



Executive Session Papers

Human Rights Commissions and Criminal Justice

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A Historical Perspective on U.S. Human Rights Commissions

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Human rights commissions (HRCs) have been established in dozens of U.S. cities and counties and almost every state. Operating under a variety of names, with differing grants of authority and pursuing a variety of strategies, these commissions share a common goal of eradicating discrimination. Like human rights commissions in many other countries, these state and local commissions are engaged in three broad activities: enforcement, prevention, and training.

- **Enforcement activity** typically includes the investigation and resolution of claims of discrimination.¹ Enforcement

¹ Discrimination is usually defined as differential treatment of someone in a protected group. Protected groups vary among jurisdictions. For example, protection in Illinois extends to sex, age, race, color, religion, arrest record, marital status, handicap, citizenship, national origin, ancestry, unfavorable military discharge, retaliation and sexual harassment. Many state commissions are limited to federally protected classes whereas many municipal commissions protect groups on additional grounds, such as familial status and sexual orientation. Washington, DC, for example, prohibits discrimination relating to 18 categories: race, color, religion, national origin, gender, age, marital status, personal appearance, sexual orientation, family responsibilities, familial status, disability, political affiliation, source of income, place of residence or

powers vary, but commissions can generally hold hearings, impose fines, and issue reports, and a few can also initiate criminal prosecutions.

- **Prevention activity** includes outreach to inform people about the anti-discrimination laws and participation in public events and private discussions to reduce tensions between groups. Prevention activities may also include long-term campaigns to eradicate bias and prejudice.
- **Training activity** aims to raise compliance with the law and increase respect for human rights within government agencies and private organizations.

Little scholarship exists on the history of these organizations and in many parts of the country there is scant public awareness about their work. This paper provides an overview of the history and development of human rights commissions in the United States. It is hoped that this historical context provides a basis for dialogue on how commissions can strengthen their individual

business, genetic information, transgenderism and gender identity and expression.

and collective roles as well as enhance respect for human rights in the U.S. criminal justice system.

The remainder of this paper is divided into four sections. The first section offers definitions of human rights, human relations and civil rights and discusses the various designations that commissions have used to refer to themselves. The second section provides an overview of the origins and development of human rights and human relations commissions with respect to statutory changes and events that created the need for such agencies. The third section discusses characteristics typical of today's commissions and explores some of the challenges that commissions face. Finally, the paper concludes with key lessons and recommendations for how HRCs can work together to sustain the movement towards fair treatment and equal opportunity, especially on matters of criminal justice.

I. Definitions, Distinctions and Evolving Designations: What's in a Name?

Human rights, human relations, civil rights, community relations: the commissions discussed here employ these and similar names to define themselves and their ambitions. Whether they march under the banner of human rights, human relations, civil rights, community relations or intergroup relations, these commissions share a basic mission: to eradicate discrimination and promote equal opportunity. Just as there are different names for this field, there are different techniques to achieving these goals (e.g., enforcement, community outreach, and education). The different names of these agencies do not strictly align with the different techniques. Instead, the different names are hints of different histories and political contexts among the agencies.

Human rights, human relations and civil rights

- *Human rights* can be defined as “the basic rights and freedoms to which all humans are entitled.”² As articulated by the United Nations, they include “the rights of political choice and association, of opinion and expression, and of culture” as well as “the freedom from fear and from all forms of discrimination and prejudice; freedom from want and the right to employment and well-being and, collectively, to development.”³
- *Human relations* can be defined as “an organized approach to intergroup relations, intergroup conflict resolution, and intergroup justice rooted firmly within the specific trajectories of race relations.”⁴ Initially considered a “euphemism for race relations,” the term prevailed during the post-World War II era as the common designation for government intergroup relations commissions.⁵
- *Civil rights* can be defined as “the rights belonging to an individual by virtue of citizenship, especially the fundamental freedoms and privileges guaranteed by the 13th and 14th Amendments to the U.S. Constitution and by subsequent acts of Congress,

² American Heritage Dictionary of the English Language: Fourth Edition, 2000. Internet version: <http://www.bartleby.com/61/>

³ United Nations, UN Briefing Papers: Human Rights Today, December 1998. <http://www.un.org/rights/HRToday/>

⁴ Ethington, Phillip J and West, Christopher D., “The Challenge of Intergroup Relations in Los Angeles: An Historical and Comparative Evaluation of the Los Angeles City Human Relations Commission, 1966-1998,” Study Prepared for the Los Angeles City Human Relations Commission, 1998.

