

Truth and Reconciliation in Greensboro, North Carolina: A Paradigm for Social Transformation

by Marty Nathan & Signe Waller

Race and class oppression form the backdrop of everyday reality in the United States. Popular culture is blind to the endemic and systemic nature of racism in our political and economic institutions. Mostly, we tell ourselves comforting stories about who we are and what we have done. Told most often from the point of view of those whose power and fortunes depend on institutionalizing disunity and fragmentation, these stories rarely lay bare the social structures of domination that continue to perpetuate oppression for the vast majority.

The twin oppressions of race and class are implicitly denied or covered up with a veneer of normality. But reality is not to be denied: It continues to be and to influence all that is. Sometimes reality breaks through the veneer, as it did with the videotaped savage beating of Rodney King or as it did with the criminal neglect of the poor and people of color population of New Orleans following Katrina. When this happens, we are, momentarily at least, shocked out of our denial. A veil is removed, and society's structure stands exposed before us. We see what was there all along. We have a frightening glimpse into where we are heading. Thankfully, we are also offered a teachable moment with a

window of opportunity for wholesale social transformation. Such a precious gift signifies no less than a way toward truth and wholeness, a possibility for healing, an opening to resist oppression, to liberate ourselves and to discover new forms of authentic democracy.

The city of Greensboro, North Carolina, is witnessing what may happen when the veil is removed, as a three-year-old truth and reconciliation process unfolds, flying a banner of truth, civic accountability, restorative justice, healing, and reconciliation. The Mandate for Greensboro's Truth and Reconciliation Commission, charged with engaging one of the worst civil rights atrocities in U.S. history, reads in part: "The passage of time alone cannot bring closure, nor resolve feelings of guilt and lingering trauma for those impacted by the events of November 3rd, 1979. Nor can there be any genuine healing for the city of Greensboro, unless the truth surrounding these events is honestly confronted, the suffering fully acknowledged, accountability established, and forgiveness and reconciliation facilitated."

What follows is a brief summary of the incident at the heart of the Commission's investigation, as well as a description of the truth and recon-

ciliation process. All who are dedicated to overcoming poverty and racism need to reflect on what is happening in Greensboro and its relevance to your own city, to our nation and to the world. After all, similar histories of race and class conflict and similar social structures to those in Greensboro are found in all regions of the country.

The History

On November 3, 1979 in Greensboro, an anti-Klan march and educa-
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tional conference was planned. However, neither occurred. On that day, just before the march was to begin, nine carloads of Ku Klux Klansmen and American Nazis drove into Morningside Homes, a Black housing project, and opened fire on a group of 100 Black, white and Latino men, women and children preparing to march. The attack took place in broad daylight in front of local TV cameras set to film the march. No police were visible.

The organizers of the march, local members of the Workers Viewpoint Organization, soon to be known as the Communist Workers Party, worked, organized and led unions in local textile mills and nearby hospitals. Jim Waller was president of his Amalgamated Clothing and Textile Worker Union local at the nearby Cone Mills Granite Finishing Plant and had led a strike there in 1978. Bill Sampson was a shop steward for his local at the Cone Mills White Oak plant in Greensboro, and Sandi Smith had been the co-chair of an organizing drive to unionize another Cone Mills plant in Greensboro and had recently moved to Kannapolis to take on organizing Cannon Mills.

All three were shot and killed by Klansmen and Nazis leisurely picking their targets and shooting fleeing demonstrators. Dr. Mike Nathan and Cesar Cauce, both labor activists in nearby

Durham hospitals, also were killed. Ten others were injured.

When the shooting stopped, police appeared on the scene.

Later it would be revealed that police had surveilled the 40 KKK-ers and Nazis as they gathered on Greensboro's south side and that Detective Jerry Cooper had had phone contact with KKK leader Edward Dawson. Dawson, a paid informant for the Greensboro Police Department, had called Cooper, his control agent, twice that morning to report that the racists had gathered and were armed. That report was shared on the morning of November 3rd at a police briefing with the tactical squads charged with protecting the march. Yet, instead of

Five were killed, ten others injured.

warning the marchers, increasing march security or stopping the caravan as it was followed by an unmarked police car on its route across town for the attack, the tactical squad was sent to an early lunch. Later it would be discovered that a patrol car serendipitously in the neighborhood of the attack at that time had been told by police headquarters to "Clear the area," leaving the demonstrators completely unprotected by police. One of the attackers' vans was stopped leaving the murder scene by two officers who arrived there moments after the last shot. They were not ordered to go there.

Fourteen Klansmen and Nazis were ultimately indicted and, of those, six were brought to trial. In the Fall of 1980, an all-white jury found innocent the six shooters clearly seen on videotape firing their rifles and shotguns as they advanced on unarmed demonstrators.

Regional protest and outrage engendered by the acquittals forced the Civil Rights Division of a reluctant Reagan Justice Department to prosecute the Klan and Nazis on civil rights charges in 1984. However, the federal case was tainted. By then, it was well known

that federal agencies were also implicated through the person of Bernard Butkovich, an agent of the Bureau of Alcohol, Tobacco and Firearms, who had infiltrated the Nazi Party prior to its participation in the attack. He had attended and participated in key meetings, egging on Klansmen and Nazis to violent acts; had reported to his superiors in the ATF, to local police and to the FBI; and yet had left town the day after the killings without making any arrests.

Unwilling to pursue official lawlessness, the U.S. Department of Justice chose to prosecute the KKK and Nazis using a Reconstruction-era federal civil rights law requiring that it be proved that the killings were racially motivated. Klansmen and Nazis said, No, we didn't kill them because they were Black; we killed them because they were communists. That made it all right to the all-white North Carolina jury that, once again, issued blanket acquittals.

The Civil Rights Suit

In 1985, a civil rights suit, using federal civil rights laws and state wrongful death and assault laws, was filed on behalf of the victims. The result was a judgment, paid in total by the City of Greensboro, against six Klansmen and Nazis and two Greensboro police officers for the death of one demonstrator. The proceeds (\$75,000) were used to create a foundation, the Greensboro Justice Fund, for the support of community-based organizations working against racism and the oppression of workers in the South. Although far from perfect justice, the verdict represented a tremendous victory for all justice- and truth-loving people: It was the first time in an American court of law that Klansmen, Nazis and police officers were found jointly liable.

But the civil suit was not sufficient. There was no public acknowledgement of wrong-doing, no involved police or federal agents were fired, demoted or even rebuked. Some officers involved

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Opportunity and the Automobile

by Margy Waller

A century ago, getting to work seldom required a lengthy commute. In rural areas, farmers walked out the kitchen door to their jobs. And most urban residents either lived within walking distance of their places of employment or could rely on convenient public transit systems like streetcars. Today, however, two-thirds of residents in metropolitan areas live in the suburbs, and two-thirds of new jobs are located there as well. It's therefore no surprise that 88% of workers drive to their jobs.

Left behind in this car culture are central-city poor residents without cars, who have become increasingly isolated from the American economy. As Mark Alan Hughes, William Julius Wilson and other scholars have documented, the steady movement of jobs out of cities and into the suburbs has helped create and sustain the concentrated poverty that is now endemic to America's urban areas. Because new jobs tend to be located in ever-expanding suburbs, which are poorly served by mass transit, poor central-city residents find themselves living further and further away from economic opportunities. Evelyn Blumenberg, a professor of urban planning at UCLA, found that car-driving residents of the Watts section of Los Angeles have access to an astounding 59 times as many jobs as their neighbors dependent on public transit. Even more isolated are the car-less low-income families who now live in the suburbs—nearly half of all metropolitan poor.

There is reason to believe that not having a car isn't just a consequence of poverty—it's a barrier to escaping it. A significant body of research shows that low-income people with cars work at higher rates, and earn more, than those without. Outside factors like personal motivation—the type of people who get cars are likely to be the type who also get jobs—could go some way to accounting for the difference. But researchers who have evaluated that possibility by looking

at existing survey data and at a small program that provides cars to the working poor find that car ownership does indeed directly help people to work, and to earn, more.

The lack of a car limits opportunities for America's poor in other ways too. It's never easy to be a working single parent, but it's infinitely harder without a car. When you spend three hours a day commuting to work by bus and train, then have to buy groceries and pick up your kids, there isn't much time for anything else—like helping with homework or after-school activi-

Poor central-city residents find themselves living further and further away from economic opportunities.

ties, taking yourself or your family to the doctor when necessary, or even finding a partner to help share the load. And lack of access to a car limits your housing options, making it even harder to move into safer neighborhoods, or ones with better schools.

