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CRS: A NATIONAL REVIEW *m, L*

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## INTRODUCTION: THE CRS ROLE

Blacks boycott a supermarket, part of a nationwide chain, and picket the chain's local offices to protest allegedly higher prices and poorer quality food in their neighborhood...

Hispanic residents complain that they are systematically denied the full benefit of city services and adequate police protection -- and they are demanding change...

Indians, some armed, have taken over forest land they claim is their tribe's -- halting a paper company's logging operations...

A policeman fatally shoots a black man he was attempting to arrest for driving with an invalid license, and the black community is enraged...

Minority students at a recently desegregated high school are protesting alleged discriminatory discipline policies -- and school officials have flatly refused to meet with the students and discuss these concerns ...

These are problems not easily resolved. And even when officials believe they have the situation under control, an ostensibly minor incident could rekindle underlying community emotions and lead to serious difficulties or possibly violence. Many communities caught up in such disputes with blacks, Hispanics, Indians, Asian Americans, or other racial or ethnic minorities have sought the aid

of the Community Relations Service or CRS.

In concept and in action, CRS represents something that is unique among government agencies. Located in the Department of Justice\*, it is the only Federal agency assigned the specific and distinctive task of helping communities "to resolve disputes, disagreements and difficulties relating to discriminatory practices based on race, color, or national origin..."

The agency does not concern itself with the provisions of one particular civil rights statute. Rather, its broad mandate requires a response to all types of racial or ethnic disputes, whether they result from a court order to desegregate the public schools or from a minority group's opposition to some corporate action.

Having neither funds to dispense nor legal sanctions to impose, CRS' basic resource lies in the knowledge, skills, judgment, patience, and tact of its men and women on the scene. In performing their roles, these professionals seek to move a community dispute from the street, or from angry rhetoric stages, to a point where communications can be clarified, emotions channeled productively, and peaceful negotiations encouraged.

To accomplish this task, a specialized and experienced workforce is necessary. Within CRS ranks are administration of justice specialists -- former police officers; probation,

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\* CRS was created by the 1964 Civil Rights Act. In April, 1966, the agency was transferred from the U.S. Department of Commerce to the U.S. Department of Justice.

parole, and corrections officers; and criminal justice researchers. There are education specialists -- former counselors and teachers, principals and school board members. Community development specialists -- former public housing administrators and marketing executives. And among others, human relations experts -- former clergy, sociologists, and social workers.

These specialists offer a wealth of experience in dealing with the critical concerns of the minority community. This experience, coupled with a regional structure that permits on-site assistance to troubled communities, enables CRS to effectively carry out its duties in preventing and responding to racial discord.

Literally thousands of disputes have occurred since the 1960's. How CRS has succeeded, and continues to succeed, in peacefully settling these difficulties is best illustrated through a brief historical sketch.

#### EVOLUTION OF CRS

In proposing legislation to create CRS, former Senator Lyndon B. Johnson remarked that "in every protracted controversy there is a stage of stalemate so bad that people cannot talk to each other. At this point, an outside and objective party ... can act as an objective listener and with a judicious temperament ... get people talking again."

Former Attorney General Robert F. Kennedy expressed a similar need for an agency to provide third-party services when he said:

"In every racially troubled community there are leading citizens of both races who would like to confer with each other, who desire to prevent tensions and antagonism and, above all, violence. But often the pressures on these leaders make it difficult for them to approach each other, much less admit there is a basis for amicable settlement of the problems in their community.

"In situations like these it is virtually indispensable that some organization be available to bring together the people of influence in both races."

CRS was envisioned as the organization to provide that third-party assistance.

Initially, the agency operated primarily in the Southeastern United States. Of particular concern was the fear that violence would erupt as the result of a gap between high minority expectations and actual implementation of recent civil rights statutes. Indeed, changes in the legal and social structures, such as the shift from dual to unitary institutions, were often accompanied by widespread fear and apprehension.

CRS conciliators called to a city to work on a particular racial problem often found it impossible to resist the community's pressures to become involved in others. The problems were innumerable. They included: voter registration difficulties; employment inequities; desegregation in the schools; and discrimination in public facilities, accommodations, and housing.

The major challenge facing agency professionals was how to bring about peaceful change in communities torn by

racial dissent, especially when the change was not voluntarily solicited, but legally sanctioned. The art of obtaining compliance by using the tools of reason and persuasion became the trademark of a conciliator.

As the nature of racial disputes became more and more complicated, requests for assistance from larger urban centers in the North increased. It seemed the problems no longer stemmed from the simple lack of compliance with the law, but that more subtle, institutional forms of discrimination were increasingly demanding attention.

CRS was on the scene of numerous urban riots of the 60's, attempting to put out the fires of violence and identify the underlying causes of dissent. In response to the almost pervasive feelings of minority alienation and powerlessness, efforts were organized to heal the long-ignored and hostile relationship between minorities and establishment groups, especially in the inner city.

Among these efforts were CRS' preventive programs. They were concentrated in the areas of administration of justice, education, communications, housing and urban development, and economic development. While many succeeded in fostering greater cooperation between minorities and establishment groups, a policy change in the Federal administration spelled the end to the agency's preventive approaches with a two-thirds reduction in staff.



The agency's present phase of activity is limited to a response to racial or ethnic difficulties. And while the basic tools of reason and persuasion still form the foundation of response, more sophisticated techniques of intervention have been developed.

The mechanisms now used to effectively resolve complex racial and ethnic issues are known as conciliation, mediation, and technical assistance. Each is composed of methods and skills for resolving difficulties without resorting to long-term and costly litigation or violent, disruptive acts.

#### CONCILIATION, MEDIATION, TECHNICAL ASSISTANCE

##### CONCILIATION:

Conciliation is the act of entering a dispute as an objective intervenor to help opposing factions work out a peaceful end to their difficulties. It is primarily a communications process aimed at getting the parties to establish meaningful dialogue, combat rumors, and suggest cooperative ways of resolving mutual problems.

The immediate objective of the process is to channel tensions productively, avert a blowup, or stop one that has already arisen. Exchanges between agency staff and the conflicting parties are on a strictly informal basis, and all communications are held in trust -- CRS does not serve in an "intelligence" or "law enforcement" capacity. In fact, all

staff are bound by law to observe strict confidentiality procedures.

