

ASCHE COPY

There is a way...



1973 Annual Report
Alaska State Commission for Human Rights

Minnie Morey and Mickey Paneak of Anaktuvuk Pass, one of the communities that will be most highly impacted by the trans-Alaska pipeline. The Alaska State Commission for Human Rights feels "There is a way . . ." to insure human dignity for each and every Alaskan.

(Photo by Diane Gudgel)

There is a way...

1973 Annual Report

Alaska State Commission for Human Rights

520 MacKay Building

338 Denali Street

Anchorage, Alaska 99501

After April 1, 1974

2457 Arctic Blvd.

Anchorage, Alaska 99503

STATE OF ALASKA

OFFICE OF THE GOVERNOR

COMMISSION FOR HUMAN RIGHTS

WILLIAM A. EGAN, GOVERNOR

520 MACKAY BUILDING
338 DENALI STREET — ANCHORAGE 99501

The Honorable William A. Egan, Governor
Honorable Members, Alaska State Legislature

Ladies and Gentlemen:

The State Commission for Human Rights, pursuant to Alaska Statutes, Section 18.80.150, is pleased to submit the 1973 year-end report. Those of us on the commission as well as staff members are fully aware of the support and cooperation you have given us and take this opportunity to express our appreciation.

The report outlines a complete re-organization process undertaken by the commission during the year and details the philosophy and goals of the commission as well. Also included are details of the tightening up of the commission's internal structure; the implementation of an intensified training program; the expansion of staff through volunteers from ACTION and other agencies and the establishment of a Women's Rights division as well as a Young People's Rights division.

Another section asks "What is discrimination?" and deals with identifying discrimination through a complaint and then proving discrimination exists through an investigation.

1973 was a full year for the commission and staff. With the start of the trans-Alaska pipeline during the summer of 1974, we predict even more complaints to be filed in all areas of possible discrimination.

The role of a commission in the sensitive field of human rights is never an easy one; but, with your continued support and encouragement, we pledge our utmost energies to prove "There is a way..." to human dignity for EVERY Alaskan.

Respectfully submitted,

Willie Ratcliff

Willie Ratcliff, Chairman

bjh



ALASKA STATE COMMISSION FOR HUMAN RIGHTS

William A. Egan, *Governor*

COMMISSIONERS, 1973

Willie Ratcliff, Fairbanks, *chairman*
Sylvia A. Munsey, Anchorage, *vice-chairwoman*
Carol L. Smith, Anchorage
Roberto Garza, Ketchikan
Martin B. Moore, Emmonak
Benny Estepa, Juneau, *resigned as vice-chairman*
Shirley A. Woodrow, Anchorage, *resigned as chairwoman*

DIRECTORS

Bill Vaudrin, *Executive Director*
Gilbert Gutierrez, Northwest Region, Fairbanks, *Assistant Director*
Calvin Luddington, *Chief Investigator*

STAFF

Dorothy White, *Secretary I*
Judy Jaworski, *Clerk-Typist III*
Aminta E. Moma, *Clerk-Typist III, resigned*
Arzelis Mounton, Fairbanks Office, *Clerk-Typist II*

VISTA VOLUNTEERS, 1973

Jean Duncan, Fairbanks, *investigator*
Mary Hawkins, Bethel, *investigator*
Sue Morton, Anchorage, *administrative assistant*

UNIVERSITY YEAR FOR ACTION (UYA) VOLUNTEERS, 1973

Monica Deife, Anchorage, *investigator*
Hilda Gayton, Anchorage, *investigator*
Robby Mohamed, Anchorage, *investigator*
Danny Minuskin, Anchorage, *investigator*

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Alaska State Commission for Human Rights 1973 Annual Report

The year 1973 had a bleak beginning for the Alaska State Commission for Human Rights: following the resignation of the former Executive Director early in the year the main office in Anchorage went unsupervised by paid staff for a period of three months while a replacement was being sought. The State's contribution to the Commission's program was cut back several thousand dollars from what it had been the previous fiscal year; a twenty-five thousand dollar contract from the Equal Employment Opportunity Commission which had been renewed several years in a row was cancelled due to reporting deficiencies, resulting in the loss of one of only two investigators in the Anchorage office; a clerk-typist II position which had only been approved by Juneau in January (after a five-year struggle) was deleted by the Legislature during the regular session, leaving the Fairbanks office once again without secretarial help. Facing the prospect of managing the Fairbanks office, representing the Commission throughout the Northern part of Alaska, and trying to conduct what at that time amounted to approximately half the agency's business, while at the same time doing his own typing, filing, etc., the Fairbanks field representative resigned, leaving that office empty for a period of approximately two months.

These trying times, however, served one very constructive purpose — they provided the Board of Commissioners with a unique opportunity to see what conducting the business of the agency on a day-to-day basis was actually like. With new cases coming in all the time, and very few cases getting resolved for lack of sufficient staff to follow up on them, the backlog of pending cases — which already extended to 1971 — multiplied by leaps and bounds. The chairwoman of the Board of Commissioners, Shirley Woodrow, served in an unpaid capacity as supervisor of the Anchorage office during the months of April, May, and June. The Board hired a new Executive Director the end of June and, together with him, began to map out some priorities and future strategies for the Commission.

Commission Directions Articulated

There was some feeling that in the absence of a clear philosophy and goals, the Human Rights Commission was like a ship without a rudder — it moved when the winds blew, but didn't seem to be headed in any particular direction. In an effort then to provide that direction, the Commission developed the following philosophy and goals.

PHILOSOPHY

We hold it to be self-evident that all people are endowed with certain inalienable rights. These include, but are not limited to, equality of opportunity to obtain education, employment, public accommodations, housing and property without being discriminated against because of race, color, sex, national origin, age, religion, or physical handicap. It is ultimately the responsibility of the State Commission for Human Rights to ensure those rights for all Alaskans, and we shall take whatever steps are necessary within the constraints of the law to do so.

Initially, without exception, every attempt will be made to resolve problems brought to the attention of the Commission cordially and informally by conference, conciliation, and persuasion. Those attempts failing, a notice of public hearing before the Commission shall be sent to all concerned parties, our efforts will enter the formal phase, and violators may expect to be prosecuted to the fullest extent of the law.

It is our conviction that responsible government has a higher obligation than merely to make and enforce the letter of the laws of the land — it is also entrusted with responsibility for the quality of life of the people it serves. It cannot concern itself merely with the material level of existence of its charges, but must continually strive to uphold and enforce not only the specific body of civil rights law, but also standards of equal opportunity and insurance of the basic inalienable freedoms and satisfactions for all people within its jurisdiction as they have been articulated in statements such as the United Nations Universal Declaration of Human Rights.

Therefore, this Commission construes its responsibilities to protect and preserve individual rights and human dignity in the broadest possible sense — that while government and industry pursue their goal of the greatest good for the greatest number, the interests of those who do not belong to that majority shall not be overlooked. Any intrusions on the dignity or other inalienable rights of men that come to the attention of this Commission shall be fairly and thoroughly investigated, and we will commit all our resources to seeking remedy on behalf of those intruded on.

There is no hierarchy or prioritization of peoples served by this commission. The most important person in this office at any time is that man, woman, or young person who come here for assistance. Each may have equal confidence that the Commission will pursue his or her case with vigour and integrity to the fullest extent of our resources.

If any Alaskan or class of Alaskans is being demeaned or denied rights but does not know about or have access to this Commission, then we consider it our responsibility to discover that situation, inform that person or class of people and provide support and assistance equivalent to that available to someone who lives or works near our office building.

Perhaps our greatest initial challenge will be to educate all Alaskans to the channels of recourse available to them — not just our Commission, but Consumer Protection, Alaska Legal Services, the Public Defender Agency, the Office of Child Advocacy, Welfare Rights and Tenants Rights groups, the Department of Labor, service organizations, advocacy groups, etc. This education will be done in whatever media is determined to work best with the various ethnic groups in each area of the state. By a concerted effort of education, advertising, and advocacy, the Commission will seek to generate hope of relief at the grass-roots level among individuals and classes traditionally discriminated against, and to create a hyperconsumption of human rights.

Bill Vaudrin was appointed Executive Director in June. A moving force for the Commission, Bill has guided the staff in new directions.



People change, and social structures need to change with them. People are the planners of social structures, so there is no acceptable excuse when a social structure demeans or devalues human dignity or deprives some individuals of their rights — since those dynamics are inherent in the plan. The Commission assumes the specific obligation to espouse and assist in developing an evolving framework of social structures within which the evolving needs of all Alaskans can be met.

It comes to our attention that there are certain problem areas over which no agency or institution seems to have legal jurisdiction — but which cause real grief to very real people. That being the case, the Alaska State Commission for Human Rights will assert the initiative to provide assistance in those areas. In other words, when people have nowhere else to go, they are welcome to come here. To the best of our ability — within available resources — we will attempt to resolve their problems: through advocacy, assistance, cooperative intervention, or whatever.

It is within the framework of the law through basic due process that all Commission action will begin and end. In addition, there is a strategy the Commission will deploy in an effort to combat the many forms of Catch-22 that typically provide loopholes for the buck to pass through agency hands. It will be called Stopgap-22.

The buck stops here.



The buck stops here with the staff of the Alaska State Commission for Human Rights. From left, the staff includes: Calvin Luddington, chief investigator; Hilda Gayton; Sue Morton; Judy Jaworski; Gil Gutierrez, assistant director; Bill Vaudrin, executive director (seated); Monica Deife; Danny Minuskin and Robby Mohamed. Not pictured, Dorothy White.

GOALS

1. Eliminate discrimination wherever possible in employment, housing, education and other public accommodations by enforcing A.S. 18.80.
2. Inform all Alaskans, in terms that are locally and ethnically relevant, of their civil rights as guaranteed by state statutes, federal law and guidelines, and administrative and executive orders.
3. Through a concerted program of education, media saturation, and advocacy, generate hope of relief at the grass-roots level among individuals, communities, classes, and races traditionally discriminated against: ultimate goal to create a hyper-consumption of human rights.
4. Create a statewide computerized data storage and retrieval system, providing employment profiles of government and industry and referrals of employment agencies and unions, and cataloguing all minority resources (craftsmen, artisans, professionals, contractors, etc.) — providing the capability for matching openings and opportunities with qualified and available individuals technologically instead of provincially and intuitively.

5. Take a leading role in bringing about the development of an evolving framework of social structures within which the evolving needs of all Alaskans can be met.

6. Work to ensure for all Alaskans the privileges, guarantees, freedoms, and satisfactions outlined in the United Nations Declaration of Human Rights.

