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**Alaska Advisory Committee
to the
United States Commission on Civil Rights**

Friday, August 24, 2001

VOLUME II

Verbatim Transcript of Proceedings

Chairperson: Gilbert F. Gutierrez
Vice-Chairperson: Cruz Reynoso

Sheraton Hotel
401 East Sixth Avenue
Anchorage, Alaska

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1 ALASKA ADVISORY COMMITTEE TO THE
2 U.S. COMMISSION ON CIVIL RIGHTS

3 Friday, August 24, 2001

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P R O C E E D I N G S

Alaska Advisory Committee
to the U.S. Commission on Civil Rights
Friday, August 24, 2001

MORNING SESSION

CHAIRMAN GILBERT GUTIERREZ: Good morning. We will now reconvene this meeting of the Alaska Advisory Committee to the U.S. Commission on Civil Rights. I'm Gilbert Gutierrez, Chairperson of the Alaska Advisory Committee to the Commission.

With us again today is Cruz Reynoso, Vice-Chairperson of the U.S. Commission on Civil Rights, and Commissioner Lee. And other members of the Alaska Advisory Committee in attendance during this meeting will be Daniel Alex, Thelma Garcia Buchholdt, Sylvia G. Carvajal, Robert Gonzalez, Murilda C. Hayes, Beverly L. Masek, Mary A. Miller, and Thaddeus Owens, Mitchel Schapira, Rosalee T. Walker, and Michael J. Walleri.

Also present with us today are Elet Chin (ph), Ivy Davis (ph), and Mary Ellen Zeitsnist (ph), of the Commission's Washington, D.C., office; Thomas V. Pilla, Grace Hernandez, and Angelica Trevino, the Commission's Western Regional Office in Los Angeles; and John F. Dallas (ph), of the Commission's Denver office.

Please seek these individuals out if you require

1 assistance. This meeting is being held pursuant to the
2 federal rules applicable to the state advisory committees
3 and regulations promulgated by the U.S. Commission on Civil
4 Rights. All requests regarding these provisions should be
5 directed to Commission staff.

6 I would like to reemphasize that this is a fact finding
7 meeting and not an adversarial proceeding. Individuals and
8 organizations have been invited to come and share
9 information with the committee relevant to the subject of
10 today's inquiry. Each person who will participate has
11 voluntarily agreed to be here today. Since this is a public
12 meeting, the press and radio and television stations as well
13 as individuals are welcome. Persons meeting with the
14 committee, however, may specifically request that they not
15 be televised. In this case, we will comply with their
16 wishes.

17 We are concerned that no defamatory material is present
18 -- is presented at this meeting. In the unlikely event that
19 this situation should develop, it will be necessary for me
20 to call this to the attention of persons making those
21 statements and request that they desist in their action.
22 Such information will be stricken from the record, if
23 necessary.

24 In an effort to hear from others and not scheduled on
25 panels, we have allocated time between 4:00 p.m. and 5:00

1 p.m. to hear from anyone who wishes to share specific
2 information with the committee about the specific issues
3 under consideration.

4 At that time, each person or organization will be
5 afforded a brief opportunity to address the committee.
6 Those wishing to participate in the open session must
7 contact commission staff before 2:00 p.m. this afternoon.
8 Commission staff is at the table in the rear of the room.

9 In the event that we are not able to hear from you in
10 the open session, the record of this meeting will remain
11 open for a period of 30 days following its conclusion this
12 afternoon. The committee welcomes additional witness
13 statements and exhibits for inclusion in the record. These
14 items should be submitted to the western regional office of
15 the U.S. Commission on Civil Rights, 300 North Los Angeles
16 Street, Suite 2010, Los Angeles, California 90012. Any
17 member of the commission staff should be able to assist you
18 in the process for submitting information.

19 So we will continue with our agenda today. One of the
20 things -- I'm going to have a little safety moment. People
21 that are going to be walking between the panel table and
22 this table, be aware that there are some wires there and you
23 may trip on some of the equipment. So please be careful
24 when you do that. We don't want to have anybody have any
25 accidents here.

1 And also I would like to ask if any of the
2 commissioners would like to have an opening statement here?

3 COMMISSIONER CRUZ REYNOSO: Thank you very much, Mr.
4 Chairman. I just want to express the gratitude of the
5 Commission itself for the work of the Advisory Committee.
6 And I want to express the thanks that I feel for those who
7 appeared before us at yesterday's session and very much look
8 forward to today's session. I already had the pleasure of
9 meeting the mayor and look forward to the testimony of the
10 legislators and others. Thank you very much.

11 CHAIRMAN GILBERT GUTIERREZ: One more thing. Please,
12 if you have cell phones, turn them off. They're very --
13 they excite me a lot and I think I have to jump up and go
14 answer them. So please -- it kind of messes up the meeting.

15 Anyway, I would like to request that Mayor George P.
16 Wuerch come and present us his presentation.

17 MAYOR GEORGE WUERCH: Chairman Gutierrez, Vice-Chairman
18 Reynoso, Commissioner Lee, members of the Advisory
19 Committee. For those of you who are from out of town I want
20 to first of all extend a welcome on behalf of the citizens
21 of Anchorage to be here and to, I hope, have enough idle
22 time that you can enjoy some of the experiences of Anchorage
23 in the surrounding regions.

24 We are very proud of our city. We're going to talk of
25 some aspects today that are troubling. But nevertheless, I

1 think it's hard to get away from the grandeur of this area
2 and the warmth of welcome that most citizens will extend to
3 you while you're here.

4 With your permission, I'd be assisted today by Bruce
5 Holmes who will be operating the projector for me. And
6 later today, of course, two other members of the
7 administration will be speaking to you; Walt Monegan, who is
8 the Chief of Police at the Anchorage Police Department, and
9 later in the day, David Levy, the Executive Director of the
10 Equal Rights Commission for the Municipality of Anchorage.

11 There are two things that I would like to spend some
12 time talking about this morning. The first is that
13 Anchorage has problems with racism, including one very
14 unpleasant experience; the paintball incident of last
15 January, which may be catalyst for one of the reasons you're
16 here.

17 The second thing I want to spend some time talking
18 about are the actions taken by this community to heal
19 racism, to deal with these problems one step at a time.

20 Let's look a little bit at the background, and here
21 I'll be speaking about Anchorage municipality, the Anchorage
22 proper. The statistics are probably parallel to that of the
23 state.

24 But first of all, Anchorage, with a population of a
25 little over 260,000 people, has 28 percent of the population

1 from minority cultures. The unique thing, however, is the
2 distribution of our percentage. Seven percent are American
3 Indian or Alaska Native, predominantly Alaska Native, six
4 percent are African-American, six percent are Asian, one
5 percent are Pacific Islanders which is always a surprise to
6 see why someone would come from South Pacific to the North,
7 but they do and they seem to be very fine citizens. And of
8 course, eight percent are in the category of other or claim
9 two races or more. So that adds up to 28 percent.

10 But there is a trend, a very definite trend and a
11 rapidly accelerating trend which you can see on this chart
12 because just 10 years ago it was only 19 percent and 10
13 years before that it was only 15 percent.

14 So we do have a population in Anchorage that continues
15 to diversify as new people continue to move here either from
16 rural Alaska or other states or other countries. It is
17 interesting to note that the school district alone has 89
18 different languages spoken by the students.

19 Without a doubt, Anchorage is a kaleidoscope of
20 cultures, heritages, and ethnic backgrounds. And we believe
21 and we practice that diversity is cause for celebration and
22 community pride. I'll speak a little bit more about some of
23 the institutions that help celebrate this diversity later in
24 my talk.

25 But unfortunately at times this diversity is the cause

1 of misunderstanding, prejudice, and discrimination. And as
2 mayor, I'd like nothing better than to be able to report to
3 you that all the positive benefits of our community are
4 derived from the multi-cultural makeup; but however, I
5 recognize your fact finding mission and my responsibility is
6 to assess racism problems and find answers, and that's what
7 I hope this community is doing.

8 It is nevertheless probably one reason that you're here
9 that earlier this year the city released to the media a home
10 video recorded by three young White men who had been driving
11 around town specifically targeting inebriated Alaska Natives
12 for attacks with a paintball gun. Visualize, if you will,
13 January. It's cold. It's snowing. A paintball, leaving a
14 paintball gun flying through this chilled air, is no longer
15 a soft projectile, and it is not a casual incident. It is
16 an assault.

17 The problem we had is we needed to identify the victims
18 and we wanted to built a case to convict the three culprits
19 that we had in custody. The perpetrators were identified
20 quickly. We just needed to build a case. We were having
21 problems. This community took the bold step to release an
22 emotional, very emotional film, to the media for the sole
23 purpose of developing the evidence to prosecute and convict
24 the perpetrators.

25 By releasing that tape we did accomplish the objective

1 and more. But on one hand, the telecast produced the
2 victims and built the evidence; on the other hand, it
3 ignited racial protest and anger that spread well beyond
4 Anchorage, showing White males specifically targeting Alaska
5 Natives, provided proof of racism in Anchorage, and we don't
6 deny it.

7 The TV visuals and commentary of that paintball attack
8 were very graphic. They grabbed the public's attention.
9 And in fact, there was a four hour increment of time one
10 Monday afternoon that we were on the network news TV
11 channels all across the country because of the graphic and
12 emotional portrayal of this attack, not something we're
13 terribly proud of. And that perception was the catalyst, I
14 think, of one reason why we're here today, but it isn't the
15 whole story.

16 What got lost, of course, in the public outrage is that
17 fact that this community felt they could release that kind
18 of a film and the community would respond with help to
19 perfect the prosecution against the perpetrators.

20 We recognize that even if there had been no paintball
21 attack and subsequent public outcry, we had problems, but
22 this helped coalesce the issue and get it before the public
23 in undeniable terms.

24 Now, our crime statistics show a disproportionately
25 high number of minority persons are the victims of crimes.

1 And while statistically, our city may be among the safest in
2 the nation for its size, and our crime rates are going down
3 over the last decade and we're proud of that, but if you're
4 a victim, that's no consolation. If you're a victim,
5 that's 100 percent crime. And any trend of statistics is
6 just a statistic when you're a victim, and we need to deal
7 with the fact that in this town Native women have been raped
8 and murdered, Black, Hispanic, and Asian youth have been
9 stabbed or shot in gang related violence, and innocent
10 people walking along the street are assaulted or beaten
11 sometimes by groups of White teenagers. This is a racial
12 divide we have to heal. And there are among more violent
13 and more public examples -- these are among the more violent
14 and public examples of the racism and hate crimes in
15 Anchorage.

16 Now, Anchorage's chief law enforcement officer, Walt
17 Monegan, will speak more specifically about that in briefing
18 you and this panel in more detail about the crime
19 statistics, so I won't dwell in that today myself, but leave
20 that for the chief to speak to.

21 But as the chief knows from our conversations when I
22 appointed him, improving civil rights and providing equal
23 opportunity for all residents regardless of minority status
24 is a top priority, more particularly a top priority to bring
25 our participation numbers; and I mean by participation,

1 employment, appointments, job opportunities in every
2 category, up equal to represent the true population of the
3 city.

4 And allow me to share with you the direction I've taken
5 since entering office last July 1st.

6 We're concerned about the serious race relation crimes,
7 particularly the Native women being raped. We're also
8 concerned about hidden racism, the institutional racism.
9 Racist jokes or racist slurs must be eliminated. Bringing
10 sensitivity about racial diversity into government has been
11 one of my priorities from the outset of my administration,
12 beginning with my first address to all Municipal executives.
13 In this town there are about 140 execs that serve at the
14 pleasure of the mayor out of the 2,600 city employees.

15 So when I bring together the Municipal execs it's a
16 full room, 140 people in a theater. And I made it clear
17 that from the very beginning that there was going to be zero
18 tolerance in this administration for any form of racial
19 prejudice, discrimination, or bigotry.

20 The rule is respect and dignity for all and their
21 ideas. Harassment of fellow workers is not permitted. And
22 we've repeated this message at every executive meeting since
23 including one just this week.

24 I've also required all managers and supervisors to
25 attend diversity training. We're trained roughly 400 people

1 in supervisory positions and we have about 60 to 80 yet to
2 go to have 100 percent supervisory training. The city
3 manager and I are among the first group of Municipal
4 employees to attend that course, and I'd like to pause just
5 a moment to recognize our city manager, Harry Keely (ph),
6 who is right here. If there are any questions about city
7 government that you'd like to ask at any time, now or after
8 you leave this forum, don't hesitate to call Harry or I.

9 Our communications policy is one about remembering that
10 first we communicate to our employees; second, we
11 communicate with our assembly members, and then we
12 communicate with the media. We do not communicate to our
13 team through the front page of the paper. The worst thing
14 in the world is for an employee to wake up in the morning
15 and see their future laid out in the front page as a
16 surprise. And so we bend over backwards to make sure that
17 first we talk with our employees, then we bring in our
18 political leadership of the assembly, and then we go to the
19 media. But communicating with your employees via third
20 party is no way to establish trust in a relationship, and we
21 work very hard at that.

22 Let's talk about the composition of the work force. In
23 addition to setting the example on the issue policy
24 directives and their requiring diversity training and taking
25 other actions to create an organizational culture that

1 embraces diversity, I've made it a priority to diversity the
2 work force itself. And when choosing individuals to serve
3 as directors of the departments or on my executive staff,
4 every effort is made to find minority men and women.

5 And I've got to tell you that I am very proud to see
6 the credentials, experience, and qualifications of the
7 minority appointees that I have found is right at the top
8 with anyone of any culture. And we have the benefit of a
9 marvelous asset in our minority community of educated,
10 experienced, trained, articulate professionals. So roughly
11 30 percent of my executive appointments.

12 Now, I haven't appointed all 140. There's many of
13 those that carry over from administration to administration.
14 But of those that I have appointed, 30 percent are
15 minorities and roughly half are women. Unfortunately, that
16 number doesn't percolate all the way down through the ranks.
17 And as you can imagine, government work force doesn't turn
18 over quite that fast.

19 And, of course, as chief executive of the city, I can't
20 simply fire somebody because they don't fit a particular
21 racial statistic. But we are working with turnover and the
22 replacement of people after they retire or resign. And it's
23 that replacement mode that we are working on to build our
24 statistics from the top down.

25 And right now, regrettably, the only 14 percent of the

1 total 2,600 Municipal work force are minorities. This is,
2 by the way, one of the issues that I've been working with my
3 Kitchen Cabinet on and I'll have more to say about my
4 Kitchen Cabinet in a minute.

5 The reality is it does take a gradual, more concerted
6 effort to make significant changes in the career municipal
7 employees than it does in the executive ranks. But we're
8 making process towards that goal and we won't give up.

9 Let's talk about the police department. My appointment
10 of Walt Monegan, who is an Alaska Native to be chief of
11 police brought a new sensitivity about Native and minority
12 hired to the force. And the other day, I appointed
13 Anchorage's first Hispanic deputy chief of police. And we
14 recently promoted an African-American to captain and an
15 Alaska Native to the rank of sergeant.

16 So we start from the top because those are the things
17 that I can influence quickly and with a full belief that the
18 department will in time begin to pattern itself more closely
19 to those statistics.

20 The police department currently has 81 minority
21 employees, 53 of whom are badge wearing sworn police
22 officers. And then Chief Monegan will be briefing you in
23 more detail about the efforts of his new 24 member
24 recruiting team in bringing more Alaska Natives,
25 African-Americans, Hispanics, Asians, and other minorities

1 into the ranks of the police force.

2 The chief and his team are looking closely at why we
3 continue to have difficulty recruiting Alaska Natives and
4 adding better success for African-Americans, Hispanic, and
5 Asian officers.

6 Our police department has very few Alaska Native
7 employees, and only eight police officers and eight non-
8 sworn employees are Alaska Natives. We don't know why, but
9 we're looking into it and we think we have the right team of
10 people themselves, Alaska Natives, who are trying to look at
11 the cultural attitudes that have not produced currently as
12 many applicants as we would hope.

13 The Municipality is making a number of efforts to
14 broaden public awareness and support including these things
15 from the police department; a community patrol academy,
16 community policing academy, ride along programs, school
17 visits, and a perpetual presence at job fairs all over the
18 state.

19 We've made efforts to work with the federal agency,
20 such as the Federal Denali Commission to open up avenues for
21 partnering, the cross-training of rural Alaska Natives in
22 our training facilities so they can go back to their
23 villages and be better qualified to do their job. Behind
24 this idea is not only the police, but fire, emergency
25 services, and other government functions.

1 Let's talk about the root cause of our problems. Your
2 invitation asked me to share perceptions and opinions about
3 what I believe to be the root cause of problems pertaining
4 to the administration of justice, education, and employment.

5 I participated in a number of public forums and
6 attending hearings at which we've heard extensive testimony
7 from people who feel they've been discriminated against or
8 otherwise wronged by our system. Our local NBC affiliate,
9 TV channel KTUU, hosted a three hour forum, taped three hour
10 forum, after the paintball incident. And soon thereafter
11 Reverend Dr. Greene's minority task force on public safety
12 held a public hearing in Fairview. And since then I've met
13 with a number of others.

14 But the root cause appears to be not unlike the cause
15 of similar problems elsewhere in the nation as communities
16 seek to remove barriers to cross-cultural understanding,
17 with one exception. In Alaska, the subsistence issue
18 appears to be a major impediment to building a build of
19 trust between the Native and non-Native community.

20 It's a statewide issue that must be resolved at the
21 state and federal level. It's essential to recognize that
22 in a very emotional issue -- it is a very emotional issue,
23 one that strikes at the core of Native identity, if not
24 their entire culture.

25 And I won't dwell on the details except to say Congress

1 passed a subsistence preference law as part of the Alaskan
2 National Interest Lands Conversation Act that conflicted
3 with the Alaska State Constitution. That conflict still
4 exists today. And the stalemate over that subsistence has
5 resulted in what is perceived by many in our Native
6 community as a lack of respect as it results in the
7 perception of racial bias.

8 Secondly, the Alaska Court System did a study a few
9 years ago on the administration of justice in this state;
10 identified a number of solutions to improve the current
11 situation as it impacts Alaska Natives. One recommendation,
12 for instance, is to provide interpreters in the court room,
13 and our police chief Walt Monegan will be discussing this in
14 more detail later.

15 Lastly, I want to talk about a thing called the Kitchen
16 Cabinet. During my campaign last year and a half ago and
17 just prior to my swearing in as mayor, I pursued the concept
18 of a Kitchen Cabinet; individuals from the community, all
19 parts of the community, who are willing to step forward and
20 be my advisors, very much similar to the Alaska Advisory
21 Committee to the United States Commission on Civil Rights.

22 It's an effort for people to come forward in a
23 bipartisan multi-racial gathering to advise me on what's
24 happening on the street. More than 50 individuals came to
25 that first meeting and we have created a Kitchen Cabinet

1 during which we identify a number of issues that effect
2 local government and actions we might take to combat racism.
3 Beside the broad issue of the Kitchen Cabinet and as my
4 advisors for the minority communities, we have grown that
5 number to 65, and more importantly, we have formed a special
6 task force, six special task forces.

7 And members of the Kitchen Cabinet are leading this and
8 they have reached out to include others in the community,
9 and we call this task force "Healing Racism, Where Do We Go
10 From Here?" The six teams are broken up by subject area,
11 and let me just spend a moment on each of those teams.

12 There's one on education. There's one on employment
13 and economic development. There's one on public safety and
14 criminal justice. There's one on housing, health, and
15 social services. There's one on community relations, and
16 there's one on urban/rural relations. Each team has a task
17 of reviewing current municipal policies and procedures as
18 they pertain to their subject area, and in making actionable
19 recommendations to me by the end of October.

20 The University of Alaska Anchorage, is assisting our
21 Kitchen Cabinet effort by conducting a series of focus
22 groups that are measuring racial attitudes in Anchorage.
23 And I can't say enough about the support of the University
24 of Alaska and its president who has volunteered this on
25 their own, and in fact, offered as his own initiative to be

1 a part of our effort.

2 I'm pleased to report that the Anchorage Assembly and a
3 local newspaper recently endorsed our Kitchen Cabinet
4 effort. In addition to holding public meetings, the Kitchen
5 Cabinet teams have invited public comment via the internet.
6 You can find information about this Kitchen Cabinet and
7 these teams by going to the city's home page.

8 And for those that are curious how to find Anchorage's
9 home page, let me say it's a simplest of all address. It's
10 the world wide web, Muni.org; Municipality, M-u-n-i, for
11 Municipality, dot org. So no matter what state you're in or
12 what country you're in if you go to the world wide web,
13 somehow or other one of our employees thought we should
14 capture that domain name and they had the initiative to go
15 out and do that. So my profound thanks to the initiative of
16 an employee to step up and say that should be Anchorage. So
17 Muni.org. And that homepage now gives information on the
18 healing racism task force in three languages; English, of
19 course, Spanish and Korean. And eventually we hope to add
20 more languages as we begin to broaden our use of E-
21 government to community with our citizens.

22 Well, in conclusion, I've talked about these two things
23 this morning; Anchorage has experienced problems of racism,
24 and specifically the paintball incident, and a little bit of
25 why. And secondly, I've tried to outline for you in the

1 broadest possible terms what our community is doing to
2 resolve these problems one step at a time.

3 I believe the Kitchen Cabinet teams will come up with
4 answers, but will they come up with all the answers? Well,
5 emphatically, no. No one has all the answers. But I
6 contend out of six teams who have been asked to give us
7 actionable items, action on things we specifically can do,
8 even if half of them should fail, that means the other half,
9 the other three, are going to come up with at least one
10 thing we can do.

11 In a minimum, I guess we could see three things we
12 could do that we wouldn't be doing otherwise. Now, what do
13 I truly expect? I expect a lot better result than that, and
14 in fact, my expectation personally is that each team will
15 have more than one recommendation and will have lots to do
16 starting November 1st when they make their end of October
17 deadline.

18 I might just add a comment in passing. President Bush
19 is tentatively scheduled to visit Alaska, and we have
20 communicated to the White House staff the efforts of this
21 Kitchen Cabinet on dealing with healing racism, and there's
22 been a great deal of interest. And if there's any possible
23 time in his itinerary while he's in town, we're trying to
24 set up an opportunity for him to meet with the Kitchen
25 Cabinet, and specifically, the 16 leaders to show the

1 president of our country what this town is doing in dealing
2 with racism.

3 So as long as it remains human nature for people to be
4 uneasy about someone who is different than they are, who
5 has a different religion or a different language or eats
6 different foods or has different customs, we expect there's
7 going to be barriers to overcome. And that's why it's
8 incumbent on those of us who hold leadership positions to
9 help open the doors and create mutual respect and dignity
10 for each other.

11 And we must look for ways to build those bridges and
12 close the divide and together to identify the action, the
13 things we can do as a community and accomplish the changes.

14 That has been and remains my top priority, and thank
15 you for this opportunity to speak this morning and would be
16 pleased to respond to any questions you may have.

17 CHAIRMAN GILBERT GUTIERREZ: Thank you, mayor. Do any
18 of the -- Rosalee?

19 MS. ROSALEE WALKER: Thank you. Good morning, mayor.
20 I'm certainly glad you were able to come. I'm very curious
21 about your communications policy. I'm not criticizing it.
22 I'm just curious. I think your ultimate goal is to
23 communicate with us, the public, the people on the street
24 who voted you and got to work with you and so forth. And
25 your pecking order here kind of fascinates me. You inform

1 your employers first?

2 MAYOR GEORGE WUERCH: Uh-huh. (Affirmative)

3 MS. ROSALEE WALKER: Okay. They're going to CYA, even
4 if they are wrong. Okay. Wait a minute. Then the
5 assembly. They're going to massage it, manipulate it and
6 whatnot in political terms. Then you get to the media, who
7 is going to put their own spin on it. Where does that leave
8 me, still ignorant and in the dark as a puppet?

9 MAYOR GEORGE WUERCH: Ms. Walker, thank you for the
10 comment. And you're right if you think that each of those
11 entities is a filter. That means the message could get very
12 garbled by the time it gets to the public. But they are not
13 filters. They're just simply the order in which we inform
14 people. The message stays unfiltered.

15 The message that goes to the media is the original
16 message, not one that's spun by the employees or spun by the
17 assembly. They have their own way of communicating. But
18 what I'm trying to make sure is that our employees know that
19 they can trust the administration to communicate first with
20 them about their lives, and that's primarily what I'm
21 talking about.

22 If there's an issue about work hours or working
23 conditions or budget levels or policies like healing racism,
24 we want to build that trust and relationship first with our
25 employees, second with our elected representatives, and then

1 we'll give it to the media. But to give it to the media
2 without letting the employees know what we're talking about
3 first would be a breach of that confidence, and that's the
4 point I'm trying to make; building trust and confidence with
5 the work force and our elected officials, that we can do as
6 an administration to get the truth out before it gets
7 filtered by others.

8 MS. ROSALEE WALKER: Excuse me, Mr. Chair?

9 CHAIRMAN GILBERT GUTIERREZ: Yes.

10 MS. ROSALEE WALKER: Just one follow-up. Mayor, I
11 assume that you're talking mainly of operations?

12 MAYOR GEORGE WUERCH: Primarily, yes, ma'am.

13 MS. ROSALEE WALKER: Okay. I guess we're kind of
14 adrift there. I'm thinking of public responses to
15 incidences that might happen in the community that would
16 effect me as the lay person in the city. And I'm waiting
17 for your response as my leader. And is this the same
18 process you use to get your message to me that I'm looking
19 into it or that I'm doing this or doing that? I think
20 that's what I was trying to bring out.

21 MAYOR GEORGE WUERCH: Thank you, Ms. Walker. I may
22 have missed that aspect of your question, and I apologize.
23 But let me say even in the case of civil or community crisis
24 and -- well, let's use the paintball incident. We wanted
25 our employees to know what we were doing. And we

1 concurrently notified them of what was going on, as we did
2 the assembly members. It could be another sort of national
3 emergency or regional emergency, I guess. We had one
4 recently, Mr. Vice-Chairman, over a concern for hillside
5 fires. We are plagued with a particular spruce bark beetle
6 that's killed a lot of trees. And we built a very powerful
7 program to combat that and have raised a lot of money to do
8 that. But we start that with our employees first so they
9 understand where we're going. We worked with the assembly
10 and then we went to the media with the broader community
11 issues.

12 But, yes, no there are times when you're right. I have
13 to respond and show leadership right on the spot and I'm
14 prepared to do that. Thank you, Ms. Walker.

15 MS. ROSALEE WALKER: Thank you.

16 MR. MITCHEL SCHAPIRA: Mr. Chairman?

17 MAYOR GEORGE WUERCH: Yes.

18 MR. MITCHEL SCHAPIRA: I join in thanking you for being
19 here today. We appreciate it.

20 CHAIRMAN GILBERT GUTIERREZ: Mitch, would you bring the
21 speaker closer?

22 MR. MITCHEL SCHAPIRA: You referred many times to the
23 paintball incident and so have other speakers. And I want
24 to talk about that for a moment.

25 But before I do, let me just say that the testimony

1 that we received yesterday and our own feeling going into
2 the hearings was that there's a systemic persistent problem
3 and that the paintball incident is only one manifestation of
4 it.

5 And speaking personally, I'd hate very much for these
6 hearings to be regarded as the paintball incident hearings
7 when we're trying to deal with a problem that many speakers
8 have already noted is longstanding and resistant to cure.
9 But getting back to that paintball incident now, I
10 understand that that has been prosecuted by the Municipal
11 Attorney, is this correct?

12 MAYOR GEORGE WUERCH: Mr. Schapira, no, that went first
13 to the state. The state prosecutor declined. So it is back
14 in the Municipality. In this city, we do not prosecute
15 felonies at the city level. The state alone does that. We
16 took this case to the state prosecutor and he declined it as
17 a felony and moved it back to a misdemeanor status, and so
18 it is back with the Municipal Attorney.

19 MR. MITCHEL SCHAPIRA: That's actually the drift of my
20 question. Some number of years ago, there was a bill in
21 Juneau which would take crimes that are racially motivated,
22 and let's assume that this is one of them, and whatever
23 level of crime it would be absent the racial anamnesis, it
24 would be bumped up one level if that additional element of
25 racist motivation were proven.

1 So that this case would have gone to felony status and
2 presumably the district attorney's office in Anchorage
3 wouldn't have declined to prosecute it.

4 I'm wondering what your response is in terms of would
5 that have been a good this if this was sort change in law
6 that would be beneficial? I realize that the city attorney
7 -- I realize that the Municipal prosecutors are capable and
8 dedicated individuals, but it must also be acknowledged that
9 the District Attorney's Office and the State Troopers have
10 additional resources and manpower that could be brought to
11 bear on something like this.

12 So I'd like to know from you if you think it would be a
13 good idea to have a law in the state law books that would
14 make crimes which are racially motivated a more serious
15 level of crime, and I might have a follow-up?

16 MAYOR GEORGE WUERCH: When this incident broke, among
17 the first phone calls I made was a call to the speaker of
18 the house and a call to the president, the senate. This was
19 before this was on TV. And I said we got an incident here
20 that has by its characteristics the perception of a hate
21 crime, and we're building our case, we don't know all the
22 answers. But the question clearly needs to be asked, should
23 this state have hate crime statutes?

24 As time passed, I was given more information that this
25 state's statutes only provide for points of aggravation in

1 sentencing for hate crimes and do not do what Mr. Schapira
2 has described as elevating the crime to a higher level for
3 prosecution.

4 I'd have to defer to an attorney as to whether that
5 works or doesn't work in a practical sense. But I will
6 certainly share your concern because it was my concern then,
7 it is my concern now. When we have racism as the motivator
8 for a crime, that's wrong. We've got to stop that. And
9 that's one of the things that we have to do to try to change
10 attitudes.

11 Racism cannot be a motivator for a crime without its
12 consequences. So we need to make sure there are
13 consequences for any perpetrator who uses race as a basis
14 for their crime. Whether hate crime legislation to elevate
15 levels of prosecution or whether it's a statute to increase
16 the penalties for points of aggravation, I leave it to the
17 professionals and the judges to decide that. But I want to
18 share with you the same common belief that acts of racism
19 need to be focused as special problems that we've got to
20 cure.

21 MR. MITCHEL SCHAPIRA: May I follow-up on that, please?

22 CHAIRMAN GILBERT GUTIERREZ: Yes.

23 MR. MITCHEL SCHAPIRA: Okay. You refer to points of
24 aggravation, but I believe what you're referring to are what
25 are listed in Title 12 of the Alaska Statutes as factors and

1 aggravation, which will increase the penalties for a
2 sentence if the offender is already into the presumptive
3 sentencing scheme, usually by virtue of having a prior
4 felony conviction.

5 So those factors and aggravation only apply to people
6 who have already been through the system, although they may
7 have some persuasive authority to others.

8 But more directly to the point; when a person targets
9 an ethnic group with his crimes, certain individuals such as
10 the victims in the paintball incident are affected and are
11 victimized. But it also sends a message to other members of
12 that ethnic group and it has a demeaning message. It has an
13 intimidating message and it has a message of violence.

14 And so crimes that are racially motivated have
15 different group of victims than just the immediate victim,
16 and therefore are different in nature from the typical
17 assault. So I think we would all agree that no crime should
18 be tolerated. A message has to go out that all crime will
19 bring punishment and consequences, but that racially
20 motivated crime is a special category and should be dealt
21 with in a different way, not merely as a more aggravated
22 example of the same type of crime. And I wonder if you
23 would agree with that and if you.....

24 MAYOR GEORGE WUERCH: No. I certainly will not
25 disagree with that at all. In fact, some of the messages

1 that I had because promptly after this I began meeting with
2 my Kitchen Cabinet members in small groups, and the feedback
3 goes beyond what Mr. Schapira says. And it is not just the
4 group that's being focused on as the victims, but it's every
5 other ethnic group can say, well, if today it's them,
6 tomorrow it can be us.

7 So this is much more pervasive than just the victims of
8 the group that was targeted at the time. It affects every
9 minority group.

10 And one thing that's said about democracy, is
11 democracy's greatest strength, that it is safe to be among
12 the minority. And we've got to make sure that that's really
13 true.

14 MR. MITCHEL SCHAPIRA: Thank you very much.

15 CHAIRMAN GILBERT GUTIERREZ: Yes. Commissioner?

16 COMMISSIONER YVONNE LEE: Mr. Mayor, while it is good
17 that you take the initiative of creating your Kitchen
18 Cabinet to really look into ways to improve race relations
19 and really address all the concerns; however, at yesterday's
20 testimonies, various witnesses had said there's been enough
21 studies, they've made great recommendations.

22 In fact, the 1997 Supreme Court report that you cited
23 earlier made many critical findings identifying barriers
24 that kept different members of the community of receiving
25 equal protection and equal opportunities even though it was



1 in the criminal justice system. But the findings certainly
2 applied to other areas.

3 But despite the very critical and very positive
4 recommendations, none -- well, I may not say none, but most
5 of those recommendations have not been realized because of
6 the very popular budget constraint excuse. So in your
7 Kitchen Cabinet initiative, how will the citizens of
8 Anchorage gain trust that you want to promote that this
9 initiative will receive the political will and the political
10 commitment that whatever the recommendations comes up with
11 this will be realized?

12 And also how are the Alaska Native communities and
13 other communities being involved with this process, not only
14 the people you're appointing to this Kitchen Cabinet, but
15 the overall communities? Are they having any opportunities
16 to have input in those deliberations?

17 MAYOR GEORGE WUERCH: Thank you, Commissioner Lee.
18 You've hit it on the head. How do we become believable, how
19 do we establish trust, and how do we accomplish the
20 objective? And it's got to be more than just words. I've
21 done something. Quite honestly, with a Kitchen Cabinet it's
22 somewhat parallel to what your Civil Rights Commission does.
23 You've created an Alaska Advisory Commission. I have my
24 Kitchen Cabinet. We both benefit from the input from a
25 broad base of experienced people from the minority

1 communities themselves that are my source of information and
2 advice.

3 In almost every instance, those individuals that have
4 volunteered, and they are volunteers, to serve on my Kitchen
5 Cabinet, are, in one form or another, leaders or
6 communicators in their own minority circles. How to be
7 believable; how to convince people that I'm serious. Well,
8 first of all, I don't delegate. This responsibility is
9 personal, it's mine, and I don't just pick some individual
10 staff member and say, okay, you take care of it. I don't
11 believe that. I believe if it doesn't stay in the mayor's
12 office, if it isn't front and center on my desk, it's going
13 to get shuffled aside. And so I resisted any attempt to
14 fragment the effort.

15 I kept the responsibility clearly in my office. I have
16 helpers. We've got a whole array of institutional help in
17 the Municipality, from David Levy, who you'll hear from in
18 Civil Rights in our police department. We also have a city
19 ombudsman and his staff. We have an Office of Equal
20 Employment, and we have the political efforts of our
21 assembly members who are always available.

22 This is still a small town and assembly members get a
23 lot of calls. I've been there. I know exactly what they're
24 up against. And I think in this town we have lots of
25 avenues for the individual to get help, if it's a help

1 issue. But there's this whole other problem of attitudinal
2 issues and how do you deal with attitudinal issues and get
3 that message out, get it complete?

4 And I really welcome any recommendations that this
5 commission would have that might be focused on Anchorage
6 because we need help. And I'm the first to say we have a
7 problem. We're looking for answers. We'll take the advice
8 and the assistance of anybody who's willing to step up and
9 help us. So Commissioner Lee, thank you.

10 CHAIRMAN GILBERT GUTIERREZ: Thelma?

11 MS. THELMA BUCHHOLDT: Good morning, Mr. Mayor.

12 MAYOR GEORGE WUERCH: Hello, Ms. Buchholdt.

13 MS. THELMA BUCHHOLDT: You stated that there were
14 cultural barriers or attitudes of Alaska Natives that
15 prevent them or hinder them from being employed by your
16 local government. What specifically are those attitudes
17 pursued by your employers?

18 MAYOR GEORGE WUERCH: In the private sector or in the
19 public sector, MS. Buchholdt?

20 MS. THELMA BUCHHOLDT: In the public sector.

21 MAYOR GEORGE WUERCH: In the public sector. I think to
22 talk very frankly it's a failure to put forth the energy to
23 search. You know, it isn't always easy to find candidates
24 outside your immediate realm of associates. And people tend
25 to associate with likes.

1 But what we have to do is set aside the old network and
2 we need to reach outside the network to find candidates.
3 And I can tell you if you look at the executive statistics,
4 I think we're doing that. I think we have 30 percent of my
5 executive appointments from minority cultures, 50 percent
6 women. I think it can be done and I think it can be done at
7 every level. We just have to set the standard high and make
8 sure the people perform.

9 Lastly, once we begin to establish a management
10 structure that is in itself diversified, you can readily see
11 how their networks will begin to reach out into the minority
12 community. And so while I say you got to step outside the
13 old network, what we do is broaden the networks and have
14 many networks, and from that we'll be able to see more
15 equitable hiring practices. So it can be done. It's going
16 to take a little time.

17 MS. THELMA BUCHHOLDT: May I? I have another question.

18 MAYOR GEORGE WUERCH: Uh-hum.

19 MS. THELMA BUCHHOLDT: You did say that there is
20 diversity training in your work force?

21 MAYOR GEORGE WUERCH: Uh-hum.

22 MS. THELMA BUCHHOLDT: And you also stated that there
23 are 28 percent minorities in Anchorage. Therefore, there
24 would be 72 percent Whites or Caucasians or whatever you
25 would call. What diversity training are you providing to

1 the entire community? For instance, not just within your
2 work force, but outside of your work force, like the people
3 of Anchorage. You mentioned there's racism here. I do
4 agree with you. And I know there is racial profiling. You
5 may not agree with me, but I know there is.

6 So what is the -- the problem I see here is not the
7 minority community; it's the majority community. What in
8 your administration are you doing to make sure that people
9 in the majority community are aware of the other cultures in
10 this town?

11 MAYOR GEORGE WUERCH: Thank you, and a very good
12 question. Well, first of all, we're not the only source of
13 information here. And I would give my endorsement in half
14 to an action by my predecessor, Mayor Rick Mystrom who
15 helped form an organization called Bridge Builders. And it
16 is a community outreach program for the public at large.

17 Bridge Builders is a group of volunteers who come
18 together and formed this organization. Now over 600 people
19 are members. And their whole purpose in being is to have
20 inter-cultural friendships and relationships. They do
21 community service activities. They participate in public
22 hearings. They participated in things like community
23 events; the Fourth of July parade, for example. They held
24 recently a diversity celebration at the Alaska Native
25 Heritage Center, which was attended by hundreds.

1 So that's the kind of thing that is the community based
2 education process. It has to be more of a social process.
3 I don't believe that we're going get too far trying to tell
4 the public at large you've got to come to a four hour
5 training class. So we're not proposing that. But I think
6 it's the lifestyle and how do we celebrate the diversity of
7 cultures in our town and make that visible and a part of the
8 lives of the majority.

9 MS. THELMA BUCHHOLDT: Thank you.

10 CHAIRMAN GILBERT GUTIERREZ: One more question. Hold
11 on. Mitch?

12 MR. MITCHEL SCHAPIRA: Thank you. Mr. Mayor, one area
13 of tolerance and diversity that you haven't addressed has to
14 do with respect for individuals and tolerance of various
15 lifestyles. And your administration has been painted with
16 the brush of being intolerant of gay and lesbian rights.

17 And I wonder if you would like to respond to whether or
18 not that's fair or if that's an area that you seek to
19 improve the public's perception of your administration, and
20 what steps you're taking in that direction?

21 MAYOR GEORGE WUERCH: Well, first of all, I uphold
22 dignity and respect for every individual regardless of their
23 lifestyle. The issue that you refer to had to do with the
24 use of a public facility, in this case a library, to advance
25 a viewpoint, a viewpoint that was contrary to the majority,

1 and a viewpoint that in itself is fine, but it should not be
2 one that is forced upon the population that chooses not to
3 participate.

4 The reason I intervened in the library display was
5 because it forced the users of the library, the general
6 public, to participate. It required them to enter through
7 or exit from an elevator that was portrayed as an action of
8 declaring their lifestyle.

9 So unfortunately the media had a heyday with that one
10 and I took a lot of bruises, but will survive that. But the
11 thing that you've got to remember is that I still say we
12 respect the dignity of individuals and their ideas and their
13 choices or lifestyles, which is an altogether separate issue
14 with how do we allocate the use of public facilities.

15 So I'm sorry that we got mis-portrayed. I'd make the
16 same decision over again. And the judge, in fact, agreed
17 with me that the citizens could not be forced to participate
18 in that. And in his court bench order it said that the
19 display could go up, but not in the manner it was originally
20 portrayed.

21 CHAIRMAN GILBERT GUTIERREZ: Thank you. Mary?

22 MR. MITCHEL SCHAPIRA: Excuse me, I don't think that
23 the mayor actually responded to the question about whether
24 or not the city was taking any steps to -- or your
25 administration was taking any steps to improve its image

1 with respect to being intolerant of gay and lesbian
2 individuals.

3 MAYOR GEORGE WUERCH: Mr. Schapira, I think I just
4 tried.

5 CHAIRMAN GILBERT GUTIERREZ: Mary?

6 MS. MARY MILLER: Thank you. Mr. Mayor, yesterday we
7 heard from a number of people in the evening open session.
8 It included the person who was a victim of a violent crime
9 here in Anchorage, and provided information of the crime not
10 being investigated thoroughly.

11 One of the points that this individual made as far as
12 trying to come up with constructive options for dealing with
13 such a situation was the comment that Anchorage needs a
14 civil review panel with subpoena powers. And she was
15 expressing that in the context of her situation of having
16 experienced no advocacy for rape victims and the perception
17 that the perpetrators are invisible.