The overall goal of conciliation is to provide for the peaceful and productive redress of minority grievances. Blame is not assessed on one party or the other. Rather, the conciliator influences the development of cooperative attitudes between the parties, finds a "middle ground" on which mutual trust might be built, and urges the parties to work for a voluntary settlement.

Specifically, the conciliator:

- . conducts a third-party assessment of the situation;
- . facilitates communications between the disputants so that issues and opposing views are perceived, examined, and clearly defined;
- . arranges meetings between the adversaries;
- . helps the disputants identify and enlist resources which might have a bearing on the resolution of the conflict;
- . identifies and verifies leadership roles between disputants;
- . consults and advises with law enforcement officials to reduce the likelihood of confrontations or violence when inflammatory conditions prevail;
- . assists adversaries to understand the nature of conflict, crisis, and protest;
- . assists the disputants in overcoming long-held prejudices and stereotypes of their adversary;
- . helps formulate and apply self-policing policies in protest activities involving large numbers of participants; and
- . provides a Federal presence in critical situations in which there is a useful purpose served by on-the-scene observation.

**MEDIATION:**

Mediation is a more formal process, similar to that used in labor disputes. Here, a CRS mediator brings the disputants face-to-face to consider grievances raised and to determine what will be done about them. At-the-table negotiations are conducted, addressing a list of specific issues. Unlike conciliation, mediation is attempted only if both sides elect to pursue it and if they are dedicated to reaching a clear and durable settlement of critical differences.

Negotiations are conducted according to established procedures which both sides must agree to follow in advance. The goal of mediation is a signed agreement which sets forth specific steps each side agrees to take in order to restore racial harmony and peaceful relations.

Specific activities of the mediator include:

- . conducting a thorough assessment to gauge mediation potential;
- . establishing recognition of opposing negotiation spokespersons and participants;
- . setting ground rules for press relations and forum agendas;
- . chairing negotiation sessions;
- . presenting and clarifying the issues and setting priorities;
- . identifying technical assistance resources that might have a bearing on the resolution of the problems;
- . discussing affirmative steps to prevent future problems;

- . persuading the parties to maintain a "good faith" posture and to move toward realistic settlement goals; and
- . determining an appropriate mechanism for follow-up implementation of the agreement.

#### TECHNICAL ASSISTANCE:

Under its technical assistance program, CRS provides State and local government officials with consultation on community relations problems. Agency specialists and consultants identify techniques, resources, materials, and experience models to address specific community concerns.

Examples of the types of technical assistance offered include, among others:

- . planning assistance for the improving of communications with minority groups;
- . problem-solving training for local human relations commissions;
- . training in conflict intervention for local police departments and school officials;
- . guidance in the development of police department firearms policies and citizen participation mechanisms; and
- . assistance in developing contingency plans for school security officials.

#### ADVANTAGE OF CRS ASSISTANCE

There are many advantages to utilizing the services of CRS, but perhaps the most obvious is the fact that any resolution to a community dispute is a voluntary resolution.

No one has forced a party to agree to anything. Therefore, the possibility for a lasting and peaceful solution is greater since the parties themselves "call the shots" on mutually agreeable terms.

CRS assistance also benefits the parties since:

- an agreement may be achieved more quickly and with less community apprehension aroused over the issues;
- there is no expense to the parties involved, so the final settlement (written or not) does not involve a financial loss to either party; and
- a judgment of guilt or innocence is not made, so the parties might freely develop a basis for mutual respect and cooperation.

On the following pages are examples of CRS assistance to troubled communities.

## CRS CASEWORK: SYNOPSIS AND EXAMPLES

### I. POLICE/COMMUNITY RELATIONS

Since its inception, CRS has dealt with an ever-increasing number of cases involving minorities and the police.

Complaints alleging the excessive use of force, poor police/community relations, and inadequate minority representation on police forces have traditionally sparked conflict in minority communities. The same concerns have also led to organized community protests, costly law suits alleging the violation of civil rights, and in some cases, even outright hostility and confrontation.

CRS works closely with police departments and community groups when crises erupt and attempts to clarify the issues involved and stop the spread of rumors. Conciliators and mediators then work along with the parties to search for peaceful and equitable solutions to the racial difficulties.

The assistance offered police departments and community groups includes:

- . conducting assessments of recruitment and upgrading programs;
- . establishing clearer guidelines on the use of firearms;
- . identifying models for effective citizen participation mechanisms;
- . designing or improving police/community relations units; and
- . assisting in the development of contingency plans in the event of racial disruption.

Each year, approximately half of the agency's caseload is comprised of assistance to communities experiencing police/minority friction. The following cases are typical of such disputes.

LINCOLN, NEBRASKA

After two black residents were fatally shot by police within an eight-month period, community tensions in Lincoln reached the crisis stage.

The most recent incident occurred when Lincoln police and Lancaster County sheriff's deputies attempted to serve a black resident with a search warrant. The subject allegedly opened the door, bearing a weapon in his hand. The deputy sheriff then discharged his shotgun, mortally wounding the man.

Protests and demonstrations over the police action were organized throughout the community. These demonstrations became more heated following a county attorney's investigation which exonerated the officer.

Recognizing a great potential for violence, CRS entered the case. The conciliator's first concern was to open channels of communication between minorities and the city administration so that the community's anger would subside and constructive talks could begin. Gradually, minority and police suspicions came to the surface and understanding and respect of each group for the other developed.

The conciliator then worked along with officials and an emerging minority coalition known as the Association of Black Citizens Community Relations Task Force (the ABC Task Force). Issues of concern were discussed and strategies for resolution were shared.

The concept of mediation was fully explained to the groups, and both agreed to negotiate. A signed agreement resulted, addressing many of the issues underlying Lincoln's conflict. Among the steps taken as a result of negotiations were:

- a police department review of procedures and policies that included the serving of warrants and the development of firearms and weapons policies;
- a commitment to giving high priority to both recruit and inservice training in human relations and other subjects; and
- a provision which called for more minority citizen involvement to improve the police/community relations program and assure continuing consultation on critical community issues.

The relationship between Lincoln's minorities and the police improved following mediation. The city now has a system for dealing with racial difficulties in a peaceful and productive way.

#### SALT LAKE CITY, UTAH

Salt Lake City's police/minority dispute developed after a disturbance at a dance in the Mexican American community.