Perhaps worst of all, the lack of a car leaves people more vulnerable to unforeseen emergencies. Hurricane Katrina was an extreme example, but the daily lives of the poor are filled with smaller ones. In *American Dream: Three Women, Ten Kids, and*

a Nation's Drive to End Welfare, Jason DeParle follows Angie Jobe, an inner-city Milwaukee single mother. At one point, Jobe has her Food Stamps cut off because of a bureaucratic error. Not having a car, she takes the bus to the Food Stamp office to clear up the problem, but it breaks down on the way there, and she arrives late, so no one will see her. She's forced to return the following day and eventually has her stamps reinstated, but the episode somehow ends up costing her \$500—more than a week's wages.

Clearly, the problems are most acute for low-income families without cars. But even for low- and middle-income workers who do own cars, purchase and operating costs take a significant bite out of their income—more than 20% of all household expenditures go for transportation, second only to housing. For the vast majority of households, those costs aren't optional—cars represent a fixed and non-negotiable expense. And every time the price of gas increases, it is in effect a tax on work.

Automobile Credits for Low- and Moderate-Income Workers

Federal policy has long given favorable treatment to work expenses, and rightly so. The government sub-
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We dedicate this issue of *P&R* to **Vine Deloria, Jr.**, a champion of Indian rights, who died in late November at age 72. His 1969 book *Custer Died for Your Sins* and his later writings and activism with the National Conference of American Indians sought to demythologize how white Americans think about American Indians.

We also mourn the death of **Richard Pryor**, who died on Dec. 10 at the age of 65. A complex man who used comedy as a form of truth-telling, bringing black customs and language into the American mainstream, focusing on racism, institutional and personal. "Richard Pryor was the Rosa Parks of comedy," summarized Chris Rock.

Poverty & Race in America: The Emerging Agendas

By the time this issue of *P&R* arrives in your mailbox, our new “best of *P&R*” book should be out, from Lexington Books. Here’s the Table of Contents. It’s 430 pp., available in both pb (\$34.95) and hb (\$95). Order from 800/462-6420. Faculty examination copies also available: lexingtonbooks.com. It’s an ideal text for a range of college, university, even HS courses.

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sidizes the cost of college and worker retraining. The tax code allows deductions for the cost of uniforms, job searches, tools, home offices and work-related moving. There are even tax breaks for non-commuting work travel and parking. Yet one of the largest and least avoidable work-related expenses for most Americans—the cost of getting to and from work—receives no favorable treatment in the United States, though it does in countries like Germany and France.

This inequity can be remedied in a simple and straightforward way. The federal government should offer a tax benefit to anyone who commutes to work and is in the middle to bottom of the income scale—that is, anyone in the 60% of U.S. households making less than \$52,000 a year (the upper limit of income for the bottom three quintiles). Those who need the credit most would get the most help: Lower-income workers would receive a refund if their credit exceeded the amount of taxes they owe, in the form of a check for up to \$3,000. That's enough to help significantly with the purchase and maintenance of a decent, though not fancy, car. Those higher

up the income scale would get a dollar-for-dollar credit against taxes owed; a family making \$40,000 would get back around \$1,000. To avoid punishing those who don't use cars, all workers with commuting expenses—even those who take mass transit—could claim the benefit.

Automobiles for the Poorest Families

A federal tax credit will be insufficient for the poorest working families, who may also have credit problems or who cannot to provide a downpayment. In most American cities, public transportation is inadequate to bringing poor inner-city families reliably to suburban jobs, and for families who are trying to move to higher-opportunity communities, a car is often a necessity for a successful move.

Car ownership directly helps people to work, and to earn, more.

Fortunately, nonprofit organizations like Working Wheels in Seattle and Vehicles for Change in the Washington, DC region, already help to provide loans and decent cars for poor workers. These successful programs could be expanded using federal resources to cover all working families who need assistance.

Even a small investment in subsidized car ownership could have a powerful impact on job and housing mobility for the poorest families. Workforce development counselors could provide subsidies to workers who would otherwise be unable to reach suburban job opportunities. Similarly, Section 8 housing mobility program staff often note the lack of public transportation to rental housing opportunities in low-poverty areas. A targeted national program could dramatically expand housing options for low-income families who wish to move to higher-opportunity communities.

Automobile ownership subsidy pro-

grams help in other ways. Insurers and car dealers often make the poor pay excessive rates, which acts as a further obstacle to car ownership. Widening the reach of nonprofit programs would reduce the impact of these bad business practices. In addition, these programs aid working families to improve their credit rating, and develop traditional banking relationships—two more crucial steps in rising up the income ladder.

Automobiles and Housing Mobility in Baltimore

The Vehicles for Change program began as a low-income car ownership program in rural Carroll County, Maryland. Later, the program expanded to serve clients of two Baltimore housing mobility programs who are moving to suburban areas.

The Baltimore-based Abell Foundation initially funded the mobility initiative in 2002. Vehicles for Change provides cars to low-income, employed individuals at very low cost—typically \$900 to \$1,100, financed over a 15-month period. Grant funds are used to subsidize the cost of the cars in order to make them affordable to low-income individuals. Monthly car payments range from \$70 to \$98 for a 15-month loan. Clients must, however, purchase their own auto insurance. A survey of car purchasers suggests very promising employment and family well-being outcomes for workers buying a Vehicles for Change car. Last year, the Housing Authority of Baltimore City made a \$38,000 matching grant to provide car purchase assistance to an additional 33 families referred by the two housing mobility programs.

Political Prospects

The proposal for a federal tax credit is ambitious and expensive. If all eligible workers took advantage of the option—an unlikely prospect, based on experience with other credit programs—the cost could reach \$100 billion a year. Any initiative that big

Witt Internship

We are accepting applications for PRRAC's 2006 Edith Witt Internship grant, "to help develop a new generation of community activists." The fund, established by her family, friends and co-workers, honors the memory of a wonderful human rights activist in San Francisco. To apply: send or email (to Chester Hartman at PRRAC, chartman@prrac.org) a letter from the sponsoring organization, describing the organization's mission and outlining the work to be done by the Edith Witt Intern; and a personal statement (250-500 words) from the proposed intern and her/his resume. Pass the word to relevant grassroots groups.

raises certain obvious objections.

Some would argue that funds invested in a federal tax credit—or smaller direct grants to housing mobility programs—would be better spent on mass transit, in the hopes of reducing congestion and pollution. Others would encourage more transit-oriented affordable housing development. These are certainly worthy goals, but there is little reason to think that even a massive investment in public transportation would substantially reduce the overall amount of driving Americans do. Anthony Downs, a transportation expert at the Brookings Institution, has projected that doubling the number of people who take mass transit to work (a Herculean achievement) would reduce the number who drive by only around 5%. While it unquestionably makes sense to improve service to the transit-dependent, particularly in dense urban neighborhoods, no amount of money will enable us to use transit to meet the needs of most workers. Only cars can do that. And even if every car-deprived household in the bottom half of the income scale were to buy an automobile, it would increase the number of vehicles on the road by only around 3.5%. The modest effects of this slight increase are far outweighed by the moral imperative to give the poor access to a crucial commodity enjoyed by the rest of society.

Former Senator John Edwards, among others, argues that the country would be better off, and the economy stronger, if we rewarded work instead of wealth. This was the approach of the 1990s, when taxes on the rich increased, the Earned Income Tax Credit doubled and the minimum wage rose. These changes coincided with the longest economic boom in American history; incomes rose while poverty and unemployment declined. Replacing the current Administration's tax cuts with the commuting credit would result in a net savings of around \$1 trillion over 10 years, and would realign tax policy to reward the American value of hard work.

Would such an idea ever be politically feasible? In fact, there is reason

to believe that it could attract broad support and help forge some unlikely alliances. Unreliable cars and unpredictable transit are a major contributors to employee tardiness and absenteeism, cutting productivity and profits. Commuting credits would ease that problem and increase the pool of applicants for low-wage jobs, making the credits a natural sell to major employ-

Lack of access to a car limits housing options.

ers. And the automakers and the powerful auto unions would surely welcome the prospect of creating a new market for cars.

The political logic may be the most compelling for candidates: Any proposal that involves money in the pocket for this many voters won't lack for public support. In particular, rural and exurban workers who have long been particularly hard hit by this tax on work are a natural constituency for the commuting credit. Indeed, in addition to transforming the lives of America's

inner-city poor, commuting credits could also be the first step toward making low- and middle-income voters feel that the federal government is making a difference in their economic well-being.

