

U.S. COMMISSION ON CIVIL RIGHTS

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COMMISSION MEETING

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FRIDAY

OCTOBER 11, 2002

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JACKSON, MISSISSIPPI

The Commission convened at 9:30 a.m., in the Diplomat Room, Hilton Hotel, 1001 East County Line Road, Jackson, Mississippi, Chairperson Mary Frances Berry, presiding.

Present:

MARY FRANCES BERRY, CHAIRPERSON  
CRUZ REYNOSO, VICE CHAIRPERSON  
ELSIE M. MEEKS, COMMISSIONER

LESLIE R. JIN, STAFF DIRECTOR

Staff Present:

KIMBERLEY ALTON  
DEBRA CARR, DEPUTY GENERAL COUNSEL  
JOANN DANIELS  
IVY DAVIS  
PAMELA DUNSTON  
SHELDON FULLER  
MELVIN JENKINS  
FARELLA ROBINSON  
CORRINE SANDERS  
ALEX SUN  
AUDREY WRIGHT

Commissioner Assistants Present:

LAURA BATIE  
PATRICK DUFFY  
JOY FREEMAN

CCR  
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Meet.  
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A-G-E-N-D-A

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BY

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P-R-O-C-E-E-D-I-N-G-S

9:35 a.m.

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CHAIRPERSON BERRY: This meeting will come to order.

Today, during this meeting of the United States Commission on Civil Rights, we will not take any official votes because we do not have at present a quorum. Mr. Edley is ill today.

Well, we will proceed with the agenda of the meeting and have the discussion before we go on to the SAC presentations.

The first item on the agenda is the approval of the agenda. And I would just ask if anyone here has anything that they would like to add to the items that are listed? Hearing, none.

Then we will go on to the minutes of the July 19 meeting and the September 13, 2002 discussion that we had in Wilmington. Did anybody see anything that needed to be changed or added in those? Hearing none.

Then the next item is the announcements, and there are a series of announcements to make.

First of all, we are obviously pleased to be here in Jackson, Mississippi. We had a great time yesterday at the SAC, State Advisory Committee,

1 meeting and forum on the issue of whether there should  
2 be a state human rights agency in Mississippi.

3 This is an issue that we have visited on  
4 several occasions, and when we were here before,  
5 Melvin Jenkins and I went over to see then Governor  
6 Fordice about this issue of a human rights agency in  
7 the state. And still there isn't one.

8 And yesterday and Wednesday the State  
9 Advisory Committee put together this wonderful forum  
10 to make a very comprehensive record of participants.  
11 Very impressive people from the Governor and the  
12 advocacy groups and the like to talk about the need  
13 for a human rights agency.

14 Also, the Vice Chair and I went over and  
15 met with the Governor, the present Governor, to  
16 reenforce the State Advisory Committee's concerns and  
17 the concerns of the people in this state that there be  
18 some type of human rights agency. So we have high  
19 hopes that perhaps this time as a result of the hard  
20 work of the SAC, this may happen.

21 The other thing that I wanted to announce  
22 is that next month's Commission's meeting, the meeting  
23 of this Commission, will be held in conjunction with  
24 our State Advisory Committee in California. So we are  
25 going to San Diego, California on November the 15th

1 for our meeting, and will be there on Thursday for a  
2 forum on issues having to do with people who are  
3 crossing the borders who are from Mexico and who have  
4 died in the desert coming across the border there.  
5 This is a major issue out there, Immigration in San  
6 Diego.

7 The other thing is that the Commission, of  
8 course, Mr. Staff Director, you're operating under a  
9 continuing resolution?

10 STAFF DIRECTOR JIN: That's correct, madam  
11 Chair.

12 CHAIRPERSON BERRY: Yes. And that's not  
13 unusual, is it?

14 STAFF DIRECTOR JIN: No, it's not. It's  
15 become more common than it is unusual at this point.

16 CHAIRPERSON BERRY: All right. It used to  
17 be the first time I remember years ago when we had a  
18 continuing resolution and no budget, everybody was all  
19 concerned and upset and people spent days trying to  
20 figure out what to do under a continuing resolution.

21 Did it mean the agencies were closed or  
22 what. But then, you know, that dissipated because it  
23 became routine. And then in the Clinton years we had  
24 that government close-down thing, which was unusual.

25 But continuing resolutions happen, of

1 course, when Congress doesn't appropriate for the  
2 agencies. And it hasn't appropriated for any of the  
3 departments and agencies that I recall. Isn't that  
4 correct?

5 STAFF DIRECTOR JIN: Yes, that's correct.

6 CHAIRPERSON BERRY: No appropriations  
7 bill. So we just continue to operate as we have. And  
8 we think there'll be another one, another continuing  
9 resolution before they go home, I'm sure, before that  
10 happens.

11 The other thing is that this month from  
12 September 15th to October 15<sup>th</sup>, is Hispanic Heritage  
13 Month. And we issued a press release concerning this,  
14 and the Commission is going to have a guest speaker  
15 Charles Kamasaki, the Senior Vice President for LaRaza  
16 speaking at the Commission on the issue of Hispanics  
17 in the United States.

18 According to the Census, which is probably  
19 inaccurate, there are 35.3 million Hispanic Americans  
20 in the United States and something like 12.5 percent  
21 of the population, which does not include those in  
22 Puerto Rico. And more than one in ten U.S. residents  
23 say that they speak Spanish at home in addition to  
24 speaking it elsewhere.

25 The Commission also acknowledges that

1 during the month of October we have disability  
2 awareness month this month. More than 54 million  
3 Americans are accounted for and counted as having  
4 disabilities of some kind. And, in fact, I would  
5 maintain that probably all of us are TABs, because  
6 we're all temporarily able bodied and grateful for it.

7 And since the passage of the Americans  
8 With Disabilities Act, ADA, we've made great progress  
9 in this country on access issues. But we know in this  
10 Commission that there are significant challenges and  
11 barriers whether it's in education or transportation,  
12 or housing, jobs as a major issue in this country.

13 So on Thursday, October 17th there will be  
14 a program at the Commission on disability awareness  
15 with Deputy Chief of the Disability Rights Section in  
16 the Department of Justice speaking.

17 The other thing is to point out that there  
18 has been an agreement in the Congress on national  
19 election reform. This Commission has worked very hard  
20 on the issue of election reform beginning with our  
21 hearings in Florida after the 2000 election.

22 We testified in the Senate in Senator  
23 Christopher Dodds' committee on the election reform  
24 bill and supplied a great deal of information to them.  
25 And the staff has been working with people on the

1 Hill, especially on the Senate side, as we go forward  
2 with this.

3 So we're pleased that there has been an  
4 agreement and that the Commission played a role in  
5 trying to make this come to pass. And the Florida  
6 primary that just took place recently, which we had  
7 predicated after being down there in June would be a  
8 disaster, turned out to be a disaster. And we're not  
9 happy about that, but it did, which gave more impetus  
10 to passing a bill.

11 A bill will pass, we're told, and it has  
12 lots of good provisions in it, but it has some in it  
13 that we don't much like and we're still hopeful that  
14 they will be taken out. Some of the identification  
15 procedures are put in such a way that they're not  
16 flexible and they will discourage minority voters.

17 And also the anti-fraud provisions sound  
18 good, the label sounds good, because nobody's in favor  
19 of fraud. But the provisions are written in such a way  
20 that people could be ensnared in the provisions for  
21 trying to help others to figure out how to vote and  
22 other things. And this would mean that legal defense  
23 funds like MALDEF would be out there trying to defend  
24 people from fraud charges unnecessarily brought.

25 So there needs to be some tightening and



1 some changes in these provisions, which I hope will  
2 happen before the bill is passed. But, by in large,  
3 there needs to be election reform and there are a lot  
4 of things in this bill that are very good.

5 Before we came down here, we know that in  
6 Mississippi this is the season when James Meredith  
7 first became the first Afro-American student to enroll  
8 at Old Miss. And whenever people tell me that change  
9 has not occurred in the United States in the area of  
10 civil rights or because of the civil rights movement,  
11 anybody who looks around.

12 Mississippi is not the same as Mississippi  
13 was before the civil rights movement, and the country  
14 is not. I mean, Mississippi is not what it should be,  
15 I think, as the country's not what it should be but it  
16 certainly is not what it was before then.

17 And all the blood and sacrifice that  
18 people put forth in order to get the changes; while we  
19 work to make even greater changes, we have to  
20 acknowledge that and acknowledge what they did.  
21 Because that is a very important part of the history  
22 of this country, not just of black people but of  
23 everybody in the United States.

24 The only other one that I will mention,  
25 there are lots of civil rights landmarks that we could

1 talk about, I'll mention two of them.

2 One is that October 12, 1998 was when  
3 Matthew Wayne Sheppard, a 21 year old University of  
4 Wyoming student was brutally beaten and tied to a  
5 fence in Wyoming and killed because he was gay. And  
6 his death which led to protests about this unfairness  
7 and about hate crimes; led to the effort to try to get  
8 a hate crimes law passed in the Senate in the United  
9 States, in the House and the Senate.

10 It hasn't happened yet. There's been a lot  
11 of opposition to it from people who don't see the  
12 difference between a crime that is done to a person  
13 because of their status which they can't do anything  
14 about as opposed to a crime that is done for other  
15 reasons and then seek relief for punishment.

16 But this is the season to acknowledge that  
17 among all the horrific things that have happened, and  
18 this was one, and we still have a long way to go in  
19 trying to get protection rights for people who are  
20 discriminated against because of sexual orientation.

21 And finally, it was on October 5, 1877,  
22 declaring I will fight no more forever after  
23 retreating about 1500 miles, that Chief Joseph  
24 surrendered to the United States forces in Montana.

25 This whole episode including what was

1 called the Beef Treaty, is just another example of  
2 that part of our history which has to do with the way  
3 we have treated Native Americans and Indians, which is  
4 something else that this country has been trying to  
5 remedy and respond to that history for so long.

6 And so I just wanted to point those things  
7 out and the things that we should acknowledge as part  
8 of our history.

9 Is there anybody else who would like to  
10 announce anything or anything else you can think of?  
11 Okay. All right.

12 Then we have the Staff Director's report.  
13 Staff Director, do you have anything you want to say  
14 or are there any questions on the Staff Director's  
15 report from anybody?

16 I just wanted to ask you how close the  
17 staff is winding up the crossing borders report?

18 STAFF DIRECTOR JIN: The staff is getting  
19 very close, Madam Chair. I think that very shortly  
20 that should be finished.

21 CHAIRPERSON BERRY: Okay. All right.

22 Does anybody else have anything else on  
23 the Staff Director's Report? Yes?

24 COMMISSIONER MEEKS: Well, the only thing  
25 I would add is under the South Dakota Staff Director's

1 report, because we held that forum in South Dakota in  
2 '99, I believe it was, and one -- it's the  
3 administration of justice for native Americans in  
4 South Dakota.

5 And one of the recommendations was that  
6 because the federal sentencing guidelines effected  
7 Native Americans so greatly because most reservations  
8 are under federal jurisdiction that out of the  
9 recommendations was the Federal Sentencing Commission  
10 did in fact form an advisory council to look at those  
11 issues and how they effect Native Americans.

12 And that report is being done now. We've  
13 been meeting and I think there's some really  
14 interesting things that are showing up in that report  
15 that does, in fact, show that it's very adversely  
16 effecting Native Americans.

17 CHAIRPERSON BERRY: And when will that  
18 report be?

19 COMMISSIONER MEEKS: It will be out in May  
20 -- March of 2003.

21 VICE CHAIR REYNOSO: And, Madam Chair,  
22 could we have an update if the staff knows what's  
23 happening with the debate on homeland security, and  
24 particularly our suggestion that there be a special  
25 provision, an office within that, to protect the civil

1 rights of Americans. What's happening in that regard,  
2 do you know?

3 CHAIRPERSON BERRY: Yes, does anybody know  
4 what's happening in the homeland security debate.  
5 Have they decided not to put a civil rights office in  
6 it or --

7 STAFF DIRECTOR JIN: Madam Chair, I think  
8 there is still ongoing discussion, debate. There  
9 hasn't been a decision to do anything specific or to  
10 not do anything specific. It appears that at this  
11 time the main discussion is in the Senate bill, the  
12 proposal, is a deputy inspector general.

13 And I think that's the focus at this  
14 point. But, frankly, I think that most of the  
15 discussion in terms of the Homeland Security Bill  
16 where there's controversy, it has to do with the issue  
17 of civil service protections and in the homeland  
18 security.

19 So, I can't honestly say that it seems  
20 like the debate on civil rights is taking as much of a  
21 precedence and getting as much attention as I think we  
22 think it deserves and should have.

23 CHAIRPERSON BERRY: So it's not clear  
24 whether there will be a civil rights officer in the  
25 department. All of the federal agencies, as we've

1 pointed out in our recommendation to the Congress,  
2 that have programs where it would be appropriate to  
3 have a civil rights office, have civil rights offices  
4 so that people could have complaints.

5 And all the employees that work in all of  
6 the federal agencies have civil rights offices in  
7 their agencies where they can file complaints. So it  
8 doesn't make sense to create this huge department and  
9 put all of those employees together and not to have  
10 any kind of EEO or civil rights or any kind of office  
11 both for people outside who want to complain and the  
12 people who are inside. It just seemed to us like it  
13 was a no-brainer. But this thing has lost traction.

14 I think I read in somebody's newspaper  
15 this morning that the bill probably isn't going to  
16 pass before the break because some Republicans refuse  
17 to agree to anything unless the union, the provisions  
18 about union protection are taken out. So you're right  
19 that the debate isn't so much about the civil rights  
20 aspect. It's sort of gotten, in away it's below the  
21 radar screen or it's down a little bit further below.

22 We see it and there's been some press about it.

23 So we'll just have to see, but we'll just  
24 have to keep working to try to get a civil rights  
25 office there or some kind of function. And if it

1 doesn't happen, then we'll have to see if it can be  
2 added once the bill is passed, if it is passed.

3 Okay. I wanted to say about the South  
4 Dakota sentencing commission and about the hearing we  
5 had in South Dakota on the issues of administration of  
6 justice.

7 I was at a meeting of one of the civil  
8 rights organizations the other night, a big meeting of  
9 their big donors and they invited me to speak to them  
10 to urge them, I guess, to give more money to the civil  
11 rights organization, I guess. I didn't ask them that,  
12 but I guess they could have figured it out.