18 Would you consider or be open to some type of process
19 or structure which would involve or invite the participation
20 of such individuals so that they can come into the
21 discussion and deliberation of such -- you know, to try to
22 address these problems and these unresolved situations
23 because the concern that I have with regard to listening to
24 these testimonies is the frustration level that people have.
25 Thank you.

1 MAYOR GEORGE WUERCH: Thank you, Ms. Miller. And
2 clearly, no one is more frustrated at the lack of success in
3 prosecuting culprits than myself and the police department.
4 They're in the business of prosecuting culprits by proving
5 the cases so that the prosecutors can get a conviction.
6 Unfortunately, we don't have a 100 percent success rate in
7 finding the culprits, but we do have a pretty good
8 prosecution rate success. But finding them is breaking a
9 case. Finding the perpetrator is not always easy.

10 But let me talk about the broader issue of how can a
11 victim -- how can a victim get information and get some
12 confidence that people listen to the problem? And there's
13 many ways. One is I've had several meetings with victims
14 families in my office with the detectives and the chief of
15 police.

16 The other is that we do have an ombudsman who has
17 investigated numerous cases on behalf of the victim's
18 families. We have in this community fortunately some
19 marvelous organizations that are non-profit, AWAIC, STAR,
20 the Women's Commission, the Domestic Violence Task Force.

21 We just completed a 10 year statistical analysis, a
22 precedent-setting effort for most communities recognized
23 nationally here for our Anchorage success in identifying the
24 problem. The only difficulty though -- identifying the
25 problem is the easy part, fixing it is the hard part. But

1 we have a 10 year statistical analysis of domestic violence
2 and many of those are unsolved.

3 We need to find ways to continue to perfect that. So
4 we are not doing enough. We need to do more. We'd welcome
5 any ideas along those lines.

6 CHAIRMAN GILBERT GUTIERREZ: One more question, then
7 all the other questions will have to be writing from this
8 panel because we're really out of time here.

9 MS. MARY MILLER: Thank you, Mr. Mayor. So am I to
10 understand then that this individual who survived a crime
11 can contact your office?

12 MAYOR GEORGE WUERCH: Absolutely.

13 MS. MARY MILLER: Thank you.

14 CHAIRMAN GILBERT GUTIERREZ: Thank you, Mayor Wuerch,
15 for your time.

16 MAYOR GEORGE WUERCH: Mr. Chairman, thank you very
17 much.

18 CHAIRMAN GILBERT GUTIERREZ: We really appreciate it.

19 MAYOR GEORGE WUERCH: Mr. Reynoso, Ms. Lee.

20 CHAIRMAN GILBERT GUTIERREZ: Thank you. We're going to
21 go through the break period. We just won't have a break
22 this time.

23 What we're going to do is we're going to request that
24 the state legislative panel come forth; Senator Rick
25 Halford, and Speaker of the House of Representatives, Brian

1 Porter, please? (Pause) Thank you gentlemen. Whenever
2 you're ready. Mr. Porter?

3 REPRESENTATIVE BRIAN PORTER: Thank you, Mr. Chairman.
4 Ladies and gentlemen, my name is Brian Porter. I'm the
5 Speaker of the House of Representatives. I appreciate the
6 opportunity to discuss the issues that are the topic of this
7 two day hearing. In the letter that extended the invitation
8 for my participation and Senator Halford's, you asked for us
9 to consider a response or our perspective, I guess, on
10 allegations of unequal protection of Alaska Natives in both
11 urban and rural settings and the effect of law enforcement
12 on those populations.

13 I see that the chief of police from Anchorage and the
14 Commissioner of Public safety are here, so I will endeavor
15 not to go too far into that area. But as some of you know,
16 my background is in law enforcement and the majority of my
17 perspective in this particular area, whether it's minority
18 recruiting or the effects in many cases adverse of the
19 justice system on minority popular is from that perspective.
20 And I guess -- and having said, I'll go ahead and do it
21 anyway.

22 I think yesterday you were given some numbers regarding
23 the disproportionate number of Alaska Natives and the
24 correctional system population. I have a personal
25 observation to not certainly excuse that situation, but

1 perhaps give a significant reason. If you have spent any
2 time in the Alaska Bush, Alaska Native village, or with
3 Alaska Native who grew up in that environment, I believe you
4 could across the board find two consistent values that are
5 held. One is honesty and one is trust.

6 Again, from my experience, victims usually are
7 victimized because of their vulnerability. People who do
8 those kinds of things usually love to prey on people who are
9 vulnerable. They don't have the courage to take anybody
10 straight-on in an equal fight. They would rather do it when
11 they have the distinct advantage.

12 The trust that most Alaska Natives develop in their
13 fellow man puts them in a very vulnerable position,
14 especially in an urban area where that trust shouldn't be
15 extended to many of our residents.

16 In the area of honesty, Alaska Natives honestly find
17 themselves, because of cultural differences and all other
18 things, certainly no small portion of the problem being
19 alcohol abuse; but they find themselves in violations of the
20 law. And when our Constitution and the interpretations of
21 our Constitution tell the police officers to advise an
22 individual that's in this situation that you do not have to
23 admit your guilt, you may have an attorney and all of those
24 Miranda rights.

25 This anomaly of in effect telling someone to lie

1 doesn't work with the vast majority of Alaska Natives. They
2 are honest people, and if they are asked a question, they
3 will either tell you the truth or say nothing.

4 I think those are some of the reasons why there are
5 disproportionate numbers, and I've worked with it and I
6 thought about it for years. And I can't in my own mind
7 address the inconsistency that our system places those
8 people in.

9 I believe that we were asked to talk for five or six
10 minutes and then answer questions. So I'll defer to Senator
11 Halford and then be happy to respond to any questions you
12 might have.

13 CHAIRMAN GILBERT GUTIERREZ: Senator?

14 SENATOR RICK HALFORD: Thank you. My name is Rick
15 Halford, and I do appreciate the opportunity to be here.

16 I'd first like to say that I wholeheartedly agree with
17 the speaker's statements in terms of what happens, and I'll
18 come back to that. But in the 35 years that I've been here
19 I think we've made progress. I think we're also probably in
20 a better situation than the vast majority of states. But we
21 still have a long way to go.

22 I've served under five different governors and
23 republicans, democrats, and it seems that you don't get any
24 major motion. It's always incremental. It's a little piece
25 at a time. And I don't think there's been that much

1 difference in the outcome because the political process
2 seems to collectivize differing opinions, and by the time
3 it ends up, you're still taking tiny steps forward. You're
4 never taking really large steps.

5 With regards to, you know, equality of rights, I
6 suppose we could say we have that on paper. But the fact is
7 that so many of those rights are driven by economics and our
8 economics are far from equal. And that also goes to equal
9 treatment. But think what you heard yesterday, and I'm
10 going to say it again, is what happens in terms of outcomes
11 because that's where the obvious inequality is so
12 overwhelming, and particularly with regard to Alaska
13 Natives.

14 I'm sure that the picture can be painted in a more
15 pleasant way. But if you take the real population that's
16 probably likely to be incarcerated and you assume that
17 that's adult males, that represents something less than
18 seven percent of the population, Alaska Native adult males.
19 And yet they make up a third of the population in
20 correction.

21 So four or five times as many people, not just twice as
22 many, but four or five times as many people end up in the
23 system as their percentage of the population would indicate.
24 And that would somehow lead you to think that Alaska Native
25 males are somehow more violent or more prone to crime. And

1 just the opposite, I believe, is the case. I think what
2 Speaker Porter said is very, very true. They're probably
3 more straight-forward, more willing to answer, more willing
4 to seek to right whatever wrong they may have committed.
5 And often it's a wrong driven by alcohol that they may not
6 even remember. And they may, in fact, confess to a crime
7 that they're trying to go away from that they didn't commit.
8 And I think that's a tragic set of outcomes.

9 You know, the strongest indictment we have against the
10 system as it stands and the greatest charge we have for
11 improvement with regard to Alaska Natives is the population
12 percentage in our correctional institutions. Just a little
13 piece of that was the subject of legislation we passed after
14 a couple of years of a pilot program. When you find that
15 people raised in small villages with a group of maybe 100 or
16 150 people come in contact with the correctional system
17 often driven by alcohol, they serve their time, and the
18 condition of probation or parole is that they have to stay
19 in some place that has probation or parole supervision. Of
20 course, that's the regional center with all the predators,
21 with all the alcohol, and all the problems.

22 So you see, a disproportionate number of Alaska Natives
23 that can't deal with the supervision provisions and end up
24 back in the system. A little step toward that was to try
25 and give VPSO's some operational authority with regard to

1 probation parole so you can get people back to their smaller
2 villages. But there's got to be jobs in those villages.
3 There's got to be economic opportunity in those villages.
4 In the poorest parts of Alaska you see another year of
5 fishery disaster.

6 And it's very difficult to be equal even if you have
7 the rights on paper, you have the opportunities on paper.
8 If you can't afford the stamp to send the letter, you're not
9 going to be equal.

10 And I think that's our charge. We see it in the
11 legislative branch in lots of small pieces. You see it in
12 suicide rates, you see it in frustration, you see it in all
13 the outcomes of frustration which seem to be in many cases
14 anti-social behavior under the influence of alcohol or drugs
15 or some other kind of addiction.

16 CHAIRMAN GILBERT GUTIERREZ: Thank you, Senator. Any
17 questions?

18 MS. THELMA BUCHHOLDT: I'm first now. Either of you
19 can answer, Representative Halford. I'm still -- speaker
20 and President Halford.

21 I'm confused because, you know, we talk about cultural
22 attitudes, the mayor talks about cultural attitudes, and now
23 you're saying too that due to cultural attitudes many of our
24 Alaska Natives are incarcerated. The statement made
25 yesterday was there were either 35, 36, or 37 percent Alaska

1 Natives in our prison system.

2 How many of those people -- and this is just, you know,
3 something curious that comes to mind; how many of those
4 people were incarcerated or were prosecuted, indicted,
5 because they were honest and they were truthful and they had
6 a very poor defense?

7 REPRESENTATIVE BRIAN PORTER: Ms. Buchholdt, I don't
8 think I could give you an exact percentage because I doubt
9 that statistic has been researched. But it would be an
10 interesting one to find out. I can only explain as I did
11 anecdotally that certainly in my experience, over 27 years,
12 saw that happen time and time and time again.

13 My experience also would tell me that a significant
14 number of that percentage are made up of folks with having
15 committed that crime under the influence of alcohol. The
16 more significant number perhaps is that there are ranges,
17 but it generally averages out to 80 percent of the criminal
18 activity that occurs in this state is alcohol or drug
19 related. But that particular statistic, I think, has an
20 awful lot of effect on the Alaska Native jail population.

21 CHAIRMAN GILBERT GUTIERREZ: Ms. Walker?

22 SENATOR RICK HALFORD: The 80 percent is probably a low
23 number with regard to Alaska Native population, I would say.
24 But another way to reach an answer is even if you take the
25 most charitable way to say it, you still have two and a half

1 times as many Alaska Natives in the system as you would
2 otherwise. I would say that they are culturally less than
3 many other components of the population likely to have
4 committed the crimes.

5 So, therefore, I would say that more than half of the
6 people that are in the system are in the system because the
7 system cut them in a way that is culturally related. They
8 wouldn't be there if they weren't willing to admit.

9 And it goes all the way to the arresting officer, it
10 goes to the public defender's, it goes to the court system,
11 it goes right through the entire system and all the way out
12 the back with regard to probation, parole, and not being
13 able to get back to a place, so they can survive that.

14 So if you just assume that everybody has the same
15 propensity to commit offenses, then at least half of the
16 Alaska Natives in the system are there because of the way
17 the system failed to respond or did respond to their
18 cultural differences.

19 MS. THELMA BUCHHOLDT: Thank you.

20 CHAIRMAN GILBERT GUTIERREZ: Ms. Walker?

21 MS. ROSALEE WALKER: Thank you, Mr. Chair. Good
22 morning, gentlemen. I just want to start by saying I've
23 known Senator Halford since he first came into the
24 legislature. And I've known Speaker Porter a shorter time.
25 So Senator Halford, please explain to him that what comes up

1 comes out with me. And he may not understand me as well as
2 you do.

3 I have a premise, and I'm throwing this out for your
4 response. This is my observation, and I'm just throwing it
5 out for your response, either one of you. I have worked
6 under the premise that one of the biggest obstacles we have
7 to solving problems in racism and discrimination is the lack
8 of political will. That's my premise.

9 And in my examination over the years of the behaviors
10 of national, statewide, and local elected officials, there
11 are three things that come pop out in a minute whenever
12 there are problems dealing with minorities. Number one,
13 you're going to ignore it. If I ignore it, it will go away.

14 Number 2, there's the denial; oh, no, not in my
15 neighborhood. This does not happen.

16 Number 3, you're going to pacify it as noisemakers.
17 You give them a little title, give them a little job, that
18 person is obligated to you then so they're not going to say
19 anything.

20 Then that fourth one really cracks me up, the charades;
21 you know, I will get back to you, I will look into it.

22 And these are constant. So these are four observations
23 that I have with regard to politicians, and I'm lumping you
24 in with the politicians, and whether or not you fit the
25 mode, I'm not saying. But I just want your response to my

1 observations. Whatever you care to respond.

2 REPRESENTATIVE BRIAN PORTER: Your turn to go first.

3 SENATOR RICK HALFORD: Okay. Yes. I think your
4 observations are very good. And I think they generally
5 cover not just politicians, but probably the vast majority
6 of the population in terms of human nature.

7 And it's when you get past the one, two, three, and
8 four, to five, six, and seven, that you finally get some
9 action. And often that action is not as big as we'd like to
10 take and not as soon as we would like to have had it done.
11 But I think we do get some actions out of some people. You
12 know who those people are.

13 You know who -- but I think even the people that get to
14 action and really get something done probably go through
15 some of this in their own lives. And I mean you could
16 probably say it in dealing in dealing with your children.
17 You could probably say it in dealing with a lot of other
18 things as well.

19 But I think your observations are very, very
20 articulately stated and I think they're on target. But the
21 search is for Options Number 5, 6, and 7.

22 MS. ROSALEE WALKER: Thank you.

23 CHAIRMAN GILBERT GUTIERREZ: I have a question. Do you
24 believe that the Administration of Justice and protection in
25 rural villages -- would it be improved if the VPSO's and

1 VPO's were provided the same type of training at the trooper
2 academy as police officers that are hired by the Anchorage
3 Municipality?

4 REPRESENTATIVE BRIAN PORTER: Well, I'd be happy to
5 take a stab at that. In a word, yes. But the VPSO program,
6 when it was originally designed and I was a member of the
7 police standards counsel when it was designed and the
8 standards were set up, there was no small amount of input
9 from the rural areas to establish those problems.

10 And what was being sought at the time was a public
11 safety position as opposed to a police position, police
12 being a portion, but they wanted the full spectrum; first
13 aid, emergency and medical treatment, fire response and
14 police response.

15 And I noticed there was discussion yesterday about
16 VPSO's not being armed. Well, that was a request from the
17 elders from the rural areas when we established that
18 program. Senator Halford has been active in sponsoring
19 legislation to begin the process of enhancing that program.
20 I'll let him explain all the ingredients. But it by no
21 means is a static situation and needs to be expanded and
22 improved.

23 CHAIRMAN GILBERT GUTIERREZ: Commissioner Lee?

24 COMMISSIONER YVONNE LEE: Thank you. This question is
25 for both of you. One effective deterrent to combat hate

1 motivated crimes will be hate crime legislations on the
2 state level. And many states have already enacted hate
3 crime laws in various degrees.

4 I'd like to hear from you, what status it is, if any,
5 in Alaska, are you holding that? And secondly, we heard
6 from witnesses yesterday, that after the paintball incident
7 there were efforts to pass either laws or resolutions to
8 condemn the activity.

9 Unfortunately, the final language was very confusing
10 whereas the original language was saying that, you know, no
11 discrimination is accepted. The final language, which many
12 residences found sort of offensive, was "no wrongful
13 discrimination is accepted." So can you explain to us what
14 is accepted discrimination in this state?

15 REPRESENTATIVE BRIAN PORTER: Believe it or not, I
16 guess -- and I'm trying to be flip here, but this was part
17 of the discussion when trying to select that wording. For
18 the record, I sponsored the resolution and sponsored the
19 original language, so it was not my intent to change it.

20 But during those discussions, the legal interpretation
21 of discrimination was discussed. And the kind of
22 discrimination, I guess, that we allow in Alaska is whether
23 you like a Ford or a Chevrolet. That is discrimination and
24 that was the level of that conversation. I'm not trying to
25 support it, I'm just trying to explain it.

1 The discussion that we just heard on the hate crime
2 legislation itself, as Mr. Schapira correctly points out,
3 the approach to that issue in the state's statutes now is in
4 the form of an aggravator, so that if that is the motivation
5 for having committed a particular crime, the sentence can be
6 erased.

7 At the time that the paintball incident was being
8 discussed in the legislature and hate crime legislation, the
9 final decision on prosecution had not been made. We were of
10 the opinion that it was going to be a felony prosecution.
11 Consequently, that would have come into effect. As it
12 turned out, it was too late in the session to go back and
13 start legislation. But as you know, the prosecution was for
14 misdemeanors.

15 Again, a little bit of history. Having recalled some
16 of the discussions originally some years back on which
17 direction to take in that area, it is difficult as an
18 element of an offense which has to be proven to prove a
19 state of mind.

20 Consequently, it certainly wasn't my decision at the
21 time. I was, I think, maybe a lieutenant, probably a
22 sergeant. But that was the consideration at the time and it
23 was a lot easier for a judge to take information and made an
24 independent decision on whether this was racially motivated
25 than it is to prove it as an element of the offense.

1 CHAIRMAN GILBERT GUTIERREZ: Mr. Schapira?

2 MR. MITCHEL SCHAPIRA: Let me follow-up on that
3 briefly, and in doing so, I wish to take respectful
4 disagreement with my friend, Ms. Walker, because I know from
5 personal experience that you do have a commitment, a
6 personal commitment and a personal orientation, shall we
7 say, to improving the racial climate in our community. And
8 it's not a lack of political will, but it's a struggle to
9 find the best means by which to give effect to that
10 political will.

11 And, in fact, the way I know that with respect to -- I
12 still call him Chief Porter, is that many years ago, you
13 were a featured speaker at an assembly at the Fourth Avenue
14 Theater. I sort of recruited you for that in my capacity as
15 a member of the Anti-Defamation League. And at that time
16 you were the chief and you spoke about hate crime
17 legislation in a rally to kick off our effort to pass a law
18 that would, as I said, make it a higher level of crime, make
19 Class A misdemeanors Class A felonies; Class A felonies
20 would become Class B felonies, et cetera.

21 And at the time, the whole scheme of presumptive
22 sentencing was new and was the darling of those who had
23 written it, and it seemed that everything could be fit into
24 the presumptive sentencing mode.

25 Now, there has been some -- we heard from

1 Justice Eastaugh that the presumptive sentencing has sort of
2 taken some of the strength away from the judiciary. And we
3 heard from Mayor Wuerch that certain charging decisions have
4 the result of moving things into misdemeanor-land as a
5 result of the lack of this sort of legislation. And
6 although I understand that it's difficult to prove state of
7 mind, it's a necessary element of every offense, and that's
8 why we have murder, manslaughter, reckless homicide, and so
9 forth, all charging the same results, but differing
10 according to state of mind.

11 So in light of those comments, I wonder if you think
12 that the time would be propitious for the legislature to
13 reconsider whether or not we need hate crime legislation of
14 the sort that would be welcomed in the minority community,
15 to make sure that there is recognition of the fact that hate
16 crime target not just the individual victims, but the larger
17 community of people who belong, let us say, to the same
18 ethnic group?

19 REPRESENTATIVE BRIAN PORTER: Thank you. As I said,
20 the time ran out to start out a new piece of legislation
21 when we discovered that it was going to be a misdemeanor
22 prosecution. I know that there are people interested in
23 pursuing the type of hate crime legislation, perhaps not
24 exactly, but in that area that you're discussing. So I'm
25 assured that there will be attempts to do that.

1 And not to be debated, but in the normal state of mind
2 that has to be proven in an assault case, the act proves the
3 state of mind by natural and probable result. What
4 motivated the action is what hate crime requires. Not that
5 you intended the action because you can easily establish
6 that. But it's a problem, not an overcomeable problem, but
7 one that is certainly going to be discussed.

8 CHAIRMAN GILBERT GUTIERREZ: Thank you, Mary? Oh,
9 Commissioner, go head.

10 COMMISSIONER CRUZ REYNOSO: I heard testimony all day
11 yesterday. And at the end of the day, I had the following
12 sense that Alaska, in part because of your lower population
13 totals in the whole state, could have the benefit of being a
14 great experiment for the American nation in terms of how to
15 deal with different groups, linguistic groups, ethnic
16 groups, and geographic groups. So that, for example, many
17 of the issues that have been discussed by you this morning
18 and were discussed yesterday really are subject to
19 legislative and constitutional and programmatic changes.
20 Thus, for example, you mentioned -- it was mentioned
21 yesterday the problems pertaining to the conditions of
22 probation.

23 Well, presumably the legislature can pass laws that
24 change the nature of probation that takes into account the
25 individual involved. Thus, for example, if in the judgment

1 of the judge it's better for that person to go back to a
2 village, even if that person's not going to have
3 supervision, the probation can be that the person write in
4 once a month or that sort of thing.

5 It strikes me that those issues that have been
6 explained to us as being sort of insurmountable because
7 that's the statute or that's the constitution. It's really
8 subject to change.

9 I was thinking particularly about the villages. You
10 have 240-some villages in the state, many of them with their
11 own cultural and historical backgrounds. And yet I get the
12 impression that they're all functioning under sort of a
13 state legislative and constitutional scheme.

14 But I don't know why the constitution couldn't have a
15 provision that allows something akin to local charters, for
16 example, where if a community has the tradition, which we
17 would view as non-democratic, but nonetheless, the tradition
18 of having the elders basically rule that village, not so
19 much of the power that they have because of the respect they
20 have from their fellow inhabitants. I don't know why a
21 state constitution couldn't say through legislation we will
22 implement a scheme whereby villages can have their own
23 charters, for example.

24 And for that matter, even the issue of incarceration
25 that the Associate Justices of the Supreme Court and you all

1 and others have mentioned, but that disproportionate number
2 of Native Americans in jail. And I appreciate the comment
3 that, in fact, if we look at who generally commits crimes
4 it's why this proportion is five or six times higher as you
5 indicated, Senator, as compared to just twice as high.

6 But even then I've had the opportunity to be on
7 commissions and study groups of what to do to prevent crime,
8 what keeps folk out of jail, and so many good
9 recommendations simply have gone unattended to very often by
10 the legislative bodies of this country.

11 For example, I heard of a study out of the state of
12 Washington. They had a very simple study. They took 50
13 percent of those who were being let out of prison and put
14 them under a federal program, on unemployment insurance for
15 six months. That's all they did. That's all the program
16 did. And the other 50 percent were not. They got out with,
17 you know, the \$200 or whatever that state provides. Then
18 they did a study of recidivism, how many were arrested
19 within a year, two years, whatever it was, after getting out
20 of prison. As you might guess, those that didn't have
21 unemployment insurance got arrested far more quickly.

22 And when we sit back and think about it, it's quite
23 logical they probably don't have friends. They've been in
24 prison too long. They don't have a job. They aren't
25 skilled, et cetera.

1 Then they did an economic study of how much it cost the
2 state to have the unemployment insurance for six months
3 versus the prosecution, incarceration of those that didn't
4 have the unemployment insurance. As you might guess, it was
5 many times more expensive for the citizens of that state to
6 not have the unemployment insurance. And yet to have the
7 unemployment insurance apparently must have been viewed as
8 being, quote, soft on crime, end quote, and therefore, it
9 never got implemented by the state legislature.

10 Or, sorry to take so long, but in Fresno, California,
11 they had again a federally funded program of intensive
12 overview of children who got into trouble with the law for
13 the first time. The funds provided sufficient monies that
14 the probation officer went to the home, went to the school,
15 really kept up with those youngsters. The end result was
16 the recidivism rate on those who had very close supervision
17 was 10 percent. The recidivism rate on those who had,
18 quote, normal probation, calling in once a month, was 90
19 percent.

20 I couldn't help but think of all the day time
21 burglaries that have been taking place, of all the folk
22 whose homes were not -- where they didn't have this feeling
23 that somebody had infringed upon their private papers and so
24 on. It was such a good program, and yet somehow when the
25 federal money came to an end, there was not -- as indicated

1 by one of the members of the Commission here, not the
2 political will apparently to then fund that program locally.

3 So all I'm suggesting is that -- and two of you have
4 made some suggestion that incarceration is not unrelated
5 from social services, from employment, from practice of the
6 police. It's a whole kit and caboodle. That's the end
7 result.

8 And I'm also very appreciative of the fact that
9 normally subject to the legislative process, you don't end
10 up with a solution. You keep at it. But I'm just
11 suggesting to you that in terms of the testimony we heard,
12 including testimony from some legislatures who refer to
13 themselves as members of the Bush Caucus, and I don't think
14 they mean W. And they actually had a series of quite good
15 recommendations.

16 I guess my suggestion is simply that there are
17 solutions to these problems and the legislature both in
18 terms of making recommendations and constitutional changes
19 and in terms of implementing a series of programs that seem
20 unrelated to the issue of folk being in prison too long,
21 nonetheless are directly related.

22 And I certainly would urge the legislature to -- well,
23 take subsistence, for example. Clearly subsistence is
24 related to employment. It's related to a family being able
25 to protect its livelihood, and I can't help but think also

1 related to the issue of crime as you folks have described
2 it.

3 So all of these issues are very important. Looking
4 finally at the issue of incarceration, but important in of
5 themselves, and I certainly would urge the legislature to
6 sort of think out of their boxes they say nowadays about
7 what do we do about our constitution, what do we do about
8 our legislative schemes, and what do we do about our
9 administrative schemes; and going I think way beyond what
10 other states, certainly what may state in California does,
11 because it just strikes me that with a geography and the
12 population in Alaska, you folks can really help the nation
13 understand how folks can truly be respected in their quite
14 different lifestyles, quite different ethnic practices,
15 ethnic and religious beliefs and so on.

16 In a state like California where you've got 35 million
17 people sometimes it gets tougher. Though, as with you,
18 we've kept at it historically. We heard testimony from two
19 older people, from one not so old, that as they were growing
20 up they still saw signs that said no Natives or dogs are
21 admitted here. I mean that strikes deeply into the psyche
22 of that particular group.

23 And they didn't say that's happening now, I want to
24 make that clear. But it means that Alaska has come a long
25 ways in dealing with those issues, but has, I think, in some

1 ways a unique opportunity to go even further and to teach
2 the rest of us in the country how to deal with those
3 diversities.

4 CHAIRMAN GILBERT GUTIERREZ: Thank you. Mary?

5 MS. MARY MILLER: To follow through on that, I'd like
6 to ask the question, how do you believe subsistence should
7 be addressed; constitutional amendment, legislative action,
8 do nothing, or other options?

9 UNIDENTIFIED VOICE: That's the easy question.

10 REPRESENTATIVE BRIAN PORTER: I think that the two of
11 us sitting here responding to that question is perhaps very,
12 very appropriate because we happen to have voted differently
13 on that particular issue. But I must say that I understand
14 and respect the opposite position of mine as Senator Halford
15 has indicated he does with mine.

16 I wish that more people in the population of the state
17 took that approach to the subsistence issue. There is a
18 legitimate difference of opinion on how to solve that issue.
19 I don't think it would be hard to understand that neither of
20 us believe that a person who relies on fish and game for
21 subsistence should have primary access and, if necessary,
22 the only access to that fish and game when there is a
23 shortage. Nobody disbelieves that. It's how to get
24 through, if you will, the western value of total equality.
25 And the common sense notion that people who rely on that

1 resource should have access to it when it's a shortage.
2 That problem has been around for 15 years and is still
3 seeking a solution.

4 I'm encouraged by discussions recently that there is
5 some out of the box thinking going on right now. And
6 perhaps a constitutional amendment that will satisfy what
7 everyone recognizes as the goal to provide that resource to
8 those who need it when they need it can be obtained.

9 SENATOR RICK HALFORD: Just to give you -- and it's not
10 necessarily a different perspective because I certainly
11 agree that subsistence is the highest and best use of oil,
12 food, resources whenever in short supply.

13 The question is how you discriminate in the application
14 of subsistence. In some ways, people I think mistake the
15 Supreme Court for having attacked subsistence. They did not
16 do that.

17 The State Supreme Court said subsistence is important
18 enough that it deserves close scrutiny in any discrimination
19 in its application or its availability, and they said that
20 the tool of simply a rural preference was too crude to do
21 that. They were not saying that subsistence wasn't the
22 highest and best use. They were, in fact, I think saying
23 more than what a lot of people say.

24 We've heard that subsistence is a basic human right. I
25 believe that it is. But when you discriminate in the

1 application of that basic human right and you say that a
2 rural resident who has arrived last year from outside and
3 lives in a rural community 500 miles away has a priority
4 over an Eklutna Native who has been surrounded by an urban
5 community who can't now drive his old pickup to the Denali
6 highway and hunt under the same priority as the person who
7 just got here; there's a problem with that.

8 That doesn't mean you should put it down and you should
9 stop trying to find the solution. I believe there are
10 solutions.

11 I think the public in general would buy a local
12 preference much more easily than they would buy a statewide
13 rural preference that can travel for 800 miles. But I think
14 the solution is going to take some changes in federal law
15 and some changes probably in the state constitution because
16 the second subsistence case, the Kanitzie (ph) in '95, the
17 Supreme Court not only said you couldn't use rural as a
18 determination, you couldn't even use proximity. And I think
19 you have to use proximity if you're trying to find a
20 solution. It would be what you would just normally think in
21 your mind, the last person to lose a resource is the person
22 who is closest to it who has the least alternatives and who
23 needs it most.

24 CHAIRMAN GILBERT GUTIERREZ: Thelma?

25 MS. THELMA BUCHHOLDT: I think we have always discussed

1 the need for subsistence as a means of bringing food to the
2 table. We have not really addressed the issue of culture
3 and diversity and the dependence on the nurturing of one's
4 culture.

5 I came from a subsistence economy myself and I
6 understand that it is very important to me to get my fish,
7 to get my berries, to get anything from the land. And
8 although I would not be entitled to the subsistence as we
9 talk about it in Alaska, I really think that there is that
10 aspect of subsistence that we have not addressed.

11 What if we divert our scrutiny into the cultural aspect
12 of subsistence rather than concentrating on food, because
13 food is not really the main notion of subsistence. It's
14 also part of tradition and culture.

15 REPRESENTATIVE BRIAN PORTER: Both Senator Halford and
16 I attended recently a two day summit on subsistence, and
17 that point was made exceptionally well throughout both days,
18 that while both people's idea of subsistence means the
19 necessity to survive from food, that is not by any means the
20 total of the cultural and traditional use of subsistence.
21 And there are spiritual and cultural values and needs that
22 are met by subsistence, the subsistence lifestyle.

23 SENATOR RICK HALFORD: The survival of subsistence is
24 the survival of the culture, I believe. One of the things
25 that you look at and worry about as an outsider is how many

1 young people are not out there with their mothers and
2 grandmothers and aunts picking berries? How many young
3 people are not out there engaging in some of the subsistence
4 practices that are very, very hard, miserable work.

5 You've got a gap in some communities in terms of very
6 young people are interested, but the kids from high school,
7 you know, they're not picking it up the way they could be.
8 And I think it is part of the fiber of the culture and it
9 can't be separated from life or the culture. I think we
10 describe it in terms of food because that's the easiest way
11 to quantify it without really understanding it.

12 CHAIRMAN GILBERT GUTIERREZ: We're getting beyond our
13 time. Mitch? And one more question after Mitch.

14 MR. MITCHEL SCHAPIRA: Mr. Porter, I want to ask you a
15 question that's not so much directed at your present
16 employment, but going back to your experience in law
17 enforcement, which as I'm you will realize, is a big concern
18 that has been raised today. And you may have heard an
19 earlier question regarding civilian review panels, civilian
20 review panels with subpoena powers and so forth?

21 REPRESENTATIVE BRIAN PORTER: Uh-huh.

22 MR. MITCHEL SCHAPIRA: And it occurs to me you have a
23 special perspective, having been the chief of police and yet
24 not precisely having a dog in this fight. So I wonder if
25 you could share with us what you think are the strengths and

1 the drawbacks of a civilian review panel; and be mindful
2 that we're running behind schedule, if you could?

3 REPRESENTATIVE BRIAN PORTER: Okay. Well, I guess I
4 must say from my background that those types of panels were
5 discussed at the time. And if I understood Ms. Miller's
6 perspective on it, it was from a victim's point of view.
7 And from what it's worth, again, you have two appropriate
8 people sitting in front of you. I sponsored the legislation
9 that provided that victim's rights was raised to the level
10 of the constitution as opposed to just a statute.

11 Now, whenever they came in conflict with a defendant's
12 rights, the defendant's rights were constitutional and the
13 victim's rights were only statutory. That's not the same
14 now, and that's only been in effect for about five years.
15 Senator Halford just this year finally successfully got a
16 victim's rights board established in the state that will
17 have the ability to respond, as you were suggesting, to
18 victim's inquiries on the whole gambit of their rights which
19 are now constitutionally guaranteed. And some of the folks
20 in the system are still not quite used to the fact that
21 victim's rights are now just as important as defendant's
22 rights.

23 So a good portion of that area, I think, is being dealt
24 with now and has the potential for being dealt with very
25 successfully. In terms of just keeping, if you will, the

1 police department honest, there are a number of panels,
2 including yours, that are impaneled to do just that. And I
3 think that in the main those existing panels have done very
4 well.

5 CHAIRMAN GILBERT GUTIERREZ: Thank you. Anybody else?
6 No. Well, thank you for your time and we really appreciate
7 it. The next panel is the administration of justice panel.
8 And we would like to invite Glenn Godfrey, Commissioner,
9 Department of Public Safety; Walt Monegan, Chief of Police,
10 Anchorage Police Department; Phillip B.J. Reid, Special
11 Agent in Charge of the Federal Bureau of Investigation; and
12 Margaret Pugh, Commissioner, Department of Corrections.

13 Good morning. Sorry, we're a little behind schedule.
14 We apologize for the little inconvenience here. But we
15 would like to begin with Commissioner Godfrey at this point.

16 COMMISSIONER GLENN GODFREY: Good morning. First of
17 all, I would like to thank the Commission for inviting me
18 here today to talk about the Department of Public Safety and
19 its role in delivering public safety services throughout
20 Alaska.

21 Because of our role in rural Alaska and our constituent
22 base being largely a Native population throughout rural
23 Alaska, I'll be emphasizing our role and what we do in rural
24 Alaska with the Department of Public Safety.

25 And when considering the views of our department

1 regarding unequal law enforcement protection, I think we
2 need to put in perspective the uniqueness and the challenges
3 faced by our department in doing this.

4 Through the Alaska State Troopers and the Division of
5 Fish and Wildlife Protection, we provide direct law
6 enforcement service to approximately 272 communities with a
7 population based close to 200,000 throughout Alaska. And 64
8 percent of the communities we service are accessible only by
9 plane, boat, or snow machine. And we provide this service
10 throughout the state with 334 troopers assigned to 42
11 trooper posts. Half of the trooper posts are located in
12 communities that are not on the road system.

13 The service to these communities are provided by 46
14 Department of Public Safety owned aircraft, numerous boats,
15 and snow machines. The simple task of responding to a
16 request for service in remote areas is and continues to be a
17 challenge for our department. However, it is not only a
18 challenge, it is a top priority for our department.

19 If there is a perception of unequal protection, it may
20 be due to the fact that DPS cannot respond immediately to
21 all calls for service in urban areas because of the
22 insufficient number of troopers. We cannot do that in the
23 rural areas because the insufficient number of troopers,
24 inclement weather and remoteness.

25 However, even with unique challenges involved with

1 providing service to rural Alaska, I'd like to share with
2 you some examples of what we're doing in rural Alaska.
3 During the fiscal year 2000, the troopers made 1,353 trips
4 to support village public safety officers throughout the
5 state. They made 712 visits to support village police
6 officers and tribal officers who are hired by the
7 communities. They made 1,030 visits to conduct
8 investigations. Out of these visits, they remained
9 overnight in the villages 727 times, and quite often part of
10 those visits were involving a meeting with the leaders of
11 the communities regarding public safety issues.

12 Some of the changes that we have gone through in trying
13 to do a better job in rural Alaska; we're definitely not
14 where we need to be, but I would like to share some of the
15 innovative programs and some of the things we've
16 accomplished.

17 One of the ones we're most proud of is the village
18 public safety officer program. That was established in
19 1979. The date of the operation of the village public
20 safety officer program is overseen by nine Native non-profit
21 corporations. They're the ones that administer the program.
22 The VPSO's are hired by their individual communities.

23 The role of the Department of Public Safety through the
24 Alaska State Troopers is to provide technical support and
25 expertise relating to public safety and law enforcement

1 issues and provide the basic training and ongoing training
2 throughout the year.

3 Eighty-five VPSO positions are funded by state
4 appropriations and they're currently located in 81
5 communities throughout the state of Alaska. The VPSO's
6 assist us tremendously in educating troopers about the
7 culture of the people in their areas and assist in dealing
8 with sensitive issues in the communities.

9 With the assistance of a federal grant, we recently
10 trained over 170 tribal police officers, village police
11 officers, and rural police officers in hub areas of rural
12 Alaska. We're currently administering another federal grant
13 to continue training and equipping these officers.

14 With funding from a federal alcohol interdiction grant,
15 we have hired five troopers that will work to support rural
16 posts to increase our presence in rural Alaska.

17 During the last legislative session, Government Knowles
18 submitted a budget request to the legislature to increase
19 the department's law enforcement resources. Under this last
20 budget request, the department will be able to hire four
21 additional law enforcement officers to fill four newly
22 created what we call regional public safety officer
23 positions or constable positions. These are state
24 employees.

25 The constable position was created in part as a career

1 ladder to allow VPSO's who qualify to move into these
2 certified police officer positions. The constables will
3 receive the same training as troopers, but will not be
4 required to transfer around the state. They will
5 investigate misdemeanor and less complex felonies as well as
6 being involved in all facets of public safety in their
7 patrol areas. These constables will be located in rural
8 communities in an effort to spread DPS to more rural areas
9 and give additional support to the village officers in
10 outlying communities.

11 Regarding employment of Alaska Natives, DPS has the
12 second highest percentage of Native Alaskans hired in state
13 government. Sixty-nine percent of the VPSO's in the VPSO
14 program are Native Alaskans. We have more Native Alaska
15 state troopers today than we have had in the history of the
16 department. We are not where we need to be, but I believe
17 we're heading in the right direction.

18 Heavy recruitment at the annual Alaska Federation
19 Native's Conference every year and in rural Alaska
20 throughout the year is part our recruitment efforts. We
21 continue to evaluate our academy curriculum regarding cross-
22 cultural communications and sensitivity. We need more
23 troopers to become more of proactive agency versus a
24 reactive agency.

25 Regardless of this fact, we have a responsibility to

1 provide the best avenue of protection possible to the
2 residents of this state. I would like to think that with
3 the resources we have available to us, we continue to head
4 in that direction. If as a result of this panel's findings
5 there are recommendations to improve our service in any
6 area, I would look forward to receiving that input.

7 In closing, I believe this department is very sensitive
8 and responsible in delivering the highest quality of public
9 safety services possible to the rural residents of Alaska.
10 Alcohol and drug related violent crimes, search and rescue,
11 suicides, and accidents continue to take their toll in high
12 numbers in rural Alaska.

13 As in any small community, the impact is substantial
14 and devastating. That impact is felt by the local troopers
15 and village officers who on a daily basis respond to these
16 calls.

17 We must continue to work with the local communities in
18 addressing public safety concerns. We look forward to a
19 close working relationship with the tribes throughout
20 Alaska. And the public safety problems facing rural Alaska
21 today cannot be addressed by any one entity. It requires a
22 partnership with the main partner being the local
23 communities that set the priorities of public safety service
24 for their people. Thank you.

25 CHAIRMAN GILBERT GUTIERREZ: Thank you. Sir?

1 MR. PHILLIP REID: Thank you.

2 CHAIRMAN GILBERT GUTIERREZ: Could you please state
3 your name for the record?

4 MR. PHILLIP REID: I'm Phil Reid with the FBI. I'm the
5 special agent in charge of the FBI here in Alaska.

6 CHAIRMAN GILBERT GUTIERREZ: Thank you.

7 MR. PHILLIP REID: I want to thank the Civil Right's
8 Commission and its Alaska Advisory Committee for inviting
9 the FBI to participate on this fact finding panel. I hope
10 that our participation will be of value to this commission.

11 We, the FBI, welcome the opportunity and pledge our
12 support for the Commission's findings and the
13 recommendations that may be generated from these hearings.
14 The FBI has investigative responsibility for over 200
15 federal violations categorized and characterized under
16 various investigative programs. These programs are White
17 collar crime, violent crime, major offenders, organized
18 crime, drugs, foreign counter-intelligence, counter-
19 terrorism, and civil rights.

20 We have 31 FBI agents and 34 professional support
21 employees assigned to Alaska to conduct investigations under
22 these categories from our offices in Anchorage, Juneau, and
23 Fairbanks. Our responsibility is to provide our
24 investigative services to all Alaskans, no matter their
25 race, color, religion, sex, sex orientation, national

1 original, age, or disability, no matter where they live or
2 how remote their locations are in Alaska.

