Senate debate soon on bill that would kill MHRC

The Chamber of Commerce is going full steam ahead in its campaign to to convince the General Assembly that the Maryland Human Relations Commission, because it has been finding "too many cases of discrimination" there should be some changes made.

The Conroy Committee, following the recommendation of the Chamber's Legislative Council has re-filed Senate Bill 288 which the city's industrial leaders say will help make MHRC more effective.

However, last week MHRC chairman, Jacob Edelman declared before a meeting of MHRC commissioners that "The bill, as it stands, is unthinkable. We cannot possibly work under these conditions."

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It was the first time that a senior official of a state agency had actually taken a stand on the controversial issue surrounding the bill and its effect on the function of MHRC.

Eddman placed his support firmly behind MHRC staff who have long been on record opposing the bill which would ultimately destroy the ability of the commission to even challenge big business when it violates the rights of minorities in this state.

On the other hand the Chamber of Commerce charges that MHRC is "finding too much discrimination" in its investigations.

* * *

With a record of some 2500 cases brought to conciliation in the past year and more than $45,000 in damages awarded to complainants whose civil rights have been violated over the last two years it is apparent why the Chamber of Commerce feels endangered by MHRC.

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Among other things, Senate Bill 288 would shackle Elbert L. A. Guillory, executive director of MHRC and give the power of determining whose rights the commission will protect whose will be ignored to Philip J. Tierney general counsel of MHRC.

Tierney's track record more than identifies where his sentiments lie. Of some 77 cases scheduled for public hearing during the past year Tierney has only brought seven to conclusion.

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His function, according to established MHRC procedure is to decide what will be heard at the public hearing: what charges will be presented at that hearing; the nature of the case and the specifics of the case.

In recent months Tierney has indicated that his failure to keep pace with the cases for disposition is due to his not having enough time or enough help.

The full commission then decided that an assistant general Counsel would be hired to fill in that gap. Provisions for the position are included in bills now before the Senate.

However, another example of the kind of bottleneck Tierney's office perpetuates is shown in his insistence that he decide on whether the commission should use the 'Default' procedure that exists in the Rules of Procedure.

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The 'Default' procedure would, in effect, follow court established principles which decide a case in favor of the party which does not comply by failure to answer a subpoena, failure to present subpoenaed documents or failure to answer questions placed by an authorized agency.

The minutes of the MHRC meeting of Aug. 12, 1975 show that Tierney persuaded the Commissioners that the 'Default' decision was up to him as early as 1974 and even now, two years later, he has failed to act on the issue.

Guillory, who has fought to preserve the power of MHRC to defend the rights of minorities, has issued, on behalf of the commission's staff, a good position paper in which he outlines the effects of 288.

"Senate Bill 288, sponsored by the Senate Constitutional and Public Law Committee and endorsed by the State Chamber of Commerce, does," Guillory charges:

"(a) prevents MHRC from granting full monetary compensation to victims of discrimination.

"(b) confines staff investigations to very narrow boundaries which will prevent analysis of many related issues.

"(c) places an unreasonable six-month limit on the completion of an investigation without considering delays that often occur from respondents attorneys.

"(d) prevents the filing of third party complaints by such organizations as the NAACP, Baltimore Neighborhoods, Inc. (BNI), National Organization of Women (NOW), Urban League and other groups and organizations who have observed discrimination against classes of people.

"(e) requires greater specificity of charges by complainants who file complaints with MHRC even if they have limited access to factors surrounding the discriminatory act.

"f prevents MHRC from conducting surveys, studies or holding hearings when a formal investigation that is unrelated is in progress.

"(h) adds two additional steps to MHRC's established court enforceable subpoena procedure.

"(i) grants only to respondents access to the investigations findings.

"(j) exonerates respondents of all acts of discrimination if the Commission finds one case of discrimination as no probable cause.

"(k) allows the hiring of only one hearing examiner when more are needed to erase the massive backlog of public hearing cases that will not be heard, under present procedure, until the next century.

"(l) allows for respondents to file possible law suits against complainants. This would severely discourage persons from filing complaints with MHRC."

Persons interested in acquiring copies of the Senate Bill; the position paper of MHRC or any other information concerning this urgent issue may go to the main MHRC office, Suite 300, Metro Plaza, Mondawmin Mall or call 383-3680.