The idea that driving a car is a lifestyle decision has long since become outmoded. Americans do love to drive, but these days, they also must drive. To be a fully functioning citizen in this country today, a car is a virtual necessity, and any American willing to work ought to be able to afford one. And for poor families, most suburban moves will not prosper without access to reliable transportation. We use the tax code to subsidize most other work expenses. It's time we did the same for the most common and unavoidable of them all.

Margy Waller (margywaller@earthlink.net) served as a domestic advisor in the Clinton-Gore White House and writes about transportation and poverty. An earlier version of this article was published in the Oct./Nov. 2005 Washington Monthly. □

Resources on Low-Income Car Ownership

Vehicles for Change:
<http://www.vehiclesforchange.org/>

Working Wheels:
http://www.portjobs.org/working_wheels.htm

Good News Garage in New England:
<http://www.goodnewsgarage.org/>

National Economic Development Law Center, Car Ownership Program Clearinghouse: <http://nedlc.org/center/copc/index.htm>

Brookings Institution's Dec. 5, 2005 symposium on low-income car ownership: Research suggests that having a car is a worthwhile investment for better outcomes among low-income families. At this meeting, researchers and program operators reviewed the research evidence, and discussed the policy implications and recent federal legislative proposals to improve access to car ownership opportunities for the working poor. Presentations and proceedings at <http://brookings.edu/es/events/agendas/20051205.htm>

Margy Waller, "High Cost or High Opportunity Cost? Transportation and Family Economic Success," December 2005 <http://brookings.edu/es/research/projects/wrb/publications/pb/pb35.htm>

Blumenberg, Evelyn and Michael Manville. 2004. "Beyond the Spatial Mismatch: Welfare Recipients and Transportation Policy." *Journal of Planning Literature* 19: 182-205.

Blumenberg, Evelyn and Margy Waller. July 2003. "The Long Journey to Work: A Federal Transportation Policy for Working Families." Brookings. http://brookings.edu/es/urban/publications/20030801_waller.htm

"Keeping the Promise: Preserving and Enhancing Housing Mobility in the Section 8 Housing Choice Voucher Program: Final Conference Report of the Third National Conference on Housing Mobility" (December 2005): www.prrac.org/projects/housingmobilityreport.php

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were promoted! The Commander of the Tactical Support unit, Lt. Daughtry, became Greensboro's Chief of Police a few years later. The City Government's official position was that the incident had nothing to do with Greensboro: It happened *in* the city but was not *of* the city. The media portrayed the incident as one in which violence between two equally abhorrent and violent outsider groups simply erupted. Survivors, isolated from communities of support and treated as pariahs, protested that they had been targeted because their organizing work in the textile mills and in the community was perceived as a threat to the status quo. From business and governmental centers of power came the message to Greensboro citizens that we needed to put the whole affair behind us—in other words, sweep it under the rug and go about business as usual.

The effect in the aftermath was a quelling of dissent, particularly of labor and anti-racist dissent, and a deepened distrust between Black and white communities in this divided city. As stated by one leading Black activist at a gathering commemorating the 19th anniversary of the Massacre: “No matter what you try to do, it all comes back to the Morningside Homes incident. They think they can get away with anything and the people are still scared and distrustful.”

Creation of the Truth and Reconciliation Commission

Several of the surviving victims were the driving force for the movement that led to the Truth and Reconciliation Commission. Determined to “reinvestigate,” to unearth the connections between local, state and federal police, textile mill officials, and the KKK and Nazis, they contacted the Andrus Family Foundation. Andrus' interests focus on “communities that are searching for a way forward that will bring real, just and sustainable change on these issues. We refer to that

path forward very broadly as ‘community reconciliation’.” Andrus adopted the project, taking upon itself the funding of the first Truth and Reconciliation Commission in the United States. The entire process has been guided, and has unfolded, in such a way that its rich spiritual basis and profound implications for community building and democratic renewal are daily manifested in Greensboro and beyond. A judicial model that promotes adversarial relationships, divisiveness and punishment is being superseded by one that promotes loving relationships, unity of purpose and healing of the whole community.

The Greensboro Truth and Community Reconciliation Project is based on the South African model of soliciting public and private “truth-telling”

Greensboro is flying a banner of truth, civil accountability, restorative justice, healing and reconciliation.

by victims, witnesses and perpetrators as a way of basing change, and community transformation, on a full and truthful understanding of the violent historical events. Since the first truth commission established in Uganda in 1974, this model has proven to be an effective method for addressing human and civil rights abuses. At the outset of the Greensboro project, the International Center for Transitional Justice (www.ictj.org), experienced with truth commissions in East Timor, Peru, Morocco, Ghana and many other lands where violence and injustice had destroyed lives and social fabric, became involved. The Center has provided guidance and support for the at times beleaguered Greensboro Local Task Force, a large and diverse group of residents that helped bring into being the Truth and Reconciliation Commission (via another equally diverse and democratically constituted group of citizens that formed a Selection Panel).

The promotion of community dialogue and education has been and continues to be the essential work of the Local Task Force of the project and other supporting groups in the city. Understandably, those doing this work encounter resistance and opposition, some of it from the same forces that were guardians of the status quo in 1979 and that feel a stake in preserving what they take to be their prerogatives today.

The history of November 3, 1979 is all too alive in the present. The same newspaper that had transformed an “ambush” into a “shootout” more than two decades ago has found it very difficult to fully appreciate the truth and reconciliation process without some major distortions and misrepresentations of what lies before its eyes. Perhaps it is not surprising, but some media sources from outside the city appear to have had less trouble in covering the process more accurately and grasping its amazing potential. An ultimate expression of official hostility came in the Greensboro City Council vote to oppose the truth and reconciliation process in April 2005, despite 5,000 residents' signatures on a petition asking for City Council support. The Council voted on strict racial lines – all white members against the Commission, all Blacks supporting it. Yet Greensboro contends it has moved beyond racism! Current and ongoing is a recently-breaking scandal that has resulted in the forced resignation of the Police Chief. As details of the lawless conduct of a “secret police” within the Greensboro Police Department surface, one of many trails leads to the nefarious role that some police officers played in 1979 in enabling the Klan and Nazi terrorist attack at Morningside Homes.

The Truth and Reconciliation Commission and the city-wide project that spawned it were very solidly established over the past three years. Despite opposition, and with a fanfare worthy of a city and a movement steeped in civil rights history, the first Truth and Reconciliation Commission of its kind was sworn in on June 12, 2004. With District Court Judge

Lawrence McSwain, Chair of the Selection Panel of the Truth and Community Reconciliation Project, United States Congressman Mel Watt and former Greensboro Mayor Carolyn Allen blessing the proceedings, seven Commissioners took a solemn oath to revisit an unresolved episode in the city's past by reviewing evidence, hearing testimony and issuing a report.

Five months later, over 1,000 people marched in Greensboro on the 25th Anniversary of the Massacre. They marched to continue the unfinished work of economic and racial justice for which five people gave their lives in 1979; to protect free speech and the right to public assembly and dissent—rights under siege today through the Patriot Act; and to support the Truth and Reconciliation Commission in carrying out its Mandate to examine the “context, causes, sequence and consequence of the events of November 3, 1979.”

2005 Developments

In 2005, three public hearings were held in Greensboro, with scores of witnesses testifying, reading prepared statements and answering Commissioners' questions. Many more have spoken to the Commission privately. Without government support, amnesty or subpoena power, why would perpetrators, their supporters and witnesses come forward?

The answer to that question has been one of the most interesting of all, opening political and philosophical gates to terrain most victims never even imagined.

At the start, the widows declared that they would not seek further indictment of those found responsible for the violence in the course of the Commission's work. It was an attempt to shield those perpetrators willing to divest themselves of their guilty memories before the Commission from the potential legal consequences and thus to maximize the possibility for truth to emerge.

One of the most dramatic events was the televised apology by of one of the

Truman Gibson

Some civil rights heroes are little known—Truman Gibson, who died on Dec. 23, is a name probably almost no readers of *P&R* recognize. As a chief advisor to Secretary of War Henry Stimson, he played a key insider role in fighting racial segregation in the Army during the 1940s. Black soldiers were not put into combat, rarely became officers, faced indignities and violence in stateside training, which took

place mainly in the South—where white bus drivers in military towns were deputized and armed. President Truman named him as the only black member of the 9-member civilian commission studying the future of universal military training; the commission's report then led to Pres. Truman's executive order desegregating the armed forces—a major milestone in the nation's civil rights struggle.

shooters to the widows of the murdered. On November 2, 2005, 26 years after shooting down demonstrators, the previously-flamboyant, now-

Over 1,000 people marched in Greensboro on the 25th Anniversary of the Massacre.

ailing former Nazi Roland Wayne Wood spoke before cameras from his home in Winston-Salem, North Carolina, of the regret he felt for his actions. Since then, he has testified to the Commission.

