black church going population is 18 million. What if we were to decide to do with those contributions the same thing three million Mormons do with it in Salt Lake City: put it in the Bank of Zion and then use it to enrich the quality of life of Mormons, provide the means to rent homes, to buy homes, buy stock in major corporations, sit on the board and determine the direction that those corporations go with reference to Mormons. Incidentally, they just came into being since this country has been a nation state. When they couldn't get along with Americans on this side of the Mississippi River, they said let's get to the other side and create a nation within a nation. And they stopped at the Mississippi River and did an audit.

And when they got through auditing, they said lo and behold we can build a nation. We've got everything that it takes.

Guess what? We can too. In the last 35 years, we've got brothers and sisters working everywhere and doing everything. They're doing the American economy. And John, you in the Urban League have a challenge before you.

You've got to get those brothers and sisters to do what they do for the white man all day long, and then come on back out here and do it for us in the evening. If you're an accountant, keep accounting. I don't want you to do nothing else. If you're a lawyer, keep lawyering. If you're a scientist, keeping scienting. Keep on keeping on doing what you're doing, except add a few hours to the day and come on and do it for us.

Let me talk about this a little more. John, when we started the civil rights movement, we were flying by the seat of our pants. It was trial and error. We had no information. We were not in the information circle. I think we had two members in the Congress, the late Adam Clayton Powell and a man from Chicago, Dawson. That was it. Now, today we've got brothers and sisters sitting in there to the tune of close to 20, 22. They're sitting on all the committees that generate information. You see, the government generates more information than anybody. You all know that? The government provides the license to do

things. Now, we managed to disrupt things until we got inside the government. And now we sit there with some 7,000 jobs, some 7,000 elected officials and I don't know how many appointed ones. And yet, we don't seem to know what to do.

Let me give you an example. I want to be very specific about this. I know a state where the brother is in the Senate. He's the Chairman of the Transportation Committee. Now, that means that any highway built in the state has to come by his committee. Now, if he's on the case, all the reports, all the information that was generated to justify building that highway comes to him. And he decides whether the bill will go as the highway lobby would like it or otherwise. He sits there in a position to know how much is going to be sold and bought, how much steel, how much wire, how much grass, how much sand, all your tax dollars. Don't forget that. That five cents that you pay everytime you buy a gallon of gas, that ten cents, that goes into the highway trust fund. I've never seen you drive up to the pump and they say, oh, that's a black. Don't charge them the ten cents. It's all right. He's in a Mercedes, but don't bother.

Now, what I'm saying is that we are sitting there where the decision making information is. We're sitting there at the state level. We're on the education

committees. We're on the defense committees. We're on every committee that makes any kind of sense. Yet, for some reason the preacher that I was talking about that has a church and a congregation doesn't find himself made privy to that information. When Reverend wakes up, the highway's coming right down through his neighborhood and he's in a reactive mood. Instead of providing him with that information... "Reverend, this is what we discussed in committee this morning." If you don't understand it Rev, then you call them youngsters that's going to college, a lot of your congregation, and send them on down here. [applause] They understand. They'll teach them. They'll learn it...everything.

I'll tell you what else, Rev. Take a real good look. Mr. Chairman, it might well be that there are some blacks working in the very-companies that put this document together. Find out where they are. Find out who they are and tell them to come on back down here and tell us what's going on. That's what the other so-called pressure groups do. That's what they do. When I was Assistant Secretary of Labor, I set the wage standards. I was responsible for the standards for almost 90 percent of the nation's workforce. I'd sit there and watched it all. I said, looky here. This is what these white folks know that I didn't know about. While I was out there carrying the sign and marching they was laughing, hoping they could keep me

out there. And when they gave me the job they gave me, they gave it to me because I was a football player.

I have two resumes. One that says I've got a legal degree and one that says I played football. Now, it depends on how I want to cloud their mind as to which one I use. When they see the football resume they say, oh. You played football. Who'd you play with? The Reds? Yeah. That's good. Get up and do some exercises. [laughter] John, they didn't think I could do that job when they gave it to me. They didn't know I had a law degree. I never will forget the day I finally was sworn in. I walked in there and said here's your portfolio. You've got 18 laws that regulate America's workplace. Every workplace with 15 workers or more, you regulate. They kind of smiled when they handed it to me. Had the football pictures on the side, knew I couldn't read. The guy said, can you read? I said, sure I can read. What you talking about? [laughter] Give me the book. I opened it up. See Jane run. Run Dick run. Hurry up and catch Jane. You and Jane are in trouble. You all are on 14th and U. You better get out of here.

The point is they really didn't think we could learn. I picked up a clipping the other day. I've got it here. I couldn't believe it. I was on my way out of Denver and I had to pick it up, John, and share it with you

all. At the bottom of the page in the Denver Post on Friday when I left it says 37 percent of whites think black kids cannot learn, the Post says. And the flip side of it goes on to say that the bottom line is that 37 percent of white America has written off black Americans as hopeless. Now, if that's what 37 percent say outside the closet, what do you think the rest say in the closet? I'm laying the groundwork for the battle that's before us now. There's some of us who thought, "Since I made it and I pulled myself up by my bootstraps, with or without boots, you all have got to do it too."

My point is, it's reported that that's what they said Clarence Thomas feels. I've got news for you, there's a whole lot of you other brothers and sisters feel the same way. [applause]

Now, the point I really want to make here is that we've got to play the game of government a little better than we've played it so far. We've got to be honest with ourselves. We've got to be honest with those who appoint us.

There was a piece in USA Today, John. It said that people at the White House were upset because Art Fletcher has taken a swat at the President--it's U.S. News and World Report--

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--when I asked for the job. So I'm going to make some more news. I'm going to share with you a document that I wrote and left at the White House telling them what I was going to do with the appointment. Here it is. "My desire to be chairman of the U.S. Commission on Civil Rights includes but is not limited to the following. With respect to the civil rights movement, this is a very critical hour in the nation's history. The recent Supreme Court rulings knocking down the Richmond versus Clausen Minority Business Set Aside Program is a statement about the current political climate, and an indication that things could get worse before they get better. This is especially true if experienced hands remain on the sideline and let the trend proceed unabated. A few more decisions like that could pull the heart right out of America's minority individuals, out of their families and out of their groups. These are families and individuals that are still struggling to move up the achievement ladder and experience an enhanced level of citizenship as well as an improved quality of life. I want to be chairman because I think my appointment will diminish the debilitating doubt occasioned by the Richmond decision as well as provide a badly needed spiritual uplift.

"The above assumption is valid because of my direct involvement in issuing and implementing the Employment

Affirmative Action instrument identified as the 'revised Philadelphia plan'. You may or may not know that I was in charge and had the responsibility of overseeing the drafting of that regulation and was the only federal official in the United States government who signed it. In fact, one of the primary issues in the appeals court suit focused on whether a mere Assistant Secretary could sign and issue such a far reaching regulation. The court said yes, and from that point on things in America's workplaces have never been the same." [applause]

I'll skip a few paragraphs and say this. To come straight to the point, the revised Philadelphia plan with its enforcement provisions brought an end to the debilitating exclusion, employment policies, practices and procedures at America's workplaces, and it did it forever. Now, because of this I call affirmative action my legacy. I call it my footnote in history. So there's no mystery to nobody over there when I took the position I took on the 1990 civil rights bill. I'm going to take the same one in 1991. [applause]

The final paragraph says, "Thus I'll conclude by saying that having helped lay the foundation that set the stage for previously mentioned 20 years demonstration project, I would like nothing better than to ~~serve as~~ Chairman of the Civil Rights Commission where I can assume

a leadership role in planning and carrying on the research that would point the way towards launching the final phase of the nation's equal opportunity revolution. If we are to do our work well, the Commission will be able to lay the groundwork for reducing all forms of gender, racial and ethnic, origin discrimination plus the behavior patterns and attitudes that flow therefrom, reduce them down to a level of insignificance." It's no mystery what I was going to do, John. And it's no mystery that I've taken the position I've taken.