⁵ Ibid.

including civil liberties, due process, equal protection of the laws, and freedom from discrimination.”⁶

Human rights versus civil rights

In the United States, the term “human rights” is often considered analogous to “civil rights.” For those familiar with the field, however, human rights are broader than those rights guaranteed by citizenship, as they are not restricted to the borders of any given nation and its particular laws and customs. Human rights encompass economic, social and cultural rights as well as civil and political rights. Promotion of human rights recognizes that access to adequate work, housing, education and health care, and freedom to enjoy one’s cultural traditions are as much a part of the human fabric as the right to express one’s political views and to participate in civil society. State and local commissions in the U.S., in increasing numbers, are moving towards using the human rights designation. In 2002, when she took over as Commissioner/Chair of the New York City Commission on Human Rights, Patricia Gatling considered seeking a change to the agency’s name. Initially thinking that New Yorkers, particularly African Americans, identified more with the term “civil rights,” she changed her mind after hearing from native Africans and immigrants from other countries that the term human rights was far more powerful for them than mere civil rights.

In practice, the work of human rights and human relations commissions cannot be determined or distinguished by their name or designation alone. For example, the Pennsylvania Human Relations Commission

⁶ American Heritage Dictionary of the English Language: Fourth Edition, 2000. Internet version: <http://www.bartleby.com/61/>

does not actively address intergroup relations. Its mission is to “administer and enforce” anti-discrimination laws “through investigation, identification and elimination of unlawful discrimination and the promotion of equal opportunity for all persons.”⁷ The work of the Los Angeles County Commission on Human Relations, however, does focus on intergroup relations. With a mission to “fostering harmonious and equitable inter-group relations; empowering communities and institutions; and promoting an informed and inclusive multicultural society,” it develops programs that proactively address issues potentially leading to inter-group and cross-cultural tension, hate crimes, and violence.⁸

Evolving designations

Some human rights commissions were established in response to changes in federal laws, while others emerged in response to intergroup tension, violence or protest within communities. A few commissions formed at the prompting of leaders who perceived the need for change, without the threat of protest or violence.⁹ At the state level, several commissions were established as fair employment practices commissions while others were birthed as civil rights divisions within the Office of the Attorney General. For many of these organizations, as their focus and authority shifted over time, so did their name. The agency in Kansas, for example, was initially formed in 1953 and called the Kansas Anti-Discrimination Commission. Limited to employment practices, it had no enforcement powers. Following an amendment to the Kansas Act Against Discrimination in 1961, the agency was

⁷ Pennsylvania Human Relations Commission, Annual Report 2004-2005.

⁸ Los Angeles County Human Relations Commission website: <http://lahumanrelations.org/about/index.htm>

⁹ Floyd, Homer. Personal Interview. 9 August 2006.

given authority to enforce laws prohibiting discriminatory employment practices due to race, religion, color, national origin and ancestry and was renamed the Kansas Commission on Civil Rights. Additional areas of enforcement were added over the years, and in 1991 the agency's name was changed to the Kansas Human Rights Commission.

Overall, the general trend at the state level seems to be earlier commissions starting out as fair employment practices commissions that had authority to deal only with employment issues later evolving into civil rights commissions as jurisdiction expanded to include housing and employment discrimination.

Today it is not just state agencies that have enforcement authority; dozens of local commissions, such as the Office of Human Rights in Washington, DC, and the New York City Commission on Human Rights, enforce anti-discrimination and human rights laws.

However, another breed of local entities, often referred to as human relations commissions or sometimes community relations commissions, does not have enforcement power, but rather was created to reduce tension within a community and strengthen intergroup relations. The municipal agency in Cincinnati, Ohio, was first called the Mayor's Friendly Relations Committee (MFRC) before it became the Cincinnati Human Relations Commission in 1943. A number of California agencies, including the Los Angeles County Commission on Human Relations, also fall into this category.

In states with numerous local (city or county) commissions, many take on the same or similar names, and the name does not always consistently indicate whether an

agency is of the enforcement or inter-group relations variety. In Florida, which has multiple human rights agencies, the most common name is "equal opportunity," while in Illinois, the predominant name is "human rights." In California, which has dozens of local agencies, the overwhelming majority employ the name human relations, while, in Indiana, there is an almost even split between the use of "human rights" and "human relations" among local agencies.

Whatever an organization's name, however, and whether or not it has enforcement powers, its "ordinance or legislation always provides an information-educational mandate" as all of these agencies emerged in the United States with "the responsibility of conducting research, [and administering] educational, and community relations program aimed at improving race relations."¹⁰ Outside of California, "Human Rights Commission" is the most commonly used term today and is the term used through this paper to refer to all of these organizations collectively, regardless of variation in name and mission. Furthermore, the increasing use of this designation—whether it be through a new establishment or a change in name—seems to reflect a changing philosophy in the field as commissions' jurisdictions and mandates have broadened in accordance with new demands for protection and equal opportunity.

II. History and Development of Human Rights Commissions

This section traces the origins and tracks the development of HRCs throughout the twentieth century at the federal, state and local levels. Human rights commissions, in

¹⁰ Levy, Burton. 1971. "The Bureaucracy of Race: Enforcement of Civil Rights Laws and its Impact on People, Process, and Organization," *Journal of Black Studies*, Vol. 2, No. 1. (Sept., 1971), p. 80

general, were established across the United States to reduce racial tension and violence and to prevent racial discrimination within the country. Racial violence erupted in the 1940s and 1950s in the form of riots and protests. Numerous HRCs were created following such demonstrations, while others' formation was sparked by the civil rights movement in the 1960s and ensuing efforts to sustain social change in the 1970s to the present.