13 And in the Q&A, one of the guys got up and  
14 he was from Nebraska. And he knew all about the  
15 hearing that we had there and talked about what a  
16 wonderful thing he had thought it was, and how ashamed  
17 he was of that town in Nebraska right on the border,  
18 the name of which I've forgotten.

19 COMMISSIONER MEEKS: I think White Clay.

20 CHAIRPERSON BERRY: What's the name of it?

21 COMMISSIONER MEEKS: White Clay.

22 CHAIRPERSON BERRY: White Clay where they  
23 had all these liquor stores and establishments selling  
24 liquor. And he wanted to know what had happened as a  
25 result. And I told him about the study that was

1 supposed to be done and about the Sentencing  
2 Commission. And he said he was going to follow up on  
3 it. So it's still on people's minds even in Nebraska.

4 Okay. Anybody else have anything else for  
5 the Staff Director's Report?

6 Now we have the budget estimate to OMB,  
7 which we're just reserving here until such time as we  
8 need to vote on it. We've already discussed it, so  
9 it's there.

10 And then the State Advisory Committee  
11 Appoints for Arkansas, Georgia, Illinois, New York,  
12 Oklahoma, Texas and Tennessee and the State Advisory  
13 Committee report from West Virginia. And I think we  
14 had agreed last time that until such time as the  
15 Commission actually votes on these, the persons would  
16 be able to function and the advisory committees would  
17 be able to operate as appointee designate under the  
18 authority of the Staff Director to do that. And that  
19 these reports can be put on the website or issued so  
20 long as it's acknowledged that they have been  
21 submitted to the Commission.

22 So, we would follow that same practice  
23 with these, is that what you would do, Staff Director?

24 STAFF DIRECTOR JIN: In fact, the West  
25 Virginia report, which I think is a very good one, has



1 been up since the first time when we submitted it to  
2 the Commission last month.

3 CHAIRPERSON BERRY: Okay. All right.  
4 Good. Great.

5 And I did point out that for the first  
6 time in the history of the Commission that I'm aware a  
7 SAC chair is a former Commissioner Francis Guess, who  
8 was a Commissioner with the U.S. Commission on Civil  
9 Rights in the 1980s, and who was a member of the Human  
10 Rights Commission in Tennessee, and who was Secretary  
11 of Labor in Tennessee, and has held a variety of  
12 appointments there, and is now an Executive Vice  
13 President of one of the largest private companies in  
14 Tennessee, has agreed to be the chair of the Tennessee  
15 SAC.

16 That's really unprecedented and that he  
17 wanted to take this up and was willing to make that  
18 SAC as energetic as it can be and to get out there; I  
19 just think it's fantastic.

20 The question that SAC chairs always ask  
21 about their interest in civil rights, please explain  
22 your interest in civil rights and what you've done. I  
23 think he could answer that just by saying he was on  
24 the Commission for all that time, otherwise he  
25 wouldn't have been.

1           So I just think that's a new departure and  
2 it's very interesting to have that happen, and I'm  
3 pleased that it is happening. Okay.

4           If there's nothing else, we will go on to  
5 the presentation from the SAC members.

6           The first one we're going to have -- oh, I  
7 know, there's one other thing I want to do before we  
8 do that. I want to point out that Melvin Jenkins, who  
9 is a regional director in this region, has decided  
10 after some 30 years of being on the barricades to  
11 retire.

12           Now, since I've been on this Commission  
13 for almost that long, and I haven't retired yet, I  
14 take umbrage at that, Melvin.

15           But, Melvin, I just want to say to you  
16 before you retire how wonderful we think you've been  
17 as a devoted servant to the cause of civil rights here  
18 in the Federal Government. And you have established a  
19 magnificent record in all your time here in the cause  
20 of combating discrimination and inequity in America.  
21 And I just want to read a little bit about your  
22 background.

23           Following the completion of your legal  
24 training and clerkship for the Department of Housing  
25 and Urban Development you came to the Commission in

1 1973 as an attorney advisor. You've occupied vital  
2 offices in the Commission. You were called to take up  
3 being acting staff director when there was a hiatus  
4 and you were very responsible and committed and  
5 effective in that office.

6 You've been executive assistant to the  
7 staff director. Before that you were supervisory  
8 equal opportunity specialist, and you've been a civil  
9 rights analyst. You've been Director of the State  
10 Advisory Committee for the Commission.

11 You have seen the Commission's resources  
12 wax and wain, and you have seen how politics and  
13 ideology and different agendas that different  
14 administrations have had effected the work of the  
15 Commission and how the Commission has moved on anyway  
16 despite that, and with people like you in the vanguard  
17 of the leadership.

18 Your hard work, your determination, your  
19 intellect, your wisdom and judgment have been  
20 resources that the Commission has utilized and drawn  
21 to the depths. And we will miss you, miss knowing that  
22 you're there. We will sorely miss you, all the  
23 Commission staff, all of us who have worked with you  
24 for years. And we applaud your dedication to struggle  
25 to gain civil rights for all Americans.

1                   And I know I speak for the Commission  
2 staff in wishing you happiness, enjoyment and  
3 prosperity in all of your future endeavors. So let us  
4 thank you.

5                   VICE CHAIR REYNOSO: Madam Chair, let the  
6 record show that there was spontaneous applause.

7                   CHAIRPERSON BERRY: Melvin, you want to  
8 say something?

9                   MR. JENKINS: Just a few words, Madam  
10 Chair.

11                   As I embark upon a new career, my second  
12 career, I will be in private practice to not only take  
13 a look at civil rights matters, what's been dear to my  
14 heart for almost 30 years, but to add a voice to those  
15 persons who have been under-represented.

16                   Yesterday we heard from quite a few  
17 persons talking in terms of the lack of information  
18 concerning civil rights in this country. Although  
19 we've attempted through the various advisory committee  
20 meetings to provide information, there's still a lot  
21 of work to be done in terms of simply educating  
22 persons about their civil rights.

23                   This past May when I spoke to the Staff  
24 Director about this, I did a series of seminars for  
25 the Wichita Kansas Urban League throughout western

1 Kansas providing information on fair housing. Now, I  
2 did about 6 or 7 of those seminars and people just  
3 coming not only wanted to talk about fair housing, but  
4 employment discrimination, public accommodation; all  
5 that type of information.

6 So there is a lot of work to be done even  
7 when I enter into private practice, my heart and my  
8 commitment will still be in providing general  
9 information to the persons so that they will know  
10 their rights, and add that voice to them and to  
11 represent those persons who are not able to retain an  
12 attorney. That's what a good government pension will  
13 do me, and that's my commitment to keep working to  
14 provide that voice to those persons who have been  
15 under-represented.

16 Thank you.

17 CHAIRPERSON BERRY: All right. Thank you.

18 Okay. Now we will have presentations from  
19 the State Advisory Committees. And first we're going  
20 to have a panel. Do have any from Mississippi?

21 STAFF DIRECTOR JIN: I think we've  
22 surprised you, Madam Chair. We've decided to switch  
23 the order and give the Chair from Mississippi a little  
24 more time to get here. Of course, as you know, she's  
25 in the State Senate and they've got some important

1 business in the Senate.

2 CHAIRPERSON BERRY: So we're doing the  
3 panel first?

4 STAFF DIRECTOR JIN: Yes.

5 CHAIRPERSON BERRY: Okay. All right.  
6 Then we will have the State Advisory Committee chairs  
7 to come up and I will introduce them. This is the  
8 Central Regional State Advisory Committee members from  
9 Alabama, Arkansas, Louisiana and Nebraska and  
10 Oklahoma. If they would come forward.

11 Dr. Annie Wells.

12 I'll introduce all of you and then we'll  
13 go forward.

14 Dr. Annie Wells is a professor of  
15 psychology at Alabama A&M University. She received her  
16 Ph.D. in experimental psychology from the University  
17 of Montana, where she almost froze to death while she  
18 was out there.

19 Dr. Wells is the Executive Director and  
20 founder of the Lionel Hampton Space Camp Academy  
21 Scholarship Foundation for Underprivileged and  
22 Deserving Students. She is a member of the American  
23 Psychological Association, the American Board of  
24 Medical Psychotherapists, and the Mental Illness  
25 Advisory Council for the State of Alabama.

1 From Arkansas Dr. Katherine Mitchell. I  
2 knew that I didn't say Dr. Katherine Mitchell.  
3 Welcome.

4 Dr. Katherine Mitchell is Director of  
5 Programs for Watershed, Inc., an agency that works  
6 with economically deprived communities in rural areas.  
7 She is active on a number of boards such as the Little  
8 Rock School Board of Directors, the Professional  
9 Counseling Association and is President of the Little  
10 Rock Pan-Hellenic Council.

11 From Louisiana, Roberta M. Madden. But  
12 you know Bill Coleman, the famous civil rights lawyer,  
13 his daughter -- he named his daughter with a male name  
14 for some reason that nobody understands. But, anyway.  
15 Ms. Roberta Madden is program coordinator for racial  
16 justice programs for the YMCA --

17 MS. MADDEN: YWCA.

18 CHAIRPERSON BERRY: YWCA of Baton Rouge.

19 I have to stop just reading what I'm  
20 given.

21 Let me start over again, please, and I  
22 apologize.

23 Ms. Roberta M. Madden -- is the M right

24 MS. MADDEN: Yes.

25 CHAIRPERSON BERRY: Is program coordinator

1 for racial justice programs for the YWCA of Baton  
2 Rouge, Louisiana.

3 MS. MADDEN: Got it.

4 CHAIRPERSON BERRY: She is a former  
5 director of the American Diabetes Association,  
6 Louisiana affiliate, and former field director of the  
7 American Diabetes Association, Louisiana affiliate,  
8 and former field director for Common Cause.

9 Throughout her career she has been active in  
10 many professional and civic organizations concerned  
11 with human rights. These have included the National  
12 Organization for Women, League of Women Voters, Common  
13 Cause, the ACLU, the NAACP, and the Baton Rouge  
14 Council On Human Relations.

15 Currently, she is an active member and  
16 past president of Early Risers Kiwanis Club, board  
17 member of Southern Mutual Help Association, the  
18 National Women's Political Caucus of Louisiana, and  
19 the National Breast Cancer Coalition. Recently, she  
20 was featured in the South Baton Rouge Journal for her  
21 community service. And she was honored with the 2001  
22 Wade Mackie Peacemaking Award for Peace and Justice.

23 VICE CHAIR REYNOSO: At what time was the  
24 Kiwanis meeting?

25 MS. MADDEN: 6:30 a.m.



1 VICE CHAIR REYNOSO: Okay.

2 MS. MADDEN: Every Tuesday.

3 CHAIRPERSON BERRY: It's probably Wade  
4 Mackie -- is it Mackie?

5 MS. MADDEN: I beg your pardon?

6 CHAIRPERSON BERRY: The award?

7 MS. MADDEN: Wade Mackie.

8 CHAIRPERSON BERRY: Yes, Peacemaking Award  
9 for Peace and Justice. Welcome.

10 Lavon Stennis-Williams is an attorney in  
11 private practice in Omaha, Nebraska. She formerly  
12 served as the chair of the Nebraska Equal Opportunity  
13 Commission. That's the government agency, right?

14 MS. STENNIS-WILLIAMS: Yes.

15 CHAIRPERSON BERRY: So now you're in the  
16 private sector?

17 MS. STENNIS-WILLIAMS: Yes.

18 CHAIRPERSON BERRY: Okay. In 1998 she  
19 received a city of --

20 VICE CHAIR REYNOSO: You don't have a  
21 government pension, do you?

22 MS. STENNIS-WILLIAMS: No, I do not.

23 CHAIRPERSON BERRY: In 1998 she received  
24 the City of Omaha's "Martin Luther King, Jr. Living  
25 the Dream Award" and was recognized as one of the 30

1 future leaders by Johnson Publications. She is a  
2 member of the Omaha Public School Gifted and Talented  
3 Committee and a former member of the city of Omaha's  
4 Administrative Appeals Board.

5 From Oklahoma, we have Dr. Earl Mitchell,  
6 Jr. Dr. Mitchell, from Stillwater, Oklahoma is --  
7 which part of the state is that?

8 DR. MITCHELL: That's 60 miles north of  
9 Oklahoma City and 60 miles west of Tulsa.

10 CHAIRPERSON BERRY: Is one of the  
11 universities there?

12 DR. MITCHELL: Oklahoma State University.

13 CHAIRPERSON BERRY: Okay. Dr. Mitchell  
14 from Stillwater is vice president -- for multi-  
15 cultural affairs and a professor of biochemistry at  
16 Oklahoma State University, where he is  
17 institutionalizing a diversity training program. He  
18 is a member of the NAACP, ACLU, and chair of Payne  
19 County Habitat for Humanity.

20 Did you hear that the President had the  
21 Nobel Peace Prize?

22 DR. MITCHELL: Yes, and I had the  
23 privilege of having Jimmy Carter come to Stillwater to  
24 dedicate our first house. My wife introduced him.

25 CHAIRPERSON BERRY: Well, I woke up and

1 saw that on TV this morning. I thought the old man  
2 deserves it. That's great.

3 Dr. Mitchell has received many  
4 professional honors and he's listed in "Who's Who in  
5 the Southwest," "Who's Who in Black America," and  
6 "American Men of Science." He has contributed to many  
7 worthwhile community, academic and civil endeavors.  
8 He has been an active member of the Oklahoma Advisory  
9 Committee, for which we thank you very much.

10 We're going to begin with Dr. Wells from  
11 Alabama and then proceed.

12 Welcome and thank you. Proceed.

13 DR. WELLS: Madam Chair and other members  
14 of the dias, ladies and gentlemen, good morning. We  
15 are happy to be here for the cause of civil rights.

16 I was looking at the USA Today and noticed  
17 that Alabama was not at the bottom of the totem pole.

18 There's a little snapshot here that shows Utah spends  
19 the least amount of money on pupils. They listed  
20 about five and we were not among the bottom and I was  
21 happy to see that.

22 CHAIRPERSON BERRY: Utah is at the bottom  
23 now?

24 DR. WELLS: Yes. Anyway, I am here to  
25 just mention a few things we've done in the past year.

1 Last November we had a day-long SAC meeting in  
2 Birmingham, Alabama. The theme for that day was to  
3 focus in on police community relations. We were very  
4 fortunate to have a very diverse and representative  
5 group of people from various civil rights related  
6 offices to come and talk about that issue in  
7 particular.

8 Also we discussed being at the bottom of  
9 the totem pole in terms of not having human relations  
10 legislation for the creation of a human relations  
11 committee in Alabama.