When duty officers requested assistance from city police to break up a fight, patrol units and six K-9 units responded. What followed was a mass of confusion and panic as youths tried



to evade the dogs while officers proceeded to make arrests. Sixteen were arrested, one youth seriously injured, and several others treated for dog bites.

Mexican American leaders viewed the situation as another in a series of incidents proving the police department's harassment, brutality, and lack of understanding of the Chicano community. While a task force was formed to represent the community and to recommend corrective action, a number of city/task force sessions were held without significant progress.

CRS intervened at the request of the city's public safety commissioner. After tempers had cooled and channels of communication were reopened, a conciliator assisted the parties in developing a list of concerns which could be addressed in formal mediation sessions.

After a series of meetings, an agreement was signed by the public safety commissioner, the police chief, and representatives of the Chicano Community Minority Task Force.

Under the agreement, a panel of appointed experts were charged to review the legal and policy issues involved in using K-9 units for crowd control. In addition, the pact called for: a reassessment of testing, recruitment, and selection procedures for police candidates; the development of a cadet apprenticeship proposal for the Civil Service Commission; and the creation of an ombudsman's office to review racial matters in the city.

CRS also provided follow-up assistance by recommending consultants for a police review of operational problems and the identification of precise training needs. Models of effective community relations programs were likewise offered.

Many cities throughout the country have experienced problems similar to those faced in Lincoln and Salt Lake City. CRS has become actively involved in such disputes in Springfield, Massachusetts; Fairbanks, Alaska; Savannah, Georgia; and a host of other cities.

## II. EDUCATION DISPUTES

In recent years, more and more school systems have experienced serious racial problems both in and outside the classroom. And contrary to popular opinion, most of the problems and resulting bitter disputes have nothing to do with school desegregation. Rather, they involve a wide range of school issues which put administrators and officials at odds with minority students, parents, and faculty.

Claims of disproportionate minority dropout rates, alleged discriminatory discipline policies, and unfair recruitment practices are common issues in such cases. But disputes have also arisen from conditions over which the school or university administration has little or no control.

For these reasons, many educators caught up in racial disputes request CRS assistance. Specialists work along with both school authorities and students, interpreting differing opinions of the school disruption to gain a clear understanding of the

real problems and issues. The overall goal of assistance in education disputes is to achieve a fair and equitable solution to the institution's problems and restore its peaceful climate for learning as soon as possible. Often this process entails:

- . a review of school policies and procedures;
- . a thorough assessment of minority student participation in curricular and extra-curricular activities;
- . an evaluation of the effects of community issues on the school environment; and
- . an identification of available community, State, or Federal resources which might have a bearing on the resolution.

Experts are sometimes called in to review operations and suggest innovative ways to achieve positive change.

Security consultants may be utilized to assist administrators in developing adequate security measures or contingency plans. Or meetings between school leaders and community groups might be arranged to discuss possibilities for active coalitions and councils.

In addition, CRS offers guidance and technical assistance to schools or universities in developing internal mechanisms, such as biracial, tri-ethnic councils, to assure the fair review of future minority student grievances.

A substantial portion of the annual caseload is comprised of education disputes. The following are recent examples of assistance to schools or universities experiencing racial discord.

WALTHAM, MASSACHUSETTS

Education disputes are often triggered by what appears to be "isolated" racial incidents. At Brandeis University, this proved to be the printing of an article on campus thefts which highlighted an admission of involvement by one minority student.

Blacks at the University charged that the article was distorted, insensitive, and racist. They demanded that the two writers of the article, as well as the newspaper's editor, be suspended permanently from the paper.

When the board of editors refused to comply, campus protests began. Student newspapers were burned in a courtyard, operations in the university's science library were disrupted, and the campus radio station was seized. In addition, rumors of more disruptive protests were being spread.

Response to the problem was seriously delayed as the university's administration announced that the student senate was responsible for taking the necessary corrective action, while the board of directors claimed otherwise. Communications between the parties had completely broken down -- and tensions on campus were rapidly approaching the boiling point.

The president of Brandeis, recalling that a student's request in earlier protest led to a positive CRS response, contacted the agency for assistance. As a result of many meetings with the parties, CRS succeeded in bringing the students and the administration to a forum where the problems could be openly debated.

The forums were held, students developed a list of concerns, and a team of students was chosen to negotiate with administration officials.

Since exams were scheduled to begin, parties to the negotiations opted to appoint a committee to study the concerns and recommend positive steps to be taken for restoring a peaceful climate on campus. CRS served as a member of the committee and assisted in identifying technical assistance resources where needed.

The committee finally recommended that: the university step up affirmative action efforts; develop curricula to reflect minority history and interest; and design an orientation program that encouraged interracial understanding and acceptance. In addition, subcommittees were formed to review each edition of the campus newspaper and to develop a minority-interest lecture series for Brandeis.

The University President, as well as other involved parties, credited CRS for effectively channeling the explosive tensions of the troubled campus into constructive dialogue and planned corrective action.

#### ST. MATTHEWS, SOUTH CAROLINA

When St. Matthew's high school principal decided to change the long-held tradition for choosing the homecoming queen without consulting the student body, minority students rose up in protest.

In the past, the queen was selected by a student popular election, and the general practice was followed that if the queen was white, the runner-up would be black and vice versa. The principal's system offered both positions to the students who brought in the most capital during a fund-raising affair. After two white students were chosen, the protests began.

A black student boycott of the school was organized and many minority grievances came to the surface. Specifically, the black students were demanding: that the district superintendent and the school principal be fired; that all white teachers who have placed their children in private schools be fired; and that a new system for choosing the homecoming queen be designed.

Support for the boycott was strong since the local NAACP and other groups had been attempting to influence change in the school for many years.

CRS intervened and conducted a series of meetings with school officials, students, community groups, and other interested parties. Conciliators soon learned that communication ties between community representatives and school administrators were weak, and that assistance from outside sources would be necessary to assure a continuing program of school/community cooperation.

Contacts were made with the State Board of Education, State and local chapters of the NAACP, the South Carolina

Friends' Service Committee, and others to see where relationships could be developed and resources found.

A biracial committee was formed, and with CRS assistance, the school board acted to identify the underlying causes of dissension.