Now, let me say where we are, and this is what I want all of us to begin to understand, John. And I particularly want the Urban League to understand this. Those of us who are inside government, whether it's at the elected level or the appointed level, we have a responsibility to come back out and tell you what's going on. [applause]

More importantly, we have a responsibility to come out and do workshops and seminars to show you what's going on. [applause] We have the responsibility of saying to the Deltas, to the Kappas, to the sororities, to the fraternities, to that whole organized black community. Incidentally, the organized black community is also about 18 million strong. Do you know that when you all get through going to conventions between now and October some 400,000 of you will have attended conventions? And do you

know that the 400,000 of you actually represent about 18 million organized blacks?

Now, if we mobilize that resource, organize that resource, and there's everything within those organizations and make ourselves available to say to you send youngsters to Washington, D.C. Call me. Send youngsters to Washington, D.C. Send them to our regional office. There's our regional director. Stand up please. Where's the rest of that regional staff that's here? Let them know. [applause] Bobby and his supporters hung tough when things were awful dim. Rather than quit, Bobby moved all the way up to Washington and commuted home before he would let the Civil Rights Commission go down the drain. Those are some of the unsung heroes you never hear about.

I have another one. Stand up Ms. Brooks. That's my press agent. She's been there for years. Tried two or three times to run her away, she just kept on. You know how you women get to humming them religious songs and holding tight? Scared them white folks to death. They said, we can't get rid of her. There's my staff assistant. Please stand. She's learning the game, realizing how difficult it is to be in the slot we're in. And finally there's the lady who says I've got to get down there and see if you're still taking care of yourself. Ms. Fletcher, will you stand up and let the folks see you?

[applause]

Now, here goes. Government is about prosperity, stability, security and a promising future. Somehow our white adversaries--and that's not the majority of white America, let me make very clear that's a minority--have been able to convince significant elements of the majority that somehow, if we gain full citizenship, full participation in this nation's government and its economy, that it flows therefrom there can be no prosperity. We have to show that's a lie. That's our burden. We've got to do that. They're saying there can be no stability. My answer is until we are in, there can be no stability for nobody. You have no stability in this country until we are full-fledged participants in the economy of this country. They would like to say that you cannot have any security, and I'm saying right now that the new definition of civil rights is national security. Say that again. The new definition of civil rights is national security. We either develop a workforce that will be dominated by minorities and women to the extent that they can compete with anybody, on any field, anywhere, anytime, or the nation will not be secure. It's that simple. [applause]

And finally, there can be no promising future without the promise of including us too. Now, the burden is upon us to demonstrate ways that we can remove that doubt.

That's called matching assistance with effort. We must mobilize the resources that we have, and we have plenty, John, to make sure that to that extent our destiny is in our hands. And we're not where we used to be. We've got everything that it takes to plan, develop and build a nation within a nation. And we must decide right here and now that we will settle for nothing less. I believe in the formula of matching assistance with effort. We're in a position to force the government to match it, match the effort we make. If the blacks sitting in government, if the city, county, state and local level can't do that at the tune of \$7 million strong, don't worry about getting the other \$27,000 that we're supposed to get. Because if they don't do no better than the \$7,000 we've got, it's a waste of time.

Now, I know some of the brothers are going to be upset with me, but that ain't nothing new. Being a Republican is a lonely ride anyhow. But when you look the grim reaper in the face as I have and came out a winner, you promise the Lord and some more responsible folks that you're going to say what needs to be said before you go.
[applause]

Now, I have one final paper I want to share with you. Couldn't get it published. But I want to share it with you. And John, I want to get you to run it off. It's called Strategic Alliance. The strategic alliance is about the following. The strategic alliance starts out with this

kind of preamble, John. It says that if capitalist America can find a way to cooperate with communist China in order to stalemate communist Russia, then surely black Democrats and black Republicans [laughter, applause] can identify the common grounds that we must occupy and dominate to help those children I was talking about a few minutes ago. Now, everybody knows that we have the resources to do it. I want to share this with you and I'd like for it to get into the hands of all of your local chapters. And to the extent that I had the time to run a workshop to demonstrate what a strategic alliance can do, I'll make myself available. [applause]

In the absence of that, I'll put it on a videotape. Now, John I'm a little happy about where we are in spite of what I've said because of a couple of things. And I want you all to take notice of this now. Both in the House and the Senate a majority have voted for the 1990 and 1991 civil rights bill. A majority. That means the message is coming from Congressional Districts saying it's all right to do it. The issue is a simple majority can override the veto. Now, we must make sure we understand what it means to have a majority, a simple majority. Because that means we've got allies out there that we didn't know we had. We must make sure that we do some workshops, do some strategic planning, develop some theories, develop some tactics,

develop some strategies, and use the resources in that environment that's on our side. If we can, we will have not only civil rights in the decade of the '90s, but we'll have it from here on out.

Again, if there's anything I can do as Chairman of the Civil Rights Commission, and I have to tell you that our little budget is not very much, John. Our budget for the Civil Rights Commission is \$7, 500,000. That's not even the price of the Patriot missile. And I'm getting flack because they're saying we're not doing enough with that \$7 million. To put that in perspective, our information from Los Angeles says it took somewhere in the neighborhood of \$800,000 to possibly a million dollars just to do the investigation in the police brutality thing in Los Angeles. So with a mere \$7,800,000 ain't very much we can do. Now, those are your tax dollars. You all can decide whether our budget ought to be any bigger.

[applause]

Now, I'm not supposed to do that publicly. You're not supposed to lobby and I understand that. But you have to do what you have to do. I've got to have some money to do this job. We want to look at school desegregation. We want to take a hard look at the Federal Reserve Board. We want to see what the Federal Reserve Board is doing to implement the Community Reinvestment Act. Now, they've

never been before the Civil Rights Commission for the hearing before. If I live and breathe they will be.

[applause]

I also want to take a hard look at what do they call that thing? Restoration Trust? The savings and loan debacle. Resolution trust. There you go. Resolution trust. Understand that we're only getting two percent of the business from that, two percent. But we're paying, your tax dollars, are paying for those savings and loans who red lined the districts that you live in. I'm going to investigate that with or without some more money I'm coming. And I need support. I need help. [applause]

Now, finally order some books from the Civil Rights Commission. This is new perspective. If you don't really understand the Civil Rights era, here's one called the Civil Rights era. You all ought to read that, especially the middle of it. It's all about Art Fletcher.

[laughter] I wrote another one called Solid Sellout. It's in paperback already. The Solid Sellout is to have liberals and conservatives pass legislation they don't intend to enforce by not providing a budget, not providing rules, not providing _____ and not doing any of those things. This one is called Occupational Outlook Handbook. You paid for it. I'm sorry, this is Industrial Outlook Handbook. You all need to hold some workshops on where

America's industry is, where it's going, how it's going to develop, what its shape is going to be. We're in a position to get in front of the curve, but you all have got to go ahead and do some reading. This is the Occupational Outlook Handbook. We do it every year. It tells where the jobs are going to be, what the skills, technical and professional abilities required to do those jobs are. I say again those of us in government have a responsibility to come back out and tell you what's going on. If we don't do it and you don't make us do it, then we all share the burden and the blame. Thank you, very much.