*Urban race riots and statutory origins:
1840s -1860s*

Urban race riots led to organized efforts to reduce racial tension and violence in the United States, and the first riots date back to the 1760s. However, "race did not become a standard feature of urban riots until the depression of the 1840s exacerbated tensions between Protestants and Irish Catholic immigrants."¹¹ Race riots of the nineteenth century reached their peak with the New York City Draft Riot of 1863. Up to 1,000 African Americans died at the hands of largely Irish working-class rioters protesting the Civil War.¹² The first anti-discrimination laws can be traced to this period. The Commonwealth of Massachusetts, for example, pioneered statutory efforts to prohibit discrimination on the basis of race. In 1855, it enacted laws that forbid discrimination in public education.¹³ In 1864, Massachusetts legislators passed a law that prohibited racial discrimination in places of public accommodation. Kansas followed suit that same year.¹⁴ During this period, public accommodations laws in both states were criminal statutes, thus violation of these laws was considered a criminal offense,

punishable by fines and or imprisonment. Accordingly, to take remedial action, one was required to file a criminal charge with the district or county attorney in the location in which the alleged crime took place.

**TIMELINE OF KEY HUMAN RIGHTS
EVENTS IN THE UNITED STATES**

1855. First anti-discrimination law, concerning public education, passed in Massachusetts.

1864. First anti-discrimination law in public accommodations passed in Massachusetts. Kansas followed suit.

1868. Civil Rights Act. Former slaves and any other person born or naturalized in the United States became citizens entitled to equal protection of law.

1919. Chicago Race Riots.

1921. Chicago Race Relations Commissions established.

1941. President Roosevelt signs Executive Order #8802 to establish Fair Employment Practices Committee.

1943. Race Riots in Cincinnati, Detroit, Los Angeles, New York City and elsewhere.

1946. President Roosevelt signs Executive Order #9808 to establish President's Committee on Civil Rights.

1955. Montgomery bus boycott.

1964. Civil Rights Act.

1965. Voting Rights Act, Immigration Reform Act, Establishment of EEOC.

1992. Los Angeles riots.

The earliest public accommodation laws proved to be not only difficult to enforce,

¹¹ Ethington and West (1998)

¹² Ibid.

¹³ Floyd, Homer. PowerPoint Presentation. "The Pennsylvania Human Relations Commission."

¹⁴ Ibid.

but were also often met with resistance. Discrimination remained a societal norm at the time, and people were reluctant to change their ways. Some district attorneys were reluctant to prosecute prominent business leaders in their community and thus dropped charges of discrimination.¹⁵ Even when charges were pursued, it was often difficult for victims to obtain sufficient evidence and witnesses to testify on the alleged acts of discrimination. Victims of discrimination were often travelers who did not have sufficient resources to either remain in the locality in which they encountered discrimination or return to the area for court proceedings.¹⁶ Furthermore, in addition to insufficient staff resources, the “beyond a reasonable doubt” standard of evidence used in criminal cases set the bar high for obtaining convictions.

The Civil Rights Act of 1866 was one of the first efforts to codify civil rights on a national level. As “part of the post civil war efforts to remedy the status of black persons in the United States,” the Act granted citizenship to all persons born in the United States without regard to race, color, or former status as slaves and stipulated that no person was to be denied rights that were enjoyed by the white citizens.¹⁷ However, despite the conditions it was intended to foster, the law was created to be self executing without any agency that administered the law.¹⁸ As such, people had to file individual suits, many of which were not promptly prosecuted. Feelings of racism and resentment towards African Americans festered throughout the country, sometimes manifesting in the form of lynching.

¹⁵ Ibid.

¹⁶ Floyd, Homer. Personal Interview. 9 August 2006.

¹⁷ Cartwright, Raymond. Personal Interview. 9 August 2006.

¹⁸ Ibid.

Institutional Origins and World War II: 1919-1945

In tracing the history of U.S. human rights commissions, it would be interesting to be able to identify the first such agency and therefore study how that agency influenced or contributed to development of other agencies. Unfortunately, the task of identifying the “first” such agency is not so simple.

Connecticut claims to have created the nation’s first official civil rights agency. In 1943 the Connecticut legislature established the Inter-Racial Commission to “investigate the possibilities of affording equal opportunity of profitable employment to all persons.” The Inter-Racial Commission was the predecessor to today’s Connecticut Commission on Human Rights & Opportunities. Meanwhile, the New Jersey Division on Civil Rights asserts that it enforces the nation’s oldest state anti-discrimination law. Maryland traces origins of its current Commission on Human Relations to 1927, when the Interracial Commission was formed “to consider the welfare of colored people within the state.” The agency assumed its current name in 1969, as its responsibilities and authority expanded.

This paper does not purport to correctly identify the first human rights commission or first human rights law in the country. But it is fascinating to consider the influences leading to their creation.

