

**The original documents are located in Box 73, folder “164 - Community Relations Service” of the J. Stanley Pottinger Papers, 1968-1981 at the Gerald R. Ford Presidential Library.**

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§ 0.30

## Title 28—Judicial Administration

regulations and other similar matters which require the approval of the President or the Attorney General.

(c) Working with the White House Office, the Bureau of the Budget and other Executive agencies on legal aspects of bills proposed for the President's legislative program.

(d) Rendering opinions to the Attorney General and to the heads of the various organizational units of the Department on questions of law arising in the administration of the Department.

(e) Approving proposed orders of the Attorney General, and orders which require the approval of the Attorney General, as to form and legality and as to consistency and conformity with existing orders and memoranda.

(f) Except as to proposed legislation, acting in a liaison capacity for cooperation with the Council of State Governments.

(g) Coordinating the work of the Department of Justice with respect to the participation of the United States in the United Nations and related international organizations and advising with respect to the legal aspects of treaties and other international agreements.

(h) When requested, advising the Attorney General in connection with his review of decisions of the Board of Immigration Appeals and other organizational units of the Department.

(i) Advising Executive agencies and organizational units of the Department on questions relating to interpretation and application of the Public Information Section of the Administrative Procedure Act. (5 U.S.C. 552).

(j) Providing liaison for the Department with the Administrative Conference of the United States.

(k) Providing guidance and assistance to personnel of the Department of Justice in matters relating to ethical conduct, particularly matters subject to the provisions of the conflict of interest laws, Executive Order No. 11222 of May 8, 1965, or Part 45 of this title.

(l) Designating within the Office of Legal Counsel (1) a liaison officer, and an alternate, as a representative of the Department in all matters concerning the filing of departmental documents with the Office of the Federal Register, and (2) a certifying officer, and an alternate, to certify copies of documents (except those issued by the Commissioner of Immigration and Naturaliza-

tion, or his designee, and the Director of the Bureau of Narcotics and Dangerous Drugs) required to be filed with the Office of the Federal Register (1 CFR 1.21)

(m) Performing such special duties as may be assigned by the Attorney General from time to time.

### Subpart F—Community Relations Service

#### § 0.30 General functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Director of the Community Relations Service:

(a) Exercise of the powers and performance of the functions vested in the Attorney General by sections 204(d), 205, 1002, and 1003(a) of the Civil Rights Act of 1964 (78 Stat. 267) and section 2 of Reorganization Plan No. 1 of 1966.

(b) Preparation and submission of the annual report to the Congress required by section 1004 of that Act.

#### § 0.31 Designating officials to perform the functions of the Director.

(a) In case of a vacancy in the Office of the Director of the Community Relations Service, the Deputy Director of the Service shall perform the functions and duties of the Director.

(b) The Director is authorized, in case of absence from his office or in case of his inability or disqualification to act, to designate the Deputy Director to act in his stead. In unusual circumstances, or in the absence of the Deputy Director, a person other than the Deputy Director may be so designated by the Director.

#### § 0.32 Applicability of existing departmental regulations.

Departmental regulations which are generally applicable to units or personnel of the Department of Justice shall be applicable with respect to the Community Relations Service and to the Director and personnel thereof, except to the extent, if any, that such regulations may be inconsistent with the intent and purposes of section 1003(b) of the Civil Rights Act of 1964.

### Subpart G—Office of the Pardon Attorney

CROSS REFERENCE: For regulations pertaining to the office of Pardon Attorney, see Part 1 of this chapter.



count of race, color, religion, or national origin, the Attorney General for or in the name of the United States may intervene in such action upon timely application if the Attorney General certifies that the case is of general public importance. In such action the United States shall be entitled to the same relief as if it had instituted the action.

**TITLE X—ESTABLISHMENT OF COMMUNITY RELATIONS SERVICE**

42 U.S.C.

2000-g

SEC. 1001. (a) There is hereby established in and as a part of the Department of Commerce a Community Relations Service (hereinafter referred to as the "Service"), which shall be headed by a Director who shall be appointed by the President with the advice and consent of the Senate for a term of four years. The Director is authorized to appoint, subject to the civil service laws and regulations, such other personnel as may be necessary to enable the Service to carry out its functions and duties, and to fix their compensation in accordance with the Classification Act of 1949, as amended. The Director is further authorized to procure services as authorized by section 15 of the Act of August 2, 1946 (60 Stat. 810; 5 U.S.C. 55(a)), but at rates for individuals not in excess of \$75 per diem.

63 Stat. 954;  
76 Stat. 843.  
5 USC 1071

5 U.S.C. 2205

(b) Section 106(a) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2205(a)), is further amended by adding the following clause thereto:

10 Stat. 737.

"(52) Director, Community Relations Service."

SEC. 1002. It shall be the function of the Service to provide assistance to communities and persons therein in resolving disputes, disagreements, or difficulties relating to discriminatory practices based on race, color, or national origin which impair the rights of persons in such communities under the Constitution or laws of the United States or which affect or may affect interstate commerce. The Service may offer its services in cases of such disputes, disagreements, or difficulties whenever, in its judgment, peaceful relations among the citizens of the community involved are threatened thereby, and it may offer its services either upon its own motion or upon the request of an appropriate State or local official or other interested person.

Functions.  
42 U.S.C.  
2000g-1

SEC. 1003. (a) The Service shall, whenever possible, in performing its functions, seek and utilize the cooperation of appropriate State or local, public, or private agencies.

