



**STATE OF NEW JERSEY
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION ON CIVIL RIGHTS
OAL DOCKET NO. CRT 10486-07
DCR DOCKET NO. PH11HH-029109**

**JALIETH GUY AND J. FRANK
VESPA-PAPALEO, DIRECTOR,
DIVISION ON CIVIL RIGHTS,**

Complainants

v.

**SOUTHERN NEW JERSEY
TECHNICAL SCHOOL,**

Respondent.

**ADMINISTRATIVE ACTION
FINDINGS, DETERMINATION
AND ORDER**

APPEARANCES:

No one appeared on behalf of the respondent.

Leland McGee, Deputy Attorney General, prosecuting this matter on behalf of the New Jersey Division on Civil Rights (Anne Milgram, Attorney General of New Jersey, attorney).

Jalieth Guy, the complainant, appearing pro se.

BY THE DIRECTOR:

I. INTRODUCTION

This matter is before the Director of the New Jersey Division on Civil Rights (Division) pursuant to a verified complaint filed by the complainant, Jalieth Guy (Complainant), alleging that the respondent, Southern New Jersey Technical School (Respondent), unlawfully discriminated against her because of her disability, in violation of the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -49. On April 25, 2008, the Honorable Donald J. Stein, Administrative Law Judge (ALJ), issued an initial decision concluding that Respondent violated the LAD.¹ After

¹Hereinafter, "ID" shall refer to the ALJ's initial decision; "P" shall refer to Complainant's exhibits; and "C" shall refer to the Court's exhibits.

independently reviewing the evidence and the ALJ's decision, the Director adopts the ALJ's decision as modified herein.

II. PROCEDURAL HISTORY

On December 23, 2005, Complainant filed a verified complaint with the Division alleging that Respondent unlawfully discriminated against her based on her disabilities (dyslexia and attention deficit disorder). Specifically, Complainant alleged that Respondent's denial of a reasonable accommodation prevented her from attending classes in its licensed practical nursing program, and she was forced to withdraw from the school. Respondent filed an answer denying Complainant's allegations. Respondent maintained that it accommodated Complainant by providing her extra time to take tests.

The Division commenced an investigation and credited Complainant's allegations. Specifically, the investigation found sufficient evidence to conclude that Respondent failed to enter into an interactive process to determine whether any reasonable accommodations were available that would assist Complainant with her education and allow her to remain enrolled in Respondent's school. Respondent also was unable to demonstrate that it would have caused an undue hardship to accommodate Complainant by allowing her to tape classes or by providing her a tutor. Accordingly, the investigation concluded that there was sufficient evidence to support a reasonable suspicion that Respondent subjected Complainant to unlawful discrimination.

On March 27, 2007, the Division issued a finding of probable cause supporting Complainant's allegations of unlawful discrimination. Additionally, the Division amended the verified complaint to include the Director as a complainant. On December 12, 2007, the matter was transmitted to OAL for a hearing on the merits. On March 3, 2008, the ALJ sent the parties a letter advising them that an in-person pre-hearing conference was scheduled for March 11, 2008 (C-1). Dana Kearney, Respondent's Chief Executive Officer, responded by requesting an adjournment of the pre-hearing conference. By letter order issued on March 7, 2008, the ALJ denied

Respondent's request for an adjournment of the March 11, 2008 in-person conference and ordered that Ms. Kearney provide the names of the principals and owners of Respondent's corporation, as well as medical documentation concerning her inability to appear by March 10, 2008. The ALJ observed in his letter order that Respondent previously had been asked for this information but failed to provide it. Respondent was also notified that failure to appear could result in it being prevented from presenting any defenses to Complainant's claim (C-2). The substance of the ALJ's letter order was also communicated to Ms. Kearney by telephone on the same date (ID 2). Nevertheless, no documentation was received by the Court.