Race Relations Committees

Some researchers trace the origins of local human relations and human rights commissions to local race relations committees (RRCs) formed in the 1940s. These committees were “interracial groups of private citizens whose purpose was to

advocate at the local level for dismantling structures of racial discrimination and inequality—mostly using methods such as public education and negotiation.”¹⁹ RRCs drew on two models that were developed to address interracial and intergroup conflict following World War I. The first model had its origins in the Chicago Commission on Race Relations, which was established in 1921 as a response to riots in 1919. Regarded as the “granddaddy of HRCs in the United States,”²⁰ the Commission grew out of a report written by Charles S. Johnson, a student at the University of Chicago. Johnson’s report, “The Negro in Chicago: A Study of Race Relations and a Race Riot,” spoke to the need for a permanent agency that dealt with intergroup relations.²¹ The second model of local race relations committees originated from local interracial committees that were formed in the South in response to the outbreak of racial violence shortly after World War I.²²

RRCs drew attention to the stark contradiction posed by the nation’s war for democracy abroad and the racial oppression that faced black veterans returning home. During this period, as people, particularly from rural Southern areas, migrated to urban areas, tension, harassment, misunderstanding and hostility arose as newcomers’ efforts to adapt to their new way of life clashed with the reluctance and resistance of long-time residents to accept them.²³ The war shed light on the “second class citizenship status of Negro citizens,” and it became apparent that “almost every large city was seething with tension

¹⁹ Downey, Dennis. “Organizational Models and Social Movement Transitions: Local Race Relations Committees in the Wartime Civic Unity Movement,” Forthcoming article, p. 2

²⁰ Ethington and West (1998)

²¹ Downey, Dennis. (Draft), p.14

²² Ibid.

²³ Ibid.

occasioned by racial and religious prejudice.”²⁴

The proliferation of local race relations committees following World War II is attributable in part to the marketing and networking efforts of the American Council on Race Relations (ACRR), established in 1944. The Council promoted creation of local RRCs, worked to establish a network for the committees, and disseminated research on issues of race.²⁵

Growth of the RCC model waned by the late 1940s. Anti-left policies that proliferated following the end of World War II targeted movements for racial equality as communist-inspired. Coupled with the waning sense of war crisis, many RRCs collapsed or went dormant during the 1950s. Still, the movement is seen as contributing to a reframing of public discourse about racial conflict from a focus on its threat to social order to a focus on issues of social equality underlying race tensions. Violent racial conflict, such as race riots, was recognized by these groups as a manifestation of deep-seated frustration stemming from inequality, segregation and discrimination. To confront these tensions, one had to address their perpetuation in social and economic institutions: employment, housing, education and law enforcement.

²⁴ Dodson, Dan W. "Public Intergroup Relations Agencies" in *The Journal of Negro Education*, Vol. 20, No. 3, The American Negro and Civil Rights in 1950. (Summer, 1951), p. 398

²⁵ Downey (Draft), p. 12. Downey’s research turned up a 1949 directory for the ACRR, which contains entries for 1,133 organizations in the field of intergroup relations. Downey identified at least 192 of these as local RRCs or “organizations established specifically to promote them.”

Moving from Unofficial to Official Status

A number of precursors to today's human relations commissions were formed in cities following an outburst of racial violence. Key examples of these municipal agencies included:

- **Detroit, MI:** race riots in 1943 led to the creation of the Mayor's Interracial Committee, which was later renamed the Commission on Community Relations.
- **Cincinnati, OH:** riots led the Cincinnati City Council to establish the Mayor's Friendly Relations Committee (MFRC), a predecessor of today's Cincinnati Human Relations Commission.
- **New York City, NY:** riots in Harlem spurred creation of the Mayor's Committee on Unity in 1944, which was replaced in 1955 by an agency with enforcement powers, the Commission on Intergroup Relations. As the agency gained more authority, it was renamed the Commission on Human Rights in 1962.²⁶

Similarly, the 1943 "Zoot Suit" riots, during which white sailors attacked Latino youth for three days in the streets of Los Angeles, prompted the Los Angeles County Board of Supervisors to establish a "Joint Committee for Interracial Progress," which later became an official agency of County government renamed the Los Angeles County Commission on Human Relations.

These early, quasi-official bodies were composed of leading citizens charged with the responsibility of doing what they could

²⁶ New York City Commission on Human Rights. Website: <http://www.nyc.gov/html/cchr/html/history.html>

to promote better intergroup relations within the local community. Despite the introduction of local human relations commissions, there still was no official venue through which people could remedy their encounters with discrimination. As protest groups threatened violence, the need for an administrative apparatus through which citizens could file complaints and get some official resolution was becoming more and more urgent.

In an initial step toward greater recognition of a federal role in addressing issues of race and inequality, President Franklin D. Roosevelt issued Executive Order No. 8802 on June 25, 1941. Issued in response to a threatened March on Washington Movement protesting racial discrimination in the armed forces, the Executive Order: (1) prohibited discrimination on the basis of race, creed, color or national origin in the government or any defense industry receiving government contracts; and (2) created the Fair Employment Practices Committee (FEPC).²⁷ Although the move introduced public civil rights agencies to the struggle against discrimination, very little was done by the federal government to make equal opportunity a reality in American life.