42 U.S.C.  
2000g-2

(b) The activities of all officers and employees of the Service in providing conciliation assistance shall be conducted in confidence and without publicity, and the Service shall hold confidential any information acquired in the regular performance of its duties upon the understanding that it would be so held. No officer or employee of the Service shall engage in the performance of investigative or prosecuting functions of any department or agency in any litigation arising out of a dispute in which he acted on behalf of the Service. Any officer or other employee of the Service, who shall make public in any manner whatever any information in violation of this subsection, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or imprisoned not more than one year.

42 U.S.C.  
2000g-3

SEC. 1004. Subject to the provisions of sections 205 and 1003(b), the Director shall, on or before January 31 of each year, submit to the Congress a report of the activities of the Service during the preceding fiscal year.

Report to Congress.



From  
THE ATTORNEY GENERAL

- Deputy Attorney General-----
- Solicitor General-----
- Director of Public Information-----
- Assistant Attorney General for Administration-----
- Assistant Attorney General, Antitrust-----
- Assistant Attorney General, Civil-----
- Assistant Attorney General, Civil Rights-----
- Assistant Attorney General, Criminal-----
- Assistant Attorney General, Land & Nat. Resources-----
- Assistant Attorney General, Legal Counsel-----
- Assistant Attorney General, OLA-----
- Assistant Attorney General, Tax-----
- Administrator, DEA-----
- Administrator, LEAA-----
- Chairman, Board of Immigration Appeals-----
- Chairman, Parole Board-----
- Commissioner, I&NS-----
- Director, Bureau of Prisons-----
- Director, Community Relations Service-----
- Director, FBI-----
- Pardon Attorney-----

Attention \_\_\_\_\_

REMARKS: 9/27

Stan Pottinger:  
Would appreciate your informal  
comment.

JSP r'cvd. *l*

ELR

9/26

9/28/73



From  
THE ATTORNEY GENERAL

- Deputy Attorney General-----
- Solicitor General-----
- Director of Public Information-----
- Assistant Attorney General for Administration-----
- Assistant Attorney General, Antitrust-----
- Assistant Attorney General, Civil-----
- Assistant Attorney General, Civil Rights-----
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- Chairman, Board of Immigration Appeals-----
- Chairman, Parole Board-----
- Commissioner, I&NS-----
- Director, Bureau of Prisons-----
- Director, Community Relations Service-----
- Director, FBI-----
- Pardon Attorney-----

Attention \_\_\_\_\_



REMARKS: 9/26

1. Attorney General

*Stan Pattinger*  
2. *Stan Pattinger:* *your* informal  
*would appreciate your informal*  
*comment.*  
*comment.*

*[Signature]*  
9/26



*dakotas area*

RECEIVED  
OFFICE OF THE  
ATTORNEY GENERAL

SEP 26 1973

Berkshire Plaza - 405 N. W. Eighth Ave. - Phone (605) 229-0422 - Aberdeen, S. D. 57401

JAMES ARMSTRONG, Resident Bishop

RUSSELL DILLEY, Assistant to the Bishop

September 19, 1973

RECEIVED 3  
SEP 25 1 54 PM '73  
DEPT. OF JUSTICE  
HALL ROOM  
MORON

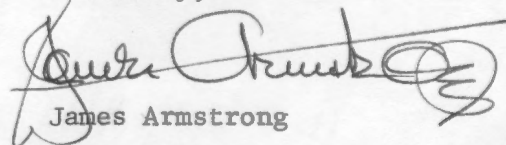
Attorney General Elliot Richardson  
Department of Justice  
Washington, D. C. 20543

Dear Mr. Richardson:

I deeply appreciated the privilege of sharing in the briefing and reception held at the National Lawyers Club late on the afternoon of September 11. Ben Holman did a good job in filling us in, and we were especially grateful for your supportive presence.

Let me simply underscore the brief word of concern I shared with you following your presentation. In talking with assistant attorneys general at Pine Ridge during the Wounded Knee crisis and with persons related to the control center in Washington when there in April, I gained the distinct impression that at least some of the strategic leadership of the Department of Justice was out of patience with the aims and role of CRS. It was seen by them as a presence within a presence, at war with its own larger identity (the Department of Justice). For that reason, your words were extremely reassuring. It is good to know that the United States government has within its highest law enforcement agency a division that exists to advocate, mediate, reconcile and "trouble-shoot." I have communicated the requested information to Ben Holman, but I did want you to have this personal word of support and gratitude.

Sincerely,

  
James Armstrong

JA:el



1/2 "CRS"  
3 - JSP

~~10/8/53~~

Trust to the Singapore. Reasons:

- 1) Statutory role of independence.  
Should be some telegram. Helped them  
at the contact needed.
- 2) Generalized meant that they  
refused to say how much food;  
what kind; babies. Gave general  
\* reports, favorable to present needs -  
"need food; food will calm situation;  
and address." \* eg. access problem.
- 3) Leads to Anderson
- \* 4) Varying degree of trust in situation.  
situation



October 1, 1973

TO: Bill O'Connor

FROM: Stan Pettinger

SUBJECT: Community Relations Service

When you have a moment, would you give me a call about a matter involving the Community Relations Service? Specifically, I need some information about their jurisdiction as statutorily defined.

Thanks.