In addition to the moving testimonies of Massacre survivors, others whose testimony had never been heard before included:

- A TV news editor speaking of the censorship of the media at that time.
- The prosecutors and the judge in the first trial, who let fly with their hostility to the anti-Klan demonstrators, illustrating the mindset that could have chosen that first all-white jury that acquitted the murderers.
- An eloquent African-American former co-worker at Bill Sampson's textile mill who spoke of the hope that the union activity of those years brought to workers.
- A member of the Morningside Homes community, where the attack took place. A child in 1979,

she was told by her father who worked “downtown” at City Hall not to go out that day because the KKK was coming to Morningside.

- Police officers whose persistent staunch support of their Department's actions in 1979 revealed its continued entrenchment in now-indefensible excuses.
- Community activists who placed the Massacre in the context of decades of ongoing violent police and City attitudes toward those on the wrong side of the tracks.

For many of the victims, the process has been a chance to proclaim their humanity after years of vicious dehumanization. Most of them have found new strength in the opportunity to publicly air a history that had long been suppressed or distorted, and, for the first time, to be listened to.

What is to come? What can we hope for?

Already gained for victims, friends and present-day activists is the pride in a history of resistance to race and class oppression and the public acknowledgement of the viciousness of the attack on November 3rd, 1979 by the KKK and Nazis in complicity with lawless and politically motivated officials. We expect a report this spring that is, at the very least, critical of the lack of oversight of law enforcement in the city. Such a finding would support a civilian review of police, state and federal officials acting in the

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bounds of the city. Further, we would expect recommendations for injecting a truthful account of the events of 1979 into educational and cultural institutions as well as other creative ways to memorialize those who were killed and continue the struggle against racism and classism that their lives and deaths exemplified. Already gained too is a living example of what genuine democracy could look like on a community and municipal level when people, with a great deal of organization and compassion, are able to confront their history and speak honestly about it. When people are motivated by a desire to be responsible to each other for their collective destiny, through a process of truth and reconciliation, and when they are willing to do the hard work necessary to promote healing and unity in the civic body, what social problem would not yield? Greensboro is showing what is possible.

Necessary but less likely in this process would be a dissection of the power structure in Greensboro that led to the targeting of those seeking change in the then-dominant textile industry to the point that, it is charged, the police arranged a goon squad for the activists' demise. That is the alternate para-

Citizens in Wilmington, Tulsa, Birmingham, Cincinnati and Miami are turning their gaze toward Greensboro as a model for truth and healing.

digim that makes most sense of the testimony so far. Yet it is not clear that the Commissioners, most of them Greensboro residents, have the courage to address the underlying issues at such a deep level.

Whatever the outcome, citizens in

communities with histories of civil and human rights abuses, such as Wilmington, North Carolina; Tulsa, Oklahoma; Birmingham, Alabama; Cincinnati, Ohio; and Miami, Florida, are turning their gaze toward Greensboro as providing a model for truth and healing in their own communities. Greensboro's unprecedented truth and reconciliation process has once again placed the city at the forefront of America's perennial and hard-fought struggle for civil and human rights.

Signe Waller, Ph.D. (signewaller@earthlink.net) is Vice-President of the Board of Directors of the Greensboro Justice Fund, a member of the Greensboro Truth and Reconciliation Project's Task Force and survivor of the Greensboro Massacre, widowed in the incident.

Marty Nathan, MD (martygjf@comcast.net) is Executive Director of the Greensboro Justice Fund, and survivor of the Greensboro Massacre, widowed in the incident. □

New Books and Reports Available from Our Sister Organizations

PRRAC is pleased to announce the latest research from two newly formed national organizations we have worked closely with.

From the Opportunity Agenda:

Release date: February 27, 2006 - *The State of Opportunity in America* is the inaugural publication of The Opportunity Agenda, a non-profit communications, research and policy organization dedicated to building the national will to expand opportunity in America. The new report, to which PRRAC contributed, is the first national study to measure opportunity in America across a range of indicators and provides easily accessible information and analysis on how our nation is faring and the steps needed to expand opportunity for all. The Opportunity Agenda draws its definition of opportunity from human rights doctrine and identifies six core opportunity values (equality, mobility, security, redemption, voice and community) necessary for an opportunity society. For further information, visit The Opportunity Agenda at www.opportunityagenda.org.

From the National Campaign to Restore Civil Rights:

Awakening from the Dream: Civil Rights Under Siege and the New Struggle for Equal Justice exposes the Supreme Court's methodical dismantling of federal laws that advance inclusion, equal membership, political participation and economic mobility in our diverse national community. The ongoing Federalism Revolution has crippled Congress's legislative powers and made it difficult for individuals to bring suit to enforce their civil rights. Activists, law professors, public interest lawyers and students discuss some of the Americans who have been deprived of justice by this rollback, making vivid the impact of the increasingly right-wing federal judiciary. Available from Carolina Academic Press. Visit the National Campaign to Restore Civil Rights at www.rollbackcampaign.org for ordering details.

Discrimination Against Participants in the Housing Choice Voucher Program: An Enforcement Strategy

by Isabelle M. Thabault and Eliza T. Platts-Mills

In April 2005, the Washington Lawyers' Committee for Civil Rights & Urban Affairs, on behalf of the civil rights advocacy group the Equal Rights Center, filed three complaints in DC Superior Court alleging area landlords had violated the DC Human Rights Act by refusing to rent to tenants who participate in the Housing Choice Voucher Program. The cases are based on testing conducted by the Equal Rights Center.

The Housing Choice Voucher Program ("Voucher Program") is a federally-subsidized rental housing program designed to assist low-income families in moving from high-poverty to lower-poverty neighborhoods through use of a rental assistance voucher. Initiated in 1974, the Voucher Program is a popular alternative to high-rise public housing, which too often has the effect of concentrating low-income families in high-poverty neighborhoods. Formerly known as the Section 8 Voucher Program and the Section 8 Certificate Program, the Voucher Program involves, like its predecessors, the distribution of a voucher to participating families. The voucher can be used to pay part of the participant's rent and in effect "travels" with the family in its search for housing. It is distinguished from the Section 8 project-based program, in which individual units are subsidized and participating families must live in those subsidized units. HUD oversees the program, which is administered by local public housing authorities.

The Voucher Program enables families to rent housing in the private market, provided the housing is within certain rent maximums and meets other program requirements. However, when real estate markets are tight and affordable housing is scarce,

voucher-holders have a difficult time finding eligible rental units within the rent maximums. Compounding this problem is the refusal of some property owners and local real estate and property management companies to rent to applicants with housing vouchers. Landlords and management companies often refuse to rent to voucher

Landlords and management companies often refuse to rent to voucher households based on stereotypes about households who participate in public assistance programs.

households based on stereotypes about households who participate in public assistance programs, or as a guise for discrimination based on race or family status (having children under the age of 18).

Today, approximately 2 million low-income families across the country use housing vouchers to secure decent, affordable rental housing. In the

District of Columbia, as of June 30, 2004, 9,772 low-income households were using housing vouchers to cover a portion of their monthly rent, and over 40,000 households were on the DC Housing Authority's housing voucher waiting list. The 2004 Metropolitan Washington Council of Governments (COG) Assisted Housing Survey reports that the average annual income of housing voucher recipients in the District of Columbia as of September 30, 2004, was just over \$11,000. According to information collected by HUD through December 31, 2005, approximately 13% of households with housing vouchers in the District of Columbia are elderly, and 58% are households with children. According to the 2004 COG survey, the average time an individual or family in DC spends on the housing voucher waiting list is approximately six years.