3 Though we make a sincere effort to cover the entire
4 state and provide our investigative services to all
5 Alaskans. Unfortunately, unfortunately, our efforts have
6 not been fully realized. Our manpower resources and
7 transportation budget in Alaska are very limited and fail to
8 take into consideration the vastness of the state, how
9 spread out its people are, and its inherent transportation
10 difficulties.

11 As a result, our priority efforts are limited to the
12 more heavily populated areas of Alaska where we do, where we
13 believe we do, provide effective service to its citizens.
14 In these areas we believe we appropriately address the
15 issues and concerns of Native Alaskans and other minorities
16 within our jurisdiction. And unfortunately, there many
17 other towns and village in Alaska who don't receive
18 sufficient attention from us, the majority of which are
19 heavily populated by Native Alaskans.

20 I hope to bridge some of this gap by establishing an
21 interactive website with a complaint hotline by the end of
22 this year. Our intention will be to utilize our website to
23 communicate with and provide information to our under-served
24 citizens in the remote towns and villages about our
25 investigative responsibilities. Hopefully, with additional

1 agents and an enhanced travel budget, we'll begin to receive
2 and act on their complaints and provide more federal law
3 enforcement service and support.

4 In many instances where we believe our limited
5 resources negatively impact our ability to provide effective
6 law enforcement service, we form partnerships, working
7 groups or task forces with other federal, state, and local
8 law enforcement agencies, including the military and the
9 National Guard.

10 In these relationships collectively, we're able to more
11 efficiency and effectively provide for the safety and
12 security of our Alaskan citizens through sharing and
13 consolidating resources and intelligence. A prime example
14 is the FBI Safe Street's Task Force, which consists of
15 members of the Anchorage Police Department, the U.S. Marshal
16 Service, the Alcohol and Tobacco Service, Alaska State
17 Troopers, the National Guard, the Immigration and
18 Naturalization Service. Since its inception four years ago,
19 the task force has made a significant impact on street and
20 gang violence in Anchorage.

21 We also belong to and support other federal agencies,
22 task forces, such as the U.S. Marshal Service, Fugitive Task
23 Force, the DEA Drug's Task Force, and the U.S. Attorney's
24 Environmental and Health Care Fraud task forces.

25 In addition, we have formed white collar crime, foreign

1 counter-intelligent, and counter-terrorism working groups
2 where we meet quarterly and share intelligence. We're in
3 the process of establishing a joint terrorism task force
4 which would pursue investigations in which an individual or
5 groups were alleged to be planning or have committed a
6 terrorist act to include hate crimes.

7 We are currently working on partnering with several
8 other federal and state law enforcement agencies, including
9 the National Guard, to combine our aviation resources as a
10 way of improving transportation to the under-served areas of
11 Alaska.

12 With the prospect of getting out and interacting more
13 with the Native Alaskan population in the remote towns and
14 villages, the staff of the Alaska Native Heritage Center
15 provided at our request two days of cultural sensitivity
16 training to the majority of my agents and professional
17 support staff.

18 Because of the devastating impact that alcohol abuse,
19 child abuse, sexual assaults are having in rural Alaska, we
20 have been exploring ways of being of assistance. With the
21 support of the U.S. Attorney's Office, we just recently
22 opened our first alcohol violation case. We're also
23 providing training to the police and medical staff in
24 Metlakatla on handling child abuse and sexual assault cases.
25 In an effort to improve the quality of law enforcement

1 service in the small towns and villages, over the past
2 couple of years I've sent police officers from Metlakatla,
3 Bethel, Unalaska, Ketchikan, and Valdez Police Departments
4 to our national academy in Quantico, Virginia.

5 There they received 11 weeks of executive level law
6 enforcement training. We're planning to send an officer
7 from the Kenai Police Department before the year is up.
8 This past May we provided in my office to over 40 state and
9 local law enforcement training officials -- let me repeat
10 that. This past May we provided training in my office to
11 over 40 state and local law enforcement officials for
12 identifying and conducting hate crimes investigations.

13 We're in discussions with law enforcement officers of
14 the Sitka, Anchorage Police Department, and Fairbanks
15 Recruit Training Academies on adding a block of instruction
16 to their curriculum during which an FBI agent discusses our
17 role in civil rights investigations where police misconduct
18 is alleged.

19 We make a sincere effort to recruit minorities for
20 positions of employment with the FBI. We've set up booths
21 at various career days and job fairs around the state. We
22 work with the NAACP, the Native Justice Center, the Alaska
23 Federation of Natives, various Native tribes, Hispanic
24 radio, Black churches in Anchorage. We have done recruiting
25 in the Asian and Tongan communities as well. We stay in

1 touch with the University of Alaska's multi-cultural
2 organizations regarding employment opportunities with the
3 FBI.

4 We play a very active role as a member of the Mayor's
5 Minority Community Police Relations Task Force. We have a
6 victim witness community outreach coordinator who is an
7 active member of numerous community groups such as the
8 Anchorage Youth Corps, Boys and Girls Club, Big Brothers,
9 Big Sisters, and the Alaska Native Women Sexual Assault
10 Committee. This committee was nominated by our office to
11 receive a Department of Justice national award, the Crime
12 Victim Service Award, which they won.

13 We have an Adopt a School Program in which staff from
14 my office give their time and attention to at-risk students
15 at the William Tyson Elementary School. We're involved in
16 the Department of Justice Weed and Seed Program, devoting
17 investigative resources of the Safe Streets Task Force to
18 address crime problems in the Muldoon section of Anchorage.

19 And, of course, we investigate allegations of civil
20 rights violations such as racial and religious violence,
21 color of law, involuntary servitude, discrimination of
22 housing, access to clinic entrances. Some of these we
23 investigate as hate crimes.

24 Between 1996 to the present, we have opened 59 civil
25 rights investigations, nine were investigated as hate

1 crimes. Our Safe Streets Task Force has and will continue
2 to provide assistance to the Anchorage Police Department in
3 their investigations of the murders and rapes of Native
4 women and Black women. We opened eight hate crime
5 investigations into these murders as well as into the
6 paintball attacks. Thank you.

7 CHAIRMAN GILBERT GUTIERREZ: Thank you. Commissioner
8 Pugh?

9 COMMISSIONER MARGARET PUGH: Thank you very much for
10 inviting me here today. I'm truly encouraged that Alaskans
11 are coming together to talk out loud about the issues and
12 challenges that we have in dealing with our very diverse and
13 ethnically diverse and geographically diverse state.

14 Before I get into my remarks which I took notes on so
15 that I would say the many things that I want to say, let me
16 respond to yesterday. Commissioner Meeks I think raised a
17 question about Department of Justice funding that has been
18 more readily available to tribes in Alaska.

19 And I wanted to say that, in fact, the Department of
20 Justice has been very responsive. And my friend on my left
21 talked about the Weed and Seed Program that has come to
22 Alaska, and many communities have availed themselves of COPS
23 grants, of drug court monies, and I think probably Denise
24 Morris from the Native Justice Center could get a printout
25 of where those funds have been expended, if Commissioner

1 Meek continues to be interested.

2 Getting right to the point with the Department of
3 Corrections, I gave you a packet and in that packet there is
4 a chart entitled Gender and Ethnic Composition of Inmate
5 Populations on 1/1/99. This chart is useful to me in
6 providing a context for how Alaska compares with other
7 states, and it's right on the top of the handout that I gave
8 you. And you can learn at a glance that nationally
9 minorities are over-represented in correctional institutions
10 and that Alaska is absolutely no exception.

11 You can see that on the date of the survey, 35.6 of
12 those incarcerated in Alaska were Alaska Natives, and 13.6
13 were African American. You should be aware that the numbers
14 and the percentages for Alaska may vary on any given day.
15 And those of you who are not from Alaska may not know that
16 our correctional system is a unified system; that is, that
17 we provide prison and jail services for the entire state of
18 Alaska, unlike -- and there are only five states that handle
19 corrections in such a manner. The other 45 states, my
20 counterpart, deals only with sentenced felons.

21 So the number that I gave you there actually takes into
22 account our prisons and jails, and in most of the other
23 states it's just state convicted felony population. But
24 that's just one of the unique little things about data that
25 warns us all we have to be careful when we look at it. But

1 in any event, it does show that minorities are over-
2 represented in Alaska as minorities are in the rest of the
3 United States of America.

4 Further data also reflects that crime policies in the
5 United States actually favor incarceration as a sanction at
6 a rate that far surpasses that of every other nation in the
7 world. In comparison to other industrialized nations, the
8 United States rate of incarceration is five to eight times
9 that of Canada and most of Western Europe.

10 Nationally, state incarceration rates averaged 370
11 prisoners per 100,000 population; that's on 1/1/00.
12 Alaska's average that same date was 423 persons per 100,000.
13 It says to me that clearly Alaska's crime policies follow
14 the national lead, and we favor incarceration as a sanction
15 as well.

16 At the end of 1999, there was some 6.3 million
17 Americans imprisoned, jailed, or on probation and parole;
18 3.1 percent of the adult population of our nation. About
19 1.3 million of those are in prison; another 688,000 in our
20 jails, and the rest of them would have been on
21 probation/parole.

22 In Alaska, yesterday, we had 4,453 people in our
23 prisons and jails and our halfway houses. Another 4,500 are
24 in the community on supervision for probation and parole.
25 We book about 30,000 Alaskans per year. Some 2,500 of those

1 are what we call noncriminal bookings or those who are in on
2 12 hour statutory hold for being incapacitated by alcohol or
3 some other substance, but it's alcohol.

4 Noncriminal bookings are particularly high in the
5 Fairbanks and Bethel areas; not because people are consuming
6 more alcohol in those areas, but probably the cause of the
7 community resources to deal with the situation being
8 lacking.

9 While the United States including the state of Alaska
10 uses incarceration more than any other country and why
11 minorities are over-represented, in my opinion, is a complex
12 mix of psychological, economic, political, conditions,
13 fears, national crime policies, and a host of other factors.
14 I'm not an academic and so the rest of what I'm going to say
15 is perhaps simplistic, for which I apologize.

16 But I would like to say that we would all do well to
17 study each and every one of the factors that I believe
18 influenced how the United States and Alaska have gotten to
19 where we have gotten. But I want to point out some really
20 hard, cold facts.

21 Prisoners in the United States and in Alaska are
22 recruited from the ranks of the poor. They are recruited
23 from the ranks of the uneducated and the unaffiliated. Very
24 often that translates into recruitment from minority
25 populations. As the traditional constituents, say for

1 prisons and jails in the United States, and in the decades
2 of massive growth of the incarceration in America, and by
3 the way in the last two decades, well, since 1973, American
4 incarceration numbers have increased five-fold. So in the
5 last several decades we have come to rely much more heavily
6 on incarceration.

7 The constituency hasn't changed. It's the traditional
8 constituency from the beginning of our country, and that
9 constituency hasn't changed. In fact, the rich are getting
10 richer and the poor are getting poorer. And so there's been
11 a corresponding increase in the over-representation of that
12 constituency, very often minorities.

13 In a recent article by Katlo and Simon (ph), they cite
14 some acts which I would like to give to you. The median
15 pre-incarceration income of prisoners during their last full
16 year of freedom was barely one-third of the national median
17 income for year round full-time workers that come from the
18 ranks of the poor. Only 34 percent of prisoners said that
19 they completed high school, compared to 79 percent of the
20 national population. They come from the ranks of the
21 undereducated. Fewer than one in five were married; less
22 than half the rate for the general population of a
23 comparable age. They come from the ranks of the
24 unaffiliated. Thirty-seven percent had an immediate family
25 member who had served time including seven percent who had a

1 parent, and 31 percent who had a brother who had served
2 time. It's a cycle.

3 Other data includes the facts that mental illness is
4 prevalent in our jail and prison populations in the United
5 States, and certainly in Alaska. Alcohol, you've heard.
6 It's the drug of choice in Alaska and the estimates from 80
7 to 100 percent -- as I've been sitting here for two days and
8 agree with everything that's been said.

9 Alaska's rates of child abuse and neglect, suicide,
10 domestic violence, sexual abuse of minors; very high
11 compared with national figures. And even though many of the
12 offenders are not married, they tend to have children, lots
13 of children, and that's a problem for the future.

14 So why am I telling you this? I'm telling you this
15 because knowing these things helps the Department of
16 Corrections to focus on the challenges that we have in
17 dealing with our diversity. It helps us determine what
18 those challenges are and determine where to put our focus.

19 During the Knowles/Ulmer Administration, the Department
20 of Corrections has addressed these challenges. I tried to
21 put them down into three categories of how we address it so
22 that I may move through my testimony more quickly.

23 Front Number 1 is prevention. I believe that the best
24 crime prevention programs are early childhood programs to
25 protect and nurture and educate our children. It's been my

1 joy, perhaps one of my greatest joys, to work with the
2 children's cabinet, to drive home that point. It cannot be
3 overemphasized.

4 We've made a lot of progress and you heard the
5 government talking and many other people talk about progress
6 that we've made on our child focus programs. But it isn't
7 enough. All of our children must have access to quality
8 schools; must have access to quality educational
9 opportunities, to quality childcare, healthcare, and public
10 safety.

11 In many instances, it's those children in the lowest
12 socio-economic groups, and those are often minorities that
13 experience the greatest deprivation in these important
14 areas. Thus, they remain at the greatest risk to enter a
15 correctional system at some point.

16 As an example, here in Alaska I have but to state that
17 we serve only about 22 percent, 22 percent, of the eligible
18 Head Start children in Alaska. Research tells us very, very
19 clearly that children who have had access to enriched
20 childcare and learning environments, Head Start, are much
21 more likely to be successful than those denied.

22 The second front is legislative or policy, if you will,
23 both lawmaking and funding for our state's crime policies.
24 The get tough on crime laws that have been popular in the
25 United States including Alaska in the last several decades

1 like "Three Strikes", like presumptive mandatory sentencing
2 that Mr. Schapira was talking about, have had their
3 consequences. People serve longer periods of incarceration.
4 In many ways we focus more on the offense than the offender.
5 And I think that may be some of what you were saying, Mr.
6 Schapira, this morning.

7 In many cases there has been highly publicized about
8 the mandatory minimum drug laws. Minorities are actually
9 disproportionately targeted. And we have what the
10 Department of Corrections worked constantly to provide
11 lawmakers with information on the impact of potential
12 legislation, and we advocate for drug and alcohol treatment
13 programs in rural as well as urban Alaska, knowing that the
14 offenders would be better off returning to their homes if
15 there were treatment resources and adequate support services
16 in the communities.

17 We advocate for appropriate resources for legal
18 representation for persons in the lower end of the socio-
19 economic scale. I've heard people here -- Ms. Miller, you
20 spoke this morning about defense. I think it was you. And
21 it's hard for the Public Defender's Office to get increased
22 resources. I listen to them testify every year about
23 impossible case loads, and the great irony is that that's
24 counter-intuitive; it's those most in need who are often
25 deprived of defense.

1 The third front, and I expect you were wondering when
2 I'd get to the Department of Corrections, but the third
3 front is in fact managing the diverse population within the
4 correctional system itself. I'm extremely proud of the
5 progress that we've made on this front. While I am
6 certainly the first to admit that progress is too little,
7 I'm of the ongoing opinion that progress is never too late.

8 Let me just mention to you some of our management
9 issues and challenges. Overcrowding. At the beginning, I
10 talked to you about the burgeoning of the prison population,
11 it's so in Alaska as well.

12 At the beginning of the Knowles Administration in 1995,
13 the correctional system was already overcrowded. We were
14 being fined by the court for failing to stay within
15 population caps in both our jails and our prison, and that's
16 very important when you talk about overcrowding in Alaska,
17 that you remember there are two kinds of overcrowding; in
18 jails and there's overcrowding in prisons.

19 The correctional system was already overcrowded and
20 plans were already in the works too. Ultimately I carried
21 out those plans to contract for prison space out of state.
22 The governor found that to be stopgap measure, as did it,
23 and asked that we work to develop a plan for dealing with
24 our overcrowding problems within our own state.

25 That plan we introduced as legislation, and it included

1 expansion of our existing regional correctional facilities
2 in order that as many offenders as possible could be housed
3 as close to their families and their friends and their
4 culture and their support systems as possible, and their
5 children.

6 The legislature funded one component of that plan, a
7 new jail here in Anchorage. I'm proud to say that will be
8 opening in April of 2002; one component of our regional
9 expansion plan. And rather than expand regionally, the
10 legislature has opted to build a large centrally located
11 prison. And we're beginning that process now.

12 I'm very pleased that we're going to build more space
13 and I'm very pleased that the legislature is beginning to
14 work with us on this. But I caution and remind everyone
15 that it is vital that the regional concept not be abandoned.
16 And it's very simple; a large prison will not resolve jail
17 overcrowding or meet the public safety requirement that a
18 jail needs in the city of Bethel or in any other rural
19 system in Alaska. Jail overcrowding and prison
20 overcrowding, jail resources and prison resources are very
21 different from one another. That's one issue.

22 Institutional environment of our prisons and jail is
23 another. Institutions are at their best when they include
24 programming that's culturally sensitive and appropriate. A
25 culturally sensitive program may include things -- certainly

1 not limited to things such as elders speaking to groups,
2 healing circles, the honoring of spiritual and cultural holy
3 days or special occasions, appropriate foodstuffs are
4 mandatory in all cases.

5 We don't do enough. But in our institutions we have
6 potlatches twice a year, in most of the institutions. We
7 have Ramadan observance. We have culture clubs, sweat
8 launches (ph), Juneteenth celebrations. Our Chaplaincy
9 Program serves diverse space through the hard work of
10 hundreds of volunteers throughout this date. We hold Eskimo
11 games and we play basketball and we play baseball and we
12 emphasize diversity training in the institutions and with
13 the staff and inmates as well. But there's so much more to
14 do.

15 I know I'm running long, but I just want to remind you
16 that when you start talking about corrections I feel
17 passionately about my -- and so you will bear with me
18 about.....

19 CHAIRMAN GILBERT GUTIERREZ: We'll give you a few more
20 minutes.

21 COMMISSIONER MARGARET PUGH: You're going to give me
22 few more minutes? I just want to brag in closing about some
23 of the fabulous work of some of my staff, and maybe me, just
24 the first couple of items.

25 We hired the first Alaska Native superintendent for one

1 of our facilities, and she's a female in Bethel. I'm very
2 proud of that. We currently have two African-American
3 superintendents; they are great.

4 Last week -- I'm really proud of this. Last week we
5 won a national award for a best video from a correctional
6 institution, Chugachmiut approached the department to
7 educate high risk folks about HIV and hepatitis. That
8 discussion yielded a video starring inmates at Spring Creek
9 Correctional Center. For those of you who don't know, it's
10 our maximum security facility here in Alaska. It's a really
11 hard hitting, no nonsense, not for the weak of heart video.
12 The stars are racially diverse because Chugachmiut and the
13 Alaska Department of Correction's know, the diseases don't
14 know any ethnicity.

15 We've had requests from all over the United States and
16 all over Canada for copies. It was a fabulous growth
17 experience for all involved staff and for the participating
18 inmates. They honored the producer with a drumming ceremony
19 when the project ended, and we capped it off last week at
20 the American Correctional Association meeting by winning a
21 national award. It's not something you would want to show
22 to youths in a school, but it's good for prison and a jail.

23 Also, proud Senator Halford sponsored legislation last
24 year, and he talked about it, so I won't go on, but it's
25 enabled the Department of Corrections to enter into

1 cooperative agreements with the village public safety
2 officers to delegate some of the supervision duties in the
3 rural areas to those folks. I could talk more about it, but
4 later.

5 Speaker Porter has introduced legislation and supports
6 specialized courts for a DWI, for alcohol, and for mental
7 health. Those specialized courts are extremely important
8 and have the support of the Department of Justice as well.

9 In some communities we have a video capability so that
10 a probation officer might have visual contact in a rural
11 area so that either the probation officer can supplement
12 ongoing supervision and see the offender. It's great, and
13 we hope for better telecommunications capability so that we
14 can increase that type of use of technology. I could, by
15 the way, talk for a hour about the use of technology, but I
16 just sort of mention it as a hope for the future.

17 And earlier this week, I attended a planning conference
18 with AIPC and some 150 tribal representatives to talk about
19 our future relationships, which are amazingly many.

20 And my last brag, I think, in the audience today, I
21 couldn't let it go by without recognizing that the North
22 Slope Borough actually has an employee that they pay to
23 serve as a navigator for residents of the North Slope
24 Borough. Luki Dobson has been in that position for many
25 years, and she's here today.

1 Luki serves as a -- I call it a navigator; it's
2 cultural liaison. She helps families through the system to
3 understand the correctional system, which is complex at
4 best, and works with our own cultural liaison to provide
5 services, and I might say that it extends past those
6 residents of the North Slope Borough. But we always applaud
7 and appreciate our partnership with the North Slope Borough
8 in serving Alaska Native inmates.

9 I will close now and just say that I think that it's
10 absolutely paramount that we continue work and progress on
11 all three of the fronts that I mentioned; prevention, crime
12 policies, and managing of diverse correctional population.

13 We're making a difference. We can accomplish more
14 working together. I know a lot of people have frustrations
15 and said plans sit on shelves. The truth is some pieces of
16 plans do, but not all plans sit on shelves. But in order
17 for people to know that they don't sit on shelves, we have
18 to continue to have a dialog and the process must never end.
19 So I appreciate being part of this process. Thank you.

20 CHAIRMAN GILBERT GUTIERREZ: Thank you, Commissioner.

21 MR. WALT MONEGAN: Good morning.

22 CHAIRMAN GILBERT GUTIERREZ: Good morning.

23 MR. WALT MONEGAN: My name is Walt Monegan. I'm the
24 Chief of the Anchorage Police Department. I do have
25 prepared text, but what I would like to do in the interest

1 of time is to just kind of hit some of the highlights
2 because I think you have questions for us.

3 I would like to say that the Anchorage Police
4 Department serves abruptly 260,000 members of the community
5 as well as assisting the Air Force and the army and the
6 civilian issues that happen out on base. We work well with
7 the State Troopers and the FBI and corrections as well as
8 many other nonprofit agencies that I think that are out
9 there that's very important.

10 I'd like to take this opportunity to say that I've got
11 TO kind of insert a correction. Apparently the mayor has
12 made a mistake. He asked me to go ahead and correct it for
13 the record. In regards to the paintball incident, the
14 defendants were not passed over to the Municipal prosecutor.
15 They remain in the states because the two of them are
16 juvenile, so they must stay with the family court, and the
17 DA's office is handling the adult. So just for the record I
18 wanted to square that away.

19 As far as the Anchorage Police Department is concerned,
20 just hitting the highlights. I've been the chief now for
21 six months. It's been a fairly busy six months. There's a
22 lot of things that I've seen with my 27-1/2 years with the
23 Anchorage Police Department working my way up. But I want
24 to just have a chance to correct. And minority issues, I
25 think, are at the heart of it. For the past eight years,

1 for example, I am the lead instructor on cultural awareness.
2 I teach in the academy and I'm excited to teach again in
3 October. It will be something that I will pass on
4 eventually. But I actually enjoy it.

5 In regards to other issues. The Anchorage Police
6 Department just started -- just had its first ever citizen's
7 academy. I know this is popular in other communities, but
8 it's never happened here before. And the reason why I like
9 it so much is I like to take as much mystery out of what we
10 do as possible.

11 We're a public service organization. We should not be
12 secret. I mean there's certain issues and operations that
13 require us to be, but the way we do business doesn't have to
14 be secret. And that informing people about it, letting them
15 know how we work and why we work the way we do, I think has
16 a better opportunity to eliminate rumors or false ideas. So
17 I'm actually proud of that as one of our major
18 accomplishments.

19 We just underwent a reorganization with the department,
20 and it's actually still ongoing. But we want to bring back
21 the specialization because though we tried a bold step in
22 what we did with generalization in our investigations unit,
23 it wasn't as effective or as efficient as specialization
24 has.

25 And there's steps that we want to do still, as staffing

1 will allow. There' a community policing officer that I want
2 to develop as far as creating positions where these officers
3 are going to be designated to handle police beats. We have
4 22 beats. And that they will be -- their sole function is
5 to attend community counsel meetings, community group
6 meetings, going to the schools, talk to the kids, get to
7 know the businesses, get to know the owners, and actually be
8 the beat cop. Now, there will still be other officers
9 assigned to those beats on a regular basis. But this
10 individual, the community policing officer, will be one who
11 actually can be a focal point for the citizens of those
12 neighborhoods to contact. They'll have his pager number,
13 his or her pager number, and access to him on a regular
14 basis. These are things that I would like to see, and
15 that's with staffing dependency, of course.

16 The other thing that we have done that we've never done
17 before is that rather than just rely on trying to increase
18 our numbers which we are woefully under-represented at the
19 moment, just through newspapers or occasion TV ads. We put
20 together a cross-cultural recruiting team. There's 24
21 members, both sworn and non-sworn. And they go out to areas
22 that traditionally we have never gone to before. These
23 teams have set up booths and gone onto radio shows and gone
24 into schools and places, even gun shows, trying to find
25 qualified applicants. There is a serious outreach to all

1 minority communities within the city of Anchorage.

2 But even then we're all working on an operation which
3 we're going to team up with the Alaska National Guard so we
4 can fly out. We've got a flight scheduled soon to go out to
5 Unalakleet to see if we can entice some I think very
6 qualified people that reside out there to come to the big
7 city. We are the biggest village.

8 The Anchorage Police Department and its makeup, I am
9 the first Native Alaskan police chief in 21 years. I am the
10 second one in APD's history. We have just promoted earlier
11 this week our first Hispanic deputy chief. I recently saw
12 that we had a captain who is African-American, and we've
13 never had one of those before at that rank.

14 In total, we've got 81 minority employees out of an
15 authorized strength of 543. We do need more help in trying
16 to get more minorities. I think that our department should
17 reflect the ethnicity of the community it serves. And I am
18 looking for innovative ways to encourage qualified
19 applicants to apply. It is something that -- it's
20 imperative to me.

21 Also in this past six months, we had the paintball
22 incident, which actually I think was kind of the beginning
23 event when it became publicized. It was my decision to make
24 it public, and I think that a lot of things have come out of
25 it; some very positive things.

1 I didn't thank you for allowing me to come today, but I
2 meant to. I do thank you now. I wanted to tell you that
3 I'm both pleased and sorry to be here. I'm pleased that
4 we're having this opportunity for this dialog, but I'm sorry
5 that it has to take place at all.

6 I think we have a great community. I think we have a
7 ways to go. We are not perfect. I don't think the police
8 department is a bad police department. I think we're a very
9 good police department, but we're not perfect. And as
10 questions or things that you're going to be asking, we'll
11 probably follow through. I will give you the answers as I
12 know best.

13 CHAIRMAN GILBERT GUTIERREZ: Thank you. Any questions
14 for the panel? Ms. Walker?

15 MS. ROSALEE WALKER: Thank you. Thank all of you for
16 being here. I've got a list of questions I could ask
17 forever. But I'm just going to settle down to one today.
18 Okay?

19 CHAIRMAN GILBERT GUTIERREZ: Thank you.

20 MS. ROSALEE WALKER: And my question goes to Mr. Reid,
21 since you're representing the federal level. Is there a
22 formal or informal agreement between the local police
23 departments and the immigration people with regard to
24 searching and seeking out immigrants or illegal immigrants?

25 I'll explain to you what I'm talking about. Just prior

1 to your coming on board, and it was very interesting because
2 I raised so much heck that they let me know real quick that
3 you were coming. And anyway I didn't have to bother you
4 after all.

5 But I have been getting a lot of complaints from
6 people. We have a large Filipino community and a large
7 Hispanic community that is growing by leaps and bounds. And
8 I was getting calls all hours of the night and whatnot
9 because our local police were stopping them or going in
10 searching their homes looking for these people.

11 So I went to the police chief and he said -- you know
12 how you legal folks can play with words? He never said yes
13 and he never said no. So I wasn't sure what was going on,
14 so I contacted your office up here. And, again, I got these
15 funny conversations and they told me to check out with the
16 guy down in Ketchikan. I checked down there. I said, okay,
17 I'm tired of this. I'm going to call a meeting of the
18 leaders of these organizations and somebody better be here
19 at this meeting. I don't care who you send. You can send a
20 janitor, but somebody better be here to be able to explain
21 to me what's going on.

22 Well, sure enough our police chief was there and a
23 gentleman from Ketchikan did come up and someone from your
24 office came. I can't remember those names. Anyway, out of
25 that meeting did come some type of word that the immigration

1 people had some kind of an agreement with the local police
2 that they could stop these people.

3 I talked to the policeman on the beat and whatnot and
4 said how come you stop them? They look funny, Rosalee; they
5 dress funny. I said, hey, everybody in Alaska's funny.
6 What are you talking about? But they really went on that
7 premise. That's the words they used publicly, that the
8 people were dressing funny and they looked funny and that
9 was their reason for going in.

10 But nobody ever explained to me if there was a formal
11 or informal agreement between the feds and local police. Of
12 course, if they have an agreement they should at least let
13 us know rather than just use that. So it would save a lot
14 of heartache if they would just let us know. But I'm
15 wondering if you would have any information on that?

16 MR. PHILLIP REID: Well, unfortunately I don't.
17 Immigration matters don't fall under the Bureau's
18 jurisdiction.

19 MS. ROSALEE WALKER: Uh-huh.

20 MR. PHILLIP REID: It falls under the Immigration and
21 Naturalization Service's jurisdiction. So I have no
22 appreciation for any kind of, you know, working agreements
23 that they may have with local enforcement unfortunately.

24 MS. ROSALEE WALKER: Excuse me. Mr. Chair -- well, Mr.
25 Monegan, do you all have an agreement with them in any way

1 as the local police.....

2 MR. WALT MONEGAN: Not that I'm aware of, Ms. Walker.
3 The only thing that all police officers and regardless of
4 whether you're local or state, when we get sworn in, we are
5 required to uphold local, state, and federal laws as we can.
6 And so the cooperation is kind of built into it. If we see
7 something that might be a violation, we're supposed to act
8 upon it somehow.

9 MS. ROSALEE WALKER: Uh-huh. So the -- well, okay.

10 CHAIRMAN GILBERT GUTIERREZ: Mr. Schapira?

11 MS. ROSALEE WALKER: You're still talking in strange
12 terms to me.

13 MR. WALT MONEGAN: I don't mean to be.

14 MS. ROSALEE WALKER: No, that's fine.

15 CHAIRMAN GILBERT GUTIERREZ: Excuse me.

16 MR. PHILLIP REID: Can I make a referral here?

17 MS. ROSALEE WALKER: That's probably a legal term, I
18 believe.

19 CHAIRMAN GILBERT GUTIERREZ: Excuse me. Rosalee, did
20 you get your question answered?

21 MS. ROSALEE WALKER: No.

22 CHAIRMAN GILBERT GUTIERREZ: Could somebody answer it?

23 MR. PHILLIP REID: Now can I make a referral?

24 CHAIRMAN GILBERT GUTIERREZ: Yes, please.

25 MR. PHILLIP REID: Yes. Bob Eddy (ph), who is the

1 Direction of INS here in Alaska.

2 MS. ROSALEE WALKER: Bob Eddy?

3 MR. PHILLIP REID: Right. Bob Eddy. He is the person,
4 and he will be glad to answer many questions that you have.

5 MS. ROSALEE WALKER: Thank you.

6 MR. PHILLIP REID: You're welcome.

7 CHAIRMAN GILBERT GUTIERREZ: Mr. Schapira?

8 MR. MITCHEL SCHAPIRA: My question is for Commissioner
9 Pugh. And before I ask it I just want to thank you for this
10 handout which is extremely informative and very useful, and
11 I assure you that the members of the panel will take the
12 time to read it.

13 And when they do, I think one of the most shocking
14 statistics that will come out is this one; that nearly one
15 in three, that is to say, 32 percent of Black males in the
16 age group from 20 to 29 is under some form of criminal
17 justice supervision on any given day, either in prison or
18 jail or on probation and/or parole.

19 And in that same block of statistics it says that in
20 1995 seven percent of adult Black males were incarcerated,
21 which represented a doubling of that rate since 1985, and
22 that a Black male born in 1991, I guess he would be 20 years
23 old now, has a 29 percent chance of spending time in prison
24 at some point in his life compared to a figure for White
25 males of four percent.

1 And I want to ask you a little bit about the
2 consequences of that sort of background. In Alaska, I
3 believe, and in many states, people who are convicted of
4 felonies lose certain important rights, not the least of
5 which is the right to vote. And as Commissioner of
6 Corrections, I am sure that you seek to provide a program
7 and a means by which people can reintegrate into society,
8 feel that they have a vested interest in society and become
9 productive contributing members whose opinions and
10 contributions are valued.

11 And since it's obvious from the statistics that you
12 supplied that the loss of voting rights falls
13 disproportionately upon Blacks, in particular, but all
14 minorities. I wonder if you have any views about what
15 effect the loss of voting rights has in terms of your
16 efforts to help people, you know, corrections, to correct
17 their ways and become integrated into society and feel
18 vested in it.

19 I guess, you know, Part B would be they lose their
20 permanent fund dividend and we were talking about gate (ph)
21 money before, and that's another aspect of it.

22 COMMISSIONER MARGARET PUGH: Let me just start
23 rambling. To answer your question, the statistics that
24 you're reading from came from council of state governments,
25 a study from the eastern regions, a national study, and they

1 are shocking. I'm glad to hear that other people are
2 shocked and should be outraged about the phenomenon.

3 The loss of voting right, to me the greatest freedom
4 that we have is the right to express ourselves in the polls,
5 and we should be able to vote. In Alaska, felons convicted
6 of moral turpitude can reapply for their ability to vote
7 after they have completed their service of probation and
8 parole that always follows incarceration.

9 What we do is send a tape over to the Division of
10 Elections of those folks. And they mix and match to try to
11 ensure that people get reinstated or re-blessed as a voter.
12 What that does to minority populations, particularly
13 African-Americans if you're losing voters at that.....

14 MR. MITCHEL SCHAPIRA: They lost as many as 500 votes
15 in Florida alone.

16 COMMISSIONER MARGARET PUGH: Bingo. It should be a
17 huge concern to all of us that there are folks who, their
18 basic right -- they're disenfranchised. And that they mean
19 the group -- and we were talking about civil rights versus
20 human rights yesterday, but entire groups that may be
21 suffering disenfranchisement because of the phenomenon. So
22 when I said that incarceration may sanction a choice is such
23 a complex mix of social and economic and fears, and all that
24 has its consequences, that is often overlooked and I
25 appreciate your bringing it out.

1 MR. MITCHEL SCHAPIRA: Well, I see another panelist
2 wishes to ask some questions.

3 UNIDENTIFIED VOICE: No, go ahead.

4 MR. MITCHEL SCHAPIRA: Well, this is a different topic.
5 But one reason apparent according to the feeling I get
6 reading your handout that minorities and, in particular,
7 Blacks are disproportionately represented in the prison
8 community and the criminal justice system has to do with
9 society's attitude toward drug offenses. And, for example,
10 one of your handouts talks about in very disparaging tones
11 the disparaging between crack sentencing and powder cocaine
12 sentencing.

13 And I guess one question I have for you is how would
14 your mission be impacted if the attitude towards drug
15 offenses was changed from one of a war on drugs and criminal
16 -- which necessarily involves a war on certain individuals,
17 many of whom are sick and addicted? If it were to change
18 from that attitude, a war on drugs and a criminal justice
19 problem, to a public health problem, how would that effect
20 your mission, which is part of a larger mission of returning
21 people to productive life in society and also protecting the
22 public? Maybe other panelist would want to respond? But I
23 did direct it at you.

24 COMMISSIONER MARGARET PUGH: Thank you. It's a great
25 question. Alcohol is our greatest public health problem. I

1 think it is a public health issue. It's a public health
2 issue with our children. I haven't heard anybody talk about
3 sniffing in our villages, but it's here and out of control,
4 and we've done some things legislative, opened a new
5 treatment center in Bethel for it. But it is our largest
6 public health problem. It should be treated, in my opinion,
7 with a public health model.

8 It will be interesting to see what happens with
9 California which last year past a law that those arrested
10 for drug offenses who have addictions much first go through
11 treatment, mandatory diversion, if you will.

12 I think the whole world will be watching. I was very
13 proud of California to wake up one morning and realize that
14 they could not build their way out of this situation and
15 perhaps they were losing their war on drugs, and that if it
16 were handled with a public health model that we might make
17 more progress.

18 There have been many studies, RAM Corporation, many
19 studies have -- the data is there to show the treatment
20 works. And more than that, the data shows that any amount
21 of treatment helps to reduce the amount of time to re-
22 offense, which helps in the entire picture.

23 So I believe that we would -- I personally believe that
24 we should consider the public health model and I think the
25 world should be interested in following what's happening in

1 California and some other jurisdictions to see the success
2 rate that I know and believe will occur.

3 CHAIRMAN GILBERT GUTIERREZ: Thank you. Commissioner
4 Lee?

5 COMMISSIONER YVONNE LEE: Commissioner Godfrey, we
6 heard yesterday and also earlier today from the mayor of the
7 high numbers of unresolved crimes. I can't think of them,
8 they're Alaska Native women. Have you made any efforts to
9 refer these cases or get the Department of Justice, FBI,
10 involved in assisting these cases?

11 COMMISSIONER GLENN GODFREY: I assume you're referring
12 to the incidents here in the Anchorage.....

13 COMMISSIONER YVONNE LEE: Uh-huh. (Affirmative)

14 COMMISSIONER GLENN GODFREY: The Anchorage Police
15 Department has contacted us and consulted with us on these
16 crimes, and we are assisting from the standpoint of
17 utilizing our crime lab and our intelligence unit which
18 works out of the FBI facility here. But outside of that we
19 haven't been involved in those particular crimes. The
20 Anchorage Police Department is the primary investigating
21 agency on those incidents.

22 COMMISSIONER YVONNE LEE: Well, maybe to the chief,
23 then. Have you set up any protocols to refer these cases or
24 get the federal law enforcement involved in assisting you in
25 investigating these cases. Apparently it's been unresolved

1 for a long time.

2 MR. WALT MONEGAN: That is correct, and we have. As
3 Commissioner Godfrey mentioned, that we have made referrals
4 looking for forensic evidences and as well as trying to
5 determine any kind of profiling as far as a suspect is
6 concerned. Through the feds -- I'm sorry. I tried to make
7 it -- but in regards to trying to get an idea on what kind
8 of -- if it's the responsibility of one person or a series
9 of individuals. And they are still active cases. There are
10 still detectives assigned to these cases. And there has
11 been an arrest of one individual in regards to at least one
12 of the cases.

13 We are making progress. But these are difficult cases
14 to resolve. They are cold cases, meaning that the forensic
15 evidence that we normally find ourselves with in cases of
16 homicide, for example, every one of these individuals were
17 located and found even before they were reported missing,
18 and they had been missing for months.

19 The difficulty, and I certainly don't want to belabor
20 this, but the difficulty is that the predators that went out
21 after these women understood that their lifestyle -- they
22 caught them at their most vulnerable moments. And it's very
23 difficult to go back and track a beginning time period.
24 Earlier there was statements or feelings basically expressed
25 that if it happened to someone living in another part of

1 town, somebody established or on Hillside for example, these
2 cases would have been probably more quickly handled and
3 maybe even resolved. Well, in a sense, I have to admit that
4 might be true in that the person who has a regular lifestyle
5 that has a residence, a job, we can go back and trace and
6 actually know when the beginning date -- when's the last
7 time you saw somebody.

8 But in the case of several of the women that were
9 victims in this, there was no beginning time period. We
10 can't pull in a suspect and say where were you on the night
11 of the 13th, for example, because we don't if the 13th is
12 appropriate. The victims, several of them, were found in
13 cases where the forensic evidence would be very difficult to
14 recover because of the long time exposure out to the
15 elements as well as the decomposition of the victims
16 themselves.

17 COMMISSIONER YVONNE LEE: Well, given the racial and
18 ethnic background of these victims, have you even considered
19 asking -- even at a minimum level alerting the Department of
20 Justice's Office of Civil Rights to see if they need to
21 start monitoring whether this is a possible civil rights
22 case? Have you done that at all?

23 MR. WALT MONEGAN: That I don't know. I don't have an
24 answer for you on that one. But it's a good suggestion.

25 MR. PHILLIP REID: Can I make a comment here? As a

1 result of the information that was evolving in the case of
2 the murders of the Native women, we did go out and open up a
3 civil rights investigation.

4 So we do have a pending civil rights investigation.
5 It's not an active one, but the Department of Justice Civil
6 Rights Division asked us, the FBI in Alaska, to just open up
7 a civil rights investigation, conduct no investigation, and
8 just monitor the progress of the murder investigations.

9 COMMISSIONER YVONNE LEE: If I may ask one more
10 question?

11 CHAIRMAN GILBERT GUTIERREZ: One more.

12 COMMISSIONER YVONNE LEE: Okay. This is regarding
13 recruitment both for the FBI and also with the local police
14 department. Both of you mentioned that you're trying very
15 hard to recruit Alaska Natives, and we all know that in
16 order to build trust with the certain communities, they need
17 to be represented.

18 A couple of questions. Number 1, do you have rigid
19 guidelines that automatically certain groups of potential
20 applicants will be weeded out? For instance, we heard
21 yesterday about inequalities in early education. So
22 automatically you're looking at an even applicant pool. Do
23 you have any way of not relaxing, but taking into
24 consideration that the cultural and linguistic needs and
25 various backgrounds so that basic qualifications are

1 flexible for certain groups, because your bottom line is you
2 need to bring in certain under-represented groups to your
3 force.

4 The second thing is, we also heard about the need for
5 cultural and linguistic competent services in law
6 enforcement. Do you provide incentive pays for officers who
7 possess these kind of special qualifications? If not, why
8 not?