7. Intervene on behalf of any person or persons being demeaned or denied rights; tolerate no intrusions on the dignity or other basic inalienable rights of anyone; protect and preserve those rights.

8. When no alternative remains, prosecute to the fullest extent of the law parties violating the legal or moral rights of others.

9. Pursue with vigour and integrity every complaint or allegation of discrimination brought to the attention of the Commission.

10. Periodically introduce legislation designed to address the needs of low-income and disadvantaged and minority individuals and females, in response to needs and desires as they are locally determined.

11. Enhance major employers' capabilities for recruiting, screening, hiring, and retaining minorities.

In addition, specific program objectives were developed for each staff position, and, at a later date, for the different divisions within the Commission.

Internal Structure Tightened Up

In the past, lines of authority within the Commission had been unclear, job descriptions were either loosely-defined or nonexistent, and the many forms the Commission used daily had been borrowed from other agencies or training materials developed in the lower 48, and did not reflect, for example, the peculiar ethnic composition of Alaska.

More serviceable job descriptions were drawn up for all positions, a comprehensive organizational chart was developed, and all the forms the Commission used were revised or modified to make them more relevant to Alaska. (For example, interrogatories sent to employers requesting the ethnic breakdown of their work force now include Alaska Natives in a separate column, rather than simply lumping them under "other") A purging of the files resulted in ten large boxes of extraneous or outdated material. Record-keeping was brought up to date, and expanded to include not only the number of cases filed and resolved each year, but also each month, and in what areas, and for what reasons. In addition the race of all Complainants filing with the Commission in 1972-73 was broken out; all telephone calls are logged; all clients and visitors to the Commission are entered in a journal; a record is kept of the formal and informal requests for Commission assistance made by letter; all speaking engagements and any community involvement by Commission staff is a matter

of record; a cross-indexed filing system, together with a master chart was established, in order that a secretary might be able in a matter of seconds to advise complainants or respondents over the phone — the case number of their particular complaint, the date on which it was originally filed, the name and race of the complainant, the particular form of discrimination alleged, the area (whether employment, housing, or public accommodations), the name of the investigator working on the case, and exactly where the case is at (whether the cover-letter with the complaint and interrogatory have been mailed, the actual investigation initiated, findings completed, conciliation attempted, etc.). If the Commission investigation has entered the formal stages, similar information is available at a glance from the same chart as to whether a notification of formal hearing has been mailed, subpoenas issued, court orders sought, etc. — and following a hearing, specific information as to outcomes or the Commission Order (also the contents of the closing letter, any press releases that might have been made, radio or television coverage, or referrals to other agencies, such as EEOC). It is no longer a needle-in-the-haystack-task to ascertain where a particular case is at or what investigator is handling it.



With a backlog of cases to work on, Clerk-Typist Judy Jaworski is virtually buried in work at the Commission offices.



Community Involvement

Intensified Training Program Implemented

The entire staff of the Alaska State Commission for Human Rights turned over in 1973, making a training component a priority item in program planning. In the past, the only training available for civil rights workers in Alaska was conducted outside. Commissioners and agency staff were sent, at State expense, to Seattle, San Francisco, Pittsburgh, Washington D.C., etc. for conferences and training workshops. However, due to the fact that not only the entire regular Commission staff, but also those brought on with federal funding were new, and therefore needed training, clearly some strategy had to be sought out. So the State Commission joined forces with the City of Anchorage Human Relations Commission and the Department of the Interior's Office for Equal Opportunity, and conducted an "in-house" training workshop, wherein those persons with expertise at particular aspects of civil rights enforcement shared the benefits of their knowledge and experience with the rest.

Meantime, the new Director of the Commission was elected to the Executive Committee of the prestigious International Association of Official Human Rights Agencies, and was able to negotiate an unprecedented week-long Civil Rights workshop in Alaska. In October, Neil Thomas, Staff Director and chief trainer for the IAOHRA, coincided a visit to Anchorage with a quarterly meeting of the agency's Board of Commissioners. Mr. Thomas worked with the Board in executive session on such matters as policy-making and the role of Commissioners. He worked with Commission staff on administrative and procedural matters in the office, with specific emphasis on expediting the case load. He conducted an open workshop for both the Commissioners and staff, the City Human Relations Commission, others involved in EEO Compliance, and the general public. The workshop ran literally day-and-night for three days, and materials were distributed for further study. Immediately following this, Mr. Thomas and the Executive Director boarded a plane for Juneau, where they conducted an unprecedented half-day compliance workshop for State EEO personnel.

Before the year's end, the Equal Employment Opportunity Commission had also scheduled a week-long training workshop on the enforcement of Civil Rights in Anchorage for the month of February, 1974. Prior to this year, special permission had to be obtained for even the Regional Director of EEOC to travel to Alaska or Hawaii — we had the status of a "foreign duty" station. Since it was both expensive and a hassle, no EEOC person at the Director level had ever been up here. When this was brought to the attention of our congressional delegation, Senators Stevens and Gravel, they lost no time in bringing it to the attention, in turn, of EEOC people at the top level, and that policy was changed. Both the District Director from Seattle and the Regional Director from San Francisco, as well as the Regional Counsel and other EEOC trainers, are slated to take part in the February workshop. In addition, the District Director spent several days in Anchorage in November attending an Alaska Plan seminar, and has adopted a policy of sending a special EEOC investigator to Alaska every other month for two weeks at a time.

Also before the year's end, the IAOHRA had agreed to send a team up to conduct another training session in Alaska in June of 1974, and paid the Commission Executive Director's way to a special week-long top-level management training session in New Orleans, conducted in conjunction with EEOC.

Staff Increased

Since the services rendered by the Alaska State Commission for Human Rights are maddeningly in direct proportion to the size of its staff, it was determined that the agency would never be able to do more than answer its phone unless some way were found to increase its staff — the state budget providing for only a director, two investigators, and two clerical persons for all of Alaska. It is no exaggeration at all to say that it requires the full-time efforts of three of those persons just to answer the Commission's mail.

Efforts to regain the \$25,000 EEOC grant lost earlier in the year resulted in new funding in the amount of \$36,000 to hire a Pipeline Compliance Director and secretary, plus an additional \$24,000 to provide a full-time attorney for the Commission.

A proposal to the University Year for Action Program administered by Alaska Methodist University resulted in four students at the graduate and undergraduate levels being assigned to work full-time in the Commission office as special investigators.

Then, a major breakthrough: the ACTION agency approved a Commission proposal to train and station VISTA Volunteers as Human Rights representatives in regional service centers of rural Alaska — Barrow, Kotzebue, Nome, Bethel, Dillingham, Kodiak, Tok, and Ketchikan — as well as Anchorage, Fairbanks, and Juneau, for a total of 16 VISTAs. In addition, volunteer workers on loan from the Center for Northern Educational Research and the Rural Alaska Community Action Program, representatives from Anchorage Women's Liberation, and walk-in volunteers off the street all pitched in to play a part in getting the Human Rights Commission pulled together.

With the result that in each of several *months* in 1973 the Commission *closed out* more cases than were *filed* with the Commission during the entire *year* of 1972. As the year, then, drew to a close, with proposals for funding still pending at HUD, LEAA, EEOC, NARF, IBM, the National Council of Churches, the Campaign for Human Development, and several private foundations, Phase I of a carefully-mapped-out three-year plan closed with it; and through the dark forest ahead it was said by some observers a light could be seen.



UYA Special Investigator Danny Minuskin works with other UYA students on complaints filed with the Commission.

**"I can only report this truth of ours:
They are all the sons of all of us.
The pain is that of all of us."**

— Golda Meier

NEW DIMENSIONS

A number of innovations were added to the Human Rights Commission in 1973 that deserve more comment than a passing credit in the "Digest of the Year's Activities." Several are singled out below for your attention.

Rural Component

In the past, the agency has functioned almost exclusively as a typical urban civil rights commission. This was due in large part, of course, to budget restrictions — if you didn't have the staff or funds to travel throughout the rural areas of Alaska, there would always be problems you would simply have to pretend didn't exist. But in large part, as well, the Commission owed its urban nature to the traditional *role* of HRC's across the nation: a human rights commission had enforcement jurisdiction to combat discrimination in employment, housing, education and other places of public accommodation — primarily, if not exclusively urban issues. That was the *definition* of a human rights commission.

But that definition didn't "fit" for Alaska — where the predominant minority is Native (accounting for more than one out of every four Alaskans), and most of whom are scattered throughout the state in small villages or regional service centers. Certainly the needs of urban Natives, and of Blacks, Chicanos, Asians, and other minorities living in the cities would be addressed by the traditional commission — but what of that other 20% of Alaska's population most of whose problems not only continued to go unaddressed, but also largely unrecognized? Even if the State's investment in the Human Rights Commission amounted to only a few thousands a year, if that money was intended to secure and protect the rights of all its minority citizens, it was money badly spent — for it was effectively serving on 5% of the population, instead of 25%.

In an effort to begin to provide delivery of services to that other 20% an agreement was negotiated between the Commission and the ACTION Agency, whereby 16 VISTAs would be retained and trained (as many as possible locally recruited) by the Commission, and stationed in the outlying areas of Alaska.

The VISTAs would be fully authorized to investigate, conciliate, and resolve problems for the Commission in traditional agency fashion. In addition, they would be charged with the responsibility for working together with local people and other agencies to determine the most successful methods of communicating with Native people in the villages in their respective areas (whether over KYUK in Yupik Eskimo, Satellite Radio in Athabaskan, in Aleut over St. Paul television, in a column in English in the Tundra Times, on video tape in Inupiat, or with colorful cartoon brochures — whatever) and to begin translating information bearing on those people's human rights into locally meaningful terms, and disseminating it. This would include not only informing village people about their civil rights under the law and our agency, but also making them more fully aware of other agencies and organizations that impact, or could impact their lives — Consumer Protection, Office of Child Advocacy, Alaska Legal Services, the Public Defender Agency, State and B.I.A. Social Services, Welfare Rights, the Native American Rights Fund, the Campaign for Human Development, the Anti-Vivisection Society, etc.

It is our conviction that people do not need much "care" from others if only they are provided the wherewithal to care for themselves — if they are made cognizant of the various avenues and channels of recourse the Great Society has set up to enable itself to function smoothly and equitably.

It is also felt that the mere *presence* of a Rights Commission representative in some of the regional service centers, such as Bethel, Nome, and Kodiak would result in the modification of delivery of services in some of those areas. The coming year will tell. The Commission/ACTION proposal calls for a complement of sixteen VISTAs for an initial program of three years — in Barrow, Nome, Kotzebue, Bethel, Dillingham, Kodiak, Tok, and Ketchikan, plus whatever other sites thrust themselves forward as having the greatest need. The program will of course be federally funded, requiring no contribution from the state. Office space, clerical help, and travel are being provided on an inkind basis by local municipal or borough governments or regional Native association offices.