On March 11, 2008, Complainant and the Deputy Attorney General appeared for the conference, but Respondent failed to appear and Ms. Kearney did not provide an explanation for her failure to appear or comply with the ALJ's March 7, 2008 order. On March 17, 2008, the Deputy Attorney General filed a motion to strike Respondent's defenses as a result of its failure to comply with a court order and failure to appear. The Deputy Attorney General served a notice of motion together with supporting documents on Respondent (C-3). Under cover dated March 17, 2008, the ALJ also served Respondent the Deputy Attorney General's motion to strike, this time at Respondent's new address, and advised Ms. Kearney that the motion would be considered unopposed if she failed to file a reply. Respondent failed to file any opposition to the motion, and on April 7, 2008, the ALJ ordered that Respondent's defenses were stricken and suppressed. The ALJ further ordered that Complainant appear on April 18, 2008, to present any evidence and proof in support of her claim. The matter was rescheduled for hearing on April 25, 2008. All parties received notice of the scheduling change. On April 25, 2008, Respondent failed to appear and the hearing took place in its absence, and the record closed on that date. The ALJ issued his initial decision on April 28, 2008. The Director requested and was granted an extension of time for issuing his order, and the final determination in this matter is now due on July 28, 2008.

III. THE ALJ'S DECISION

The ALJ's Factual Findings

Based on Complainant's testimony and the documentary evidence submitted, the ALJ set forth his findings of fact at pages 3 to 4 of the initial decision. Those findings are briefly summarized as follows. On November 22, 2005, Complainant enrolled at Respondent's school for a one-year nursing program. The school is a place of public accommodation (ID 3). Complainant advised the Director of the school of her disability and provided medical reports that she was diagnosed with a reading disorder (dyslexia) and attention deficit disorder. The Director assured her that her disabilities could be accommodated (ID 3).

During her first two weeks of class, Complainant scored a 57 and 68 on her exams. Complainant testified that when she asked questions in class, the teacher thought she was either challenging her or "coming at her." The teacher also told the entire class that Complainant scored a 57 on her exam, and that it was not the teacher's fault that Complainant was having trouble (ID 4). After the second test, Complainant's instructor called a meeting to discuss Complainant's disability. During that meeting, the instructor offered her additional time for test taking. Complainant stated, however, that extra time would not help and that she needed to tape the class to understand what was being taught. The teacher refused to allow her to tape the class and stated that she could not accommodate her beyond providing extra time. She further told Complainant that she should go to another school. After the meeting, Complainant asked the Director if she could be transferred to the school in Mt. Holly, but her request was denied. Subsequently, Complainant withdrew from the school (ID 4).

The ALJ found Complainant was a credible witness and since Respondent elected not to participate in the hearing, and no facts were offered to contradict her testimony, her testimony was undisputed and found as fact (ID 4).

The ALJ's Legal Analysis

The ALJ concluded that Respondent unlawfully discriminated against Complainant. The

ALJ first found that Complainant met the LAD's definition of a "disabled" person in that the statute protects individuals suffering from a "physical disability, infirmity ... caused by illness, or from any mental, psychological, or developmental disability ... which prevents the normal exercise of any bodily or mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques. (ID 5, citing N.J.S.A. 10:5-5(q)).

The ALJ additionally found that Respondent was aware of Complainant's disabilities and the problems she was having in class. Thus, the ALJ determined that Complainant sustained the burden of proving that she had a condition for which an accommodation should have been provided, and Respondent had an obligation under the law to initiate the process of attempting to find a solution (ID 5).

The ALJ determined that Complainant's LAD claims were governed by the standards set forth by the Appellate Division of the Superior Court of New Jersey in employment settings. Therefore, where both parties are faced with the question of reasonable accommodation, they have an obligation to engage in a good faith interactive process whereby information is exchanged that enables them to fully consider whether reasonable accommodation is available. See, e.g., Tynan v. Vicinage 13 of the Superior Court of New Jersey, 351 N.J. Super. 385, 400 (App. Div. 2002).

In this instance, the need for the accommodation arose as a result of Complainant's low grades on her first two exams in November 2005. Respondent acknowledged her disabilities and her need for accommodation. However, her request for accommodation by taping classes was denied, and she was told that she should attend a different school (ID 5). Based on these facts, the ALJ concluded that Respondent failed to engage fully in the interactive process. In addition, the ALJ determined that Respondent did not satisfy its burden of demonstrating that allowing Complainant to tape classes would have caused it an undue burden. Accordingly, the ALJ determined that Respondent failed to accommodate Complainant in violation of the LAD. The ALJ awarded Complainant a refund of her tuition in the amount of \$2,460.20 plus interest. Additionally,

the ALJ awarded Complainant damages for emotional distress in the amount of \$5,000.00.

