

POSITION PAPER

“Blacks In Government: Legal Representation vs. Advocacy”

Blacks In Government (BIG) is established to be an advocate of equal opportunity for Blacks in government while providing a nonpartisan platform on major issues of local, regional and national significance that affects Blacks in government. (Article II, BIG Bylaws and Constitution - 1 January 2006)

How, then, does BIG perform its advocacy role for equal opportunity? Through the National First, Second & Third Vice-Presidents, Legislative Review, Legal Review and Affirmative Employment/Equal Employment Opportunity (AE/EEO) committees, BIG leadership accomplishes the following in an advocacy support status, rather than legal representation or advisory status:

a. The National Vice-Presidents serve as focal points for coordinating programs and activities relating to federal, state and local governments. The service provided is advocacy in nature, with active support; however, the advocacy role is not as legal representatives or legal advisors. BIG is not involved in the practice of law.

b. The Legislative Review Committee reviews and analyzes all proposed and existing legislation and major employment program policy changes to determine possible uni-directional impacts on Black government employees. Although BIG may be an advocate for or against certain legislative or employment program initiatives on behalf of its membership, BIG does not legally represent individual BIG members or provide legal or advisory opinions because BIG is not involved in the practice of law.

c. The Legal Review Committee reviews legal decisions involving policy interpretations affecting Black government employees and develops strategies to define the organization's legal disposition and direction. The Attorney Assistance (AAP) and Attorney Referral Programs are administered under the realm of this committee. Although BIG may provide AAP grants to eligible members, subject to funds availability, the service is active support as an advocate for

civil rights and BIG provides no legal representation or endorsement of attorneys referred under its Attorney Referral program. BIG is not in the business of practicing law.

d. The AE/EEO Committee monitors and develops programs to address areas of concern of Black government employees including rates of hiring and firing; adverse actions; awards; promotions; training; details; distribution of authority and responsibility; merit pay and disciplinary actions. The committee also monitors all issues/matters referring to affirmative action and assists in developing BIG's position on any legislation or regulations impacting on advancement and employment opportunities of Blacks in government. In its advocacy capacity, BIG provides active support by aiding the cause or policy or interests of its membership through monitoring and speaking out. BIG does not personally represent its members because the organization's objective does not include managing the affairs of another (personal representative) or practicing law (legal representation).

The BIG National President guides the implementation of policies supporting equal opportunity that have been approved by the National Board of Directors which affect BIG membership. The President also makes recommendations to the Board of Directors for changes in policies and procedures. The President, however, does not provide personal or legal representation to the BIG membership. In the absence of the President, the Executive Vice-President guides the implementation of policies and procedures approved by the Board of Directors and is subject to all restrictions placed upon the President.

Ida Tyree Hyche, J.D.

National Chair, Legal Review