After 31 days, the boycott was finally broken. The school board ruled that homecoming queens would be selected by student elections. In addition, they agreed that: an effort would be made to hire more blacks in the system; a Federal Programs Coordinator would be hired to look into possibilities for increased Federal funding; parent/teacher organizations would be formed in each school; and a policy handbook would be developed for all school personnel.

The end result of the St. Matthews conflict was the development of a mechanism for assuring student and community input into school policies and procedures. Education disputes dealing with similar concerns and involving CRS have arisen in Ronan, Montana; Pensacola, Florida; Ferndale, Washington; and many other cities.

### III. SCHOOL DESEGREGATION

More than 20 years have passed since the first Supreme Court ruling to desegregate public schools. While the process has proven somewhat less volatile in recent years, it still poses a serious challenge to scores of communities.

It has been proven that the transition to desegregation can be either productive or destructive -- and CRS has found

that early, well-organized planning often becomes the crucial determining factor. The skills and procedures for assuring peaceful implementation are now available to communities. The danger lies in the failure of leaders, both elected and otherwise, to utilize the available tools.

The agency has developed a well-refined process for assisting courts, schools, community groups, and police in preparing for peaceful, non-disruptive school change. Guidance and suggestions are offered, based on many years of experience, as to accentuating the positive and minimizing the negative potential of each group's overall involvement.

When requested, CRS specialists assist the court by advising on the community relations aspects of the desegregation plan and serving as a communications channel to concerned parties. In addition, assistance is provided in establishing and training court-appointed monitoring commissions where the need is stated. In a number of cities, the agency has been named in the court order to provide special services.

Assistance to the community includes a number of efforts aimed at educating the general public as to the details of the plan and the need for active citizen participation and involvement. Specialists aid in developing bi-racial, tri-ethnic councils and in designing community rumor control and information centers. In addition, coalitions of influential business and industry leaders, clergy, city



officials, and others are urged to rally all parties to the concern for peaceful implementation.

The CRS staff also works closely with school officials to create an atmosphere whereby the goals of quality education can be achieved. This often entails: the review of curriculum and text materials; the sponsorship of human relations and conflict management training for teachers and school staff; the development of biracial student/parent/teacher groups; and the establishment of a mechanism to review possible "second generation" desegregation problems such as ability grouping, "tracking", or high minority or majority dropout or transfer rates.

Technical assistance to police and school security staffs is likewise offered. Human relations and conflict management training is provided where authorities feel such measures are essential. In addition, CRS may facilitate or initiate liaison with various State and Federal authorities -- like the U.S. Marshalls Service, the FBI, or the State Police.

Finally, CRS offers conciliation assistance in the event of open confrontation or disruption. A biracial, tri-ethnic corps of conciliators are available for interregional assignment to a city if the need should arise.

To varying degrees, the agency has assisted over 500 communities in peacefully desegregating the schools. The following cases are typical of CRS assistance efforts.

LOUISVILLE, KENTUCKY

The trauma of the advent of school desegregation in Louisville is widely known. The spread of violence when desegregated schools opened in September, 1975, became a matter of national interest.

Anti-busing forces fought with city police, oil was poured on the highways and then set afire, and thousands of people became embroiled in a barrage of demonstrations, rallies, and protests. Compounding this already serious situation was administrative confusion resulting from the merger of the Louisville School District and the Jefferson County School District.

CRS was named in the court order by the U.S. District Judge to monitor the human relations component of desegregation and to call to the Judge's attention any matters that warranted immediate action or guidance. In the first year, CRS efforts were principally organized around the prevention of violence and the mobilization of community resources.

Emergency crisis planning with school and police officials was carried out, as was the design of a rumor control and information system. School personnel were trained as "troubleshooters," and were organized in response teams to deal with disruption as soon as it arose. In addition, the agency performed its traditional function of providing on-site conciliation when school difficulties were mirrored in community disruption.

As the second year of desegregation began and administrative problems were finally resolved, conciliators turned their attention to student problems. Suspension rates and discipline codes became a focus of concern as disproportionately high minority rates were found. At the request of the court, CRS conducted an analysis of the discipline problem and recommended that a uniform code be developed. Assistance was then provided in designing such a code.

Another major agency effort was directed toward ebbing the flow of resegregation through the use of hardship transfers. It was suggested that some residents were using the hardship transfers as an excuse to avoid the desegregation process, and tension was steadily increasing as a result. To correct the misuse of the "hardship" clause, CRS provided the school system with examples of hardship transfer policies from cities that had already undergone the process successfully.

Many of Louisville's school and city officials believe that the peaceful opening of school in 1977 was principally due to the progress achieved in meeting student and community concerns of earlier years. While problems are not completely resolved, sufficient mechanisms for dealing with desegregation concerns are now institutionalized.

CRS plans to continue its monitoring activity and to assist in maintaining a peaceful climate for education in the Louisville school system.

DAYTON, OHIO

The question of desegregating Dayton's schools had been discussed for many years before a U.S. District Judge issued a final court order mandating that the schools be desegregated by the fall of 1976. While teachers, most administrators, and the news media were supportive of the effort, problems were anticipated because of the use of busing to meet the court order.

CRS was asked by the Judge to help insure "harmonious implementation" of his order, and to assure community acceptance and understanding of the desegregation process. An office in the city was opened.

Among tasks assigned by the court was the establishment of a monitoring commission. The agency provided information on the design and activities of similar commissions in other cities, and eventually researched and developed a possible structure for the Dayton version, finally called the Dayton Citizen's Advisory Board (DCAB). CRS then assisted the DCAB in developing a monitor/observer training guide and in screening qualified personnel to serve as observers.

But aid to the DCAB was not the full extent of CRS involvement. Local church groups, business and industry leaders, and community and neighborhood organizations held meetings with specialists to mobilize community resources. Activities included: rumor control and information centers; school/community coalitions; and informational and training

sessions on the need for and history of Dayton's desegregation effort.

Assistance to the schools was also a major agency goal. A team critiqued security plans and provided consultants to clarify security roles where necessary. In addition, agency specialists assisted educators in developing student leadership skills, drawing up guidelines for uniform discipline codes, and designing in-service human relations training for school personnel.

As a result of extensive early planning, very few incidents have arisen. While transportation problems occasionally arise, most of the problems originally anticipated were resolved through the activities of the various community and school groups.