FOOTNOTE: It will come as no surprise to persons with a long history of working with minorities that an integral part of this same program will be the stationing of VISTAs in Anchorage, Fairbanks, and Juneau, as well as the outlying areas, for the express purpose of determining how best to communicate with minority people *in the cities*. It doesn't take a prophet to recognize that people in Fairview and Mountainview don't "tune in" to the same frequencies or media, or respond to the same stimuli as the people living on Turnagain Arm — but it takes some effort to discover how best to inform people who do not have a television or subscribe to a newspaper, who might listen only to a country music or foreign language radio station, and for who English may not be their mother tongue . . . it takes some effort to learn how best to inform such people they are entitled to food stamps (for example) and how to apply.

These people, too — whether Filipino, Vietnamese, or Russian or Japanese or Lithuanian descent — we want to know best how to serve them.

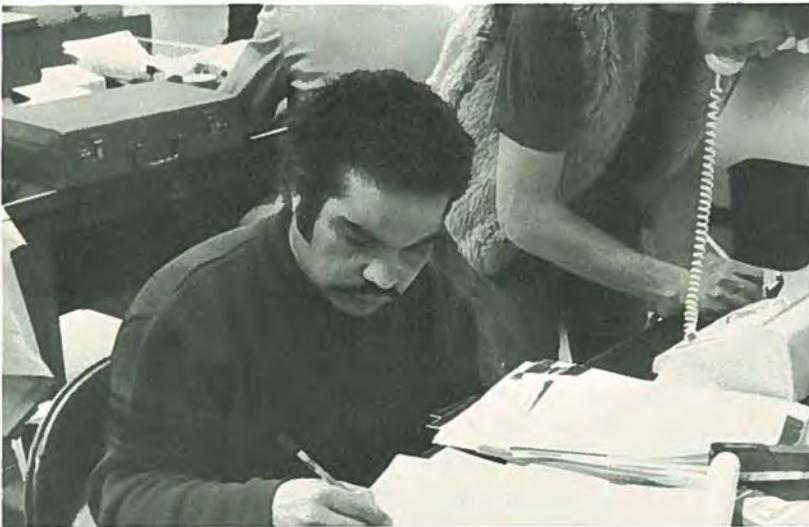


Dorothy White, Secretary III, is always kept on the move as the Commission's case load increases.



Another UYA, Robby Mohamed, works on a case in the Commission's MacKay Building offices.

(Photos by Calvin Luddington, Chief Investigator)



Gil Gutierrez worked in the Anchorage office before opening a Commission office in Fairbanks during August.



TAKE OUR LAND . . . TAKE OUR LIFE

“Studies That Tend to Eliminate Discrimination”

Sec. 18.80.060 of the Alaska Statutes prescribes that the Human Rights Commission shall “study the problems of discrimination in all or specific fields of human relationships . . . and publish results of investigations and research as in its judgment will tend to eliminate discrimination.”

Discrimination may involve sins of both omission and commission. Particularly in the remote village areas of Alaska, people suffer discrimination by omission — their problems are often not the quality or quantity or manner of the delivery of services to them, but that there is no service at all! Perhaps the mail plane doesn't stop at a particular village, or Public Health Service hasn't sent anybody in for two years. Or it might be that the school radio just doesn't have the juice to reach out in time of emergency, or despite the fact that a particular village is situated in a rich fishing area, none of the residents profit from it because as Natives without “acceptable” collateral they don't qualify for any State or federal commercial fishermen boat financing programs.

In the past, a representative from a particular agency might visit a village and discover some deficiency in his own or another program, and go to work to try to remedy it. Another representative from some other agency might be making similar headway in another program in the next village. But it was pretty much a scatter-gun, hit-and-miss kind of a thing — a dozen different people going a dozen different directions, several of them parallel, but apart.

The Commission feels it might be more helpful to both the villages and the agencies delivering services to the villages as well, if comprehensive surveys were made of individual villages — history of the village, current status, important dynamics, major problem areas, delivery of services (health, education, social services, transportation, communication, government, Native association, etc.), proposed improvements, etc. — providing a total context within which to assess the need for more or different services to be delivered by each agency.

The village selected as a pilot site for this type of survey was Atka, on the Aleutian Chain. One of the most isolated and least-visited villages in the state, Atka is an Aleut community of about 90 permanent residents that has no landing strip or docking facility or post office; it is accessible only by U.S. Navy harbor tug once a month each summer and typically once every two months during the winter. The only source of income for most of the men is cannery work or fishing at Kodiak, for which they must be gone from home four or five months each year, and which typically nets \$1,000 to \$1,500 a year for each of them — this despite the fact the village of Atka itself is located in the middle of one of the richest fishing and crabbing areas in the world. None of the Atka men can afford to buy a big enough boat. The children must go away for high school after the 8th grade — options ranging from an all-white (non-Native) school at Adak, to an all-Indian (Native) school at Chemawa, Oregon. It is the only community in the world that speaks their particular dialect (Western Aleut), and it is still the first language of even the children. All the residents, except for the school teacher and

his family, are Aleut, born and raised at Atka (except for the time during W.W. II when the village was burned to the ground by the U.S. Navy and all the people were relocated to Southeastern Alaska for 2½ years where everyone was sick and unhappy and the water was bad and some died) or relocated by the government from Attu (the entire village of which was captured by the Japanese during the war) and taken to the island of Hokaido, where half starved to death. The entire village of Atka was rebuilt at B.I.A. expense after the war, frame houses out of Celotex and lumber, with absolutely no other insulation, so that a family typically has to burn 2½ to 4 barrels of fuel oil a month during the winter to keep a house livable — despite the fact that Aleutian winters are extremely mild temperature-wise compared to the Interior or northern Alaska.

Atka, as all the other Aleutian Island except Amlia, is infested with rats (brought between wars by the Navy boats), so that the people can't raise gardens. Amlia Island where the people of Atka *could* raise gardens, is part of the Aleutian Wildlife Sanctuary, and as such is off-limits to Native allotments or village selections under the Native Claims Act — so, despite the fact that some of the families have had *barobarees* and/or camps on Amlia virtually none of the people can lay claim to any land on that island.

Due to the fact most of the men leave for Kodiak in May and the high school students don't come home to Atka until the June tug — and the students leave in August, while the men don't return until September or October — the kids often don't see their fathers at all from one year to the next. One man will have seen his daughter when she graduates from high school at Chemawa this spring a total of twelve hours in three years — her mother died when she was a little girl, so she has been virtually without father or mother for years. When the tugboat came to Atka last spring after six weeks, there was no mail — somebody had forgotten to pick it up at Adak — it stayed fifteen minute to load and unload, and went back to Adak.

Not one head of a household in Atka receives food stamps or welfare. One woman was helped to fill out an application for food stamps nearly two years ago while she was in Anchorage to go to the hospital, and received two months' worth of stamps — she still had them this winter, \$450.00 worth, but didn't know how to spend them. In the absence of a post office, anything ordered by mail in the village had to be paid for in cash (no money orders available) — so there has been a great deal of money lost by Atkans in the mail en route or passing through Adak. Not one Native house in the village has been painted on the outside in years — no one can afford paint.

The list could be extended — for more details you may write the Commission office in Anchorage for a copy of that survey — but it may easily be seen how with a total picture like the above sitting in front of him, an agency executive making a decision hundreds or even thousands of miles away, but that will affect that village . . . it's conceivable his decision might be influenced in favor of that village.

Also, with ample information to form a basis for decision-making, legislators might be able to revise existing or create new systems of financing for resident commercial fishing enterprises, etc. And the Governor or our congressional delegation might be able to intervene on the behalf of such a village with regard to particular issues. All of us would know better *how* to help.

Funding is being sought, on the basis of the Atka project, to finance staff working in this area around the state full time.

Women's Rights Division

With the addition to Chapter Eighteen of the Alaska Statutes in 1972 of women as a protected class, the number of complaints received by the Human Rights Commission nearly doubled. In the same year, both the budget and staff were cut back — with result that considerably less than half of the already severely deficient resources that had been allocated to pursue complaints of discrimination for reason of race, color, national origin, religion, physical handicap, and age remained to carry on that work.

In addition, because sex discrimination was such a new and unfamiliar sphere of involvement for civil rights agencies, there wasn't as much training material available, or court or agency precedents for investigators to turn to; hence, efforts in this area tended to be haphazard and rather unprofessional in nature.

In an effort, then, to cope with the above-related problems, and in such a way as to prevent an "either-or" issue from developing ("We don't have enough resources to cover all these areas, so we're just going to have to prioritize some out . . ."), the present Director wrote proposals to increase the total staff with federal funding, and created a Women's Rights Division to focus specifically on complaints and new developments in the field of sex discrimination.

At first, the Division consisted entirely of volunteers — some from Anchorage Women's Liberation Movement, some just interested parties who walked in off the street. Then, as the Commission staff began to increase, an actual Division within the Agency was created and Special Investigator, Monica Deife, was put in charge.

Building on the efforts of the volunteers who preceded her, Ms. Deife created files of readings and background information on sex discrimination, records of agency precedents and court decisions, etc. and made this information available to other members of the staff.

With ever-increasing efficiency, as the staff became more professional, sex discrimination cases were investigated and conciliated. One went to a public hearing before the Board of Commissioners: the allegations of discrimination for reason of sex were substantiated, and the Commission issued an order requiring back-pay and other relief for the complainant. Similar awards of back-pay, reinstatement, and/or promotion have been written into conciliation agreements.

Efforts of the Executive Director and the Women's Rights Division have resulted in the almost total de-segregation of "Help Wanted" columns by sex in the major Alaskan newspapers. And a conciliation agreement was reached with a major national insurance company that effects all fifty states — a provision whereby the company refused to insure firms employing 60% or more females was struck from their nationally-distributed policy manual.

A pamphlet on sex discrimination is being compiled by the Women's Rights Division, and will be released by the Commission in early spring.

Young People's Rights Division

The agency's increasing concern for students' rights and children's rights resulted in a formal liaison with the Office of Child Advocacy (jurisdiction to age 18) — the two agencies will be sharing offices this coming fiscal year — and the recent appointment of Ms. Hilda Gayton to head up a Young People's Rights Division.

Ms. Gayton's program is still very much in the gearing-up stages — compiling state and federal child abuse laws, students' rights manuals, court cases, etc. — but the Commission sees the invasion of the human rights of children and young people as a major problem, and intends to play a leading role in securing and protecting those rights in the future.