Department of Justice  
Washington, D.C. 20530

October 1, 1973

TO: Stan Pottinger

*Bd*  
FROM: Bill O'Connor

SUBJECT: Community Relations Service

Community Relations Service was established by CRA of 1964 (Title X, Sec. 1001; 42 U.S.C. 2000g). The CRS was originally located in the Department of Commerce, and the first Director was Leroy Collins (Governor of Florida), as I remember it. It was assimilated by the Department of Justice pursuant to Reorganization Plan #1, in 1966, and has been here since. There is a certain difference between CRS and any other part of the Department, primarily because of the statutory responsibility of CRS for confidentiality of information which it receives as confidential, and the proscription of any investigative or prosecutive functions in any litigation arising out of a dispute in which the employee acts for the CRS. (Sec. 1003-b of Title X, 42 U.S.C. 2000g-3--see 28 CFR Chap. 1, Subpart F, §0.32) Department reg makes inoperative any department reg or policy which is inconsistent with §1003(b). Section 1002 sets out the jurisdiction and responsibility of the CRS. I've attached a xerox of relevant regs and stats FYI.



Department of Justice  
Washington, D.C. 20530

JSP agenda

164

OCT 22 1974

TO: Stan Pottinger

FROM: Bill O'Connor

SUBJECT: Coordination with Community Relations Service

JSP r'cvd.

10/22/74

On October 16, Gil Pompa from Community Relations Service stopped by and discussed with me coordination between our Division and his Service. Gil told me that Hayden Gregory had complained to Ben Holman who had complained to him that our attorneys in Boston were brought to Boston without coordination with Hayden Gregory and that he did not feel coordination was adequate.

I asked Gil for the particulars of his concerns, and he said that he really couldn't identify them--but that Hayden Gregory felt that he should be told of impending prosecutions before they occurred. I asked Gil if he had been advised that Gregory had met with Gardner in Boston regularly, and that Gregory and Gardner had gone together to discuss with Judge Garrity the prospective issuance of the arrest warrants which resulted in the arrests of Griffin and King on 10/16. He said that he did not know that Gregory had had that information--but that that was most useful. I told him that Gardner had been talking to Gregory regularly, and that our other attorneys had profited much by Gregory's assistance, including the arrangement on last weekend of a conference with local black representatives who were brought together in part through Gregory's good offices. I told Pompa I was at a loss to understand what the concern Mr. Holman had expressed



could be, but that if he could tell me I would be glad to correct it if we could, and would, of course, advise Gardner to continue to coordinate fully with Gregory.

During the same conversation, I asked Pompa whether any further "Peoria type" matters had been brought up and he said that since Gregory had been in Boston since before our meeting on Peoria he knew of nothing. I asked Gil if he were aware of a recent speech given by Mr. Holman about revenue sharing, and he said that he was not. I showed him my copy of the speech (copy attached for you) and invited his attention to the remarks made by Mr. Holman. He told me it was all news to him. I told him it was certainly news to me, since, if there were agreements between the Community Relations Service and the Office of Revenue Sharing, we knew nothing of them (see the last page of the speech).

I asked Bob Dempsey if he had had any contact with Revenue Sharing regarding their coordination with CRS or vice versa and he had had none and did not know of it.

It seems to me that Community Relations Service may perform a very valuable and useful function, if it can attempt to smooth over difficulties in the various areas in which it works. However, it seems to me that it would be most helpful if you and Mr. Holman could reach an agreement whereby he would let you know, or have his staff appropriately notify us, when he is dealing in a problem area or program area that directly impinges upon one of our operations.

Perhaps you and Mr. Holman could informally discuss the issue at an appropriate staff meeting which you might both attend or at one of the AG's luncheons--in the meantime, I will continue to try to keep the Community Relations Service advised and hope



that they will do the same for us. If you wish me to undertake any negotiations with CRS, I will be glad to do so--representatives from Title VII and Federal Programs were at the meeting with Gil Pompa which we held on Peoria. Those continue to be the primary areas in which we might interact, other than civil disturbance situations.





# Department of Justice

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"REVENUE SHARING AND THE BLACK COMMUNITY"

REMARKS BY

BEN HOLMAN, DIRECTOR  
COMMUNITY RELATIONS SERVICE  
U.S. DEPARTMENT OF JUSTICE

To

NORTH CAROLINA STATE CONFERENCE BRANCHES  
OF THE NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE

DOWNTOWNER EAST MOTOR INN  
CHARLOTTE, NORTH CAROLINA

OCTOBER 4, 1974  
3 P.M.



TO BE PART OF AN NAACP EVENT IS ALWAYS A PLEASURE. THE WORK OF THIS GREAT ORGANIZATION HAS MADE AN INDELIBLE AND POSITIVE IMPRINT ON THIS NATION AND THE LIVES OF ITS PEOPLE. ALL OUR CIVIL AND HUMAN ADVANCES TO A GREAT DEGREE HAVE RESULTED FROM THE EFFORTS OF YOUR ORGANIZATION TO ASSURE THAT AMERICA APPLY WHAT IS IN THE CONSTITUTION EQUALLY TO ALL ITS CITIZENS. NOT ONLY BLACKS, BUT ALL THE PEOPLE OF THIS NATION ARE INDEBTED TO THE NAACP FOR CONTRIBUTION TO THE SOCIAL ADVANCEMENTS THE NATION HAS MADE THUS FAR. I KNOW THAT I SPEAK FOR MANY WHEN I SAY "THANKS" AND KEEP UP THE GOOD WORK.

