

**INTERIM REPORT OF THE**

# **Human Rights Study Commission**

**TO THE GOVERNOR AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



## **House Document No. 30**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
1986**

## **MEMBERS OF COMMITTEE**

Vincent F. Callahan, Jr., Chairman  
Richard L. Saslaw, Vice-Chairman  
John D. Bassett, III  
Howard E. Copeland  
C. Richard Cranwell  
Harrietta Eley  
Antonia V. Hollomon  
Michael J. Schewel  
Jon D. Strother  
L. Douglas Wilder\*

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### **STAFF**

#### **Legal and Research**

R. J. Austin, Research Associate  
Mary R. Spain, Staff Attorney  
Mary Elizabeth Cosler, Secretary

#### **Administrative and Clerical**

Office of Clerk, House of Delegates

\* Senator Wilder resigned from the Commission on December 3, 1985.

**Interim Report of the  
Human Rights Study Commission  
To  
The Governor and the General Assembly of Virginia  
Richmond, Virginia  
January, 1986**

To: The Honorable Gerald L. Baliles, Governor of Virginia,  
and  
The General Assembly of Virginia

The Human Rights Study Commission was established as a result of two identical joint resolutions adopted at the 1985 Session of the General Assembly (House Joint Resolution No. 339 and Senate Joint Resolution No. 140). The Commission specifically was directed to review House Bill 900, which was introduced in the 1984 Session and carried over to the 1985 Session before being withdrawn in favor of this study. House Bill 900 proposed a comprehensive state human rights act and would have created a state human rights commission to administer and enforce the act. In this context, the Commission also was asked to review the laws of other states and any local ordinances currently in force among Virginia's local governments.

Appointed as House members of the Commission were Delegates Vincent F. Callahan, Jr., of Fairfax and Chief Patron of HJR No. 339; C. Richard Cranwell of Roanoke County; and Howard E. Copeland of Norfolk. Members appointed from the Senate were Senators Richard L. Saslaw of Fairfax and Chief Patron of SJR No. 140, and L. Douglas Wilder of Richmond City.<sup>1</sup> The membership of the Commission was completed in July with the appointment by the Governor of the following citizen members: John D. Bassett, III, of Galax, Harrietta Eley of Norfolk, Antonia V. Hollomon of Richmond, Michael J. Schewel of Richmond, and Jon D. Strother of Springfield. Delegate Callahan was elected Chairman and Senator Saslaw Vice-Chairman at the organizational meeting of the Commission in Richmond on August 16.

#### Public Hearings

The Commission determined that the first order of procedure should be to afford the public an opportunity to express its views and public hearings were held in the General Assembly Building in Richmond on September 17, the Chrysler Museum Auditorium in Norfolk on September 17, and at George Mason University in Fairfax on September 18.<sup>2</sup> The testimony at these hearings uniformly supported a comprehensive state human rights act. The most frequently cited reasons for a comprehensive state act were the costs and length of time involved in pursuing remedies through available federal agency or judicial channels and the possibility that state and local commissions would be available to resolve many more disputes informally through mediation and conciliation. The Commission subsequently has received a written statement from the Virginia Manufacturers Association endorsing equal opportunity principles in employment, questioning the need for a human rights commission in view of federal remedies to discrimination through the Equal Employment Opportunity Commission, but indicating that the Association would evaluate the Commission's final Report before taking a formal position on it. The Legislative Committee of the Virginia Association of Realtors by written statement has endorsed the present Virginia statutes and enforcement mechanism in the area of housing discrimination.

#### Commission Activity

Following its public hearings, the Commission has held a total of five meetings and work sessions in Richmond. The threshold question which must be answered is that of whether a need exists for State anti-discrimination legislation and enforcement. If the answer is an affirmative one, a number of options need to be weighed regarding the anti-discriminative protections to be included, the system by which they would be enforced, and their relationship to laws and agencies now in operation.

The Commission determined on an approach which involved a detailed analysis of House Bill No. 900, which we were asked to review, in comparison with federal civil rights laws and existing state statutes already in force.

In order to undertake its analysis the Commission has received information on and from the applicable federal agencies and agencies of the Commonwealth which now administer anti-discrimination laws. Virginia already has a Fair Housing Law (Chapter 5 of Title 36 of the Code of Virginia) and the Virginians with Disabilities Act was adopted in 1985. Existing statutes also apply to equal opportunities in State public employment and to non-discrimination in government contracts. Private employment discrimination and discrimination in public accommodations, on the other hand, are two major areas in which Virginia has not acted and in which only federal law now applies.

The Commission also sent questionnaires to each locality in Virginia, and to all the other states to ascertain the status of anti-discrimination enforcement nationally. The survey and other information indicate that the prevalent practice among the states is to 1) have a "comprehensive" human rights statute under one enforcement body and 2) to give that body authority to decide complaints and order remedies subject to appeal for judicial review. In some states, however, the commission or agency does not have the right to remedy complaints on its own order and must seek remedies by filing suit. Also to be noted is that some states have established separate bodies to enforce anti-discrimination laws in different areas of discrimination, and others have created their own enforcement system in only one area, most commonly in employment discrimination.

It is relevant to note that federal laws generally provide for deferral of discrimination complaints to state or local agencies, along with a federal payment per case, if the state or locality has anti-discrimination laws and enforcement procedures which are substantially equivalent to those provided by federal law. Virginia's fair housing law already has met this standard. In addition, Fairfax County and the City of Alexandria have established local commissions which have federal deferral status in housing and in employment cases.