Lighter moments and community involvement are incorporated into the everyday routine of Commission members.





WHAT IS DISCRIMINATION?

(Including "What an Investigator Must Look for to Substantiate or Repudiate Allegations of Discrimination")

Discrimination in education, employment, housing, and public accommodations is as common in Alaska and across the nation today as it ever was. But, while it is no more difficult than before to *find* (depending on the color of skin you wear, the faith you practice, the sex you are), each day it becomes more difficult to *prove* — as those *doing* the discriminating and the techniques they employ become more sophisticated.

Civil rights agencies no longer find it possible to operate under the old "lightning-bolt" theory of discrimination, whereby if they could conclusively establish that at a given time and place Landlord X was overheard by seven witnesses to vow that no niggers or spics would ever break bread under his roof, or that Employer Y had noted on a widely-circulated memorandum that company policy included as a nuclear precept that no drunken siwashes or their relatives were welcome to apply for work at this cannery, etc. — if the agency or a private attorney could establish these things beyond a shadow of a doubt, then you could say discrimination had been "proved."

But most educators, employers, landlords, and owners of public accommodations did not get to where they are because they're unintelligent. They are fully aware that such slips of the tongue or pen can be costly in today's world. So those who are racists mask it. Racist practices are cloaked in the guise of "expediency," or "business necessity," or "lack of qualified candidates," or paternalism.

Signs on the front lawns of major industrial plants reading "Niggers need not apply," have been replaced in today's world with such strategies as a battery of occupational requirements for a given position that have nothing whatsoever to do with the performance of that job, but which more than adequately serve the purpose of preventing minorities from applying for it — and which constitute an obstacle course that the few minorities who are bold enough to apply will find it impossible to cross (e.g. minimum height and weight requirements that would exclude nearly all Asians and Yupik Eskimos; unreasonably high educational requirements — college degree for a lifeguard, teacher's certificate for a cook in a regional high school, high school education to be a carpenter's helper, etc. — in an area where, say, the predominant minority group has been traditionally deprived of advanced educational opportunities; "clean cut" requirements that stipulate no long hair, where certain long hair styles may be a matter of ethnic pride — Afros on blacks, long or braided hair on Native Americans, mustaches on Chicanos, or a combination of both ethnic pride and traditional religious practice — such as with certain Indian children brought up in the old tribal way; etc.).

Recent Supreme Court decisions have taken cognizance of these developments, and have, in effect, re-defined discrimination in such a way as to provide civil rights agencies with means for coping with them.

Probably the high-water mark to date, in terms of confining the outworkings of discrimination to an arena within which it can be dealt with, is the recent *Griggs v. Duke Power Co.* decision — handed down *unanimously* by all the sitting judges, and written (not by Earl Warren but) by none other than Chief Justice Burger himself. It is significant to note that at a later date, when the conservative Mr. Burger was asked what, in his opinion, was the most important contribution he had made in his many years on the bench, he replied without hesitation *Griggs v. Duke Power* — adding that it would be years before the implications of that decision would be fully recognized.

The major advance made by *Griggs* is its articulation of a new definition of discrimination in employment: “Any employment practice which operates (regardless of intent) to exclude [minorities] and that cannot be shown (by the employer) to be related to job performance, is prohibited.”

So any advertising or recruitment practice, any job requirement, any written, oral, or physical examination, any employment practice that operates to exclude a disproportionate percentage of minorities from applying or qualifying for jobs, or from being hired or holding onto them once hired, or from being promoted or obtaining additional benefits — if they cannot be conclusively shown by the employer to be related to job performance — *shall be prohibited*.

What has happened, then, is that the focus of the definition of discrimination has, appropriately, shifted from *intent* (which is rarely, if ever, empirically measurable), to *effect* (which, if sometimes difficult to assess, is at least one step removed from the realm of the impossible).

So discrimination (disparate effect, differential treatment) may be as surely indicated by *statistics* (both EEOC and the Supreme Court have ruled them as admissible evidence to establish discrimination) as by the allegations of individual employees — in fact (“figures don’t lie”), numbers are often more reliable at pinpointing *major* problem areas than people. For example, when EEOC’s central office in Washington forwards to our agency all the EEO-1 reports filed with them from Alaska each year, and those records reveal several major employers in our State have an *all male Caucasian* work force, then it’s fair to assume that those employers are not losing any money on a far-reaching equal employment opportunity program.

On the other hand, of course, our agency would be the last to allege that minorities are never discriminated against on jobs in ways that don’t show up on paper — they are, and daily, which further complicates a civil rights agency investigators work.

Civil rights investigation is as much more complicated than criminal investigation as managing an office is working in it, and for the same reason — whereas criminal investigation nearly inevitably focuses on one circumstance or individual (or set of circumstances or individuals), the civil rights investigator must often circumscribe the *entire experience* of the object of his or her investigation — must look for the tell-tale signs, the patterns and practices of *systematic discrimination* (institutionalized racism), as well as specific instances of inequities — particularly when conducting investigations pursuant to class-action or Executive Director suits or complaints.

Statistics alone may be sufficient to trigger an investigation, but they don’t often explain themselves — they don’t tell *why* there are less than 2% minorities working for a major state agency or institution, when one out of four citizens is Native, and every other ethnic minority is also substantially represented in the state’s population.

Where there appear to be serious deficiencies in the fair employment practices of a given firm, a civil rights investigator must cover every aspect of the employment picture: 1) Do advertising and recruitment extend pragmatically into minority *communities* (to where “the people” are, and not just to leaders “recognized” by the white community, or “centers” thought by whites to be places where “they” congregate)? Or are advertising media employed that do not meaningfully *reach* many minority people — newspapers, for example, that do not circulate in rural villages or among the poor; television, that many minorities cannot afford; radio stations that minorities do not usually listen to; employment agencies that are notorious for not catering to minorities? Or is the advertising in language that minorities will not understand, or respond to? Are “Help Wanted” ads sex-segregated? 2) Where do recruitment efforts take place? By whom? Are minorities themselves an integral part of recruitment efforts? If skilled personnel are required, are they sought at minority colleges, or minority recruitment outlets or referral centers? Is the same type of word-of-mouth recruiting that so successfully *excluded* minorities for years now being used to *include* them? 3) Have all the requirements for positions in question been unchallengeably established to be BFOQ’s (Bona Fide Occupational Qualifications) — proven predictors of successful job performance? Have all written, oral, or physical examinations required of job applicants been validated (according to EEOC guidelines) for minorities? 4) On the basis of what, and by whom are final decisions made on filling particular openings? Are there “preferred hiring” lists? How created, and by whom? Is there unwarranted room for subjectivity at this point not covered by rules and regulations or written guidelines? What is the track record of the person(s) making these decisions? Have previous complaints been filed with the State Commission for Human Rights to EEOC with reference to this critical juncture? 5) Are there any “sweetheart” or collective bargaining or other union agreements in effect with reference to positions in question? Do they conflict with required fair employment practices? Is the firm ab-

rogating its fair employment responsibilities in favor of union agreements? Who is at fault — the company, the union, or both? 6) Do minorities and females receive equal pay for equal work with Caucasian males? Are fringe benefits equitable? Do all employees seem to have equal opportunity for promotion? Are there in effect any *seniority* clauses or provisions (within or across divisions, or with reference to *any* benefits) which *tend to perpetuate the effects of past discrimination*? Are any unions involved characterized by such provisions? 7) Do minorities that get hired seem to have uniformly short periods of tenure on the job? What are typical reasons given for their release? Percentage-wise, how do these statistics and reasons stack up against those for non-minorities? Is there any evidence of differential treatment or disparate effect in these areas?

These, and many similar questions must be answered in a *typical* investigation! A single “wrong” answer may lead outward like ripples in a pool to other patterns or practices that, in turn, must be thoroughly scrutinized, the circumstances surrounding it examined. No stone may be left unturned, since any case an investigator works on may end up in a public hearing, or, ultimately, the Supreme Court.

The quality as well as the quantity of investigations conducted by the Alaska State Commission for Human Rights will — because of the complex and time-consuming nature of civil rights investigations — always be maddeningly in direct proportion to the number of investigators. At this time, the State provides for two, to cover all of Alaska, whereas a list of the titles of just the major employers the Commission is currently investigating consumes two full pages. We know that is true and no exaggeration because we *have* that list.

Bear in mind, also, that the number of respondents being investigated is something over which the Commission has virtually no control — we are obligated by the state statutes to fully and fairly investigate every allegation of discrimination brought to our attention. We cannot *choose* which cases we will or won't pursue. (The only exception to this is when, for example, numerous informal complaints of discrimination or extremely incriminating statistics come to the attention of the Executive Director with regard to a particular employer or agency — he may choose to file an Executive Director complaint on behalf of the Commission. This is sometimes necessary when individual employees are reluctant to file a discrimination complaint for fear of retaliation or company reprisals.)