Thousands of voucher-holders, often after having waited years on the voucher waiting list, have had their vouchers expire because the household did not, within specified time limits, find housing where they could use the voucher. The Voucher Program pro-

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A Right to Housing

Temple Univ. Press has just published a collection of 18 articles, specially written or updated for a collection co-edited by PRRAC's Dir. of Research Chester Hartman, Rachel Bratt and Michael Stone. The 448-page book, *A Right to Housing: Foundation for a New Social Agenda*, is \$40 pb, \$99.50 hb. Order from 800/621-2736. Course examination copies from

examcopy@temple.edu, 215/204-0996 Contributors include Chris Tilly, Nancy Denton, Peter Dreier, Peter Marcuse, Dennis Keating, Emily Achtenberg, Robert Wiener, David Bryson, Larry Yates, Michael Swack, Jon Pynoos, Christy Nishita, Susan Saegert, Heléne Clark, Rob Rosenthal, Maria Foscarinis & John Davis. For TOC, contact chartman@prrac.org.

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vides that a voucher must be used within 180 days. In 2004, over 11% of new voucher-holders in the District of Columbia lost their vouchers because they did not, within that time period, find an apartment where they could use the voucher.

Housing vouchers may generally be used to rent any apartment, single-family home or townhouse available on the market, provided the rental amount and the condition of the unit meet defined standards. The housing must meet federally-established housing quality standards, similar to those imposed under local housing codes. In addition, federally-defined standards for housing vouchers set maximum “Fair Market Rents” for the relevant metropolitan area, rents deemed reasonable compared to the rents for similar housing in that area. Households participating in the Voucher Program pay 30% of their gross monthly income (adjusted to account for factors such as disability, dependents or excess medical costs) towards their monthly rent; the remainder of the rent is paid directly to the landlord by the local public housing agency. For 2005, the maximum monthly rents for which housing voucher recipients were eligible in the District of Columbia Metropolitan Area (which includes Montgomery County and Prince George’s County, Maryland, and Arlington County, Fairfax County, Alexandria City, Fairfax City and Falls Church City, Virginia) are: \$915 for an efficiency apartment, \$1,045 for a one-bedroom apartment, \$1,187 for a two-bedroom apartment, \$1,537 for a three-bedroom apartment and \$2,000 for a four-bedroom apartment. Fac-

tors including family size and disability affect the size of the unit for which the voucher recipient is eligible.

According to the 2004 COG Survey, 97% of households using housing vouchers in the District of Columbia are African-American. 2000 Census figures indicate that among District of Columbia residents who rent, approximately 58% are African-American. Thus, a rental policy of not accepting housing vouchers has a significant disparate impact based on race.

Legal Prohibitions on Discrimination against Voucher-Holders

Since 1977, the DC Human Rights Act has prohibited private landlords from discriminating against tenants based on “source of income,” which

Over 40,000 households are on the DC Housing Authority housing voucher waiting list.

is defined to include money secured from federal payments and specifically includes monetary assistance provided under the Section 8 program. In addition to the District of Columbia, 11 states (California, Connecticut, Maine, Maryland, Massachusetts, Minnesota, New Jersey, North Dakota, Oklahoma, Utah and Vermont) and numerous local governments, including Montgomery County and Howard County, Maryland, have enacted fair housing laws that prohibit source-of-income discrimination. (A complete listing of the jurisdictions with source-

of-income provisions is available at http://www.prrac.org/pdf/Source_of_Income_Summary.pdf.) In addition, landlords participating in the federal Low Income Housing Tax Credit Program, which provides tax incentives to investors who develop low-income housing, are prohibited under federal law from discriminating against potential tenants because they have housing vouchers.

Testing of Housing Providers

In 2001 and 2002, the Equal Rights Center (ERC) received complaints from voucher-holders in the District of Columbia who complained that landlords were refusing to accept their housing vouchers. In response to these complaints, the ERC conducted a broad testing investigation of area landlords to determine the extent of illegal discrimination against voucher-holders.

From 2003 through 2005, the ERC conducted testing of rental properties advertised in local news media. Periodically over the three-year period, the ERC identified advertised rental properties with rents at or below the Fair Market Rent. The testers then contacted the housing provider listed in the advertisement to inquire about the availability of rental housing and disclosed that they would be using a housing voucher to pay part of the rent. Testers conducted 108 tests and contacted 75 apartment buildings and 13 property management companies. The investigation focused on determining the extent of discrimination against voucher-holders, as well as determining the variety of responses a voucher-holder may face when attempting to use his or her housing voucher.

The testing results revealed a surprisingly high level of blatant illegal discrimination against voucher-holders. In 58% of the tests, landlords either refused to accept vouchers, or placed significant limitations on their use. In 26% of the calls, the landlords or rental agents flatly told the testers that vouchers were not accepted as a

‘Capers

There’s a terrific one-woman play — ‘Capers—about forced relocation and the human right to housing, dealing with the Arthur Capper/Carrollburg HOPE VI public housing project in Southeast Washing-

ton, DC, written and performed by Anu Yadav. It’s scheduled to close on Feb. 5 (at Mead Theatre Lab, 918 G St. NW, 202/315-1340). Ms. Yadav is willing to tour with it—anu@caperstheplay.com

form of rent payment under any circumstances. In 32% of the test calls, housing providers stated limitations or differential terms on use of the voucher that would prevent many or most voucher-holders from renting the available units, including that: an apartment building had reached its capacity for voucher-holders; rent was higher for voucher-holders; or only apartments of a certain size were available to voucher-holders. In some cases, testers were told that voucher-holders, who qualify for the housing subsidy by virtue of their low income, could be accepted for tenancy only if they earned as much money as non-voucher applicants. Some agents also indicated that their building did not pass code inspection. In 5% of the calls, housing providers expressed ignorance about the Voucher Program or indicated that they did not know their company's policy with regard to vouchers. In only 37% of test calls did housing providers say that they accepted housing vouchers as a form of rent without limitation. Based on the number of units owned and managed by the landlords and property management companies tested, it is estimated that the discriminatory policies of the tested landlords effectively make well over 4,000 rental units in DC unavailable to tenants who use housing vouchers.

The ERC conducted additional follow-up testing of landlords who had discriminated in the initial testing investigation. Based on those testing results, on April 11, 2005, the Washington Lawyers' Committee for Civil Rights & Urban Affairs filed complaints in DC Superior Court, on behalf of the ERC, against three large property management companies, Gelman Management Company, E&G Property Services and Sawyer Realty Holdings, alleging that the defendants discriminated on the basis of source of income, and race, in violation of the DC Human Rights Act, by refusing to rent to persons who intended to use housing vouchers to pay for part of their rent. The ERC has filed additional complaints against housing providers, based on testing results. To date, the ERC has filed 12 such complaints, five

in DC Superior Court, seven with the DC Office of Human Rights, also alleging discrimination against voucher-holders in violation of the DC Human Rights Act. The DC Office of Human Rights has issued probable cause findings of source-of-income-based housing discrimination in two of the pending administrative cases against area real estate companies.

Thus far, five of the complaints have been successfully resolved through settlements or consent decrees. As part of these agreements, defendants will change their policies and rent to voucher-holders. Other terms of the settlements include fair housing training; an agreement to include in advertising a statement that vouchers are accepted; agreements on the calculation of income requirements for voucher-holders; and the payment of monetary damages to the ERC. Most significantly, the settlements achieved thus far have opened hundreds of units to voucher-holders in the District of Columbia.

Conclusion

Enforcement strategies that include testing and litigation can help open housing opportunities to low-income families. Studies have reported that rents in the District of Columbia have

increased over 50% since 2001, and that vacancy rates have dropped. The combination of rising rents and fewer available apartments, abetted by discriminatory practices against low-income voucher recipients, has created a housing crisis for low-income tenants. Households in the District of Columbia, who wait on average over six years to receive a housing voucher, find that their housing options are further constricted by impermissible discrimination against voucher-holders. The enforcement program described in this article could be replicated in other jurisdictions where local or state civil rights laws include source-of-income provisions, and can be a powerful tool to combat discrimination against households who participate in the Housing Choice Voucher Program.

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Eliza T. Platts-Mills (Eliza_Platts-Mills@washlaw.org) is a staff attorney with the Committee's Fair Housing Project. □

The Washington Lawyers' Committee for Civil Rights & Urban Affairs was established in 1968 to provide *pro bono* legal services, through cooperation with private law firms, to address issues of discrimination and entrenched poverty. Since its founding, the Committee has handled more than 5,000 cases on behalf of individuals and advocacy organizations in the areas of equal employment, fair housing, public accommodations, public education, asylum and refugee rights, and disability rights. Roderic V.O. Boggs is the Executive Director. More information about the Committee is

at www.washlaw.org.