Gov. Mandel's budget is strict, lean and lacking

By Ben Phillips
Annapolis Bureau

ANNAPOLIS — "Any honest assessment requires me to say that for my family and me the past 12 months have been a year trospectin and wondering whether lengthening shadows would be obscure the work and the mission of this Administration."

This was the only direct reference Governor Mandle made to his indictment in his eighth State-of-the-State Message to the General Assembly.

The governor made reference to the historical importance of Annapolis.

* * *

He made mention of the state's differences with the Department of Health, Education, and Welfare when he said "... FDR in no way intended what has come to be the HEW to rule and ruin our daily lives that they are sworn by charge and charter to enrich and ennoble through succor and service."

The governor laid the budget by stating the condition of neighboring states which are not in as good a position as Maryland.

The governor stated, "There will be no increase in general taxes this year, and I will oppose any effort to tinker with the delicate tax structure in Maryland."

* * *

He further stated, "And unlike other states, there will be no cutback in essential services, nor is there even a consideration of letting go State workers to reduce government costs."

Gov. Mandel's budget proposal for the year is 3.6 billion dollars. As he said, "The budget I offer today is prudent but generous, cautious but expansionary, balanced but tight, reflecting my own conviction that not one new tax dollar will be taken from our citizens unless and until it is necessary without question."

The governor received applause when he commented about the proposed commuter tax by the District of Columbia.

and taxpayers have enough of a burden to bear without being asked to pay ransom for the right to earn a living. I will fight and resist any and every effort, by any and every legal means, to raid our treasury."

The budget includes $120.5 million for the first phase of the Rapid Transit System for Baltimore, but the governor said at this time he could not honor the city's request of money for the new Convention Center.

On public school construction, the governor said the fund will require $18.9 million more than the current allotment.

He is asking to expand the state's Program of Aid to Handicapped by $5 million to $49 million.

Other parts of the budget mentioned in the address, the governor wants a Constitutional Amendment proposed to consolidate the six Baltimore Bench Courts into a unified Circuit Co

Another, is advocation of the community correctional institutions.

* * *

Black senators and delegates in Anna[illegible] large part could understand the governor's concern for a strict and balanced budget, but there were concerns that they have which he didn't even mention.

Sen. Clarence M. Mitchell, III, 38th District, said, "I blast him for completely overlooking the status of fair employment practices in state government. There was no mention of his equal employment executive order nor was there any indication of his commitment.

Del. Lloyal Randolph, 40th District, was displeased with the rejection of the city's new Convention Center. "I am going to try and get the Baltimore City Delegation to oppose the governor on this. The center would create employment for the city and revenues for the state."

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Del. Randolph further stated, "A good example of the city suffering for not having such a center is the fact that the National Elks can't come to Baltimore because the city doesn't have the facilities to handle them."

Del. Nathaniel Exum, Del. Nathaniel Exum, Prince George's Co., feels that the increase of $5 million for special education is not enough.

He further stated, "I don't think the state can force community correctional facilities down the people's throat."

* * *

Del. Isaiah "Ike" Dixon, 38th District, said, "The governor is going to have a hard time revamping the courts unless the consolidation requires that the clerk be black.

Del. Dixon explained, "In a city where we are 60 per cen tblack, we are entitled to imput in our judicial system."

Del. John Douglass, 4th District, feels that the Mass Transit proposal will be controversial. He said, "I doubt if the city can underwrite the operating budget."

Del. Larry Young, 38th District, summed the governor's budget proposal up this way. "The budget while not cutting back on essential services, did not include the necessary increases to improve essential services."

Annapolis Watch

By Ben Phillips

ANNAPOLIS — For anyone isterested in the workings of the General Assembly, it sometimes appears to be a complicated process, but it does not always have to be.

Basically, it works in an atmosphere of checks and double checks. For instance, a delegate or senator pre-files a piece of legislation.

When the General Assembly opens, it is read for the first time and assigned to a committee. Once in commitete, hearings are held on the bill from both those for and against it.

It is while the bills are in committee that a good number of them die or are withdrawn by the sponsor. The committee discusses and votes on whether to give a bill a favorable or unfavorable report.