MODERATOR

Thank you, Art Fletcher for your inspirational talk. It's often been said that there are no permanent friends, no permanent enemies, only permanent interests. It's really wonderful to see a man whose permanent interests lead him in the direction that Art Fletcher leads him in, and once again I say that we're a better country and a better people because of men like Art Fletcher. Art thanks so much for work that you have done. [applause]

And now we are going to invite you to attend the forum sessions which are open to all registered conferees and hope that all of you present will attend one of these four forum sessions. They're taking place immediately



UNITED STATES
COMMISSION ON
CIVIL RIGHTS

1121 Vermont Avenue, N.W.
Washington, D.C. 20425

July 18, 1991

The Honorable George H. Bush
President of the United States
The White House
Washington, DC 20500

Dear Mr. President:

As members of the U.S. Commission on Civil Rights, we have a profound sense of concern over signs of growing racial division in the Nation. As a result, we urge that you act decisively prior to the 1992 Federal, State and local elections to prevent the use of irresponsible campaign tactics that only serve to divide the nation along racial lines.

Signs of racial tension in our schools, in the streets, and on the job appear to be increasing. Everyday, we are confronted with examples of hate crimes and racial incidents. A major goal of the Nation must be to alleviate this tension. With candidacies for the Presidency already being discussed, we must recognize how significant the election process is in the citizen's perception of government. A campaign can set the tone for race relations for years. The irresponsible tactics of a few cannot be permitted to divide the Nation. The use of inflammatory racial rhetoric in political campaigns will only fan the flames of racial division and distrust, exacerbating social problems and making governance more difficult at all levels.

Fortunately for all Americans, most political candidates refuse to permit race baiting and similar tactics to penetrate their campaign's discourse. The Commission believes that most candidates will show similar resolve in 1992. But the specter of divisive racial tactics and the resultant alienation requires that we, as public officials, actively endeavor to prevent such tactics from entering the 1992 campaigns.

With the strong moral authority of your offices, your repudiation of such tactics by any candidate or campaign committee will be a major step in responsibly dealing with this problem. While the Commission acts as a conscience of the government on civil rights, the success of any effort to sensitize both candidates and citizens on the perils of injecting racial tactics into a campaign will be largely due to the strong moral suasion that you bring to bear.

Because of the problem's severity, we urge you to convene a summit conference, comprised of major public officials from Federal, State and local government, the media, and private citizens, to address

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this issue and to prepare guidelines for proper conduct. Since the summit must be understood as a nonpartisan effort, we believe that an open and strong coalition is essential for establishing a positive agenda.

The primary purpose of the summit should be to forcefully establish, in the eyes of both candidates and the public, that the injection of racial animosity into a campaign should not, and will not, be tolerated. The summit can serve as a focal point in publicizing the inappropriateness of racial politics. The summit could also serve as a valuable instrument for discussing practical problems of what constitutes an inappropriate use of race.

At a minimum, the Commission believes that the following principles should be adopted:

1. A candidate should make every effort to avoid even the appearance of the use of racial tactics in the campaign. As we have learned, even the appearance of a problem can result in the loss of faith in government. Candidates, even unsuccessful ones, can establish a perception of the integrity of government. As a result, each candidate must scrutinize his or her actions and the actions of staff to ensure that those actions cannot be perceived as having the effect of injecting racial bigotry into a campaign.

2. A candidate should advise his or her staff that they will be held personally accountable for any attempt to use race-baiting as a tactic.

In summary, this Commission believes that positive, nonpartisan action on the part of this Nation's political leadership is necessary to establish a standard of campaign conduct that is free of divisive racial stereotypes; a standard that consciously avoids even unintentional linkages of social problems with a particular racial or ethnic group if such linkage would be unfair or misleading, or inflammatory; a standard, in sum, that is worthy of a richly multicultural, multiracial society such as ours, whose very diversity should enhance its strength. And we ask you to take the initiative toward this end by convening the summit meeting to clearly define and espouse that standard.

Respectfully yours,

FOR THE COMMISSIONERS



ARTHUR A. FLETCHER
Chairman

Mr. EDWARDS. The gentleman from Oregon, Mr. Kopetski, do you have questions of the Chairman?

Mr. KOPETSKI. Yes. Thank you, Mr. Chairman.

I would like to welcome you to the committee this afternoon and appreciate your written testimony and your oral testimony as well, Mr. Fletcher.

The Commission has in its appropriation the requirement to spend at least \$700,000 on civil rights enforcement. How many reports has the Commission issued analyzing enforcement efforts?

Mr. FLETCHER. The exact number—I have a considerable number of them here on the desk before me. We can get you the exact number for the record, sir.

Mr. KOPETSKI. How many is that in the last year?

Mr. FLETCHER. In the last year—I have 20 here before me, sir.

Mr. KOPETSKI. And how many of those are done at the State level and how many of those are done at the National level?

Mr. FLETCHER. The bulk of them were done at the State level, but we have to—we have to agree to go over them, analyze them, and determine whether they will get the Commission's approval, and then print them and submit them.

Mr. KOPETSKI. So you approve—analyze and approve each one of those.

Mr. FLETCHER. Before we go to print with them, yes, sir.

Mr. KOPETSKI. And that is the case with all of those—

Mr. FLETCHER. Yes.

Mr. KOPETSKI. Seventeen, was it? Seventeen, I remember.

How many originate at the Federal level then?

Mr. FLETCHER. The major report that we issued last year was the report on immigration. It was called the IRCA report.

Mr. KOPETSKI. Right.

Mr. FLETCHER. And then we issued also the Indian civil rights report.

Mr. KOPETSKI. How many on civil rights enforcement then? On any particular cases?

Mr. FLETCHER. On civil rights enforcement?

Mr. KOPETSKI. Yes.

Mr. FLETCHER. Not at this stage. We haven't issued any since I've been here. You have to—you have to concede in my case that I was not there full-time. I have suffered a couple of heart bypass operations in a 4-month period and was not there to oversee the operation the way I like to.

In addition to that, we did not have full staff. We were in the process of changing attorneys and changing a great deal of that particular Department staff. We finally got our new attorney on board—we got the new attorney on board the summer of last year and began to staff around her so that she could begin to do the job she had to do.

Mr. KOPETSKI. So if I understand it, there are no civil rights enforcement reports, zero, zip, none, this past year.

Mr. FLETCHER. Other than the—no, I think that's fair to say.

Mr. KOPETSKI. OK. And your comment about you were gone and things weren't going as they should have, is this—

Mr. FLETCHER. No, no. What I'm really saying is that with my presence there, supporting my new—the Commission's new Staff

Director, and trying to make sure that our collegial body understood that we weren't there to play games, as the past image was, it took a little time. It took time to build it back up. There were those who felt that a Bush appointment—two Bush appointments are going to come back with the same partisan game playing that you had before. It's taken them quite a little time. It's only now that we are beginning to get invitations to speak at the NAACP, to speak at the Urban League, and begin to develop the image that we are not there to play games.

In the meantime, we had a considerable amount of staff waiting to see if we were going to play games, waiting to see if the Congress was going to give us any money, and looking for other jobs.