IN MY REMARKS TO YOU TODAY, LADIES AND GENTLEMEN, I'D LIKE TO TALK ABOUT OUR RAPIDLY CHANGING SOCIETY AND ABOUT THE IMPORTANCE OF BEING AWARE OF WHAT IS TAKING PLACE SO THAT WE CAN ASSURE PUBLIC ACCOUNTING BY ALL THOSE WHO ARE VESTED WITH A PUBLIC RESPONSIBILITY.

FIRST, HOWEVER, I'D LIKE TO BRIEFLY DESCRIBE THE AGENCY I DIRECT, THE COMMUNITY RELATIONS SERVICE--OR CRS.

BASICALLY, WE ARE AN AGENCY CREATED BY CONGRESS IN THE CIVIL RIGHTS ACT OF 1964 TO HELP COMMUNITIES TO RESOLVE PROBLEMS ROOTED IN DISCRIMINATORY PRACTICES WHICH AFFECT



BLACKS AND OTHER MINORITIES. OUR AUTHORITY TO INTERCEDE IN A RACIAL DIFFICULTY IS VERY BROAD. THE LAW PERMITS US TO BECOME INVOLVED WHENEVER, IN OUR JUDGMENT, " . . . PEACEFUL RELATIONS AMONG CITIZENS OF THE COMMUNITY INVOLVED ARE THREATENED . . . ." WE CAN INTERCEDE IN A DISPUTE, DISAGREEMENT, OR DIFFICULTY AT THE REQUEST OF LOCAL AUTHORITIES OR PRIVATE ORGANIZATIONS OR INDIVIDUAL CITIZENS, OR ON OUR OWN ACCORD.

WE ARE UNIQUE AMONG FEDERAL AGENCIES IN THAT WE DON'T ENFORCE LAWS, REGULATE PRACTICES, OR GRANT FUNDS FOR PROGRAMS. THE TOOL OF OUR TRADE IS PERSUASION, WHICH HAS PROVED RATHER EFFECTIVE IN DEFUSING TENSIONS AND CONFLICTS, AND FOR ESTABLISHING MECHANISMS FOR GREATER PARTICIPATION IN LOCAL DECISIONMAKING.

WHEN APPLIED TO TROUBLE SITUATIONS, OUR ASSISTANCE TAKES THE FORM OF TWO PRINCIPAL INTERMEDIARY ROLES--CONCILIATION AND MEDIATION. WITHIN THE MEANING OF THESE TERMS AS THEY RELATE TO OUR FUNCTION, CONCILIATION IS A TECHNIQUE EMPLOYED TO IMMEDIATELY REDUCE TENSION OR TO PROMPTLY END OR AVOID VIOLENCE.

MEDIATION, ON THE OTHER HAND, IS A NEGOTIATION PROCESS AIMED AT PERMANENT, BINDING, AND EQUITABLE SETTLEMENT OF



ISSUES UNDERLYING OR CAUSING THE TENSION.

ALTHOUGH CONCILIATION ASSISTANCE IS RENDERED UPON REQUEST OR UPON OUR OWN MOTION, MEDIATION IS PROVIDED ONLY UPON THE REQUEST OF PARTIES INVOLVED IN THE DISPUTE, OR UPON JUDICIAL REFERRAL--WHEN THE COURTS FEEL THAT THE DISPUTE CAN BE SETTLED VOLUNTARILY THROUGH NEGOTIATION.

WE GET INVOLVED IN DISPUTES COVERING ALL ASPECTS OF MINORITY CONFLICT; HOWEVER, MOST OF OUR TIME IS SPENT RESPONDING TO REQUESTS ASSOCIATED WITH ALLEGATIONS OF POLICE MALPRACTICE, PRISON DIFFICULTIES, EMPLOYMENT DISCRIMINATION, AND EDUCATION PROBLEMS, PARTICULARLY SCHOOL DESEGREGATION.

OUR PEOPLE DEAL WITH GOVERNORS AND TOP STATE OFFICIALS, MAYORS, POLICE CHIEFS, AND OTHER PUBLIC OFFICIALS AND TOP BUSINESS EXECUTIVES ALL ACROSS THE NATION. AND WE DON'T HESITATE FOR ONE MOMENT TO SPEAK TO THEM, IN PRIVATE, IN A VERY DIRECT AND CANDID WAY ABOUT RENEGING ON A COMMITMENT OR FAILING TO DEAL WITH MINORITIES JUSTLY AND IMPARTIALLY.

SO IF MY REMARKS TO YOU TODAY APPEAR OVERLY CANDID, IT IS IN KEEPING WITH THE WAY WE PERFORM OUR ROLE.

THERE COMES A TIME WHEN WE WHO ARE ADVOCATES OF CIVIL RIGHTS MUST TAKE STOCK TO DETERMINE IF WE'RE STILL RELEVANT





OR ARE IN TUNE TO THE CHANGES OR NEW TRENDS THAT ARE CONSTANTLY TAKING PLACE AROUND US.

CHANGE IS OCCURRING SO RAPIDLY I CAN SAY WITHOUT EXAGGERATION THAT WE ARE EXPERIENCING A REVOLUTION. WE ARE RAPIDLY BECOMING SO UNIONIZED, SO URBANIZED, SO INSTITUTIONALIZED, AND SO SUBURBANIZED. ALL THIS IS HAVING A PROFOUND EFFECT ON OUR GENERAL LIFE STYLES, OUR POLICIES, AND OUR SOCIOECONOMIC WELL BEING. THIS IS AN ENTIRELY NEW BALLGAME, WHEN COMPARED TO THE 1950'S AND 1960'S.