12 We had representatives from police  
13 departments, and from EEOC offices. In the state of  
14 Alabama we do have at least three or four of our  
15 cities that have human relations committees which I  
16 think is a good basis and background for us moving  
17 forward hopefully in the next legislative term in the  
18 State of Alabama.

19 We also met again a few months ago in  
20 Birmingham, Alabama. At that meeting we spent most of  
21 our time talking about plans and strategies that we  
22 would be putting in place this legislative year hoping  
23 that this will be the year.

24 We have done some work on this in the past  
25 in 1991 and we hope to build on that and hope that

1 this term will be the year that we get the legislation  
2 passed for a human relations committee in Alabama.

3 Thank you.

4 CHAIRPERSON BERRY: Can I start off by  
5 asking you a couple questions? We are going to ask  
6 each person some questions as we go along if we have  
7 any and then we'll ask everybody questions.

8 Right now in Alabama, and I know this is  
9 hard for a whole state, what are the major -- are  
10 there some major civil rights things going on? Is it  
11 politics or is it the vote or is it judges or budget  
12 for education issues or is it how children are faring  
13 in schools?

14 Is it a sex discrimination issue or is it  
15 something -- I mean, is there something -- where are  
16 the minds of the people in Alabama focused right now  
17 on major issues and do any of them have to do with  
18 civil rights concerns?

19 DR. WELLS: Well, all of the above to some  
20 degree. We are very concerned about the lag in the  
21 desegregation suit. There were some issues that were  
22 put on the table many years ago that have not been met  
23 in the case of promotions of professors at the major  
24 institutions that have been a cause of concern.

25 And, of course, we are concerned about K

1 through 12 education. There is a lot of talk about  
2 that. A number of our schools, those that are heavily  
3 populated with minority students are on merit, if you  
4 will. We want to do something about that.

5 CHAIRPERSON BERRY: You mean their  
6 statuses that they are below level.

7 DR. WELLS: That's right. They are below  
8 level in academic performance. If they do not move  
9 from that status, the Department of Education will try  
10 to take over the school so we are concerned about  
11 that.

12 CHAIRPERSON BERRY: I see. Okay. Okay.  
13 There will be some other things that we will probably  
14 want to ask after that but I just wondered in general.

15 Dr. Mitchell, what about Arkansas? What's  
16 going on with Arkansas?

17 DR. KATHERINE MITCHELL: To the Chair of  
18 the Commission and fellow SAC Chairs and staff and  
19 other people present, I want to start with some good  
20 news. There was a victory in Arkansas in Little Rock  
21 just a couple of weeks ago when the judge ruled in  
22 favor of partial unitary status of our schools. You  
23 know we've been in court for too many years.

24 That simply means that the Little Rock  
25 public schools have done what they say they would do

1 in terms of providing education opportunities for all  
2 students. The only area that we will be under court  
3 supervision is for program evaluation and student  
4 assessment.

5 We are still working on narrowing the gap  
6 in student performance between the African-American  
7 students and the White students. We still have some  
8 work on that to do. That's what the courts will be  
9 monitoring so we are really pleased and celebrating  
10 that victory.

11 Unfortunately, the local NAACP came out in  
12 the press to say that this was one of the most  
13 critical mistakes that the judge could have made. It  
14 rates second to the central high desegregation crisis  
15 and that was a blow. I serve on the Little Rock  
16 School Board and I personally feel that a lot of  
17 progress has been made but we are never always where  
18 we need to be but we are striving to get there.

19 There's also a lot of concern about  
20 election reform. I guess just a week and a half ago I  
21 was -- I'm probably a part of that as the winner of  
22 the election for the school board. I was reelected to  
23 my term. I've served since 1988 on the school board.

24 My opponent is saying that there were some  
25 voting irregularities. Unfortunately, the school

1 board election draws the lowest turnout. It's the  
2 only elected position in our state that does not come  
3 with a salary. Everybody else is paid except the  
4 school board.

5 CHAIRPERSON BERRY: Maybe that has  
6 something to do with it.

7 DR. MITCHELL: It's truly an opportunity  
8 to render public service.

9 CHAIRPERSON BERRY: My mother used to  
10 always tell me, and she tells me, don't ever go and do  
11 something for people for nothing. Even if you charge  
12 them \$5 or a meal or something because if you do it  
13 for them for nothing, they say it must not be worth  
14 anything because you did it for nothing. Even if you  
15 charge them dinner, they will treat you nicer.

16 DR. MITCHELL: We do get a free dinner in  
17 our school. Anyway, I think it's going -- there are  
18 so many problems with the election process, especially  
19 in Pulaski County. In fact, there's a little article  
20 in this paper this morning about the concern.

21 Unfortunately this lady was just reelected in  
22 circuit court and that's her jurisdiction so there are  
23 a lot of problems at this late stage in the game.  
24 There are thousands of citizens in Pulaski County who  
25 still do not have their proper voting precinct so



1 there are a lot of problems.

2 Early voting starts in one week and then,  
3 of course, November 5 is election day. They are still  
4 trying to work those problems out through the Election  
5 Commission that really I feel don't have as much -- it  
6 doesn't have as much authority as it should. All the  
7 authority basically is with the Circuit Court and that  
8 person is in an elected position so it takes the  
9 voters to make that change.

10 We are still dealing with fair housing.  
11 Just recently, though, a person was appointed to head  
12 that concern. A few years ago Ms. Robinson and Mr.  
13 Jenkins came to Little Rock and we had the hearings  
14 regarding the need for the Human Rights Agency.  
15 In the State of Arkansas there is a law but there is  
16 no teeth in that law because there is no one to  
17 enforce it.

18 Mark Pryor who now serves as Attorney  
19 General, but hopefully who will become the Senator  
20 from Arkansas, offered space in his office but they  
21 didn't think that it would be on a fair level plain to  
22 be housed in the Attorney General's office so we are  
23 still working with that.

24 We have had meetings with the governor.  
25 Mr. Jenkins and Ms. Robinson have come down on a few

1 occasions where we have had meetings with the  
2 governor. He will agree that there is a need but we  
3 have no money. Nothing else has been done. We are  
4 still working on it.

5 A couple of us have been on the radio  
6 talking about our concerns and voicing the concerns of  
7 others in this regard. As a result of that, some  
8 organizations have come forward to join forces with us  
9 so we are hoping once this election is over we can  
10 really make some connections with the elected  
11 officials who will be assembled in January to consider  
12 this again.

13 Fortunately one of the legislators that  
14 was really helping us was reelected and has no  
15 opponent for the general election so we hope we will  
16 make some in-roads this time.

17 CHAIRPERSON BERRY: Ms. Roberta next.

18 MS. MADDEN: That's me. Madam Chair,  
19 members of the Commission, staff members and guests,  
20 I'm very honored to be invited here today and I  
21 appreciate the opportunity to share with you what  
22 we're doing in Louisiana and some of the challenges  
23 facing us in Louisiana.

24 I would like to mention a couple of  
25 reports that we have worked on. One of them deals

1 with environmental justice and that was first issued  
2 about seven or eight years ago. We found a number of  
3 problems that needed to be addressed. We decided just  
4 a year or two ago that we need to go back and revisit  
5 that situation and see if those problems had been  
6 appropriately addressed.

7 We did another fact-finding hearing in  
8 Lake Charles this time and assembled a very balanced  
9 group of people from industry, consumers, government,  
10 folks with all kinds of different angles on the issue  
11 of the environment and whether environmental decisions  
12 may be based differently on the basis of race.

13 We found in the most recent fact-finding  
14 hearing that there were some racial disparities. We  
15 found what we had found seven years earlier, that  
16 there is still a great lack of coordination among the  
17 federal and state and local agencies that deal with  
18 environmental issues. Sometimes the right hand  
19 doesn't know what the left hand is doing.

20 We found that the industry is not very  
21 responsive. Seven years ago, or eight years ago, we  
22 found they were not responsive at all. They took the  
23 challenge and have tried to become more responsive  
24 arguing that they gave money to the Boy Scouts or they  
25 gave out turkeys at Christmas.

1           They still weren't really dealing with the  
2 concerns that consumers had about what they perceived  
3 as poisons and toxics in the environment and in the  
4 waters that was making them sick. That was their  
5 perception. A turkey at Thanksgiving or a gift to the  
6 Boy Scouts was not really meeting those concerns.

7           Another thing that came up this time is  
8 that the state agency that oversees all of the  
9 environmental issues is the Department of  
10 Environmental Quality. Many years ago -- well, I  
11 don't know how many years ago, perhaps 10 or 15 years  
12 ago, the state legislature decided that in the future  
13 the DEQ, Department of Environmental Quality, would be  
14 funded strictly by fines and assessments to industry.

15          I remember thinking at the time, "Well, that's a good  
16 idea. They're the polluters. Let them pay."

17          The fact is it's the fox guarding the hen  
18 house really, or the rabbit guarding the lettuce patch  
19 because the DEQ is much too closely linked with  
20 industry.

21          We are going to recommend in our report,  
22 which is still under construction, that the  
23 legislature should issue funds for the Department of  
24 Environmental Quality from the general fund because it  
25 really protects all of us. I thought that was a very

1 interesting thing that came out of it.

2 Another thing that we have done in the  
3 last few years is a forum on church burnings in  
4 Louisiana. I think our distinguished chair was  
5 present for that. One of the things that struck me  
6 most in that hearing that was held in Baker,  
7 Louisiana, just north of Baton Rouge, was there are  
8 two very different views of race relations in our  
9 area. We heard a white official, I think it was a  
10 judge, say that we have no racial problems at all here  
11 in Baker. Everything is hunky dory. We are all  
12 getting along great. We don't even see color. We're  
13 colorblind and all of those kinds of things. Then we  
14 heard a Black preacher get up and say that was not  
15 true at all. There were black neighborhoods over here  
16 and there were white neighborhoods over here and the  
17 people didn't know each other. I have found that to  
18 be true in my experience working with the YWCA. Part  
19 of our mission is the elimination of racism.

20 At our last meeting of our State Advisory  
21 Committee we heard from several government officials  
22 from the city of Baker including the mayor. This  
23 mayor is the first black mayor that the city of Baker  
24 has ever had. He began to notice that there were five  
25 counsel members, four of whom were white. He began to

1 notice that he was being treated much differently from  
2 his predecessors in the job of major.

3 In the past the job of mayor for this very  
4 small town has been a part-time job, but all of a  
5 sudden the four white counsel members said, "We're  
6 going to make this a full-time job." Same salary but  
7 now it's a full-time job. The mayor had been  
8 teaching, I believe also on the side. I don't know  
9 whether he was teaching at Southern University but he  
10 was also a teacher.

11 There were a lot of other complaints. He  
12 couldn't get his budget passed. They cut the funds  
13 for police and fire department. Just lots and lots of  
14 problems which seemed to be based on race.

15 One of our members is Ruper Richardson, a  
16 former president of the National NAACP as well as the  
17 state NAACP. She pointed out that if the population  
18 is predominately black, which I think it is just  
19 slightly over 50 percent Black in that community.  
20 Yet, the voters are not anywhere near that number  
21 among blacks. The black vote is perhaps 35 percent or  
22 something like that.

23 She said really what you're talking about  
24 is not a violation of the law, but you're talking  
25 about the fact that your own folks are not registered,

1 are not voting, are not participating. I thought that  
2 was kind of an interesting point.

3 Also, the recall petition for the mayor  
4 recently failed. I just saw that in the paper a  
5 couple of days ago. Maybe some of those folks have  
6 gotten registered in the meantime. I'm hoping so.

7 One of the things that Mr. Jenkins  
8 suggested in the midst of all this turmoil that was  
9 going on in the city of Baker was that perhaps we  
10 invite a mediator from the Justice Department to come.

11 We voted to do that and I understand the mediator has  
12 already arrived and some progress has been made. That  
13 was a very useful idea and a practical thing that we  
14 could do.

15 I would like to tell you just a little bit  
16 about race relations in Baton Rouge aside from those  
17 issues that I've mentioned. It was 10 years ago that  
18 a Japanese exchange student was killed in Baton Rouge.

19 You may remember the case of Yossi Hattori. He was  
20 killed when he was going to a Halloween party and went  
21 to the wrong house. The owner of the house came out  
22 with a shotgun and killed him immediately.

23 Well, since that time his parents have  
24 really crusaded for better gun policies in the United  
25 States. In fact, they were in Baton Rouge recently.

1 It's been 10 years since Yossi's death. By the way,  
2 his host parents were members of my church the  
3 Unitarian Church in Baton Rouge.

4 It's been 10 years and we're having a  
5 special service during the YWCA's Week Without  
6 Violence, which is October 20th through the 26th. A  
7 special service to remember Yossi but also remembering  
8 a lot of other victims of violence in our community.

9 Right now we have a problem with a serial  
10 killer and a lot of us are saying -- they do have a  
11 profile of the killer. A lot of us are saying thank  
12 God it's a white man instead of a Black man because  
13 race relations are still very delicate in Baton Rouge.  
14 We still have lots of problems.

15 One of the things my organization, the  
16 YWCA, has tried to do for more than 30 years is to  
17 create better understandings among the races through  
18 dialogues on race. We have stepped that up in recent  
19 years until now we are planning to do four of them  
20 this fall.

21 It's a structured group of about a dozen  
22 people of different races, Black, White, Hispanic,  
23 Asian, men and women, people of different backgrounds  
24 with a pair of skilled trained facilitators who lead  
25 that discussion with some readings. It's not just a



1 chit chat. It's a very serious facilitated  
2 discussion.

3 It has been so effective that one of the  
4 members of one of our recent groups who identifies  
5 himself as a rich white guy said, "I would like to get  
6 a lot of other rich white guys to take this." He has  
7 put up some money to help us do that. I am one of the  
8 facilitators in one of the groups along with Mike  
9 Morris.

10 Mike is an African-American man. He's a  
11 former police officer and also serves on our State  
12 Advisory Committee. We are very excited about it now  
13 because we are starting a new group at one of the  
14 major hospitals which will include the CEO of the  
15 hospital.

16 Our focus now is not just on let's try to  
17 get along. That's really not what we're doing because  
18 we already get along. What we're trying to do is look  
19 at the problem of institutional racism and realize  
20 that white people in our society have a lot of  
21 benefits that many times we are unconscious of.

22 We don't even know we have these benefits.

23 It's kind of "ah-hah" when the white members of the  
24 group understand that for the first time. Then we  
25 realize we have a lot of work to do to break down

1 institutional racism.