So to ask us to be as productive as we would like to be, not you, as we would like to be, under those circumstances, was walking a tight wire. They are beginning to come around and have a little confidence in us now, and people are actually bringing resumes to the Civil Rights Commission to see if we have some slots to go to work. The door was swinging the other way when I got there; it has just stopped. Most folks were picking up their resumes and leaving.

Mr. KOPETSKI. What you are saying is that the Reagan administration destroyed the credibility of the Civil Rights Commission.

Mr. FLETCHER. I don't think that's much of a secret. Everybody knew that.

Mr. KOPETSKI. OK. Now don't you think that in order to restore this credibility you need to take one or two steps at a time rather than asking for 10 years of reauthorization or 5 years?

Mr. FLETCHER. No, no.

Mr. KOPETSKI. That you have got to show the Congress that you are going to take on some civil rights cases?

Mr. FLETCHER. No. As serious as this problem is, we do not have time to half-step. If we intend to demonstrate to the Nation, based on the charts that I have just shown—if we intend to demonstrate to this Nation that we're serious about civil rights, and if the U.S. Commission on Civil Rights is to be provided with the resources to demonstrate that good faith effort, then we need the money and the resources to hire the quality people and be able to keep them on board and do the kind of planning that the situation requires.

Mr. KOPETSKI. So you want us to just give you all—

Mr. FLETCHER. No.

Mr. KOPETSKI [continuing]. Give it all in advance and then say, "Trust us," when you admit that there is a decade of rightful distrust.

Mr. FLETCHER. No. My name is not Reagan; my name is not Pendleton; my name is not any of the others who have been there. I have a 48-year record of civil rights going all the way back to *Brown*. I'm the only person alive today that was in the room when we decided to file the *Brown* decision. I'm not asking you to trust anything, I'm asking you to look at the record of performance every time I've come into the Federal Government and when I was outside the Federal Government, and say that this is a gentleman that is serious about the business of changing the currents in this country in this particular area, and give us the resources we need to do the job.

Mr. KOPETSKI. Well, Mr. Fletcher, I'm sure your record and your life history would say that that's true, that it's all true, but you are one person, and there are some powerful forces out there that don't want you to do your job.

Mr. FLETCHER. Tell me about it. Tell me about it.

Mr. KOPETSKI. So, you know, we reauthorize and then you are gone.

Mr. FLETCHER. Let me also say there are some powerful forces out there that want me to do the job. When I finished speaking at the NAACP, which has never invited—never invited—the Chairman of the Civil Rights Commission to ever address them, when I finished with that address, they all came and asked me, "What can we do to help you get the resources that you need to do the job? How can this local chapter—we've got local chapters across this country from one end to the other—what can this local chapter do to help you strengthen yourself?"

Mr. KOPETSKI. Mr. Fletcher, it seems to me what you are doing is, you are giving a very compelling argument to reauthorize for 1 year—

Mr. FLETCHER. No.

Mr. KOPETSKI [continuing]. And set some definable goals, and give you the resources for 1 year, and then, if you prove yourself in that year, which I think is fair for the Congress—

Mr. FLETCHER. You did that last year. You did that last year.

Mr. KOPETSKI. The record is no civil rights enforcement cases, zero. That is the record in this year.

Mr. FLETCHER. That is not our sole mission; there are others. One of my missions was to help build credibility and have people trust the organization again. That was important.

Mr. KOPETSKI. And I believe that that is a good, sound approach, almost to start from the beginning.

Mr. FLETCHER. The second part of that was to convince the staff that was looking for another job that we are going to be around for more than another year. I think we lost one yesterday anyway, did we not, Willie?

We lost a good person yesterday, still wondering whether this agency is going to be around to do its job. We need to have the money that is required to hire competent people with a clear understanding that they have a mission, that it is a national mission, the country wants it done, and they will stay with us, take on the assignments, do the traveling and everything else that has to be done to build the quality reports that you are concerned about.

Let me make sure you understand something today. When the civil rights movement, this agency, got underway, the issue was clearly black and white, there wasn't any gray; there was no organized opposition out there who are able to take every report we file, and scrutinize it line by line and paragraph by paragraph, and attack it, and say that this is gobbledy-gook and that's not the case at all.

The civil rights movement had a free ride, so to speak, in the sixties—in the late fifties and the sixties in terms of organized opposition. That is not the case today. You have a legal think tank here, a conservative legal think tank, with some of the best minds around. They can take our reports and tear them apart if they are

not well done, and then we really would lose our credibility. They are not the only ones, there are several others; there is a whole well organized conservative movement in this country today, and it is located right here in Washington, DC, who intend to make us scratch and fight for every inch we get from now on in. We cannot go at it half-stepping; we have to have the tools to do the job the way you would want it done.

Mr. KOPETSKI. Mr. Chairman, I would debate this some more, but I think my time has expired.

Mr. EDWARDS. I think we have a vote. Mr. Fletcher, we will recess for a few minutes and come back.

Mr. FLETCHER. Thank you.

[Recess.]

Mr. EDWARDS. The subcommittee will come to order.

The gentleman from Illinois, Mr. Hyde.

Mr. HYDE. You have the advantage over us, Mr. Fletcher, we are out of breath.

Mr. FLETCHER. I am not sure of that. I am not sure.

Mr. EDWARDS. Some of us more than others.

[Laughter.]

Mr. HYDE. By way of preface, I believe in the extreme utility of a Civil Rights Commission as someone to turn to. When all of the institutions of government seem insensitive to a problem, it is good to have people who are professional and who are available, and I think in such an important area as civil rights it is a great idea.

I take it, however, from your last remarks that you are not exactly a charter member of the Conservative Fan Club. Would that be overstating it?

Before you answer, I was going to ask you if you included Carl Anderson among those whom you beat about the head and shoulders rhetorically as conservatives seeking to obstruct your relentless march to truth, justice and the American way?

Mr. FLETCHER. Well put, sir. No, I don't. And let me make sure that the record shows that I was not in any sense of the word beating them over the head. They pay taxes. They have as much right to question what we do as anyone else does. What I was simply saying is in the early days of the civil rights movement, and I will say it again almost the same way, that there was no organized opposition, not necessarily to civil rights, but opposition to the way we have been going about achieving it. I would say that that is mostly what is going on.

I have said several times—I get roasted for being a Republican—you might know that—whether I am moderate, liberal or conservative. When black folks look at a black in the Republican Party they see conservative, period. They think you are conservative because you are over there. So I get raked over the coals in my own community for being in the party.

But I have said for years, and I will say it now again, if there is no real competition, then there is no real lasting gain. I welcome the scrutiny of the conservative legal think tanks. It makes me do my job better. I welcome the challenge put forward by the Heritage Foundation in their approach to the 1990 and 1991 Civil Rights Act. That is not an issue here, but I have some differences with the

way they want to go about mixing civil rights and welfare. I don't think they are in the same package, and I have said so.

Mr. HYDE. Well—

Mr. FLETCHER. So, I just want to make the point that I welcome the competition. And I have said to black leadership that it is time for us to realize that there is going to be some severe competition out there challenging the way we have gotten to where we are and challenging the way we want to get wherever we want to go. I welcome that, and I do not interpret it as beating them over the head. I am simply saying that the field isn't open to us any more and all we had to do was come with a problem and put it on the table, and some well-meaning liberal would come forth and say, "Boy, we'll solve that for you. You sit on the side and watch us do it." We have to get in the ball game and do it ourselves, and we have to make sure that we are competitive and exact and proper and all those things that spell competition.