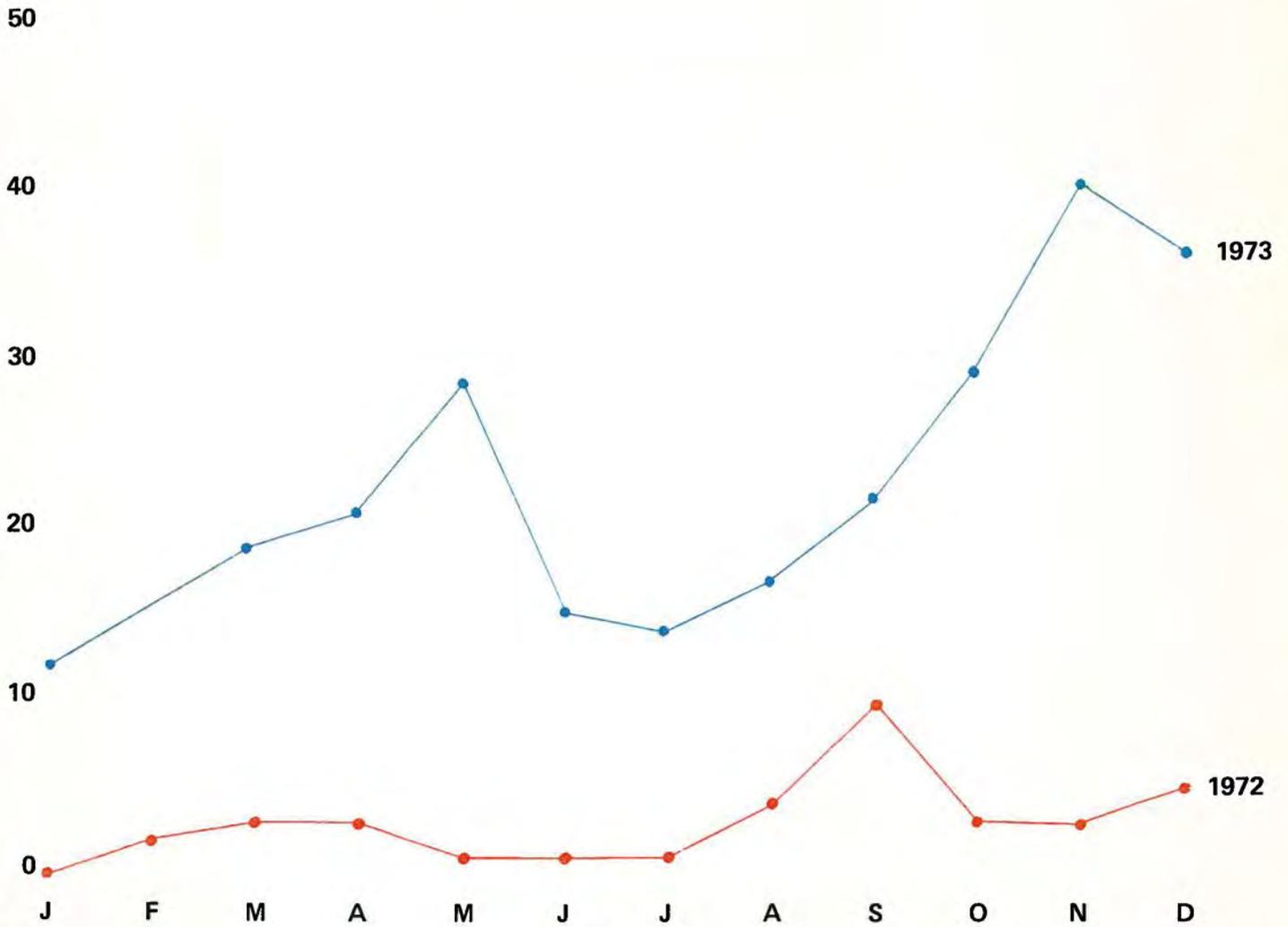
At this moment formal or informal complaints or requests for Commission intervention or assistance are being made from Barrow, Nome, Kotzebue, Bethel, Rampart, Lime Hills, Sand Point, Atka, Nulato, Wainwright, Tok, Ketchikan, Petersburg, Sitka, Hoonah, Saint George, Dillingham, Naknek, Kodiak, Cordova, Tanana, Galena, Hawk Bay, Excursion Inlet, Thorn Bay, Metlakatla, Wildwood (Kenai), Homer, Seward, Northway, Allakaket, Stevens Village, Juneau, and others. The current travel budget for the State Commission for Human Rights is not sufficient to pay for one 1-hour visit to even half of the points of origin of complaints we receive in a year.

Ever wonder why the Commission is *so slow*?

**Statistical Records
1973 Annual Report**

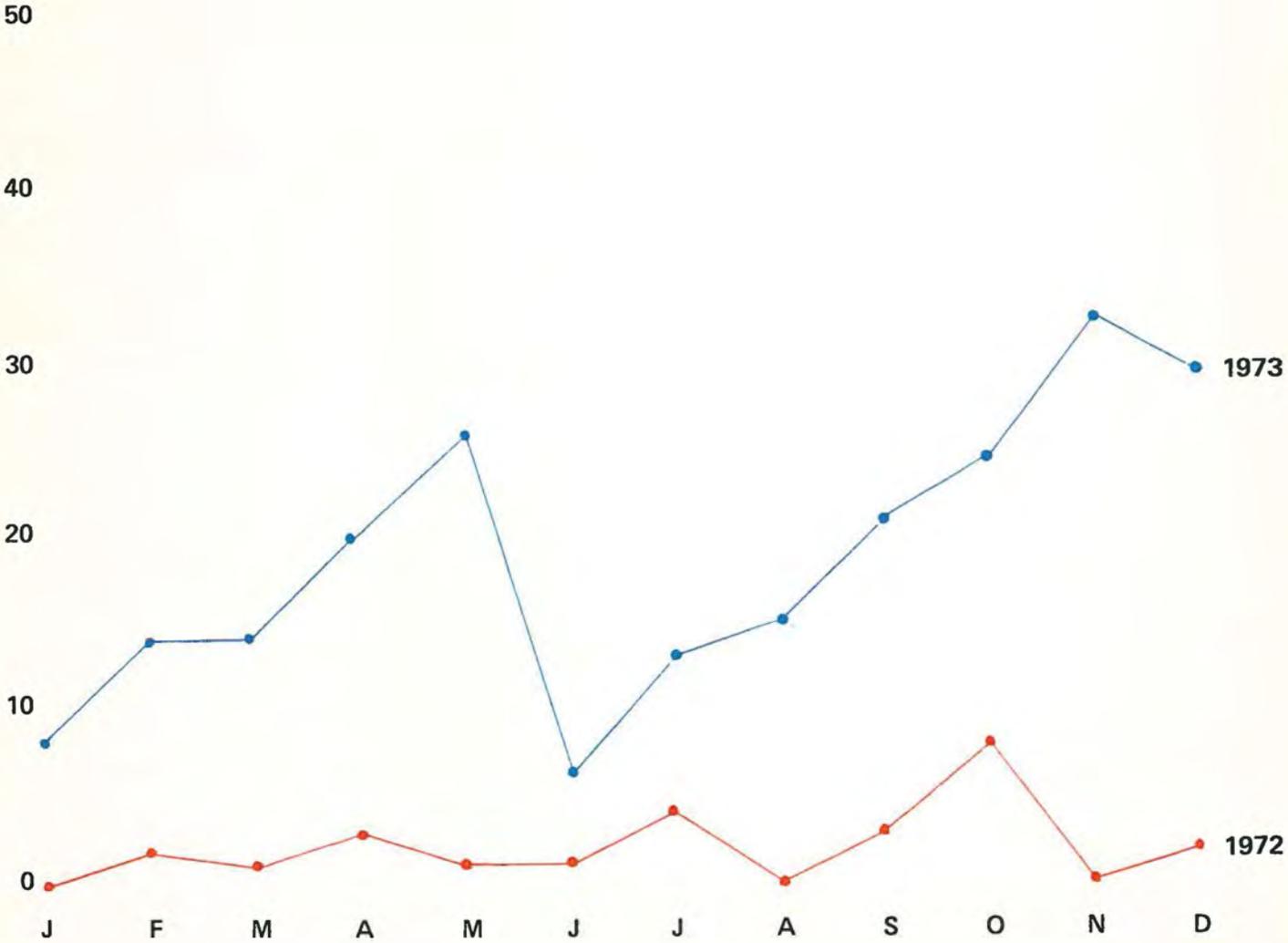
Total number of cases filed with the Alaska State Commission for Human Rights in 1972 and 1973

■ = 1972
■ = 1973



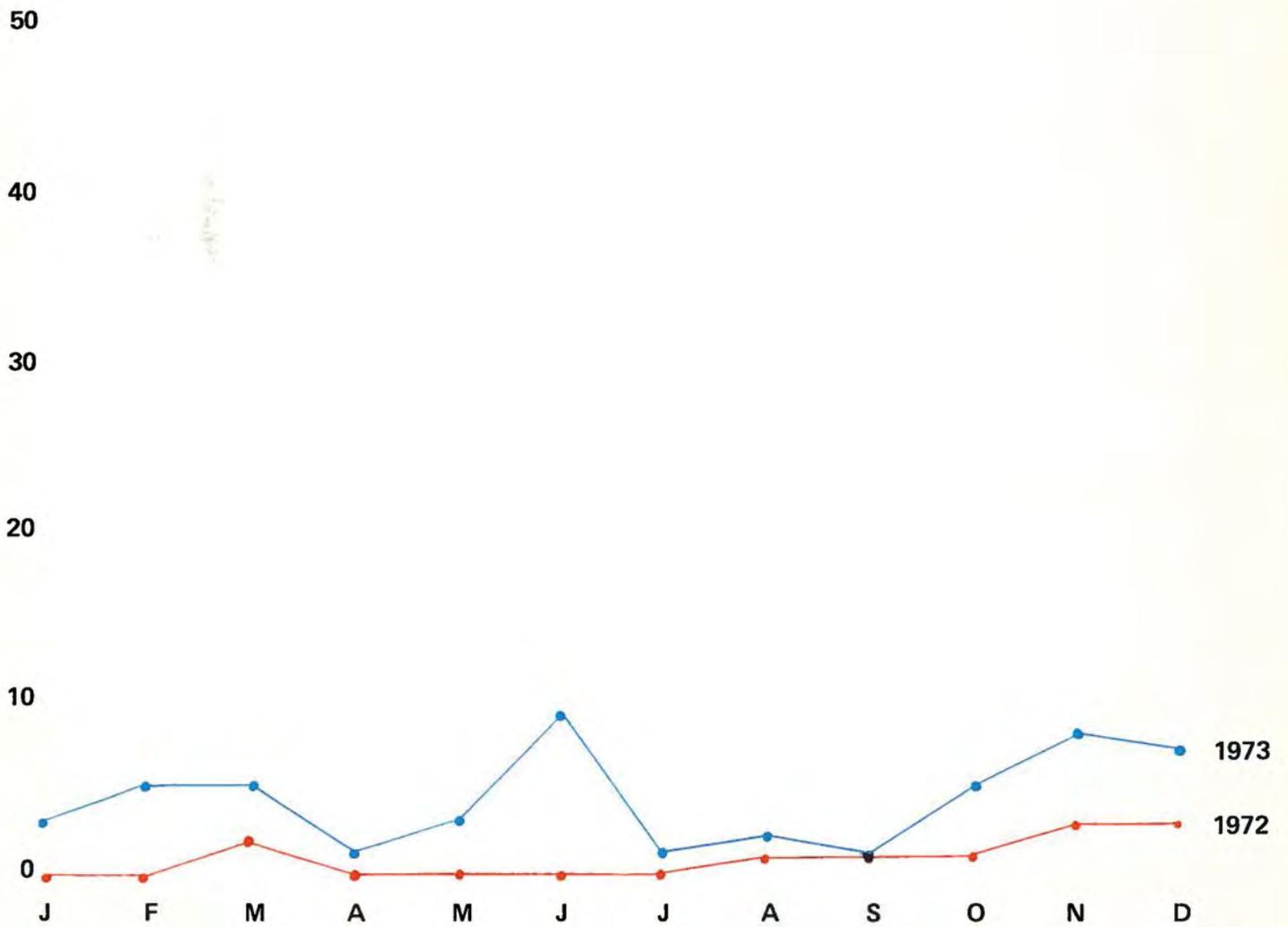
Total number of cases filed in Anchorage office in 1972 and 1973