CRS was cited by community organizations, school officials, and city leaders, as well as by the U.S. District Judge, for assisting in a smooth and peaceful transition to desegregation. The agency continues to operate through its local office, providing technical assistance and guidance on a number of desegregation-related issues.

Other cities in which CRS has played a major role in the desegregation process include Detroit, Wilmington, Seattle, Boston, Omaha, and Buffalo.

#### IV. DISPUTES IN INDUSTRIAL SETTINGS

It is a well-known fact that business and industry representatives can no longer look the other way when minority problems arise in a community. A corporation's outlets have become an integral part of the community in which they are located and, increasingly, business associates are becoming involved in or are assisting in the resolution of community racial or ethnic disputes.

CRS experience indicates that in recent years action by corporation executives has often been the critical factor in reaching an agreement between opposing parties. And as community groups continue to sponsor coalitions to address issues affecting peaceful interracial relations, business and industry officials will continually be called upon to exert their influence in achieving constructive progress.

Likewise, there has been a significant rise in the number of disputes directly involving corporate interests and minority concerns. Issues of affirmative action, neighborhood development, and environmental control, just three among many, are likely to continue sparking friction between these groups.

The following cases are typical of those in which CRS has played a role.

##### SAN JOSE, CALIFORNIA

The uncovering of an ancient Indian burial ground in downtown San Jose triggered a complex -- and at times hostile --

dispute involving the Ohlone Indian community, a local developer, and city officials.

The conflict developed following discovery of Ohlone Indian bones and artifacts on the site of a planned Holiday Inn parking garage. Work stopped immediately in accordance with a San Jose law covering such eventualities, but the Indian community was not satisfied with the law's provisions governing resumption of work. Indian leaders believed that the city's redevelopment agency and the Inn owners had moved heedlessly in excavating possibly sacred ground for a parking garage. To call attention to their concerns, they threatened to rally the entire Native American community of the Bay Area to protest further construction.

The developer, on the other hand, was eager to resume construction, stating that the delay could prove very costly. Tensions over the issue were steadily rising and the possibility for confrontation seemed especially great.

Using proven, third-party objective skills, a CRS specialist was successful in winning the consent of the Indians, the developer, and city officials to mediate the issues involved.

The resulting agreement involved appropriate archeological supervision of the removal and reburial of remains and artifacts, a 45-day moratorium on all construction likely to disrupt Indian burial grounds, and historical designation of the site. In addition, the Indians were provided funds to complete purchase of an earlier-reserved burial ground.

CRS was credited in this case for effectively resolving issues which were both financially- and emotionally-charged, and for breaking down communication barriers between contending interest groups.

CHESTER TOWNSHIP, PENNSLYVANIA

When State authorities planned to build an access ramp to Interstate 95 from Chester Township, minority residents of the nearby Fairgrounds Housing Project rose up in protest.

The residents claimed that the ramp cut their homes off from emergency services, schools, and churches. To demonstrate their anger, the residents blocked traffic on the new roadway and forced the closing of the ramp only a few hours after it officially opened.

Independent truckers, who would benefit by the use of the ramp in reducing road time and travel expenses, carried out a counter protest by blocking the access road connecting I-95 and the Commodore Barry Bridge. As a result, traffic was backed up for five miles in both north- and southbound lanes of I-95, and alternate routes were congested with bumper-to-bumper snarls.

Since the dispute initiated because of minority community dissatisfaction with the access ramp, CRS became involved. After discussions with the community residents, law enforcement officials, highway officials, and independent truckers, a CRS mediator approached the Pennsylvania State transportation



secretary to discuss all the involved concerns.

The transportation secretary then met individually with the concerned parties and ordered the opening of the roadway. When the secretary and the executive assistant to Pennsylvania's governor promised the housing project residents that \$1 million dollars would be included in the state's next capital budget to construct a vehicular bridge over the approach road, the dispute had nearly ended.

This promise, along with a pledge to sign a CRS mediation agreement, convinced the project residents to allow the reopening of the ramp.

CRS was credited in this case for arranging meetings between adversary groups and officials, and for working through thorny issues to produce a mutually agreeable compromise for all parties.

Other industrial disputes that have prompted a CRS response include a McDonald's dispute in Chicago, Illinois; a Thiokol Chemical Company difficulty in Camden County, Georgia; and a Coors Industry case in Golden, Colorado.

## V. AMERICAN INDIAN ISSUES

The unique legal and political status of American Indians -- and their growing assertiveness -- is gradually fueling nationwide controversy. Though there are many issues involved, the most volatile center on ownership claims of land long-controlled by whites, or on the extension of tribal authority over whites living or working on Indian reservations.

Recent court decisions supporting Indian treaty rights and upholding tribal authority on reservations have caused considerable anxiety in majority communities. Organizations have been formed in some parts of the country to resist those changes.

While litigation may eventually decide who owns Indian-claimed land, who retains rights of passage, and who has legal hunting and fishing privileges, it will not answer the question of how Indians and non-Indians will live together in relative harmony after these decisions are reached.

CRS has responded to numerous requests for assistance from communities experiencing conflict with American Indians. In most cases, specialists work along with Indians, whites, minorities, police, and civil authorities, attempting to rally all segments of the community around the concern for safety and the prevention of violence.

An analysis of the case record shows that conflicts involving American Indians are likely to continue throughout

the next decade. The following are examples of recent cases in which the agency's third-party assistance was rendered.

INDIAN CARAVAN TO WASHINGTON, D.C.

A group of Washington State-based American Indians, known as the Survival of American Indians Association, planned a cross country march to demonstrate their concern over basic problems of the Indian people. Leaders organized the march to leave Seattle, Washington, travel from city to city across the country, and arrive in the Nation's capitol during the Bicentennial celebration.

Because the plan called for the caravan to follow the same route as the highly publicized Bicentennial Wagon Train, and because similar marches in the past resulted in various confrontations along the way, CRS became actively involved.

It was feared that encounters along the way, such as the providing of campsites, escorts, etc., might lead to disturbances since rumors of "Indian troublemakers on the way" were rapidly spreading. CRS conciliators followed the caravan's progress from region to region, generally making the group's peaceful intent clear to all local and State law enforcers.