The Equal Rights Center is a District of Columbia-based civil rights advocacy organization that promotes equal opportunity in housing, employment, education, government services and places of public accommodation. The organization, founded by a group of inter-denominational clergy, accomplishes its mission through civil rights education and outreach, counseling of tenants and landlords, enforcement, testing and training. Rabbi Bruce E. Kahn is the Executive Director. More information about the ERC is at www.equalrightscenter.org.

FEMA and Civil Rights

Heading into temple for my annual Rosh Hashanah visit, I saw an announcement of an upcoming talk by fellow congregant Alan Clive (alan.clive@verizon.net), identified as the recently retired "former civil rights director for FEMA." Intrigued by the timing and the title, I attended, after which I arranged to interview Mr. Clive. Herewith the results-CH

Chester Hartman: I was surprised to hear that there is an Office of Equal Rights in FEMA. Can you tell me something about its history and its authority?

Alan Clive: When I began working for FEMA in 1983 there was an independent Equal Opportunity Office that reported to the director of FEMA. About 3 years later it was amalgamated into the personnel department as a division, and it remained that way until 1993 when it was separated out again, and at that point the then-director decided to acknowledge the fact that we had both responsibility for EEO and for the civil rights of beneficiaries and that we would be known as the Office of Equal Rights. That office had authority over all of the civil rights statutes right from the beginning. But frankly it really didn't have much in the way of staffing. I was hired in 1983 essentially to start the civil rights program, along with pur-

suit of a particular interest of mine, the disaster-related needs of disabled and elderly people. So the office as it existed at the time I retired in August of 2005 handled both external civil rights issues and internal complaints.

CH: So you were the first occupant of this position?

AC: Yes. EEO has always had far greater prominence in our office because the EEO complaints are the ones that require time and money, and we've gotten only a few civil rights complaints. By which I mean a few that went formal requiring investigation, but most of them we have tried to resolve informally. In reality the number of informal civil rights complaints we get every year are in the hundreds and if we had to investigate all of them, we'd be out of money, out of staff, couldn't have been done. Because of some retrograde Supreme Court decisions into 1980s, it wasn't until the Civil Rights Restoration Act

was passed in 1988 that we were even able to do anything. Most emergency management agencies in the United States are a part of another governmental entity, so until the Restoration Act was passed it was impossible for us to respond to a complaint against, say, the emergency management agency unless it could be demonstrated that FEMA had given money, say to the police department of a particular city under which that agency was part. So basically our hands were tied; there wasn't a heck of a lot we could do in the way of enforcement.

The main issue that we had a flap over during the current Administration began with the Clinton Administration and the President's Executive Order of August 2000 on limited English proficiency: We had to meet the very tight deadlines, which frankly were dictated by the election, to have this regulation about limited English proficiency, based on the Executive Order, requiring recipients to have programs and procedures to help people who didn't speak English very well. We were able to meet the deadline for getting things into the Federal Register, but it didn't turn out to make a difference because the Bush Administration came in and they wanted to do it all over; and there were some conservative Congressmen calling for rescinding that Executive Order, and one of the things we had to do was to fill out a very complex survey every year required by OMB about the cost versus benefits of providing such services. During that time we merged with Homeland Security. When we merged, all of a sudden again everything we had done was thrown up in the air, because now instead of there being a FEMA reg, there was going to be a Homeland Security reg on limited English proficiency. When I left [in April 2005], I don't believe that the issue had been resolved; so by various

PRRAC Research/Advocacy Grants Again Available

Thanks to a new grant from the Annie E. Casey Foundation, PRRAC is once again able to make grants available for research on the intersection of race and poverty that in turn is designed to support a planned advocacy strategy (community organizing, litigation, legislation, public education, etc.) For a descriptive listing of the 100+ such grants PRRAC has made in the past, see the summary on our website, www.prrac.org/grants.pdf.

We will give preference to work in the areas of housing, education and health, as well as to work carried out in the cities where the Casey Foundation has its Making Connections sites: Denver, Des Moines, Hartford, Indianapolis, Louisville, Milwaukee, Oakland, Providence, San Antonio, Seattle.

Maximum grant amount is \$10,000 (smaller budgets are appreciated so the available funds can support as many projects as possible). Advocacy groups, researchers and advocacy/researcher teams are welcome to apply. We also can link researchers to appropriate advocacy groups, advocacy groups to appropriate researchers.

To apply: Send (asap) a brief description of the research and its linked advocacy strategy; the research methodology and qualifications of the researchers; a budget and timeline—to PRRAC's Director of Research Chester Hartman, 1015 15th St. NW, #400, Wash., DC 20005, or email it to chartman@prrac.org. Questions? phone Chester at 202/906-8025.

stratagems, they certainly did manage to delay and put a spoke in the wheel of civil rights regulations.

CH: You mentioned in your temple talk that there is also a Community Relations office within FEMA, distinct from Equal Rights.

AC: What Community Relations does is to send people out into the community for two purposes. One is to tell people about the FEMA programs, and they do that several ways, for instance by leaving fliers at places; in the black community, it might be barber shops, beauty salons. The fliers describe the benefits available, and I've been with Community Relations teams, going door to door, knocking on people's doors to see if they know about the program. Secondly, Community Relations tries to obtain intelligence about problems that might be arising that would get in the way of service delivery, and we've always worked very closely with them. You asked if I had a staff. Actually, I did have more than the two people I talked about, because one of my other functions there was to manage a group of people. FEMA couldn't handle disasters with the full-time employees we have. When disasters occur, many of those people are deployed to the disaster area, which of course means that things come to a dead stop in a lot of our regional offices. So we maintain a group that has fluctuated up and down from as few as 1,700 to as high as 8,000. And now I think there are about 3,000 Disaster Assistance Employees.

CH: They're FEMA employees?

AC: They are. We refer to them as reservists, but they're not like the military reservists.

CH: They're not obligated to go the disaster area?

AC: That's right, although that's something that was being worked on when I left because we had real problems getting some people to work when we needed them, and there was a move toward becoming more punitive in terms of throwing people off the rolls. Each office in the agency has a cadre of DAE's. We had a group of people who were referred to as equal

New PRRAC Report on Regional Housing Mobility

Keeping the Promise: Preserving and Enhancing Housing Mobility in the Section 8 Housing Choice Voucher Program: Final Conference Report of the Third National Conference on Housing Mobility is now available on PRRAC's website, www.prrac.org.

The report includes new research summaries on housing mobility by Margery Austin Turner, Dolores Acevedo-Garcia, Stefanie DeLuca and Xavier de Souza Briggs, and guidelines for improved housing voucher policy and program management to promote choice and mobility—by Gene Rizer, Elizabeth Julian, Jennifer O'Neill and Paul Fischer.

A section on "New Constituencies for Housing Mobility" looks at the relationship between housing mobility and public health (Gail Christopher); recruitment of Latino families in Chicago into a housing mobility program (Ofelia Navarro); and housing mobility as a women's rights issue (Emily Martin).

The report includes a foreword by Professor Sheryll Cashin and a concluding chapter on "Bringing Gautreaux to Scale," by Alex Polikoff—based on the successful long-running housing mobility program in Chicago established under the *Gautreaux v. HUD* lawsuit.

rights officers. There were about 40 of them at the time I left. These folks would go to our field offices, depending on the size of the disaster there. I believe at this point there's something like 12 at the Baton Rouge Field Office and there were 15 in Florida last year at the beginning of the four hurricanes, and they handle a wide variety of things. They handle civil rights, and they also do training.

CH: Did the people who did equal rights work have some appropriate background?

AC: Yes, generally speaking some of them were directly from the EEOC, they were EEOC retirees. Most of our DAE workforce is skewed toward retirees and also toward younger people. It's very difficult to find people with genuine civil rights backgrounds.

CH: Is the agency itself generally pretty multi-racial in terms of staffing?

AC: We've done a lot of work, and most of our successes have been opening up the higher grades to women and to minorities. Unfortunately, we've not made the kind of progress the director has wanted in terms of getting minorities into the agency and also into the reserve force. Our own cadre, I'm happy to say, is very diverse; it's a majority minority organization, and it

wouldn't be right any other way, but unfortunately minorities are still not represented the way that we would like to see them.

CH: In terms of relations with other agencies like Justice and EPA that have their own civil rights elements—is there much integration with what FEMA does?

AC: There was some effort by Justice to bring us together in informal groupings; there was much more of it in terms of the implementation of this limited English proficiency matter. We did have pretty close relations with Justice on a few cases, EPA really not at all. And of course the other major actor since 2003 has been the person who has the title of Officer for Civil Rights and Civil Liberties at Homeland Security, who came to Homeland Security from Department of Education, and he was also a litigator at Justice in the disability rights section.