■ = 1972
■ = 1973



Total number of cases filed in
Fairbanks office in 1972 and 1973

■ = 1972
■ = 1973



25

20

15

10

5

0

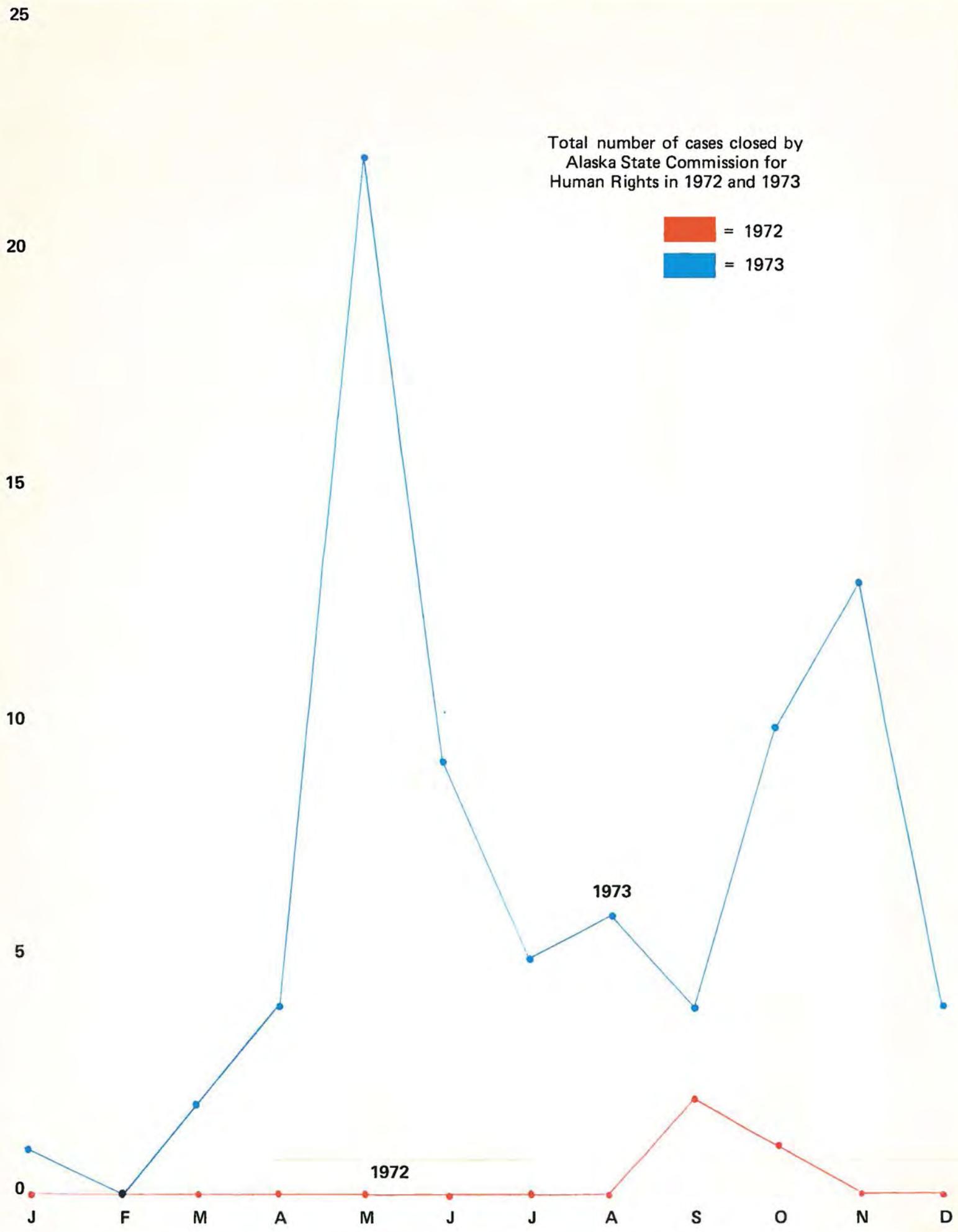
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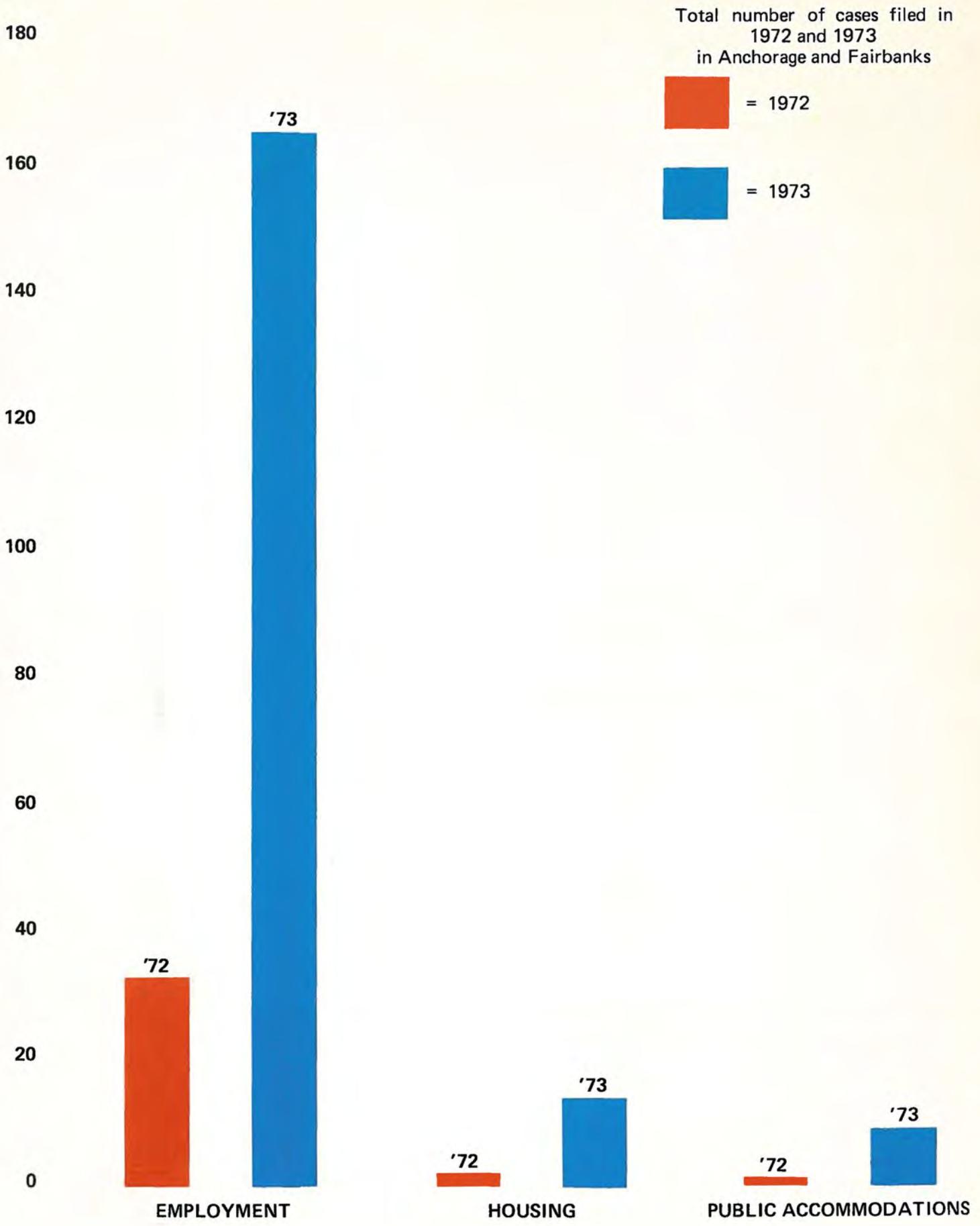
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J F M A M J J A S O N D

1972

1973





180

160

140

120

100

80

60

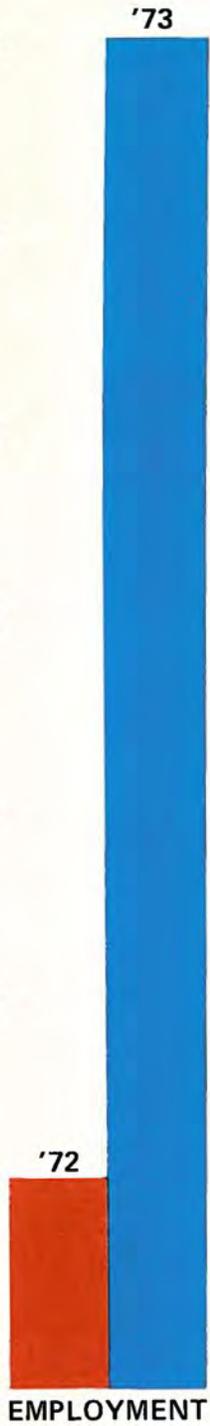
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20

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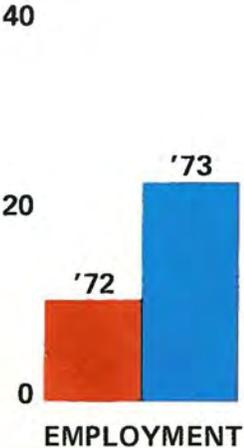
Total number of cases filed in the Anchorage office in the area of:

 = 1972
 = 1973



Cases filed in the Fairbanks office
in 1972 and 1973 in the area of:

 = 1972
 = 1973



180

In Anchorage and Fairbanks offices
in 1972 and 1973 on the basis of:

■ = 1972

■ = 1973

160

140

120

100

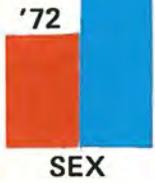
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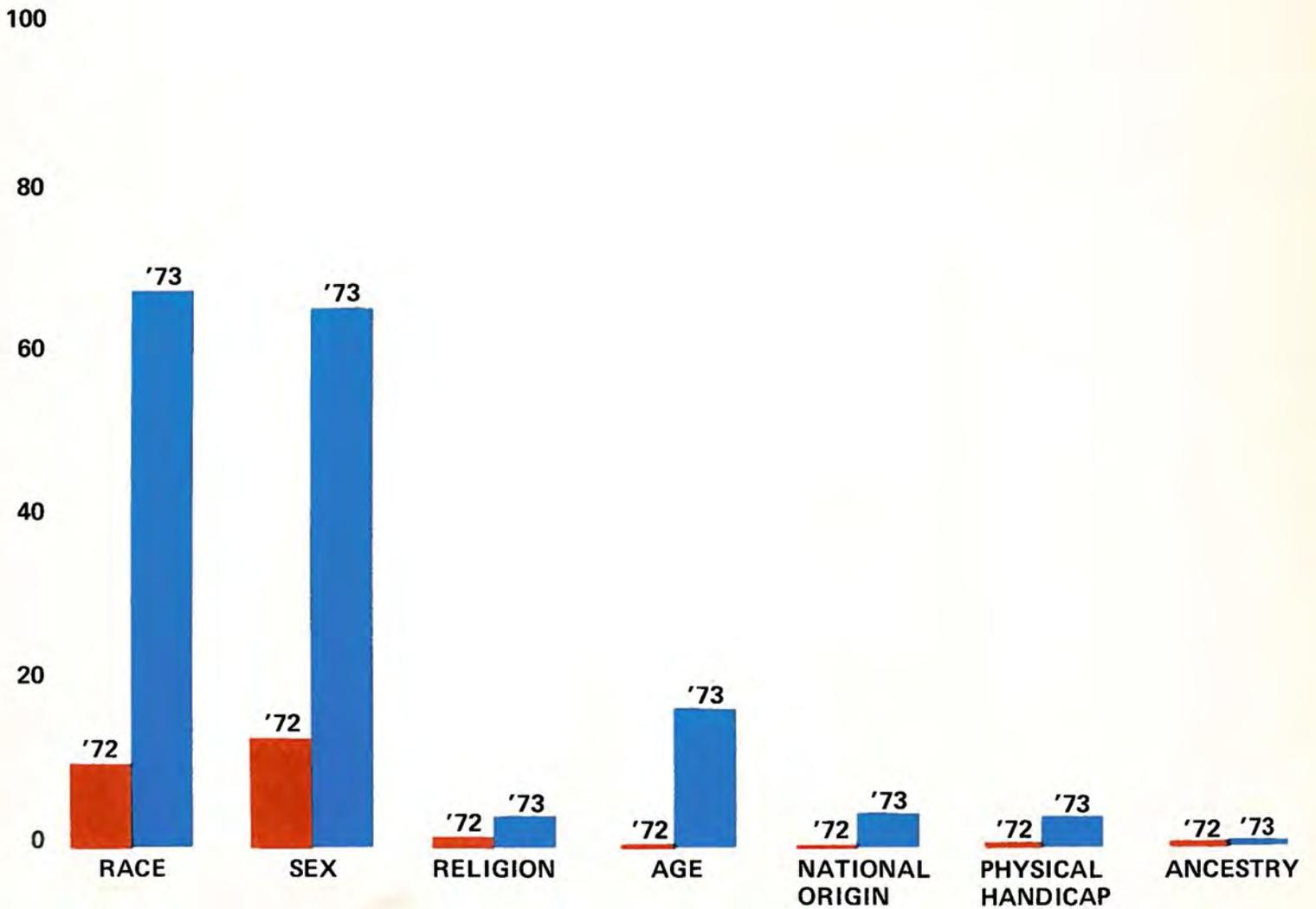
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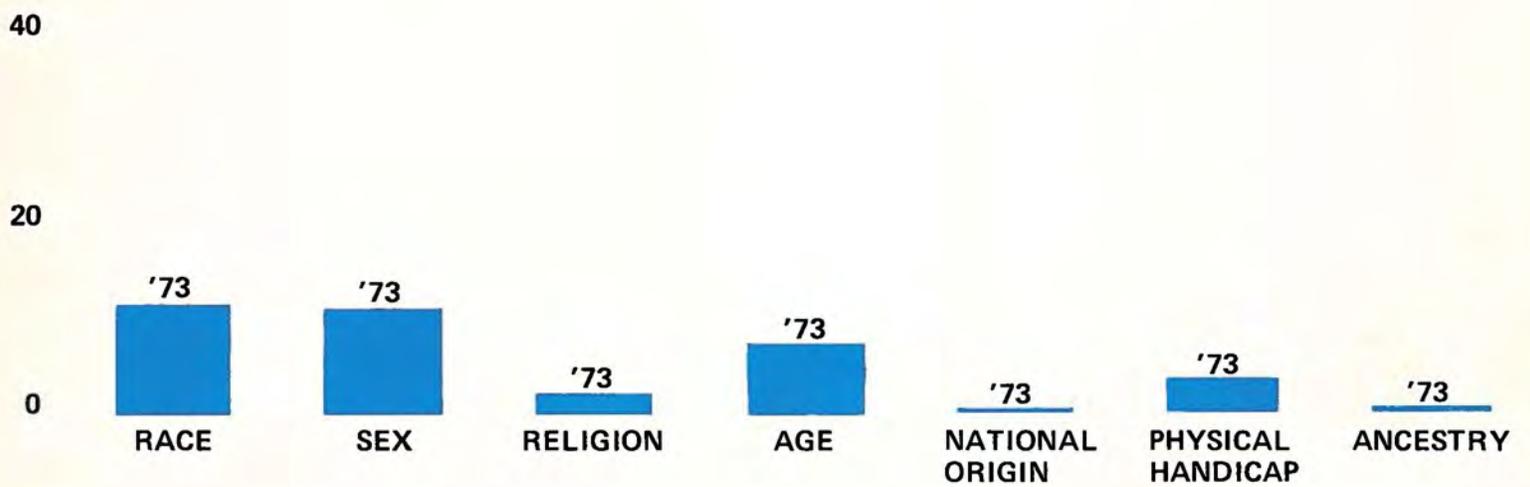
Cases were filed in the Anchorage office in 1972 and 1973 on the basis of:

■ = 1972
■ = 1973



Complaints filed in the Fairbanks office in 1973 on the basis of:

Note: No data available for 1972



180

160

140

120

100

80

60

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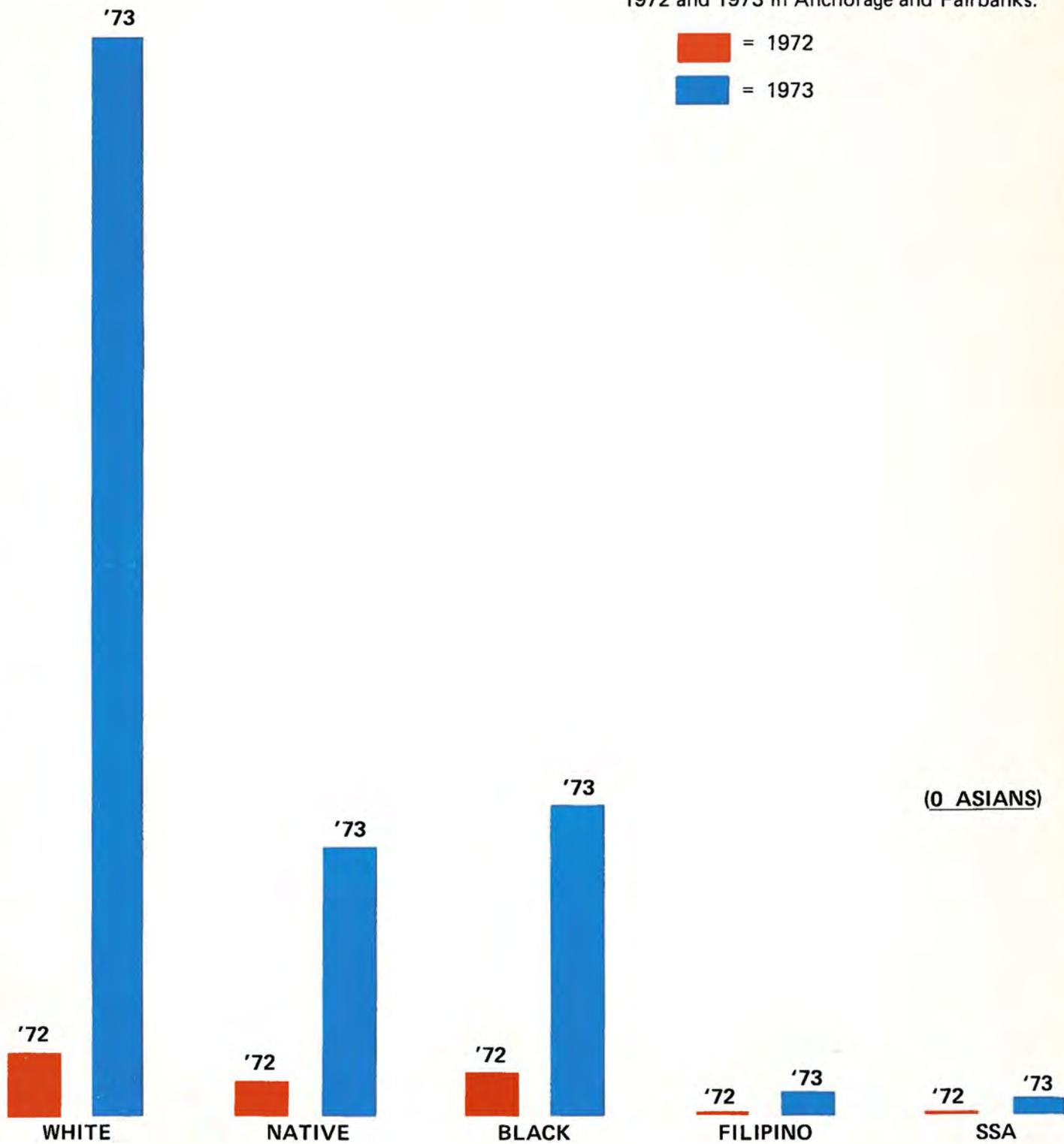
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Race of persons filing complaints in 1972 and 1973 in Anchorage and Fairbanks:

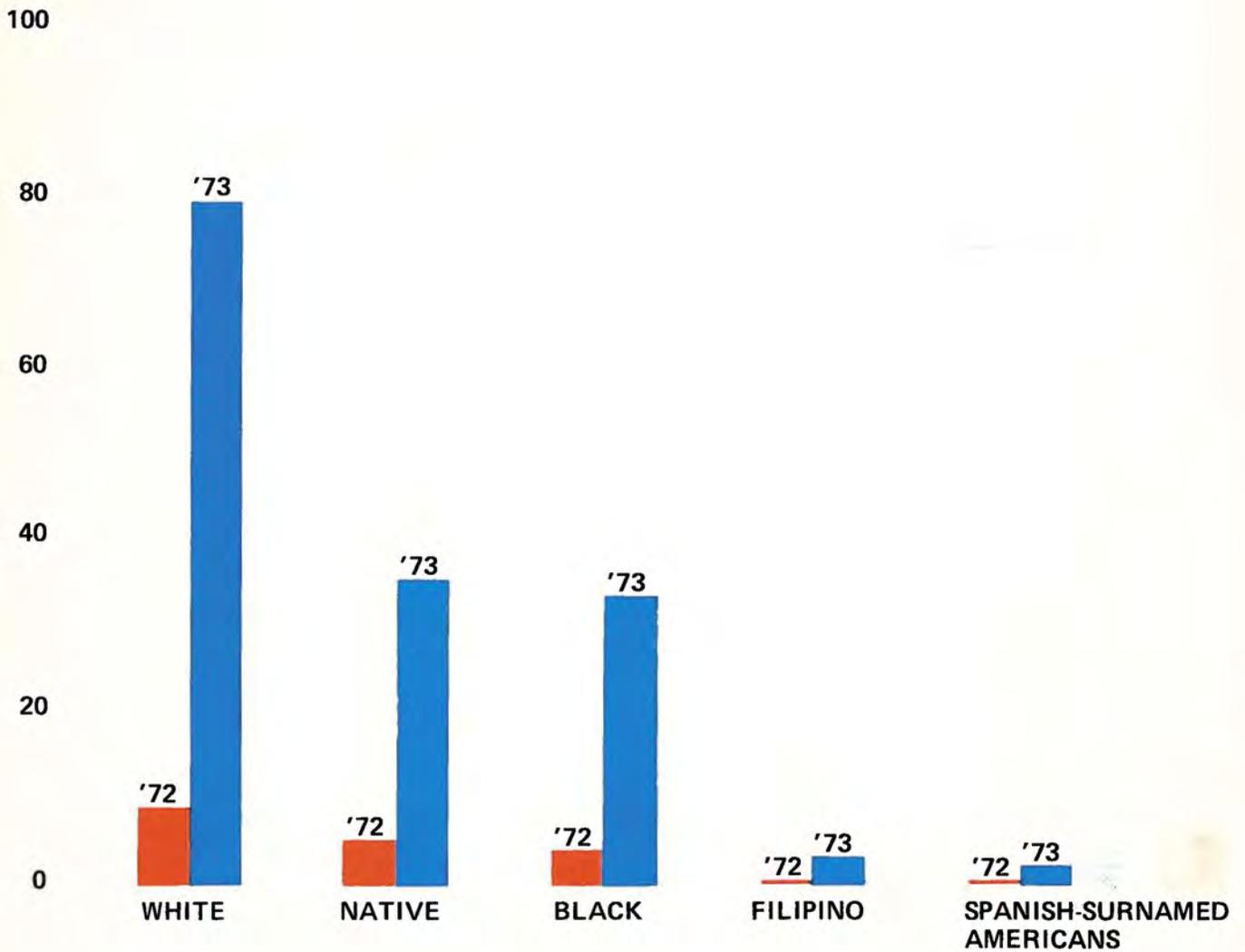
 = 1972

 = 1973



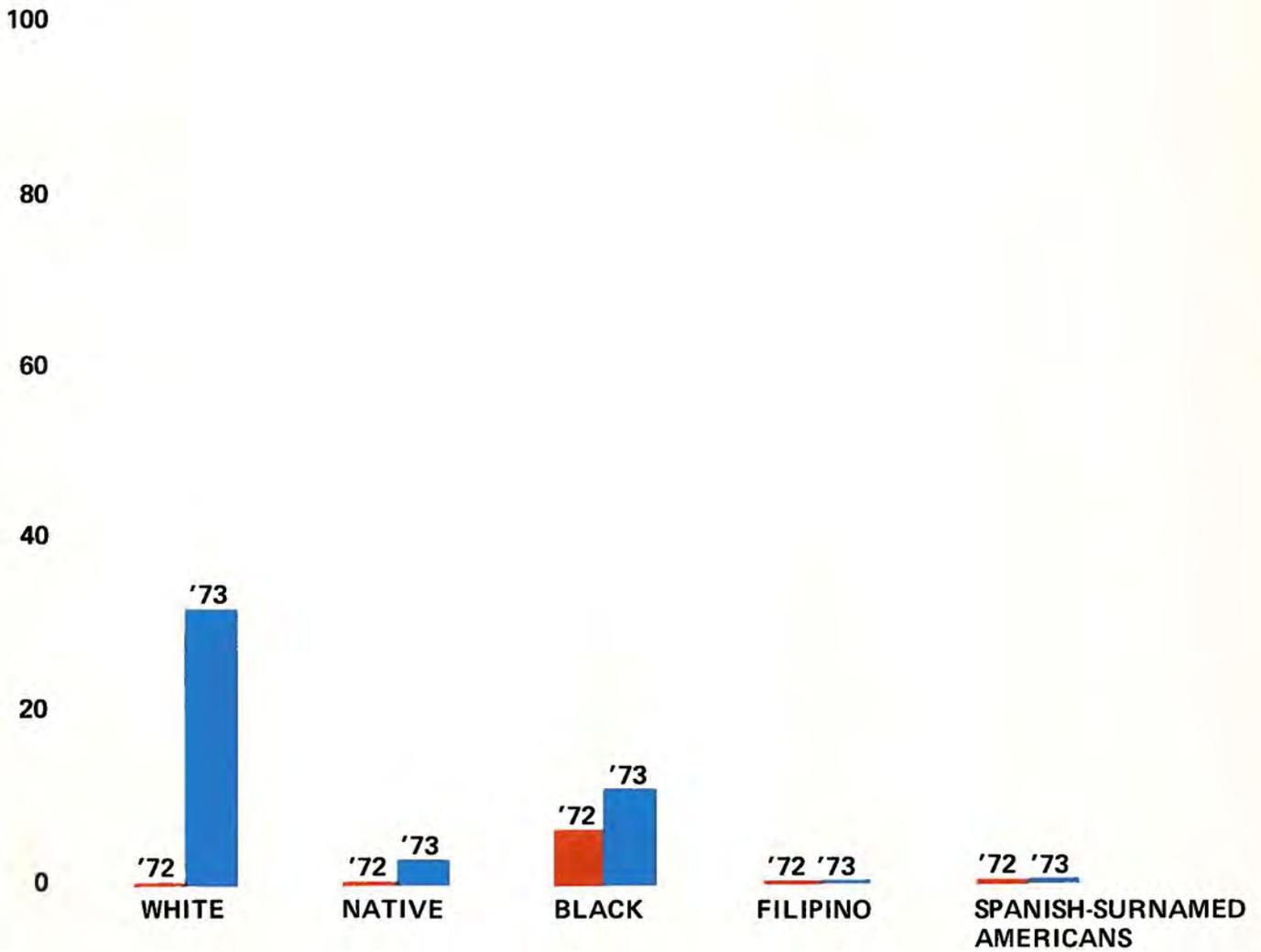
Race of persons filing complaints in
1972 and 1973 in Anchorage office:

■ = 1972
■ = 1973

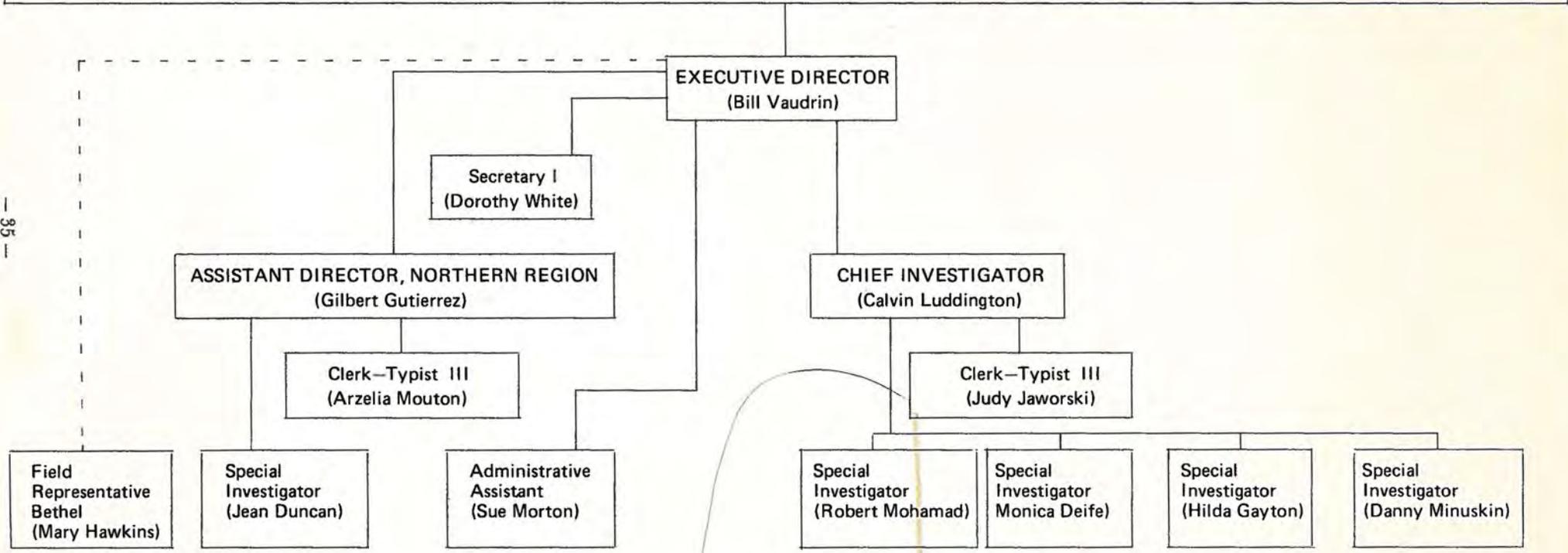
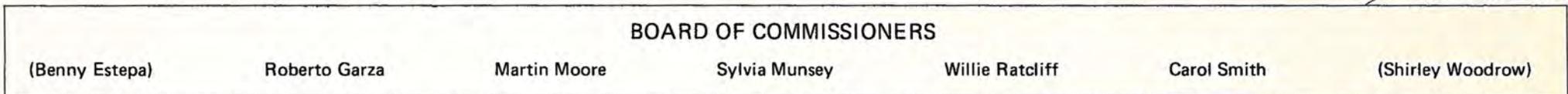


Race of persons filing complaints in 1972 and 1973 in Fairbanks office:

■ = 1972
■ = 1973



Governor Egan



— 35 —

STAFFING CHART
ALASKA STATE COMMISSION FOR HUMAN RIGHTS
December 31, 1973