The bill then goes back before the body from which it originates for a second reading. It is during the second reading that it is sometimes amended. After the second reading, it is ordered drawn up for the third and final reading.

When the bill comes up for final action, it is discussed and voted on. If it passes the originating body, it then goes to the other House.

If the other body passes it, the bill goes to the governor for signing. The governor signs the bill, it becomes law.

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Obviously, there are a lot of ifs. At any point during the process, the bill can be killed, receive an unfavorable report, or be vetoed by the governor.

The main point to keep in mind that a bill doesn't appear overnight. It takes a long process, necessary in our democratic way of government, in order that it can receive the type of responsible consideration citizens expect from the General Assembly.

* * *

At the present time, all of the pre-filed bills have been assigned to their respective committees.

They are now slow moving out of committees and being read for the second time.

For the next week or so, action in the committees will be heavy as they work to get through the record number of bills.

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Baltimore Del. John Douglass, 45th District, pre-filed House Bill No. 407 which deals with the funding of supplementary appropriation bills.

The bill was assigned to the Appropriations Committee in the House.

Last Tuesday, hearings were held and this particular bill came up for discussion. At that time, Douglass, a member of the committee, explained the bill.

This bill would provide an alternative to funding supplementary appropriations. At the present, it can only be done by levying a tax.

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Under this bill, the supplementary appropriation could be funded by any surplus in the budget. At the present time, the General Assembly can only do this in a special session.

Del. Douglass' intent is to expand this power to the general session.

If passed, the bill would go before the voters because it is a Constitutional amendment.

* * *

Also last Tuesday, the House Committee on Environmental Matters held hearings on HB 96 entitled, Environmental Advisory Councils.

The bill is being sponsored by Del. Larry Young, 38th District. It provides that cities may establish such a council to advise local governmental agencies on matters dealing with the protection, conservation, management, promotion and use of the natural resources within its territorial limits.

Opponents to the bill feel that it is a waste to establish such councils when the duties could be done by the Soil Conservation Councils.

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Del. Young pointed out that the bill does not require this, but allows corporated municipalities to do so.

Representatives of the Soil Conservation Council feel that legislation is not necessary because there is nothing stopping the municipalities from doing it on their own.

Del. Young pointed out that the federal government gave $1,600,000 last year for such councils, and that none of this money went to Maryland.

The fiscal note on the bill will cost the state $28,000 in 1977 and will rise to $49,000 in 1981.

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A fiscal note is attached to each bill to let lawmakers know how much money it will cost the state and the affected local area. It is prepared by the Department of Fiscal Services in Annapolis.

The net local affect will be $30,000.

In other bills before committees, House Bill No. 324 came before the House Committee on Environmental Matters.

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The bill which is sponsored by Del. Andrew J. Burns, Baltimore's 43rd District, would prohibit experimentation on a human fetus whether it be before or after expulsion from its mother's womb for scientific, laboratory, research or any other kind of experimentation.

For those of you who purchase personalized license tags, Senate Bill No. 40 would lower the registration fee from $25 to $15. The bill received an unfavorable report when it went before the Constitutional and Public Law Committee.

* * *

Interesting upcoming legislation will be introduced by Sen. Verda Welcome, 40th District and Sen. Clarence Blount, 41st District.

Sen. Blount's bill will call for the creation of a grant program for projects which provide new employment opportunities in areas of benefit to the community.

Sen. Welcome's bill will call for the creation of a School of Veterinary Medicine at the University of Maryland Eastern Shore.

41ST DISTRICT—Pictured here are the three delegates from the 41st District of Baltimore in their office in Annapolis. It is located in the house of delegates building on the 3rd floor. Delegates from L to R are Arthur Murphy Sr., Walter Dean, and Pinkney Howell. Seated is their secretary Miss Carolyn "Tinka" Jones. Each week we will capture different delegates so that you can see where your black legislators are. (AFRO staff photo by Benjamin M. Phillips)

State prosecutor question appealed to higher court

ANNAPOLIS (UPI) — Attorney General Francis B. Burch has appealed a Maryland Court of Appeals decision which ruled unconstitutional the special, state-wide prosecutors office created last year by the General Assembly to investigate political corruption.

In a legal brief, Burch argued that the courts decision last month represented "a fundamental misunderstanding" of the constitutional powers of the attorney generals office and the states attorneys.