Post WWII and the Civil Rights Movement: 1945-1970s

After the Second World War, unity over shared injustices facing returning African American and Jewish veterans prompted various group-identity organizations such as the NAACP, the National Conference of Christians and Jews, and the American Jewish Committee to work together to foster peaceful relations among groups.²⁸ These

²⁷ United States Equal Employment Opportunity Commission. Website: <http://www.eeoc.gov/abouteeoc/35th/thelaw/eo-8802.html>

²⁸ Ibid.

organizations were key players in the push for the creation of HRCs.

A watershed moment in the shift toward acknowledging a role for the federal government in confronting inequality was formation of President Truman's Committee on Civil Rights in 1946. Around this time interracial committees and minority group organizations "began campaigning for a permanent federal Fair Employment Practices law."²⁹ Efforts to defeat such a law, however, prevailed for almost 20 years.³⁰

As the country moved, in fits and bursts, into the modern civil rights era, federal government commitment toward eradicating inequality was formalized with passage of the Civil Rights Act (1964) and the Voting Rights Act (1965). Numerous government agencies, at all levels, were created to enforce civil rights laws and provide education programs that fostered "mutual understanding and respect among all racial, religious and ethnic groups."³¹ At the state and local levels, anti-discrimination legislation proliferated. By 1961, there were approximately 30 state anti-discrimination laws in place.³² Human rights commissions, many which superseded informal, ad hoc committees on race, were created and given authority to enforce these new laws. Official status and enforcement powers gave these organizations a legitimacy that their informal predecessors could not claim. A number of human rights commissions were

designated as Fair Employment Practices Agencies (FEPAs), and given authority to enforce state and local anti-discrimination laws in the employment area. To this day, in addition to enforcing local laws, many FEPAs contract with the U.S. Equal Employment Opportunity Commission (EEOC) to receive and investigate complaints brought under applicable federal laws. Similarly, in the housing area, many human rights commissions receive designation as participants in the federal Fair Housing Assistance Program (FHAP), and contract with the U.S. Department of Housing and Urban Development (HUD) to investigate alleged discrimination under federal law.

The 1970s witnessed a change in the nature of human rights advocacy and intergroup relations work and considerable development in human rights law in the United States. To some extent, civil and human rights groups encountered a perception that the struggle against intergroup injustice had been won, obviating the need for further involvement. But as gains were made recognizing the civil rights of African Americans and Americans of various religious faiths, grievances of other groups suffering unequal treatment became visible and legitimized.³³ New group-based liberation and justice movements, such as the Women's Movement and the Gay and Lesbian Rights Movement, broadened the scope and focus of human relations efforts in the United States.³⁴ And as racial and ethnic diversity increased throughout the country, anti-discrimination laws were amended to keep pace, and commissions' jurisdictions expanded to protect rights in areas including gender, sexual orientation and disability.

²⁹ Ibid., p. 7

³⁰ Ibid.

³¹ Levy, 1972, p. 479 (citation: A Directory of Intergroup Relations Agencies—1969, prepared by Brotherhood-In-Action, Inc., and the National Association of Intergroup Relations Officials, 2027 Massachusetts Avenue, N.W., Washington, D.C. 20036

³² Floyd, Homer. Personal Interview. 9 August 2006.

³³ Ibid.

³⁴ Ethington and West (1998)

Shifting contexts and changing demographics: 1980s to the present

The context for human relations shifted in the 1980s and 1990s as the country's demographics underwent dramatic changes. Table 1 displays the considerable changes over this period in the percentages of African American, Hispanic and Asian residents, according to U.S. census figures. The percentages of both Asians and Hispanics in the total U.S. population doubled while the percentages of African Americans and whites held steady or declined slightly.

Table 1: U.S. Population 1980 - 2000³⁵

	African American	Hispanic	Asian and Pacific Islander	White
1980	11.7%	6.4%	1.5%	79.6%
1990	12.1%	9.0%	2.9%	75.6%
2000	12.3%	12.5%	3.6%	75.1%

The surge in Hispanic population, and to a smaller but still significant extent the Asian population, comes largely from immigrants, both documented and undocumented. The change in demographics and rising diversity called for changes in emphasis by human rights commissions. Two salient issues for commissions in working with these groups were treatment of undocumented immigrants and difficulty securing affordable housing.³⁶ In addition, the nature of intergroup tensions shifted somewhat, for example with increased friction between African Americans and Hispanics in some communities, and overall discrimination continuing to impact all racial and ethnic minorities. The events of 9/11 introduced

³⁵ Table excludes data on the categories "American Indian, Eskimo, Aleut" and "Other race."

³⁶ Ibid., p. 583

yet additional patterns of discrimination against Arab Americans and Muslims.