2 We can't end that dialogue, that six-week  
3 session, with a checklist and say, "Here's what you've  
4 got to do to end institutional racism." Each in our  
5 own way we can figure out some things that can be done  
6 to make it better. That's one of the exciting things  
7 we're working on.

8 We also included some Muslims in some of  
9 these dialogues and we had a dialogue on race and  
10 terrorism. That's how I got to be good friends with a  
11 man named Jihad Mahmoud. Jihad has since that time  
12 joined the Early Risers Kiwanis Club and has taken  
13 part in several YWCA sponsored dialogues.

14 We have seen some instances in Baton  
15 Rouge, and I think all over the state, of  
16 discrimination against people of the Muslim faith. I  
17 think that is something that this Commission needs to  
18 look at if you haven't already.

19 One of the things that happened shortly  
20 after 9/11 last year was a rash statement by a  
21 Congressman from North Louisiana, John Cooksey. John  
22 Cooksey is now running for the U.S. Senate against  
23 Mary Landrieu. Actually, there are three major  
24 Republican candidates and one Democrat, the incumbent.

25 Congressman Cooksey said he thought it was

1 okay to do racial profiling in airports because he  
2 said if you see some guy, and these are his words, "If  
3 you see some guy with a diaper around his head and a  
4 fan belt wrapped around that diaper, it's okay to stop  
5 him." He was given a chance several times to take  
6 that back and he said, "No, I stand by that  
7 statement." This guy is trying to become our next  
8 U.S. Senator. I am very concerned about that, too.

9 What is happening in our East Baton Rouge  
10 parish schools, we have the longest running  
11 desegregation case in the whole country, 46 years now.

12 I keep hearing that they are getting a little closer  
13 to solving it but the meetings are closed so we really  
14 don't know what's going on.

15 What has happened because of institutional  
16 racism in our education system in Baton Rouge is that  
17 little by little the whites have pulled their kids out  
18 of schools, put them in private schools so we have a  
19 population in East Baton Rouge parish which is 60  
20 percent white and 40 percent black. Our schools are  
21 60 percent Black and 40 percent white. The trend is  
22 going that way.

23 We are finding that the public is not  
24 supporting taxes. The public since it's 60 percent  
25 white voters are not supporting taxes for the public

1 schools. Often times they perceive it as that's just  
2 for Black kids and they don't count. They're not  
3 saying that but that's the underlying message. It's a  
4 very critical issue. I don't know if a lot of  
5 progress is being made behind these closed doors but I  
6 sure hope so.

7 Finally, I want to say one more thing. I  
8 know I have probably taken a little too much time.  
9 Recently a report very critical of the city parish  
10 that's Baton Rouge and East Baton Rouge parish  
11 personnel policies was issued by the long-time  
12 personnel director, a man by the name of Jerald  
13 Boykin.

14 He put out a report saying the City of  
15 Baton Rouge is 50 percent plus Black. The parish is  
16 40 percent black, and yet the top-paying jobs in city  
17 parish government are held by white people. Only two,  
18 I think, of the top jobs and around 12 percent of  
19 those in the middle level despite those population  
20 levels. It's very bad in the police department. It's  
21 very bad in the Department of Public Works.

22 I thought it was a very interesting  
23 report. As soon as it hit the papers the mayor fired  
24 Jerald Boykin. Kill the messenger. The report went  
25 to the city parish council and they refused to accept

1 the report. They wouldn't even accept it. The four  
2 blacks on the council voted to accept it but the eight  
3 whites did not.

4 We have some serious problems in Baton  
5 Rouge but we are working on them. I just wanted to  
6 give you a short capsule up to date of what's going on  
7 there. I appreciate your attention.

8 CHAIRPERSON BERRY: Thank you. That was  
9 all very, very interesting. There will be lots of  
10 questions about it.

11 Now we will hear about Nebraska from  
12 Lavon Stennis-Williams.

13 MS. STENNIS-WILLIAMS: Good morning, Madam  
14 Chair, chair members, staff members, others assembled.  
15 I bring you greetings from the great State of  
16 Nebraska. As much as I would like to say that things  
17 have changed, they really have not. In one sense the  
18 more things have changed they have really remained the  
19 same in Nebraska.

20 Law enforcement regarding police profiling  
21 continues to be a problem, as well as the manner in  
22 which police officers respond to minorities when they  
23 do call the police.

24 Traffic stops continue to show that there  
25 is a pattern. In fact, UNO just recently released --

1 University of Nebraska, Omaha, released a study that  
2 showed there is an impact on minorities and women  
3 being stopped by police in Omaha, as well as the state  
4 highway patrol.

5 Nebraska was one of the few states able to  
6 convince local Black leadership to support their  
7 efforts to resegregate our schools. There was a bond  
8 issue that was passed that was supposed to -- the  
9 premise was to basically provide better schools. We  
10 felt a return of neighborhood schools and a  
11 resegregation of our school system without any  
12 financial means to effectuate some of the promises  
13 they said there would be.

14 As a result, we have Black children that  
15 have returned to neighborhood schools in far inferior  
16 conditions with no means of anything to address the  
17 achievement level so achievement remains a problem in  
18 Nebraska.

19 We have a reemerging issue with employment  
20 discrimination in terms of non-English speaking people  
21 who have come to Nebraska for the jobs in the western  
22 part of the state. There are no resources to address  
23 their concerns and needs.

24 In addition to that, we have basically an  
25 attack on affirmative action and equal employment

1 opportunity. We have seen recently the state  
2 introduced an affirmative action plan that was fought  
3 vehemently by many people in leadership in the city.

4 The EEO agencies in our city, the Omaha  
5 Human Relations Department and the Nebraska Equal  
6 Opportunity Commission continue to be the first  
7 sacrificial lambs whenever there's any budget issues  
8 being addressed by the state.

9 Most recently we had to deal with the  
10 issue of efforts by Senators to eliminate the state  
11 agency in an effort to balance the budget. Followed  
12 by that a week later were city council members  
13 recommending the elimination of our Human Rights  
14 Agency to balance the budget. They were the first  
15 agency on the chopping block.

16 We were successfully able to fend off any  
17 attacks but we know they are going to come around  
18 again in January because these agencies have basically  
19 no voice, no constituency group that would speak for  
20 it because the resources that have allowed them to  
21 really do their job are not sufficient so, therefore,  
22 people who are using the agencies are not having their  
23 concerns properly addressed. Of course, the people  
24 who are creating the need for the agencies come out in  
25 full force to oppose them.

1           What the SAC is doing in Nebraska is that  
2 these issues are always the same. Nothing has really  
3 changed and there have been countless studies. What  
4 we're doing is seeing what is the commitment of local  
5 authorities, the governor, the mayor, and people who  
6 can make a difference.

7           We are revealing all of our previous  
8 reports and looking at the recommendations to see what  
9 is the status of these recommendations. "What is your  
10 commitment to eliminating these problems we have  
11 identified for you as far back as 10 years ago?"  
12 Nothing has really changed in that area.

13           The rationale behind that is because we  
14 are a volunteer group. We have limited resources and  
15 the problems are the same so there is no reason to  
16 keep reinventing the wheel. We are going back saying,  
17 "What are you doing with these issues that we have  
18 identified for you 10 years ago?" Hopefully we will  
19 be able to make some headway as we basically make them  
20 respond to, "What are you doing?"

21           I think what is being used in our state,  
22 as well as other areas, is the use of race neutral  
23 classifications like poverty. Things that were not  
24 coming up on the radar screen to pinpoint  
25 discrimination are being used against us.



1           One thing is in the area of education in  
2           which the classifications are based on poverty, when  
3           actually you can just insert the word "minority  
4           students." Of course, everybody would be screaming if  
5           that was the case so the school board has been able  
6           to, I guess, escape detection by using a race neutral  
7           classification.

8           We also see that in the area of housing  
9           patterns. It is becoming more and more difficult to  
10          get multi-family dwellings in a certain area of our  
11          city. What they're saying is we don't want an over-  
12          concentration of, once again, low-income housing which  
13          actually results in minorities.

14          What you have is local laws being enforced  
15          under the guise of trying to control an over-abundance  
16          of low-income housing when it's actually to mask  
17          unlawful discrimination which they don't want  
18          minorities in certain parts of town. We are seeing  
19          that impact based on race neutral factors in the areas  
20          of education and housing. That would probably be the  
21          next project we will undertake once we look at the  
22          reports and see what is the status of giving  
23          recommendations to enforce.

24          I guess I would be remiss if I did not  
25          conclude with the fact that I do feel that there is a

1 need for this agency to be taken very seriously by the  
2 powers that be. If there has ever been a need for the  
3 U.S. Commission on Civil Rights the time is now as  
4 people have become more and more clever with how they  
5 are getting away with discrimination and violating  
6 civil rights.

7 I know that I am committed to going back  
8 to my lawmakers and enforcing to them to make sure  
9 that this agency is properly funded because right now  
10 we have government sanction, racism, and  
11 discrimination and you all need to be probably the  
12 most powerful agencies that this government is  
13 supporting because of the need.

14 Now we have people who are basically  
15 getting revenge at the backs of minorities. I think  
16 you for what you're doing. I'm proud to be a part of  
17 this body through my role as a volunteer member of  
18 Nebraska's SAC. I appreciate the opportunity to speak  
19 before you today.

20 CHAIRPERSON BERRY: All right. Thank you  
21 very much. I am sure we will have questions.

22 We'll go along here and have Dr. Earl  
23 Mitchell give us some information or the dope from  
24 Oklahoma.

25 DR. MITCHELL: Thank you very much, Dr.

1 Berry, Commissioners, and my distinguished comrades,  
2 chairs, and staff.

3 It's delightful for me to be here because  
4 I could not make the last site chairperson's meeting.  
5 Today I'm sponsoring in my university a leadership  
6 conference, Native Americans, which is a program to  
7 talk about sovereignty and also bioterrorism in the  
8 Native American community. We have a CDC person  
9 coming so it was important to come here.

10 What we do in Oklahoma is follow up on an  
11 education study. There have been difficulties in  
12 Oklahoma with Spanish-speaking children in school in  
13 terms of education. We looked at some school systems  
14 and looked at the discrimination in education. The  
15 last issue is follow-up.

16 I want to give you some idea of where we  
17 are in Oklahoma. Some of the things mentioned here  
18 I'll just very briefly mention because they are the  
19 same problems; police brutality, racial profiling.  
20 That's a major problem.

21 Interstate 40 goes through Oklahoma so  
22 profiling starts there and many people are profiled  
23 and we only hear about it when they get back home.  
24 They are stopped, given tickets, searched. They will  
25 call back to somebody in Oklahoma, some relative, and

1 let them know what happened as they were leaving the  
2 state. Much of racial profiling we don't really know  
3 about until later so it does happen.

4 Police brutality is an issue in Oklahoma  
5 City right now. The main thing with the police in  
6 Oklahoma is the lawsuit in Tulsa with the Black police  
7 officers, civil rights lawsuit. There are some issues  
8 there in terms of protection, equal access. Officers  
9 are asking for things to change the system.

10 They are not asking for money. This is  
11 kind of a strange question because everybody thinks  
12 people want to sue for money but they are just asking  
13 for change in terms of how the system operates in  
14 terms of supporting Black officers.

15 In the area of administration of justice  
16 one major issue is the quality of legal services to  
17 individual people. I think that is a national  
18 problem. We don't really deal with it but there are  
19 some civil rights issues involved there because if you  
20 look at first impact, those that get the least are  
21 usually minorities because those are the ones of low  
22 income who use indigent fund system.

23 The quality representation is always very  
24 questionable. There is not much quality  
25 representation at all. We have a system in this

1 country that if you can afford the best lawyer, you  
2 get the best deal. It really shouldn't be that way.

3 We should have a system that really  
4 responds to give the best defense that one can have.  
5 That means that a number of people are convicted on  
6 issues that maybe they wouldn't be convicted on if  
7 they had good legal representation.

8 The other question in the legal system and  
9 administrative justice is the issue of filing charges  
10 and also sentencing. Those issues in Oklahoma are  
11 very, very real in terms of what kind of charges are  
12 filed. We see some of that locally in terms of our  
13 community.

14 You talk about race, you have in one  
15 situation where people say, yes, race, but if we have  
16 people who are more prominent, then they get charged  
17 less. For example, football players are usually given  
18 a lesser sentence than any other Black person that  
19 might do the same thing. You can use that and say,  
20 no, it's not race but there is an issue there that  
21 needs to be looked at.

22 The charter schools. The concern in our  
23 charter schools is more about equal access because  
24 charter schools tend to be more selective even though  
25 there are some great charter schools in this country.

1 I know the one in Houston is one of the best charter  
2 schools around.

3 Normally most charter schools in this  
4 country are primarily religious. It's, again, state  
5 and government coming together but it's equal access  
6 that is the issue so that's a civil rights issue with  
7 charter schools.

8 The prison civil rights issue. We have a  
9 private prison system and there are issues on who gets  
10 out and how long they stay. Private prisons get them  
11 in longer and it's usually the Blacks that are  
12 impacted on that. They can lose the paperwork and you  
13 may be in for an extra week. That means extra pay for  
14 the prison. The money business has an adverse impact.

15 I want to mention something about Native  
16 Americans because Oklahoma has a 7.6 percent Native  
17 American population and is 7.4 percent African  
18 American. The largest ethnic group in Oklahoma since  
19 the '90 census has been Native Americans.

20 Native Americans live in the rural areas.  
21 75 percent are in the rural areas. African-Americans  
22 75 percent are in the urban areas. Those are two very  
23 different populations that receive social services  
24 quite differently.

25 Oklahoma has 39 recognized Native-American

1 tribes, second in the country in the Native-American  
2 population behind California.

3 CHAIRPERSON BERRY: How many?

4 DR. MITCHELL: How many?

5 CHAIRPERSON BERRY: I didn't hear what you  
6 said.

7 DR. MITCHELL: I said second in the nation  
8 in population.

9 CHAIRPERSON BERRY: Twenty-five?

10 DR. MITCHELL: Thirty-nine recognized  
11 tribes. Thirty-nine federal recognized tribes. We  
12 are divided in terms of eastern tribes and western  
13 tribes. Oklahoma is a little different. When people  
14 think of Oklahoma and Native Americans, you don't  
15 think in terms of reservations. Reservations are very  
16 specific and have some very special problems on  
17 reservations.

18 We still have sovereignty problems in  
19 Oklahoma because these are tribes. How it interferes  
20 with civil rights, for example, in health care or in  
21 housing. We have problems in housing with Native-  
22 Americans. The problems that exist are problems that  
23 exist within the tribe.