9 MR. PHILLIP REID: As far as the FBI is concerned, over
10 the years we've recognized how disadvantaged in terms of
11 diversity of FBI nationally and studies, surveys have been
12 conducted in an effort to ensure that the qualification for
13 employment with the FBI were flexible enough to incorporate
14 and give every ethnic group an opportunity to be employed
15 with the FBI, whether it be as a special agent or as a
16 professional support employee. I believe we are there.

17 The problem that we're faced with here in Alaska, and
18 we basically had the same problem -- I worked in Hawaii for
19 almost five years before my assignment to Alaska. The
20 problem -- and we've made what I believe is a sincere effort
21 to recruit Native Alaskans, because when I first got here to
22 Alaska three years ago, it became obvious that we didn't
23 have any Native Alaskans working in my office. And I
24 checked with my headquarters to see if we had any Native
25 Alaskan FBI agents, and we don't have one. So I made it a

1 priority to recruit, first, Native Alaskan FBI agents.
2 Unfortunately we just -- we haven't been able to do that.
3 It's been a combination of several things. One, we've had
4 some freezes in hiring, and that's been a problem. And
5 Number 2, as again, as we were faced in Hawaii, what we're
6 finding is that there's very well qualified Native Alaskans
7 in Alaska for employment with the FBI at all levels. The
8 problem is what we found out -- what we've been finding is
9 that the majority of them don't want to move, and in our job
10 and our service, there's a lot of transferring.

11 We were faced with this problem in Hawaii. We wanted
12 to hire Hawaiians because we really didn't have many
13 Hawaiians in the FBI. And what we were able to do there in
14 Hawaii is make a deal with my headquarters that if we can
15 hire them, get them through the process, that after they got
16 through and graduated from Quantico, from our academy, that
17 they would go back to Hawaii. And we were very successful
18 with that, as a matter of fact. And the time I was in
19 Hawaii, we were able to hire I think it was six agents, six
20 Hawaiian agents, and they're still there in Hawaii. And
21 this is what I'm trying to put forth with my headquarters
22 now is that if we can get them through -- we have a bit of a
23 freeze going on right now, but we're still recruiting. But
24 if we can get them through the process, that if we can just
25 cut a deal just so that we can get some momentum going, that

1 they would allow them to stay in Alaska, which I think would
2 be an ideal place anyway. And so that's -- you know, our
3 initiatives right now. I mean it's been my top priority to
4 hire our first Native Alaskan before I'm moved on again.

5 CHAIRPERSON GILBERT GUTIERREZ: Mary?

6 MR. WALT MONEGAN: I'd like.....

7 CHAIRPERSON GILBERT GUTIERREZ: Oh, I'm sorry, go
8 ahead.

9 MR. WALT MONEGAN: In regards to the Anchorage Police
10 Department, there is a series of seven different tests that
11 an applicant has to go through before they become an
12 officer. One of them is the Neilson-Denny (ph), which is
13 the reading and writing comprehension test. If English is
14 your second language, then we learn painfully -- it happened
15 I believe several years ago, that we must give extra time in
16 order to take that test; and that is being done.

17 So what we've done is, like I mentioned, the Nielson-
18 Denny, if English is your second language, it is a -- we
19 give extra time for the applicant to take the test on that
20 one. There's another test though, that I really cast a
21 critical eye to, and it regards a judgement type of thing.
22 And in that, it's a video which takes place at the old
23 review board where you're sitting at the end of a table and
24 everybody glares at you and asks questions and whatnot. But
25 in the video, in it, I am very concerned that some of the

1 issues or the questions may have some culturally biases kind
2 of built in. In that, I'm working with the Municipality's
3 human resources, and we're trying to find a video, a
4 replacement video. In the interim, I have taken the --
5 passing score, which was 65 to pass that video down to 50
6 percent. And it is on the recommendation that we still have
7 at 50 percent, even the manufacturer of the video says it
8 does away with the cultural biases. I'm still not
9 satisfied, but I've got to find something that I have to
10 test those particular issues, which is judgment, which is a
11 key component to our line of work. So I am using it with a
12 reduced passing grade at this time, until I can find
13 something better.

14 In regards to the background investigation, which is
15 another area that weeds out a lot of people, I'd like to say
16 that I've got three background investigators, one is an
17 Alaska Native Sergeant. I've got one African American male,
18 and one female, one white female, that are doing the -- my
19 background investigations. So I'm trying to look into an
20 area where it isn't the standard three white guys, so to
21 speak, that has to -- you have to answer a lot personal
22 questions with. I want to try to make it as accommodating
23 as possible, as it's a stressful situation, but I don't want
24 to add any additional stress by feeling that there is some
25 kind of cultural biases built into it.

1 MS. YVONNE LEE: And also the incentive pay issue
2 regarding folks who speak an additional language.

3 MR. WALT MONEGAN: I believe we've experimented with
4 that in the past, and I like the idea. In fact, I have only
5 one Korean officer. And if that was in, then he would be a
6 fairly rich individual because we use him quite extensively.
7 But it's something I can look into because I do like the
8 idea. Any recruiting kind of tool that I can use has merit.

9 CHAIRPERSON GILBERT GUTIERREZ: Mary? Oh, sorry.

10 COMMISSIONER MARGARET PUGH: For some reason, I don't
11 know that anyone has ever mentioned to me the potential for
12 incentive of some sort for bilingual or employees with other
13 talents that could help culturally, but -- an assistant
14 superintendent in the back who does speak another language,
15 and that's an interesting idea which I appreciate that you
16 brought forth for us to think about.

17 MR. PHILLIP REID: Well, in the Bureau -- let me just
18 mention, in the Bureau, we do have an incentive for
19 bilingual agents, Hispanic agents, agents with the Asian
20 language skills, we do provide an additional incentive bonus
21 for bringing the extra language to the table.

22 MS. MARY MILLER: This question is for Commissioner
23 Pugh, and it has to do with employment as well. In the
24 correctional system, with your -- I'm assuming that there's
25 a contract, like a public safety employee association. Do

1 you have allowances for entry level correctional officers to
2 encourage local people to apply for positions, say, like in
3 a prison, like the Anvil Mountain Correctional Center in
4 Nome?

5 COMMISSIONER MARGARET PUGH: Let me just start talking,
6 and you tell me if I've answered your question.

7 MS. MARY MILLER: Okay.

8 COMMISSIONER MARGARET PUGH: In fact, we do -- the
9 state of Alaska is unionized, and we do deal with several
10 different unions in the correctional facilities, but the
11 hiring is through the department. In other words, you don't
12 -- we don't call the union hall -- well, except for Local
13 71, and then they send us the next employee. We, like the
14 rest of the criminal justice system, recruit and hire
15 through the department. Did that answer your question?

16 MS. MARY MILLER: Well, I don't have all of the
17 statistics, but there seems to be a common practice of
18 transferring folks from other -- correctional officers from
19 other facilities, and that could be perceived as a barrier
20 for hiring from the local pool of possibly eligible
21 applicants, and that may, you know, represent more
22 proportionately the prison population.

23 COMMISSIONER MARGARET PUGH: Yes, officers do transfer
24 around the state with some freedom; part of that is union
25 contract in terms of how to handle folks who wish to

1 transfer. Unfortunately, we probably don't -- there's
2 probably a perception out there that transfers take jobs
3 away from people locally, but we have the -- the truth is we
4 experience the same difficulties in recruitment of local
5 folks, if you will, and in some cases, those are minorities
6 in, you know, some of our areas that the other folks have
7 addressed here. So probably transfers are less really the
8 problem than local recruitment and hiring and retention.

9 CHAIRPERSON GILBERT GUTIERREZ: Thank you.

10 COMMISSIONER MARGARET PUGH: And I'll be glad to talk
11 to you afterwards.

12 CHAIRPERSON GILBERT GUTIERREZ: Thank you. I have some
13 questions of, first of all, Commissioner Godfrey. Would the
14 administration of justice or public safety be improved if
15 the VPSO's in your program went through the trooper academy
16 like officers that come here to the municipality have to go
17 through?

18 COMMISSIONER GODFREY: I'm not sure that it would
19 improve in the villages per se. There is almost a crisis in
20 recruitment nationally for police officers. Right now
21 there's not a lot of people, whether they're majority or
22 minority that want to be law enforcement officers throughout
23 the country, and surely, Alaska is no exception. As I
24 indicated earlier, almost 70 percent of our village public
25 safety officers are Native Alaskans. Obviously we're not

1 close to that as far as Alaska State Troopers.

2 The qualifications to be an Alaska State Trooper are a
3 lot more demanding than that of a village public safety
4 officer. I believe the village public safety officers,
5 unarmed peace officers, serve a major role in rural Alaska.
6 And I would be concerned if the standards were changed where
7 we wouldn't be able to do that. I do feel that they are not
8 paid what they should be paid and given the benefits that
9 they should be given. And the administration has worked
10 diligently on that for years, and without a lot of success
11 as far as acquiring funding from the legislature, but we are
12 heading in that direction. But for an immediate response in
13 the village, to have a village public safety officer there,
14 I think that's very critical, and I'd hate to see that
15 impact negatively on the program.

16 CHAIRPERSON GILBERT GUTIERREZ: Well, one of the
17 allegations we've had is that for the state troopers, when
18 they receive -- after they receive a call to a village, say,
19 Chefnak, and it would take on the average three to five
20 days before that call would be responded to. And then in
21 many instances, as been alleged, that the troopers, let's
22 say in the hub, stack concerns or complaints over a period
23 of time until they get to the village, and then they try to
24 administer justice in that way. Wouldn't it be more to your
25 benefit or the justice system to have a trained officer

1 there. We know the VPSO's and VPO programs are successful.
2 The question is, if they're going to have to face -- and
3 many people do, and it's been alleged that they face people
4 with firearms, but they're not armed. There's a lot of
5 training that has to go into even dealing with that issue.
6 And they're only provided two to 400 hours of training, and
7 we don't know where that is from. So wouldn't it be to your
8 benefit or to the state's benefit to train them as
9 thoroughly as possible. Not only would that assist you, but
10 wouldn't it assist Chief Monegan, which would be provide
11 with a pool of applicants out there that may want to come
12 over here and work as -- because they've already been
13 trained.

14 COMMISSIONER GODFREY: Yes, sir. Two points I'd like
15 to -- they were already discussed earlier as far as
16 recruitment and hiring is the fact that we have established
17 a constable or a regional public safety officer program that
18 is a state employee, is the same authority as an Alaska
19 State Trooper. We're targeting Alaska Natives VPSO's to
20 fill those positions. Those positions would be located in
21 isolated communities throughout the state. We're starting
22 with four as a pilot program. These constables do not go
23 through the exact same process as an Alaska State Trooper
24 would. First off, there is no written test. And so we're
25 focusing on a rank within the troopers to address the

1 concerns you have, where you'd have a certified law
2 enforcement officer out in the rural areas. I'm hoping this
3 will take off, and if it would, I think it would directly
4 address the concerns you have. And the other nice part
5 about this is, as Mr. Reid referred to earlier is the
6 problem with transfers, the constables wouldn't transfer,
7 they would be hired in the regional area, they would be
8 trained in the regional area; they would never have to leave
9 the regional area. They would be sensitive to culture and
10 the heritage, and they would assist tremendously in breaking
11 in troopers who might have to transfer in and out of a hub
12 area. So I think those are valid concerns, they're concerns
13 we have, and I think the constable program is a way to
14 address that. And eventually if the constable did want to
15 become a trooper and promote into it, and start transferring
16 around the state, that would be his or her option.

17 CHAIRPERSON GILBERT GUTIERREZ: One more question, I
18 guess. Would the implementation of a tribal court system in
19 villages improve public safety in the villages? We've heard
20 there's a lot of problems in the villages related to
21 alcoholism and a lot of the -- probably the criminals are
22 the people that fill the correctional systems are from the
23 villages? Why hasn't that been thought of or.....

24 COMMISSIONER GODFREY: I absolutely support the tribal
25 courts or any tribal initiatives. Quite frankly, the Alaska

1 State Troopers have been working informally with different
2 forms of tribes in rural Alaska for years and years, so the
3 impact of formally recognizing tribes in Alaska doesn't have
4 a major impact on us. We've already been working with them.
5 I think tribal courts are a good thing. As I indicated
6 earlier, we've taken the initiative to train tribal police
7 officers, create a close working relationship with them.
8 Our philosophy is we don't care what kind of officer you are
9 in a small community anywhere in the state of Alaska, if
10 you're an officer there trying to assist in public safety,
11 then we feel an obligation to do everything we can to assist
12 you in your job, and I think tribal courts is the way to
13 keep that in the communities; and our organization is
14 looking forward to working with the tribes.

15 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Just one
16 question for Commissioner Pugh. What is the purpose of a
17 private prison?

18 COMMISSIONER MARGARET PUGH: Whether public or private
19 I don't think is the issue. The purpose of the prison is to
20 provide space for the growing, you know, we haven't built a
21 new prison since Spring Creek in 19.....

22 UNIDENTIFIED VOICE: '88.

23 COMMISSIONER MARGARET PUGH:88, and so the issue
24 of public/private is not it. It's that we've spent since
25 1973 growing immeasurable and haven't kept space. So those

1 folks that we have outside in Arizona are sentenced felons.
2 There's 800 of them, by the way, that we contract. And so
3 we -- remember I was talking earlier about the jail
4 overcrowding and the prison overcrowding, and we're sending
5 our prisoners outside. So that's the purpose; not a new
6 prison.

7 UNIDENTIFIED VOICE: Economic issues.

8 CHAIRPERSON GILBERT GUTIERREZ: Okay. Anybody have any
9 other questions? Mike?

10 MR. MICHAEL WALLERI: I apologize, I was pulled away
11 for a couple minutes. Chief Monegan, did I pronounce your
12 name correctly?

13 MR. WALT MONEGAN: It's Monegan, but that's okay.

14 MR. MICHAEL WALLERI: Excuse me. I've been very
15 concerned about a lot of the testimony we've been hearing
16 about the rape of Native women in Anchorage. I'm from
17 Fairbanks, and we've heard similar -- we anticipate we'll
18 hear similar things from there, and I've heard similar
19 concerns. And I understand that in listening to the mayor
20 this morning, that this was kind of one of the top -- one of
21 his top issues.

22 A couple of questions; first of all, I was wondering
23 what has been done about these recent reported rapes -- and
24 I hear -- or is it five murders or five rapes that have
25 occurred here in Anchorage?

1 And secondly, do you know of anything that the
2 municipality is doing in terms of rape prevention programs?

3 MR. WALT MONEGAN: Well, the first one, as far as a
4 series of sexual assaults that we had in the Fairview area,
5 we did identify and arrest the individual that was involved.
6 What basically was the determining factor on that was
7 waiting for the forensics. We did have evidence, DNA, that
8 was able to tie this individual to this series of them, so
9 that once we had that, we could make the satisfying arrests
10 and get him off the streets like he belonged to be off.

11 In regards to what is the municipality doing; I think
12 in that we are working closely; we have in the past and will
13 continue to do it again with organizations such as AFN, and
14 Alaska Native Justice Center. Last fall when AFN had their
15 convention here, for example, we started the meet and greet
16 program, which officers go down and work very closely with
17 the Alaska Native Justice Center and get a program where we
18 would accompany and talk and try to educate. I know that
19 there is some concerns in the community that the people that
20 we should try to educate and address are the bad guys; and I
21 agree, but it is also incumbent upon us to try to alert and
22 warn any potential victims before they become victims on
23 risky behavior and just how to be safer in this new
24 environment, especially if they come in from the more rural
25 areas where they have a more trusting atmosphere. Because

1 there are individuals in this community that will prey upon
2 them. They will look for them at their vulnerable moments,
3 and can make crimes upon them.

4 MR. MICHAEL WALLERI: Has the municipality taken a look
5 at other -- I know that nationally there are a number of
6 rape prevention programs, and some have not been very
7 successful and some have. Has the municipality explored or
8 done any investigation or reviewed the success or what it
9 might be able to do in this area?

10 MR. WALT MONEGAN: Yes, we have. We do this in
11 partnership with organizations such as STAR, Standing
12 Together Against Rape, as well as I mentioned, the Alaska
13 Native Justice Center. There's numerous organizations;
14 Alaska Women's Resource Center where all of us are keeping
15 our ears to the ground, looking on the web, which is a real
16 good source of information, other programs with DOJ, the
17 Department of Justice, as well as some of the COPS grants.
18 We're looking for innovative programs that we can apply up
19 here. And I think even though we've had a moderate downturn
20 in the number of sexual assaults, and I think it's a plus,
21 because the community is coming together in trying to
22 forestall victimization. We do realize that there is a long
23 way for us to go because we are still seeing way too many
24 victims. But it's going to be done in a collective effort.
25 It's -- in the past -- perhaps we were more stoically

1 saying, you know, we're the police, we can handle this. We
2 will investigate it. That is out the window. That is a
3 problem that we definitely need help on, and we are working
4 towards that.

5 MR. MICHAEL WALLERI: Just one last issue I had, and
6 that had to do with some testimony that we heard yesterday
7 about this issue, and the allegation was made that when --
8 that there was very little community outreach by the
9 Anchorage Municipality with regards to the serial attacks on
10 Native women. But that one incident of an attack by
11 allegedly by a Native man against a non-Native woman, a
12 Caucasian woman resulted in a Outreach effort by the
13 municipality. I was wondering if you had any response to
14 that?

15 MR. WALT MONEGAN: In that, quite honestly, in my
16 opinion, the detectives, the officers, all the support staff
17 that we have on the Department, are really not concerned
18 about the ethnicity of the victims, other than that they are
19 victims. And whatever comes into play is that there seems
20 to be a series or a trend that someone is preying upon a
21 certain ethnicity, then we start looking for patterns. But
22 otherwise, a victim is a victim, and we are going to try to
23 find whoever it is that is making them victims, regardless
24 of whether they're White, Black, Native. It doesn't make a
25 real difference to us. No one deserves to be victims; I

1 guess that's what I'm trying to say. And if there are good,
2 solid leads that we can follow up and try to arrest the
3 individual as quick as we can, we will do so. Our marching
4 orders that we have given to the detectives and to the
5 patrol is if we have enough probable cause to make a felony
6 arrest, we will do so. And I've got to coordinate that,
7 give the district attorney's office a heads-up on that, but
8 I'm sure that they'll understand that when we start making
9 these arrests they will be done without consultation.
10 Usually that's what happens in some cases where we spend a
11 lot of time in the DA's office before we activate the 120
12 day clock.

13 MR. MICHAEL WALLERI: I guess my.....

14 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Mike, I'm
15 going to have to cut it short. Any other questions from this
16 panel here can be provided in writing, please. We're going
17 to break for lunch now. I'm going to reconvene the meeting
18 at 1:15 in order to keep on schedule for this afternoon.
19 Thank you very much for coming before us and the information
20 that you provided.

21 (Off record 12:30)

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P R O C E E D I N G S

Alaska Advisory Committee
to the U.S. Commission on Civil Rights
Friday, August 24, 2001

AFTERNOON SESSION

(On record 1:25)

CHAIRPERSON GILBERT GUTIERREZ: Good afternoon. We want to open up and reconvene here. It's a little later than I expected, but at any rate, we would like to invite Commissioner Holloway, Department of Education and Early Development, and Superintendent Carol Comeau from the Anchorage School District.

COMMISSIONER SHIRLEY HOLLOWAY: Well, good afternoon, and thank you very much for this opportunity to address this august commission. I am very happy to be here and I look forward to our time together. I also.....

CHAIRPERSON GILBERT GUTIERREZ: Commissioner?

COMMISSIONER SHIRLEY HOLLOWAY: Yes?

CHAIRPERSON GILBERT GUTIERREZ: Could you bring the microphone closer?

COMMISSIONER SHIRLEY HOLLOWAY: A little bit closer?

CHAIRPERSON GILBERT GUTIERREZ: Yeah, because it's designed to keep the outside noise in, so you have to speak into it directly.

COMMISSIONER SHIRLEY HOLLOWAY: I'll get it right up

1 close and personal.

2 CHAIRPERSON GILBERT GUTIERREZ: Thank you.

3 COMMISSIONER SHIRLEY HOLLOWAY: Thank you. I welcome
4 your investigation into discrimination in our state. There
5 is absolutely no room for discrimination either overt or
6 covert in our public schools, other institutions or anywhere
7 else in our great state. And your efforts are sincerely
8 appreciated. It was my privilege to serve the people of
9 Alaska as Commissioner of Education during the first four
10 years of the Knowles/Ulmer administration. I was very proud
11 to be the first woman to serve as Commissioner of Education
12 in Alaska's history. I left due to health issues and was
13 invited to return by the governor and the State Board of
14 Education and Early Development in January of this year.

15 It is also a privilege to return to the top priority of
16 ensuring the education rights of all children. Why? It's
17 simple. Nothing; and I mean nothing is more important for
18 the families in our state and for the future of Alaska than
19 education. The hopes and dreams we have for our children,
20 and many of us, for our grandchildren and our communities,
21 begin with a quality education.

22 Our State Board of Education/Early Development, as
23 indicated by Governor Knowles yesterday is a diverse group
24 of Alaskans truly committed to building a better path for
25 all students to obtain a quality education. I have with me

1 today Deputy Commissioners Ms. Evonne Chase (ph), sitting
2 back here, and Deputy Commissioner Dr. Ed McLaine (ph). And
3 they're here to answer the hard questions.

4 I was going to cite the state board's mission statement
5 and goals because I believe they're very powerful and they
6 truly do guide our work, but I'll cut it real short. The
7 mission reads: to help ensure that young children arrive at
8 their first day of school ready to learn, and that all
9 students succeed in their education and work, shape
10 worthwhile lives for themselves, exemplify the best values
11 of society, and are effective in improving the character and
12 quality of the world around them.

13 The board has six major goals. I'm just going to read
14 the first one. To have culturally and developmentally
15 appropriate high quality early care and education programs
16 that improve the well-being of young children statewide in
17 which children, families, and communities are active
18 partners. This mission and goals are truly a framework for
19 all that the Board has done, and what we are doing to make
20 sure that we have a quality public education system in this
21 state.

22 The Board also emphasizes the critical nature of early
23 development. What happens to children from birth to five
24 years old impacts their later success in school. We know
25 that better now than we've ever known. There's some

1 wonderful, important work being done in this area.

2 So I was very pleased when the combination of many of
3 the early development programs were added to the Department
4 of Education, and we in fact, became the Department of
5 Education and Early Development. It's not possible within
6 the time frame to cover all the efforts, issues and concerns
7 associated with public education and early learning. We
8 have 42 documents prepared for you, which have many, many
9 charts and statistics and comparisons that I think will be
10 very helpful to the Commission as you study this particular
11 part of your charge.

12 I would call your attention when you get your packets
13 to two documents. One is called the Action Plan on Native
14 Student Learning that the State Board of Education adopted
15 in 1996, and we actually put a progress report in there
16 based on that plan.

17 The second is a publication by Dr. Oldacre (ph) called
18 From Black Stone to America's Last Frontier, Education in
19 Alaska Amid Rural Urban Tensions, is also included in our
20 set of material, and I think that you'll find that very
21 informative.

22 MR. MITCHEL SCHAPIRA: Excuse me. Have those materials
23 been distributed.....

24 COMMISSIONER SHIRLEY HOLLOWAY: They're right here
25 ready to be given to you. The 42 documents.

1 CHAIRPERSON GILBERT GUTIERREZ: Here comes a staffer.

2 MR. MITCHEL SCHAPIRA: Okay, thank you. Sorry for the
3 interruption.

4 COMMISSIONER SHIRLEY HOLLOWAY: Oh, no. Also, Mr.
5 Chairman, we have some publications that we didn't have
6 enough of from our Juneau offices that we will add. We have
7 one complete set for you, Mr. Chairman, and then the rest of
8 this will be augmented.

9 CHAIRPERSON GILBERT GUTIERREZ: Thank you.

10 COMMISSIONER SHIRLEY HOLLOWAY: Thank you. I have also
11 included in this documentation a July 11, 2001, memorandum
12 from me to policy makers and education leaders about the
13 most recent release of our state high school testing data in
14 reading, writing, and mathematics.

15 In this letter I pointed out disparities among ethnic
16 groups. In that letter, I said the data I am releasing
17 today will cause deep soul searching in Alaska. The
18 analysis shows a deep divide in student achievement among
19 ethnic groups. White students score higher than other
20 ethnic groups, much higher on average than Native students.
21 Why is this so? What steps do we need to take to shrink
22 this divide? It's time for debate. It's time to find out.
23 It's time for action.

24 I went on to say in that memo, as we more deeply
25 analyze the data, a picture begins to come into focus. It

1 is important that we share this picture with others. By
2 doing so, we encourage a broader understanding of what the
3 exam results mean and stimulate debate over what we need to
4 do to improve achievement. It is vital that our data-driven
5 debate be free of political and personal agendas, and is
6 focused on students.

7 Alaska isn't alone, as you know, in facing low
8 achievement for minority and low-income students. The
9 standards movement across the nation, based on state
10 academic standards and student assessments is bringing the
11 gap into clear focus. Closing that gap, which will make
12 education more equitable for all students is the next major
13 challenge we must resolve. There is no silver bullet. What
14 we are facing is systemic in scope, in our schools, and in
15 our society.

16 It takes time, clear goals, a coordinated plan, lots of
17 communication, understanding, and a commitment to make
18 progress. But don't misunderstand me; we are making some
19 progress.

20 The standards and accountability effort has high stakes
21 consequences for our young people here in Alaska because we
22 do have a high school qualifying examination in reading,
23 writing, and math, where students must demonstrate
24 proficiency in order to receive a high school diploma. And
25 that begins in 2004.

1 In a report entitled Closing the Gap done in a decade
2 by Haycock (ph) and others, this was stated: The '90s were a
3 time of unprecedented focus on education. When the decade
4 began, Americans were puzzling over a new idea in school
5 reform. High public standards intended for all students.
6 As you may recall, the business community was first to latch
7 onto this strategy as a means to raise the quality of the
8 work force to the levels of the new economy demanded. But
9 many others quickly saw the marriage of high standards with
10 all students as a way to guarantee equity in education.

11 And this means -- what this means is that the promise
12 of the standards movement is that it will close the
13 achievement gap. And we see that happening across the
14 nation in many of our states, and in many of our schools,
15 which heretofore, have been very low performing schools that
16 serve primarily low income and minority students. We are
17 making progress both nationally and in Alaska, but it's far
18 too slow.

19 In Alaska, we call our standards movement the Alaska
20 Quality Schools Initiative. And basically, it has four
21 elements: The first is the high academic standards for all
22 students and quality assessments that are aligned to those
23 standards.

24 The second element has to do with quality educators,
25 the third has to do with the networking and the partnerships

1 between families, community, business, university. And the
2 third has to do with setting high quality school standards.

3 Very briefly, the first element is really all about
4 high expectations for children. And literally, hundreds of
5 Alaskans have participated and continue to participate in
6 the development of our content and our performance
7 standards, and in the design and the development and the
8 ongoing renewal and analysis of the assessments that measure
9 what Alaskan said. They want their children to know and be
10 able to do.

11 In addition to the academic standards, the State Board
12 of Education/Early Development adopted the cultural
13 standards for students. And those publications are
14 excellent. The cultural standards for students, culturally
15 responsive school standards, the standards -- the cultural
16 responsive teacher standards, that's a body of work that I
17 highly recommend you review, and I know you'll hear more
18 about that from our superintendent Carol Comeau.

19 To support teaching, the reading, writing, and
20 mathematics standards, in a real contextual environment, the
21 Alaska Knowledge Network, the Alaska Rural Systemic
22 Initiative, the University of Alaska and the Department in
23 partnership have developed some wonderful materials that are
24 made available to our school districts. The Native Way of
25 Knowing, Culturally Responsive Science Curriculum,

1 Culturally Relevant Mathematics. We have two years' worth
2 of assessment data on our reading, writing and mathematics
3 performance standards, so we're very new into this measuring
4 our benchmarks and our high school qualifying exam
5 standards.

6 This is the first year we looked at the data in a
7 variety of categories. You will have in your documentation
8 packets the details. To give you a sense of what we've
9 learned to date, in 2001, only 44 percent of the state's
10 10th graders obtained the proficient level on the
11 mathematics portion of the state's high school graduation
12 qualifying exam. In reading, writing and math, the numbers
13 show significant achievement disparities among Alaska's
14 ethnic groups. In particular, Alaska Native students on
15 average scored lower than other ethnic groups, and much
16 lower than White students. For instance, less than one out
17 of four, 22.8 percent of Alaska Native students met the
18 proficient level on the writing portion of the high school
19 graduation qualifying exam. On the other hand, 56.6 percent
20 of our White students met the proficient level.

21 On the high school reading exam, 36.7 percent of Alaska
22 Native 10th graders scored proficient, 63.3 percent scored
23 not proficient. African American students scored better,
24 43.9 percent scored proficient, 56.1 percent were not
25 proficient. For Asian and Pacific Island students, 51.7

1 percent were proficient, and 48.3 percent were not
2 proficient.

3 Compare these numbers with our White students; 78
4 percent scored proficient, and 22 percent were not
5 proficient. The disparity holds on the writing and the math
6 exams, as well, ladies and gentlemen, we have a learning gap
7 in Alaska. These results are presented in a report provided
8 to the Commission.

9 Some people have asked me why on earth did you release
10 this information. According to Alaska state representative
11 Reggie Jewel (ph) of Kotzebue, who is in the audience today,
12 a well-known Alaska Native leader, and this is his quote:

13 "It's important that this information be put in the
14 hands of the Alaska people. We need to examine it very
15 carefully, find out what the issues are and ask
16 ourselves what we need to do about it. All of our
17 children, Native children included, need the best
18 teachers, the best schools, the best education we can
19 give them. There is no doubt in my mind that our
20 students can meet state standards and do well in
21 school."

22 The Council of Chief State School Officers also points
23 out:

24 "It is useful to dis-aggregate results by ethnic or
25 cultural groups to determine if certain populations are

1 being under-served."

2 Haycock and others found that states that include
3 student race or economic status in the accountability system
4 are likely to see attention focused not just on moving the
5 average up, but also on closing the gap between groups.

6 The second element of the Quality Schools Initiative
7 has to do with quality educators. If we have learned
8 anything over the past 10 years, it is how much teachers
9 matter. If students are going to learn to high standards,
10 students need teachers who know their subjects, know how to
11 teach them, and know how to build the bridges between what
12 students know and understand to new knowledge.

13 Alaska, like other parts of the nation, is facing a
14 teacher shortage. We only prepare 30 percent of the
15 teachers we need every year here in our state. We hire 70
16 percent of new teachers from outside of Alaska. Right now
17 we have a study going on with the institute of Social and
18 Economic Research identifying the teachers who are leaving
19 us, why they are leaving us, and how we are replacing them.
20 And that data is being gathered. We're also doing a study
21 with ICER (ph) on our teacher aide population, because many
22 of our teacher aides are truly our future teachers, and
23 we're trying to identify who they are, where they are, and
24 how we can serve them better. So that study should be out
25 within the next 40 days.

1 We need to grow our own teachers, principals, and
2 superintendents. In 2001, we had 8,000 certified staff
3 members, some 537 are Alaska Native and American Indian.
4 That includes 475 classroom teachers, 1 superintendent, 11
5 principals, 2 assistant principals, 4 head teachers and
6 others.

7 Only about one-third of teachers hired by schools in
8 Alaska earn their teaching degrees in our state, and it is
9 very difficult to carry four year university teaching degree
10 programs to the villages around the state. That is not to
11 say that we are not trying. We have a number of innovative
12 programs that are currently training Alaska Natives for
13 classroom careers. This is a problem that we've been
14 working on for years and years, and we need to continue to
15 work on it harder and harder. And we should, especially
16 when 23 percent of our student population is Alaska Native,
17 and only five percent of our teachers are.

18 We have a severe shortage of bilingual teachers in
19 Alaska. There are 159 certificated teachers endorsed in
20 English as a second language for 19,700 bilingual students
21 scattered around our state who speak more than 100
22 languages. Eighteen of the languages are Alaska Native
23 languages. The two major languages are Yup'ik and Inupiaq.
24 One-half of the state's ESL students are Alaska Native, and
25 it is clear we need more certified ESL teachers.

1 To help towards this end, the State Board of Education
2 has adopted a regulation to allow experienced Native Alaska
3 teacher aides to be hired as certified teachers while they
4 earn a teaching certificate. The University of Alaska
5 Fairbanks is designing a career ladder program for bilingual
6 aides to become teachers.

7 We have teacher standards that drive preparation,
8 evaluation, and professional development. In addition, most
9 of our preparation programs are using the standards for
10 preparing culturally responsive teachers.

11 We have several programs. One at the University of
12 Alaska Southeast called Preparing Indigenous Teachers for
13 Alaska Schools. Another program at Alaska Pacific
14 University called RANA, Rural Alaska Native Adult Program.
15 And the REP Program, Rural Education Preparation Program,
16 which is delivered by distance out of the University of
17 Alaska Fairbanks.

18 We have several other projects, one called SEA, which
19 is building a system for people who take care of children,
20 early care givers, and early childhood education people, and
21 we're building a new system where we can move them through a
22 career ladder, from a few credits to a CDA to Associate's
23 Degree to a Bachelor's Degree, and we are in the process of
24 implementing that.

25 The bottom line is that every child deserves good

1 teaching, and that's what we know we need to have for every
2 young person in our state.

3 The two other elements of the Quality School Initiative
4 have to do with the partnerships and the responsibility of
5 those partnerships, business, families, communities, and the
6 university. We have many efforts going on in all of these
7 areas, several that are very promising are the K-14 efforts,
8 so that we have a more seamless system for our high school
9 students to move on to technical training and higher
10 education, and we have some -- particularly in that K-14
11 scenario, we have some promising vocational education
12 programs for our young people.

13 The school standards are really based on research and
14 our best practices, and they're embedded in the Northwest
15 Accrediting Process for our schools now, so we're very
16 pleased with that. And included in that are the culturally
17 responsive school standards as a part of that accreditation
18 process. Safe, respectful, caring, and culturally
19 appropriate environment is also a part of our school
20 standards.

21 In the last two sessions, the governor signed
22 legislation requiring schools to develop discipline and
23 safety policies and programs for their schools, and
24 legislation requiring schools and districts to develop and
25 implement student conflict resolution strategies. We are

1 trying to make schools safe and respectful places to learn
2 for everyone; students, and teachers alike.

3 Three other elements I want to touch on very quickly
4 are funding bilingual education and local control. The
5 governor's education funding task force developed a
6 comprehensive business based fiscal plan this last year. It
7 called for 100 million dollars over the next five years.
8 We asked for 45 million in new funding last year, which
9 included a 34.6 increase to the foundation program with a
10 plan to increase the foundation program by 1.5 percent
11 increase in Years 2, 3, 4, and 5.

12 Total per student increase over the five year period
13 would be \$414. The plan would also provide additional
14 dollars to attract and keep new teachers, pay for such items
15 as updated instructional materials, align curriculum to
16 state standards, increase teacher salaries, maintain
17 facilities, keep up with the cost of serving special needs
18 students, and provide direct service intervention for
19 students not meeting standards. It also included a teacher
20 loan assumption plan, and to make the teacher retirement
21 system more attractive.

22 Last year, as a result of the task force report and the
23 efforts of many, many people across the state, the
24 legislature appropriated 24 million new dollars to
25 education. The education community is currently organizing

1 a coordinated effort to secure Year 2 funding recommended by
2 the task force. The document is part of your packet.

3 Funding has not kept pace with inflation. Our teacher
4 salaries are no longer competitive. Although we did get a
5 needed increase in 2001 for the first time in 10 years, both
6 in terms of targeted dollars and to the foundation formula
7 itself, we fell short of the mark.

8 The Department has for many years advocated full and
9 stable funding for school construction. We have recommended
10 that 80 to 100 million on an annual basis be expended for
11 constructing new schools and maintaining existing ones. The
12 legislature last year expended 105 million for school
13 construction. That is promising and much better than our
14 past record. But we need more years like last year, every
15 year. That's what it will take to protect our four billion
16 dollar investment in school facilities.

17 Effective in 1999, Alaska no longer provides up-front
18 funding for school districts to operate schools and
19 communities with fewer than 10 students. Since that time,
20 local school boards have closed 18 small schools. Nine of
21 those schools were closed because of insufficient school
22 enrollment, the remainder closed for such reasons as
23 shutdowns of logging camps, and a military base closure.
24 But when small village schools shut down, school boards are
25 still responsible for educating the remaining children.

1 Usually this is done through correspondence study. And the
2 state gives these high school students in those small places
3 higher priority for admitted to our state operated boarding
4 high school called Mount Edgecumbe.

5 There are 506 schools in Alaska. Eighty-six of these
6 schools have enrollments of 25 or less. And another 51 are
7 between 26 and 50 students.

8 The impact on communities that close schools goes
9 beyond the school, and I know many of you probably read
10 about Rampart in the paper today.

11 Under the bilingual element, Alaska Native people, like
12 indigenous peoples in many other parts of the world view
13 their language as a key part of their culture in their self-
14 identity. One of the most effective ways Alaska education
15 supports protection of language is through the use of
16 heritage language programs. These programs serve the goal
17 of the Alaska Quality Schools Initiative, which is to
18 prepare students to be successful in their home community,
19 Alaska, and the world.

20 The Alaska bilingual program is in full compliance with
21 federal government requirements, however, the federal Title
22 I office has recognized the unique student population in
23 Alaska and has given the Department of Education and Early
24 Development extra time to develop effective and appropriate
25 ways of assessing bilingual and ESL children.

1 A time line waiver rather than a compliance agreement
2 is given when a state has shown good faith and progress in
3 their program development, so that's what we have.

4 Our current system of permitting fourth grade bilingual
5 students to take the third grade benchmark is not allowed.
6 So we are developing and working with districts to determine
7 the linguistic supports we're going to have to give these
8 students in order for them to be successful in taking that
9 exam.

10 The last element having to do with local control I
11 think is a very important one for you to be aware of.
12 Through the Quality Schools Initiative, the state is
13 attempting to lead, not manage, local schools.

14 Alaska gives a great deal of local control to local
15 school boards. The state Board of Education and Early
16 Development sets out minimum high school graduation credit
17 requirements. The requirement to pass the high school
18 qualifying exam in reading, writing, and math, and meet the
19 requirements of the local district.

20 Neither the state Board of Education and Early
21 Development or the Department prescribes a curriculum for
22 any given course in this state. We believe that local
23 political control of schools is necessary and healthy.

24 Coupled with local control, the Quality Schools
25 Initiative holds the best promise to improve education for

1 all students.

2 The State Board has done something that I think is very
3 exciting. And they have established a waiver process to
4 allow local school boards to eliminated regulations they
5 believe are blocking creative ways of improving student
6 achievement.

7 Five school boards, all rural, Iditarod, Chugach,
8 Southeast Island, Lake and Peninsula, and the Lower
9 Yuskokwim have utilized the waiver process to create
10 standards based schools where students advance on
11 demonstrated performance, not on how much time they sit in
12 the seat. To allow for this, the state board waives state
13 minimum high school graduation requirements organized around
14 the Carnegie Unit. Two more rural districts have indicated
15 they will ask for the same waiver.

16 There is an achievement gap. This is not acceptable, I
17 don't think to anyone. Our students, though, are very
18 capable. I need to remind all of us that we have students,
19 including minority and low income that are exceptional,
20 capable, and competent.

21 The issue is that we must ensure that all children, not
22 just 30 or 40 percent of the children, master these
23 essential skills so that they can have real choices. All
24 children need to have real choices based on having well-
25 developed essential skills for life-long learning.

1 We are on the right track with the Quality Schools
2 Initiative, our state standards based school reform program.
3 We knew the state exam scores would reveal disparities and
4 that those disparities would present challenges.

5 We have begun to put in place tools to help schools
6 identify and support students not meeting standards, to
7 align curriculum with state standards, to train teachers to
8 teach in standards-based schools, and to accomplish the
9 many, many other things needed to adjust to the hopes and
10 demands of the Quality Schools Initiative.

11 I have urged Alaskans to stay the course on the Quality
12 Schools Initiative. And based on the lessons that we're
13 learning from other states, it takes time to get there. And
14 I think that it truly holds promise for the future of our
15 children in this state.

16 Thank you very much for having me here today.

17 CHAIRPERSON GILBERT GUTIERREZ: Thank you. We'll hold
18 questions until Ms. Comeau completes her statement.

19 SUPERINTENDENT COMEAU: Thank you. Can you hear me? I
20 have a terrible cold, so I'm going to hopefully speak so you
21 can understand me. I am Carol Comeau, the superintendent of
22 the Anchorage School District, and beginning my second year
23 as superintendent after many years as the assistant
24 superintendent for instruction in this district as well as a
25 teacher and a principal. So I've spent just about my entire

1 professional career in the Anchorage School District.

2 Anchorage is a district of approximately 50,000
3 students in 90 schools, a minority student population of
4 approximately 38 percent and growing approximately one
5 percent a year. There are 86 different languages spoken in
6 our district. Last year, and ranging from monolingual
7 speakers all the way to truly bilingual speakers. We
8 believe that our diversity is our strength, and that we must
9 use this strength to improve our educational success rate
10 for all of our students, many of whom, unfortunately, are
11 below proficient.

12 I want to thank the members of the Alaska Advisory
13 Commission to the Office of Civil Rights for coming to
14 Anchorage for these important hearings. It's especially
15 good to see Mr. Gutierrez again after many years, since we
16 worked together on the Minority Education Concerns
17 Committee.