#### Need to Continue the Study

The Commission has worked diligently since its appointment and has made substantial progress in the review and analysis described above. In view of the magnitude and complexity of the subject matter and of procedures which must be studied, however, the Commission finds that it has not reached the point at which it can make a final recommendation to the Governor and General Assembly which would reflect the full consideration an issue of such serious import merits. The Commission therefore recommends that this study be continued for another year in order to allow the Commission adequately and fully to conclude its review.

Respectfully submitted,

Vincent F. Callahan, Jr., Chairman

Richard L. Saslaw, Vice-Chairman

John D. Bassett, III

Howard E. Copeland

C. Richard Cranwell

Harrietta Eley

Antonia V. Hollomon

Michael J. Schewel

Jon D. Strother

#### **FOOTNOTES**

1. Senator Wilder subsequently resigned from the Commission effective December 3, 1985, upon his election as Lieutenant Governor.
2. The Virginia Advisory Committee to the United States Commission on Civil Rights also held hearings in Alexandria on March 11, Leesburg on May 17, Portsmouth on August 19, and Roanoke on September 30 at which some related testimony was given. Copies of transcripts or summaries of these hearings also were sent by request to the Study Commission.

**HOUSE JOINT RESOLUTION NO.....**

**Continuing the Human Rights Study Commission.**

**WHEREAS, House Joint Resolution No. 339 and Senate Joint Resolution No. 140 of the 1985 Session of the General Assembly established a Human Rights Study Commission; and**

**WHEREAS, the Human Rights Study Commission was requested to review legislation previously introduced in the General Assembly which would have established a comprehensive state human rights act, the laws of other states, and laws currently in force in various political subdivisions of the Commonwealth and to make recommendations to the 1986 Session of the General Assembly; and**

**WHEREAS, the Commission has worked diligently since its appointment and has made significant progress in the review it was directed to undertake; and**

**WHEREAS, an evaluation of the effectiveness, efficiency, and sufficiency of the human rights protections offered Virginia's citizens under federal civil rights laws and existing state laws and local ordinances is a highly complex undertaking; now, therefore, be it**

**RESOLVED by the House of Delegates, the Senate concurring, That the Human Rights Study Commission is requested to continue its study as to the need for legislation to protect Virginia citizens from discrimination. Membership on the Commission shall be retained as originally appointed under the 1985 resolutions, provided that any vacancy which may occur may be filled by the authority which made the original appointment.**

**The Commission shall complete its study and report its recommendations to the Governor and the General Assembly prior to the 1987 Session of the General Assembly.**

**All direct and indirect costs of this study during 1986 are estimated to be \$13,655. The costs shall be borne from the unspent funds authorized under the 1985 resolutions, which funds are hereby transferred to the Commission under this resolution.**

1985 SESSION

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HOUSE JOINT RESOLUTION NO. 339  
AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the Senate Committee on Rules on  
February 15, 1985)  
(Patron Prior to Substitute-Delegate Callahan)

*Requesting the establishment of a Human Rights Study Commission in the Commonwealth.*

WHEREAS, freedom from discrimination because of race, color, religion, national origin, sex, age, marital status, or handicap preserves the dignity and liberty of all individuals; and

WHEREAS, forty-six states have enacted human rights laws to deal with problems of discrimination faced by their citizenry; and

WHEREAS, the Commonwealth of Virginia is one of only four states having no statewide commission or other facility to address problems associated with violations of human rights; and

WHEREAS, several jurisdictions within the Commonwealth have established local commissions with various degrees of authority, thereby creating uneven levels of government protection for human rights in the Commonwealth; and

WHEREAS, the General Assembly is in need of additional information upon which it might reasonably act to develop legislation and review proposed legislation on this matter; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a Human Rights Study Commission shall be established and shall consist of ten members. Five members shall be appointed by the Governor from the Commonwealth at large; three members shall be appointed from the House of Delegates by the Speaker; and two members shall be appointed from the Senate by the Senate Committee on Privileges and Elections.

The Commission shall review House Bill No. 900 introduced in the 1984 Session of the General Assembly and laws currently in force in other jurisdictions within the Commonwealth and in other states and shall report its recommendations to the Governor and General Assembly prior to the 1986 Session of the General Assembly.

The direct and indirect costs of this study are estimated to be \$31,065.

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1985 SESSION  
ENGROSSED

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SENATE JOINT RESOLUTION NO. 140

Senate Amendments in [ ] - February 4, 1985

Requesting the establishment of a Human Rights Study Commission in the Commonwealth.

Patrons—Saslaw, Colgan, Mitchell, and Russell, J. W.; Delegates; Miller, C., Calvert, Hawkins, and Brickley

Referred to Committee on Rules

WHEREAS, freedom from discrimination because of race, color, religion, national origin, sex, age, marital status, or handicap preserves the dignity and liberty of all individuals; and

WHEREAS, forty-six states have enacted human rights laws to deal with problems of discrimination faced by their citizenry; and

WHEREAS, the Commonwealth of Virginia is one of only four states having no statewide commission or other facility to address problems associated with violations of human rights; and

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The direct and indirect costs of this study are estimated to be [ \$36,500 \$31,065].

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