24 On one hand, there is sovereignty but when  
25 you have a disabled person who can't get the services

1 and the BIA is in charge, then there is an issue that  
2 concerns the actual functioning of the BIA as an  
3 entity of the government. We respect the sovereignty  
4 of the tribes but there is a federal presence that  
5 needs to be looked at in terms of doing the job.

6 We know publicly all the questions about  
7 the BIA in terms of working with Native-Americans and  
8 their responsibilities in a number of areas but I  
9 think there are civil rights issues involved.

10 Now, I realize the sensitivity of this  
11 involvement because we had a commissioner that went to  
12 the reservation, if you remember, and really caused  
13 quite a stir. It impacted us in Oklahoma, too,  
14 because we had a hearing at that time and the Native-  
15 Americans boycotted us completely on this very  
16 important hearing.

17 I think the sovereignty question is very,  
18 very important. At the same time, there is a federal  
19 presence. It is that federal presence, I think, in  
20 terms of civil rights that the Commission -- that we  
21 are concerned about.

22 Redlining is a problem in Oklahoma City.  
23 Not necessarily in buying but also in renting.  
24 Tremendous problems in the northwest part of Oklahoma  
25 City which is usually pretty wealthy white area.



1 blacks are not directed there. It's the same  
2 problems. One person calls and they are white and if  
3 a black calls and they get the voice, no. Those  
4 problems still exist today. You would think it would  
5 be different.

6 In terms of education, mentioning that the  
7 Native-Americans are in the rural areas, I just  
8 received a talent search grant and part of the studies  
9 we did on our information was to look at the rural  
10 schools surrounding Stillwater where the university is  
11 located.

12 We found one community, Glencoe, which is  
13 an all-white community. Forty-percent of the children  
14 in public school are Native-American which means they  
15 are bused in from some of the surrounding rural areas  
16 where the Native-Americans live. More than 50 percent  
17 use the free lunch programs. Thinking that Native-  
18 Americans are rich and wealthy in Oklahoma is a  
19 misnomer. That's not necessarily true. The poverty  
20 still exist there. In Oklahoma we have entries in all  
21 of those.

22 One of the things I wanted to bring up  
23 while I'm here is I appreciate the commissioners  
24 coming to the meeting -- having a meeting out here,  
25 but I do think it's important that we try to use

1 resources as best we can because our regional office  
2 is in Kansas City. Oklahoma has not had very much  
3 action mainly because of staffing. Then there have  
4 been some issues that have been very, very serious in  
5 terms of our region dealing with first.

6 I appreciate the regional office moving to  
7 some of those really critical areas. Environmental  
8 question in Louisiana was very, very important.  
9 Extremely important because it impacts all of us.  
10 There are some issues that come up that has to be done  
11 immediately.

12 We've been slighted and I understand it,  
13 but I think in terms of resources we need to do  
14 something with resources. My suggestion is that I  
15 think the Commission should probably not be meeting as  
16 often outside, using resources for the regional  
17 office.

18 I think it's important that the  
19 Commissioners do meet at least four times a year  
20 outside of the Washington, D.C. area. That way you  
21 can cover all the regions so that at least -- the  
22 Commission appointment is two years. At least a  
23 Commissioner for two years will get to see all the  
24 regions by meeting outside of Washington. We know  
25 everything doesn't happen in Washington. It's out

1 here and we know that.

2 At the same time I'm trying to think of  
3 some compromise because the resources used for meeting  
4 as often outside could be used for regional offices.  
5 I think it is important to meet outside like you have  
6 in here. I think getting around the country in all  
7 the regions and meeting in every region at least  
8 during the two-year period would be quite sufficient.

9 With that, I thank you very much.

10 CHAIRPERSON BERRY: Okay. Thank you.

11 We're going to have some questions, but  
12 first I wanted to ask you about the resource question  
13 -- I appreciate you raising it -- and whether you were  
14 privy to the discussions about different ways that  
15 committees might meet.

16 Now you have a situation where you are  
17 supposed to meet and have somebody present from a  
18 regional office which is a constraint on meetings. We  
19 talked when some of the SAC chairs were in Washington  
20 and we talked to people as we go around the country  
21 about different ways to meet.

22 For example, you can teleconference and  
23 have the person from the region doesn't have to be  
24 present physically in your meeting, which means there  
25 can be more meetings going on than there would be if

1 there was only one person. That is the first thing.

2 I don't know if you were told about that,  
3 Dr. Mitchell, or not, as an option, but that is an  
4 option so that your SAC could meet. Even if somebody  
5 from the region can't actually be physically there you  
6 would be able to meet anyway.

7 DR. MITCHELL: Yes. Absolutely. I missed  
8 that meeting so I was not aware but that is one of the  
9 things that I would like to do because I know I do it  
10 now. We have teleconferencing at the university so we  
11 have several places in Tulsa and Oklahoma City and in  
12 Stillwater that we can have a meeting, a SAC meeting,  
13 and everybody in the state could attend one of those  
14 locations.

15 Then we had persons who were testifying or  
16 giving information and they could be at any one of  
17 those places and have a meeting that way. Yes, that  
18 would be one of the --

19 I would like to use the electronic method.  
20 Speaking of electronic, I would prefer receiving the  
21 minutes electronically rather than in the mail. If  
22 you send them e-mail that would be fine. I think  
23 there are some things we can do in terms of electronic  
24 communications, too.

25 CHAIRPERSON BERRY: Yeah, we talked about

1 that and we talked about making sure that all the SAC  
2 members had e-mail and that people could be in touch  
3 not only with the region and the regional office, but  
4 be in touch with the staff director's office and  
5 regional coordinators, the chairs we're talking about,  
6 in Washington. We talked about all these different  
7 ways for people to be able to communicate more freely  
8 so that you would be able to do more despite the fact  
9 that you don't have resources to do it.

10 The reason why you don't have the  
11 resources obviously is because when Melvin came on the  
12 Commission some years ago, I think he was saying  
13 yesterday, the budget of the Commission was something  
14 like \$14 or \$15 million dollars. The budget of the  
15 Commission now is about \$9 million. Even if you  
16 correct for the ups and downs of inflation, it would  
17 be much more than that now.

18 The other thing that I think you should be  
19 aware of is when the Commission does meet, I think  
20 this is the third or fourth time we've met somewhere  
21 else, we do have to go from Washington and hold  
22 hearings in various places as we did in Miami and so  
23 on, but it was a recommendation of the regional  
24 coordinator and the regional directors and the SAC  
25 members who came to Washington that we go out to meet

1 with people.

2 That was a motion that we acted on in May  
3 which caused us to realize that all we'd been doing  
4 was meeting in Washington and having people either  
5 come to us or every now and then have a hearing and  
6 that not all wisdom resided inside the beltway. That  
7 caused us to respond and say, "Okay. We'll go out and  
8 meet with people."

9 I have found the best meetings of the  
10 Commission, to tell you the truth, have been on the  
11 road. I have learned more. I have met more people  
12 here. The people I met yesterday, the experience we  
13 had, the things we heard, it never could have happened  
14 in Washington. It couldn't even have happened over  
15 the phone.

16 When we went to Wilmington a month ago,  
17 what we heard and the things we took back, and the  
18 small things that the staff was able to do that they  
19 heard about that people had been trying to get some  
20 information from somebody that they had never gotten  
21 it. Just a little thing like that that they were able  
22 to do.

23 When we went to Detroit and had the  
24 meeting and people from the Native-American community  
25 came in to talk about post-9/11 and what's been

1 happening to them and to people who are Muslim and  
2 people who think they are Muslims and they're not.  
3 They are Hispanic Catholics and they think they're  
4 Muslims or something. Lebanese Catholics or something  
5 or Christian Fundamentalists.

6           Anyway, what we heard there and the way  
7 the people felt about the fact that we came, to me I  
8 just -- and when we asked the staff director, because  
9 that question was put to us by somebody who didn't  
10 think we should go anywhere, and the staff director  
11 figured out it didn't cost that much more to go  
12 somewhere than it did to meet in Washington primarily  
13 because Commissioners aren't all in Washington.

14           They have to come to Washington from  
15 California, South Dakota, from wherever. They might  
16 as well go to Jackson as to go to California and there  
17 are ways to do it.

18           I just think that on balance my personal  
19 view is, and I wouldn't have expected this, that I  
20 just learn so much and I would hate to see the  
21 Commission even with our limited resources not be able  
22 to go places. I would love for us to be able to go to  
23 every state if that was possible. It's not possible  
24 but I would love it if we would be able to go out in  
25 communities and go to every state.

1                   STAFF DIRECTOR JIN:    Madam Chair, if I  
2 could just add a couple of quick comments.  I find  
3 that when we went to Florida it was -- we got a lot  
4 out of it but that was really part of a briefing that  
5 we went down to do on elections so this is only the  
6 third time that we have traveled outside the beltway  
7 under the new format.

8                   Each one of them has been different and I  
9 find that each one has contributed in different ways  
10 to, I think, the Commission and a better understanding  
11 of what's going on.  One of the reasons we wanted to  
12 invite SAC chairs from neighboring states to come here  
13 was because we felt it was an efficient way to learn  
14 what was going on and a good way to contrast and  
15 compare some of the issues.

16                   For example, we know that three of the  
17 states here are dealing with the issue of civil rights  
18 agencies so this provides an opportunity for you all  
19 to talk and for us to listen, for the commissioners to  
20 listen to that issue.

21                   In terms of the frequency, I can't keep up  
22 with the requests, frankly, from SACs to come visit.  
23 When we were in Wilmington, of course, again we  
24 invited SACs to come there and two of the SACs  
25 implored me afterwards to have the Commission.



1           They said, "We love this. This is  
2 wonderful but it's not the same as you coming to my  
3 state. Can the commissioners come to my state next  
4 month," or something like that. I didn't want to be  
5 discouraging because I was very enthused about that,  
6 but I had to kind of say, "Well, there are a couple of  
7 regions we haven't even hit yet. A number of SAC  
8 chairs haven't had a chance to meet with the  
9 commissioners in this kind of format yet so it  
10 probably won't be in the next few months."

11           Again, we are trying to balance  
12 everything. I personally found that the benefit of  
13 going out into the different states and regions has  
14 been extraordinary and enormous.

15           CHAIRPERSON BERRY: We wouldn't have been  
16 able to hear you make that comment if we hadn't come  
17 here.

18           Yes, Commissioner.

19           COMMISSIONER MEEKS: Since I've been on  
20 the Commission, and I'm from South Dakota, and we had  
21 a forum there shortly after I came on, and that's  
22 where it was so obvious that we gave a voice to people  
23 that didn't usually have a voice. Then there was this  
24 disconnect in Washington.

25           Hearing you all say this, I sympathize

1 with you from Nebraska because I understand. I know  
2 the minority population is smaller than, of course,  
3 the majority population, but that it really does not  
4 have a voice.

5 It occurred to me, I mean, listening to  
6 all of your presentations that in Arkansas and  
7 Louisiana where there's been a lot of work and there's  
8 a larger minority population, the work isn't done by  
9 any means, but you somehow manage to get a voice.

10 And you've got the voters -- there's a lot  
11 of work to be done yet -- going to the poles so they  
12 are starting to be heard in the states like Nebraska,  
13 Oklahoma, South Dakota, and a lot of the other states.

14 I mean, the minority population is small enough that  
15 they really are not being heard. I will continue to  
16 advocate that we go to the states. I will always make  
17 this argument.

18 CHAIRPERSON BERRY: And we will always  
19 advocate that we get more money.

20 STAFF DIRECTOR JIN: So will we.

21 CHAIRPERSON BERRY: We will also have  
22 Oklahoma. I've been wanting Oklahoma to be a place  
23 where we would go. I don't know where when we get  
24 there.

25 COMMISSIONER MEEKS: Durant. My son is

1 going to school in Durant.

2 CHAIRPERSON BERRY: Oh, he is?

3 STAFF DIRECTOR JIN: Oh, no. It's not  
4 going to be in Durant.

5 CHAIRPERSON BERRY: I never heard of  
6 Durant.

7 But I had some substantive questions that  
8 I'm sure that others did, too, that I wanted to ask if  
9 it's all right if I ask them.

10 First go back to the point you made, Ms.  
11 Stennis-Williams, when you were talking about Nebraska  
12 and about the equal opportunity agencies being  
13 underfunded. You made what I thought was an excellent  
14 point when you said that even the people who would  
15 support the agency don't support it because it doesn't  
16 have enough to do anything for them.

17 Even when they come there -- if I  
18 understood you correctly, even if they came there to  
19 get some relief, they wouldn't get what they were  
20 seeking because there wouldn't be enough staff or  
21 anything to do it so they would come away and have a  
22 negative experience. Even the supporters, the people  
23 you would think are supposed to be supporting you,  
24 wouldn't be there. It was a corollary.

25 The Commission for years has found that if

1 you look at a civil rights enforcement agency's case  
2 load and the caseload is very low, it doesn't mean  
3 there are no problems. What it means is the people  
4 don't think they are going to do anything anyway.

5 When the staff went out and surveyed  
6 people, they said, "Those people can't do anything for  
7 you anyway. You either go there and there's nobody to  
8 do anything or you go there and you talk to them and  
9 they don't do anything. Why should we go over there?"

10 It's not that the number shows because  
11 some people have thought that. They had said, "See,  
12 there are no civil rights problems because nobody uses  
13 it." The Justice Department says that civil rights  
14 problems have become very low in the Reagan years, to  
15 put a face on it. They said, "There aren't that many  
16 civil rights problems because the Civil Rights  
17 Division of Justice doesn't have that many people  
18 complaining anymore."

19 We found that if you don't have the  
20 resources, you don't do it, or you don't show the  
21 commitment, then people don't come and that's a bad  
22 sign and not a good sign. Does that relate to the  
23 point you were making?

24 MS. STENNIS-WILLIAMS: Exactly. Another  
25 issue is sometimes they will look at the no reasonable

1 cause findings and many of the people who are in favor  
2 of getting rid of the agency will say that just  
3 because, as an example, five cases were filed and four  
4 were no reasonable cause, that there was no  
5 discrimination taking place in the state.

6 It does not mean that. It means that  
7 because of a lack of funding, we are not able to get  
8 qualified investigators. The case loads in many cases  
9 are so high that people are burning out. There is not  
10 enough resources to hire qualified, competent, and  
11 sufficient number of investigators to do timely  
12 investigations of cases.