So, no, I wasn't beating them over the head. I would like to compete with them.

Mr. HYDE. Well, I characterize myself, and perhaps inaccurately, as a conservative, and yet I am as dedicated to equal protection of the law, due process of the law, the Voting Rights Act, and fairness and justice for everybody. I happen to be one of those out-of-the-mainstream people who thinks that the Declaration of Independence means something very important when it says that we are born equal and that we have—created equal, not born equal—inalienable rights and they are an endowment from the Creator—not from a jury or some Congress or some legislature, but from the Creator. They are inalienable, they can't be taken away by a jury or by a Congress because they are a part of our human nature. I guess that makes me a conservative who Laurence Tribe certainly wouldn't appreciate.

But we are going to have a debate, not you and I, certainly, but America needs a debate on a lot of very important issues if we are going to grips satisfactorily with this race issue in all of its manifestations. We need a few things to unify us, not to fractionalize us. And we ought to look for those things that are common to all of us as members of the human family whether we are African Americans or Asiatics or Hispanics or whatever.

And I am troubled, and that is the word. I am not outraged. I am not sickened. I am not incensed. I am troubled by how we have that debate if certain things are ruled off the table.

Now quotas. You folks have issued letters and press releases against racial discrimination and against using racism in campaigns. And, O God, I sure agree with you there. But how do you talk about quotas, how do you talk about set-asides without some debate on the losers in those things? How do you talk about the Racial Justice Act, which says the death penalty may not be imposed if the numbers aren't right? How can you adequately intellectually—not intellectually—intelligently discuss things like that without race being involved?

Race norming. Do we just surrender on that and take it less we be called racists? I know the Civil Rights Act was a litmus test for an awful lot of people. God knows, if you want to be confirmed by that other body, you had better be on the right side of that one.

Well, I in my heart, and I am old enough—I am probably as old as you, if not older, and God forbid if I am—you are and I are getting to that age, but I just think race, racially conscious remedies need to be discussed. Need to be discussed.

I am not sure in my own mind about certain aspects of it, whether they are needed, still needed. But I don't want to be called a racist if I say that I can't get a—somebody can't get a job because of the color of their skin is wrong or their last name is wrong. I think those are issues we got to talk about, and in good faith and in the best of intentions without being called racists.

The Voting Rights Act. I live to—I hope before I die I will see a Civil Rights Commission come into Chicago and find out about the denial of votes to people in the 24th ward and other places. And that is not a racial issue, that is a political issue. But boy, that's a—we look at voting rights denials in the South, and they got them, believe me. You know it better than I, but I know it too. But they exist in big cities. It is worth your life sometimes to vote wrong.

The Voting Rights Act, which requires racially conscious remedies—we are going to have 3 black districts and a Hispanic district. Because somehow only a black can represent blacks and only a Hispanic can represent Hispanics, or the people ought to have the chance at a choice to pick someone of their ethnic heritage and to make sure we give them 65 percent. I mean, everything is by the numbers now.

Well, I suppose that is all right. I just don't see that as the ideal colorblind society that is probably never attainable. But I want to be helpful. I insist that I can—I am going to talk about a bill that says if you don't have the right numbers, the right ethnicity, the right gender, and the bill said religion—everybody brushed Ed Koch off on that, but I don't know how you get away from the word in the bill. That there are presumptions, and if you can't prove your case you are going to get sued. And you better be able to hire the lawyers and pay the freight.

Can't we talk about that as imposing color-conscious, race-conscious obligations on employers. And the guys that don't get the job, have they a right to be mad? Or upset? Or troubled? Or distressed? And how do we resolve that?

These are the real problems and you have taken on an awful burden. And you are a man that can do it. I have known of you for years, and I'm proud of you as a Republican and a voice of strength and force in the Republican Party. Not on the conservative side, but you know there are conservatives and there are libertarians and there are flat-earthers and there are all kinds. And there are radicals and bomb tossers on the other side too. Notice as my arm gestures over here.

[Laughter.]

Mr. FLETCHER. My Staff Director says there are even Puerto Ricans.

[Laughter.]

Mr. HYDE. They are calling us again over there. But I didn't have any questions because I know your answers would be good ones. I think the whole point I want to make is we need you. We need a

good Civil Rights Commission that will look at these problems in depth and help us.

I am not sure you need authority to file amicus briefs in cases. I have read your mandate and I think we will have to be careful about taking sides in political issues. But that is a tough one.

But that is all I have to say, except to wish you well and tell you that I intend to support your continuation as an important player in this very vital struggle for civil rights.

Mr. FLETCHER. Thank you, sir. The members of the Commission and the staff appreciate that.

Mr. EDWARDS. You can see, Mr. Fletcher, we are fortunate to have somebody like Mr. Hyde as the ranking Republican. When we come back I will take apart some of the arguments he is making. But other than that—maybe he won't be here.

Mr. HYDE. That is his way of disinviting me.

[Laughter.]

Mr. HYDE. Very effective, I might add.

Mr. EDWARDS. Mr. Coble, would you like to ask a few questions—perhaps you won't be able to be back either.

Mr. COBLE. Thank you, Mr. Chairman. Mr. Fletcher, good to have you all here. I will just ask one general question, Mr. Chairman. I think we can beat the 15-minute time bell.

Mr. Fletcher, if I were to ask you what is the most important function of the U.S. Commission on Civil rights, how would you respond to that?

Mr. FLETCHER. I think the most important function is to do the monitoring job and file reports on how well the Federal Government and its various agencies are carrying out the various mandates that they have been given in the field of civil rights. I think the same holds true as we go through the pass down; I think a lot of this is passed down to the States, to the counties, and to the city level. And there are a lot of people who put confidence in those bills that have been drafted. They are not perfect documents, but as your colleague a moment ago said, they are well debated and they are thought out reasonably well, and finally they become the law of the land and people begin to trust that they will carry out their intended purpose.

So I think our major mission starts with—and I could appreciate why the gentleman from Oregon asks how much monitoring have you been doing of the Federal Government and how many enforcement reports have you filed. I can understand that. I think that to me that is our major mission to carry that out and be able to demonstrate that the Federal Government and its administrative agencies are carrying out the intent of the Congress.

The assumption is that when you get through with debating what is couched in the language in those bills is indeed the intent of the public at large that sent you here. So they want that done.

And let me just add, I think that in this 40 some years I have been in the field I am tickled to death to see the Republican Party begin to file its own civil rights bill. For your information, sir, when this first got underway back in the 40's and 50's the Republican Party did not submit very many civil rights bills.

Mr. COBLE. I would be too young to remember that, Mr. Fletcher.

Mr. FLETCHER. Well, OK. It didn't submit any at all.

Mr. COBLE. I say with tongue in cheek.

Mr. FLETCHER. All right. But now they are.

And what else is exciting to me, while we are on it, is the fact that both times in the last few years there is a clear majority. Maybe not a supermajority to override a veto, but each time a bill has come up for a vote there is a clear majority in the country that says we want the bill passed. So, to me, that says that there has been quite an improvement in expectations on the part of the public at large for the Government and the governing process to get on with this business. They are saying it is too late not to do it. It is way past the time we should have done it, so let's get on with it. And I appreciate that.

Mr. HYDE. Mr. Coble, will you yield to me for just 1 second?

Mr. COBLE. I will be glad to. Thank you, Mr. Fletcher. I will be glad to yield to the gentleman at this point.