18 I attended parts of yesterday's sessions, and I was
19 heartened by the serious comments made by the various
20 participants. But I was also troubled because I sensed the
21 anger and frustration of many of the speakers towards the
22 slow pace of progress in the school district and in the
23 community, and in the state in dealing with subsistence,
24 respecting Alaska Native and other ethnic cultures,
25 educational funding, and facilities and other disparities.

1 First of all, as the representative of the school
2 district, I feel I need to sincerely apologize to this
3 community for the actions of two of our students,
4 particularly against the Alaska Native population. They
5 were not doing this as part of a school activity. It was
6 not even during school time. But I cannot tell you how
7 offended I was, and all of the people that I work with, how
8 offended our Board and our community was by the actions of
9 these three young men, two of whom were our students.

10 Once we identified the fact that they were our
11 students, we took disciplinary action to the level where we
12 could within the jurisdictional issue. But I can't tell you
13 how grateful I am from what has happened since, because I
14 think it truly has opened up dialogue that was not there
15 before. So I do believe some good is coming from that
16 terrible incident.

17 I think that we have many challenges regarding civil
18 rights for all of our students, as well as Alaska Native
19 students in particular, because many of our students feel,
20 and their parents don't feel welcome or comfortable in our
21 schools. Part of the strength of Anchorage I think is its
22 diversity. I think some of the limitations of the Anchorage
23 School District are its size. I think we are so large that
24 many, many people coming to Anchorage and enrolling their
25 students in school are coming from village schools. The

1 number Shirley was talking about 25 to 30 to 50 students,
2 and they walk into -- even our smallest elementary school in
3 Girdwood is 150 students, but if you get up to our average
4 elementary school, we're talking 5, 600 students, immediate
5 shock. And I would say the same thing certainly for our
6 middle school and our high school students. I think that is
7 a barrier we are working very hard to break down these large
8 schools into smaller learning communities, if you will, at
9 different levels. Because we all know that if people know
10 someone's name, if they feel welcome and comfortable in a
11 school, they're going to do better.

12 And I think in reference to what Reverend Greene said .
13 yesterday, which is so true, that student success really
14 does depend on all of us working together, it's the parents,
15 it's the teachers, and the student pulling together. And if
16 parents don't feel comfortable in our schools, for whatever
17 reason, then they're not going to be as able to be as
18 supportive of their students' learning as they need to be.

19 Another issue that we're struggling with in our
20 district, and it is a major problem with a number of our
21 students in lower socio-economic areas, many of our Alaska
22 Native students are their whole issue of attendance on a
23 regular basis. For whatever reason, we have not been able
24 to impact in any meaningful way, regular, ongoing attendance
25 so that all of the students are coming at the beginning of

1 the day and are there for all of the classes. It is almost
2 impossible for students to make up course work, especially
3 if it's discussion based or if it's hands-on activities if
4 they come in late. And so that's another thing that we've
5 got to do better at reaching out into some of our
6 communities and asking them what can we do, how can we give
7 you suggestions to reinforce how important it is, that
8 regular school attendance is each and every day. And that
9 has been a major struggle for us.

10 Some of the things we're doing to address some of these
11 achievement barriers that Shirley has talked about, and I
12 will also have a packet, and I will get it to you, that have
13 some statistics particularly concerning Alaska Native
14 students' achievement. They're reflective of what Shirley
15 has stated. Our Alaska Native students are significantly
16 below the district averages in the reading, writing, and
17 math standards at all levels, and we need to do better.

18 One of the things we're doing is, as she said,
19 analyzing our data. We've had good information this year,
20 for the first time, that really breaks that data down, and
21 the school principals and their staff are really analyzing
22 it, looking at what's working, where they have successful
23 students, what strategies, what courses are they taking,
24 what are the characteristics of those teachers, and then
25 they're trying to adapt some of those practices for other

1 students. But again, it's going to take time. We're not
2 making excuses. We absolutely know what the obligation is.
3 We simply have a lot of retraining to do of the number of
4 our teachers to teach to standards that everybody
5 understands. The state board has adopted, our board has
6 adopted, and we're aligning our curriculum to make sure that
7 our teachers are teaching to the standards, while at the
8 same token trying to bring in the culturally relevant
9 standards to make sure we're trying to be supportive of the
10 diversity within our district. And that's a huge task in a
11 district the size of Anchorage.

12 But I do believe we're -- we are expecting every
13 teacher to understand how important multi-cultural education
14 is. And one of the reasons I did not put back into the
15 budget the one multi-cultural specialist position that was
16 there in the '80s, was because we expect all of our teachers
17 and all of our administrators to recognize how important
18 multi-cultural education is. And one person simply can't do
19 it all for 50,000 students. And so our efforts with
20 training have been to train our principals, to train our
21 teachers in diversity issues, rather than expecting one
22 person to have that as their sole responsibility.

23 We have been very successful in getting some rather
24 large grants. They're specific to 21st Century Learning
25 Grants, for instance. We've implemented in 12 elementary

1 schools and five middle schools after school math and
2 reading, tutorial opportunities that are being well
3 supported. Part of those grants in those centers is that
4 provided after school bus transportation back home after the
5 Learning Opportunity Center closes. That's a big significant
6 issue for parents who simply don't have cars or aren't able
7 to come back to school and get their students because those
8 are barriers, and we need to break those down. But the
9 grants are funding this because that kind of transportation
10 is not, obviously reimbursed from the state level. But those
11 are the kinds of things we're starting to find out; that
12 extending the school day for some students who need that
13 more intensive remediation is becoming much more beneficial
14 to them. I think part of that is because they're getting
15 more personalized instruction also.

16 Class size is still too large in Anchorage. We were
17 able to bring it down by one this year with some of the
18 additional funding. We know that's a start, but we've got a
19 ways to go in some of our classes.

20 The issue of bilingual education; we have been very
21 successful with using some of our learning opportunity money
22 from the state in doing intensive training. We trained over
23 700 elementary teachers last year in strategies of how to
24 work more effectively with bilingual students so that they
25 are being more successful. Our middle schools are

1 implementing training along those lines also, and we're
2 working very closely with Cook Inlet Tribal Council here in
3 Anchorage on a number of partnerships, trying to get their
4 staff to come in and work side by side in partnership with
5 our teachers, really modeling good strategies, culturally
6 relevant strategies that are effective with our students.
7 We know it works because we've piloted some of this in our
8 summer school program, and it's been far more successful
9 than some of the standard practices. So we're really
10 entering into a number of partnership agreements with these
11 different groups.

12 We've also used Father Marco Alyeska (ph) for cross-
13 cultural communication training for a number of years. He
14 has been very effective in sending the message that we need
15 to listen carefully to people's messages. We need to know
16 that in some culture, eye contact is offensive; in other
17 cultures it's not. And how we have in a classroom of 25 to
18 30 students, how does a teacher adjust and adapt their style
19 constantly to make sure that the students are feeling
20 comfortable enough to participate because a student is not
21 feeling successful about themselves in school is not going
22 to probably take the risks that need to be taken in
23 challenging their learning.

24 We are trying very, very hard to hire Alaska Native
25 teachers and minority teachers and administrators. We have

1 not been as successful as we would like. Edna Lambel (ph)
2 back here, our Indian education supervisor, and Maxine Hill
3 is here too, our bilingual multi-cultural supervisor,
4 they're both here. And they have worked very closely with
5 us in our EEO department, trying to figure out ways to
6 mentor new teachers so they feel they have networks of
7 support rather than feeling isolated. Because unfortunately
8 too often we have one or two minority teachers in a school,
9 or there's only one; and they're very much alone in some
10 areas. And that's not always the best for them. And so
11 Edna and Maxine have worked very closely with some mentoring
12 relationships. And we've had some additional grants that
13 we've been able to garner recently that are going to teacher
14 training.

15 We have to beef up our training of teachers in this
16 area. I think Shirley stated it very, very well. The
17 bottom line for us is that good teachers can be successful
18 with all students; they simply need the tools to be
19 excellent teachers. And we need to work more closely with
20 the universities in our pre-service training, but then do a
21 better job of retraining our existent staff.

22 We have a significant shortage of minority teachers in
23 our special education and related services staff. In
24 checking with our director of special ed, we only had one
25 minority teacher applicant in all of the vacancies; and I'm

1 talking 50 or 60 vacancies in special education and related
2 services. It was an Alaska Native teacher, and every
3 district in the state was scrambling after the same teacher.

4 And we simply have to do, as Shirley said, grow our
5 own. We have to establish career ladders, we have to work
6 at -- reach out to our aides and to our paraprofessionals as
7 well as some of our citizens in the community and encourage
8 them to enter into the educational profession.

9 We have been very successful with that in our bilingual
10 department for the last few years. We've provided -- been
11 able to provide some incentives for some of our bilingual
12 tutors to go back to school and get a Bachelor's Degree.
13 And we've hired every one of them as teachers, and we're
14 continuing to do that. But it's a minuscule number. I mean
15 we just need to keep chipping away at these issues in order
16 to have a diverse staff.

17 I think the facilities in Anchorage, they vary; no
18 question about it. But in our lower socio-economic parts of
19 town, they're still on the list that's established by
20 specific criteria according to facility audits rather than
21 what part of town they're in.

22 And so we've had actually many renovations recently in
23 our lower socio-economic neighborhoods. We are in the
24 process of renovating all of our major high schools, which
25 are all over 2,000 students. And all of them will have

1 received significant renovations.

2 So I don't believe the discrepancy in some of our
3 facilities is socio-economic based. It's -- really, we've
4 had new population growth in both ends of town, and so
5 that's where a lot of our newer schools have been built.
6 But we have, in fact, replaced Fairview Elementary School,
7 right in the heart of downtown Anchorage. We have
8 completely renovated a number of our other schools, and
9 they're like new. And so I don't think there's a facility
10 discrepancy for us.

11 But I will tell you, one of the most significant
12 problems in this state as far as facilities is this
13 rural/urban divide. And I believe very strongly that
14 Anchorage needs to work with the state so that all children
15 are able to go to schools in facilities where they can
16 learn. And they shouldn't have to be worrying about the
17 leaky roofs or the plumbing that doesn't work, if there is
18 even any plumbing and so forth. I mean we have to pull
19 together as a state on these issues. And that has not
20 always been true for a number of people from Anchorage.

21 I'll finish quickly. The charts that I'm attaching to
22 this are my comments. It shows the discrepancy with Alaska
23 Native students in our California Achievement Tests as well
24 as our Benchmark high school tests.

25 We are committed to solving this problem. It isn't

1 just Alaska Native students. We simply had pulled out a
2 special report to deal with that. We are analyzing all that
3 data and it will be available for our school board at the
4 end of September. And if that's something the Commission
5 would want, we can certainly forward copies on to you that
6 show last year's complete analysis for all racial and ethnic
7 groups of our profile and performance.

8 But with that, I'd be happy to try and respond to any
9 questions. And again, I thank you very much for taking the
10 time to come here.

11 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Mary.

12 MS. MARY MILLER: Superintendent Comeau and Dr.
13 Holloway, thank you so very much for the time and your
14 commitment.

15 I would like to raise an issue that I raised yesterday
16 with the panel on education. I don't think there's anyone
17 that can dispute the Quality Schools Initiative, its intent,
18 its potential long-term benefit for not only the young
19 people of our state, but for the entire state. The concern,
20 very grave concern, that I have has to do with the timing of
21 the implementation of the high school qualifying exam.

22 I raise the awareness of not only the special ed
23 students, but the students who struggle academically, the
24 students for whom education in the structured classroom has
25 always been a struggle. Many of whom are minority students,

1 including Alaska Natives, although there are many Alaska
2 Native students who do excel academically.

3 I'm concerned about those students who struggle
4 academically, or for whom education -- the experience of
5 education has always been a struggle, but they still go to
6 school everyday to try to complete their school and earn a
7 diploma.

8 If you have students who may experience, for example,
9 test stress, who have a history of testing poorly, and
10 therefore, the results of those tests don't adequately or
11 accurately reflect what they have learned in their -- in the
12 classroom experience. If you have students whose cultural
13 background is such that testing itself isn't almost like an
14 alien type of concept, and that that feeds into it also as
15 far as not being able to perform well on this test, and then
16 if you have students who are facing this test three-fourths
17 of the time into their school experience, which is the case
18 for students who may be Freshmen and Sophomores this year.
19 Think about those students and the likelihood that many or a
20 large percentage of those students will not pass the exam,
21 and therefore, if everything remains equal, will not be
22 granted a high school diploma.

23 I'm very concerned about this because I believe that I
24 have my ear to the heart of some of these students. And
25 what I have heard is that some students are already dropping

1 out because they don't have any hope of ever passing it.

2 Now, that's on the shoulders of us, the parents, and
3 the decision makers in the state structure. It's on our
4 shoulders. I would urge you to set aside what may be
5 perceived as emotion here, although it's a very emotional
6 subject, and try to hear the message that I bring because I
7 believe that school for many students is a lifeline. And
8 sometimes that lifeline is just a thread of hope. That's
9 why so many parents and grandparents urge their students,
10 even though they may be in a hostile learning environment or
11 a learning environment that often seems to be unresponsive
12 to their needs, they're still told stay in school. So
13 there's this thread that they hang onto.

14 Now, this high school qualifying exam and the timing of
15 it; it's the timing of it, not the exam itself necessarily
16 but the timing of it. I am concerned that that's going to
17 be what snips that thread of hope that's left for some of
18 these students. And I have heard some of these students who
19 are eighth grade, ninth grade, tenth grade say:

20 "What's going to happen then as more students drop out
21 of school is the rate of suicide is going to increase.
22 More of my classmates are going to kill themselves."

23 And that's the reality that we live in, with the
24 incidents of self-destruction that we live in in these
25 communities.

1 I have used the public comment process diligently, and
2 I am looking for help to try to at least delay the
3 implementation of this exam or set in place something that
4 will set these students who are at the margin, who are most
5 vulnerable, to set them up for success too because these
6 students have dreams. Many of them dream of going to
7 college and pursuing a career. But we are facing a decision
8 here that's going to either make that dream come true or
9 it's going to shatter it. I'm very concerned about that,
10 and what I'm seeing is that sometimes when we make these
11 decisions, we may have the power to make them, but we don't
12 have the right. And I don't think that we have the right to
13 take that last thread of hope away from those students who
14 are at the margin, those vulnerable students who struggle,
15 but who do stay in school, but who are likely not going to
16 pass that exam.

17 I implore your help on this matter because so far, I
18 have seen much level of unresponsiveness to this concern.
19 This is for those particular students for whom people are
20 not speaking up. And I think it does raise their
21 constitutional rights for an education.

22 And it does raise the issue of equity. Yes, they all
23 have a right to equal access to a good education. But
24 equity is not being factored in when we look at what they're
25 up against when some of these students are struggling, as

1 many of them are.

2 So my question is, does the Department of Education
3 have the discretionary authority to delay -- at least delay
4 implementation of the exam? That's my first question.

5 COMMISSIONER SHIRLEY HOLLOWAY: Commissioner Miller, I
6 share all your concerns. A quick answer is absolutely no,
7 we have no discretion. The law was passed, and we -- at the
8 time that the high school qualifying exam law was being
9 debated, many of us tried very hard to argue that although
10 the high school qualifying exam was a good idea in the
11 future, that we needed to build a standards-based system,
12 and that we needed to start in the very early years, because
13 what's very different about the standards-based system is
14 holding students and teachers accountable for learning right
15 from the beginning. And we have a system, as you know, that
16 has often passed children along.

17 So what we argued is, could we begin and build the
18 standards based system and build towards a possible high
19 school qualifying exam. We lost that argument.

20 This last session, Senate Bill 133, Governor Knowles
21 asked for a delay to 2006 for those same reasons that you
22 have eloquently pointed out. And we only were successful in
23 getting the delay to 2004.

24 We were also successful in SB 133 to -- and it was a
25 very, very difficult process to get recognition that there

1 are children in this state who have very special needs, and
2 that there needs to be an avenue for them. And we were
3 successful in getting a process for children who are
4 identified as special ed, and 504 plans for a process.

5 We are starting a public meeting process in September
6 on what's called the Waivers and Appeals portion of that new
7 law. There will be hearings held -- or not going to be
8 hearings, there are going to be town meetings. I'm not
9 supposed to use hearings, that's more formal. But there
10 will be town meetings sponsored by the State Board of
11 Education, and there will be one for all of our rural folks
12 to participate in.

13 And I know I've heard you -- I hear you, but I hope one
14 more time you will let your voice be heard. We share your
15 concern, we being this administration shares your concern.
16 It takes time to change this loosely coupled bureaucracy
17 called public education. It takes time to build the local
18 capacity of our professionals. It takes time to build the
19 community support and understanding of how this is different
20 from what we used to do. And I very much appreciate your
21 passion.

22 MS. MARY MILLER: Would you be willing to advocate for
23 a further delay when the time is appropriate? Would you be
24 willing to be one of those voices, in your position, to
25 advocate for these students?

1 COMMISSIONER SHIRLEY HOLLOWAY: Yes. I have been. I
2 will continue to do so.

3 MS. MARY MILLER: Thank you.

4 CHAIRPERSON GILBERT GUTIERREZ: Ms. Walker?

5 COMMISSIONER WALKER: Thank you, Mr. Chairman. Thank
6 you both for coming, and first of all, I was looking at your
7 list of items in the packet, and I think Item 10 is missing,
8 the education summit.

9 COMMISSIONER SHIRLEY HOLLOWAY: Through the Chair,
10 Commissioner Walker, most of the publications, we only had
11 enough publications for the Chair's packet, and we're
12 bringing those publications and we'll get them to you. They
13 were in Juneau, not in our Anchorage office. So we'll be
14 sure to fill in the blanks for you.

15 COMMISSIONER WALKER: Well, I was hoping that something
16 in the summit packet would address my question here. You
17 were talking about the standards based system and your hopes
18 for that. Do you really, as a realistic person, think that
19 the standards based system can ever be equal? Now, I'm
20 thinking about yesterday when Mr. Lake (ph) was speaking,
21 and he was trying to get over to our commissioners, that
22 don't compare Anchorage education with what's out there in
23 the Bush. I understand what's happening because we know
24 that half the legislators come from Anchorage, so Anchorage
25 is going to have whatever they want, just about. Oh, hey,

1 you get more than anybody else. But the rural people, you
2 know, have to do without, or make due.

3 I don't care what kind of system you put together and
4 say that it's equal. I cannot see those rural schools being
5 equal to the Anchorage School District, and for a variety of
6 reasons that I'm not going -- you know what they are. And
7 so I'm just wondering why you put your eggs in that basket,
8 because I don't see it ever being equal.

9 COMMISSIONER SHIRLEY HOLLOWAY: Through the Chair,
10 Commissioner Walker, we are only measuring performance
11 standards in reading, writing, and math in our state. And
12 we know that there's a whole lot more to education than
13 those. What we're trying to do is to ensure that every
14 child, no matter where they live in this state, have the
15 essential skills for continuous learning. And a child who
16 does not learn to read or a child who does not learn to
17 compute is incredibly disadvantaged no matter where they
18 come from.

19 So why have I put all my eggs in this basket? Because
20 one of the things I know is if we don't identify the target,
21 what is it we want our kids to know and be able to do, and
22 if we don't test that and if we don't hold people
23 accountable for it, it may not happen. And that's why my
24 eggs are in that basket.

25 And I also know that having spent 20 years in rural

1 Alaska that our children can meet the standards. It may
2 mean it takes more time. It may mean we have to instruct
3 them differently. It may mean a lot of things. But by
4 golly, we can do it, at least in reading, writing, and math.

5
6 We may not be able to do all of the rest like Anchorage
7 does or Juneau does. But certainly it is our
8 responsibility, our obligation, and our moral duty to make
9 sure that we don't allow children to leave the public
10 school system who cannot read, write, and compute. That's
11 why I put the eggs in the basket.

12 COMMISSIONER COMEAU: And I'd like, if I could, follow
13 up on that, for Anchorage, we have a number of schools who
14 have students who are not successful for many of the same
15 reasons they're not successful in rural Alaska, even though
16 they have a better facility, if you will. And they may have
17 teachers with more experience or whatever the characteristic
18 is, but what we haven't had before, for the last -- until
19 the last few years, has been the accountability.

20 As the Commissioner said, I think the standards have
21 focused that, and I think now if we would be allowed to
22 start at the primary grades and work up so as the students,
23 they're taught to the standards and every year they're
24 assessed, and then they move up, I think there's a much
25 greater possibility that more students will feel more

1 comfortable because the assessments are going to inside the
2 instruction.

3 In other words, it's not going to be an artificial
4 thing that they do a couple of times a year. It really is
5 the way they're taught. Then I think students from whatever
6 socio-economic background, whatever group, they have a
7 better chance at being successful.

8 At the same token, our teachers and our administrators
9 have to be accountable for teaching the standards. And in
10 the past, it's been here's the textbook, here's the course,
11 teach it, and you get through the book. People assess
12 periodically, but it's very different than it was. And so
13 we've got a large number of teachers and administrators who
14 were trained a completely different way. And until we get
15 that changed, that's going to be part of the solution also.
16 But it's going to take time.

17 And in our discussions with legislators last session, I
18 think many of them felt we were just trying to avoid being
19 accountable. That isn't it at all. We -- I mean you said
20 it much more eloquently than I ever could have, but I will
21 tell you, those were some of the same arguments that we made
22 when we went down, because we're very concerned about the
23 potential dropout rate. We are definitely concerned about
24 the increasing suicide rate among our young people, and we
25 know we need more time. But unfortunately some of the

1 public officials felt that was just an excuse. I think they
2 made some changes that are going to help, as Commissioner
3 Holloway said on the special needs students, military
4 families who move around a lot; that was another area that
5 was a great concern, or anybody who moves around a lot,
6 being held to that. But it's a very slow process that's
7 necessary, and I'm not sure the public officials are ready
8 to let us take the real time we need, and that's a real
9 concern for us.

10 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Be sure and
11 speak into the microphone?

12 COMMISSIONER ALEX: Pardon?

13 CHAIRPERSON GILBERT GUTIERREZ: Be sure and speak into
14 the microphone.

15 MR. DANIEL ALEXANIEL ALEX: I thank you for coming, and
16 you know, I apologize for being late. I didn't hear your
17 whole presentation. But you know, I heard, you know, you
18 mentioned that there is positions open, and I wonder if
19 there's a problem with dissemination of information
20 regarding the need for Native teachers. I happen to know of
21 one specific individual who is part -- you know, he's a
22 substitute teacher. He's Eskimo and he's a substitute
23 teacher because that's apparently that's all he could get.
24 The question is, I mean there's several parts to the
25 question. One of them is there a problem with dissemination

1 of information? The other one is, is there a problem with
2 getting hired as a teacher?

3 And I have to say from personal experience a number of
4 years ago I had been invited to meet the principal of the
5 Valdez High School. My degree is in Mathematics and
6 Physics. He was all excited about me coming to teach
7 mathematics at Valdez, until he met me. And all of a
8 sudden, you know, he wasn't interested anymore. I wasn't
9 the right color.

10 Likewise, the Corps of Engineers, I was told of an
11 opening, and when I got there, you know, all of a sudden,
12 there's no job. So the question is, there's two parts to
13 the question, and one is, you know, how widely is the
14 information disseminated with respect to the positions
15 available? And what is the process for getting hired?

16 COMMISSIONER COMEAU: Is that directed to me in
17 Anchorage?

18 MR. DANIEL ALEX: Yes, sure.

19 COMMISSIONER COMEAU: Because I can talk about
20 Anchorage. Okay. In Anchorage, we have continuous open
21 application process for teaching positions, and frankly,
22 most positions. So anyone who has the qualifications that
23 are required by the state to get a teaching certificate, if
24 they have those qualifications, they can apply for a job in
25 the Anchorage School District, and principals come in.

1 Because we have openings all year long, people go on leave,
2 people get sick, we get more students and we add teachers.
3 That we have a process where our teacher candidates have to
4 get on the eligible for hire list, and that's done through a
5 written -- a 30 minute writing exercise as well as an
6 interview of standardized questions. And if they get a
7 certain basic score on that, then they're put on the
8 eligible for hire list. And principals then can only hire
9 off of that list. But it's a rather large list.

10 And what we've told candidates, if they for whatever
11 reason don't do well on the interview or the writing, come
12 in, ask for feedback. Let us look at what your interview
13 was. If you didn't get on the list, here's what you can do
14 to improve in this area, if that's what the issue is. But I
15 can tell you we are definitely looking for Alaska Native
16 teachers and minority teachers.

17 We're looking for good quality teachers everywhere, but
18 we are particularly sensitive to the fact that as our
19 student population is going up, our minority teaching staff
20 is going down in numbers because of a lot of retirements, a
21 lot of people are moving, and so forth. But they've got to
22 be able to be able to, you know, get on that list, if you
23 will. And the questions are pretty much based on the
24 standards, how would you teach a reading lesson to the
25 Anchorage School District in Alaska state performance

1 standards? And it's that kind of a question or maybe a
2 potential question about how would you handle a discipline
3 problem, because those are the nitty gritty day-to-day kinds
4 of things that we are looking for with teachers, to be able
5 to articulate that.

6 We also have an EEO Officer, and she will be working
7 with candidates also, our Indian education multi-cultural
8 bilingual supervisor always work with candidates, that if
9 they've got suggestions, they bring names forward. So
10 there's a range of ways that we can get candidates names
11 through the system and before principals.

12 MR. DANIEL ALEX: Thank you.

13 CHAIRPERSON GILBERT GUTIERREZ: Go ahead.

14 MR. MITCHEL SCHAPIRA: Thank you. I'm very sorry
15 to.....

16 CHAIRPERSON GILBERT GUTIERREZ: Be sure to bring that
17 microphone close.

18 MR. MITCHEL SCHAPIRA: Yeah. I'm very sorry I wasn't
19 able to hear your entire presentation, and let me just
20 comment that for the last two days we've heard about some
21 very important and serious issues, violence, incarceration
22 rates, and so forth. And so the concern I'm about to
23 address may seem like a somewhat petty peeve, but it happens
24 to be my pet peeve. And it affects a group that's not
25 particularly disenfranchised, but it seems to me that

1 sometime between October and November of every year, a major
2 portion of the elementary school curriculum becomes either
3 devoted to the study of Christmas or else is built on a
4 framework having to do with Christmas. And it's not always
5 particularly culturally sensitive.

6 Among the people are made to feel excluded or made to
7 feel other, of course, are Jews like myself who have a
8 reverence for teachers and really don't want to take away
9 from the joy of someone else's celebration of his or her
10 holiday. But every year it seems to be an issue that
11 requires people to go to the school and talk to the
12 principal and by the time that gets done, it's a little bit
13 too late because there's already a school play planned in
14 which last year my daughter played the role of Santa's
15 helper who went to Israel, and go figure, you know. It
16 wasn't a speaking part.

17 In all seriousness, I realize it's a small matter to
18 most people, and it really doesn't rise to the same level
19 as, you know, violence against Native women or something
20 like that, but I just want to ask you if we can reasonably
21 hope that there will be some leadership from the top down
22 that will sensitize principals, music administrators, and
23 teachers to this issue.

24 COMMISSIONER CAROL COMEAU: Well, actually, this is a
25 very important issue, and you've raised an issue that we

1 confront every fall. We have very strong resistance, in
2 many cases from our music teachers, who the traditions of
3 forever it seems when I went to school the kind of music
4 that's learned for performance. We have to do better. And
5 it's the Jewish faith, it's a whole range. As I said, we've
6 got 86 different languages spoken in the Anchorage School
7 District. There are a number of Muslim people who follow
8 the Muslim faith, and whole range of others that don't want
9 anything to do with the Christian religious ceremonies
10 either. But teachers have to be sensitive to who's in their
11 class and what the cultural sensitivities should be. That
12 is what our policy says. We have tried. And I -- and when
13 I get calls, and I've gotten calls over time, we have said
14 it, we send out the board policy, we remind them what
15 they're supposed to do and not do, and invariably, we end up
16 getting a call from a very upset parent when it's almost too
17 late to change it.

18 And so we will -- I will commit to you, we will revisit
19 this discussion again when we bring the principals again
20 next month. I made a note, and we will talk about it. But
21 it is the -- one of the most disruptive times of the year is
22 the fall, from Halloween -- it starts with Halloween. We go
23 through that exercise, and then we go through Thanksgiving,
24 and then we get to Christmas, basically. I mean that is a
25 problem. But it offends many, many people.

1 And the other problem is I think we take too much time
2 on that and not enough on the real heart and soul of what we
3 should be doing, is really teaching. I go back to what I
4 said before, the standards in all content areas so kids are
5 learning to read and write at whatever level. It's not just
6 a remedial level; it's everybody's level. They need to be
7 challenged and pushed. And we need to do better at that.
8 And that's an ongoing criticism we have every year.

9 MR. MITCHEL SCHAPIRA: You mentioned Halloween, and I
10 can tell you, in Huffman Elementary School, they don't use
11 the word Halloween. They have a big pumpkin festival.

12 COMMISSIONER CAROL COMEAU: I know.

13 MR. MITCHEL SCHAPIRA: And I think that's remarkably
14 sensitive to people whose faith is offended by something
15 that might be called Satanic or whatever. But just a small
16 fraction of that sensitivity to other minorities.

17 COMMISSIONER CAROL COMEAU: I appreciate your
18 perspective very much.

19 MR. MITCHEL SCHAPIRA: Thank you.

20 CHAIRPERSON GILBERT GUTIERREZ: I have a question for
21 Commissioner Holloway. Taking that point, as a needlepoint,
22 and expanding it; we've had statements here that -- from the
23 president of APCP (ph) who covers 52 villages, that there
24 are four school districts within that area, and that these
25 school districts don't talk to each other or cross

1 communicate or involve parents in decisions relating to
2 cultural issues at any point. Could you explain if there is
3 a reason for that, or is that -- you know, we understand
4 local control. The question is, if the community itself is
5 not involved in the decision, who is involved in the
6 local control?

7 COMMISSIONER SHIRLEY HOLLOWAY: Mr. Chairman, this is
8 an issue that goes beyond probably the four communities that
9 were described to you. We have a remarkable history in
10 public education in this state. And I had the opportunity
11 to be a part of state operated schools long before we had
12 all the local control. And we were all very excited about
13 that process, when communities for the first time had the
14 opportunity and the right to shape and form their school
15 within their community.

16 Along with that, though, was a tremendous need for
17 community and government capacity building. We have the
18 Alaska Associated School Boards, has made a tremendous
19 commitment to continue to train and prepare school boards.
20 As I travel around the state, I often hear the criticism
21 from community people that although they have elected local
22 people to their board, they do not feel they're heard, or
23 that the board is truly representing the community's
24 desires. An example would be a community that wants to
25 start a heritage language program, and they will say to me,

1 why won't you let us do this? And I say to them, your Board
2 can start one. They can make the determination that they
3 want a heritage language program in their community. Your
4 Board, if you want Alaska history, which has been an issue
5 in our state, your Board, the next time they meet, they
6 could decide we're going to require Alaska history.

7 But somehow there is -- for some of our communities,
8 there's a real disconnect between the election of the board
9 and the community's ability to interface with that Board and
10 influence the Board. And then there is a perception for
11 some of our communities that Boards are truly led by outside
12 superintendents.

13 And so it's a fairly complex mix. I don't know the
14 specifics of the situation you talked about, but we have
15 been working very hard to try to get small districts to look
16 at some combination of services in terms of how to leverage
17 our dollars better so that they could share support staff in
18 some ways. In some of our districts, we have people that
19 are not superintendents, but they are local chief state
20 school officers, and they work for a kind of a regional
21 operation here out of Anchorage. So we're trying some
22 different approaches, but I really don't know the specifics
23 of that. But we don't have from the Department's
24 perspective, we don't have a lot of influence over what
25 local boards decide and their relationship with their

1 communities, although I have joined Mr. Carl Rose (ph) on a
2 number of occasions to do board training and community
3 development which I think is real critical to the continuing
4 improvement of our public school system and our governments
5 of that system.

6 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Go ahead.

7 COMMISSIONER WALKER: Thank you. Dr. Holloway, you
8 mentioned growing our own teachers, you know, preparing our
9 own staff, and I agree with that wholeheartedly. My
10 question is, is there any type of -- well, are you able to
11 influence or have input into what the university is teaching
12 here in Alaska, you know, the U of A?

13 COMMISSIONER SHIRLEY HOLLOWAY: Thank you for asking
14 that question, I appreciate it. The State Board of
15 Education, for the first time, several years ago actually
16 used some authority they'd had for many years but had not
17 exercised, and that is that they have now, because they have
18 the right to approve teacher preparation in this state, they
19 are requiring that all teacher preparation programs in the
20 state of Alaska meet NKATE (ph) standards by 2006.

21 Why is that important? Because the NKATE (ph)
22 standards are very compatible with standards movement and
23 public education. And it's a way to assist the university
24 in moving towards making sure that they're preparing people
25 based on the math, science, social studies, et cetera,

1 standards that have been established across this nation.
2 And will very much connect with where we want to go in this
3 state. So that's a very important piece.

4 I would also say to you that we have some very
5 promising practices. Schools of education across this
6 nation are not well-thought of. And one of the things that
7 I've had the opportunity to do is work on a new design of a
8 teacher preparation program right here in Anchorage. That
9 is now in the second year of implementation. And it is
10 standards based. It is a partnership with not only the
11 Anchorage School District, but four rural districts. It has
12 a strong mentoring program, and is a combination of
13 university people and school people working together to
14 prepare teachers that are truly ready to meet the needs of
15 students. It also has another piece, which is very
16 important to teacher preparation in this country, and that
17 is, the College of Arts and Science have to be very much a
18 part of teacher preparation, because that's where our
19 content knowledge comes from, and we must make sure that all
20 of our teachers leave with a much -- particularly elementary
21 people must leave us with strong science, strong math,
22 strong English language backgrounds. And as we look at our
23 results of our -- I'm probably bird-walking on you,
24 Commissioner Walker, but this is really important. As we
25 look at where the weaknesses are in our children, and we

1 look at how people are prepared and who's teaching our kids,
2 it becomes really critical, that whole part about quality
3 teaching being so significant.

4 We have in this country too many people that are
5 assigned to schools that are our least experienced, our
6 least prepared, with our neediest children. So we've got to
7 make sure that we take our best-prepared, strong content
8 people, know how to teach kids, understand how to bridge the
9 culture of school and the rich culture of the environment
10 and be successful. We're trying very hard and we're having
11 more success in working in a cooperative nature with the
12 university and the school of education than we've ever had
13 before, and I have great promise.

14 COMMISSIONER WALKER: They are receptive?

15 COMMISSIONER SHIRLEY HOLLOWAY: They are receptive.
16 And President Hamilton (ph) has really been leading that
17 receptivity.

18 COMMISSIONER WALKER: Good. Thank you.

19 CHAIRPERSON GILBERT GUTIERREZ: Thank you. One last
20 question, Mr. Walleri.

21 MR. MICHAEL WALLERI: Well, I'm going to see if I can
22 slip in two. Education, after all, what these hearings are
23 about are trying to assess racial attitudes in a variety of
24 specific areas in Alaska. And to some degree, I think
25 there's a desire to identify kind of the root problems that

1 we're having with race relations in Alaska, and what we can
2 do about it, in terms of specific recommendations.

3 And education has always been -- I'll make the comment,
4 I guess, that education has always been the touchstone of
5 the civil rights movement. It's always been on -- it's
6 always been the area -- it's always on the front burner with
7 civil rights. And for obvious reasons then with all the
8 questions that you've been receiving from the Commissioners,
9 I mean probably you've received more questions than anybody
10 else.

11 And I think the reason for that is attitudes. And that
12 the educational system is charged with development of
13 attitudes for our society. And you really can't walk away
14 from the problem of that while you're teaching these
15 children, that you're teaching them attitudes, values, that
16 they're going to carry through. They're going to define our
17 society. Which leads to my two questions.

18 The first question really relates to an observation
19 that we've heard over and over again from a number of
20 people, that race issues in Alaska are unique in the sense
21 that we have the subsistence battle that has been going on
22 for so many years. But it would be my observation that the
23 educational battle has been going on since statehood, Hooch
24 (ph), and before even. Has been something that we share in
25 common with the rest of the country. And what you have

1 articulated is, if I gather your testimony, both you and the
2 superintendent have been talking about problems in the
3 disparity of funding, disparity in programs, services
4 between rural and urban Alaska, that is really being fought
5 out in the legislature.

6 And while Ms. Kitka, the governor, and even Mayor
7 Wuerch basically say that we're -- one of the big issues is
8 that -- in terms of urban rural divide is subsistence, I'm
9 curious as to how you think the battle that we seem to be
10 having in rural urban divide and education is contributing
11 to a general view -- or the general problems of race in
12 Alaska.

13 COMMISSIONER CAROL COMEAU: Can I start?

14 COMMISSIONER SHIRLEY HOLLOWAY: You bet.

15 COMMISSIONER CAROL COMEAU: I'd like to start because I
16 think Anchorage has got a lot of work to do, because I think
17 Anchorage has contributed a lot to this problem. For
18 whatever reason, a lot of people in Anchorage feel that
19 we've never had our fair share, and that's why I reacted a
20 little bit when Commissioner Walker commented earlier. But
21 what it is, is I am passionately in belief that every
22 student in the state of Alaska deserves the same level of
23 funding, and not at a shortened level.

24 Right now the legislation formula doesn't allow for
25 that, or there's a hold harmless now, but that's a terrible

1 message in my mind that we're sending through our funding
2 mechanism. The same thing is true of facilities. This
3 whole subsistence thing, I am absolutely convinced, and I
4 know it won't solve the whole problem, but I am convinced
5 that if every school district in the state required all
6 students to take Alaska studies, which includes history, and
7 that means their teachers would have to learn it, their
8 parents would start talking about it. Because I don't think
9 that many people who -- I mean the people who really know
10 about it, know about it and have strong feelings. But
11 there's a whole range of other people who don't really
12 understand all the issues surrounding subsistence, but they
13 just sort of line up on whichever side sounds better to them
14 without any real understanding.

15 I think we do our future leaders and our students a
16 terrible disservice by not building in this as a
17 requirement. I think we have a lot of work to do in
18 Anchorage to sensitize our students, our leaders, and
19 everybody on the needs of everyone in this state. I do
20 believe that we have to lead in that regard in Anchorage,
21 and not always be, well, we can't afford to put more money
22 into this, so we'll just take it away from here to give it
23 to somebody else. I don't think that's the way to give
24 Anchorage what they need and everybody else. But I think
25 that we've got to educate our leaders and our citizenry here

1 to see the benefit for Anchorage from helping everybody in
2 the state. Because invariably we get a lot of the students
3 eventually who come into Anchorage because they need jobs or
4 they're going to get a higher education or whatever, but we
5 owe it to those students and their families to educate them
6 equally well. And I think that is part of the problem in
7 this rural/urban divide, that we just need to do a better
8 job.

9 CHAIRPERSON GILBERT GUTIERREZ: Thank you.

10 MR. MICHAEL WALLERI: Can I get the second part of my
11 question in?

12 CHAIRPERSON GILBERT GUTIERREZ: Oh, I thought you were
13 done? I thought that was two questions.

14 MR. MICHAEL WALLERI: Actually, she kind of led into
15 it. I guess to target it more to the point, I'm a graduate
16 of West Anchorage High, although I lived the majority of my
17 life in Fairbanks. In watching the tape of these students,
18 I heard things on that tape that I have not hear since I was
19 going to high school at West Anchorage High. And I am
20 curious about what the school district is doing because
21 obviously these kids picked up these values someplace, and I
22 don't know if it's in their home. I don't -- I know my kids
23 come home from school with all kinds of stuff that I wish
24 they wouldn't learn. But what is a school -- what is the
25 Anchorage School District doing about trying to educate the

1 students so that when I -- you know, when I'm 75 or 80 I
2 don't hear the same thing on the news cast?

3 COMMISSIONER CAROL COMEAU: Well, I can't guarantee
4 that you'll never hear the same thing on the news cast, but
5 everyone was appalled at what we heard. The impact on
6 Chugiak High School, from when that tape hit, on the Native
7 students of that school, on staff who were Native or part-
8 Native, other students; it was devastating. And that's why
9 we took disciplinary action.

10 We tried to use that as a lesson as to absolutely
11 unacceptable behavior. We have a strong harassment policy
12 in our district. We need to do better as far as
13 consistently implementing it.

14 I will not accept that the kids only learned this at
15 school. I think it's a combination of society, the media,
16 associations. But we need to do more. We have, as
17 Commissioner Holloway said, our school safety plans now have
18 a conflict resolution component. We're doing a lot with
19 bias awareness. Trying to deal with racism issues. There
20 are a number of things we're doing in school, but we've got
21 to do a lot more. And I think these hearings, as I said at
22 the very beginning of my remarks, is a start. But there are
23 a number of groups now that are communicating with each
24 other that weren't before. So I think in that regard, that
25 will help sensitize people in the community, how important

1 language is. But I don't think we can ever guarantee that
2 students are not going to pick up on horrible language and
3 say it. It's been going on forever. I know when my
4 children were growing up, it was a constant battle at home.
5 And I couldn't blame it all on the school. I certainly --
6 they just learned it wherever they learned it.

7 But it's just unacceptable, and I think that's the
8 message. I think parents and schools need to say that's
9 unacceptable in my classroom, in this school. But then
10 parents, when we try and deal with those students, if it's
11 an egregious set of -- you know, it's consistent, they need
12 to support us instead of making excuses, and we have that
13 problem periodically too. So we need everybody to
14 understand language is a very powerful weapon.

15 You know, when I was growing up, it was sticks and
16 stones will break your bones and names will never hurt you.
17 Well, it's not that way anymore. I think people have
18 finally acknowledged the fact that language is a very, very
19 powerful weapon against people. And we need to do better in
20 this country, and in this community.