TO REMAIN RELEVANT, WE MUST SOMEHOW DEVELOP NEW METHODS AND STRATEGIES TO EXTRACT FROM THIS EVER OCCURRING CHANGE THOSE CREATIVE AND INNOVATIVE ELEMENTS TO HELP THIS NATION CONTINUE TO MAKE REAL ITS NOBLE IDEALS OF EQUALITY AND JUSTICE.

HOW WE DID THINGS 20--EVEN 10--YEARS AGO WAS FINE FOR THOSE DAYS. BUT WE'RE NOW IN THE 70'S, AND WE MUST MOVE VIGOROUSLY AHEAD. WE MUST NEVER BECOME STATIC. OUR FUTURE WELL BEING RESTS UPON HOW WELL WE RESPOND TO THE CHALLENGES NOW IMPOSED.

LET ME TRY TO APPLY WHAT I'M SAYING TO ONE CHANGE THAT'S TAKING PLACE IN OUR NATION, SO THAT YOU'LL GET A CLEARER



UNDERSTANDING OF MY POINT.

A LITTLE OVER 2 YEARS AGO, THE PRESIDENT SIGNED A MAJOR PIECE OF LEGISLATION WHICH, HE SAID, WAS DESIGNED TO " . . . RESTORE POWER TO THE PEOPLE." THE PURPOSE OF THE STATE AND LOCAL FISCAL ASSISTANCE ACT OF 1972, COMMONLY CALLED THE "REVENUE SHARING ACT," IS TO CHANNEL FEDERAL FUNDS DIRECTLY TO STATE AND LOCAL UNITS OF GOVERNMENT WITH VERY FEW STRINGS ATTACHED.

THIS PIECE OF LEGISLATION REPRESENTED A GIANT STRIDE IN FURTHERING A NEW TREND IN FEDERAL REVENUE GRANTING, WHICH IS BASED ON THE RATIONALE THAT STATE AND LOCAL GOVERNMENT UNITS KNOW THEIR PROBLEMS AND NEEDS BETTER THAN DOES WASHINGTON AND ARE, THEREFORE, IN A BETTER POSITION TO DETERMINE WHERE AND HOW TO SPEND FUNDS FOR BEST RESULTS.

THE CONCEPT WAS NOT ENTIRELY NEW; IT HAS BEEN BANTERED ABOUT BY PRACTICALLY EVERY ADMINISTRATION SINCE 1949. HOWEVER, IT REALLY BEGAN TO TAKE EFFECT WITH PASSAGE OF THE OMNIBUS CRIME AND SAFE STREETS ACT OF 1968--WHICH ESTABLISHED THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION (LEAA), A SISTER AGENCY IN THE JUSTICE DEPARTMENT AUTHORIZED TO MAKE BLOCK GRANTS TO STATES; AND THE COMPREHENSIVE EMPLOYMENT AND TRAINING



ACT OF 1973. THIS LATTER ACT MAKES AVAILABLE LARGE SUMS OF FEDERAL MONIES TO STATE AND LOCAL GOVERNMENTS FOR A WIDE ARRAY OF JOB TRAINING AND EMPLOYMENT PROGRAMS FOR ECONOMICALLY DISADVANTAGED, UNEMPLOYED, AND UNDEREMPLOYED PERSONS.

ANOTHER PIECE OF LEGISLATION SIGNED BY PRESIDENT FORD WHICH WOULD FURTHER "HELP RETURN POWER FROM THE BANKS OF THE POTOMAC TO THE PEOPLE", IS THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974. OVER A 3-YEAR PERIOD, NEARLY \$8.4 BILLION WILL BE GRANTED TO STATE AND LOCAL GOVERNMENTS TO HELP DEVELOP VIABLE URBAN COMMUNITIES WITH DECENT HOUSING, A SUITABLE LIVING ENVIRONMENT, AND EXPANDING ECONOMIC OPPORTUNITIES, PRINCIPALLY FOR LOW AND MODERATE INCOME PERSONS.

BUT LET'S TALK SPECIFICALLY ABOUT REVENUE SHARING.

TO BEGIN, THIS ACT PUMPS INTO STATE AND LOCAL UNITS OF GOVERNMENT APPROXIMATELY \$30.2 BILLION OVER A 5-YEAR PERIOD--RETROACTIVE TO 1972, WHICH MAY EITHER BE USED FOR OPERATING AND MAINTENANCE OR CAPITAL EXPENDITURES. STATES CAN USE THEIR FUNDS WITHOUT CATEGORICAL RESTRICTIONS, BUT LOCAL GOVERNMENTAL UNITS MUST CONFINE EXPENDITURE TO ONE OF THESE EIGHT PRIORITY CATEGORIES:

- 0 PUBLIC SAFETY--INCLUDING LAW ENFORCEMENT;  
FIRE PROTECTION, AND BUILDING CODE ENFORCEMENT;



- O ENVIRONMENTAL PROTECTION--INCLUDING SEWER DISPOSAL, SANITATION, AND POLLUTION ABATEMENT;
- O PUBLIC TRANSPORTATION--INCLUDING TRANSIT SYSTEMS, STREETS, AND ROADS;
- O HEALTH, RECREATION, LIBRARIES, AND SOCIAL SERVICES FOR THE POOR, THE AGED; AND
- O FINANCIAL ADMINISTRATION.