Mr. HYDE. I just want to underscore that what you say is quite correct. But there has never been a major civil rights bill passed without good strong Republican support. And Senator Everett Dirksen from my State, if anybody was responsible for putting enough weight on the issue, it was Senator Dirksen. So we haven't been totally retrograde in that field, although slow.

Mr. COBLE. Reclaiming my time, Mr. Chairman, one more quick question. I should know this—Mr. Fletcher, but I don't. What sort of personnel numbers do you have in the Commission?

Mr. FLETCHER. Seventy-nine.

Mr. COBLE. Seventy-nine?

Mr. FLETCHER. Seventy-nine all told, against what used to be—what was it, Willy?

Mr. COBLE. Seventy-nine? And 79 based at how many locales?

Mr. FLETCHER. We have 6 regional offices with possibly 3 people in each regional office, and the rest are in the national office.

Mr. COBLE. Thank you, sir.

Mr. FLETCHER. You are welcome.

Mr. EDWARDS. We will come back for a few minutes more. We are sorry that the House is behaving in this very impolite manner.

Mr. FLETCHER. I will excuse you, sir.

[Recess.]

Mr. EDWARDS. The subcommittee will come to order.

Mr. Fletcher, last year the Commission wrote a letter of endorsement of the Civil Rights Act of 1990.

Mr. FLETCHER. Yes, sir.

Mr. EDWARDS. This year you did not.

Mr. FLETCHER. No, we haven't. Our position is the same as it was with reference to the 1991 act—I am sorry, to the 1990 act. We have been waiting to see what the final document is going to be that goes to conference. We are set to take a position on it at that particular time.

I must admit I am a little uncomfortable with not being out in front of the curve on it, to be candidly frank with you. But I, myself—the Commission hasn't taken a position on it—would be very much satisfied if we could get over the hump with reference to the *Griggs* decision. Those are the standards that I am familiar with, and I might add, in my professional career as a consultant to about 25 of the largest corporations in the country, they adapted

very easily to *Griggs* and implemented programs that I helped design for *Griggs*. None of those companies have said yet, to me or to the record, that it forces them to use quotas, and that is the position I take today. That it did not produce quotas. And we could go back to that, or whatever the language is, as they have played with semantics. If it ends up with restoring *Griggs*, then we can get on with it. That is my position and I think the Commission would back me up on it if it comes to—if and when it comes to that.

Mr. EDWARDS. Did you have discussions in the last few months during the consideration of the bill by the House of Representatives amongst the Commissioners, a formal discussion?

Mr. FLETCHER. We did not put it on the Commission's agenda at that time.

Mr. EDWARDS. Why didn't you? Wouldn't that have been a good idea?

Mr. FLETCHER. It probably would have been a good idea. There was no reason not to do it. We did do an analysis of it, but we didn't publish our analysis.

Mr. EDWARDS. Whether it was a good bill?

Mr. FLETCHER. Let me make sure that you understand that no one has interceded to prevent us from doing what we think we ought to do. It is the collegial body in its own mind has decided, as up to this point, that we wouldn't take a position yet.

Mr. EDWARDS. Did you get any messages from the White House or from the Department of Justice not to take a position?

Mr. FLETCHER. They tried that a couple of times on the 1990 bill and decided that it wouldn't work. You should know that a group of us met with the President to discuss both the House bill at the time, we didn't have a final bill, we had a House bill at the time, as well as a Senate bill, and I think there were 12 of us there. And after everyone spoke the President asked me to summarize it, and I summarized it by saying that my position hadn't changed in 20 years. What I signed off on with reference to the revised Philadelphia Plan, which was alleged to be a quota at the time, on June 27, 1969, that I hadn't changed. And there is no evidence to suggest to me that I ought to change.

And at that point I said also that I felt the administration's bill was good as far as it went but it didn't go far enough. And that was about it. The White House hasn't bothered me on the issue any more.

Mr. EDWARDS. I believe you were asked after your speech at the Urban League by somebody if you thought that all of this talk about quotas was racial politics to some extent. What was your response to that question?

Mr. FLETCHER. I don't recall what the response was then, but let me make a response now. One, I refuse to argue the issue of quotas. As far as I am concerned, Mr. Chairman, the issue at the present and from now on, if as your colleague Mr. Hyde suggests, is a secure United States, then as far as I am concerned the civil rights issue is a national security issue now. It is not about preferential treatment. It is not about discrimination in reverse. It is not about any of those things. It is about developing a work force, educating a population and developing a work force that can hold its own with the best that the opposition has to offer.

And, if it can be couched in such a way that it is clear that it is a national security issue, then we can get beyond debating such things as quotas and preferential treatment, discrimination in reverse, because they have nothing to do with securing this Nation's future one way or the other. I insist that if I discuss quotas I am fighting the battle on a battleground that I can't win, and I don't intend to fight it that way.

The other thing that I have said is that what we want, what minorities want is equity. That particularly from the Executive Order 11246 point of view, which is an Executive order issued by the President, as you know, it is about contracting and business opportunities. Contracting opportunities first, job opportunities where government contractors are using tax dollars to create jobs, and later business opportunities. We, minorities and women, pay those tax dollars. And with the work force demographics increasing to the point where they will dominate the work force, they will be paying more tax dollars than anybody. So, if we talk about equity and fair play as interpreted by equity, then it is only fair that they be given unlimited opportunities to participate in that economy.

Now, my final remark was, that is what our goal is. Now, if those who are in the position to dispense equity is determined that the only way they can do it is through a quota system, then so be it. But I would think that there are other ways to do it besides an argument—or saying that it is a quota.

Now the other part of the quota argument that bothers me, Mr. Chairman, is that it almost handicaps a person to the point that they can't hire at all without being accused. If they don't hire, they are discriminating. And, if they do hire, then they are back into a quota thing.

One other point I would want to make on it is that in today's very difficult competitive market any company that wants to keep its doors open has to have a well-managed quality assurance/quality control system. So well managed that they can pinpoint the very time, hour, date, minute that a flaw or a defect was put in the product that they are marketing. Now, with such a system, it is impossible to keep a quota on board unless that person or persons are actually meeting the quality assurance standards.

That is not theory, sir. When I ran my food service company I had close to 300 people on it, and I had a quality assurance system that could tell me from the time we opened the door at the 4:30 in the morning—it was a food service company—from the time we opened the door at 4:30 until we closed it at 8:30 at night I could tell position by position who met the quality assurance standards from meal to meal and all the activities between it. Was able then to say to those employees that fell short of meeting the mark, "Let us see if we can show you how to do it right. You have three times to do it wrong. The third time out the door you go, sex, race, gender notwithstanding. Let us show you how to do it right." And usually they found out how we wanted it done and did it right, and we were able to keep them on the payroll. We had a very diverse work force. In terms of Hispanics, Asians, blacks and whites, it was a very diverse work force. And my final comment is that we won the Connally Cup competition 4 years in a row with that work force. So I know it can be done.

Mr. EDWARDS. That is exactly the right kind of an attitude to have. It is our contention, a great majority of this subcommittee, that affirmative action does not mean quotas. Affirmative action means reaching out to these qualified people. They are out there. There are qualified blacks and Hispanics and women. They just have to have the opportunity. They are not supposed to be discriminated against. You don't need to go out and hire them by quotas. Just don't discriminate against them and your work force will be taken care of.

