

Human Rights Ordinance Deferred a Week

RESTON TIMES 7/25/74

The decision on whether to adopt a proposed Human Rights Ordinance has been deferred by the Fairfax County Board of Supervisors from July 22 to Monday, July 29.

The deferral was suggested by Supervisor James Scott, Providence District, because a few amendments to the Ordinance, which grew out of a July 15 public hearing, were not ready last Monday. He also felt that many people may not have had an opportunity to speak at the hearing, which lasted until 2:30 a.m., and that deferring the decision allowed the Board to keep the public record open until 4:30 p.m. tomorrow.

Two variations of the ordinance will be considered by the Board. One was drawn up by Scott and an ad hoc citizens committee. This ordinance will prohibit discrimination on the basis of race, color, religion, sex, ancestry, national origin, marital status, political opinion, personal appearance, or age in housing, public accommodations, employment, County services, education, and credit facilities. It will also establish a Human Rights Commission to insure the protection of the basic rights of every citizen.

Scott's ordinance gives the Commission power to subpoena witnesses and compel their attendance at hearings, utilize methods of conciliation and mediation

of grievances, hold public hearings, investigate complaints of conditions deemed to have an adverse effect upon the rights protected under the ordinance, and to gather and disseminate information about discrimination and human rights problems in the County.

If the persons involved in complaints are found to have committed illegal acts under the ordinance, they can be served orders to cease and

desist, or to initiate affirmative action to change the conditions in violation. The Commission can require payment of damages to the injured party. Such orders can, if requested, be reviewed by a court of competent jurisdiction. If any party refuses to comply with any order of the Commission, the Commission may refer the matter to the County Attorney for appropriate legal action.

The other version of the ordinance has been drafted by Paula Jamerson of the County Attorney's office. Her version eliminates personal appearance and political opinion from the ordinance. It also does not give the Commission subpoena power and the authority to name compensatory damages. While Scott's version entails civil enforcement, Jamerson's entails criminal. In other words, under

Jamerson's variation, the courts cannot force an individual to comply with the ordinance, but they can give penalties to an individual who is in violation of the ordinance. rather it accept Jamerson's ordinance than none at all. As he explained to a group of Restonians July 11, "I feel it's clearly less effective, but it's better than anything we have now."

According to Scott, the Attorney's office drew up another version of the ordinance because there is some question as to whether there is enabling legislation to give the Commission such all inclusive power as he envisions. Evidently, there is also some fear that the Commission will abuse the subpoena power. Scott feels that the enabling legislation does exist and points out that the Fair Housing Commission has had subpoena power for six years during which time that power has not been challenged and has only been exercised a half dozen times.

Any citizen wishing to submit testimony to the Board may enter a statement in the public record by 4:30 p.m. Friday, July 26 or mail a statement to either the County Clerk or their supervisor before July 29.

Although Scott hopes the Board will adopt his version of the ordinance, he would

Human Rights Hearing Extended To Friday

The Fairfax County Board of Supervisors has deferred decision on the adoption of a proposed Human Rights Ordinance until 9:30 p.m., Monday, July 29 and has kept open the public hearing record until 4:30 p.m., Friday, July 26.

Testimony from 47 citizens and citizen groups was heard at the July 15 public hearing which lasted for approximately five hours.

There are two versions of the proposed legislation, which would prohibit discriminatory acts in Fairfax County, under consideration.

One version was prepared by an Ad Hoc Committee chaired by Providence Supervisor

James M. Scott while the second version was drafted by the County Attorney and differs from the Committee's in several details.

Both versions prohibit discrimination on the basis of race, color, religion, sex, ancestry, national origin and marital status.

The Committee's version further prohibits discrimination on the basis of opinion and personal appearance.

Citizens or groups wishing to submit testimony on the proposed legislation should mail or deliver their statements to the Clerk to the Board of Supervisors, 4100 Chain Bridge Road, Fairfax 22030, telephone 691-3151.

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'Human Rights' Get Hearing

by Joseph Gatins

Testifying at a public hearing this week to a widespread pattern of discrimination in the county, an emotionally-charged, 50-person group of male and female libbers, civil rights lawyers and black advocates swamped their occasional opponents speaking on a proposed Human Rights Ordinance for Fairfax County.

The Fairfax County Board of Supervisors will not act on the proposal until board chairman Jean R. Packard

returns from a trip to Miami, Fla. and the board as a whole decides to approve, disapprove or amend the sweeping civil rights and anti-discriminatory changes set forth in the new regulations.

Admitting his move may delay a decision on the new ordinance until after the August recess, Springfield Supervisor John F. Herrity said on Tuesday he would ask the board to reopen the public hearing on the matter. "The board violated its own rules in holding the hearing past midnight," Herrity said. According to Herrity, the Monday public hearing was "unfair" because some speakers had to leave before the completion of the public hearing early Tuesday morning.