A major stop enroute was Fort Laramie, Wyoming. Rumors that the caravan would take over the fort as a symbol of protest were heard throughout the State, and conciliators developed plans with local officials to avoid the threat of confrontation arising from these rumors.

As a result of early planning and the development of cooperative attitudes, the caravan left Fort Laramie without incident. When it reached Washington, D.C., CRS used its familiarity with the Federal establishment to help leaders arrange meetings and to assure that the climate of peace prevailed.

Indian leaders and officials alike commended CRS' efforts in defusing potentially dangerous rumors and setting the stage for peaceful meetings to discuss Indian concerns.

#### OKANOGAN COUNTY, WASHINGTON

When the Okanogan County sheriff withdrew nine special deputy warrants from the Colville Indian tribal police for alleged non-professional police behavior, Indians on the reservation grew angry.

Charges that the sheriff's office was not responding to citizen requests for law enforcement services spread quickly, and repeated charges and countercharges appeared in the news media. Tensions were rapidly escalating not only between law enforcement officers and Indian leaders, but also in the non-Indian communities bordering on the reservation.

CRS intervened on its own motion, recognizing the potential for community-wide confrontation over the issues. A team met with all the parties involved and discussed the improvement of working relationships, an information exchange system, and uniform law enforcement procedures.

An offer of CRS mediation was accepted by both parties and negotiations were conducted over a two-month period. The final agreement called for close coordination of tribal police and sheriff's personnel, joint investigative teams in Indian-related cases, and uniform policies and procedures in civil rights matters. In addition, it called for the development of an improved direct communication system between tribal authorities and county sheriff's office in future disputes occurring on reservation property and within county boundaries.

In this case, relationships developed through mediation proved especially significant. The parties agreed in later meetings to expand communications by holding joint command staff meetings and sponsoring joint in-service training sessions.

CRS has become involved in similar disputes involving Indians in Mashpee, Massachusetts; Eagle Bay, New York; Humboldt County, California; Wagner, South Dakota; and many other cities.

## VI. CORRECTIONS

Of all the settings where racial tensions are found, none are more potentially explosive than in our nation's prisons. Even the slightest incident often leads to warfare between inmates. CRS is one of the few Federal or State agencies that has attempted to tackle some of these pressing problems.

The overall goal of the agency's work in this area is aimed at reducing the tremendous backlog of prison inmate suits alleging the violation of civil rights. In this role, then, a viable alternative to long term and costly litigation is found.

The immediate objective of CRS intervention in prison cases, however, remains the same: to peacefully resolve racial or ethnic difficulties through the use of third party, objective skills rather than coercive tactics. Many recent cases have clearly shown promise for forging better working relationships between inmates and staff, and have proven the potential for decreasing internal prison strife.

In the following instances, progress achieved following CRS intervention in prison cases is outlined.

### CARSON CITY, NEVADA

Racial fighting broke out between blacks, whites, and Indians at the Nevada State prison after a black allegedly jumped an Indian inmate in the serving line. Gunfire by the guards stopped the fighting, but blacks allegedly later

destroyed some materials that belonged to Indians in the prison's hobby shop. Officials reacted by enforcing a lock-in of all inmates.

Two weeks later, inmates were released to the dining room and another fight broke out. This time, two blacks were killed by stab wounds and 36 inmates were injured.

CRS contacted the U.S. Attorney concerning the uprising at the prison, and a meeting was arranged between the governor, the State attorney general, the warden, and CRS. During the meeting, the governor asked CRS to intervene and assist the parties in resolving the underlying issues.

The conciliator found that little or no communication mechanisms between inmates and prison officials were functional, except through the prison ombudsman. An inmate committee had proven ineffective and an inmate grievance committee was suspended.

To improve communication ties, the conciliator worked with the warden's staff and the leadership of each inmate racial group to form an active multi-racial coalition. The coalition became known as the Inmate Council and, under CRS direction, reviewed each of the perceived problems in the prison and formulated resolution strategies.

After a series of meetings, an inmate mediator position was created and it was agreed that this person would be responsible directly to the warden. In addition, a new grievance procedure, developed and written by the Inmate Council and CRS,

was approved by prison authorities.

The team also provided assistance to the Council in developing closer ties with outside community groups interested in prison/community projects.

CRS was praised by the parties involved for effectively channeling the prison's tension into constructive problem-solving activity. At present, the agency continues to provide technical assistance and guidance when requested.

#### CANON CITY, COLORADO

After several discrimination charges were leveled by inmates against the Colorado Womens' Correctional Institute (CWCI), and threats of disruption were voiced, the acting superintendent requested CRS assistance.

The charges were many and varied. They ranged from specific complaints of discrimination in community job placement and furlough programs to general dissatisfaction with conditions of life at CWCI.

The results of a series of meetings indicated that mediation of CWCI's difficulties was possible. After explaining the process to both sides and gaining acceptance, the team prepared for negotiation by arranging for an election to choose inmate representatives.

An agreement was finally reached, settling 40 issues at the institute.

Among other provisions, the agreement established standards and timelines for inmates to meet to move into a higher level of



trust and responsibility, and eventually to freedom. These were incorporated into a incentive program allowing an inmate to move from a highly structured prison environment to the community, either through a sheltered work or study program, an external placement program, or to parole or discharge.

The agreement also called for the establishment of a committee of two citizens, two former inmates, and a CWCI member to evaluate each inmate's progress on a continuing basis.

Other concerns addressed included:

- . the improvement of inmates' medical care with the hiring of a new doctor and nurse;
- . the establishment of the first rehabilitative drug program at CWCI; and
- . the improvement of visiting privileges regulations, legal services assistance, and recreational facilities.

Throughout the process, the stated aim for a negotiated agreement was to return inmates to freedom better prepared and equipped to accept responsibility and live as productive members of society. CRS continues to provide technical assistance to the parties when requested.

Other corrections disputes in which CRS has played a key role include Monroe and Walla Walla, Washington; St. Cloud, Minnesota; and Jefferson Parish and Angola, Louisiana.

## VII. HISPANIC INFLUX/UNDOCUMENTED ALIENS

According to current projections, the Hispanic population in the United States will climb to 25 million by 1980. Add to this the estimate of illegal immigrations to the U.S. and it is obvious that this growth rate will surely have a tremendous impact on our nation's cities.