21 CHAIRPERSON GILBERT GUTIERREZ: Thank you. I'm going
22 to have to cut it off. And any other questions the
23 committee has can be provided to you in writing.

24 COMMISSIONER SHIRLEY HOLLOWAY: Absolutely. We'd
25 appreciate that.

1 CHAIRPERSON GILBERT GUTIERREZ: We have 28 people
2 signed up for the open session, and so I was going to take a
3 break, and maybe we should.

4 UNIDENTIFIED VOICE: Thank you very much.

5 CHAIRPERSON GILBERT GUTIERREZ: Let's take a break
6 until 3:00 o'clock. I want to apologize to the employment
7 panel, but we have -- we will reconvene at 3:00 o'clock and
8 then go until you're done. We're going to be late into the
9 open session, and that's beyond our control. Thank you.

10 (Off record 2:52)

11 (On record 3:02)

12 CHAIRPERSON GILBERT GUTIERREZ: We're way past our
13 schedule here. And I want to apologize to the employment
14 panel, but I would like to invite them up now. I would like
15 to invite Paula Haley, director of the Alaska State
16 Commission on Human Rights, Jim Duncan Commission,
17 Department of Administration, David Levy, Executive Director
18 of the Equal Rights Commission, Municipality of Anchorage,
19 and Raphael Ortiz, U.S. Department of Labor.

20 Thank you. Ms. Haley, you can start whenever you'd
21 like, whenever you're ready.

22 MS. PAULA HALEY: Thank you very much. Good afternoon
23 Vice-Chairman Reynoso, who I think is still out, and
24 Commissioner Lee, Staff Advisory Committee Chair Gutierrez,
25 and the other members of the Alaska Advisory Committee.

1 Thank you very much for the invitation to speak today.

2 It's been 38 years since the Alaska state legislature
3 established the Alaska Human Rights Commission and charged
4 the agency with impartial enforcement of the state's civil
5 rights law. The Commission itself consists of seven
6 Commissioners who are appointed by the governor, and
7 confirmed by the legislature and serve for staggered five
8 year terms. The Commissioners serve in a quasi-judicial
9 role, and they decide trial-type cases in which Alaskans
10 have alleged that they have been discriminated against.

11 Since 1963, the legislature has amended the state's
12 human rights law a number of times, adding in additional
13 protections for Alaskans along the way. Employers,
14 financial institutions, housing providers, realtors, places
15 of public accommodation, your businesses and hotels and
16 restaurants, et cetera, and as well as state and local
17 governments are prohibited from discrimination based on
18 race, religion, color, national origin, age, physical or
19 mental disabilities, sex, marital status, changes in marital
20 status, pregnancy, or parenthood.

21 Alaska's law is similar to many federal civil rights
22 laws. While the law protects Alaskans from many kinds of
23 discrimination, and I would tell you very clearly, and I
24 think that's why you've asked me to sit on this panel today.
25 We get most of our complaints in the area of employment.

1 Most Alaskans seek us out when they believe they've
2 experienced discrimination in employment, failure to hire,
3 terms and conditions, or termination.

4 We work with a lot of federal agencies on concerns of
5 discrimination; the Department of Housing and Urban
6 Development, the Department of Justice, the Department of
7 Education, Health and Human Services, to name a few. But we
8 work most closely with the federal agency, the Equal
9 Employment Opportunity Commission, who you've already heard
10 from earlier this week.

11 Since I've been asked to focus on employment, I wanted
12 to point out a couple of key differences between the state
13 law and the federal laws. The federal laws that are
14 enforced by the Equal Employment Opportunity Commission
15 cover employers in the state of Alaska who have more than 15
16 or 20 employees, depending on the particular law you're
17 looking at. However, state law covers employers with only
18 one employee. There is one notable exception. There is no
19 coverage if the employer operates as a club exclusively for
20 social or fraternal, charitable, educational, or religious
21 association, or a non-profit corporation setup for one of
22 these purposes.

23 I think that in order for you to get a picture of what
24 kinds of problems we see in general, but also particularly
25 in the area of employment, the best look is the annual

1 report that I just had passed out for the year 2000. But I
2 thought I'd give you some statistics and pick a couple of
3 windows, take a couple of snapshots of the kinds of things
4 we've seen over the years, and the result of what we look
5 at.

6 And I know that based on questions you'd asked the
7 other night at the EOC, you were interested in the numbers
8 of times that that agency, which is very similar to ours,
9 finds evidence of discrimination. So I'll start with that.

10 In 1995, the Alaska State Commission found substantial
11 evidence in discrimination in 14 percent of the cases we
12 investigated. Last year we found substantial evidence of
13 discrimination in 22 percent of the cases. At the end of
14 1995, we had 15 cases in our hearing unit, and in the year
15 2000, 19 cases in the unit at the year's end.

16 However, it is important to note that many cases,
17 including many of those with merit settle before
18 investigation is complete.

19 In 1995, eight percent closed by predetermination
20 settlement, and in 2000, the numbers are higher because of
21 the addition of a relatively new mediation program. We
22 settled eight percent in mediation, five percent by PBS
23 closure, for a 13 percent predetermination settlement rate.
24 The mediation program, as I said, is fairly new, and when
25 we're able to convene mediation, it works very well. And

1 the program settlement rate for this year, 2001, thus far is
2 86 percent. So we do know that when we can get parties to
3 the table, they can often work out their disagreements.

4 EOC has another way of evaluating its merit factor, and
5 I thought I would just give you some sort of comparison,
6 because I think that was the figure you were given the other
7 day. They add their substantial evidence findings and other
8 settlements together, recognizing that the other settlements
9 may, in fact, have been merit cases. And they call that
10 their merit factor. And if you add those together, we have,
11 using that approach, approximately a 30 percent merit factor
12 for the year 2000.

13 Who files complaints for the Alaska State Commission
14 for Human Rights? What's the face of the complainant?
15 Fifty-eight percent of those who file with the agency in
16 1995 were Caucasian, 42 percent were non-Caucasian.
17 Interestingly, when I again looked at the five year snapshot
18 in 2000, 58 percent were Caucasian, and 42 percent were non-
19 Caucasian. Many of the minorities who file, you need to
20 realize may have filed complaints based on other reasons.
21 They may have filed because of sex discrimination,
22 discrimination because of their age, religion or a physical
23 or mental disability. But those individuals who filed based
24 on race, and race alone, amounted to 32 percent in '95, and
25 40 percent in 2000.

1 Where do Alaskans in general file their complaints of
2 employment discrimination? In 2000, 78 percent of them
3 filed with our agency, 10 percent filed with the Equal
4 Employment Opportunity Commission, and 12 percent with the
5 Anchorage Equal Rights Commission, and you'll hear from Mr.
6 Levy shortly.

7 I have to tell you of note, is that the number of
8 people filing with our agency has dropped significantly over
9 the past five years. In 1995, 664 Alaskans filed with the
10 Commission. In 2000, filings were just at 347. The decline
11 has been very gradual, and it can be related to any number
12 of factors.

13 But recently we've found a number of inquirers telling
14 us when we call back to follow up on the paperwork that,
15 yes, they still have belief that they were harmed by
16 discrimination, but they have made a personal decision not
17 to file because they already have found other work or they
18 think they can easily find other work. This is not always
19 the case, but it's interesting to note that we saw a similar
20 decline in the complaints filed with the agency in the
21 employment area particularly in the mid-1980's when the
22 economy was particularly good.

23 There's also the fact that a number of individuals may
24 choose to go into court. Certainly we're seeing a large
25 increase I think both in the federal court system as well as

1 the state court system in the number of complaints filed on
2 behalf of individuals by attorneys.

3 Nonetheless, I want to give you some examples of the
4 kinds of problems we're seeing. As has always been true,
5 people do not check their biases as the workplace door.
6 Anecdotally, here and elsewhere there are continued problems
7 with harassment, and you might note that recently the Equal
8 Employment Opportunity Commission reported that in a 10-year
9 period, complaints of harassment due to race and national
10 origin nearly doubled.

11 Now, I could not compare exactly the same time frame
12 because of the way we captured our information, but I was
13 able to look at a seven-year snapshot. And I found that in
14 the seven years, while not doubling, are complaints of
15 harassment based on national origin and race in the
16 workplace rose by 52 percent.

17 I think that in Alaska, many businesses are making an
18 effort to create a productive and discrimination free
19 environment, but there are also plenty of cases where
20 supervisors and managers continue to tolerate troubling
21 behavior. That's back-stepping in Alaska, as well as
22 elsewhere.

23 It's very dependent, I believe, on the agency's or the
24 company's culture and leadership. And if you compare the
25 commission's current workload to what it was when I began,

1 with the exception of the harassment cases, things are more
2 similar than they are different. I would tell you that race
3 is still the first reason and the most likely reason people
4 will seek our assistance. Sex discrimination the second,
5 followed, depending on the year you look at, either by
6 physical disability or age complaints.

7 I wanted to give you a couple of examples of the worst
8 kind of harassment we've seen in recent years. One involved
9 a Mexican warehouse worker who filed a complaint alleging
10 that his supervisors and co-workers nicknamed him Poncho,
11 often referred to him in notes, written notes, and in
12 conversations as "Spick" and "Yo Taco". He protested, and
13 his protests were not heard. And instead of taking
14 corrective action, the supervisor subjected him to different
15 treatment, and eventually he was terminated for poor
16 attendance.

17 We found that he had endured an environment tainted by
18 national origin, bias, was subjected to different treatment,
19 and had been fired from his job. And we were able to
20 successfully conciliate the case for \$32,000 in damages.

21 What's equally important to finding a way to provide
22 relief for the person who's harmed, and perhaps in some ways
23 more important to the public is ensuring that the
24 individuals involved are trained, that the company sets
25 policy, and the company follows policy to assure that it

1 doesn't happen in the future.

2 We've also seen not that long ago, a male Alaska Native
3 mine worker who also was subjected to constant racial
4 harassment. After he reported the harassment and no
5 corrective action was taken, he came to us. He was also
6 claiming that he was forced to resign his position to the
7 continued racial harassment. We were able to reach a
8 settlement during the course of that investigation for the
9 back pay he would be due of \$8,373.

10 We currently have and are about to issue findings in a
11 very troubling case involving a particular aircraft mechanic
12 who has claimed a hostile work environment based on a number
13 of things. He's race Asian, his national origin Iranian,
14 his religion Muslim. The mechanic has complained that his
15 co-workers have done things like spit on the windshield of
16 his work vehicle, cut the lock off his locker, place
17 quarantine stickers on his locker, place a hangman's noose
18 in his mailbox. He also complained that they wrote
19 derogatory comments, and they are numerous, and I will not
20 repeat them all, but wrote notes and made up fake
21 disciplinary counseling forms.

22 We're about to complete this investigation, but this is
23 an example that's most recent of the kind of racial
24 harassment that I think that the EOC has expressed concern
25 about, and while we again have not seen the same increase

1 here in Alaska, we have certainly seen an increase over
2 years past.

3 Again, when you look at our numbers, total numbers that
4 come to our agency are small, and so it's not statistically
5 as significant as it might be when you look at the national
6 numbers. And I think you should pay attention to those,
7 really, to get the sense of what's going on in our country,
8 at least.

9 What I think is important, an important component of
10 eliminating discrimination is education. Last year, our
11 staff conducted 68 educational presentations, for financial,
12 education institutions, tribal organizations, businesses,
13 and the general public. And thanks to a fair housing grant
14 from HUD, the Department of Housing and Urban Development,
15 we were able to go to Bethel, Palmer, Kenai, Juneau, Sitka,
16 Ketchikan, Craig, Kodiak, Dutch Harbor, and Barrow. And
17 these are places we are not often able to visit because of
18 the cost.

19 While in each of these communities, I offered
20 employment discrimination workshops as well, and while I
21 hope that none of you tell HUD, the employment workshops
22 tended to be better attended, and I think that says a lot
23 again about Alaskans concerns. They're more interested in
24 knowing about employment issues, at least at this point in
25 our history.

1 I would tell you also that I am fortunate enough to
2 serve on a joint task force for the EOC and Fair Employment
3 Practice agencies throughout the country, and for nearly
4 eight years, have served on the board of directors of the
5 International Association of Human Rights agencies.

6 And as has been said in the past day and a half, we
7 have certainly problems here that are particular to Alaska,
8 but if I were to sit down with my colleagues across the
9 country and talk about discrimination and the role of civil
10 rights enforcement agencies, I think the similarities would
11 be great. We see the same kinds of trends here in many
12 instances that we see elsewhere.

13 I think just to conclude, that I would say I hope that
14 over the last half of the century, laws have helped reduce
15 some discrimination, and allowed us to live and work
16 together in closer proximity and to learn to respect and to
17 appreciate our differences. But it is still up to
18 institutions and individuals to look at themselves and check
19 their own actions for prejudice and bias if we are to get
20 ahead, and such efforts will benefit not only individuals,
21 but all of Alaskans.

22 Thank you very much.

23 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Mr. Levy.

24 COMMISSIONER JIM DUNCAN: Thank you, Mr. Chairman. I
25 am Jim Duncan, Commissioner of the Department of

1 Administration. Of course, within the Department of
2 Administration is the Division of Personnel, which has much
3 to do with employment in state service. I am today going to
4 present to you some data, some statistics about minority
5 employment in state government, in the state of Alaska. I
6 don't want to bore you with those. I could go on and on.
7 And I know the packet I've handed out to you has a variety
8 of ways of looking at where we're at as far as the minority
9 work force goes, but I want to present some which I think
10 are most critical, talk to you about the executive hiring
11 goal and policies, the type of outreach we do to the
12 minority population in the state of Alaska in order to get
13 them involved in state government, and conclude about --
14 talking just very briefly about what we're doing with our
15 hiring managers throughout state government as far as
16 diversity training goes.

17 I know that there have been a number of studies done
18 regarding the minority work force in the state of Alaska
19 government. And sometimes, even as I've read those studies,
20 the figures differ. And I would acknowledge that up-front
21 that it's very difficult to find studies which will compare
22 apples to apples completely. And that's often a source of
23 confusion and a source of question.

24 And of course, a number of things can impact what the
25 data looks like. One, the data is just a snapshot in time.

1 As you recognize, I'm sure, Mr. Chairman, and members of the
2 commission, the state government is very dynamic. There is
3 always a change in employees, and so those numbers change
4 from one period to the next. And the snapshot in time I'll
5 be talking to you about today is our most current June 30th
6 of 2001, the time when we have the most current figures.

7 Secondly, of course, studies will compare different
8 branches of government, and I want to make it clear from the
9 outset that what I'm presenting to you here today talks just
10 about employment in the executive branch of government in
11 the state of Alaska. It does not include the court system,
12 nor does it include the legislative branch of government,
13 nor does it include the university of Alaska. So we don't
14 have those figures within the Division of Personnel readily
15 available.

16 And finally, of course, the difference between studies
17 may be the type of positions you're looking at. What I will
18 be talking to you about today for the most part will be
19 permanent positions within the executive branch of state
20 government. And those permanent positions can include full-
21 time positions, part-time positions, and some seasonal
22 positions that are permanent.

23 We, of course, have a whole range of temporary
24 positions which I am not going to be referring to in great
25 detail today.

1 So with that said, so that I know there's a number of
2 people who contacted me from previous testimony I gave
3 before the Tolerance Commission, saying that they disagree
4 with the numbers I gave, I've looked at some of those
5 studies, and those are the variables that often change what
6 the figures look like, what the stats look like, and of
7 course, it's that snapshot in time.

8 Again, I'm talking about what was current, or current
9 data as of June 30th, 2001, and as of that date, there were
10 14,071 permanent executive branch employees. 14,071. That
11 include permanent full-time, permanent part-time, and some
12 seasonal employees. Of that number, of the 14,071, 2,536 of
13 those employees are of minority background. If you want to
14 look at the chart that I'm going to be referring to, I just
15 noticed as I was reviewing these that unfortunately we don't
16 have them numbered, but it's the second long page in your
17 packet, is a chart that will show you this data.

18 Of the 2,536 employees, of minority in this state,
19 that's 18.02 percent of the state of Alaska workforce. Of
20 those 2,536, 497 are African Americans, or 3.53 percent.
21 221 are American Indians, which represents 1.57 percent.
22 716 are Asians, 5.09 percent, 325 Hispanics, 2.31 percent,
23 and 743 are Alaska Natives, 5.28 percent. Thirty-four of
24 the minorities did not identify their ethnic background, so
25 we cannot identify them for this purpose. And that number

1 comprises less than one percent of the total 2,536. That
2 gives you a breakdown of the minority workforce in the state
3 of Alaska.

4 I think a legitimate question, and I want to refer you
5 to another chart is, how does that compare to the overall
6 workforce of those ethnic groups in the state of Alaska,
7 which would include the work force for all sectors, private,
8 public sectors in state government.

9 There's a chart in your packet, and if you want to flip
10 to it, it's the second one behind the last long chart, I've
11 hoped it's not too confusing, but the second chart behind
12 the last long chart, and it's entitled the "Alaska Labor
13 Force versus State of Alaska Work Force Ethnic Breakout".
14 Again, Alaska Labor Force versus State of Alaska Work Force
15 Ethnic Breakout. That compares what our total Alaska work
16 force looks like, shows what our total Alaska work force
17 looks like, and compares it to what the minority work force
18 is in the state of Alaska.

19 The Alaska Labor Force figures, the statewide Alaska
20 Labor Force figures were provided by the Bureau of Labor
21 Statistics, and reflect 1990 Census numbers. I apologize
22 for that, but the most recent Census numbers are not yet
23 available. And that work force includes all employees,
24 civilians 16 years of age or older.

25 The State of Alaska work force numbers include



1 permanent and non-permanent executive branch employees, and
2 again, are for the June 30th, 2001, date. What that shows
3 is of the total Alaska labor work force, there's 201,757
4 Caucasians, which is 82.22 percent of the work force. In
5 the state of Alaska -- again, this does not include
6 university and others, but in the state of Alaska, 13,648
7 are Caucasian, or 77.59 percent. So the Caucasian work
8 force in the state of Alaska, state government, 77.59
9 percent compared to the Alaska labor force of 88.22 percent.

10

11 For African Americans, the State of Alaska work force,
12 including all sectors is 2.99 percent, and in state
13 government is 3.08 percent.

14 For Alaska Native and American Indian, and I apologize
15 that this is lumped together here, but the Bureau of Labor
16 Statistics does not break out Alaska Natives from American
17 Indians. There's 23,506 in the total Alaska work force,
18 which is 9.58 percent of the Alaska work force. And in
19 state government it's 12.08 percent of the state government
20 work force.

21 In Asian and Pacific Islanders, it's 4 percent for the
22 Alaska Labor work force, 4.47 percent in State of Alaska.
23 And other, including Hispanic is 1.21 percent of the total
24 Alaska work force, and 2.79 percent in the state government.

25 I wanted to point those figures out to you because I

1 think it's a legitimate question as to whether we're
2 employing in state government at the ratio that they are in
3 the total work force. That figure seems to indicate at this
4 time that we are doing so and it's exceeding in all cases
5 the percentage of minorities employed, various ethnic
6 backgrounds employed in the state government as compared to
7 the total Alaska work force.

8 Also, in addition to that, I wanted to give you just a
9 couple of other numbers, and then get off of the figures
10 because it can be a little bit difficult to follow.

11 I think Governor Knowles related to you yesterday,
12 yesterday morning, that we believe that we are doing better
13 than 22.24 percent of all permanent executive branch new
14 hires are in an ethnic minority. 22.24 percent of the new
15 hires, that compares to the total figure of 18.02 percent of
16 employment. But that figure, I think clearly indicates
17 that we are doing better.

18 It also, and I think Governor Knowles pointed this out
19 to you yesterday also, that between 1991 and the year 2000,
20 there was nearly a four percent increase in minority
21 representation in the permanent executive branch work force.

22 In 1991, the percent was 14.04 percent, and in June
23 30th, 2001, it's 18.02 percent for total minority
24 employment. So again, it appears we are doing better.

25 One question that does come up, and I was asked this

1 when I testified before the Tolerance Commission, is that
2 there is a concern that minorities, even though they may be
3 hired into state government, are not staying very long, that
4 they are not available -- or they do not get promotions as
5 non-minorities might, that they do not make it through a
6 probationary period, that they just do not stay in their job
7 very long.

8 It's very difficult for us to really evaluate whether
9 or not minorities are being promoted at the same rate as
10 Caucasians, because we don't keep those types of records.
11 But I did ask if they would look at length of service for
12 the various ethnic groups so we could determine what the
13 average length of service was for those groups, which should
14 help us understand whether or not minorities are making it
15 one, through the probationary period of employment, and
16 secondly, whether they are receiving advancements and
17 promotions as others are.

18 The chart that I would refer you to that is in your
19 packet, again, it's the next one behind the last one I just
20 referred you to. It's behind the -- it's the third one
21 behind the last long page, and it is entitled, "State of
22 Alaska Permanent Executive Branch Work Force Average Length
23 of Service by Ethnicity". Again, "State of Alaska
24 Permanent Executive Branch Work Force Average Length of
25 Service". And that shows some very interesting information.

1 For African Americans, it shows that the average length
2 of service for those individuals who are employed in state
3 government is 8.12 years. For Alaska Natives, it's 8.04
4 years, which is just a matter of days difference. For
5 American Indians, it's 9.98 years. For Asians it's 8.22
6 years. For Hispanic 8.11, Caucasian 9.78.

7 I wanted to point that out to you. I think that number
8 does show that we do not have a major problem with
9 minorities not making it through the probationary period and
10 not continuing their employment with the state. Their
11 average length of service compares very favorably with the
12 Caucasian employees with the State of Alaska.

13 I'm going to quit with the figures. There is a lot of
14 information I've given you in the packet. It looks at the
15 minority work force from a number of angles and a number of
16 approaches, and I wanted to provide you with that
17 information so you, at your leisure, could evaluate that,
18 and if you have further questions, you could be sure -- we'd
19 be willing to respond to those at a later time as to what
20 some of those figures mean.

21 I also want to say it was not my intent or my purpose
22 here today to say that everything is great in the State of
23 Alaska work force, that we're doing just fine, we don't need
24 to worry about it. I didn't mean to paint that rosy of a
25 picture. I did want to give you the facts. But I also want

1 you to know, as Governor Knowles said yesterday morning, we
2 believe we can do better. We're not satisfied. We always
3 believe that we can do better in reaching out to minorities,
4 getting them involved in the work force and state
5 government, and despite the fact I believe that the numbers
6 show that we're being successful, there always is room for
7 improvement, and the Knowles administration and the
8 Department of Administration and the Division of Personnel
9 is committed to doing so.

10 The executive branch hiring goal is clearly stated;
11 that our goal is to employed qualified persons of each race
12 and sex in proportion to their availability in the job
13 markets. And the figures that I gave you earlier, to look
14 at the total Alaska work force and compare it to the total
15 Alaska work force, I think again, indicates that we are
16 reaching out, we're striving to achieve that goal, and in
17 all cases, are doing well.

18 We also have a minority hiring policy in place, which
19 is important. And that minority hiring policy requires
20 preferential consideration is given to minorities when
21 minorities are underutilized within certain job classes.

22 As you may understand in state government, we have a
23 range of job classes, thousands and -- hundreds, anyway, and
24 thousands of job classes that go clear across state
25 government. And there is an evaluation done to determine

1 whether or not in those various job classes whether it be a
2 nurse or a clerk typist or it be a biologist or whatever it
3 may be, to determine whether minorities are underutilized
4 within job classes.

5 The Department of Administration, the Division of
6 Personnel does not do that study to determine
7 underutilization. Underutilization is determined on a
8 quarterly basis by the governor's office of Equal Employment
9 Opportunity. The Office of Equal Employment Opportunity
10 then reports to us in the Department of Administration their
11 findings of underutilization, as to whether or not -- or
12 they've identified which classes might be underutilized as
13 far as minority representation goes. The Division of
14 Personnel staff then records the underutilization
15 information into the state's electronic recruitment system.
16 I'm sure most of you are aware we do have an electronic
17 recruitment system called Workplace Alaska where jobs are
18 posted and where hiring managers go to look at applicants.
19 Once we have been notified that there is underutilization in
20 certain job classes, that's posted into the state's
21 electronic recruitment system, and therefore, the hiring
22 managers are put on notice.

23 The applicants whose ethnic or gender combination is
24 underutilized for the vacancy for which they are applying
25 are marked on the applicant list. They are highlighted so

1 that the hiring managers know that one is underutilized and
2 that those individuals meet the criteria of the minority
3 applicant, and hiring managers must then give those
4 applicants consideration when filling a vacancy. It doesn't
5 mean they'll be hired. It doesn't mean that they'll even be
6 one of the finalists for the job, perhaps. But it does mean
7 the hiring managers are put on notice, and they're asked,
8 therefore directed to review their credentials, review the
9 information about that individual, and give serious
10 consideration to that individual for filling the position.

11 There's probably those of you on the Commission who
12 know how this works better than I. But clearly, I think it
13 is a very important part of the hiring process to ensure
14 that state government and the hiring managers in state
15 government are well aware of where we have problems if we
16 do, and that we take the steps necessary to try to correct
17 those.

18 We have also adopted several other strategies to reach
19 out to the minority population in this state, and to reach
20 our diversity goals. Our executive branch hiring agencies
21 are doing a number of -- taking a number of steps to ensure
22 that this happens.

23 One, we're participating in more job fairs and
24 employment expositions to reach out and to be sure that
25 people just don't have to go to the electronic workplace to

1 find a job, that we're going out and seeking applicants and
2 making ourselves available so that applicants of all
3 backgrounds can have the opportunity to apply.

4 We're placing more and broader advertising for
5 vacancies. Not just, again, relying on the applicant to go
6 to Workplace Alaska by the computer to seek out a job. But
7 we go out to advertise those vacancies and do it on a broad
8 basis. Lists of all vacancies in state government are
9 published each week in the three major newspapers in the
10 State of Alaska, so that potential applicants can review
11 those and then make application.

12 We're also notifying Alaska Native corporations, a
13 vacancy list. And we notify those corporations on a weekly
14 basis, again, reaching out to them, asking them for help --
15 to help us in identifying potential applicants and
16 individuals who can fill positions. And finally, we're
17 conducting applicant training sessions in partnership with
18 job service offices on a statewide basis.

19 I filled out applications and I know all of you filled
20 out applications. Sometimes it's very difficult to do, and
21 very challenging. And also sometimes very difficult to know
22 exactly what should be said and how to say it to best put
23 yourself forward. The goal there is to work with people
24 from all backgrounds. Not just minorities but all
25 backgrounds, to help them through the application process,

1 which sometimes can be very intimidating. And sometimes if
2 people don't do a good job filling out their application,
3 that causes the first level of problems.

4 That's our outreach. In addition to that, we want to
5 be sure that our hiring managers are very cognizant of the
6 need to consider minority applicants, and are very much
7 aware of the policy that we have in state government to
8 reach our diversity goals.

9 The Department of Administration has put together an
10 employment and discrimination and harassment course. We do
11 that in our basic supervisory training. I'm not going to go
12 into it in detail. There's a two page memo at the last part
13 of your packet. It should be easy to find. A two page memo
14 that explains the diversity training that we are just
15 getting into place, to ensure that we are doing proper
16 training with the supervisors and the hiring managers in the
17 State of Alaska.

18 The course includes a review of the state and federal
19 laws prohibiting discriminatory behavior, state policy
20 prohibiting discriminatory behaviors and guidelines for
21 creating a respectful work place. And as I said, we're just
22 getting that underway. But we're committed to reaching out
23 to all of our supervisors in state government and all of our
24 hiring managers to ensure that they have that basic training
25 and understanding.

1 Mr. Chairman, I'm going to conclude my testimony. I
2 didn't mean to go on too long. I know there's a lot of
3 data, a lot figures, but I did want to present what I
4 consider to be the highlights. And again, despite the fact,
5 we believe that we are doing better and things are going
6 well, I want to re-emphasize that the administration is
7 committed to continue to improve to do outreach and work
8 with minority populations to involve them in state
9 government employment.

10 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Mr. Levy?

11 MR. DAVID LEVY: Thank you, Mr. Chairman, distinguished
12 members of the Alaska Advisory Committee, and the U.S.
13 Commission on Civil Rights. Ladies and gentlemen, my name
14 is David Levy, and I'm the executive director of the
15 Anchorage Equal Rights Commission.

16 My comments this afternoon will be based on my nearly
17 three years of experience as the executive director of the
18 AERC, as well as six years with the Commission, plus 30
19 years as an Anchorage and Alaska resident.

20 I will try in the next 10 minutes to identify some of
21 the issues and concerns that you addressed in your July 19th
22 letter, as well as provide some personal comments based on
23 the experience I listed above.

24 In brief, the Anchorage Equal Rights Commission was
25 created in 1975, and is part of the U.S. Charter. Title 5

1 of the Anchorage Municipal Code prohibits discrimination
2 based on race, religion, sex, physical and mental
3 disability, marital status, color, age, national origin, and
4 retaliation.

5 The AERC investigates discrimination in the areas of
6 employment, housing, educational institutions, public
7 accommodations, financial institutions, and programs and
8 services provided by the Municipality of Anchorage. We have
9 a nine member Commission appointed by the mayor, and
10 confirmed by the assembly. And if I may take a quick break,
11 our Chair of our Commission is here, Terry Bryant (ph), a
12 wave, is here in the audience today.

13 The AERC is the governing board of the Anchorage Equal
14 Rights Commission. They serve a three year term that is
15 rotating.

16 It is important to note that the Commission is an
17 independent municipal body. It is not either under the
18 control of the mayor's office or the Anchorage Assembly,
19 which is our city council.

20 The rest of my comments today will be focusing in on
21 the two areas that are part of the mission of the
22 Commission. The first is to eliminate discrimination within
23 the city of Anchorage.

24 Over the past five years, the Anchorage Equal Rights
25 Commission has opened and investigated 636 allegations of

1 Title 5, of which 428 were employment related
2 discrimination. Twelve of those cases involved employment
3 discrimination specifically against Alaska Natives. During
4 that same period of time, five cases went to public hearing.

5 As the information suggests, a majority of our cases,
6 like our sister agency with the state is in the area of
7 employment. We have a contract with the Equal Employment
8 Opportunity Commission as in Fair Employment Practices
9 Agency in our city.

10 Because of the limited time, I will submit to you a
11 more detailed report on some statistical analyses of the
12 Commission's activities in this area.

13 The second area that we work in is in the area of
14 prevention of discrimination. In 1998, the Anchorage Equal
15 Rights Commission made a commitment to expand its community
16 based outreach and education activities. For the purpose of
17 time, I will focus in on two of those areas.

18 The first is the Minority Community Police Relations
19 Task Force. The MCPRTF is a 14 member task force with
20 representation from the African American, Native Alaska,
21 American Indian, Filipino, Korean, Tongan, and Samoan
22 communities.

23 In addition, the task force has representation from the
24 Anchorage Police Department, the Alaska State Troopers, INS,
25 the U.S. Attorney's Office, and the FBI.

1 The task force meets on a monthly basis to investigate
2 and mediate complaints against law enforcement agencies
3 operating in Anchorage regarding allegations of police
4 brutality and police harassment. In addition, it also
5 serves as a liaison between the Anchorage minority
6 communities and law enforcement agencies.

7 I should point out that this is not a police review
8 board. Rather, the task force works to mediate problems
9 among the groups defined.

10 The MCPRTF reviews on an annual basis anywhere from
11 five to six complaints a year. And as was discussed earlier
12 today by Chief Monegan, the task force assisted the
13 Municipality of Anchorage as well as the Anchorage Police
14 Department in reviewing and revising its testing procedures
15 for police recruits.

16 The second thing I'd like to talk about today was
17 something that the mayor talked about this morning, and that
18 is the Kitchen Cabinet Races and Task Force. Mayor Wuerch
19 created the Kitchen Cabinet when he started his
20 administration. The Kitchen Cabinet is a diverse group of
21 community leaders and campaign supporters that have helped
22 him identify issues and concerns of Anchorage's minority
23 community. Over the past 12 months he's met with them as a
24 group, and one on one to kind of identify those issues.

25 Based on those discussions early in the summer, he

1 appointed a racism task force to do two things. One is to
2 make recommendations to him on ways to eliminate prejudice
3 and remove barriers to cross-cultural understanding, and
4 also look at ways to identify potential modifications to
5 existing municipal policies and procedures, and recommend
6 initiatives to address race related concerns in our
7 community.

8 The mayor met with the Kitchen Cabinet at the end of
9 June, and based on that meeting, as he discussed today, six
10 advisory committees were established in the area of
11 education, employment, and economic development, public
12 safety, and criminal justice, housing, health and social
13 services, community relations, and urban and rural affairs.

14 The committees were given the task of reviewing current
15 municipal policies and procedures and to make policy
16 recommendations regarding the above topic areas to the mayor
17 and to the assembly. And I should point out, Mr. Chairman,
18 there's some of the volunteers who are serving on those
19 committees in attendance today.

20 The final portion of that is the mayor talked about the
21 University of Alaska is donating the services of the
22 Institute of Social and Economic Research to conduct a
23 series of focus groups to measure and contrast racial
24 attitudes in Anchorage. And those reports are expected at
25 the end of October.

1 One of the unique things of this process is that we're
2 using the worldwide web, and specifically the municipal
3 website to get ideas and suggestions on how to combat racism
4 in Anchorage. In addition to getting an idea of when the
5 different groups are meeting as well as an overview from the
6 mayor, as he pointed out earlier today, he's looking for
7 ideas and suggestions, and for the first time is making
8 available not only in English, but languages other than
9 English, Spanish and Korean, on the website. So if people
10 have ideas and suggestions, they can download those, and
11 those forms are also available at community centers around
12 Anchorage.

13 Is there racism in Anchorage in 2001? Well, it is my
14 belief that discrimination is a byproduct of the racial
15 attitudes in our community.

16 Does racism exist in Anchorage in 2001? Yes. Have the
17 powers that be provided the financial resources and the
18 political leadership to tackle these problems? Well, I'll
19 give you two examples and you can decide.

20 In 1987, the budget of the Anchorage Equal Rights
21 Commission was \$475,000, and we had nine employees. In
22 2001, our budget is \$454,000, and we have six employees.
23 And in 2000, there was a proposal as part of the budget
24 process to cut the Anchorage Equal Rights Commission by 80
25 percent, which would have effectively eliminated local

1 control of civil rights enforcement in Anchorage.

2 I'm happy to say that as a result of the efforts of my
3 commissioners and my staff and people who are out here in
4 the community today, that did not come to pass, and we are
5 fully funded for the current year.

6 Finally, I'd like to provide some personal comments
7 based on my years of experience here. And again, I'm
8 speaking for myself and not necessarily for the Commission.
9 I was born and raised here. I'm a graduate of Bartlett High
10 School. And I have found it interesting to be involved in
11 this process because, as I think Ms. Haley pointed out, and
12 correctly so, some of the issues that we see at civil rights
13 enforcement agencies are similar issues that we see around
14 the country. At the same time, I'm reminded from some
15 anecdotal information that sometimes things don't change.

16 My father passed away about 18 months ago. And in the
17 process of going through his material, I discovered some
18 stuff that he and my mom had done in the early '60s to
19 combat racism in Anchorage, similar to what we're doing now.

20 So these issues do not go away, and they continue to
21 not go away. And as my parents have reminded me, one of the
22 first realities they dealt with when they came to Anchorage
23 in the 1950s was driving down Fourth Avenue and seeing the
24 bars that said, "No Natives and No Dogs Allowed". And that
25 was quite a shock for them when they came to town.

1 The second point I'd like to make is that I think that
2 while racism and discrimination exists in our community and
3 exists in our state, I was reminded several weeks ago by
4 someone who grew up in Alabama in the 1940s and 1950s, and
5 he has been here for about 10 years, and he described two
6 types of racism that he dealt with growing up in the South,
7 and that was discrimination and racism against minorities,
8 and there was discrimination and racism against African
9 Americans. And he compared that to a similar situation here
10 in Anchorage, and I think it's a similar situation in Alaska
11 as well.

12 There are problems of discrimination against minorities
13 in the state, but I think that there are systemic
14 institutional racism problems against Alaska Natives that
15 have occurred for a long time. I think you heard examples
16 yesterday from some of the advocacy groups. I think you
17 heard some of the examples today from the mayor and the
18 governor and other folks that those issues still exist.
19 They're going to take a long time to deal with. I think
20 that there needs to be political leadership and a political
21 will as well as the resources to deal with those.

22 Mr. Chairman, those are my comments, and I'd be happy
23 to answer any questions.

24 CHAIRPERSON GILBERT GUTIERREZ: Thank you, Mr. Levy.
25 Are there any questions for this panel? Go ahead, Rosalee.

1 MS. ROSALEE WALKER: Thank you. I'd ask to go first
2 because he doesn't look down this way very often. My
3 question -- and thank all of you for appearing. My question
4 is for Commissioner Duncan. I first wanted to say that if
5 there's anyone in this state that would work toward fairness
6 and equality and so forth, I do believe Senator Duncan --
7 oh, well, he was my Senator, but Commissioner Duncan is a
8 good example, a very good role model. And I wish some --
9 you would talk to some of your other Commissioners and train
10 them while you're training the rest of the folks about this.

11 I did have a question about this longevity -- you know,
12 the length of stay chart. That's eight and nine years, they
13 are years, right?

14 COMMISSIONER JIM DUNCAN: That's correct.

15 MS. ROSALEE WALKER: that's primarily those who stay
16 full tenure for retirement?

17 COMMISSIONER JIM DUNCAN: Mr. Chairman, if I might
18 respond?

19 CHAIRPERSON GILBERT GUTIERREZ: Please.

20 COMMISSIONER JIM DUNCAN: It depends, of course, on
21 which retirement system you're in, in state government. But
22 right now, the vesting period is five years, and for most
23 state employees, if they have to be in state service for
24 five years before they're vested for retirement purposes.

25 MS. ROSALEE WALKER: All right. Mr. Chairman. I am

1 really concerned with those who don't even stay a year,
2 hardly make the probation period, or stay very short periods
3 of time, that I'm pretty sure you all don't keep the records
4 for those. And I believe you hire. But something happens
5 after they're hired. There's something that happens that
6 the people get discouraged, they quit, or something -- or
7 they're fired, or something happens. I get reports
8 frequently that they're hired because the law says they have
9 to hire them. All right. They're qualified and blah, blah,
10 blah. But their supervisor has a sister-in-law or cousin or
11 a brother or somebody that they want in that position. And
12 somehow or other, this person is squeezed out to get that
13 relative in there. And it's not always a relative,
14 sometimes a classmate or whatever. These are reports that I
15 get. I'm not saying that it's good evidence.

16 When the Tolerance Committee met in Juneau, I did give
17 a list of recommendations. They asked for recommendations.
18 And among my recommendations, I'll only give one, is a type
19 of exit interview, just like you interview that person
20 coming into the job, give an exit interview when they leave
21 to find out why they're leaving. I think they'll be honest
22 about it, most of them anyway, and I think you can get some
23 information there.

24 It may be a little extra work for your Human Resources
25 person, but I think it would provide some valuable

1 information and I just wanted to throw that out. Thank you.

2 CHAIRPERSON GILBERT GUTIERREZ: Thank you.

3 COMMISSIONER JIM DUNCAN: Mr. Chairman?

4 CHAIRPERSON GILBERT GUTIERREZ: Yes?

5 COMMISSIONER JIM DUNCAN: If I might respond just very,
6 very briefly. Thank you, Ms. Walker, for your comments. I
7 appreciate those very much. Yes, this chart I gave you does
8 show total length of service, and the reason we put this
9 together was because I knew the concern that was expressed
10 at the Tolerance Commission about whether or not minorities
11 were really staying with state government or whether they're
12 just being hired and not making it through the probationary
13 period, and were not able to continue on to state service.

14 This chart surely doesn't answer all the questions, but
15 it does show that the length of service for minority hires
16 compare favorably with the length of service for those who
17 are non-minorities. So that they're not -- it does not seem
18 to be a disproportionate number of those -- number of
19 minorities who are not making it through the probationary
20 period or dismissal.

21 The concern that people are dismissed so that someone's
22 brother-in-law and sister-in-law could be hired or a good
23 friend could be hired; I got to say I hope that's not
24 happening. And that's why we use a very competitive system
25 in the hiring process for state government, why for a

1 classified employee, it's competitive; that they -- we have
2 to go out and seek applicants through Workplace Alaska and
3 through our other outreach programs.

4 Those applicants -- of course, then people who are
5 interested apply. And the process that I've seen used in
6 state government and that I used as a hiring manager, and I
7 encourage our department to use, of course, is to evaluate
8 those applicants and, of course, narrow the list, but do
9 interviews with three to five of the applicants at a minimum
10 to -- and involve people, not just the hiring manager but a
11 team to do the interview and the recommendation on who is
12 hired in the state government. I think that's the -- an
13 attempt to try to stop that very practice from happening.

14 I do believe an exit interview is a good idea. And I
15 know that I encourage our hiring managers and department
16 administration to use an exit interview when people are
17 leaving to find out what their problems are, why they're
18 leaving, is there something we should be doing differently
19 in state government, is there something we did that is the
20 reason they're leaving. And I am encouraging people to use
21 that. I hope we can compile those kind -- that type of data
22 in the Division of Personnel.

23 In addition to that, because I believe strongly we need
24 to know what employees feel about state government, we are
25 undertaking and just recently instituted this; we're doing a

1 system-wide employee survey, where every employee fills out
2 a survey, and we've done Step 1 of that. There will be
3 about three or four of these put forward over the next few
4 months where employees can tell us what they think about
5 state government, what the problems are, how they're treated
6 in the work place, what some of the difficulties they have
7 are, why they like to work for state government or why they
8 are thinking about leaving.