13 You may have a case that's filed a year or  
14 two years before you get any type of response back.  
15 Often times by the time that case is filed to the  
16 point of investigation, you have it being so  
17 compromised that usually a no reasonable cause finding  
18 is the only thing possible because witnesses have  
19 left, documents have been lost or destroyed, memories  
20 have waned for whatever purposes.

21 Exactly what you have is then you have the  
22 people who would normally come out and support and  
23 fight for those agencies saying, "It did not serve me  
24 so, therefore, I'm not going to support it."

25 CHAIRPERSON BERRY: So it was related to

1 the same point.

2 The other thing I wanted to ask about was  
3 when you were talking about Louisiana, Ms. Madden, you  
4 were talking about the report that you had just done  
5 on cancer, the new report, and what they had found.  
6 You said that the Department of Environmental Quality  
7 that you thought you were going to recommend be funded  
8 out of the general fund instead of from the fees.

9 The new model in Washington for a lot of  
10 these agencies, people are saying they ought to be  
11 funded out of monies taken from the businesses they  
12 regulate, and that, in fact, all the regulatory  
13 agencies should be funded by the businesses that they  
14 regulate and the fees that they get from the  
15 regulation, that that's the correct model. Are you  
16 saying you don't think that makes any sense?

17 MS. MADDEN: You know, it sounds good but  
18 when you start looking at it more closely it isn't.  
19 It calls to mind an example -- I also work for Common  
20 Causes as a volunteer. We pushed hard for many years  
21 for campaign finance reform.

22 At one time senators and representatives  
23 were going at the expense of special interest groups  
24 on all kinds of lavish vacations. Sometimes they  
25 would say there was an educational seminar which might

1 be one hour and then it was a whole week golfing and  
2 swimming and all the rest of it. If they were going  
3 to go and get that one hour seminar, maybe that should  
4 be at the taxpayer's expense.

5 That's what I think. Wouldn't it make  
6 sense to have the industry pay for it because they  
7 have this expertise? The answer is really no. There  
8 are just too many traps in having the industry in bed  
9 really with the regulators. It doesn't really work.  
10 It sounds good on the surface but I don't think it  
11 works. I think that is what we saw when we went  
12 through this fact-finding hearing.

13 CHAIRPERSON BERRY: The general question  
14 that I wanted to ask you, you said that -- you were  
15 talking about the forums and dialogues they have been  
16 holding on institutional racism. You were talking  
17 about people who don't seem to think that racism exist  
18 or words to that effect. A couple of you have  
19 mentioned that.

20 I just wondered how do you get people to  
21 concede, or at least admit or acknowledge that there  
22 is a problem? I was listening to a radio station a  
23 couple of weeks ago and they were talking about the  
24 Senate race in Texas.

25 They said that one of the candidates made

1 the mistake of mentioning something about race. This  
2 commentator said, "The people of our state don't want  
3 to talk about that because they don't believe there is  
4 a race or civil rights problem. They don't want  
5 anybody mentioning anything."

6 Then they said, "We don't believe there's  
7 a class problem or a race problem or any kind of a  
8 problem. No gender problem or any kind of a problem  
9 like that in our state. If you mention that, you are  
10 going to lose." Well, I was -- and when I listened to  
11 that, I thought don't they remember that guy, James  
12 Byrd, that got dragged behind that truck and killed or  
13 was I in a different --

14 CHAIRPERSON BERRY: So I'm just wondering  
15 is it necessary to get people to acknowledge there is  
16 an issue before one can deal with it or, in the  
17 alternative, would it be better to say that we're not  
18 going to talk about that there's an issue. We're just  
19 going to say to people, you know, why can't we all get  
20 along. Then hope everybody gets along and not say  
21 what it is that we're trying to get along about.  
22 Maybe that will make people feel better. Does that  
23 work?

24 MS. MADDEN: It works but it's difficult.  
25 I think most white people that I know are in a state



1 of denial about racism. Many of them think that these  
2 problems were solved back in the '60s. "Weren't they?

3 We don't have problems now." It's not really until  
4 you can entice -- the hardest group to get is white  
5 males -- entice them to join a dialogue where they sit  
6 still for six weeks, two hours at a time, and focus on  
7 institutional racism that their eyes begin to open.

8 I would like to tell you about one  
9 exchange. Mike Morris, who facilitates some of these  
10 dialogues with me, went through two or three of them.

11 He's a former police officer who now works for the  
12 sheriff's office. An African-American man. He also  
13 serves on our SAC.

14 Anyway, he said that he had suffered from  
15 racism for years and years and years. I guess Mike is  
16 probably in his early 50s but he never knew what it  
17 was. He just thought this is just the way things are,  
18 but it was causing him all kinds of problems in his  
19 personal life and his employment, everywhere in the  
20 community. He was often stopped for DWB, driving  
21 while black.

22 All these things were going on but he  
23 didn't really know that it was racism. He just knew  
24 that it was the way things are. It really wasn't  
25 until he came into these dialogue groups that he began

1 to identify what was going on and identify it for  
2 other people as well.

3 There was another man in the group, a  
4 white man of Hispanic background, who is a doctor.  
5 Intellectually he understood all about institutional  
6 racism, but he had never really had an opportunity to  
7 sit down for hours at a time and talk with others of  
8 another race about race. He said it really opened his  
9 eyes. It wasn't just an intellectual thing anymore.  
10 It was an emotional thing.

11 Also, one thing that Mike said in addition  
12 to the fact that he had this undiagnosed problem, was  
13 that he was a police officer and he had a loaded gun  
14 on his hip. That's a pretty explosive situation.

15 Unlike the Marines, I'm looking for a few  
16 good men and good women, but men I think are the  
17 hardest sell to bring into this. What we're doing  
18 right now is because we are expanding our dialogues on  
19 race, is having ambassadors.

20 That would be like this one guy who  
21 identifies himself as a rich white guy. He's in the  
22 automotive industry. Can he persuade two or three of  
23 his colleagues in the automotive industry to take part  
24 in the next one because we are really now shooting for  
25 leaders, community leaders.

1 We'll have a mix of other folks, ordinary  
2 people like myself, but we want to get the CEO of the  
3 hospital. We want to get the police chief. We want  
4 to get people who are really in a position of power to  
5 take part in these dialogues because that's going to  
6 open some eyes and I think make some changes.

7 It won't be overnight, of course. We  
8 can't give you a checklist, as I said, of how to  
9 dismantle institutional racism, but we can do some  
10 things. It's not the only game in town but I do think  
11 that it's pretty effective.

12 DR. WELLS: I would like to comment on  
13 that, too. I think people like businessmen and the  
14 rich white man and so forth and so on with businesses  
15 may fear in many cases of losing money, losing  
16 customers, not stirring up things. That can be true  
17 on both sides. All races can be afraid of that.

18 I find that recently there has been a lot  
19 of multi-cultural diversity training. We are doing  
20 some of that even in the State of Alabama where we are  
21 over the airwaves doing workshops and seminars and  
22 other presentations on diversity and multi-cultural  
23 education.

24 Education is one key to the problem.  
25 People do not know their rights and if they hear them,

1 then they will know them and they can individually, or  
2 as a group, demand their rights.

3 DR. MITCHELL: I'm right in the middle of  
4 this very important question right now at our  
5 university. Those of you who might have known about  
6 -- might have read the blackface and Klan pictures on  
7 the web from some of our fraternities. I'm right in  
8 the middle of doing this.

9 What's interesting is that if you have an  
10 environment in which people think this is okay, even  
11 though it may not be accepted by the group and they do  
12 this, that means there's a sensitivity part so history  
13 and sensitivity are both involved.

14 Now, these are white male fraternities,  
15 the future corporate CEOs of the world. We have a  
16 number of CEOs from Oklahoma State University,  
17 fraternity boys -- fraternity men -- sorry about that  
18 -- who were active in the fraternity, president of a  
19 corporation, Deboone Pickens. These are the large  
20 corporate executives of the world. They came through  
21 this fraternity system. If you check you'll find they  
22 were all fraternity boys.

23 Now, this is getting to the essence of  
24 institutional racism. These young men, thoroughly  
25 embarrassed by what three members did, never thought

1 there would be sanctions so high from the community as  
2 a whole, from the university, across the country,  
3 their alumni, because some people think that this is  
4 behind us.

5 They think it doesn't exist. These young  
6 men have no understanding whatsoever about what the  
7 Klan means. They know it's something that happened.  
8 They know the history. They know what happened but  
9 they don't know the meaning of it.

10 One of the things that has been initiated,  
11 and I'm hoping this can give some systemic change to  
12 the whole institution, they have faculty jumping at  
13 the bit to teach diversity courses to add more  
14 diversity, their special education for the student.

15 The young men that I work with starting  
16 Monday, we will go every hour on Monday for the rest  
17 of the semester and then start next semester on some  
18 really serious diversity training as to why these  
19 things are unacceptable. The first thing we're doing  
20 is they are going to look at 100 years of lynching by  
21 Ginsburg and there are some pictures on the web.  
22 We're going to do some web things to know exactly what  
23 this -- to hit this issue specifically.

24 Then there are other issues of diversity  
25 that these young men don't get. One of the great

1 pieces of writing that is on the web you can get is  
2 from Professor Jensen at UT Austin. It's on the web  
3 and you can find it. He has a paper that he first  
4 wrote in the Baltimore Sun called "white Privilege."  
5 This speaks to White America about what white  
6 privilege really is.

7 For example, I can be sure when I walk  
8 into a room there will be more people like me than  
9 someone else. These are the kinds of things that make  
10 systemic, but it's long-range plans. We have two  
11 things we have to deal with. One is deal with the  
12 symptoms and deal with the causes. The symptoms are  
13 the things that happen immediately. The Commission  
14 responds very quickly to issues but the long-range  
15 causes are protected by the kinds of studies that one  
16 does with the Commission.

17 For example, I'm still using one of the  
18 long-term studies on Black farmers that the Commission  
19 did years ago. That's one of the best academic pieces  
20 that you can use for any kind of class in agriculture  
21 which I've used in some of the classes that I've been  
22 asked to teach for ag students.

23 These are the ways which one makes change  
24 but it's a long-range plan. We could not have done  
25 this 15 years ago. Fifteen years ago at my university

1 we had the same problem, blackface. Community  
2 Relation Services came in, which they do, the Justice  
3 Department. They are back with us again. They do  
4 their job well but that's a temporary fix. They came  
5 in 15 years ago and reestablished what you call multi-  
6 cultural action teams of students getting together.  
7 They brought in a few speakers.

8 They brought in Reginald Wilson from  
9 American Council on Education. He gave a great talk  
10 to an audience of about 35 people. Those are the  
11 things. You are treating symptoms but the long-range  
12 causes. Some of the things the Commission can do in  
13 the studies, doing some in depth studies and having  
14 them read the publications can have a really long-  
15 lasting impact.

16 Racism is real. It's alive and well.  
17 It's much more subtle but it's there. These white  
18 young men are getting a lesson of what happens when  
19 certain behaviors are not acceptable.

20 My wife ran for office in Oklahoma. She  
21 was the elected official and won twice. She ran for  
22 county commissioner. This is the essence of it, we  
23 don't have a Black constituency and she managed to  
24 win. We had Klan signs appear on her big signs. The  
25 mayor, the city commission, the DA all gave very

1 strong statements publicly about how that was uncivil.

2 Those signs disappeared.

3 CHAIRPERSON BERRY: I'm going to recognize  
4 the Vice Chair, but I would be remiss if I did not say  
5 that some of the discussion about that there is no  
6 racism comes from people of color. There are some  
7 very highly visible African-American folks who you can  
8 see appearing on various kinds of media and public  
9 places. It's not just white men saying there's no  
10 racism. I just wanted to make that clear. You have  
11 people of color including Latinos.

12 DR. MITCHELL: There was a former chair  
13 who stood up in a SAC meeting and told us that white  
14 males were the protected group.

15 CHAIRPERSON BERRY: Chair of this  
16 Commission.

17 DR. MITCHELL: Yes.

18 VICE CHAIR REYNOSO: Thank you for your  
19 expression of opinions. I have a concern. I'm  
20 encourage by Dr. Mitchell's and Ms. Madden's comments  
21 and optimism, but I must tell you that I teach a  
22 seminar on civil rights and I've thought about these  
23 matters a great deal.

24 I have concluded that talk doesn't help  
25 much. That it's experience. It's the experience that



1 people have. When people are forced into an  
2 experience like the civil rights movement of the '60s,  
3 then they do rethink their ideas and their feelings  
4 and their philosophy.

5 The two of you have indicated that in your  
6 experience some talk does help, i.e., talk with young  
7 people or in depth talk. Long ago I decided not to  
8 accept invitations to "debates" on Proposition 209 and  
9 other civil rights issues that have come up in  
10 California because I found that everybody who attended  
11 already had strong feelings.

12 I was wasting my time. It was not an  
13 experience, it was just talk. I am encouraged that  
14 under some circumstances it's your experience that  
15 talk can help if it's structured right so that the  
16 talk that those folks have in your programs become an  
17 experience, not just talk. I have to conclude that's  
18 what you found otherwise. At least, I've been  
19 convinced that talk alone doesn't help because folks  
20 don't change their opinions based on talk.

21 In that regard, I would like to ask not  
22 only the two of you but the others on the panel how do  
23 we as a Commission go about educating the American  
24 public that there is such a thing as institutional  
25 racism? Some of you have used that terminology. Some

1 of these Black public speakers and intellectuals that  
2 don't think there are problems say there is no such  
3 thing as institutional racism. Many Anglo-Americans  
4 believe there's no institutional racism.

5 Any issue that comes up they will describe  
6 not as a race or ethnic issue but as an education  
7 issue, as a driving issue, as a police issue, as an  
8 environmental issue, not a race issue. That is, they  
9 don't accept the notion that we ought to look at  
10 effect. They say racism -- many of these people are  
11 good people.

12 That is, they don't deny that there's  
13 racism and they believe it's bad, but they will only  
14 believe that there's actual racism when somebody says,  
15 "I'm not hiring you because you're a woman." Or, "I'm  
16 not giving you a job because you're black." Or, "I'm  
17 arresting you because you're Latino."

18 That doesn't happen very often but they  
19 refuse to look at statistics that Latinos or Blacks  
20 are disproportionately in prison; that Indian  
21 Americans have lower educational attainment, etc.,  
22 etc.