TWO SECTIONS OF THE ACT ARE OF PARTICULAR SIGNIFICANCE:

SECTION 121(A) REQUIRES STATE AND LOCAL UNITS OF GOVERNMENT TO SUBMIT TO THE U.S. SECRETARY OF THE TREASURY A PLANNED USE REPORT " . . . SETTING FORTH THE AMOUNTS AND PURPOSES FOR WHICH IT (THE UNIT OF GOVERNMENT) PLANS TO SPEND OR OBLIGATE THE FUNDS WHICH IT EXPECTS TO RECEIVE DURING SUCH (THE PLANNED USE) PERIOD."

THIS SECTION ALSO REQUIRES EACH GOVERNMENTAL UNIT TO HAVE COPIES OF ITS PLANNED USE REPORTS " . . . PUBLICIZED IN A NEWSPAPER WHICH IS PUBLISHED WITHIN THE STATE AND HAS GENERAL CIRCULATION WITHIN THE GEOGRAPHIC AREA OF THAT GOVERNMENT." EACH STATE AND LOCAL UNIT OF GOVERNMENT HAS TO ADVISE THE NEWS



MEDIA, INCLUDING THE MINORITY NEWS MEDIA, OF PUBLICATION OF ITS REPORTS.

THE OTHER PERTINENT SECTION, SECTION 122, STATES THAT "NO PERSON . . . SHALL ON THE GROUND OF RACE, COLOR, OR NATIONAL ORIGIN, OR SEX BE EXCLUDED FROM PARTICIPATION IN, BE DENIED THE BENEFITS OF, OR SUBJECTED TO DISCRIMINATION UNDER ANY PROGRAM OR ACTIVITY FUNDED IN WHOLE OR IN PART WITH FUNDS MADE AVAILABLE . . . ."

IF THE SECRETARY OF THE TREASURY DETERMINES THAT A STATE GOVERNMENT IS NOT IN COMPLIANCE, HE MUST CONTACT THE GOVERNOR TO ASSURE COMPLIANCE. IF THE GOVERNOR FAILS OR REFUSES TO SECURE COMPLIANCE, THE SECRETARY IS AUTHORIZED TO (1) REFER THE MATTER TO THE U.S. ATTORNEY GENERAL WITH A RECOMMENDATION THAT AN APPROPRIATE ACTION BE INSTITUTED; OR (2) EXERCISE POWERS AND FUNCTIONS PROVIDED IN TITLE VI OF THE CIVIL RIGHTS ACT OF 1964--WHICH PROHIBITS DISCRIMINATION ON THE GROUND OF RACE, COLOR, OR NATIONAL ORIGIN IN FEDERALLY ASSISTED PROGRAMS; OR (3) TAKE OTHER SUCH ACTIONS AS MAY BE PROVIDED BY LAW.

THESE TWO SECTIONS ARE VERY SIGNIFICANT, ESPECIALLY IN LIGHT OF THE CONCERNS MANY MINORITY LEADERS HAVE EXPRESSED ABOUT REVENUE SHARING.



HISTORICALLY, IT HAS BEEN STATE AND LOCAL UNITS OF GOVERNMENT AGAINST WHICH MINORITIES USUALLY HAVE HAD TO TAKE THEIR GRIEVANCES TO THE U.S. COURTS AND OTHER AGENCIES OF THE FEDERAL GOVERNMENT.

MINORITY CITIZENS ARE CONCERNED THAT THE FEW FEDERAL STANDARDS AND GUIDELINES ATTACHED TO REVENUE SHARING WILL WORK TO THEIR DISADVANTAGE AND THAT OF THE POOR. BECAUSE THEY ARE THE TWO SEGMENTS OF THE POPULATION WITH THE LEAST INFLUENCE, THEY MAINTAIN THAT WHEN THEIR INTERESTS ARE WEIGHED AGAINST THAT OF AN OVERPOWERING MAJORITY IN INSTANCES WHERE THE FUNDS ARE LIMITED THEY ARE BOUND TO COME OUT ON THE SHORT END OF THE STICK.

THESE CITIZENS CHARGE THAT REVENUE SHARING IS AN EXPERIMENT WHICH WILL DEPRIVE THEM OF THE LITTLE ECONOMIC AND POLITICAL INFLUENCE DEVELOPED UNDER CATEGORICAL FUNDS ARRANGEMENTS, WHICH ALLOWED FOR SOME ACTIVE CITIZEN PARTICIPATION AND/OR CITIZEN REVIEW PROCESS.

COMPOUNDING THESE PROBLEMS IS ANOTHER PROBLEM WHICH INVOLVES THE PARCELLING OF REVENUE SHARING FUNDS BASED ON NUMBERS WHICH AREN'T ENTIRELY ACCURATE. ESTIMATES ARE THAT AS MANY AS 5.3 MILLION PERSONS, OR 2.5 PERCENT OF THE POPULATION, WERE MISSED IN THE 1970 CENSUS COUNT. OF THIS NUMBER, IT IS



ESTIMATED THAT AS MANY AS 1.38 MILLION BLACKS WERE MISSED. AT STAKE IS THE EQUITABLE DISTRIBUTION OF FUNDS BASED ON THE MAXIMUM ACCURATE STATISTICAL COUNTING.