Social scientists are calling for city planners, health and safety officials, and others to begin preparing now for this burgeoning Hispanic population. To date, very little has been achieved.

CRS has already noted the problems which arise out of these circumstances. In the past two years, cases have arisen involving:

- . the alleged economic exploitation of Hispanics;
- . charges of poor access to social, health, and education services in Hispanic neighborhoods;
- . harassment of legal Hispanic citizens by authorities during "raids" and "round-ups" of illegal aliens; and
- . confrontations involving Hispanics and police forces involving charges of brutality and excessive use of force.

The following are typical cases involving Hispanic citizens that have prompted a CRS response.

WEST CHESTER, PENNSYLVANIA

Following a serious confrontation between Hispanic youth and the West Chester police department, business leaders, city administrators, and community residents became vocal and demanded a "crack-down" on all young offenders. One week later, the alleged police beating of four minority youths precipitated a near riot involving 150 young adults who took to the streets fighting, throwing bottles and rocks, and openly defying law enforcement officers.

A conciliator met with the mayor, the borough council, and resident Hispanics and blacks to plan and work out a community relations program for the police department. The issues discussed included:

- . the recruitment and promotion of more minority officers in the police department;
- . the development of civil liaison in the police/community relations division; and
- . the improvement of cooperation between the department and minority neighborhoods.

Two neighborhood coalitions then developed. CRS brought the coalitions together to share concerns and an Ad Hoc Committee of whites, Hispanics, and blacks was formed. After a number of joint meetings with police officials, an Hispanic civilian liaison specialist was appointed. In addition, a community education proposal dealing with the city's problems was formulated. This proposal gained acceptance of LEAA and was presented to the Governor's Civil Tension Task Force for funding.

The agency was credited in this case for opening up formal communication ties between the borough's Hispanic population and the administration. At present, the response mechanisms established are still operative.

#### MADRAS, OREGON

In less than a two month period in this usually quiet town of Madras, approximately 300 illegal aliens were apprehended and deported to Mexico. The alien apprehensions resulted in a number of complaints alleging Immigration and Naturalization Service (INS) and police harassment and misconduct.

The accusations ranged from illegal entry into private dwellings to the complete disregard for the separation of families or the securing of uncollected wages for the workers.

CRS became involved, fearing the growing tensions in the Madras area may result in serious disorder if corrective measures were not taken. Widespread concern was evident among local city residents, as well as in the surrounding communities of Newburg, Dayton, and Mt. Angel.

Conciliators summoned a meeting of concerned local groups, community leaders, law enforcement officials, and social service agency representatives to explore possible solutions to the conflict. The parties agreed to organize a committee of concerned citizens and officials which would become active when aliens were apprehended in the Madras area.

The committee's purpose was to meet the human, non-legal needs of undocumented workers.

Specifically, it was agreed that:

- . the sheriff would notify a bilingual team who would interview aliens detained in the county jail to identify specific needs; and
- . the team would arrange for committee members to act immediately in such areas as securing baggage from dwellings, arranging for disposition of autos and personal property, notifying immediate family members, and collecting due wages.

CRS then convened a meeting of the Madras committee with interested parties in the Newburg area. The Oregon Alien Liaison Committee (OALC) resulted.

CRS arranged meetings between OALC members and the Oregon Governor's office, the State Department of Labor, and the INS district office to insure that community concerns regarding the apprehension of illegal aliens in the state were fully recognized.

As a result of the agency's experience in Madras, new approaches for dealing with the human needs of apprehended illegal aliens were tested. The agency plans to continue this effort to possibly influence the development of similar citizen councils in other cities across the country.

The agency's case record involving Hispanics is voluminous. Among the recent disputes which prompted a CRS response are those in Leadville, Colorado; Chicago, Illinois; Houston, Texas; and Layton, Utah.

### VIII. ECONOMIC AND COMMUNITY DEVELOPMENT

Over the years, a great number of minority complaints have arisen involving the policies, procedures, or actions of a city's elected or appointed officials. For example, difficulties surrounding the planning of a housing development, the implementation of an "urban renewal" project, or the design of a new inner city business district have traditionally led to city/minority disagreements over who benefits most from such improvements.

Many issues are involved. They include:

- . claims that Federal Revenue Sharing and Community Development Block Funds are inequitably used;
- . complaints that city services are lacking in minority neighborhoods;
- . charges that the city is lax in living up to the promise of equal employment opportunity in city departments and agencies; and
- . claims that the city administration is completely insensitive to the needs of minority residents.

CRS specialists provide assistance by facilitating the open exchange of views between minority leaders and city authorities. Mediation has been used successfully in a number of situations where concrete issues were identified and negotiated. And technical assistance is often provided to many communities, attempting to make a city's administration more sensitive to minority concerns and make minorities more aware of the complexities of municipal management.

CRS' caseload in this area has grown considerably in the past few years. The following cases are examples of assistance offered in economic and community development disputes.

TEXARKANA, ARKANSAS

Minority members of the Arkansas-side Council of Presidents in Texarkana filed a complaint with the Federal Office of Revenue Sharing (ORS) alleging that the city lacked an effective affirmative action plan and routinely violated requirements of the Federal Revenue Sharing Act by discriminating in its hiring practices.

The case was referred to CRS by ORS. A thorough assessment of the city's problems revealed that the minority concerns far outnumbered the few that were included in the official complaint. Other accusations included claims of:

- . disproportionate funds being spent on "hardware" rather than on "people services";
- . lack of communication with the black community on decisions affecting it; and
- . non-commitment among city leaders to make a good faith effort in promoting minority enterprise.

After a series of separate meetings, the mediator succeeded in gaining a commitment from both parties to negotiate. Twenty two hours of joint mediation sessions were held before an agreement was reached on the major issues.

Under the agreement, the city promised to hire a black recruiter to encourage minority applications for city positions and to undertake a plan to hire 23 blacks within a six month period.

In addition, citizen participation in the local decision-making process was stepped up by requiring quarterly meetings of the Citizen's Advisory Committee, which draws up the city's annual budget.

To stimulate black economic development, city officials also agreed to appoint two blacks to the Economic Development Committee, establish an active minority business development task force and seek technical assistance to help blacks qualify for local business loans.

At present, the agreement is still in force and citizen participation mechanisms of the city government are now assuring that a "good faith" posture will continue.