IV. THE DIRECTOR'S DECISION

Conduct of the Hearing

The New Jersey Legislature has authorized the OAL to develop and administer “uniform standards, rules of evidence and procedures... to regulate the conduct of contested cases and the rendering of administrative adjudications.” N.J.S.A. 52:14F-5(e),(g); See also In Re Uniform Administrative Procedure Rules, 90 N.J. 85 (1982); In Re Shelton College, 109 N.J. Super. 488 (App. Div. 1970). By virtue of the OAL’s enabling legislation, N.J.S.A. 52:14F-1 to -13, an administrative law judge enjoys certain powers designed to facilitate the expeditious and just resolution of contested cases. See generally N.J.A.C. 1:1-14.1 to -14.14. The Supreme Court has upheld rules promulgated by the OAL that are essential to the proper conduct of administrative hearings in contested cases. In re Uniform Administrative Procedures, *supra*, 90 N.J. at 106. Such rules necessarily involve empowering judges to control the conduct of the proceedings by setting reasonable time schedules, and imposing sanctions for a party’s non-compliance. *Ibid*. Thus, an administrative law judge may impose certain sanctions for a party’s unreasonable failure to comply with any order or appear at any scheduled proceeding. N.J.A.C. 1:1-14.6 (j).

In this case, Respondent (or a representative) failed to appear at a scheduled pre-hearing conference and two scheduled hearings.² Respondent received appropriate notice in all instances, but refused to provide any explanation to the ALJ for its failure to appear. The Uniform Administrative Procedure Rules (Rules) provide that if, after appropriate notice, neither a party nor a representative appears at any proceeding scheduled by the Clerk or judge and no explanation is provided by the non-appearing party, the judge may order the

²In his ID, the ALJ states that Dana Kearney was also not available for a pre-hearing conference scheduled for February 20, 2008 (ID 2). A March 3, 2008 letter issued by the ALJ suggests that it was Complainant who was unable to participate that day (C-1).

Clerk to return the matter to the transmitting agency for appropriate disposition. N.J.A.C. 1:1-14.4 (a). If the appearing party requires an initial decision on the merits, however, the party may request permission to present *ex parte* proofs and the judge may enter an initial decision on the merits based on those *ex parte* proofs. N.J.A.C. 1:1-14.4 (d). When the Deputy Attorney General filed a motion to strike Respondent's defenses, he in effect requested the ALJ to enter an initial decision on the merits based on Complainant's *ex parte* proofs. Because Respondent failed to appear at several scheduled proceedings despite being given appropriate notice, and because Respondent failed to provide any explanation for its non-appearance, the Director concludes that the ALJ properly entered an initial decision on the merits based on Complainant's *ex parte* proofs.

The Director's Findings of Fact

The ALJ heard Complainant's testimony, and rendered findings of fact based on that testimony. Generally, the Director must give substantial weight to the ALJ's credibility determinations and to all findings based on these determinations since it was the ALJ who had an opportunity to hear the testimony of the witnesses and to assess their demeanor. See Clowes v. Terminix International, Inc., 109 N.J. 575, 587(1988); Renan Realty Corp. v. Dept. of Community Affairs, 182 N.J. Super. 415, 419 (App. Div. 1981). An agency head may reject or modify factual findings based on credibility of lay witnesses only upon a showing that the specific findings of the ALJ were arbitrary, capricious or unreasonable, or are not supported by sufficient, competent and credible evidence in the record. N.J.A.C. 1:1-18.6(c); N.J.S.A. 52:14B-10.

Moreover, where a party disputes the ALJ's findings based on witness testimony, it is that party's responsibility to provide the agency head with the specific portions of the

hearing transcript relating to each disputed fact, identifying those portions which support alternate or additional factual findings. Matter of Morrison, 216 N.J. Super. 143, 157-58 (App. Div. 1987). Respondent has failed to file exceptions in this matter, and the Director finds no basis in the record for rejecting the ALJ's credibility determinations or the factual findings based on those determinations. Accordingly, the Director adopts the ALJ's factual findings as set forth in the initial decision and as summarized above.