CH: A related question: Is there any contact you folks have had in a more sustained way with civil rights groups and with advocacy groups?

AC: Not in a sustained way, but it depends on the magnitude of the disaster and the type of issue. For example, we have never had any sustained contact with any of the groups representing women in the fire service, (Please turn to page 16)

(FEMA: Continued from page 15)

although occasionally we have gotten cases from women who have said that they were being discriminated against in terms of their fire department allowing them to attend the National Fire Academy, which is a part of FEMA; it's very prestigious for the fire service, it's the equivalent of the FBI Academy, and so the ability to get in there really means quite a lot. On the other hand, after Hurricane Floyd in 1999, the NAACP came to us, and they had a list of people who they said had been discriminated against in receipt of assistance. Now after Katrina we have had a lot of contact. The one that I am most familiar with because I've been dealing with it on a volunteer basis since I retired is the disability groups. As I said, that's something that I made one of my specialties and there was quite a lot of interest after the attacks on September 11th. After Katrina there was an even greater concern about how disabled people would be treated in recovery, so there has been a sustained initiative by disability groups, and the current director of Equal Rights has been dealing with the NAACP and the other groups that have been working with housing issues.

CH: What's your general sense of the charge about structural racism as it manifested itself in the response to Katrina? Whether it's services, whether it's the ability of people with cars to get out, whether it's differential damage, differential ability to come back, the 9th Ward issue, the changing the demographics of New Orleans.

AC: I think you have to remember that emergency management does not start with FEMA. That's not an effort to duck responsibility; it's simply under the federal system the way things are set up.

CH: You mean it starts with the state?

AC: It starts actually with the town, the city, the county; they are the people who draw up the plans. Those plans are supposed to be done in conjunction with the state emergency preparedness/emergency management office, and what FEMA does is provide the training. It did in the past, and I know a lot of our programs have moved over to Homeland Security, so probably a lot of the stuff I'm talking about we don't even do any more, but in the past we provided funding for the staffing of emergency management agencies; that's probably now a function

of Homeland Security. Let's say in this case the City of New Orleans has an emergency management plan and that calls for the evacuation of people. It's up to New Orleans to figure out how things are to be done and to do it in conjunction with the State of Louisiana. But one of the things that I've read in the papers is that when the emergency management people in New Orleans said we're going to use the Superdome, FEMA people were rolling their eyes because they knew the Superdome was not an appropriate place to put people; they tried it in 1998 during Hurricane Georges, and it hadn't worked out, and still they intended to go on with it. I'm very happy to say that some of the FEMA regions all on their own have worked with some of the ministerial alliances on a statewide basis to try to get the message across that minorities need to register with FEMA for help; even if they don't get any assistance from FEMA, the registration process opens up the doors of the Red Cross or other agencies.

CH: Do some African Americans not register with FEMA for the same reasons they don't register to vote – they have little faith in the system?

AC: A lot of minority folks don't want to have anything to do with the government; they're suspicious of it. I recall very clearly that in the two days after Hurricane Floyd, a black minister was saying the white man is up on his feet before the black man has even had a chance, and there's the automatic suspicion about adverse outcomes that really creates problems. Hurricane Katrina does not to me add up to structural racism; what it does add up to is, I think, a combination of a lack of leadership on all three levels of government, combined with a disaster that really was outside what we're used to in this country. We like to say in FEMA that we haven't seen the big one yet, and you just fill in whatever it is we haven't had. We haven't had that one and we haven't had the equivalent of the great hurricane of 1900 in Galveston. I think Katrina was probably pretty close to the big one in that category. I think that emergency

THANKS

We're grateful to the following readers for responding to our funding appeal in the last issue of *P&R*:

Frances Ansley
Susan Bennett
Richard Bieder
California Newsreel
Yvonne Courtemanche
Sheila Crowley
Sheldon & Sandra Danziger
Robin Drayer
Rashi & Ruth Fein
Barbara & Herbert Franklin
Herbert & Louise Gans
Jack & Nicole Geiger
James Gibson
Joe Guggenheim
Jill Hamberg
Edward S. Herman
Phyllis Holmen

David Kandel & Betsy Krieger
Victoria Kaplan
Kenneth Kimerling
Henry Korman
Peter & Frances Marcuse
Henry McGee, Jr.
Mike Miller
Kathryn Nelson
Yale & Barbara Rabin
Deborah Rogow & Howard Winant
Jay Siegel & Mona Sarfaty
Alvin L. & Ann Schorr
Anthony Schuman
Sid & Sandy Socolar
Greg Squires
Bill Taylor

management is an oxymoron when you get into those areas.

CH: Beyond evacuation and services issues, does FEMA at all get involved in the whole rebuilding process in terms of racial issues—this notion that we're not going to rebuild New Orleans to what it was, it's going to be a different demography.

AC: First of all, we only provide funding for public buildings and the issue of debris removal. Regrettably, a good part of the Lower 9th is debris which has to be removed, and we have the authority to assign missions to other agencies, and so what you get is a system where FEMA is removed first of all by handing this over to the Army Corps of Engineers, which then hands it over to private contractors. So one of the issues that persistently comes up is the lack of minority representation in terms of debris removal, but FEMA is somewhat shielded from that because it's usually mission-assigned to another federal agency. We can try to influence the Corps but we can't tell the Corps what to do other than we're telling you to go get this debris removed and basically the Corps does it the way they're going to do it. When we give money to replace or repair, for example, public buildings, bridges, roads and like, again, that money's given to states and they then give it to the local government. Now, for example, we do say that depending on the degree of destruction, if a building or a structure is rebuilt, it's got to be rebuilt appropriately for people with disabilities. But in terms of the private housing market and to what extent the city of New Orleans is going to rebuild and how it's going to rebuild, that's not an issue that we would ever get involved in.

CH: Did you feel that media coverage was in anyway racially biased, and did that have an impact?

AC: No. Actually, I felt this was the media's discovery that there was actually a problem out there. Not that much attention has been paid, as much as should have been paid, to the Gulf Coast, where the level of destruction on a proportional basis was probably worse than in New Orleans. In some

cases, entire communities just wiped off the map, something akin to what happened when Rita came through on the west side of the state later that month. But certainly I think the media has been very sympathetic.

CH: How do civil rights issues in Katrina/Rita compare with FEMA's previous engagements in terms of those responses and issues?

AC: After the hurricanes in Florida, we had this enormous number of civil rights complaints, mostly based on race. Our historic pattern is that about half of our complaints are racially based and about 90 to 95% of them have to do with housing inspection, some problem with the inspection process, such as biased inspections. Another matter is damage and cost estimates that vary wildly. And so here is another place where FEMA has insulated itself—not wittingly, it's just the way we do business. We could not afford to keep a group of inspectors on the rolls any more than we can afford to have these DAE's permanently on the rolls, so what we do is we have two or three private companies do the work.

CH: Some people have talked about potential violations of the Voting Rights Act if part of this conscious change of population is political in the sense of trying to make sure that Louisiana is Red and stays Red for a while or gets Red. Is that an area that FEMA concerns itself with?

AC: No, we would have absolutely nothing to do with that. We're only involved with Title VI because you have to show that the state or the parish or the city was using our money in a racially biased way and that it would be our money and not money from some other agency. Since our money is really not involved with the private housing market, it's very hard to see where we would be an actor.

CH: The Lawyers' Committee has brought a class action against FEMA. Do you foresee any further such litigation?

AC: Well, it's certainly been called for, by Minister Farrakhan and others. There was a class action suit against FEMA after September 11th by

Waiting for Gautreaux

Alexander Polikoff has just published (with Northwestern Univ. Press) his account of the long-running *Gautreaux v. HUD* litigation, his "baby" for 40 years. The book, titled per above, is subtitled *A Story of Segregation, Housing, and the Black Ghetto*. PRRAC is co-sponsoring a discussion of the book with Alex (and a book-signing) on **Wed., Feb. 15, 4-5:30 at The Urban Inst., 2100 M St. NW, 5th flr.** To ensure adequate refreshments, pls. email acceptances to chartman@prrac.org—put "Gautreaux" in the subject line.

public interest groups representing the Asian community because we had a situation there where people were being turned down for assistance because they couldn't provide the kind of information we needed to prove that they lived where they said they lived—rent receipts and so on; they lived in a community where there is nothing written down. The outcome was that we had about 7,000 cases, and we changed our regulations to allow other types of conformation. The families of Katrina are dispersed, they are poor, they shy away from the government; they're going to have to be organized and I don't know if it's going to be successful. They could sue FEMA for failure to come to the rescue, but they really have to turn to the city and the state as far as the fundamental issue of evacuation. I'm enough of a believer in the federal system that I don't think we would want to have a federal agency that was so all-powerful that it could actually make and implement evacuation plans for every community in the country. We would have to know a little too much about every community in the country to do that before they sue us. There are other people they need to be looking at.