#### PLEASANTVILLE, NEW JERSEY

CRS involvement in Pleasantville followed two heated city council meetings at which an NAACP chapter pressed concerns about alleged racial discrimination in city agencies. Specific complaints about the discrimination included the passing over of a black police lieutenant for a promotion that would have placed him in line for future consideration as chief and the violating of a previous agreement on the hiring of a full-time affirmative action officer.

CRS was contacted by the NAACP chapter president after learning of its record in dealing with similar problems. A conciliator met with NAACP officers and city officials, and explained the possibility of submitting the specific



complaints to the mediation process.

The parties agreed and formal negotiations began.

An agreement was reached committing city officials to a policy of affirmative action. Among other points, it stipulates that:

- . the city council enact an ordinance creating a captain's position in the police department's juvenile division;
- . a black fireman paid under the Department of Labor's Manpower Program be placed on the permanent city payroll; and
- . at least one minority be hired to fill a housing code enforcement officer position.

The agreement also called for establishing a permanent city council committee to meet at least every two months to discuss community concerns. The most important issue of the negotiations, the hiring of an affirmative action officer, was resolved when the city council approved the hiring of a minority woman for the position.

In this case, CRS assisted the parties in not only resolving the immediate issues at hand, but also in working to establish a permanent mechanism in the city government to deal with future difficulties that might arise.

The agency has become actively involved in economic and community development disputes in many other cities, including Williamsburg, New York; Des Moines, Iowa; and Maple Heights, Ohio.

## IX. TRAINING

In order to resolve difficulties peacefully, a community must have prominent minority and majority leaders who can act as catalysts for positive change. When these leaders are adequately trained in human relations and conflict management, the chances for successful and positive change are significantly greater.

CRS seeks to increase its own pre-crisis effectiveness by encouraging and helping communities to sponsor such training for its leaders. Training requests come from law enforcement officers, school administrators, teachers, prison administrators, civic and religious leadership, and others.

Specific subject areas covered in training sessions have included:

- . the establishment of rumor control and information centers;
- . the development of student conduct and discipline codes;
- . school/police contingency planning; and
- . the development of community coalitions in school desegregation.

Since its creation, CRS has trained thousands of people in these and other technical skills. The following are recent training efforts conducted by agency specialists to improve the community's capability to respond to racial and ethnic problems.

POLICE/SCHOOL CONFERENCE

Following a school disturbance in Danbury, Connecticut, a number of serious allegations involving the poor police handling of the crisis were raised. Some students and community groups alleged that the police presence in the school actually created more tension than the disturbance itself.

Realizing that much of the criticism resulted from the lack of a cooperative police/school response system, a local police union representative asked CRS to assess the need for joint training on the response to school disruption.

A regionwide survey of school-related cases was conducted and results indicated that similar complaints had been registered throughout Connecticut, Massachusetts, and Rhode Island, as well as in other sections of the country.

CRS specialists approached the Law Enforcement Assistance Administration (LEAA) with the idea for a conference. An agreement was reached on how the training should be conducted and, with a grant from the National Institute of Education, a regionwide workshop was planned.

Police and school officials from 15 jurisdictions in New England attended the conference. Goals of the individual workshops were to: learn about present relationships existing between school and police; discuss problems in developing cooperative relationships; and distill basic guidelines to help administrators work more cooperatively in peacefully settling school disruption.

A brochure entitle "School Disruptions: Tips for Educators and Police" resulted. The brochure outlines a minimum number of steps school and police officials should take in developing a joint approach to problems of school disruption. The brochure is now used nationally to assist officials in developing joint efforts to prevent or peacefully resolve school difficulties.

#### OTHER TRAINING

Each year, CRS receives numerous requests for specialized training. While not all can be honored due to staff and resource demands, the agency attempts to respond in those cases where the benefit potential to local communities is greatest.

Recent training sessions have been held in:

- . the Marquette Park area of Chicago, Illinois, where blacks and whites have clashed with police on a number of occasions. Crisis intervention training was conducted at police roll call, and a plan was developed for extensive in-service training.
- . Washington, D. C., where groups from throughout the country gathered to share experiences in community coalition-building for peaceful desegregation;
- . Houston, Texas, where school security directors met to discuss a model training program for effective school security; and
- . Brigham City, Utah, where CRS was requested by the the Bureau of Indian Affairs to develop a training sequence in conflict intervention and police/community relations for the National Indian Police Academy.

In all, the agency becomes involved in approximately 60 training cases per year.

## CRS: A LOOK TO THE FUTURE

In a December, 1976, report, the National Advisory Commission on Criminal Justice Standards and Goals warned that "the urban crisis is far from being resolved. In many ways, the state of the great cities is more desperate than it was during the most serious riots of the 1960's."

Add to this a seriously high rate of minority unemployment, a critical shortage of adequate housing, an education system suffering from the effects of necessary change, and a minority population whose hopes and expectations for the future are high -- and all of the ingredients that breed despair and crisis are present.

There is little reason to believe that disputes involving minorities and police structure, or minorities and the education system, will decrease in the next decade. In fact, if recent trends continue, these disputes will increase in both frequency and complexity.

It is likely that more city school districts will be called on to desegregate. This poses a special challenge for many school systems, several of which face the threat of strong resistance.

Disputes in industrial settings and with city governments, too, are expected to become more involved as minorities continue to exert pressure on business,

industry, and city leaders to take a more active stand. Issues of affirmative action, diverse labor membership, and federal assistance funding are among the many that will be the cause of minority frustration.

A burgeoning Hispanic population is predicted to change the demographic balance of many large urban centers. Composed mainly of migrants, both legal and illegal, this population growth is expected to impact on the country by placing an Hispanic working class in competition with other unskilled, low-paid workers and by creating an underclass of marginally-existing families, particularly vulnerable to the legal system and to economic exploitation.

In addition, American Indian issues of land claims, hunting and fishing rights, and political self-determination will surely result in heightened community tension, as will the steadily increasing minority prison population.

CRS is prepared to deal with the many and varied disputes, disagreements, and difficulties that might arise from these conditions.

In the past, the Service has proven to be a principal resource public and private officials, as well as community leaders, have utilized to help resolve pressing problems. Its role in past complex disputes must certainly be weighed in any effort to find solutions to future difficulties.

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