LADIES AND GENTLEMEN, REVENUE SHARING IS RELATIVELY NEW TO THE AMERICAN SCENE, AND IT DOES INVOLVE RISKS. ITS PURPOSE IS TO BRING DECISIONMAKING CLOSER TO THE PEOPLE. IT DOES NOT GIVE ASSURANCES THAT STATE AND LOCAL GOVERNMENTS WILL BE MORE OR LESS ATTENTIVE OR RESPONSIVE THAN THEY HAVE BEEN IN THE PAST TO THE NEEDS OF THEIR POOR AND MINORITIES.

HOWEVER, ONE THING IS CLEAR. THOSE WHO HAVE FELT IN THE PAST THAT STATE AND LOCAL GOVERNMENTS SHOULD BE MORE RESPONSIVE SHOULD HAVE FAR GREATER INCENTIVE TO PRESS THEIR CLAIM NOW THAT RESOURCES ARE AVAILABLE IN GREATER NUMBERS. HOW RESPONSIVE STATE AND LOCAL GOVERNMENTS WILL BE TO THE NEEDS OF ALL ITS CITIZENS WILL DEPEND ON HOW ALERT AND ASSERTIVE ARE THOSE OF US WHO ADVOCATE THE NEEDS AND CONCERNS OF MINORITIES AND THE POOR.

NO SEGMENT OF THE COMMUNITY SHOULD BE SHORT-CHANGED, ESPECIALLY THOSE SEGMENTS THAT STAND IN GREATEST NEED. AND WE CANNOT ASSURE THIS IS NOT THE CASE UNLESS WE WORK TO FORM SOME ACCEPTABLE SOLUTIONS.



ONE AREA OF URGENT NEED IF REVENUE SHARING IS TO BENEFIT ALL CITIZENS AND "RESTORE POWER TO ALL THE PEOPLE," IS THE NEED FOR GREATER PUBLIC AWARENESS AND UNDERSTANDING OF THE REVENUE SHARING PROCESS.

EVERY TAXPAYER SHOULD KNOW WHERE HIS MONEY IS SPENT AND WHO MAKES THE DECISIONS ON HOW IT IS SPENT.

EVERY CITIZEN SHOULD KNOW THAT WASHINGTON HAS LITTLE SAY-SO ABOUT THE LOCAL DECISIONS MADE REGARDING USE OF REVENUE SHARING FUNDS.

EVERY COMMUNITY SHOULD BE AWARE OF CHANNELS AND MECHANISMS THROUGH WHICH IT CAN CONSTRUCTIVELY PETITION GOVERNMENT, AND IN THIS CASE IT'S STATE AND LOCAL GOVERNMENT.

I THINK IT'S SAFE TO SAY THAT MINORITIES KNOW THE LEAST ABOUT ALL THIS, SO AN EDUCATION PROGRAM IS AN ABSOLUTE NECESSITY. THERE IS SOMETHING I LEARNED LONG AGO ABOUT CITIZEN AWARENESS AND IT IS THAT WHEREVER YOU FIND MISINFORMATION, MISINTERPRETATION, AND CONFUSION OF ISSUES AND PROGRAMS OF IMPORTANCE, YOU ALSO FIND GROUNDS THAT ARE RIPE FOR DISTRUST AND TENSION AND CHAOS. WE USUALLY HAVE TRANQUILITY AND LAW AND ORDER, IF YOU WILL, WHERE





THERE IS ACCESS TO INFORMATION AND WHERE THERE ARE ESTABLISHED AVENUES FOR THE REDRESS OF GRIEVANCES AND OPPORTUNITIES FOR INFLUENCING THE DECISIONMAKERS.

I URGE YOU TO TAKE THE LEADERSHIP IN SEEING THAT CITIZENS ARE INFORMED ABOUT REVENUE SHARING IN YOUR COMMUNITIES.

ONCE THE LEVEL OF AWARENESS HAS BEEN RAISED, I THINK THERE IS THE NEED FOR UTILIZING PUBLIC HEARINGS AS ONE MECHANISM TO RAISE THE LEVEL OF CONCERN OF THE TOTAL COMMUNITY AS TO WHAT LOCAL LEADERS ARE PLANNING TO DO WITH THE REVENUE SHARING FUNDS.

THE HEARINGS COULD BE JUST PRIOR TO THE TIME OF PUBLICATION OF THE PLANNED USE REPORTS--AS REQUIRED BY SECTION 121(C). NOTIFICATION OF THE HEARINGS SHOULD BE COMMUNICATED TO COMMUNITY ORGANIZATIONS, ASSOCIATIONS, FRATERNITIES, SORORITIES, MINISTERIAL ALLIANCES, CONSUMER GROUPS, PROFESSIONAL ORGANIZATIONS, AND LOCAL INSTITUTIONS OF HIGHER EDUCATION.

LEADERS OF THESE ORGANIZATIONS COULD BE INVITED TO COMMENT ON LOCAL PLANNED USE OF THE FEDERAL FUNDS. CITIZEN COMPLAINTS AND RECOMMENDATIONS COULD BE TRANSMITTED TO THE APPROPRIATE OFFICIALS RESPONSIBLE FOR CHANGING PROPOSED EXPENDITURES OF REVENUE SHARING FUNDS, WITH THE CHANGES REFLECTED IN THE



ACTUAL USE REPORTS THAT WILL BE FILED LATER.