Many of the individuals testifying at the lengthy board hearing Monday night suggested stronger wording and more-encompassing anti-discrimination clauses but most congratulated the drafters of the ordinance, Providence District Supervisor James M. Scott and an ad-hoc committee of 11 men and women, for producing a document which they hope will right wrongs perpetrated on individuals every day by "the system."

Scott's version of the or-

dinance had included stronger enforcement and penalty provisions than set forth in a county staff version written by Assistant County Attorney Paula Jameson. Scott's version also outlawed discrimination based on "personal appearance" and "political opinion," where Jameson's did not. But either version, as the Rev. Thomas Brown of the Saunders B. Moon Civic Association said, is a "witness" to Fairfax's attempt to "merge into the human arena."

The new proposals, slated to replace the existing Fairfax County Housing Availability Ordinance,

would make it unlawful to discriminate on the basis of race, color, religion, sex, ancestry, national origin, marital status, or age in matters of housing, money lending and credit, employment, membership in labor organizations, use of public accommodations, education, by private institutions and the county government, and make it unlawful to retaliate against people abiding by or seeking redress under the ordinance.

Educating the public and enforcing the new human rights ordinance would fall to an 11-member "Human Rights Commission" which would have some enforce-

ment powers, particularly in the area of public hearings and reconciliation attempts.

Scott argued Monday night that his version of the ordinance with stronger enforcement and penalty powers could legally be passed by the Board.

"Sexual preference, occupation or source of income, and physical handicap" should be added to the forbidden discriminatory criteria, a spokesman for the Northern Virginia Chapter of the American Civil Liberties Union said.

This was echoed in part by Marcia Levy of the Northern Virginia National

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Organization of Women, who also called for outlawing discrimination based on sexual preference and parental status.

Frederick W. Ford, speaking for the Northern Virginia ACLU Women's Rights Project, called for eliminating several possible loopholes by changing the word "may" to "shall." Ford also urged that judges be included under the clause which prohibits discrimination by county law enforcement officials.

"Sexist sentencing and judicial decrees by biased male judges," Ford said, "are all too often the rule rather than the exception in this country, and also in Fairfax County."

A similar view on judges was voiced by Richard Calvert, speaking as an individual, who said he was upset over a recent Fairfax County Circuit Court Judge ruling which ordered him to pay 80 per cent of his take home pay to his estranged wife. Calvert also said "equal rights for men are necessary" and warned against what he termed an "unfair momentum against men" in the equal rights movement. The audience clapped after his presentation.

Semi-astonished laughter

greeted the presentation of the Fairfax County Taxpayers Alliance from the standing-room-only audience which was overwhelmingly in favor of the proposed ordinances.

FCTA President Harley M. Williams drew the reaction when he said "there is no prohibition against discrimination in the private sector based on any reason," and made it clear that he strongly opposed the "so-called Human Rights Ordinances."

Terming the proposals a "communistic and unconstitutional nightmare," Williams said the new human rights ordinances were an attempt at "reverse discrimination" and a "giant step toward Communism." Control of private property, he said, would be placed in the hands of "government bureaucrats."

A representative of the white-power, anti-semitic, National Alliance also circulated a statement on Monday which flatly called for discrimination in its "campaign for building White racial solidarity to combat the destructive influence some minorities are having on our country."

The meeting and public hearing came to a close at 2:30 a.m. Tuesday morning.

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Board Approves Strong Human Rights Ordinance

By SALLY LARSON

Reston Times Staff Writer

Working on emergency power against the backdrop of a tornado watch, the Fairfax County Board of Supervisors adopted what is considered an extremely strong Human Rights Ordinance Monday night, July 29.

The Ordinance grants to a Human Rights Commission the powers to subpoena and initiate investigations. These two powers are thought to be essential if the Commission is to effectively enforce the provisions of the Ordinance.

Two versions of the Ordinance were considered by the Board, one submitted by the Ad Hoc Citizens Committee on Human Rights (AHCC) chaired by Providence Supervisor James Scott and the other by the County Attorney's office (CA) under the supervision of Paula Jamerson. The CA draft did not include subpoena power because it was felt that the Board does not have enabling legislation to grant such power. While the Board does have subpoena power in specific instances, CA council did not think the power was "delegable."

However, Scott and the AHCC based their argument on the fact that the Fair Housing Board has had subpoena power for eight years and it has never been challenged or abused. Martha Pennino, Centreville District Supervisor, suggested that the question was less a matter of law than the moral responsibility of the Board to set up effective enforcement procedures. Since there are precedents for granting subpoena power in fact, if not in law, she argued that the power should be included.

After lengthy discussion, the Board did decide to grant subpoena power to the Commission. It was thought wiser to initially grant the power, leaving it up to a court test should there be objections, than hamper the effectiveness of the Commission from the onset.