CH: Thank you very much. I appreciate you taking the time to speak with us.

Resources

Due to page constraints, the Resource Section in this issue is unusually skimpy—we'll compensate in the March/April issue.

Race/Racism

- **“Reparations”** is a special 4-article, 43-page section of the Winter/Spring 2002 issue of *Socialism and Democracy*. \$10 to them at 411a Highland Ave., #321, Somerville, MA 02144, 617/776-9505, zendive@aol.com, <http://www.sdonline.org/> [9660]

Poverty/Welfare

- *Voices - Global Rights Magazine* devotes its 16-page, Winter 2006 issue to “Poverty in the United States: Human Rights Denied.” Available (no price listed) from Global Rights, 1200 18th St. NW, #602, Wash., DC 20036, 202/822-4600, info@globalrights.org, <http://www.globalrights.org/> [9663]

Criminal Justice

- **“Every Door Closed: Barriers Facing Parents with Criminal Records — An Action Agenda”** (2004) is a series of 8 Fact Sheets, prepared by the Ctr. for Law & Social Policy (headed by former PRRAC Bd. member Alan Houseman) & Community Legal Services (Phila.) Available (no price listed)

from CLASP, 1015 15th St. NW, #400, Wash., DC 20005, 202/906-8000, <http://www.clasp.org/> [9686]

- **“Incarceration and Crime: A Complex Relationship”** (8 pp., 2005) is available from The Sentencing Project, 514 10th St. NW, #1000, Wash., DC 20004, 202/628-0871, aboone@sentencingproject.org, <http://www.sentencingproject.org/> [9689]

Education

- **“Getting Smarter, Becoming Fairer: A Progressive Education Agenda for a Stronger Nation”** (85 pp., Aug. 2005), a joint publication of the Ctr. for American Progress & the Inst. for America's Future, is available (no price listed) from the Center, 1333 H St. NW, 10th fl., Wash., DC 20005, 202/682-1611, <http://www.americanprogress.org/> [9661]

- **“Education: The State We're In”** (Aug. 2005), co-published by the Ctr. for American Progress & the Inst. for America's Future, consists mainly of state-by-state report cards on: the achievement gap; early childhood education; the h.s.-to-college pipeline; accessibility of higher education; participation in afterschool programs; standards & student performance measurements; teachers' subject-matter qualifications. Available (possibly free) from the Ctr., 1333

H St. NW, 10th fl., Wash., DC 20005, 202/682-1611, <http://www.americanprogress.org/> [9677]

- **“The High Schools Hispanics Attend: Size & Other Key Characteristics”** is a late 2005 report from the Pew Hispanic Ctr., available at pewhispanic.org/reports/report.php?ReportID=54 [9674]

- **“Providing Rural Students with a High Quality Education: The Rural Perspective on the Concept of Educational Advocacy,”** by Gregory C. Malhoit (July 2005), is available from The Rural School & Community Trust, 1530 Wilson Bldg., #240, Arlington, VA 22209, 703/243-1487, downloadable at <http://www.ruraledu.org/> [9681]

- **“The Impact of Arkansas' Act 60 on African-American School Leadership & Racial Composition of School Districts,”** by Lorna Jimerson (July 2005), reports the impact of a state law mandating consolidation of districts with fewer than 350 students. Available from The Rural School & Community Trust, 1530 Wilson Blvd., #240, Arlington, VA 22209, 703/243-1487; downloadable at <http://www.ruraledu.org/> [9682]

- **“Dollars and Sense II: Cost Effective Strategies for Good, Small Schools,”** by Barbara Kent Lawrence (Knowledgeworks, Summer 2005), is available under “downloads” at [\[goodsmallschools.org/\]\(http://goodsmallschools.org/\) \[9683\]](http://www.</div><div data-bbox=)

- **“Teachers of Peace: Educating for Peace & Social Change,”** seminar for those who teach middle, Jr. and Sr. HS-aged students, **March 2-5, 2006** at William Penn House, a Quaker Ctr. on Capitol Hill (DC), 202/543-5560, janaki@WmPennHouse.org [9662]

Food/Nutrition/Hunger

- **“The Real Cost of a Healthy Diet: Healthful Foods Are Out of Reach for Low-Income Families in Boston, Massachusetts”** is a Aug. 2005 report from the Food Security Project at Boston Medical Ctr. To obtain a copy from the Children's Nutrition Assessment website, google “C-SNAP healthy diet” [9679]

Health

- **“Preventing Childhood Lead Poisoning in New Jersey: Advocates & State Government Working Together to Increase the Lead Screening of Children”** (2005) is available at www.aclu.org/PoorRights/PoorRights.cfm?ID=19300&c=151 [9687]

- **The Assn. of Maternal & Child Health Annual Conf.** will be held **March 4-8, 2006** in Arlington, VA. Inf. from 401/654-3010, <http://www.amchp.org/> [9666]

Housing

● “No Home for the Holidays: Report on Housing Discrimination Against Hurricane Katrina Survivors” is a Dec. 20, 2005, 11-page report from the Natl. Fair Housing Alliance. Available (possibly free) from NFHA, 1212 NY Ave. NW, #525, Wash., DC 20005, 202/898-1661, <http://www.nationalfairhousing.org/> [9664]

● “Subsidized Housing & Children’s Nutritional Status,” by Alan Meyers, appeared in the June 2005 (Vol.159) *The Archives of Pediatric Medicine*, <http://www.archpediatrics.com/> [9671]

● “\$215,000,000 and Counting: A Summary of Housing Discrimination Lawsuits That Have Been Assisted by the Efforts of Private, Non-profit Fair Housing

Organizational Members of the National Fair Housing Alliance” (June 2005) is available (\$5) from the Fair Housing Ctr. of Met. Detroit, 313/963-1274. [9680]

● The Natl. Low Income Housing Coalition (headed by PRRAC Board member Sheila Crowley) is holding its Annual Conf. & Lobby Day **Feb. 27-28, 2006** in DC. Inf. from 202/662-1530, conference@nlihc.org [9668]

Miscellaneous

● “The 9/11 Project: A collaborative project to represent families of victims of the World Trade Ctr. attacks on Sept. 11, 2001” (2005) is available (likely free) from the coordinating org., NY Lawyers for the Public Interest, 151 W. 30 St., NYC, NY 10001, <http://www.nylpi.org/> [9688]

Job Opportunities/ Fellowships/ Grants

● The AFL-CIO Dept. of Civil, Human & Women’s Rights is seeking an Assistant Director (DC Hq.) Resume to Tom Goodwin, Goodwin & Co., 1150 Conn. Ave. NW, #615, Wash., DC 20036, 202/785-9292, tom@goodwinco.com [9657]

● The Sentencing Project is hiring a Communications Associate. Feb. 10 deadline. Ltr./resume/writing sample to Nia Lizanna at the Project, 514 10th St. NW, #1000, Wash., DC 20004, nlizanna@sentencingproject.org, www.sentencingproject.org/hiring.cfm [9658]

● The Sargent Shriver Ctr. on Poverty Law is hiring a Housing Staff Atty.. Ltr./resume/writing sample/refs. to Kate Walz at the Ctr., 50 E. Wash-

ington, #500, Chicago, IL 60606, katewalz@povertylaw.org [9659]

● The National Law Ctr. on Homelessness & Poverty is hiring a Human Rights Staff Atty. (\$39-50,000). Ltr./resume/refs./short example of legal writing to the Ctr., 1411 K St. NW, #1400, Wash., DC 20005. [9670]

● William Randolph Hearst Endowed Fellowship for Minority Students is offered by The Aspen Inst.—“to introduce a diverse group of students to issues relating to philanthropy, voluntarism & nonprofit organizations.” Summer 2006 applic. deadline Feb. 15 (late applics. accepted but will not be given full consideration); Fall 2006 applic. deadline Aug. 15. 10-15 weeks at the Institute’s DC office; Fall and Spring p.t., Summer f.t. Applic. details from John Russell, 202/736-5800, john.russell@aspeninst.org [9692]

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