23 What's the technique or what do you  
24 suggest out of your own experiences ought to be our  
25 approach in terms of, I think, not convincing

1 ourselves or, I must say, convincing some of the  
2 members of this Commission, but certainly convincing  
3 the American public that that is something we ought to  
4 look at in our society.

5 MS. MADDEN: It is certainly a very, very  
6 difficult problem. I would like to make a couple of  
7 comments. I do think that talk is action. It can be  
8 action. Sometimes it's just talk but when you think  
9 of the leaders of our country, the leaders of big  
10 business, the leaders of any institution, they don't  
11 really use their hands and work gloves to do the work  
12 that they do. They are usually sitting around a table  
13 talking. So talk is action.

14 Another thing is we don't enter into  
15 debate at all. In fact, one of the pieces of our  
16 dialogues on race is a whole page describing the  
17 difference between dialogue and debate.

18 Debate assumes that one of us has the  
19 answer and whoever wins is going to prevail. Whereas  
20 dialogue means that you may have part of the answer  
21 and you may have part of the answer and I may have  
22 part of it. If we sit down and talk about it openly  
23 together, then we might arrive at the truth because  
24 all of us might have a piece of it. That's another  
25 thing.

1 I don't have the solution for reaching  
2 great masses of people but I do think our new approach  
3 of trying to reach some of the leaders to catch one  
4 and ask that one to become an ambassador to others so  
5 that at least they will sit down and participate in a  
6 discussion, a dialogue, but not a debate. If they  
7 will do that, I think a lot of eyes will be opened.

8 One of the most impressive examples to me  
9 of racism was during the last mayor's race. This is  
10 the same mayor who just fired the personnel director  
11 for issuing that report. I got invited to go before a  
12 meeting with this mayoral candidate and there were  
13 seven candidates. I had been meeting with all of them  
14 because I had a great concern and the YWCA had a great  
15 concern about community policing and we wanted to talk  
16 to them all about that.

17 I was invited to this meeting with Bobby  
18 Simpson and I thought it was probably was going to be  
19 three or four people. I got up onto one of the top  
20 floors of one of the skyscrapers in Baton Rouge and  
21 realized that it was in the boardroom of one of the  
22 major law firms.

23 I was the only woman in the room. I was  
24 there with Mike Morris. He was the only black in the  
25 room. All the rest of them were white guys and I

1 think there was another white woman. One of the  
2 lawyers there, the son of the governor and so forth,  
3 when I saw that I realized what am I doing here on the  
4 one hand, but also I know who is going to be the next  
5 mayor because these are really the power people in  
6 Baton Rouge and that was real clear to me.

7 You have to have your eyes open and mine  
8 were not open at one time. I think some of it is  
9 going to be little by little. That is one approach  
10 but there has to be some other approaches, too.  
11 Certainly those in depth reports that the Commission  
12 puts out are very useful tools. We may need to do  
13 lots of things on lots of different fronts.

14 DR. WELLS: Yes, I had a comment. The  
15 accrediting bodies for institutions of higher learning  
16 has a model that I think can go a long way to educate  
17 people and sensitize people.

18 We are in our self study right now and the  
19 accrediting team is requiring us to do more about  
20 placing our students, those who have to go out and do  
21 internships or work in industry and so forth, co-op  
22 programs, to place them in areas and with people that  
23 they have not had any experience with. Now, I teach  
24 at a historically Black institution and we have what I  
25 call a laboratory.

1           Whenever I make speeches or do workshops  
2 in the area of diversity, I say that Alabama  
3 University is really a laboratory for people getting  
4 to know each other in addition to what is required by  
5 the accreditation team. I think that is a great  
6 model.

7           CHAIRPERSON BERRY: Yes.

8           MS. STENNIS-WILLIAMS: I think you're  
9 going to have to stop or society is going to have to  
10 stop accepting the water-downed language for racism  
11 and discrimination. All too often we allow those  
12 comfort words to be used as opposed to accepting what  
13 it really is.

14           The dialogues and debates that -- I, too,  
15 do not accept anymore invitations to come because  
16 often times the people whom they are asking are  
17 handpicked. They are people who are going to use that  
18 soft language without confronting them. I'm not  
19 saying it has to be a hostile confrontation but  
20 controversy sometimes is going to be necessary in  
21 order to get the discussions refocused on the real  
22 issues.

23           An example of that, in Nebraska, for  
24 instance, we recently had to defend our affirmative  
25 action plan. As a lawyer I went to the Black lawyers

1 and asked for their support. I'm right in the middle  
2 of chemotherapy so it was very draining on me to do  
3 this. I went for support and I was told by the Black  
4 law group, "We have to go take a vote to see if we can  
5 make a public statement."

6 They came back and said, "Some of us do  
7 not feel comfortable because we're not very well  
8 versed in that area. Some of us do not want to do it  
9 because it will alienate our client base." The other  
10 said, "Well, it may present a conflict of interest  
11 with our employers."

12 Bear in mind these are the same lawyers  
13 who are on our minority justice task force to look at  
14 racism from the legal jurisdictions. I think in order  
15 for us to get the attention of institutionalize racism  
16 out in the public, we must use those words. We must  
17 quick accepting pluralism or diversity and we must use  
18 the words that I think will make a greater impact.

19 During the month of October you are going  
20 to constantly be confronted with information on breast  
21 cancer awareness. If we are serious about getting rid  
22 of discrimination and racism in this country, we must  
23 make it a 365-day-a-year commitment and use those  
24 terms.

25 CHAIRPERSON BERRY: You have pointed to

1 something which I have puzzled over greatly about the  
2 lawyers and what you said about lawyers because one of  
3 the things that everyone wanted to do in the civil  
4 rights movement and in the women's rights movement,  
5 and wanted to do with the disability rights movement  
6 and all the rights movements, is to make the day come  
7 when there is such equality of opportunity that people  
8 can do whatever they wish to do and go as far as their  
9 potential will take them.

10 We all wanted that. That's the goal and  
11 all of us who, you know, the folks that marched and  
12 the folks that died and all the folks who did  
13 everything they did in all of those movements did it  
14 for that reason. That was supposed to be success,  
15 right?

16 Now I go out and when I'm speaking to  
17 audiences they say to me, "How do you feel that the  
18 civil rights movements relates to these lawyers?" The  
19 ones that you were talking about, people like that who  
20 don't want to take a stand.

21 . "How do you think all that work in the  
22 civil rights movement or the women's rights movement  
23 and now you've got these people talking about there is  
24 no discrimination based on sex and none on race and  
25 they don't want to hear about it, how do you feel



1 about these folks?

2 Whether they are on the courts, the  
3 Supreme Court of the United States, or whether they  
4 are on the local courts or whether they are in  
5 politics, don't you feel like the civil rights  
6 movement was a failure because you've got people like  
7 that?" I puzzle over what to say when people ask me  
8 that. I finally determined that all I could say was  
9 that we worked to make it possible for them to be  
10 critical of the movement and for them to reject us.

11 That all the work was done so that they  
12 could someday decide that they didn't want to have  
13 anything to do with the next step or with helping  
14 anybody else to get to where they are and that they  
15 wanted to repudiate or denounce all of us.

16 That was the price we paid for them being  
17 able to step out in society and hopefully do what they  
18 want to do even though we know that they can't do what  
19 they want to do yet because, you know, eventually  
20 somebody is going to run their head up against a wall  
21 and, they will need to have some help.

22 But I don't know. Do you think that --  
23 how do we account for people? What do we do about the  
24 folks like the lawyers who don't want to pull their  
25 weight or the other people who helped to reinforce the

1 idea that there is no racism, no sexism, no whatever?

2 Should that be a concern or should we just go ahead a  
3 pull the wagon and not worry about them?

4 DR. MITCHELL: Can I respond to his  
5 question first?

6 CHAIRPERSON BERRY: Sure.

7 DR. MITCHELL: Okay. I think the  
8 Commission is fighting racism in terms of what you do.

9 It's very difficult to try to map a plan to fight  
10 racism per se because discrimination is usually based  
11 upon racism. Racism is so systemic and endemic to the  
12 culture.

13 As we whack away at parts of the  
14 discrimination part, and I'm a real believer in the  
15 Commission in terms of the great publications you put  
16 out because I think those have had a greater impact  
17 than any of you would think. Maybe you do know, but  
18 it had a great impact on how we change this country.

19 Things have changed and the difficulty of  
20 the question that you just raised. That question was  
21 asked of me last week and my answer was that I'm a  
22 believer in the first amendment, that everyone has a  
23 right to be stupid.

24 The community standards is what determines  
25 how it is accepted so we have to continue the work on

1 what the community standards are. Those who say there  
2 are no civil rights are dealing with that with some of  
3 these young kids, too, so you have to deal with the  
4 community standards and what is acceptable.

5 What's different in terms of working with  
6 these young kids now is that they don't know -- they  
7 really didn't know it was wrong but those pictures  
8 that were in the paper and note their names associated  
9 with it. They know that will follow them the rest of  
10 their life. Some will always have those pictures.

11 One was a top-ten freshman. The question  
12 raised there about how you can be a top-ten freshman  
13 and behave in that behavior. That whole system of  
14 selecting students needs taking a look at. It has a  
15 mushroom effect. I think the community standards in  
16 terms of what society accepts is where we really  
17 should be working in terms of systemic change. The  
18 Commission is doing it now.

19 I would hate for you to try to think of  
20 ways in which you can top that because I think your  
21 charge and your charter does not specifically deal  
22 with racism but you deal with it indirectly. I think  
23 you're really doing it.

24 VICE CHAIR REYNOSO: I have a specific  
25 question for Ms. Stennis-Williams. You mentioned that

1 there are efforts in your state at race neutral  
2 standards and that has created problems for  
3 affirmative action, for race relations.

4 My question to you is the following. On  
5 what basis is that race neutral standard raised in  
6 your state in light of the fact that you're not within  
7 the 5th circuit, you're not California, you're not  
8 Washington. Where there are legal constraints, is it  
9 simply politically and sociologically?

10 MS. STENNIS-WILLIAMS: I think it's both.  
11 It's basically in the area of education and housing.  
12 I'll use the term poverty basically.

13 VICE CHAIR REYNOSO: But why the  
14 connection with poverty when the U.S. Supreme Court  
15 thus far has said that you can deal with race and the  
16 federal legislation and often times state legislation  
17 says you can deal with race. Why now in your state  
18 are folk talking about race neutral criteria like  
19 poverty rather than race or ethnicity if race and  
20 ethnicity, indeed, form part of the problem?

21 MS. STENNIS-WILLIAMS: You have to keep in  
22 mind we're talking about Nebraska here.

23 VICE CHAIR REYNOSO: I know. That's  
24 precisely why I'm asking you about it because there  
25 seems to be no legal or constitutional constraints

1 there to speak about race or ethnicity, yet they are  
2 doing it. It seems to me that it's got to be a  
3 political or sociological decision to do it, not a  
4 legal decision.

5 MS. STENNIS-WILLIAMS: It's both. You  
6 have a -- from the term of education you have venues  
7 whereby the school board was able to craft a bond  
8 issue that resulted in resegregation of schools. The  
9 basis behind that was that these schools that are in  
10 low income areas need to be refurbished so we're going  
11 to pass this bond issue, multi-million bond issue  
12 that's going to create these neighborhood schools  
13 while the underlying principle which was really the  
14 motivation was to end segregation -- I mean,  
15 desegregation of schools.

16 VICE CHAIR REYNOSO: Sure.

17 MS. STENNIS-WILLIAMS: So people bought  
18 into that by saying that these schools and these  
19 impoverished areas are now going to be refurbished.  
20 What they did not read, though, was the fine print  
21 that said we are going to go back to neighborhood  
22 schools. As a result you have schools that are 95 or  
23 98 percent African-American.

24 I filed a complaint with the Civil Rights  
25 Division, Department of Education. They did an

1 investigation and they were really going gung-ho with  
2 it. You have political intervention that resulted in  
3 the -- Wendall Taylor, who was the investigator  
4 assigned to the case that was gung-ho, pulling back  
5 saying we're not going to hold any more public  
6 meetings.

7 We have a very vocal senator in the  
8 chambers and he came to the first public meeting and  
9 basically just gave them a lot of information and  
10 showed where our school district was lying and  
11 deceptive. The school board was able to get  
12 politicians to intervene to basically make them pull  
13 back.

14 Another area which is being --

15 VICE CHAIR REYNOSO: Excuse me. Was that  
16 during the Clinton Administration?

17 MS. STENNIS-WILLIAMS: No, it was  
18 recently.

19 VICE CHAIR REYNOSO: Oh, recent? Because  
20 those things happened even under the Democratic  
21 Administration, not just the Republican  
22 Administration.

23 MS. STENNIS-WILLIAMS: We had the support  
24 of a Democrat and Republican Senator that were part of  
25 the intervening process. The other areas that help

1 where you have opposition to low-income housing common  
2 to an area of multi low-income housing. Actually if  
3 you were just to insert the words, "We don't want  
4 Black people, Hispanics," or whatever, you would have  
5 people who would be very upset so they are using that  
6 race neutral language as a basis to avoid.

7 DR. MITCHELL: In Oklahoma we have the  
8 same situation where "race-based scholarships" are  
9 terminated by the university.

10 VICE CHAIR REYNOSO: What?

11 DR. MITCHELL: Race-based scholarships.

12 VICE CHAIR REYNOSO: Are being terminated?

13 DR. MITCHELL: Terminated.

14 VICE CHAIR REYNOSO: On what basis?

15 DR. MITCHELL: Political. I'm getting to  
16 the political part.

17 VICE CHAIR REYNOSO: In California --

18 DR. MITCHELL: That is political.

19 VICE CHAIR REYNOSO: In California we have  
20 our problems because of 209, but then that other  
21 states are voluntarily doing that --

22 DR. MITCHELL: I'll tell you why. We're  
23 next to Texas.

24 VICE CHAIR REYNOSO: Beg your pardon?

25 DR. MITCHELL: We're next to Texas and the

1 Hopwood case has an impact on some people in our  
2 state. This is a preventative measure. I've argued  
3 with our legal counsel about this. There is no legal  
4 reason to do this by any court order in Oklahoma in  
5 that district at all. None whatsoever.

6 VICE CHAIR REYNOSO: Yet your legal  
7 counsel has recommended you do that?

8 DR. MITCHELL: They followed through  
9 because the state regents who control all our purses  
10 have decided not to do it anymore.

11 CHAIRPERSON BERRY: Wait a minute. Is  
12 that black woman still on the Board of Regents who was  
13 on there for years?