It is very hard to have the kind of a society that you have described, Mr. Fletcher, I believe, if we keep dividing our society by frightening white males especially by saying that quotas mean unqualified blacks are going to get your jobs because the Government is going to insist on it, which is not true. But it is frightening, but it pays off politically. That is the unfortunate thing. You get the loyalty especially of white males if it is viewed that one political party or one particular candidate is protecting their jobs against this imagined onslaught of unqualified women and blacks and Hispanics who are going to get their job when they don't deserve it. That is what the North Carolina—you mentioned North Carolina elections in your splendid speech. That is what that was all about. That is how that election was won. Isn't that correct?

Mr. FLETCHER. That is my feeling.

Mr. EDWARDS. That is my feeling.

Mr. FLETCHER. And it disturbs me because, and the reason we generated the letter, and I might add, Mr. Chairman, that it didn't take a lot of arm-twisting and teeth-pulling to get all eight of our Commissioners to agree that that letter ought to be submitted, and there is plenty of diverse opinion there. But we had just a small delay over the language in the final paragraph, but we got that taken care of in less than 2 days and got the letter out. So there is general agreement on the Commission that we should do something to see to it that that kind of poison doesn't pervade the climate when the 1992 election gets underway in earnest.

Mr. EDWARDS. Now, you are going to have to do what the majority of your Commission wants to do and has the votes. It is a democratically run institution and will make the decisions by vote, I am sure. But I would hope in this endeavor that you have dedicated yourselves to, and I think it is a very high level goal of helping us have a more harmonious society in this 1992 election. Because certainly we will agree that we have more hate and more racial problems and religious problems than we should have right now. We have gone downhill in the last few years and we have got to try to reverse that trend.

But let me suggest that if "quota" is used in the way that it has been used as another word for racial politics we are going to have a hard time reaching the high goals that you suggest, and perhaps something that the Commission could do is to define what people are talking about when they talk about quotas. It is a buzzword. It is a code word to white, generally to white males that "Watch out, unqualified blacks are after your jobs." And nobody can tell me that that is not the code word, but too few people believe me. But I will say that a majority of the subcommittee certainly believes that, and we regret that the word "quotas" was used to defeat—in

effect, defeat and scare people on the Civil Rights Act of 1991. And that is the chief reason why it is being held up in the Senate.

Counsel?

Mr. ISHIMARU. Thank you, Mr. Chairman. Mr. Fletcher, how many hearings have you held during this authorization?

Mr. FLETCHER. We have held no hearings. We have held a briefing in—

Mr. ISHIMARU [continuing]. In Denver.

Mr. FLETCHER. In Denver. And the minute we had the explosion up at Adams Morgan we—

Mr. ISHIMARU. But that was a State advisory committee hearing for the Mt. Pleasant situation.

Mr. FLETCHER. But we were there also in order to determine whether we ought to hold a hearing. And the minute we left we concluded that a hearing was in order, and then what we started to do, what we came back to do is see how many resources, what is the level of our resources to put on a full-fledged hearing. We think that nothing short of that is an imperative where this particular issue was concerned.

Mr. ISHIMARU. Do you have any other hearings planned besides a Mt. Pleasant hearing?

Mr. FLETCHER. What we are planning, because of the economy issue, it takes a good team—let me take this moment to explain that it takes a team of investigators, somewhere in the range of 8 to 10 people, on the field for about 90 days gathering the information that we want gathered so that when we do hold the hearing we get a document that tells us what actions, what is really going on and what actions are out there.

Now what we are trying to do, I might add, and this was mentioned by one of our more informed members, as a result of the Denver hearing what was suggested is—I mean the Denver briefing. What was suggested is that we don't really have to go through a whole hearing process to use our subpoena muscles. So what is being looked at right now, for an example, is to go back into Denver and instead of holding a hearing which is very costly use the subpoena route to get the documents that we want and then go forth and file or take the next action, whatever it would be, on that basis. Without sending and keeping a team in the field, travel and food and expenses, doing that, just send in some folks armed with subpoenas to get the facts and then go from there.

If that works, then we want to look at several other areas. One, I want to look at how well the Federal Reserve Board is carrying out its mission with regard to the Community Reinvestment Act, OK? We want to take an awful good look at—what are they calling it? This restoration trust—not “restoration”—what is it?—Resolution Trust. We need to get a real good look at that. In fact, I want to focus—I believe that economics is where the ball game is, and I want to focus on those entities that can have a very positive impact on the economic—the quality of life from an economic point of view that minorities and women are confronted with.

So we are looking—as our report indicates, we are looking at the way to get more mileage out of the skimpy resources we have by using the briefing approach which does surface opinions, sure, but nobody has to swear to participate in the briefing, whereas they

have to swear their right hand do it in a hearing. But we intend to do that.

Mr. ISHIMARU. But there is oftentimes a difference in the quality of what you are getting in a briefing versus what you get in a hearing—

Mr. FLETCHER. No question about it.

Mr. ISHIMARU [continuing]. Or a consultation, and in the past the Civil Rights Commission has used hearings to gather an impressive body of facts on an issue that is useful to the public, to the Congress, to the President, and to the courts. The Commission has held no hearings under this authorization and very few hearings over the past 8 years. I'm trying to find out, since you have not done any hearings under this authorization due to lack of resources, what you actually plan to do, hearingwise, in the future and not briefingwise. Do you have plans to do hearings in the future?

Mr. FLETCHER. Yes, we have plans to do hearings, but we also have to be practical. In the absence of the resources to do the hearings that we would like to do, we are being forced to look at the briefing approach and saying, as one of our members said, one of our very vocal and, I might add, very rigid members said, if we want to get to the facts, we can, in fact, use the briefing approach and go after—take our subpoenas and go for an example—

Mr. ISHIMARU. But you can't use subpoenas in a briefing—is that correct?

Mr. FLETCHER. I beg your pardon?

Mr. ISHIMARU. You can only use subpoenas and you can only swear witnesses in a hearing. Is that correct?

Mr. FLETCHER. That's true. That's what I understand. But we can subpoena information in a briefing.

Mr. ISHIMARU. Right. And have you done that?

Mr. FLETCHER. No. This is the first time we've held a briefing since I've been on board.

Mr. ISHIMARU. I see.

How many consultations have you held during this authorization, consultations where you get papers and receive testimony from experts and have a back and forth? The Commission did this in the mideighties, I believe, on fair housing, and papers were submitted. Have you done anything like this under this authorization?

Mr. FLETCHER. No, we haven't.

Mr. ISHIMARU. Do you have any plans to for the future?

Mr. FLETCHER. We have plans to do so.

Mr. ISHIMARU. On what issues?

Mr. FLETCHER. The fair housing issue, the media study that we are going to be doing. We haven't put it on the agenda yet, but there's some concern by the Commissioners over being more fully involved in the scholarship issue. Since the education is so big, we will be focusing on the scholarship issue and focusing on the civil rights issue in the whole education arena, elementary school all the way through, and at that time we will be requesting papers from experts of various sorts in the learning and development arena.

Mr. ISHIMARU. You have raised both the Denver briefing and the Mt. Pleasant situation here in Washington, DC, as areas of further study. How did the Civil Rights Commission come to the determi-

nation that these two areas deserved study? You have presented the subcommittee with a map of racial incidents across the Nation. How did it come about that the Commission focused on Denver and on Mt. Pleasant versus going to somewhere in the South or going somewhere in the West? Did this come up during your planning meetings earlier this year or earlier last year or were you reacting to something that happened?

Mr. FLETCHER. In the case of Denver, I was the one that moved that we do something about that, and I was reacting to the fact that the Federal Government was going to spend \$250 billion out there—I mean \$2.3 billion there, and that we needed to get out there with a briefing and find out just what kind of opportunities there were in store for minorities and women.