John Herrity, Springfield District Supervisor, brought up the question of initiating investigations. He proposed that the Commission be limited to responding to citizen complaints. However, Scott maintained that the effectiveness

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Commission May Initiate Action

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of the Commission rested on the degree to which it could initiate investigation.

Pennino again referred to the Fair Housing Board. She pointed out that four years ago that Board appeared before the Board of Supervisors complaining that it could not carry out its directives without the ability to initiate investigation. This power was granted and there have been no complaints.

Although the Board seemed to fall into a 5-4 split all evening, the authority to initiate investigation was eventually included in the Ordinance.

Another disagreement revolved around what sorts of discrimination should be prevented. The Ordinance passed by the Board prohibits discrimination on the basis of race, color, religion, sex, ancestry, national origin, and marital status. These prohibitions apply to housing, public accommodations, employment, education, and credit practices. The AHCC version also prohibited discrimination on the basis of personal appearance and political opinion, which the CA draft omitted. Scott explained that, while he feels it would be legal to prohibit discrimination on these two points, he was willing to concede the argument on the supposition that the Commission could propose the inclusion of these two categories later.

Certain exceptions were made in the Ordinance that would exempt religious organizations from the Ordinance's provisions regarding real estate transactions, admission, and membership. Housing for the elderly and accommodations for only one sex would be permissible. Applications could also be made to the Commission for exemptions regarding prohibition against discrimination on the basis of sex or marital status, for instance, with "singles only" apartments.

Once the Ordinance as a whole was passed, Herrity stated that he voted against the motion not because he "favors discrimination" but because he opposes granting subpoena power and the right to initiate investigation.

Joseph Alexander, Lee District Supervisor, echoed Herrity's words, formally announcing that he was not a proponent of discrimination although he voted against the Ordinance. However, Rufus Phillips, Dranesville District Supervisor, explained that, while he shared some reservations with Herrity and Alexander, he supported the Ordinance because he felt a positive program for the protection of human rights was sorely needed. He also suggested that citizen scrutiny would prevent abuse of the Ordinance.

Scott made an official statement explaining that he was ecstatic, and the Board went home to discover that the tornado had not made an appearance after all.

Jamerson, of the County Attorney's office was not sure whether the Ordinance applied to public schools in terms of race and color discrimination. She suggested that as an educational institution is defined in the Ordinance, the public schools would probably be included. However, as the schools must meet federal regulations, which are already more stringent than the Ordinance in prohibiting race and color discrimination, she did not foresee any problem, if the public schools were not covered by the Ordinance.

Another modification was made on the AHCC version of the Ordinance. Four members of the Commission were to be appointed from lists drawn up by non-profit organizations whose objectives were consistent with the Ordinance's policies. This was vetoed by the Board. A Herrity proposal that the 11 Commission members be appointed by the Supervisors on the basis of magisterial district and political opinion was also vetoed.

Fairfax County Adopts Human Rights Ordinance

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by Jim Walls

A Fairfax County Human Rights Commission charged with investigating complaints of discrimination and empowered to issue subpoenas and order compensation was created Monday with the adoption of a Human Rights Ordinance by the Fairfax County Board of Supervisors.

The ordinance outlaws discrimination in housing, credit, employment, education and use of public accommodations on the basis of race, color, religion, sex, ancestry, national origin, marital status, or age.

The Board deleted a provision providing similar protection against discrimination on the basis of personal appearance or political opinion.

Passage of the ordinance came on a 7-2 vote, with Supervisors John F. Herrity and Joseph Alexander casting negative votes. Herrity tried to block a deci-

sion Monday by demanding another public hearing on the ordinance, but was unsuccessful.

Herrity claimed that the proposals regarding personal appearance and political opinion were not mentioned in the legally-required advertisements for the public hearing, held July 15.

The version adopted was close to that originally submitted to the Board last month after two years' work by the Ad Hoc Committee on Human Rights, headed by Providence Supervisor James M. Scott. Assistant County Attorney Paula Jameson drafted a version with less strength to the commission's enforcement and penalty powers.

The eleven-member commission will replace the County Fair Housing Board and will have a full-time executive director. Much of the commission's mediation of citizen complaints is expected to result in voluntary

agreements, particularly as the agency gets on its feet.

The commission will be able to serve cease-and-desist orders and to require the payment of damages in cases where a person is found to have violated the Human Rights Ordinance. All actions of the Commission may be appealed to the County Circuit Court.

Religious institutions are exempted from the regulations in matters of real estate transfers, admission and employment. Housing for one age group, such as projects for the elderly, or for one sex, such as a boarding house, are also permitted.

Bond Sale

In other developments, County Executive Robert W. Wilson recommended that the Supervisors postpone the sale of \$17.4-million in bonds for six months to await a projected drop in interest rates.

Wilson recommended that the scheduled fall bond