14 DR. MITCHELL: No, she's not.

15 CHAIRPERSON BERRY: What was her name?  
16 You know who I'm talking about?

17 DR. MITCHELL: Ruby -- yeah, I know. It  
18 will come to me. Senior moments.

19 CHAIRPERSON BERRY: Are there any Black or  
20 Hispanic people on your regents?

21 DR. MITCHELL: On the State Board of  
22 Regents, no.

23 CHAIRPERSON BERRY: State Board of  
24 Regents.

25 DR. MITCHELL: No. That's a major



1 problem.

2 VICE CHAIR REYNOSO: So these are local  
3 political decisions based, as Ms. Stennis-Williams  
4 says, on racism.

5 DR. MITCHELL: Precisely. I would make  
6 that argument. Then Texas and California and Georgia  
7 all accept race-based money from the federal  
8 government because I run a program in Oklahoma called  
9 Louis Stokes Aid Program.

10 California and Texas have three programs.  
11 They accept the money because if you don't accept  
12 federal dollars you may lose the rest of the money so  
13 they still take federal money but they have their own  
14 money they say you can't do it with. That's the irony  
15 of it.

16 VICE CHAIR REYNOSO: Thank you very much.  
17 It's certainly not legal. It's local, political  
18 decisions apparently being made by folk who have long  
19 been racist who have sort of toned down their language  
20 and their activities for many years while they viewed  
21 that the country was in favor of racial equality.

22 Now that they feel that the leadership of  
23 this country is not in favor of racial equality, they  
24 are now -- their voices have been raised and their  
25 political votes are now being cast in a way in which

1 they have longed believed apparently. Is that what we  
2 are to conclude?

3 DR. MITCHELL: Absolutely. Because of our  
4 leadership at the Congressional level it just  
5 exacerbates the problems.

6 VICE CHAIR REYNOSO: Thank you very much.

7 DR. KATHERINE MITCHELL: I think that  
8 another thing that has happened is we don't have those  
9 community-based organizations that constantly put the  
10 issues before the people existing anymore. I know in  
11 my State of Arkansas the only one we have left is the  
12 NAACP. The problem with that in my state is that it  
13 has such poor leadership that no one really wants to  
14 follow it.

15 Many of the issues now are against  
16 African-Americans themselves. The head of the  
17 organizations speaks out negatively about an African-  
18 American politician who is really doing good things  
19 for the people. It's that kind of thing that exist.

20 VICE CHAIR REYNOSO: The point being that  
21 if all the African-American lawyers who maybe now some  
22 of them work for downtown firms or in-house counseling  
23 and so on, would indeed speak out, they could do it  
24 even with greater force perhaps now than they would  
25 have had 10 or 20 years ago but now they are unwilling

1 to do that.

2           Yeah, I can't help but sense that you're  
3 right. Many of the community groups have not made  
4 their voices heard and so in some ways we can't really  
5 blame the politicians themselves or the Board of  
6 Regents and so on because those community groups  
7 aren't knocking on their doors saying, "Wait a minute.  
8 This deals with racism. It deals with the ill-effect  
9 on folk of color and linguistic minorities in this  
10 country."

11           MS. STENNIS-WILLIAMS: We share some of  
12 the blame because when they had this dialogue when the  
13 Board of Regents and all the other people who want to  
14 have these meetings, they hand picked people who they  
15 know are going to say what they really want to hear.

16           VICE CHAIR REYNOSO: Sure. They can't  
17 pick community groups so if the community groups speak  
18 for themselves, then these "spokespersons" aren't  
19 being picked by the regents or by the politicians.

20           MS. STENNIS-WILLIAMS: That's why what  
21 you're doing is so important. Often times you are  
22 convening publicly and the SAC convening publicly are  
23 the only voices and opportunities these people have to  
24 be heard.

25           CHAIRPERSON BERRY: That's why our budget

1 has been cut.

2 DR. WELLS: I was a member of a group once  
3 that spoke about the times when Dr. Martin Luther King  
4 was alive and visiting various places trying to get  
5 support for his movement. This gentleman indicated  
6 that when he came to Huntsville, for example, he was  
7 sort of disappointed and that he made the statement  
8 that he would never come to Huntsville again.

9 I think it was based on a lot of the  
10 people in that neck of the woods are doing well, or  
11 much better than they had in the past. I think what I  
12 have observed over the years that when an individual  
13 has a problem, they will file without support a lot of  
14 ties from NAACP or from the other groups that are in  
15 place. It's almost an individual thing.

16 CHAIRPERSON BERRY: They just see  
17 themselves as floating out there autonomously by  
18 themselves.

19 DR. WELLS: Yes.

20 DR. MADDEN: I would like to add that when  
21 we held our fact-finding hearing on environmental  
22 justice in Lake Charles about a year ago that many of  
23 the consumers who came either to speak or to listen in  
24 had felt that they were not being listened to at all  
25 until our SAC came and held this meeting. They were

1 so grateful to us just for listening.

2 This was an issue of race because they  
3 felt that they were being unfairly treated because of  
4 race but nobody cared. Nobody was speaking for them  
5 until we came. I think they were unduly grateful and  
6 maybe they expected us to do much more than we could  
7 do which really is just to raise the issues in the  
8 public mind and bring it to your attention.

9 VICE CHAIR REYNOSO: Madam Chair, I just  
10 want to comment that the environmental justice report  
11 that your advisory committee issued I considered one  
12 of the most important pieces in the evolution of  
13 environmental justice that we have seen.

14 I should also tell you that, as you may  
15 recall, it was keenly debated in the Commission with  
16 several commissioners voting against accepting it even  
17 though legally we don't vote to accept it. They vote  
18 so strongly. They said this is an environmental  
19 issue, not a race issue. That has to do with the  
20 issue of institutional racism. That's why I asked you  
21 that.

22 I'm also encouraged that you have done a  
23 follow-up on that. I was most impressed by the quote  
24 that you used in that report that one of the witnesses  
25 who said basically, "I am being asked to deny what my

1 eyes can see." I have used that phrase quite often  
2 because it was there before you, and yet all the  
3 officials and others were denying it and she said, "I  
4 am being asked to deny what my eyes can see."

5 CHAIRPERSON BERRY: All right. We want to  
6 thank you very much. This has been very informative.  
7 Again, thank you for all the work you're doing and  
8 let's continue to work together.

9 Now we are going to have -- Senator Harden  
10 isn't going to make it over here. We saw her  
11 yesterday as we participated in the SAC meeting. Mr.  
12 Carlton Reeves, Esquire, a former U.S. Assistant  
13 Attorney General, and who is now in private practice  
14 and is a member of the SAC is going to come forward  
15 and speak briefly about the SAC activities and about  
16 Mississippi.

17 Good morning to you.

18 MR. REEVES: Good morning.

19 STAFF DIRECTOR JIN: Madam Chair, if I  
20 may, maybe Mr. Reeves can introduce some of the other  
21 SAC members in the audience.

22 MR. REEVES: Right. I'm going to. First  
23 of all, thank you for allowing us to come to speak  
24 with you today. We do have our SAC members here  
25 today: Jarvis Ward from Pearl, Mississippi; Sue

1 Sautermeister right down the street in Ridgeland;  
2 Willie Foster, the vice chair of SAC. He's been on the  
3 SAC, I think, since --

4 CHAIRPERSON BERRY: 1991.

5 MR. REEVES: Mr. Foster is from  
6 Hattisburg, Mississippi. Elizabeth Powers from  
7 Greenwood, Mississippi.

8 Over the last several months our SAC has  
9 been meeting with the assistance of Farella Robinson.

10 I heard the talk of having a person from the regional  
11 office attend your meetings and she has been so  
12 gracious to come to Jackson periodically to meet with  
13 us as we considered several things that we would like  
14 to see the State of Mississippi doing in, if you will,  
15 our pet project.

16 One of the things that we thought about  
17 that was a follow-up to prior SACs was to sort of see  
18 if we could recommend to the State of Mississippi to  
19 make the State of Mississippi a little different from  
20 a couple of other states like Arkansas that doesn't  
21 have a Human Rights Commission with teeth and some  
22 others. We are actually behind everybody. We don't  
23 have anything with or without teeth.

24 Part of our efforts over the last couple  
25 of days was to have different groups' representatives

1 come forward to talk about can Mississippi afford not  
2 to have a commission. Can Mississippi afford to have  
3 a commission.

4 We have heard from people like the  
5 governor of Mississippi, the State Conference of the  
6 NAACP, Mr. Eugene Bryant. We talked with members of  
7 the Coalition of Citizens with Disabilities and  
8 professors, Mary Coleman from Jackson State, and  
9 others, representatives from the Attorney General's  
10 Office, the AARP, and others.

11 We learned a lot over the last couple of  
12 days. We learned a lot. For example, the EEOC here  
13 has an office that basically has the responsibility of  
14 conducting investigations for the entire State of  
15 Mississippi. There is only one office and that office  
16 has 28 employees.

17 I assume that we did not get the breakdown  
18 of the numbers of employees who are investigators or  
19 what not but what we did learn is that there are two  
20 attorney slots within the U.S. EEOC that are vacant.  
21 There are no attorneys in the State of Mississippi  
22 employed by the EEOC.

23 That becomes extremely problematic with  
24 regard to investigating and certainly prosecuting any  
25 type of employment discrimination cases. That's a



1 problem. Of course, we all know that there's 180 days  
2 for which the EEOC can go out and investigate and then  
3 issue charge letters because that's what we find in  
4 our practice.

5 After 180 days whether the case has been  
6 investigated or not persons can simply call up and  
7 say, "May I have my right to sue letter?" Without any  
8 investigation and it is issued. We think that there  
9 needs to be, at least on some level, some state  
10 counterpart.

11 Now, as we went into our meetings over the  
12 last couple of days, I think the general consensus  
13 among the SAC was to sort of envision a Human Rights  
14 Commission that deals with things such as Title VII,  
15 that might deal with fair housing and public  
16 accommodation things.

17 We did hear other distressful, in my mind,  
18 testimony from Eugene Bryant, for example, of the  
19 State Conference of the NAACP, who talked about the  
20 zero tolerance policy that we have in public  
21 education. The three strikes and you're out policy,  
22 and the inequities on how those policies are playing a  
23 role on Black males in particular through our public  
24 education.

25 We did hear some things which will be

1 enlightening because there is a record of what we did.

2 For example, I think the governor is on record of  
3 saying that he would consider issuing an executive  
4 order. That remains to be seen because we did talk  
5 about the political consequences of even trying to  
6 advocate for such an institution here in Mississippi.

7 We also heard that the reality from Philip  
8 West who is the chairman of the Legislative Black  
9 Caucus. I was moved by some of the things that Mr.  
10 West said and he really spoke from his heart and from  
11 his gut with regard to the political quagmire that any  
12 type of these issues coming forward and doing things  
13 in light of the political realities in this state.

14 All in all, though, I think it was summed  
15 up best in Mary Coleman's testimony, the Professor  
16 from Jackson State, who said basically if you have the  
17 will to do what you have to do, then you can get it  
18 done. She talked about her experiences of having seen  
19 commissions on a national and international basis.  
20 When people have the courage to do the right thing  
21 they will.

22 I suspect that Mississippians do have the  
23 courage. We just are going to have to put pressure on  
24 them to make sure that they bring forth and do the  
25 right thing.

1           Finally, I would say this. The mayor of  
2 the City of Jackson with regard to the fair housing  
3 component. The City of Jackson apparently has been  
4 trying to implement some fair housing ordinance. The  
5 fact of the matter is that they have been advised that  
6 because there is no enabling legislation which allows  
7 them to enact such an ordinance, then no ordinance can  
8 be enacted.

9           Certainly, I think, the easiest thing for  
10 the state to do is to allow for some enabling  
11 legislation to allow progressive citizens in this  
12 community and in this state and there are some. Allow  
13 them to do the right thing.

14           Certainly our objective in looking at all  
15 this, again we were looking at it from a fair-housing,  
16 public-accommodation, Title VII perspective, but we  
17 know in Mississippi there are other problems and that  
18 any type of Human Relations Commission or Civil Rights  
19 Commission here in the state will be inundated with  
20 numerous complaints about numerous things because at  
21 this point there is no one other than the federal  
22 government and the federal government is overburdened  
23 with it in the state. There is no one else for them  
24 to turn to.

25           The U.S. Attorney's Office through

1 Assistant U.S. Attorney Mrs. Dee Page spoke in detail  
2 about the number of housing discrimination lawsuits  
3 that office has prosecuted but that's only one office  
4 in the southern district of Mississippi. They cannot  
5 do it all. The State of Mississippi is going to have  
6 to take the lead in doing some things for its 2.8  
7 million citizens that Governor Mutsgrrove says he  
8 represents.

9 CHAIRPERSON BERRY: You had two of your  
10 SAC members come back.

11 MR. REEVES: Just one of my SAC members  
12 has come back, Ms. Holmes, I think. I'm sorry,  
13 Elizabeth Powers from Greenwood.

14 CHAIRPERSON BERRY: Yes. Okay. Thank you  
15 for giving us that report. As I said, we were there  
16 yesterday and heard some of the testimony and did meet  
17 with the governor. I come away this time more  
18 encouraged than I was the last time that now there  
19 will be some sort of human rights agency finally in  
20 Mississippi.

21 My own view was that if we could just get  
22 started on something, that we can effect it and work  
23 on it so we need to take some kind of step to get  
24 something done. The work you are doing and the way  
25 you put together that forum was terrific. The lineup

1 of speakers and the way it was handled and all the  
2 rest of it that we ought to be able to get it done  
3 here.

4 Then maybe if you can have one with teeth,  
5 that will set an example for Arkansas to try to move a  
6 little bit further ahead. Then finally we can get all  
7 the states with human rights agencies. Let me thank  
8 you very much.

9 If there are no other matters that we  
10 ought to consider, we will adjourn except, Staff  
11 Director, if you want to announce where the reception  
12 will be.

13 STAFF DIRECTOR JIN: Yes. I think  
14 everybody knows that there is a reception afterwards.  
15 The staff and the commissioners got the information in  
16 their packets. It's in the Crown Room but nobody got  
17 directions.

18 Let me just give the directions. It's  
19 pretty straightforward. Go back out to the  
20 registration desk. Go past the bar and right on the  
21 left-hand side before you get to the restaurant. It  
22 shouldn't be very hard to find and you can ask staff  
23 and they can lead you there.

24 CHAIRPERSON BERRY: Thank you very much.

25 (Whereupon, at 12:05 p.m. the meeting was

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2  
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adjourned.)