The Director's Legal Analysis

The LAD prohibits discrimination against people with disabilities in places of public accommodation. N.J.S.A. 10:5-12 (f). The LAD's definition of "disability" includes "any mental, psychological or developmental disability resulting from anatomical, psychological, physiological or neurological conditions which prevents the normal exercise of any bodily or mental functions, or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques. N.J.S.A. 10:5-5 (q). Further, the LAD defines "public accommodation" to include "any kindergarten, primary and secondary school, trade or business school, high school, academy, college and university, or any educational institution under the supervision of the State Board of Education, or the Commissioner of Education of the State of New Jersey. N.J.S.A. 10:5-5(l). See also N.J.A.C. 13:13-4.3(a). Therefore, the record clearly supports the ALJ's conclusion that Complainant is a person with a disability and that Respondent is a place of public accommodation as defined by the LAD.

The LAD generally makes it unlawful for any place of public accommodation, either directly or indirectly, to refuse, withhold from, or deny an individual with a disability access to any of the services, privileges, or advantages thereof on the basis of that person's

disability. N.J.S.A. 10:5-12(f); See also N.J.A.C. 13:13-4.3(a). Regulations promulgated under the LAD place certain requirements on those places of public accommodation which offer examinations or courses related to applications, licensing, certification or credentialing for secondary or post-secondary education, professional or trade purposes. These facilities must ensure that when an examination is selected and administered to a person with a disability that impairs sensory, manual or speaking skills, the examination results accurately reflect the individual's aptitude or achievement level, or whatever other factor the examination purports to measure, rather than reflecting the individual's impaired sensory, manual or speaking skills. N.J.A.C. 13:13-4.2, N.J.A.C. 13:13-4.5.

Moreover, the LAD requires a place of public accommodation to make "reasonable accommodations to the limitations of a patron with a disability" unless the owner, employee, or agent of the public accommodation can show that such accommodations would impose an undue burden on its operation. N.J.A.C. 13:13-4.11(a). Such reasonable accommodations may include reasonable modifications in policies, practices, or procedures as may be required to afford the services, privileges, or advantages of the public accommodation to the person with a disability. Ibid.

Similar to employment discrimination cases, an informal interactive process must be initiated to determine what accommodation is necessary and appropriate. The interactive process is crucial because each party normally holds relevant information that the other party does not have, and the exchange of such information will ensure that the employer's assessment of potential accommodations is complete and, consequently, reasonable. See, e.g., Taylor v. Phoenixville School District, 184 F.3d 296, 317 (3rd Cir. 1999). This process must identify the potential reasonable accommodations that could be

adopted to overcome the individual's precise limitations resulting from the disability. Thus, once a person with a disability has requested assistance, the public accommodation must make a reasonable effort to determine the appropriate accommodation. Tynan v. Vincage 13 of the Superior Court of New Jersey, 351 N.J. Super 385 (App. Div. 2002).

The Appellate Division has articulated standards for evaluating a claim that a covered entity violated the reasonable accommodation requirements of the LAD by failing to engage in a good faith interactive process. Tynan v. Vicinage 13, supra 400-401; Jones v. Aluminum Shapes, Inc., 333 N.J. Super. 412 (App. Div. 2001). To prevail in such a claim, a plaintiff must show that “(1) the [public accommodation] knew about [the patron's] disability; (2) the [patron] requested accommodation or assistance for his or her disability; (3) the [public accommodation] did not make a good faith effort to assist the [patron] in seeking accommodation; and (4) the [patron] could have been reasonably accommodated but for the [public accommodation's] lack of good faith.” Jones v. Aluminum Shapes, Inc., supra, 339 N.J. Super. at 423, citing Taylor v. Phoenixville School District, supra, 184 F.3d at 319-320.