So the decision to do that one was one based on our in-house tracking of where huge amounts of Federal dollars are going to be spent or in the process of being spent, and since minority and women—since minority contracting opportunities and job opportunities go with that kind of money, we should get on the scene in a hurry to find out what is going on and get there as quick as we could.

Mr. ISHIMARU. Sure. But at the Commission's planning meeting earlier this year, the issue of minority contracting was not on the table and was not a part of the Commission's plan for the upcoming year. Am I correct in that?

Mr. FLETCHER. The Commission's plan was broad-based. Anything that was creating racial tension—the Denver project, for your information, we say we want to take a look at the things that are creating racial tension across the country, and the Denver project, for your information, was and still is creating racial tension, and it easily fell under that particular umbrella with reference to taking a look at what we want to look at.

Mr. ISHIMARU. When the Commission came out of its planning meeting and submitted its request to the House Appropriations Committee, it had a list of plans for this year and next year in it. Within those headings there were specific projects that the Civil Rights Commission planned to work on during the year. Is the Denver project, is the Mt. Pleasant project, are these other projects that come up under the rubric of racial tensions going to take away from the projects already planned? During the mideighties the Civil Rights Commission came up and told the subcommittee, "We have all these great plans for the future," and nothing would ever happen. Why won't that happen here?

Mr. GONZALEZ. Yes. If I may, counsel, the projects that were identified in the retreat such as the housing—fair housing project and the media project and so forth are ongoing, and the budget that has been designated for those particular studies have not been affected by the activities, such as a briefing in Denver or the hearing which is presently being—the investigation leading toward the hearing which is presently being conducted regarding Adams Morgan.

They were also as a reaction to two things. One is Commission activity at a Commission meeting in which any of the Commissioners can bring forward an issue to be discussed and voted on, and

the second was also as a response to getting some visibility for the Commission by conducting these activities.

Mr. ISHIMARU. But how do you keep the Commission on track so it works on specific projects and doesn't jump to every hot opportunity that arises, given your budget limitations? You had a full plate here.

Mr. GONZALEZ. The way we do that is, in my term there, which has been about a year and a half, I have had at least four sessions, full staff sessions, with Commissioners in which we caution them as to how to proceed or how not to deviate from a plan without them recognizing that it could cost in terms of use of resources and time.

So it is basically just continuing to caution them to make sure that they understand and are sensitive to that they just cannot react to something that is out there without understanding the implications that that has for things that we have already obligated ourselves to, and to date they have been pretty sensitive to that.

Mr. ISHIMARU. How many regional offices have been reopened and—

Mr. GONZALEZ. Three.

Mr. ISHIMARU [continuing]. And are open now?

Mr. GONZALEZ. We have six altogether. As you know, Los Angeles, Kansas City, and Washington remained intact. We have now opened Denver, Chicago, and Atlanta.

Mr. ISHIMARU. And if funding is increased, you would open all 10?

Mr. GONZALEZ. We would open Dallas, Washington—Dallas, Seattle, Boston, and New York.

Mr. ISHIMARU. Thank you very much.

Thank you, Mr. Chairman.

Mr. GONZALEZ. Thank you.

Mr. EDWARDS. Minority counsel.

Ms. HAZEEM. Thank you, Mr. Chairman.

You have talked about the cost of putting on a hearing as opposed to a briefing. Could you give us a ballpark figure on what a hearing would cost to put together as opposed to a briefing?

Mr. GONZALEZ. Well, using the Adams Morgan, which is probably the least costly because of its location, we anticipated that a hearing is going to cost us about \$116,000 by limiting it to three areas of concern as opposed to across the board. The range that we came up with was anywhere from \$96,000 to \$196,000, depending on the type of hearing.

The briefing that we conducted in Denver—I don't have the exact figures, but I'm sure it was probably one-third the cost of what a hearing would cost.

Ms. HAZEEM. You mentioned a number of areas that you would like to be involved in, the Resolution Trust Corporation and the Federal Reserve Board. Who decides? Do the Commissioners get together and decide what issues to focus on? Is that how that works?

Mr. FLETCHER. Yes. The Commission as a whole votes to determine which one of the issues we would—how the priority would stack and which one we would go after first, and then they ask for reports throughout the life of the project; they are constantly asking for updated reports between board meetings and, of course,

Commission meetings, of course. When we have a Commission meeting, the Staff Director supplies us with the state of affairs at the time that we hold the board meeting so we know where they are in the process, whatever it might be.

Ms. HAZEEM. In reviewing the position of the Commission on the Civil Rights bill of 1990, I noticed that there were some, I guess, dissenting views or other recommendations by some of the Commissioners. In the event that you were given authority to file amicus briefs, how would you resolve those situations in which some Commissioners would have dissenting views as to filing a brief or the position that the Commission would be taking?

Mr. FLETCHER. If I'm still the Chairman, I, on critical issues such as that—for the letter, for an example, we felt very critical, the letter that was dispersed about the campaign race baiting. I refused to go forward until I had a unanimous vote. Anything short of that indicated a split decision on the part of the Commission, and at this stage in its development it's my view that I didn't want the Chairman to go forth with something that critical and couldn't get a unanimous vote to do so.

My guess would be that that would be the policy with whomever the next Chairman is. As long as I'm the Chairman we will get amicus curiae opportunities, and I would insist that there be no minority report, that we are of one mind on the report, and that we ought to go on that basis.

Ms. HAZEEM. Is there any provision in the legislation that has been proposed where there would be a requirement of unanimity before a brief would be filed?

Mr. FLETCHER. No, there is none.

Ms. HAZEEM. Thank you, Mr. Chairman.

Mr. EDWARDS. Well, very good testimony, Mr. Fletcher. We were pleased to have you here, and we thank you and your staff for coming over.

As you can see, this is a friendly subcommittee, and we want to see the Commission stay in good health, and we think to a great extent that you have brought it back to good health. As I said in my earlier remarks, we were tempted to dump it, but we didn't want to do that to a great American institution that has a role, and you seem to understand, and I'm sure your fine new Staff Director understands, the role too. It is an important American institution. It has got a lot of hard work to do, because our society is not doing very well insofar as all of us living together as brothers and sisters, as we have to do, and it is difficult, and I come from California, where we will be a minority State in a few years, and that is a great challenge. It ought to be a happy challenge to us instead of one where we are at each other's throats.

I am, of course, disappointed that we don't get a constant message on the 6 and 7 o'clock news every night and in the morning news, when people in very high places don't keep saying the right things that teach our society teach the young people how our society is supposed to get along, and how we will be happier and more productive and less violent, but it's not done, and maybe the Commission should start recommending to people who have in their hands that essential microphone that it is a part of their job to help us get along, because they don't do it, and very few people do.

It is very, very important to teach us how to live together, but you certainly have a fine, long, proud history, and we are very glad that you are in the job you are in, and you are going to get the support, I predict, of this subcommittee and the full Judiciary Committee. So thank you all.

Mr. FLETCHER. Mr. Chairman, I would like, since you mentioned that, that Urban League speech, I would like to have it submitted for the record.

Mr. EDWARDS. Without objection, the Urban League speech and the letter to the President will be included in this record immediately following your remarks.

Mr. FLETCHER. Thank you, sir.

[Whereupon, at 4:12 p.m., the subcommittee adjourned, to reconvene subject to the call of the Chair.]

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