THE NAACP IN SOME COMMUNITIES IS FILING COMPLAINTS DIRECTLY WITH THE FEDERAL REVENUE SHARING OFFICE AS A MECHANISM FOR ASSURING COMPLIANCE.

FOR EXAMPLE, ACTION BY THE LOCAL NAACP CHAPTER LED THE CITY OF DOVER, DELAWARE, TO BE CITED BY THE OFFICE OF REVENUE SHARING. THE CHAPTER'S COMPLAINT CHARGED THAT THE ALL-WHITE VOLUNTEER FIRE COMPANY HAD RECEIVED A PORTION OF THE CITY'S GENERAL REVENUE SHARING FUNDS. THE COMPLAINT ALLEGED DISCRIMINATION IN ADMISSION PROCEDURES OF THE FIRE COMPANY, WHICH REQUIRED THAT NEW MEMBERS BE RECOMMENDED BY AT LEAST THREE OF THE PRESENT MEMBERS AND THAT 50 PERCENT OF THE COMPANY APPROVE THE APPLICATION FOR PROBATIONARY ADMISSION. FOLLOWING THE PROBATIONARY PERIOD, TWO-THIRDS OF THE COMPANY'S MEMBERSHIP THEN HAD TO VOTE ON WHETHER TO RETAIN THE APPLICANT.

THE OFFICE OF REVENUE SHARING FOUND THESE PROCEDURES TO BE DISCRIMINATORY IN THAT THEY WERE NOT JOB-RELATED AND IN ACCORDANCE WITH PROCEDURES OF REVENUE SHARING REGULATIONS.

THE REVENUE SHARING PROCESS ALSO MAKES POSSIBLE VOLUNTARY COMPLIANCE OF DISAGREEMENTS STEMMING FROM CHARGES OF DISCRIMINATION PRIOR TO AND AFTER FORMAL NOTIFICATION OF THE GOVERNOR BY THE SECRETARY OF THE TREASURY.



IN THAT THE MISSION OF MY AGENCY IS GEARED TO RESOLVING PROBLEMS THAT ARE RACIAL IN NATURE, WE ARE NATURALLY DRAWN INTO SUCH DISPUTES AND DISAGREEMENTS BETWEEN LOCAL GOVERNMENTAL UNITS AND MINORITY CITIZENS.

FOR EXAMPLE, WE RECENTLY MEDIATED A CASE IN PEORIA, ILLINOIS, IN WHICH THAT CITY AGREED TO HIRE MINORITIES AND WOMEN WHEREVER POSSIBLE TO REACH 15 PERCENT OF THE WORK FORCE WITHIN A 2-YEAR PERIOD.

THIS ACTION, TOO, RESULTED FROM A CHARGE BY THE LOCAL NAACP CHAPTER THAT THE CITY PRACTICED DISCRIMINATION IN AREAS OF EMPLOYMENT SUPPORTED BY REVENUE SHARING FUNDS.

NOT ONLY DID THE CITY AGREE TO HIRE MORE MINORITIES AND WOMEN, BUT IT ALSO PROPOSED AN ORDINANCE TO CREATE A FAIR EMPLOYMENT AND HOUSING COMMISSION TO MONITOR AND INVESTIGATE COMPLAINTS OF DISCRIMINATION AND TO MAKE CORRECTIVE RECOMMENDATIONS. THE COMMISSION WILL HAVE THE ADDED RESPONSIBILITY OF ASSURING THAT FIRMS DOING BUSINESS WITH THE CITY MAINTAIN POLICIES AND PRACTICES SUFFICIENT TO ASSURE EQUAL OPPORTUNITY.

WE ENTERED THE DISPUTE AT THE REQUEST OF THE LOCAL NAACP CHAPTER AND THE PEORIA CITY MANAGER. OUR WORK WAS DIRECTED AT



GAINING LOCAL AGREEMENT THROUGH MUTUAL ACCORD BY INVOLVING ALL CONCERNED PARTIES--THE CITY, NAACP, URBAN LEAGUE, AND THE NATIONAL ORGANIZATION OF WOMEN--IN FACE-TO-FACE NEGOTIATIONS.

IN ADDITION TO MEDIATING SUCH CASES, YOU MAY ALSO BE INTERESTED IN AN AGREEMENT WE HAVE WITH THE REVENUE SHARING COMPLIANCE UNIT OF THE OFFICE OF REVENUE SHARING. THE AGREEMENT CALLS FOR THE UNIT TO DEFER JUDGMENT ON CERTAIN DISCRIMINATORY COMPLAINTS UNTIL WE HAVE A CHANCE TO EXTRACT VOLUNTARY COMPLIANCE LOCALLY. WE THINK THIS WILL GIVE BOTH THE COMPLAINANT AND RESPONDENTS AN OPPORTUNITY TO BETTER ACCESS THEIR POSITIONS AND, HOPEFULLY, REACH AN EQUITABLE ACCORD WITHOUT DELAY.

IN CLOSING, I RECOMMEND THAT YOU BECOME THOROUGHLY FAMILIAR WITH ALL LEGISLATION COMING OUT OF WASHINGTON; THAT YOU ANALYZE AND WORK TO SEE THAT IT IS APPLIED INNOVATIVELY, CREATIVELY, AND CONSTRUCTIVELY TO THE BENEFIT OF ALL LOCAL CITIZENS. WE MUST ASSURE ADEQUATE ACCOUNTING BY ALL WHO ARE VESTED WITH A PUBLIC RESPONSIBILITY.

THANK YOU VERY MUCH.