The evolution of human rights in this country reflects the demographic and cultural changes the country has gone through, and the growth in the diversity of the American population is expected to continue, creating new and increasing demands for protection against discrimination and programs that foster intergroup and cross-cultural understanding. As the county continues to evolve through continued immigration and globalization, we see human rights and human relations commissions expanding their efforts to reflect and become more integrated with the communities they serve.

III. The Human Rights Commission in the 21st Century

Today most U.S. human rights agencies consist of a staffed department which is led by an executive director and overseen by a board of volunteer commissioners. The executive director and commissioners are typically appointed by the jurisdiction's executive (mayor or governor) to be reflective of the diverse communities served by the agency. The size of these organizations varies widely. In New Orleans, for example, the City's Human Relations Commission has no staff besides an executive director. In contrast, the New York City Commission on Human Rights has approximately 90 employees divided into two divisions, the Law Enforcement Bureau and the Community Relations Bureau.

Some of the organizations with enforcement power devote as much staff effort to community outreach, research and education activities as they do to investigating complaints. Others place far more emphasis on investigation of individual claims.

Variance in focus among these agencies depends as much on the official mission of the agency as on the interests and goals of the executive director and commissioners. Strong leadership marks those agencies which undertake innovative research and outreach activities.

The primary source of funding for human rights commissions is general fund appropriation. Those agencies that enforce federal anti-discrimination laws in housing and employment receive some limited funding from EEOC and HUD contracts. Another modest income stream for some agencies comes from charging fees for services, such as diversity training. Some offices pursue private grant funds to support discretionary programs. One way to do this is to form a tax-exempt organization and dedicate all funds raised to a particular project. In at least one jurisdiction, governmental funding supports a much smaller percentage of human relations work than does private funding. The Orange County Human Relations Council was formed in 1991 as a non-profit 501(c)(3) organization, 20 years after the Orange County Human Relations Commission was created. Facing reluctance from the County to fund broad-ranging human relations programs, the Council was created to develop and implement programs in partnership with schools, corporations, cities, foundations and individuals. In 2006, the Commission received funding for 2.8 staff positions, while the non-profit Council had 19.5 positions. The Council is supported by grants, donations, fees and contracts.

Membership organizations offer human rights workers opportunities to network and gain skills training at the state and national levels. The International Association of Official Human Rights Agencies (IAOHRA) caters primarily to directors and commissioners of human rights

organizations while the National Association of Human Rights Workers (NAHRW) serves staff. In California, which has more than 60 city and county human relations organizations, many agencies participate in the California Association of Human Relations Organizations (CAHRO). Other states have similar state-specific associations.

Current Challenges and Proposed Areas for Growth

Human relations commissions face two major challenges: (1) resource constraints, and (2) visibility constraints. Between the two, resource constraints pose perhaps the most pressing challenge but the two are inter-related.

Many HRCs face a low level of public awareness about their existence or mission.

Scholarship on HRCs by historians and practitioners is extremely limited.³⁷ There is even misunderstanding on the part of some policy-makers over precisely what it is HRCs do. Limited resources force some commissions to make tradeoffs between enforcement activities and community outreach and education efforts. Typically when HRCs face budget restrictions, it is outreach and education efforts that suffer, further restricting public awareness of the agencies.

In some sense, HRCs may be victims of their own perceived success. The sorts of discrimination that occurred openly prior to the civil rights movement have been sharply curtailed. It would be heartening to attribute

³⁷ *The Journal of Intergroup Relations*, a publication of the National Association of Human Rights Workers, is one of the only scholarly publications devoted to the field of intergroup relations. Unfortunately, it is published intermittently (two to four times a year) and is not available on-line.

a reduction in discriminatory behavior to the work of HRCs over the years. However, in reality, discrimination still occurs today, yet it tends to be perpetrated in far more subtle forms than in the past. Over time, the need for the work of HRCs has not diminished, but the tactics and approaches they must employ have changed. For example, education and outreach about diversity can help change attitudes and prevent discriminatory behavior from occurring in the first place. And when claims of discrimination are made, HRCs must be prepared to conduct more sophisticated investigations.

The shift in focus necessitates different ways of doing business. It also demands different ways of quantifying and measuring impact. For example, simply reporting the number of cases closed in a year will not necessarily describe the full impact an HRC is having, and might result in reduced resources. Customer satisfaction surveys and focus groups are ways to get feedback in a form that budget and policy officials will understand. Another tactic is to invite budget analysts to commissioners' meetings so that they better understand the nature of work done by HRCs, and the fact it cannot be quantified with simple tallies of cases closed or numbers of public education meetings.

In our increasingly diverse society, there is important work to be done by human rights agencies in the United States. Given the proper support, these agencies stand to be potentially powerful resources to better serve their communities. If given appropriate resources, one potentially fruitful area of expansion for HRCs is into enforcement of human rights in the criminal justice system. As already-existing governmental institutions focused on eradicating discrimination and defusing inter-group conflict, human relations

commissions are well-positioned to play a growing role in areas such as:

- responding to excessive use of force by police,
- working to reduce hate crimes,
- monitoring jail and prison inmate conditions,
- helping ex-offenders overcome discrimination in the job market,
- targeting selective local police enforcement of immigration laws, and
- working to promote diversity among police forces.