* * *

The states highest court ruled in a 7-2 opinion Dec. 22 that the creation of a special prosecutor illegally usurped the constitutional powers of the states attorneys of Marylands 24 subdivisions and the attorney generals office.

Donna M. Yates, a Davidsonville woman who filed suit against the legislation, contended the special prosecutors office violated the state constitution and could only be created through a constitutional amendment.

Burch has submitted that the courts opinion overlooked constitutional provisions authorizing the General Assembly to create special counsel and to outline the duties of the attorney general.

The attorney general also argued that special prosecutors have been established in other states despite their relationships to existing legal authorities similar to the circumstances in Maryland.

Under the disputed legislation, the prosecutor would have the power to investigate cases of election, conflict of interest, bribery, and criminal malfeasance as well as cases involving more than on jurisdiction.

However, the special prosecutor would be able to take over cases only if a local states attorney failed to act.

No one has been appointed to the post pending the outcome of the dispute.

-Mandel may

(FROM PAGE ONE)

Charles Center in downtown Baltimore to the Baltimore Beltway, in his fiscal 1977 budget. He said that money will be spent if there is an agreement worked out, but acknowledged there would be little chance of construction if there is no consensus.

On another issue, Mandel also said he has twice read a State Senate Committee report charging possible illegal spying by the Baltimore Police Department and he supports Police Commissioner Donald D. Pomerleau.

He said he has sought answers to the charges from Pomerleau. "Until I get that answer I don't think I'll go any further."

He said he also seeks a response from the Chesapeake and Potomac Telephone Co. to charges that telephone company officials cooperated with police in illegal spying.

C. and P. orally denied the charges, he said, and he is waiting for a written reply.

The Senate Constitutional and Public Law Committee report recommended tightening wiretapping laws. Mandel said his administration has drawn up no legislation to follow through on the recommendations, but he might endorse legislative proposals after they are drafted.

He also said he thought laws should be passed to control sale of wiretap equipment to the public.

Pallottines must pay $138,000 property tax

BALTIMORE (UPI) — The city assessment office has revoked the property tax exempt status of a $1.4 million warehouse owned by the Pallottine Fathers and ordered the missionary order to pay about $139,000 in back property taxes.

In a brief letter released late Tuesday assessment officials said the direct mail charity operation conducted at the Pallottines warehouse in the Camden Industrial Park does not fall under the exempt statutes of Maryland law.

The statutes exempt religious, educational or charitable organizations from paying property taxes. The Pallottines were exempted from paying taxes on 73 per cent of the warehouse in 1971.

Shortly after the exemption was granted, the fathers leased 50 per cent of the building to profit-making operations from which they realize about $[illegible],000 in annual rent.

"You should not have received the exemption as it was granted on the original application," the letter said. As a result, the Fathers were ordered to pay taxes for the current year and three previous years.

Louis A. DiStefano, chief of the city assessment office, said he had not determined the amount that must be paid. But city tax records indicate the fathers will have to pay $133,546 to the city and $4,713 to the state.

The order is to pay the back taxes by the end of February or face heavy penalties.

The fathers raise money for overseas missions, but the bulk of their funds appear to be channeled into business and real estate dealings.

A controversy over the Pallottines emerged after it was revealed that they unknowingly provided a $54,000 loan to help pay Gov. Marvin Mandels divorce settlement with his first wife.

After several business operations with politically powerful Marylanders were revealed, the Pallottines superiors ordered a freeze on any new fund-raising efforts.

An audit of the Pallottines affairs has been requested by Archbishop William D. Borders of Baltimore.

The U.S. Departmemt of Labor's Employment Standards Administration provides benefits to disabled federal employes and to longshoremen and harbor workers under workers' compensation laws.

Mandel needs more subway aid

ANNAPOLIS (UPI) Although final approval of the Baltimore subway apparently hinges on agreement by metropolitan leaders to fund operating deficits of the line, there is no indication that the system will get the needed endorsement.

In his State of the State message, Gov. Mandel requested $120.5 million to proceed with phase one of the subway.

The governor added that he is working with officials from Baltimore City and Anne Arundel and Baltimore Counties on a formula for local governments to contribute to the system.