9 That first employee survey is just being completed.
10 It's confidential. The employees fill it out online. We
11 cannot identify who the employee is. We can identify the
12 department and division that they work in, but not who the
13 employee is, and we hope to use the results of that to
14 determine if we do have problems inside state government
15 with discrimination, with supervisors who are not responsive
16 to employees' needs, really determine what the difficulties
17 are of employment with the state of Alaska.

18 I'm interested in seeing those responses, and I think
19 they'll be very enlightening and eye-opening for us in state
20 government. When I became Commissioner, one of my
21 priorities was to make the work place an enjoyable place to
22 work, and to treat people with respect, and to recognize
23 their responsibility, or their capabilities, and to treat
24 them as responsible adults, as they are, and to try to
25 overcome some of the shortcomings that I've seen from the

1 other branch of government that I think existed in the
2 executive branch. So that's one reason we've instituted
3 that employee survey, because I think it's important to
4 gather that kind of data, that kind of information, and then
5 build on that to ensure we have a good workplace.

6 MS. ROSALEE WALKER: Thank you.

7 CHAIRPERSON GILBERT GUTIERREZ: Dan?

8 MR. DANIEL ALEX: I have two questions; one for
9 Commissioner Duncan, and one for Paula Haley. What kind of
10 safeguards are there within the state administration against
11 what I would call political discrimination?

12 The other would be the question for Paula was, have you
13 received any complaints from Native Alaskans against Native
14 corporations?

15 COMMISSIONER JIM DUNCAN: Do you want me to go first?

16 MR. DANIEL ALEX: Sure.

17 COMMISSIONER JIM DUNCAN: And I guess by political
18 discrimination, you mean where people are hired because of
19 their political leanings or who they supported and so on?
20 Let me answer that, Mr. Chairman. Most of our employees are
21 in what we call the classified service of state government.
22 And that classified service of state government, they're
23 allowed to be politically active and do what they want to
24 do, and they cannot be -- that is not a condition for hire
25 or for dismissal. That's where they're hired on a

1 competitive basis. They fill out an application for the
2 job, and they're to be evaluated on their background, their
3 experience, their ability to perform that position, not on
4 whether they are republican or a democrat, or supported one
5 individual or another individual or whatever their political
6 activities may be. It's to be done based upon their
7 experience and background and their ability to do the job.

8 We then also, of course, do have political appointees
9 in state government, as you know. They are exempt
10 positions, and partial exempt positions. I'm a political
11 appointee. And I got to say, probably if I would not have
12 supported this governor, I wouldn't be in the position I'm
13 in right now. And undoubtedly when the administration
14 changes, depending on what happens, I may not be in this
15 position either.

16 So there are those positions, as you know, sir, that
17 are political appointees, and really do have political
18 influence on who lands in those positions. But for the
19 greatest number of state employees, they are in a classified
20 service, and they have the protection of the Personnel Act
21 of the State of Alaska and also have the protection of the
22 Constitution of the State of Alaska.

23 CHAIRPERSON GILBERT GUTIERREZ: Thank you.
24 Commissioner?

25 COMMISSIONER PAULA HALEY: Actually.....

1 CHAIRPERSON GILBERT GUTIERREZ: Oh, I'm sorry.

2 COMMISSIONER PAULA HALEY: That's all right. Chairman
3 Gutierrez, and Mr. Alex, and committee members, I actually
4 wanted to add on to the last thing that Commissioner Duncan
5 said, just to assure you that the impartial aspect of the
6 Alaska State Commission for Human Rights is that I am not a
7 political appointee. I'm hired by the Commissioners. I'm
8 in my third -- with my third governor, so to speak, in terms
9 of the placement in the administration. And that's
10 important so that Alaskans can understand that there is that
11 necessary impartiality, that we can look at both private
12 sector problems and public sector problems.

13 But as to your particular question about Native
14 corporations, indeed we have had complaints filed by Alaska
15 Natives with our organization against Alaska Native
16 corporations.

17 CHAIRPERSON GILBERT GUTIERREZ: One more question.
18 We're behind schedule, again.

19 MR. DANIEL ALEX: Was there any resolution?

20 COMMISSIONER PAULA HALEY: Well, off the top of my head
21 I can't tell you the particular resolutions of complaints.
22 We certainly had a number of years ago in the early '90s, a
23 village corporation, this was a case that went to a public
24 hearing, so it was a public case. All of our cases up to
25 that point are confidential. And they had asserted that we

1 did not have jurisdiction to proceed against them. The
2 Commissioners decided that we indeed did have jurisdiction
3 to proceed against them. The corporation argued that under
4 Title 7's exception for Native corporations that we were
5 preempted from proceeding. And our Commissioners decided
6 the other way. That issue has yet to go to court. It
7 doesn't mean it might not in the future.

8 The dilemma is that we go out and I do trainings for
9 tribal employment rights organizations, and I've been out a
10 lot this past year with Jeanette Leyno (ph) from the Equal
11 Employment Opportunity Commission doing joint trainings.
12 And you'll have people say I need assistance of a Commission
13 with a sexual harassment problem or a disability problem.
14 It may not be a race based problem. It may well not be.
15 But they still would like to have a place to go.

16 CHAIRPERSON GILBERT GUTIERREZ: Thank you.
17 Commissioner?

18 COMMISSIONER CRUZ REYNOSO: I have a rather broad
19 question for each of you. During intermission, a person who
20 had testified before said that she and her village
21 apparently had gotten a contract to build or expand upon an
22 airport. And they contracted with a contractor to come and
23 build it. But the contractor came and brought with him all
24 of the laborers, and so all of the village residents who had
25 hoped to be able to work on that big project for their

1 village were all left on the side.

2 I assumed that has to do with union contracts. I
3 assume it has to do probably with state legislation, having
4 to do with how public projects will be done, and so on. But
5 I found her question and the issue that she posed a rather
6 compelling one. Here they had gotten some money to build or
7 expand this airport, and all the outsiders came in and
8 worked on it, even in the non-skilled jobs. Nothing was
9 available for the local villagers. Is that a problem you
10 see often here? If it is, is there some solution to it?

11 COMMISSIONER JIM DUNCAN: Mr. Chairman.

12 COMMISSIONER CRUZ REYNOSO: See, I didn't know that the
13 panel had been expanded.

14 COMMISSIONER JIM DUNCAN: Mr. Chairman, may I respond
15 just very briefly in this?

16 CHAIRPERSON GILBERT GUTIERREZ: Please.

17 COMMISSIONER JIM DUNCAN: Mr. Chairman, that is a good
18 question. It's really not probably an issue which this
19 panel addresses -- or members of this panel address on a
20 daily basis. It's more a Department of Labor question. But
21 let me talk about that just a little bit because we do have
22 some problems in the State of Alaska, and in my years of
23 public service have been involved in this debate time after
24 time about local hire or resident hire or Alaska hire.

25 And we have tried many, many times to put into place an

1 Alaska hire law or a local hire law and have found that
2 we've run head-on into problems with the courts, have not
3 been able to get that into place. So we really don't have
4 in place because of difficulties we've had putting together
5 a Constitutional Alaska hire law, one that would ensure that
6 local residents and Alaskans will receive the employment.

7 However, let me also assure you, and I've worked very
8 closely with the unions on this; the unions who are involved
9 with those types of projects, and I know the head of the
10 AFLCIO (ph) in this state very well are very concerned about
11 that issue, and do what they can do to ensure that local
12 hire, Alaska hire does take place. They can do that through
13 project labor agreements with the contractor or the state
14 can require project labor agreements that require a certain
15 level of local employment, require perhaps that they be
16 union members, whatever it may be. So there is a -- I think
17 a real concern on the part of the administration with that
18 very issue you're talking about.

19 There is no real easy answer, but it's one that I know
20 this administration, the Department of Labor, and Governor
21 Knowles feels very strongly about. And we attempt to do
22 everything we can to address that.

23 Now, I know from the voices we heard in the back that
24 it's an ongoing problem. Right. We haven't solved that
25 problem either because there are those cases where project

1 in rural Alaska are built, and the workers are imported,
2 brought from elsewhere, and local villagers, local residents
3 of those communities do not get the employment. Clearly, I
4 think it's a priority of the administration to try to
5 overcome that problem.

6 COMMISSIONER CRUZ REYNOSO: Thank you.

7 COMMISSIONER PAULA HALEY: Vice Chairman Reynoso and
8 members of the committee, I don't often see that particular
9 case brought to us as you've described, but two examples
10 come to mind that touch on that. We had a situation where a
11 company did bring in a lot of what they referred to as their
12 skilled workers to a rural area for a building project. And
13 while there, they adopted a policy that they would only
14 allow overtime for the imported workers because they were
15 there, they were housing them, they didn't have anything
16 else to do. Well, that policy had an impact on all of the
17 local workers, and there were, in fact, in this project,
18 local workers. And we found that that policy was
19 discriminatory against the local workers, who were
20 predominantly Alaska Native. And we were able to get relief
21 for the people who were harmed by that policy.

22 Other examples have been where a group comes in and
23 they have posted for some local hire, perhaps not enough.
24 And I think that is a Department of Labor and perhaps a lot
25 of these monies are federal monies, and there may be other

1 issues involved. But we'll say, oh, nobody signed up or we
2 didn't have enough applicants. And we've had a situation
3 where the list has mysteriously disappeared, the sign-up
4 list. And they decided they were going to tap outside the
5 village. And we found evidence of discrimination because of
6 the conflicting testimony and settled that case as well.

7 So those are two that come to mind that can touch on
8 that, but may not address your question head-on.

9 COMMISSIONER DAVID LEVY: And just in brief, similar to
10 Ms. Haley's comments, I would point out that the Anchorage
11 Equal Rights Commission, our jurisdiction strictly is within
12 the city of Anchorage, so activities outside would not be
13 pertinent. But however, we've had a number of inquiries
14 around local hire issues here on different projects in terms
15 of discrimination issues, and nothing jumps out at me in
16 terms of actual investigations. But in some cases, we have
17 referred those over to the EEO office of the municipality to
18 investigate.

19 COMMISSIONER CRUZ REYNOSO: I preceded my question by
20 indicating that I understood it was complicated one with
21 different areas of law and administrative law involved. But
22 sometimes it's those knotted questions that need to be
23 unknotted, so that we can end up distributing the economic
24 wealth of the state more evenly among all of the ethnic and
25 geographic groups. So thank you very much. Thank you, Mr.

1 Chairman.

2 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Well,
3 that's a surprise. Thank you very much. I really
4 appreciate the panel's information, and everything that they
5 brought forward to us. Sorry we ran out of time on you.
6 But we want to thank you anyways.

7 THE PANEL: Thank you very much.

8 (Open Session Begins)

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P R O C E E D I N G S

Alaska Advisory Committee
to the U.S. Commission on Civil Rights
Friday, August 24, 2001

OPEN SESSION

CHAIRPERSON GILBERT GUTIERREZ: Okay. Open session.

Okay. We're again a little behind schedule. And as you all know with the airplane situation and having to travel between cities here, we're all from different cities, some of us will have to leave to go catch planes.

But we're going to open the open session. And we do have some ground rules. The individuals who wish to speak in Open Session must fill out the appropriate form and be interviewed in advance by the Commission staff. You'll find one of the Commission staff in the back. Due to the number of persons desiring time to speak, there's got to be limits again, and they'll be strictly enforced. We have something like 32 people. So at three minutes each, that will be 90 minutes. We're going to stick to three minutes per person. So we will be requesting you to summarize after two minutes.

You may submit additional written testimony and exhibits for the record today. What we're asking you to do is -- you probably already have something written or something in mind to say. If you want to expand on those thoughts, please submit them in writing. You'll be -- we'll

1 read them all, and they'll all go into the record.

2 And you can submit them to the Western Regional Office,
3 and they will provide you the address in the back, or you
4 can submit them here. You have 30 days to do that.

5 Please refrain from naming individuals in your
6 statement. You may speak about systemic discrimination and
7 mention the names of large institutions or agencies, but
8 avoid any statement that might identify a person or persons
9 who you believe have illegally discriminated. You may
10 identify victims. You may, however, be as specific as you
11 wish in your written submission. That's why they are so
12 important.

13 And there's one last item here. For the record, we
14 note that the representative of the office of Contract
15 Compliance Programs or the U.S. Department of Labor has not
16 appeared for our session.

17 Okay. So we will start with naming five people here,
18 and each of you will have three minutes. And the first one
19 will be Teresa Obermeyer, Elizabeth Koutchak, Michael Jaasi,
20 Barbara Williams, and Lara Waldon.

21 Just put them at the edge, and staff will pass them
22 out. Ms. Obermeyer, could you just give it to the staff
23 person, and she'll pass them out?

24 If you have any materials to pass out, please give them
25 to a staff member. We don't have that much time to wait for

1 people to sit down and start speaking. So if you bring them
2 up or provide them to the staff before the session or put
3 them at the end of the table, then they will pick them up
4 and we will continue. Thank you. Go ahead, Ms. Teresa
5 Obermeyer.

6 TERESA OBERMEYER: Yes. Thank you for hearing me, Mr.
7 Gutierrez, and good afternoon. Ladies and gentlemen, I am
8 an American. I look out at all these wonderful people and
9 can we realize that we live in a 42 year old frontier where
10 we live in the only state in the United States that does not
11 have a law school.

12 Now that motivates me, and ladies and gentlemen, I have
13 lived a life in this community for almost 25 years, just to
14 let the Vice-Chairman of the U.S. Civil Rights Commission
15 know; when I walk into a room, Mr. Vice-Chairman, I am
16 better known than anyone in the State of Alaska, and I
17 haven't chosen any of this. But because I love my country
18 and I love my state, I have been willing to put myself
19 through what has gone on.

20 The books that I bring with me are, first of all, my
21 husband, Thomas S. Obermeyer's lead case in the summary of
22 American Law that goes to every testing and licensing issue
23 in our great nation. And it's right here, and I'd loan you
24 the book, but it is in every law library in the United
25 States. It is probably in 85 percent of the private losses

1 of this nation, and read in law schools widely.

2 Then I bring with me this little book. And of course,
3 my husband and I have been listed in this ourselves. My
4 husband has an ad on page 9, and then I have two listings.
5 My listings are in the alternative dispute resolution
6 section and the expert witness section under this, J for
7 jurisprudence. And you see, I'd like simply -- and I know I
8 have a very brief time, and then I commend all these
9 wonderful people that believe in our great nation.

10 And you see, I know our nation is built on individual
11 responsibility. And I do believe that I have tried to be
12 individually responsible and accountable. But I can't do it
13 alone. I need all of you people to help me. And I simply
14 know that when there is not even fair law licensing, and
15 when justices on the Alaska Supreme Court come before you,
16 when they haven't helped, they are not fair minded, and if
17 you will allow me, Mr. Vice-Chairman, that transcript that I
18 gave you is the best summary, that is the essence of the
19 fact that our bench and BAR are only a bunch of politicians.

20

21 There's no justice where I live, and I really hope
22 that.....

23 CHAIRPERSON GILBERT GUTIERREZ: One minute.

24 MS. TERESA OBERMEYER:that you will hear these
25 people, because they are so desperate. They need your

1 information and your assistance. They can't deal with this
2 because there's nothing fair among our bench and bar. So I
3 really didn't have anything else to add, except if you would
4 like me to answer questions, I would be more than pleased
5 to.

6 Did any of the panelists have a question of me?

7 CHAIRPERSON GILBERT GUTIERREZ: Not at the time.

8 MS. TERESA OBERMEYER: And thank you for hearing me.

9 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Could you
10 state your name and spell it?

11 MR. MICHAEL JAASI: My name is Jaasi, J-a-a-s-i.

12 CHAIRPERSON GILBERT GUTIERREZ: Hold it close.

13 MR. MICHAEL JAASI: Jaasi. Well, I'm here to -- I'm
14 very glad that you're here, in fact, I was pleased because I
15 felt like I was dying alone all this time. I am a citizen
16 of Uganda, and I'm African. I've lived in California. I
17 went to college at UCLA. In fact, I know one of the people
18 who is with you here in Alaska, who went to school with me
19 there.

20 What happened is I went to Alaska with a goal of
21 working towards bringing together the Natives of Alaska and
22 the Africans also. And Alaska is a state -- I saw Alaska
23 has no contact with much of Africa.

24 California has established a sister relationship with
25 African cities and all that, so I thought I could do that.

1 But anyway, when I went to a village called Barrow, and in
2 Barrow, I found that -- I was told it was a Native village,
3 but actually it's a White village. The Whites control the
4 school system. They control the police. And as such, I was
5 discriminated against terribly.

6 As soon as I arrived in Barrow, a principal -- I was
7 invited by a teacher to make a presentation. The principal
8 called us to tell me to have fingerprints. I was shocked,
9 just as a foreigner coming to a small village, the most
10 remote village in the world, as an African, to be asked for
11 fingerprints to make a class presentation. It shocked me.
12 I went ahead, I went to the school district, I asked them
13 what to do, the school district said they did not need
14 fingerprints to make a class presentation. They only need
15 the fingerprints only if I was going to be employed, which
16 made sense. I went ahead and put in applications for work.
17 While I was doing that, I was invited to the school by a
18 Native guy to go and have lunch. By coincidence, I was told
19 I could help with the photographer for three to four days
20 for children's picture day. While doing that, the principal
21 noticed me. The principal, among about eight people, I was
22 the only African and the only Black person in there. He saw
23 me the second time around and tell me that -- ask me if I
24 was a felon. I told him I was not a felon. He went ahead
25 and I ask him why he was calling me a felon. He said that a

1 teacher had told him that I told the teacher I was a felon,
2 which was completely made up.

3 CHAIRPERSON GILBERT GUTIERREZ: One minute left.

4 MR. MICHAEL JAASI: Okay. So anyhow, what I'm saying
5 is I sued in the federal court. Now, I appreciate what this
6 lady said. I found that in Alaska, the federal court, the
7 judges, from what this particular judge was very insensitive
8 to what happened to me in Barrow. Cops were sent to me to
9 tell me I should never be seen in the schools in Barrow for
10 no reason at all, except I'm African, and I look the way I
11 look, which is African. But to this White principal, I was
12 not somebody that they needed in Barrow. I was harassed.
13 The cops were sent to me until I finally left Barrow.

14 I worked in the -- I finally got a temporary job. On
15 the job, I was called a nigger. The mayor of Barrow, who is
16 White told me that maybe if I had on cowboy boots and jeans
17 I would be accepted better in Barrow. And so all these
18 things happen to me, I sued in court, and by the way, the
19 judge still dismissed my case. Now I'm appealing my case.
20 I feel this is an injustice, and I cannot believe that civil
21 rights is not working because of expensive lawyers, lawyers
22 that will not allow people like us to win a case, and the
23 judges that go along with this kind of people.

24 CHAIRPERSON GILBERT GUTIERREZ: Thank you. You could
25 provide the staff a brief of your case, and we'll take it

1 from there.

2 CHAIRPERSON GILBERT GUTIERREZ: Yes, of court. And
3 also, I would like to Mr. Mitchel Schapira, I have contacted
4 him, he saw (indiscernible) within the decision of the
5 judge. He also said he would maybe talk to you about it. I
6 think he will.

7 CHAIRPERSON GILBERT GUTIERREZ: Thank you.

8 MR. MITCHEL SCHAPIRA: I will say I'm familiar with
9 that case, and I'll be able to provide some information to
10 staff to fill out his testimony. Thank you very much for
11 coming today.

12 MR. MICHAEL JAASI: Thank you.

13 MS. ELIZABETH KOUTCHAK: Good afternoon. My name is
14 Elizabeth K-o-u-t-c-h-a-k. I'm involved in a high profile
15 case that's known throughout the state. This case right
16 here. I sustained 13 injuries from this man. I have a
17 medical summary right here. And this is what I looked like
18 25 days before I was brutally attacked, assaulted. I was
19 kidnaped. I highly commend the Anchorage Police Department
20 and the detective that worked my case. He did it a very
21 well and fine job. The medical personnel, everybody I've
22 made contact with have been supportive; complete strangers.
23 But one person. That one person is the prosecutor on my
24 case, assigned.

25 Here is yesterday's newspaper. A man is charged with

1 assault after threatening a 10 year old girl and a
2 grandmother on an airline flight. I've been assaulted.
3 I've sustained 13 injuries, and the prosecutor in charge of
4 my case is trying to plea out and drop that felony assault.
5 I was kidnaped. I was brutally assaulted. I was raped and
6 sodomized and left for dead on the hillside. That hurts.
7 All I want is fair and complete justice. I am not getting
8 fair justice from this prosecutor. He took an oath in
9 office to swear to give his best of faith. I am not
10 receiving 100 percent of it. Everybody else has given me
11 positive feedback and input. But basically, I feel like I
12 stand alone on this trail. I'm walking this path. But I do
13 have supporters on both sides of my path in front as well
14 behind. I had people calling me from across the state as
15 well as far away as Florida, how are you doing? What's
16 going on with your case? Why isn't he prosecuted yet? I'm
17 not receiving fair prosecution. Why? I don't know. I
18 don't understand that. And I would like to have that
19 answered. I just want fair prosecution against this man
20 that harmed me and four other victims.

21 CHAIRPERSON GILBERT GUTIERREZ: Thank you.

22 MS. ELIZABETH KOUTCHAR: This is a big issue for me,
23 and it's not just for me. It's everybody else that's been
24 involved in it and has had contact with me.

25 CHAIRPERSON GILBERT GUTIERREZ: Could you please

1 provide that information to the staff in the back?

2 MS. ELIZABETH KOUTCHAR: Yes.

3 CHAIRPERSON GILBERT GUTIERREZ: And I'm sure they'll
4 follow up. Thank you.

5 MS. ELIZABETH KOUTCHAR: Thank you.

6 MR. DANIEL ALEX: Mr. Chairman? Could we ask questions
7 as they go or.....

8 CHAIRPERSON GILBERT GUTIERREZ: We're going to have to
9 wait. We just don't have time. We've got 90 minutes of
10 people. Go ahead.

11 MS. LAURA WALDON: My name is Laura Waldon, and I
12 understand why each and every person has come to this table,
13 at least from the community. I deal with these people on a
14 daily basis. Seven days a week, 24 hours a day I am
15 available to them.

16 We are not receiving due process from the justice
17 system or from any other system. The package that came to
18 you in green is from inmates and people who have been
19 subjected to some real harsh racism within our DOC system
20 here. And for the chief of police to stand up and tell me
21 today that their police officers are allowed to lie and they
22 are immune from prosecution, tells me we got a very poor
23 system working.

24 I wanted to do this because these people were not able
25 to present this in person. And you also will have the

1 letter that tells you of my services that I provide to this
2 community. And I'm not going to read this because you can
3 take your time and read it, because there is things that
4 need to be said that is not being said.

5 First of all, our state agencies are not working.
6 They're not working for the people. It is working for the
7 upper system. The pocket -- what is in Anchorage is money
8 and politics. We are the instrument that provides our upper
9 class people monies. And we suffer. Housing, food,
10 electric, because we're discrimination more or less in the
11 state of Alaska by finances. If you don't fit into a
12 certain financial category, you're nothing. And further,
13 when you read this letter.....

14 CHAIRPERSON GILBERT GUTIERREZ: One more minute.

15 MS. LAURA WALDON: When you read this letter, this will
16 sustain the fact that we all are being subjected to racism,
17 even through the medical care system here. Our medical
18 care, mental health care, is really, really discriminating
19 against people with no finances.

20 I hope that this is not a puppet trading commission
21 that is not going to take any action, or we're all wasting
22 our time coming in here.

23 CHAIRPERSON GILBERT GUTIERREZ: Please leave that
24 material over there with our staff.

25 MS. LAURA WALDON: You have that material in your hand

1 CHAIRPERSON GILBERT GUTIERREZ: Okay. Thank you. I
2 appreciate that.

3 MS. BARBARA WILLIAMS: Hi. Good afternoon.

4 CHAIRPERSON GILBERT GUTIERREZ: Good afternoon.

5 MS. BARBARA WILLIAMS: My name is Barbara Williams, and
6 I serve people throughout the state of Alaska. And I wanted
7 to share some of my observations with you as I serve people
8 of many diverse cultures, and from different places in our
9 state.

10 One of the things that I have noticed is that there is
11 little information for the average person to educate
12 themselves on racial profiling, employment, discrimination,
13 and civil rights. We do have agencies that oversee these
14 areas, but they are very bureaucratic in nature, and not
15 usually friendly to the public at large.

16 There are little or no services to assist the people
17 who are physically or mentally challenged. As far as I
18 know, I provide a special program that assists workers that
19 are mentally and physically disabled by providing
20 guardianship and services for them to receive medical and
21 indemnity benefits due to them and their families.

22 We should see that tolerance and information should be
23 made available to persons assisting these types of persons,
24 and family members who assist these people.

25 I have also personally witnessed open racial profiling

1 in many public places, and in state and federal agencies.
2 have an example for you. I assisted some Native workers in
3 their quest for justice. We have racial, sexual,
4 employment, civil rights, and more issues for the people in
5 this group.

6 We went to speak at AFN in the office to some of the
7 staff there. The first thing that -- when we arrived there
8 is I could not possibly understand these people, as I am
9 White. I have a clue, and I have assisted many people of
10 all cultures and all races in preparing and presenting their
11 cases. I do this work for free. I don't charge anybody
12 for any services that we provide for them.

13 Second, there was only one man in the group, and he
14 showed up late. Why were all these women complaining? I
15 hope that staff member takes us in as a person who is
16 supposed to be a leader and not openly discriminating,
17 either. You know who you are, spoken or not, we are aware
18 of our actions. They impact everyone around us. I see
19 contracts for workers.....

20 CHAIRPERSON GILBERT GUTIERREZ: One minute.

21 MS. BARBARA WILLIAMS: I'm sorry?

22 CHAIRPERSON GILBERT GUTIERREZ: One minute.

23 MS. BARBARA WILLIAMS: I see contracts for workers on a
24 regular basis. In these contracts, people are being asked
25 to forfeit many rights, such as employment, civil rights,

1 human rights, EEOC, race, sex, religion, and more.

2 If workers have to forfeit the right to have a remedy,
3 then there should be some investigation to protect and
4 oversee fairness for all the parties. They have little or
5 no access to legal assistance. Education in these areas
6 should be made available to everyone.

7 The biggest discrimination practice is financial
8 racism. If you're poor, you are a much easier target.
9 Tolerance and information need to be made available in the
10 education system starting in pre-school.

11 Non-profit organizations should receive funds, as they
12 have and are assisting and educating in needed assistance
13 for some time. We also need an impartial committee to
14 oversee the agencies that are in charge. The laws have to
15 be monitored, and the people in charge of administering
16 should be held to a higher standard than we currently have.

17 It is sad but true, but workers put more in time and
18 effort than in understanding the laws. But we need to
19 see.....

20 CHAIRPERSON GILBERT GUTIERREZ: Please summarize.

21 MS. BARBARA WILLIAMS: Okay. Well, you can read the
22 rest of this yourself.

23 CHAIRPERSON GILBERT GUTIERREZ: Please.

24 MS. BARBARA WILLIAMS: Basically, this seems very
25 horrific, but this exists everyday in this state. There are

1 many people crying here for help, and we need to assist them
2 instead of sitting around in audiences talking about our
3 problems, we need to find solutions and fund the people that
4 are actually out there in the community assisting these
5 people in their quest for justice and equality.

6 CHAIRPERSON GILBERT GUTIERREZ: Thank you.

7 MS. BARBARA WILLIAMS: Thank you very much for your
8 time.

9 (Chair switches to Ms. Thelma Buchholdt)

10 CHAIRPERSON THELMA BUCHHOLDT: Gil has to fly to
11 Valdez, so I'm Thelma Buchholdt. I will be presiding for
12 the remainder of this hearing. I would like to have the
13 following individuals come forward, please. Flora Soloman,
14 Ward Sattler. Are they here? Susan Churchill and Jim
15 LaBelle. And those who are going to testify together
16 please, you don't have six minutes, you only have three
17 between the two of you. Luki Dobson, and Judith Lewis
18 Alanga. Are they all here?

19 MR. DANIEL ALEX: I have a.....

20 CHAIRPERSON THELMA BUCHHOLDT: I beg your pardon? Yes?

21 MS. FLORA SOLOMON: My name is Flora Soloman.

22 MR. DANIEL ALEX: I have a question that I want to try
23 to.....

24 CHAIRPERSON THELMA BUCHHOLDT: Okay. Go ahead.

25 MR. DANIEL ALEX: From the individual discussions I've

1 had, I think that a lot of people are here because they've
2 reached a dead-end and frustration in dealing with
3 discrimination that they've experienced. And I wanted to
4 see if there was a show of hands of those people that have
5 been discriminated against and have reached a frustration
6 point and are here because we're listening.

7 (Show of hands from audience)

8 MR. DANIEL ALEX: Thank you.

9 CHAIRPERSON THELMA BUCHHOLDT: Okay. Thank you.

10 MR. MITCHEL SCHAPIRA: Madam Chairperson?

11 CHAIRPERSON THELMA BUCHHOLDT: Yes?

12 MR. MITCHEL SCHAPIRA: Could you just ask the speakers,
13 beyond identifying themselves, to identify their
14 association?

15 CHAIRPERSON THELMA BUCHHOLDT: Okay. Or individuals.
16 Okay. All right. You heard Mitch, he would like you to not
17 just mention your name, but also your organization, if any.
18 If not, if you are here on your own self, say so also.

19 MS. FLORA SOLOMON: My name is Flora Soloman.

20 CHAIRPERSON THELMA BUCHHOLDT: No, Ward Sattler. Ward.

21 MR. WARD SATTLER: My name is Ward Sattler. I'm a
22 school teacher.

23 MS. FLORA SOLOMON: Excuse me. I was first.

24 CHAIRPERSON THELMA BUCHHOLDT: Oh, it's Flora.

25 MS. FLORA SOLOMON: My name is Flora Soloman. I'm

1 representing myself. The very -- I'd like to skip to the
2 second page. It's in regard to healthcare for Alaska
3 Natives, July 1999, my sister -- or exactly -- excuse me, in
4 1990, my sister went to the Native hospital in Barrow to
5 seek medical assistance. The doctor at that time was paged
6 twice by the medical staff to provide help for my sister.

7 Due to pure negligence of the doctor's part, my sister
8 died 17 days later, July 26, 1998. Had she lived, she would
9 have been brain dead. The doctor stated, I will not treat
10 another drunken Native. Then she was -- and then she died
11 later. She was left in the waiting room for 45 minutes.
12 Excuse me. It was -- they, the Native Hospital lost the
13 records. They are missing records. My mother is trying to
14 get the medical records from Barrow Hospital, but she is not
15 able to get the records. And then when they found her, she
16 was black and blue in the face. And to date, my mother is
17 trying to resolve what the Native Hospital did. And that is
18 mistreating a person because of negligence, for the medical
19 people are supposed to help us.

20 The second one is discrimination in the work place.
21 Under U.S. Code Title 43, Public Lands, Chapter 33, Alaska
22 Native Claims Settlement Act, I am a shareholder of a
23 village corporation based in Barrow. Attached is a
24 corporate mission stating to optimize profit for the growth
25 of our corporation in the socio-economic benefit of our

1 shareholders. There's also a copy of this Title 34.

2 There are -- UIC has subsidiaries which are listed
3 there. But during my eight years of employment with a
4 subsidiary, UIC Construction discrimination in the
5 Workplace, run by management, Caucasian was prevalent.

6 Examples of discrimination was management was not
7 consistent with individuals calling in. The general
8 managers supervised six individuals, all but two were
9 expected to call in. Family Medical Leave Act, I had just
10 returned to work June 13th from my death of my uncle. I
11 gave notice to my supervisor, the general manager, and two
12 days after returning to work, UIC ceased my employment. At
13 the same time, a Caucasian co-worker under the same
14 supervisor was given unlimited time away from her ailing
15 father, and is still employed with this company.

16 CHAIRPERSON THELMA BUCHHOLDT: One minute.

17 MS. FLORA SOLOMON: The general manager gave me a 13
18 page resignation and general release, which basically signed
19 all my rights, and per the same person who drew it up was to
20 buy me out. Buy me out of my own Native corporation as a
21 right to seek employment.

22 I would like to -- I sought assistance from some of the
23 panelists here, Alaska Federal of Natives, and Alaska Native
24 Justice Center, and also numerous employment lawyers. This
25 information has been forwarded to both UIC and UIC

1 Construction board members, and no action has been done to
2 help the shareholders of this corporation.

3 Evaluations were not done. They said I did an
4 unsatisfactory work. My prior general manager before 1999,
5 I was evaluated on a yearly basis. This new project
6 manager, general manager came in, since 1998 he never gave
7 me an evaluation. He said my work was unsatisfactory. How
8 can he tell me that my work was unsatisfactory if he didn't
9 give me an evaluation.

10 CHAIRPERSON THELMA BUCHHOLDT: Thank you very much, Ms.
11 Soloman. If you have any written testimony, please provide
12 it to the staff.

13 MS. FLORA SOLOMON: It is with you.

14 CHAIRPERSON THELMA BUCHHOLDT: Okay. Thank you.

15 MS. FLORA SOLOMON: Thank you very much.

16 CHAIRPERSON THELMA BUCHHOLDT: Mr. Sattler.

17 MR. WARD SATTLER: Yes. My name is Ward Sattler. I'm
18 a teacher by profession, a flight instructor. I'm impelled
19 to come before you today because of the activities of a
20 group called the National Alliance.

21 And in particular, one of their brochures that they put
22 out, the brochure is a fear-mongering pamphlet, which
23 appeals to fear of AIDS, and attributes AIDS to minorities.
24 There have been comments made recently to the effect that
25 this groups activities are new.

1 In 1991, the Anchorage Daily News reported that 12
2 Alaskans had donated money to the political campaign of
3 David Duke. David Duke is a White Supremacist.

4 CHAIRPERSON THELMA BUCHHOLDT: Excuse me. We are not
5 supposed to name names.

6 MR. WARD SATTLER: Well, I'm sorry. He's a well-known
7 public figure.

8 CHAIRPERSON THELMA BUCHHOLDT: Well, even so.

9 MR. WARD SATTLER: Yes. At any rate, he wrote a book
10 called, "My Awakening". And in that book he says:

11 "Social integration of the races accompanied by
12 aggressive media promotion of race-mixing has produced
13 higher rates of racial intermarriage, further
14 diminishing White numbers and lessening White
15 allegiance in those families. The inescapable fact is
16 that unless there is a dramatic awakening of our
17 people, and I quote, and I emphasize, a dedicated and
18 well-organized resistance, our race faces a true
19 biological waterloo."

20 Now, that's this gentleman's statement. Twelve people
21 in Alaska contributed money to his campaign. One of them
22 was quoted in the Anchorage Daily News when he was contacted
23 by a reporter as saying:

24 "Oh, I think what makes him really have this appeal is
25 you have nobody else saying these things. For him to

1 come out and spout these things, hey, it's what's been
2 in a lot of peoples' hearts for a long time."

3 Now, I ask you a rhetorical question -- two. The first
4 rhetorical question is, are these people crackpots or are
5 they really dangerous?

6 The second question is, do they have allies? And I'll
7 tell you the answer. They do have allies; in our state
8 government, in our courts, and through our institutions.
9 Here are quotes from court depositions, the court cases in
10 federal district court in Alaska at the present time.

11 "You told these people, you heard the teacher's aide
12 was HIV positive? That's correct. I believe I told
13 them I was told this by a traveling health care worker.
14 And you talked to another teacher about this? Oh,
15 yeah, she's a confidante of mine. And you called the
16 principal and the head teacher? Oh, yes. And there
17 were other people there at the in-service. It was all
18 the teachers from the district that were in
19 attendance."

20 And she goes on:

21 "How about the social worker? Oh, yes, I initiated the
22 conversation with the social worker about HIV. Do you
23 recall exactly what it was you told the social worker?
24 Oh, I don't remember exactly, just, I heard this, and
25 you needed this information."

1 CHAIRPERSON THELMA BUCHHOLDT: Thank you, Mr. Sattler.
2 You may submit your testimony to -- if you don't have it.
3 Do you have it?

4 MR. MICHAEL WALLERI: No. Just a quick question. Do
5 you have copies of the pamphlet?

6 MR. WARD SATTLER: I actually do. I've made
7 arrangements to submit them to Mr. Pilla.

8 MR. MICHAEL WALLERI: And if you could give a give a
9 copy of the transcript, they'll make copies.

10 MR. WARD SATTLER: Thank you. And I would like to add
11 one more comment as I leave. The woman, the teacher's aide
12 lost her daughter to this social worker and a state trooper.
13 It took her two years to get the daughter back. And then
14 she found out that every person in the court case, in the
15 court, and her child need of aid case, knew about the AIDS
16 allegation; she did not.

17 CHAIRPERSON THELMA BUCHHOLDT: Thank you very much Mr.
18 Sattler.

19 MR. MITCHEL SCHAPIRA: Ms. Buchholdt?

20 CHAIRPERSON THELMA BUCHHOLDT: Yes?

21 MR. MITCHEL SCHAPIRA: Could I just respond briefly?
22 One minute to what was just said?

23 CHAIRPERSON THELMA BUCHHOLDT: All right.

24 MR. MITCHEL SCHAPIRA: Sir?

25 CHAIRPERSON THELMA BUCHHOLDT: Mr. Sattler?

1 MR. MITCHEL SCHAPIRA: I just wanted to respond to your
2 question about are these people crackpots and are they to be
3 taken seriously, and assure you that the FBI, Anchorage
4 Police and the United States Civil Rights Commission regard
5 these people very seriously, and not merely as crackpots.
6 The leaflets that were distributed were first distributed in
7 the neighborhood where a Jewish ritual building was under
8 construction and where the town -- at that time, the town's
9 only Rabbi lived.

10 And when those leaflets were received or deposited,
11 they were examined. And it turns out that it's not just 12
12 people; these were professionally produced with obvious
13 assistance from the outside. And some sorts of National
14 Alliance, Neo-Nazi leafleting is intended to recruit people,
15 and other types are intended to intimidate ethnic
16 minorities. And at least the conclusion of one analyst was
17 that these were definitely designed to intimidate.

18 And you may be unaware of this, but the panel received
19 a handout about this leafleting before you got here. And so
20 I just want to assure you that this is an issue that's well-
21 framed in our mind.

22 MR. WARD SATTLER: Thank you. I did not mention that
23 the teacher who started this HIV/AIDS rumor was the wife of
24 the man who contributed money to David Duke. And I wonder
25 why she's teaching in rural Alaska.

1 CHAIRPERSON THELMA BUCHHOLDT: All right. Well, we'll
2 delete those in the record.

3 MR. MITCHEL SCHAPIRA: Thank you very much.

4 CHAIRPERSON THELMA BUCHHOLDT: Okay. Ms. Churchill.

5 UNIDENTIFIED VOICE: Well, (indiscernible - away from
6 microphone).

7 CHAIRPERSON THELMA BUCHHOLDT: I'm sorry, but we did
8 agree that -- in our rules.

9 UNIDENTIFIED VOICE: It's all over the world.

10 CHAIRPERSON THELMA BUCHHOLDT: Go ahead.

11 MS. SUSAN CHURCHILL: Okay, Jim.

12 MR. JIM LABELLE: Thanks for inviting us, or allowing
13 us to participate with this panel. My name is Jim LaBelle.
14 I'm an Inupiaq. I have grown up in Alaska all my life. I
15 have recently been a part of a recent administration which
16 really opened my eyes to some of the institutional racism
17 that goes on in our state government, which I will enumerate
18 in written form.

19 But the reason I'm here is more to talk about an
20 organization here in Anchorage called Ridge Builders. And
21 it's a community organization made up of many, many
22 different cultural groups, and the objective is to create
23 harmony and understanding and respect for one another's
24 culture, create and fork ways.

25 Although it may have been somewhat altruistic in the

1 beginning, it has begun to evolve as a very well-known
2 community organization that is taking a hard look at things
3 such as racism in our community.

4 And as it evolves, we're being asked to take more
5 responsibility for some of these things that go on in our
6 community and to be advocates for minority groups and people
7 from all over the world that's coming to Anchorage and
8 living.

9 And with that, I'd like to turn the rest of my time to
10 Susan Churchill, who is our executive Director.

11 MS. SUSAN CHURCHILL: Thank you, Jim. My name is Susan
12 Churchill, and I am the executive director of Bridge
13 Builders. And Bridge Builders is an organization that was
14 formed in 1996. And in the six years we've been involved
15 with the mission of Bridge Builders, we've started to gain,
16 as Jim said, some momentum and respect.

17 We have over 1,500 members who have been involved in
18 our membership.

19 CHAIRPERSON THELMA BUCHHOLDT: One minute.

20 MS. SUSAN CHURCHILL: We represent 53 different
21 countries. And basically what we're doing is trying to
22 emphasize the positive elements of what diversity can bring
23 to this community. The diversity brings, you know, new
24 approaches from different people about how to approach
25 problems and how to solve them. And our approach is very

1 simple. It's on a one-to-one grass roots level where we're
2 changing people's attitudes one at a time.

3 Racism is a monumental problem, and it won't be solved
4 overnight. It won't be solved with one particular solution.
5 But as Confucius says, a journey of 1,000 steps begins with
6 one. And Bridge Builders is one step toward trying to
7 eliminate racism in this community. And we'd like to offer
8 this as a model for other cities. And the overall goal of
9 Bridge Builders is to become the first city without
10 prejudice. Thank you.