Applying these standards to the facts of this case, the Director concludes that Respondent failed to engage in a good faith interactive process required by the LAD. The record establishes that Complainant provided Respondent with medical documentation of her reading disorder (dyslexia) and attention deficit order, and was assured by the school's Director that her disabilities could be accommodated. (ID 3-4, P-1). During her first two weeks of class, Complainant performed poorly on two examinations, which prompted her instructor to meet with her to discuss her disabilities (ID 4). Complainant was offered additional time for test taking but advised the instructor that extra time would not help, and

that she needed to tape the class to understand what was being taught. Without providing any explanation or follow up, this request was unilaterally refused. Complainant then requested to be transferred to another school. This request was rejected as well. Complainant's uncontested testimony established that Respondent refused to accommodate Complainant's disability and offer alternate arrangements (i.e., taping classes, providing a tutor) that would have allowed her to remain enrolled in its school. Therefore, the Director concludes that Complainant has established each element of the test set forth in Jones v. Aluminum Shapes, Inc., supra, and Respondent has provided no evidence to rebut her prima facie case. Accordingly, the record establishes that Respondent failed to engage in a good faith interactive process to seek an accommodation of Complainant's disability, and has violated the LAD.

The Director also concludes that Respondent has failed to satisfy its burden to prove that the accommodations sought by Complainant would present an undue burden. The Director first finds that Respondent was obligated as a place of public accommodation to make reasonable modifications to its policies and practices to ensure that people with disabilities have access to advantages made available to the general public. An accommodation is considered reasonable unless the place of public accommodation can prove that such accommodation would unduly burden its business. Accordingly, Respondent was obligated to provide a tutor or offer Complainant the opportunity to tape classes in order to understand what was being taught unless it could show that such accommodations would have caused it an undue burden. N.J.A.C. 13:13-4.11(a). Respondent failed to present any evidence that these accommodations would impose an undue burden and, therefore, unlawfully failed to provide a reasonable accommodation for

Complainant's disabilities. Accordingly, the Director adopts the ALJ's decision that Respondent unlawfully discriminated against Complainant based upon her disabilities in violation of the LAD.

V. REMEDIES

The LAD authorizes the Director to make a victim of discrimination whole through a variety of remedies, which include reimbursement of economic losses suffered as a result of discrimination, and compensation for emotional suffering. N.J.S.A. 10:5-17; Gimello v. Agency Rent-A-Car Sys., 250 N.J. Super. 338, 367 (App. Div. 1991). In this instance, the record supports an award of tuition reimbursement, attorney's fees, and damages for pain and humiliation.

A. Tuition Reimbursement

The Director can award incidental monetary relief in the form of compensatory damages. Hernandez v. Region Nine Housing Corp., 146 N.J. 645 (1996), citing to Jackson v. Concord Co., 54 N.J. 113, 124-25 (54 N.J. 113). In this case, the basic purpose of awarding tuition reimbursement is to make the victim of discrimination whole by compensating her for the economic loss she suffered. See Goodman v. London Metals Exch., Inc., 86 N.J. 19, 35 (1981). Complainant had paid \$2,460.20 in tuition as of February 22, 2009, (P-3), but had to leave the school without finishing the nursing program because of Respondent's failure to accommodate her disability. The Director concludes that Complainant should be awarded \$2,460.20 plus interest as a refund of her tuition (P-3). The Director has computed interest on the tuition reimbursement in accordance with the Rules Governing the Courts of New Jersey (R. 4:42-11). Accordingly, the interest owed on Complainant's tuition reimbursement equals \$186.39, and the entire damage award

relative to tuition equals \$2,646.59.

B. Emotional Distress Damages

It is well established that a victim of unlawful discrimination under the LAD is entitled to recover non-economic losses such as mental anguish or emotional distress proximately related to unlawful discrimination. Anderson v. Exxon Co., 89 N.J. 483, 502-503 (1982); Director, Div. on Civil Rights v. Slumber, Inc., 166 N.J. Super. 95 (App. Div. 1979), mod. on other grounds, 82 N.J. 412 (1980); Zahorian v. Russell Fitt Real Estate Agency, 62 N.J. 399 (1973). Such awards are within the Director's discretion because they further the LAD's objective to make the complainant whole. Andersen, supra, 89 N.J. at 502; Goodman, supra, 86 N.J. at 35. As provided in a recent amendment to the LAD, emotional distress damages are available in LAD actions filed with the Division to the same extent as in common law tort actions. N.J.S.A. 10:5-17.