Although Mandel did not say the final go-ahead depends on local acceptance of a cost-sharing plan, that point was emphasized by Transportation Secretary Harry R. Hughes.

"It's not a flat guarantee," Hughes said. "It is certainly predicated on getting the subdivisions' support."

Although details of Mandel's plan have not been released, published reports say the proposal calls for Baltimore to pay 60 per cent of the deficit with Baltimore County picking up 23 per cent and Anne Arundel County hit for 12 per cent.

General Assembly Republicans expressed worry about the state's ability to pay for the system as well as concern over subdivision willingness to support the line.

Medicaid cutback fight looms

(UPI) — A physicians' review organization charged with monitoring the care of Medicaid and Medicare patients in Baltimore's hospitals and nursing homes has promised to fight for the appeals of patients adversely affected by Medicaid cutbacks.

Dr. Carol J. Johns, chairman of the Baltimore City Professional Standards Review Organization, said "They can't make arbitrary rule that can be applied uniformly. There has to be an appeal mechanism for the individual patient."

* * *

Under federal law, the PSRO has the authority to determine the medical needs of care based on its own criteria.

Since Jan. 1, the state has trimmed seven major areas of service formerly available to Marylands 427,000 welfare recipients and medically indigent in an effort to cut back swelling Medicaid rolls and inflation-driven costs.

LUSAKA — The Zambian State Insurance Corporation is to take over from foreign insurance based in London the insurance of the country's copper exports with effect from Jan. 1. The managing director, Ellison Sinyokota, disclosed that under the new arrangements the corporation will issue a 100 per cent copper insurance policy to Memaco (Metal Marketing Company).

Philip Morris Research Team Discovers 'Enriched Flavor.'

MERIT taste secret found by isolating key flavor ingredients in cigarette smoke then adding them to tobacco.

In Richmond, Virginia, there's an eight-story building that houses the main Research Facility for Philip Morris.

Around the company they call it the Tower. It's here that pure research in tobacco yielded what might be the most significant smoking advance since the filter.

It's called 'Enriched Flavor.' It comes in the tobacco of a new kind of low tar cigarette.

MERIT.

Only 9 mg. of tar. Yet with *astonishing* flavor.

If you enjoy a full-flavor cigarette now—but would like to find a low tar smoke with a taste you can switch to and stick with—you'll be interested.

'Enriched Flavor' Succeeds Where Filters Fail

Like most other cigarette makers, Philip Morris had tried to design a special low tar filter that would somehow filter out tar but not taste.

Our results were almost predictable: the lower the tar, the lower the taste.

So we had our research scientists focus on the business end of smoking. The tobacco end.

What they accomplished was more than we ever expected.

They isolated the "key" flavor ingredients of tobacco as they exist in cigarette smoke.

By adding only those ingredients of extreme high quality as flavor producers, *yet low tar contributing as well*, we're now able to pack incredible flavor into MERIT without the usual increase in tar.

We call this discovery 'Enriched Flavor.' It's extra flavor. Natural flavor. Flavor that can't burn out, can't drop out, can't do anything but come through for you.

9 mg. tar, 0.7 mg. nicotine

MERIT and MERIT MENTHOL

Taste tests proved it.

Taste-Tested By People Like You

9 mg. tar MERIT was taste-tested against five current leading low tar cigarettes ranging from 11 mg. to 15 mg. tar.

Thousands of filter smokers were involved, smokers like yourself, tested at home.*

The results were conclusive.

Even if the cigarette tested had 60% more tar than MERIT, a significant majority of all smokers tested reported new 'Enriched Flavor' MERIT delivered more taste.

Repeat: delivered more taste.

In similar tests against 11 mg. to 15 mg. menthol brands, 9 mg. tar MERIT MENTHOL performed strongly too, delivering as much—*or more*—taste than the higher tar brands tested.

You've been smoking "low tar, good taste" claims long enough. Now you've got the cigarette.

MERIT with 'Enriched Flavor.' Surprising smoking pleasure at one of the lowest tar levels in smoking today—only 9 mg. tar.

From Philip Morris.

*American Institute of Consumer Opinion. Study available free on request.

9 mg. "tar," 0.7 mg. nicotine av. per cigarette by FTC Method.

Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous to Your Health.

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