The approach is not new. The 1974 annual report for the Nashville Metropolitan Human Relations Commission details close work between the police department and the Commission. In 1974 the Commission:

- Conferred with the police chief and his staff on ways to hire more women and minorities;
- Collected policy statements from around the country on the use of deadly force and encouraged the chief to implement a policy of restraint in the use of firearms;
- Solicited citizen opinion on the use of police foot patrols and developed a plan with the police department to put walking patrolmen in a targeted community;
- Participated in a Citizens Committee on Police/Community Relations that advocated for increased human relations training for officers, the hiring of minority police officers, restraint in use of deadly force and increased pay for police personnel;
- Participated on the Nashville Criminal Justice Coordinating Council which explored, among other things, a pre-trial intervention program that would rehabilitate

rather than imprison certain offenders;

- Produced and distributed a pamphlet called *Beyond Prison Walls* that counseled prisoners on post-release sources of help in securing jobs, housing, counseling and other services;
- Participated in a mentoring project that matched adults with youth who had been released from detention facilities to encourage them in continuing their education and getting jobs.³⁸

The Nashville experience illustrates that as HRCs become more involved with criminal justice issues their community profiles increase, as the nature of that sort of work necessitates collaboration and cooperation with multiple government agencies and community groups.

IV. Conclusion

Human rights and human relations commissions operate at the state level in all but three states (Alabama, Arkansas and Mississippi are the exceptions) and in dozens of cities and counties across the United States. Established under a variety of names, these agencies share a common goal of preventing and eliminating discrimination through a diverse set of means, including enforcement of anti-discrimination laws, community outreach and awareness education, and training.

³⁸ *Building a Better Community for All Our Citizens, 1974 Annual Report*, Nashville Metropolitan Human Relations Commission, p. 4. These sorts of efforts continued until 1990, when the Nashville Mayor eliminated funding for the Human Relations Commission, asserting that the Commission was duplicating the efforts of the national offices of the EEOC and HUD to receive and resolve complaints of discrimination. The Commission's funding was restored in 1995.

Despite a long standing history of progress, discrimination is still a reality in the United States, and governmental resources to counter it remain constrained. Given current resource limitations, how then are human rights and human relations commissions to survive in a country that has moved past the issues of discrimination highlighted during the civil rights era? Human rights agencies in the United States, unlike their sister entities around the globe, do not share a set of standards that set out a basic framework for effectiveness.³⁹ In the absence of national standardization, it may be helpful if there were greater cooperation and coordination among these agencies, especially in the area of research and sharing of information. As a starting point, we offer the following recommendations to human rights and human relations professionals:

- Encourage more research and scholarship to increase awareness and convey the need for support.
- Become active members of existing HRC networks to share resources, information, and best practices.
- Push for and participate in training aimed at raising the profile and professionalism of the field.⁴⁰

³⁹ These bodies, which operate under different names and with varying mandates but are collectively referred to as National Human Rights Institutes (NHRIs), are measured against normative standards called the Principles Relating to the Status of National Institutions and better known as the Paris Principles. After their development at an international workshop in 1991, the Paris Principles were adopted by the UN Commission on Human Rights, signaling the start of international cooperation and standardization of NHRIs. For more information on the Paris Principles and their applicability to U.S. human rights commissions, see the Executive Session paper *Lessons from National Human Rights Institutions Around the World for State and Local Human Rights Commissions in the United States*, by Shubhankar Dam.

⁴⁰ Back in 1973, for example, a grant from the Ford Foundation supported a week-long training session

- Strengthen working relationships with governmental and community groups and call on them to help convey the value of human rights organizations to policy-makers.
- Standardize and consolidate core education and outreach efforts on both the state and federal level to facilitate the sharing of resources, while avoiding duplication of efforts.
- Create an empirical database of information, such as the number and location of HRCs, to encourage research, analysis and knowledge management on a national level.

This paper provided an overview of the history and development of human rights and human relations commissions in the United States. Its purpose was to provide a historical context for dialogue on how these commissions can strengthen their individual and collective roles and efforts. One suggested area for expansion is human rights enforcement in the U.S. criminal justice system. The paper is far from a decisive history on human rights commissions in the United States. Nevertheless, we hope that it will contribute to the start of a burgeoning field of research as well as on-going engagement and inquiry into the field and work of human rights commissions. *

for 65 human rights workers from 12 southern states held at the University of Georgia. The training was secured through a joint effort of IAOHRA and NAHRW, and featured training by leaders of the EEOC, HUD, CRS and CRC.

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Executive Session Papers: Human Rights Commissions and the Criminal Justice System is a series of papers and case studies examining ways to expand the role of human rights and human relations commissions in addressing issues of discrimination in U.S. criminal justice systems.