A victim of discrimination is entitled, at a minimum, to a threshold pain and humiliation award for enduring the "indignity" which may be presumed to be the "natural and proximate" result of discrimination. Gray v. Serruto Builders, Inc., 110 N.J. Super. 297, 312-313, 317 (Ch. Div. 1970). Thus, pain and humiliation awards are not limited to instances where the complainant sought medical treatment or exhibited severe manifestations. Id. at 318. Here, the ALJ found that Complainant was frustrated and humiliated by Respondent's treatment (ID 4). The Director concludes that an award of \$15,000.00 in emotional distress damages to Complainant is appropriate in this case.

C. Penalties

In addition to any other remedies, the LAD provides that the Director shall impose

a penalty payable to the State Treasury against any respondent who violates these statutes. N.J.S.A. 10:5-14.1a. The maximum penalty for a first violation of the LAD is \$10,000. Ibid. Under the circumstances of this case, the Director concludes that an assessment of a statutory penalty of \$10,000 is also appropriate.

D. Counsel Fees

A prevailing party in a LAD action may be awarded “a reasonable attorney’s fee.” N.J.S.A. 10:5-27.1. See, also, Rendine v. Pantzer, 141 N.J. 292 (1995). Where, as here, Complainant’s case was prosecuted by the attorney for the Division, counsel fees and costs may be assessed against Respondent. N.J.S.A. 10:5-27.1. The Director concludes that it is appropriate to make an award of attorney’s fees in this case.

The New Jersey Supreme Court has determined that the starting point for calculating a reasonable attorney’s fee is computation of the “lodestar,” which is derived by multiplying the number of hours reasonably expended on the litigation by a reasonable hourly rate. Rendine v. Pantzer, supra, 141 N.J. at 334-35. DAG Leland S. McGee, who prosecuted this matter, submitted an application for \$8,627.50 in counsel fees. His application was supported by his own certification of the time expended for specific legal services in this matter, from February 21, 2008 through April 25, 2008. To be compensable, a certification of services must be sufficiently detailed to allow meaningful review and scrutiny. Rendine v. Pantzer, 141 N.J. at 335. In this case, the DAG has submitted sufficiently detailed billing summaries showing the hours expended and services rendered, commencing with DAG McGee receiving the case for hearing. After careful review, the Director finds that the hours expended (49.3) are reasonable and necessary in light of both the nature of the litigation and the results achieved.

In addition, the fee application was supported by a July 21, 2005 memorandum from the Acting Director of the Division of Law, establishing uniform hourly rates of compensation for DAsG to be used for fee applications, based on their years of legal experience. Counsel requests \$175 per hour for his work in prosecuting this matter, based on his years of experience. The Director finds this hourly rate to be reasonable, as it is less than the prevailing rates in the relevant community for attorneys of comparable skill and experience. Id. at 337. Therefore, the Director awards \$8627.50 in attorney's fees to the prevailing complainant.

VI. CONCLUSION AND ORDER

Based on all of the above, the Director concludes that Respondent subjected Complainant to unlawful discrimination in violation of the LAD. Therefore, the Director orders as follows:

1. Respondent and its agents, employees and assigns shall cease and desist from doing any act prohibited by the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 to -49.

2. Within 45 days from the date of this order, Respondent shall forward to the Division a certified check payable to Complainant in the amount of \$2,646.59 as a refund of her tuition plus interest.

3. Within 45 days from the date of this order, Respondent shall forward to the Division a certified check payable to Complainant in the amount of \$15,000.00 as compensation for her pain and humiliation.

4. Within 45 days from the date of this order, Respondent shall forward to the Division a certified check payable to "Treasurer, State of New Jersey," in the amount of

\$10,000.00 as a statutory penalty.

5. Within 45 days from the date of this order, Respondent shall forward to the Division a certified check payable to "Treasurer, State of New Jersey," in the amount of \$8,627.50 as attorney's fees.

6. The penalty and all payments to be made by Respondent under this order shall be forwarded to Robert Siconolfi, New Jersey Division on Civil Rights, 31 Clinton Street, P.O. Box 46001, Newark, New Jersey 07102.

7. Any late payments will be subject to post-judgment interest calculated as prescribed by the Rules Governing the Courts of New Jersey, from the due date until such time payment is received by the Division.

DATE: June 17, 2008

J. FRANK VESPA-PAPALEO, ESQ.
DIRECTOR
NEW JERSEY DIVISION ON CIVIL RIGHTS