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CASE STUDY: THE PENNSYLVANIA HUMAN RELATIONS COMMISSION

The human rights movement in the state of Pennsylvania grew out of early efforts to statutorily prohibit employment discrimination on the basis of race. In 1945, inspired by success in New York, pioneering black state legislator (and, later, judge) Homer S. Brown set out to make equal opportunity a reality in Pennsylvania by introducing the state's first bill to prohibit employment discrimination. The bill did not pass, and 10 years of successive failed efforts would ensue before legislators in Pennsylvania finally enacted anti-discrimination law.

In May of 1952, Governor John S. Fine formed the Industrial Race Relations Commission, which issued a report that highlighted "the need for an enforceable fair employment practice law in Pennsylvania."⁴¹ The Commission's research found that nine of 10 employers surveyed discriminated because of race, religion or national origin in the hiring of workers. On the basis of that study, along with continued lobbying and support from Governor George M. Leader, fair employment practice legislation was finally enacted in 1955. The Pennsylvania Fair Employment Practice Commission was created to enforce the Fair Employment Practices Act. While Judge Brown became known as the "Father of the Fair Employment Practices Commission," the efforts of Governor Leader are crucial to note. When the bill was stuck in the Senate in 1954, he hosted a luncheon in his mansion to meet with citizen groups and discuss strategies on how they could work together to ensure successful enactment of the legislation. After successful lobbying from these outside groups, the bill passed and was sent to the Governor for signature.

When its jurisdiction was expanded in 1961 to include housing, public accommodations and education, the Fair Employment Practice Commission's name was changed to the Pennsylvania Human Relations Commission (PHRC). Membership of the Commission was expanded from nine to 11 members. Appointed by the Governor, and confirmed by the Senate, commissioners serve terms of five years during which they (1) set policy; (2) provide oversight; (3) adjudicate claims; and (4) act as a public liaison.⁴² The mission of the Commission is to "administer and enforce" the State's statutes that aim to "eliminate discrimination and provide equal opportunity for all persons."⁴³ As such, the work of the Commission is carried out through its headquarters in Harrisburg and three regional offices in Pittsburgh, Harrisburg and Philadelphia.

In partnership with advisory councils and local human relations commissions, the PHRC also works to reduce racial tension by serving as coordinator of the Inter-Agency Task Force on Civil Tension and by providing education and training in schools, organizations and communities. Local human relations commissions in Pennsylvania, for the most part, replicate the practices of the PHRC. In addition to sharing the work of the PHRC on a local level, local agencies ensure that efforts to end discrimination are sustained and on-going in local communities.

TIMELINE OF KEY HUMAN RIGHTS EVENTS IN PENNSYLVANIA

1945. First anti-discrimination legislation introduced by Homer S. Brown.

1952. Industrial Race Relations Commission appointed by Governor John S. Fine.

1953. Survey on employment discrimination conducted and released.

1955. Pennsylvania Fair Employment Practice Commission (PFEP) formed.

1961. PFEP changed name to Pennsylvania Human Relations Commission (PHRC), with jurisdiction expanded to housing, public accommodations and education.

1968. PHRC transferred from state Department of Labor and Industry to Governor's Office.

1970. Homer C. Floyd appointed as Executive Director.

⁴¹ The Pennsylvania Human Relations Commission. Pamphlet, "The Pennsylvania Human Relations Commission: History, Mission, Rights, Remedies, Procedures."

⁴² The Pennsylvania Human Relations Commission. Annual Report 2004-2005.

⁴³ Ibid.

About the Project

The Kennedy School of Government's **Executive Session on Human Rights Commissions and Criminal Justice** convenes human rights, civil rights and police leaders from across the United States in a series of discussions about how to expand the role of human rights and human relations commissions in addressing issues of discrimination in U.S. criminal justice systems. In addition, the project aims to strengthen the ways that state and local governments respond to violations of the rights of people involved with the criminal justice system by documenting innovative work of individual commissions and conducting research on emerging practices.

Human rights commissions—in some cases known as human relations or community relations commissions—have various levels of authority to enforce civil rights laws and human rights standards, particularly those prohibiting discrimination and promising equal justice. Many also actively work to reduce and defuse inter-group conflict.

Human rights violations in the criminal justice context can take many forms. Bias crimes, and failure of law enforcement to investigate them; police mistreatment of minority groups, including racial profiling or the use of excessive force; and systematic failure to recruit minorities into law enforcement agencies: all of these forms of discrimination not only harm individuals directly involved but also victimize whole groups of people, straining communities sometimes to the breaking point.

The Executive Session, which runs from January 2006 through August 2008, employs a combination of rigorous discussion, empirical research, practical innovation and professional mobilization to expand the work of the commissions. Harvard faculty and staff facilitate the group's discussion and research. The project draws inspiration from the work of human rights commissions and ombudsmen around the globe. However, the focus of the program remains domestic, filling a peculiarly American gap in the available institutional mechanisms for redressing human rights violations related to crime and justice.

Conceived and administered by the Kennedy School's Program in Criminal Justice Policy and Management, the project is funded by the JEHT Foundation.

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