11 CHAIRPERSON THELMA BUCHHOLDT: Thank you very much.

12 MS. SUSAN CHURCHILL: We can pass these out too?

13 CHAIRPERSON THELMA BUCHHOLDT: Staff can pass it on.
14 Ms. Dobson. Ms. Lewis, Judith Lewis-Alanga, Ella Anagie
15 (ph). Is Ella here?

16 UNIDENTIFIED VOICE: No.

17 CHAIRPERSON THELMA BUCHHOLDT: Susan Trapp, Karla
18 Nusungunya, June Degnan. Do we have enough chairs there?
19 June, you might grab an extra chair there. Ms. Dobson, you
20 can start.

21 MS. LUKI DOBSON: Okay. Commissioner Buchholdt, and
22 the members of the Commission, I thank you for this
23 opportunity to be a voice for a population, men, women that
24 are incarcerated. My name is Luki Dobson. I'm with the
25 North Slope Borough. And we have a prison outreach program

1 that we developed in 1987, and I've been doing this for
2 about 11 years. But I like to -- there's so much to cover
3 here, and there's so many concerns. But I think Mr. LaBelle
4 touched on the issue of working for an agency with the state
5 that -- where there's so much prejudice and racism and no
6 fair justice in so many ways, especially for the Native
7 people that are from remote areas.

8 And I've been able to develop a program where I am a
9 liaison for the North Slope Borough residents, was really
10 the main focus that we had when we developed this program,
11 and it was okayed and adopted by the Mayor's Office. Mayor
12 Umalak (ph) is to be commended for this effort.

13 But I stand before you, and I can really sense the
14 frustrations of the people that came before me. And this is
15 the same thing that happens with the work that we do. But I
16 think we've made some monumental moves here. But I think
17 there's much more to be done, and I sit before you to say
18 this, that there has got to be community responsibility.

19 And the population that we're speaking of can't be
20 forgotten. These people are going to return into our
21 communities. That was the whole concept of really putting
22 the proposal together. And so I have a program where I have
23 a written proposal that I'll give to Thelma. Then you can
24 make copies of that. And I think it's something that really
25 can help as far as regionally with a regional corporations

1 and communities in the rural areas to work with. And I can
2 be available for that. But we need help. And I think we
3 can do it.

4 And the theory here has to be -- and the emphasis has
5 to be community responsibility. The state Department of
6 Corrections or any of them can't do it alone. We have to do
7 it. Thank you very much.

8 CHAIRPERSON THELMA BUCHHOLDT: Thank you, Ms. Dobson.
9 Next.

10 MS. LEWIS-ALANGA: My name is Judith Lewis-Alanga (ph).
11 I was born in Alaska, and I was raised here. I've been here
12 over 55 years. And I was raised out in a village. My
13 parents owned a lodge out there. I was -- I didn't even
14 know I was different than a Native because I went to their
15 school and I was the only White child.

16 And I say this because I want to switch right now and
17 tell you that my husband is in Spring Creek Correctional,
18 and he's been there for 28 years this year. It's unjust
19 that they should keep him so long. There's been word said
20 that he'll never get out. I feel that the Board right now
21 will not even allow us to come up before the parole, yet the
22 judge gave him every right to be paroled. And so I don't
23 know what to do. I'm frustrated. I love my husband. He
24 has three degrees. He has gone on and he has a degree in
25 Accounting. He's going on to be a CPA. He's been doing

1 this all the time while he's in prison. He also has a
2 Bachelor's Degree in Political Science. He also has a
3 degree in Computers. Right now presently, he works for the
4 Department of Correction in the computer and as a bookkeeper
5 and accountant for Spring Creek Correctional. I say all
6 this because I want you to know that when the person is in a
7 village, it's a different lifestyle. I've lived it. I had
8 a hard time. Coming from the village and going to college,
9 and it was a real difficult time in my life. I would say
10 probably the worst in my whole life because it was such an
11 adjustment. I never knew what a streetlight was or even how
12 to go walk one block and read the signs. I didn't know that
13 because I was never taught.

14 But I want to say this; that subsistence fishing and
15 the subsistence way of life is totally different than city.
16 We need to get behind the people and pass this for them.
17 Their survival, that's what they lived on. And I'm also
18 wanting to tell you this; that because of their way of life
19 and the way their structure is, you can't put city rules to
20 a Native person, yet that's what they do. The psychological
21 evaluation for my husband is all for Caucasian. And even
22 Bruno Capus (ph), who just went and evaluated him said he is
23 not a harm to society, he is not a harm to himself, and he
24 should be released. But I can't even get before the parole
25 board.

1 I want to ask you this; are you the same person that
2 you were when you were 19 years old? I don't think so. My
3 husband has changed. He's a Christian. He has been a
4 Christian for over 30 years, and so have I. Thank you for
5 hearing me.

6 CHAIRPERSON THELMA BUCHHOLDT: Thank you, Ms. Alanga.
7 Ella?

8 ELLA ANAGIE (ph): Excuse me. Honorable members of the
9 Panel, I am an Alaska Native female lawyer, and I've been
10 one of the first that was admitted to the Bar. I can only
11 speak, and I'm going to speak from my personal experiences
12 as an Alaska Native woman, and as an attorney with this Bar
13 that I thought to be very conservative here in Anchorage
14 anyway.

15 I've made in the past numerous applications for state
16 jobs in the legal sector. One of the past AG's, attorney
17 generals, told me he couldn't hire me because he just
18 couldn't hire someone like myself. I know that in Anchorage
19 at least in the DA's office, in the AG's office, in the
20 public defender agency, in OPA, in the Child in Need of Aid
21 Protection Proceedings, the social workers, the child
22 custody investigators, the court system, the judicial
23 officers, there are no Native professionals that I know of
24 that are employed in these positions.

25 And you know, you see the statistics, you know the

1 statistics. There's a 37 percent incarceration rate of
2 Alaska Natives or something like that. But I have not
3 encountered in my own experiences -- by the way, I'm in
4 private practice by choice. I have not encountered any
5 Native parole or probation officers, including a lot of
6 these other jobs. I know that an individual here was giving
7 all these statistics. But the truth of the matter is here
8 in Anchorage, we've actually gone backwards from 20 years
9 ago. Twenty years ago, a lot more of the jobs were
10 available in the city, the state, and probably because of
11 the huge divisions with the sovereignty issue, the
12 subsistence issue, there's been a backlash in urban
13 Anchorage, I think against Alaska Natives.

14 And this paintball incident, my experiences, you know,
15 when I've encountered racism, I mean it's a lot more
16 sophisticated and subtle. But I just want you to take note
17 of what we don't have here in the legal system. In the
18 system that deals with child custody, social workers.
19 These.....

20 CHAIRPERSON THELMA BUCHHOLDT: I have to interrupt you
21 because time is up. But I would request that you submit
22 your testimony.....

23 ELLA ANAGIE: That was three minutes?

24 CHAIRPERSON THELMA BUCHHOLDT: Yes.

25 ELLA ANAGIE: Okay.

1 CHAIRPERSON THELMA BUCHHOLDT: My timer, Mary Miller,
2 from Kotzebue.

3 ELLA ANAGIE: Okay. Well, I'll just sum it up then
4 because I was going to.....

5 CHAIRPERSON THELMA BUCHHOLDT: From Nome. There you
6 go, make mistakes here.

7 ELLA ANAGIE: I was going to go on, but this is just
8 something that needs to be addressed. It's just the
9 exclusion of Alaska Natives from that sector. I did want to
10 just make one more comment, and I'm glad we have someone
11 like Justice Favin (ph), Judge Andrews running the court
12 system because I have heard of other White female attorneys
13 who have had problems. And I just want to have the
14 Commission consider the need for more Native people in the
15 judiciary, in the law enforcement, the justice system. And
16 I'm just speaking from my own experiences. Thank you.

17 CHAIRPERSON THELMA BUCHHOLDT: Thank you. I neglected
18 to ask the speakers to spell their first name and last
19 names. So will you please do that in addition to telling us
20 your organization or if you are on your own here? Go ahead.

21 MS. SUSAN TRAPP: I'm Susan Trapp, S-u-s-a-n T-r-a-p-p.
22 I work for the Four A's, which is the Alaska AIDS Assistance
23 Association. I work in prevention. My target population is
24 the homeless. I was a homeless person for 15 years in this
25 state. Everyday I spend eight hours a day out on a bicycle

1 dealing with the homeless. We lose 30 people a year to
2 freezing to death in the streets of Anchorage, primarily
3 Alaska Natives and minorities.

4 It amazes me that we speak of hate crimes, yet we have
5 racially based law enforcement. And if you don't believe
6 this, go look at the jay walking tickets that exist in the
7 Municipality of Anchorage. Black males were targeted,
8 Native Alaskans were targeted. The only White people they
9 got jay-walking tickets at any given time was the
10 prostitutes or the homeless. No tourist has ever gotten a
11 jay-walking ticket in this state. I mean it's incredible.

12 There's a couple things I want to address too.
13 Somebody was saying about the permanent fund, that you have
14 to be a felon to lose that. Two misdemeanors, you lose your
15 permanent fund. Plus, Section 8 does not give any help to
16 the homeless because if they have misdemeanors, they are not
17 allowed, even though it's breaking the law. Some of the
18 paperwork before you is from the Disability Law Center, I'm
19 working with them. And it looks like maybe a class action
20 suit is in the making. And I hope it is.

21 The Alaska Natives that I deal with on the streets
22 that come from the villages and stuff, okay, we used to have
23 camps that were effective, that actually were very
24 functional like the ones behind ANS, okay. And I mean these
25 were -- these people are hunters and gatherers. They grew

1 up in fish camps, okay. But they began destroying the
2 camps, the police began cutting up the camps. And when I
3 asked the policeman why, he said the mayor had mandated that
4 they wanted this to happen. All it means is that we've got
5 disenfranchised people that are even more disenfranchised.

6 When the FBI man spoke about dealing with some of the
7 gang activity that goes on in this city, I have homeless
8 people that are beaten almost on a daily basis. What
9 happens is the teenagers hang out around the liquor stores,
10 and they wait until somebody raggedy goes in and buys a
11 bottle, and the homeless has to drink in a, of course,
12 remote area. And they literally stalk the homeless people.
13 They're not looking for money, even though they take that.
14 They're looking for the alcohol and the tobacco that they
15 could take off the homeless. Okay. I had a man in Taku
16 Park that that gang out there, they actually have a gun.
17 We're talking about kids between 13 and 16, okay. And what
18 can I say?

19 CHAIRPERSON THELMA BUCHHOLDT: Thank you very much.
20 That's all.

21 MS. SUSAN TRAPP: That's not.....

22 CHAIRPERSON THELMA BUCHHOLDT: Oh, you can go ahead.
23 Go ahead. She's not telling me.....

24 MS. SUSAN TRAPP: Anyway, for anybody that's having any
25 problem getting the mental health assistance, the Disability

1 Law Center has started becoming a lot more active. Get
2 a hold of them. You've got some stuff in front of you.
3 I've got to ride those papers around and literally take
4 affidavits from people in the streets. But I'm willing to
5 do that.

6 CHAIRPERSON THELMA BUCHHOLDT: Okay. Thank you very
7 much.

8 MS. SUSAN TRAPP: Thank you.

9 MS. KARLA NUSUNGUNYA: It's been pretty hard to sit
10 here for most of the day to watch the Municipality of
11 Anchorage, APD, Equal Rights, and those people, considering
12 that I've had to deal with them and got absolutely no where.
13 And basically illegal activity is rampant within the state
14 of Alaska, and targeted toward Native people. And I'm one
15 of those people. And it's been very hard and very
16 frustrating to continue to watch these people gain and use
17 my name as an avenue to acquire local state and federal
18 funding for my care in which I've been assaulted by two
19 security officers at ANS and was charged with two counts of
20 assault by the Municipality of Anchorage because the
21 security officers decided that I was a punching bag.

22 Well, I gave you the documents there, to AFN to forward
23 to you. I don't know if they gave them to you or not. But
24 it references a date on my medical chart of January 2000, in
25 which I was held down by two security officers and given a

1 spinal tap without my consent. And this is a continuing,
2 ongoing problem with Alaska Native Medical Center. All of
3 these things are supposed to be policy made, you know, with
4 these things. There's no policies. Nobody can give you a
5 policy, nobody can give you an answer. It's been six months
6 since I was beat up by those security officers at ANS and
7 still to date have not received an answer from ANS. They've
8 given me a general, you know, load of crap. I mean
9 basically that's what -- that's all I can say, is crap.

10 And with having to deal with local state and federal
11 agencies within the state of Alaska and getting nowhere with
12 them. You know, all of these people, what they're saying
13 here, it just blew my mind. It was like, okay, I'm not the
14 only one. Okay. I'm not crazy, you know. And I would urge
15 you to do this again, except leaving out all of the
16 municipality, all of the state of Alaska. You know, they've
17 said what they have to say. But there's a lot more people
18 in the state of Alaska that are victims of -- those same
19 people that talked to you today. And because we have no
20 where to go because everybody's covering up, shhh, don't say
21 anything, shut up, you know, hey, keep it down over there.
22 You will take your place in society as we tell you to do it
23 because you are nothing but a Native. And at no point in
24 time will you have rights as Alaska Native. And I guess,
25 you know, basically that's it. And I guess I'll forward

1 more documents towards you and get the address from them in
2 order to forward those documents which are relevant to all
3 of the incidents.....

4 CHAIRPERSON THELMA BUCHHOLDT: Thank you.

5 MS. KARLA NUSUNGUNYA:which happened to me.

6 CHAIRPERSON THELMA BUCHHOLDT: Thank you very much.

7 MS. KARLA NUSUNGUNYA: Thank you.

8 CHAIRPERSON THELMA BUCHHOLDT: June.

9 MS. JUNE DEGNAN: Good afternoon.

10 CHAIRPERSON THELMA BUCHHOLDT: Good afternoon.

11 MS. JUNE DEGNAN: And thank you for this opportunity to
12 speak. I'm June Degnan. It's J-u-n-e D-e-g-n-a-n. I
13 represent the Degnan family from Unalakleet and also from
14 Anchorage.

15 I'd like to state in summary, I follow the culture of
16 the Yup'ik. I'm also Jewish, which I am. Alaska Natives
17 make up 18 percent of the state's population. They are land
18 owners of at least one quarter of the state of Alaska.

19 It is for that reason all the hate, racism and
20 prejudice and discrimination impacts on them, and is live
21 and rampant, as we speak. Discrimination is a learned
22 behavior. Discrimination is still rampant and pervasive
23 throughout Alaska today. Racism began when the exotics came
24 to remove us, Alaska Natives from our homeland. Along with
25 the discrimination, prejudice and racism, comes the negative

1 issue such as unemployment and lack of success for everyone
2 who attempts to hold onto their Nativeness or spirituality.

3 Since the dawn of discovery, these negative issues
4 continue to impact on every Alaska Native whether they'd
5 like to admit to it or not. We can truthfully say Alaska
6 Natives have been suffering from a holocaust that continues
7 to present.

8 Our status can be one that is described as post-
9 traumatic stress syndrome. The state needs to move beyond
10 the hate and criminality that impacts on us as Alaska
11 Natives. There is a crying need for healing to begin
12 immediately. A change must come about to turn the tide on
13 all this hate. Unless this happens, racism, criminality,
14 and the lack of opportunity against Alaska Natives will
15 continue. It is time to break that discrimination that is
16 institutionalized statewide.

17 In order for all of us to survive successfully, we must
18 be healed. And that time for healing must begin now.

19 I am the daughter of Frank A. Degnan, the co-founder of
20 Alaska Federation of Natives, and the first Yup'ik elected
21 to the territorial legislature. Myself, as a former
22 teacher, who taught high school at the Anchorage School
23 District, at Service High School from 1991 to '94. I would
24 like to share my experiences I encountered as the lone
25 Alaska Native teacher at that school.

1 CHAIRPERSON THELMA BUCHHOLDT: One minute.

2 MS. JUNE DEGNAN: I got the job by forcing the school
3 district to hire qualified Alaska Natives. The Anchorage
4 School District habitually recruits teachers from Outside
5 because they do not respect us as Natives. It doesn't
6 matter how qualified you are. But as a Native, you get to
7 the end of the job line when it comes to employment.

8 It appears that persons in charge of hiring and
9 recruitment are so enamored with anyone who is not a
10 resident of our 49th state. They will do anything to hire
11 them before they hire an Alaska Native.

12 Once I got the position of teaching at Service High,
13 the fight for survival began. It was administration who
14 brought about all the pressure. There were five periods of
15 overcrowded classrooms, an overabundance of attention
16 deficit disorder students, and a hostile White Supremacist
17 Community. There was no peace to be found, and I would
18 never recommend anyone to enforce any affirmative action due
19 to the penalty it contains.

20 As a teacher, I was covered with a shroud of racism and
21 prejudice. I took the pain for four years, and it could be
22 best described as (indiscernible - lowers voice). No one
23 should ever encounter what I did.

24 I can say this because Anchorage to me is my South
25 Africa. It is a sad commentary to a beautiful state. This

1 is our home, and we must have the opportunity for equal
2 education, employment, and justice, just as any of the
3 exotics that flow into our state. This will only happen if
4 we work together to make some changes.

5 CHAIRPERSON THELMA BUCHHOLDT: Thank you very much,
6 June. And you can turn in your material and we can make
7 copies. I would like the following to come forward.
8 Apngluk Kiraiuak, is he here? Regina Manteusel (ph), Reggie
9 Joule, David Sam, Debra Deacon. Maybe we can have one more,
10 19. There's an extra seat to acquire there, so maybe I'll
11 ask Thomas Blackbird to come forward. You can start, Mr.
12 Apngluk Kiraiuak. And be sure you spell your first name and
13 last name. Tell us which organization you belong to, if
14 any.

15 MR. APNGLUK KIRAIUAK: Yeah. Thank you, Ms. Buchholdt
16 and the committee. My name is Apngluk Kiraiuak. I'm the
17 president of the Kozee (ph) Council of Elders, which is the
18 traditional Yup'ik Elder's Council from Bethel and Bristol
19 Bay area.

20 And my comments are not -- or my statements are not of
21 mine, but of their findings of the work that they've started
22 since 1986.

23 Those Alaska Natives that were assaulted represent a
24 long history of violations of Alaska Native indigenous
25 people who have experienced these things since the coming of

1 the Russians. It continues to take away our fundamental --
2 indigenous human fundamental rights, lands, resources, and
3 our way of life. And their actions were blessed by a
4 document called "Etsetine (ph) Papal Bulls of 1647", which
5 the Roman Catholic Pope signed. Which basically states that
6 indigenous people who were not Christians were not really
7 human beings, so therefore, people that are Christians can
8 kill them and take their lands away and their resources
9 away.

10 To further promote this kind of a thing, of this
11 genocide, like Canada, the churches created these
12 ecclesiastic penitentiaries where they sent their priests
13 and their nuns and their missionaries who abused or violated
14 their laws so that they would not have to prosecute them in
15 their hometown and show what kind of people that they have
16 within their organization. And these people turned around
17 and violated our young people, our children that were sent
18 -- taken away to these schools, disguised as schools.

19 The reason that we know this for a fact is one of the
20 -- a 72 year old man that talked to us said that seven --
21 him and six of his siblings were taken to this school, and
22 every one of them were violated by the people that were
23 there, and none of those people have ever been prosecuted.

24 And schools not only take away our children, but also
25 even today they take away our hopes by giving scholarships

1 to those White students, White principal students in the
2 villages. All of the scholarships, and not one to any of
3 the Native people in that village. And they justify it by
4 saying that they don't want their scholarships to be wasted.

5 And I'm trying to hurry. And also the Alaska state
6 violates a lot of their own Constitution, especially at
7 Article 12, Section 12. And legislation takes away monies
8 and funding programs when they start working in the
9 villages. Teachers are removed and reprimanded when they're
10 doing a good job in the villages because up until 1978, the
11 state education had this policy in their program where they
12 told the teachers that since Native students -- since the
13 Native communities have practiced a lot of incest, that
14 their students were not smart, and that they're not supposed
15 to be taught at a higher level. And then they also continue
16 to, even today, use their Native people.

17 CHAIRPERSON THELMA BUCHHOLDT: I'm sorry. Your time is
18 up, Mr. Kiraiuak.

19 MR. APNGLUK KIRAIUAK: Yeah. I'd like to close with
20 this, is that -- one other thing, is that the elders
21 emphasized in working with our communities is that the only
22 way to properly heal our people is to seek spiritual
23 healing, and this is not religious healing. It's spiritual
24 healing in the traditional way. And the elders that I work
25 with believe that's the only way to properly heal our people

1 from all these atrocities.

2 And there was a lot more, but I'll submit a document
3 for you.

4 CHAIRPERSON THELMA BUCHHOLDT: Okay. Written testimony
5 will be fine. Regina.

6 MS. REGINA MANTEUFEL: My name is Regina Manteufel,
7 M-a-n-t-e-u-f-e-l. I am with Paint Fairview Program, which
8 has been established for over eight years. I'm going to
9 talk about problems with housing and transitional housing.

10 In the city of Anchorage we have a problem with
11 community shared bathrooms that are not properly cleaned
12 like they should be. There should be a cleaning schedule of
13 when they're supposed to be cleaned. There's one building
14 in Fairview that has mold downstairs. Thank God that we now
15 have inspection, annual inspection by the fire department,
16 but we don't have required annual inspection that should be
17 random from the health department on what's going on.

18 We need to establish a work/trade mediator group to fix
19 up substandard housing. The persons behind our rent and
20 there's three empty rooms, why can't that person grab a \$7
21 gallon bucket of paint at liquidation sales and fix up those
22 other rooms that are run down.

23 That's what we need. And we need a mediator. We need
24 five people minimum to mediate this kind of stuff that's
25 going on. We need them full-time where we need the feds to

1 come in and really look at it to overhaul it because
2 presently it's not working.

3 What we have in Anchorage is not working. We have
4 crack late-night going on where you smell it in the
5 hallways. You know, people get out of jail and they get
6 money for a place to stay. And the cheapest place they can
7 afford is a rooming house or a cheap hotel.

8 Now, how are they supposed to get back on their feet if
9 they can't sleep at night because there's a party going on,
10 and these owners of these buildings are saying do not call
11 the police. There was one owner of a particular building
12 that said to the tenants, do not call the police. If you
13 call the police, I will kick you out.

14 Now, my place, I dress people so they can go to work,
15 but yet we have places that keep people on work permanent
16 part-time. People have worked at certain establishments in
17 the city, and they keep them on permanent part-time. So
18 they're stuck at near minimum wage, seven bucks an hour, for
19 example, one of them. I know a lady who had a lump growing
20 on her head, and they kept her there and kept her there and
21 kept her there and never paid her medical benefits. We have
22 a place.....

23 CHAIRPERSON THELMA BUCHHOLDT: Regina, I have to.....

24 MS. REGINA MANTEUFEL: Time limit?

25 CHAIRPERSON THELMA BUCHHOLDT: Yeah.

1 MS. REGINA MANTEUFEL: Yeah, I know.

2 CHAIRPERSON THELMA BUCHHOLDT: You can submit your
3 testimony.

4 MS. REGINA MANTEUFEL: I've actually already been
5 talking to the papers.

6 CHAIRPERSON THELMA BUCHHOLDT: Okay.

7 MS. REGINA MANTEUFEL: We have a lady.....

8 CHAIRPERSON THELMA BUCHHOLDT: No, no, no, to us, not
9 to the papers.....

10 MS. REGINA MANTEUFEL: Yeah.

11 CHAIRPERSON THELMA BUCHHOLDT:but to us. Okay.
12 Thank you. Okay. Representative Joule.

13 REPRESENTATIVE REGGIE JOULE: Good afternoon, good
14 evening. My name is Reggie Joule, R-e-g-g-i-e J-o-u-l-e. I
15 do serve in the House of Representatives, and I will submit
16 testimony in that capacity. But I'd like to take a little
17 journey through my eyes as an Alaska Native person.

18 In the last 150 years or however short our history in
19 Alaska, because it is a short span of time, really. Alaska
20 has been sold, bought and sold. It wasn't Russia's to sell;
21 and that's just that. Then in statehood, one Alaska Native
22 said in the Constitutional Convention:

23 "When you look at the state seal, there is absolutely
24 no reference to Alaska Natives, and when you read the
25 preamble to the State Constitution, it says thank you

1 to the pioneers of this great state."

2 I'm hoping that maybe Alaska Natives were pioneers, but
3 I don't think that's what people had in mind.

4 Then in 1971 we had the Land Claim Settlement Act where
5 our aboriginal hunting and fishing rights were extinguished.
6 And in 1980 in passage of ANILCA, in talking about
7 subsistence, it was taken away from Alaska Natives and put
8 into rural Alaska. We've reduced the issue of subsistence
9 merely to hunting and fishing. And also, where are we
10 today?

11 Today we face issues in education, economics,
12 employment, as you've heard, in corrections. And I guess
13 what I want to say is a couple of things. What I've
14 described is years of oppression. And as a result of all of
15 this, people are grieving. Now, unless we address those
16 issues of grieving, we can't heal. And that's really where
17 we need to get to as a state.

18 We have diversity in this state; it's a beautiful
19 thing. And all Alaskans should see it as such. I would
20 hope that we don't tell our school districts that the only
21 real thing we need to teach is history, because it repeats
22 itself.

23 We need to move on. And I commend you for taking the
24 time to sit here and listen, especially to the people whose
25 stories are very personal. What I've tried to do is just

1 put it maybe on a table, all the pieces that are being
2 brought to you so you could kindly get an understanding of
3 really this frustration and sometimes rage that people are
4 feeling.

5 CHAIRPERSON THELMA BUCHHOLDT: Thank you very much.

6 REPRESENTATIVE REGGIE JOULE: Thank you.

7 CHAIRPERSON THELMA BUCHHOLDT: And I know you're going
8 to be presenting your testimony in writing. Thank you.
9 David Sam.

10 MR. DAVID SAM: I'm Kugan Klen Adi (ph), child of
11 Kogwan Ton (ph), and that's spelled D-a-v-i-d S-a-m. I was
12 sitting here listening to a number of individuals, both
13 indigenous from the state of Alaska and those not.

14 And it was rather interesting to me because it sort of
15 reminded me of the Calvary coming in and telling you as an
16 indigenous who you are, what you should be feeling, and
17 giving you time constraints about what you have to say.

18 And I mean no disrespect to you because I know the time
19 constraints in today's world sort of regulate you to be
20 doing different things when -- I guess when we're hearing
21 the hard stories of the people. And I'm appreciative of
22 Representative Joule mentioning the fact of listening to the
23 people.

24 And I wanted to say I guess a couple things in
25 particular. That when you listen to the people, you know,

1 please don't kill the messenger. And I feel that part of
2 the time constraints that we're feeling as people coming to
3 you to testify to mention these things to you of experiences
4 in our lives, that it's deep within us and it's deep within
5 the system. I'm appreciative of Julie Kitka talking about
6 colonialism because when you talk about colonialism, part of
7 killing the messenger, is especially those people who are
8 coming in front of you speaking, and they get into their
9 Tlingit go to meeting voice that the message is from Native
10 people, especially indigenous men are not being taken
11 seriously because of people hearing the anger that is in
12 their voice or hearing the rage that is in the voice and
13 hearing the rage within the families here.

14 The messenger is killed without hearing the message.
15 And I'm fearing that the message from the people, when
16 you're killing the messengers by allowing three minutes when
17 you give some people that may or may not be speaking to the
18 issues of concern to the people are given 10 minutes, are
19 given 20 minutes, are given a half an hour, and were going
20 overtime and thank you, we're sorry for the inconvenience of
21 going overtime.

22 CHAIRPERSON THELMA BUCHHOLDT: Thank you.

23 MS. DEBRA DEACON: My name is Debra Deacon,
24 D-e-b-r-a D-e-a-c-o-n. I thought I should let you know what
25 happened when I went to the Human Rights Commission for

1 help. I was a construction worker, and my foreman had a
2 habit of calling me at the meetings and yelling at me and
3 general stuff like that. He would ask me out to dinner, I
4 would say no, I'd get laid off, they wouldn't give me my
5 check. I would ask for it, they would say, oh, I forgot,
6 give me your home address, I'll deliver it to you in person.
7 I would say no, and then I got laid off. At one meeting,
8 they threw a phone at me, and that's when I went to the
9 Human Rights Commission. I said I can't take it anymore. I
10 don't know what my rights are. So they took a complaint.
11 They sent that to the company and I got laid off.

12 Three years later, the Human Rights Commission called
13 me up and said that -- they talked for a long time. One of
14 the things that they said was the reason that the phone was
15 thrown at me was because I had asked for, and the reason the
16 foreman had to rub my leg was because he was deaf and needed
17 to get my attention.

18 That's it. So I think you people should know when --
19 you know, when you're sitting here listening, I think it's
20 rhetoric. I mean I thought I had it -- it was -- who else
21 am I going to go to? Thank you.

22 CHAIRPERSON THELMA BUCHHOLDT: Thank you very much.
23 Mr. Blackbird.

24 MR. THOMAS BLACKBIRD: (Speaking foreign language). My
25 name is Thomas Blackbird, T-h-o-m-a-s B-l-a-c-k-b-i-r-d. I

1 work for Homeward Bound as an Outreach Specialist, and I
2 work with homeless alcoholics on the streets. I see this
3 population brutalized on a daily and nightly basis.

4 One of the men who was paint-balled, we asked him to
5 testify. A few weeks ago, he had his finger snapped almost
6 off by a group that said, "We saw you on TV." And he said,
7 "No, I'm not telling anybody anything anymore. I fell on my
8 bike and broke my finger."

9 I see people who are held down and burned with
10 cigarettes. I'm a wounded need defender, and I saw my
11 brothers and sisters in South Dakota burned with cigarettes
12 and stuffed in cars. I never thought when I come to Alaska
13 I would see the same thing.

14 I have two beautiful sons. They didn't want to go to
15 school this year because they put up with racism, having
16 their hair pulled and called filthy half-breeds, stupid
17 Indians by so-called enlightened White people.

18 And recently in talking to a member of the Governor's
19 Commission, he said, "Tom, don't you know that you broke the
20 rule? You moved into the South end of town. That's the
21 White section. They don't want you there."

22 This is 2001. We see -- and it's systemic. We see it
23 with the homeless population. We see things like this, and
24 I will give this to you. It's pictures taken of street
25 inebriance by a community council in Anchorage and posted in

1 public places. A hit list. Out of 80-some pictures, one of
2 them is of a White man. The rest are Alaska Natives. But
3 they didn't take any pictures of the teenagers that come in
4 there on a regular basis, drunk on the weekends, or of the
5 business people. It was of the impoverished, of the
6 homeless, of the easy targets.

7 This is the type of thing we see; from people who work
8 for living hard at it on a daily basis to the people who are
9 impoverished on the streets; they are targeted by the racism
10 that is inherent in this town.

11 I never thought when I came to Alaska I would run into
12 the same attitudes as I found on Pine Ridge. My children
13 are Lakota (ph), Cherokee, French, and Roma. Their mother
14 is Gypsy. And Mr. Schapira is someone that knows about the
15 Holocaust. You know of how many Gypsies were put to death
16 because of what they are. My children are born of the
17 Crucible and the fire races, and I never thought they'd have
18 to deal with it here in Alaska. They do, and it's a shame.
19 The Alaska Native people do, and people that come here
20 hoping for other things too. Thank you.

21 CHAIRPERSON THELMA BUCHHOLDT: Thank you very much. I
22 would like to call on the following: Caroline Demientieff,
23 Elaine Hulse, Jan Suter, Diane Benson, Michael Queen.
24 Joseph -- okay, all right.

25 MR. MITCHEL SCHAPIRA: Before I leave, I just wanted to

1 comment that -- on a personal level how much I appreciate
2 people taking the time to make their views known. I
3 understand or I intuit that a lot of people are here to talk
4 about the subsistence issue, and I can assure you from my
5 own perspective it's an important issue that bears looking
6 into, and a respectful settlement should be obtained, and
7 I'm sorry that I must leave, and wish I could stay to hear
8 all of the individual comments.

9 CHAIRPERSON THELMA BUCHHOLDT: Okay. Thank you very
10 much. Also, if any of you want to speak, you could go to
11 the back and ask staff if you could be put on the list. We
12 are coming towards the end of the list, so in case some of
13 you have not signed up, I suppose you could do that? Or are
14 we closed down. Okay. Well, in any case, let's start with
15 Caroline.

16 MS. CAROLINE DEMIENTIEFF: Okay. My name is Caroline
17 Demientieff, C-a-r-o-l-i-n-e D-e-m-i-e-n-t-i-e-f-f like
18 Frank. I wanted to speak regarding corrections in this
19 state and the Natives. That being incarcerated out of state
20 at Florence, Arizona, comes under the heading of hardship
21 for the families and their children. And there's supposed
22 to be being rehabilitated, but since they're out of state,
23 their families and children can't visit them or have
24 anything to do with them. And also since Florence, Arizona
25 is a private prison and it sells its own calling cards, this

1 is also very expensive.

2 So in other words, they're deported out of our
3 existence until whatever time -- you know, we don't even
4 know what's going on out there. And the other thing is I'd
5 like to have the murderers separated from the non-murderers
6 out there because the two do not get along, and if a
7 murderer is staying there for life, they get after and beat
8 up on the other incarcerated -- especially Native men, and I
9 consider this to be cruel and inhuman. And I would like it
10 if the Commission examines the cases that have been brought
11 against the Florence, Arizona prison. Even if they have
12 been dismissed, I would like to have an examination of all
13 this going on.

14 And also, we have a thing that we called Buy Alaska,
15 hoping that we would keep money in the state, so that some
16 of it would reach all of the people, and I don't think this
17 goes under the Buy Alaska idea. Thank you.

18 CHAIRPERSON THELMA BUCHHOLDT: Thank you, Ms.
19 Demientieff. If you have any written testimony, please turn
20 it in. Ms. Hulse.

21 MS. ELAINE HULSE: Can I request that I not be
22 photographed?

23 CHAIRPERSON THELMA BUCHHOLDT: I beg your pardon?

24 MS. ELAINE HULSE: May I request that I'm not
25 photographed?

1 CHAIRPERSON THELMA BUCHHOLDT: All right. I would have
2 to ask the media not to do that. Go ahead.

3 MS. ELAINE HULSE: My name is Elaine Hulse, H-u-l-s-e.
4 And I brought the paper where the woman was shot, brought
5 out of a house wearing a bra, bleeding. I wanted to make
6 sure this got into the public record and that people had one
7 of the originals.

8 She's in two types of holds. One is like this. And
9 it's a force hold that can push a person forward, and then
10 there's a person beside her with his hand in what appears to
11 be underneath her bra. It's a very subtle move. It looks
12 very dehumanizing. I can't imagine the trauma she must have
13 felt at that moment. And it was also on the front page of
14 the Anchorage Daily News. It used to be advertised as our
15 good morning newspaper.

16 I'd like to comment on some other observations that
17 I've made here in Anchorage. I have a P.O. box at the
18 midtown post office, and if you'll check with the National
19 Alliance Brochure, if I remember correctly, their P.O. box
20 -- is it okay for me to say?

21 CHAIRPERSON THELMA BUCHHOLDT: If you want, yes.

22 MS. ELAINE HULSE: I believe it's 243783, which is two
23 over from mine, and down one. I've been assaulted at the
24 post office, and I went to the people working at the
25 counter, and they said, we just rent post office boxes, we

1 don't provide personal security.

2 So I try to be very careful when I get my mail, who is
3 standing around.

4 I hope this Commission also looks into Frederick
5 Overly's whistle blowing. He's from the military. I
6 believe he's with the 210th Rescue Unit. I don't know what
7 he blew the whistle on, but he got a settlement of \$55,000
8 and he lives here. Could that be made public?

9 CHAIRPERSON THELMA BUCHHOLDT: No. I mean -- you know,
10 this is something that is probably not to be disclosed, but
11 you already said it.

12 MS. ELAINE HULSE: It was in the paper.

13 CHAIRPERSON THELMA BUCHHOLDT: I know. Our rule is
14 that we don't give names of.....

15 MS. ELAINE HULSE: Oh, sorry.

16 CHAIRPERSON THELMA BUCHHOLDT:individuals.

17 MS. ELAINE HULSE: On a completely separate issue, the
18 UAA pool seems to be routinely closed around March or April
19 or May. There's a lot of women in town that participate in
20 the Gold Nugget Triathlon. And people used to swim there --
21 women used to swim there, but there were assaults in the
22 pool and in the women's locker room. And I don't know if
23 that's why they close the pool now, but the assaults weren't
24 dealt with. Even if UAA campus security was called, there
25 were no reports taken.

1 People have come before here because this is I guess
2 federal jurisdiction. We don't expect anything to happen
3 from the municipal or state level.

4 CHAIRPERSON THELMA BUCHHOLDT: If you have written
5 testimony, please turn it in.

6 MS. ELAINE HULSE: My three minutes are up?

7 CHAIRPERSON THELMA BUCHHOLDT: Yes. Your.....

8 MS. ELAINE HULSE: Thank you for listening.

9 CHAIRPERSON THELMA BUCHHOLDT: Thank you. Mr. Suter,
10 and you came with Mr. Cuiabyab?

11 MR. JAN SUTER: Yes.

12 CHAIRPERSON THELMA BUCHHOLDT: Between the two of you,
13 you only have three minutes.

14 MR. JAN SUTER: Understood. Thank you very much. We
15 have five cases of the Anchorage Airport where we have Human
16 Rights discrimination cases that are four and a half years
17 old. They don't have enough people to process the
18 paperwork. They have too many cases and too few staff.
19 That is something the state can do, which is to staff of
20 their own, Alaska Commission on Human Rights. If you don't
21 have human rights in Alaska, you might as well call yourself
22 China.

23 There are nine unions with the state. The unions all
24 state, oh, yes, we support human rights. Great. Let's have
25 them walk their talk. Let's have the state, which has

1 contracts with those unions say, okay, if you have a member
2 in there that has human rights grievance and it's
3 management, you have the right to go to arbitration. That's
4 been denied with the union that I work for, or have been
5 under.

6 And then we're being basically denied equal opportunity
7 training and education advancement for minorities. They're
8 allowed to rise to a certain level and then stop. And
9 Joseph, tell them what you got.

10 MR. JOSEPH CUIABYAB: I'm Joseph Cuiabyab, working at
11 the airport. I'm also current president of the Filipino
12 community. I'm also a victim of discrimination. When I
13 filed my application for (indiscernible) in mid-shift
14 custodial, we are five applicants and four Asians. And the
15 qualification is the most seniority and most competent, but
16 the award was less seniority and less competent.

17 So this practice of discrimination, I think we have to
18 stop this so that the frustration (indiscernible) life is
19 not about. This is the completion of my statement.

20 MR. JAN SUTER: Besides him, there are more minorities
21 that have been denied the right to have an interview for a
22 promotion. They're at the Anchorage Airport. So what to
23 have is a front-loading of White to the top of the higher
24 positions, and minorities that are qualified are kept back
25 in the lower positions. This is routine. And I have a

1 letter we're going to turn in that will.....

2 CHAIRPERSON THELMA BUCHHOLDT: Okay. Also, would you
3 like to spell your name, Mr. Suter and Mr. Cuiabyab?

4 MR. JAN SUTER: Suter, S-u-t-e-r.

5 MR. JOSEPH CUIABYAB: Cuiabyab, C-u-i-a-b-y-a-b.

6 CHAIRPERSON THELMA BUCHHOLDT: Thank you. Ms. Benson.

7 MS. DIANE BENSON: My name is Diane E. Bensen,
8 D-i-a-n-e B-e-n-s-o-n. I am not very encouraged that the
9 mayor gets an hour, and I, as a victim of racism get three
10 minutes.

11 But nevertheless, I have been a victim in a multiple of
12 ways. All of my -- any violent experience has been by those
13 who I believe are racially motivated because all their
14 victims seem to be Native women.

15 I was victimized as a child. I was victimized at 18
16 when a White man raped me, chased me through the woods and
17 shot at me, hit me with a pellet as I ran through the woods,
18 and when I collapsed, he quit the pursuit, leaving me, I
19 assume, for dead. He was not arrested. They attempted to
20 charge me for breaking into his house, they claim

21 Twenty years later, my oldest niece was raped by a
22 White man, and before her 16th birthday. No charges were
23 brought against him. And then to add insult to injury, I go
24 to a university, the University of Alaska, only to face the
25 dehumanizing of attitudes, of racist attitudes, racist

1 images, and racist words. And not only at the hands of
2 students, but at the hands of my own professors. So much so
3 that when I criticized a racist poem by a professor, it made
4 the front page news, "Student attacks Professor's Poem".
5 When I have been a victim of violence, that doesn't even
6 make a line.

7 This is what we face here, and the denial is so great.
8 And this is what hurts. And this is what caused the
9 frustration. It is hard to bring it down into a few words,
10 and it is very hard to talk about racism with no passion
11 when you have lived a lifetime of it. And this is my life
12 experience.

13 This is the life experience of my family, generation
14 after generation, and it is because I am a grandmother that
15 I come before you today. Three of the children in my family
16 quit high school here in the Anchorage area because of the
17 racism.

18 Now, I don't know how much time I have, but I do have a
19 written statement for you, and I would like to point out
20 that the environment at the University of Alaska is a place
21 that does not have any Alaska Native tenured professors, has
22 no permanent Alaska Native art, seems to want us invisible,
23 does not require diversity training, and has stated that
24 they will not require diversity training for any of its
25 employees.

1 I think we have more than a grave problem here, and I
2 am tired and frustrated and hurt. I want more justice.

3 (Speaks foreign language).

4 CHAIRPERSON THELMA BUCHHOLDT: Thank you very much, Ms.
5 Benson. Michael Queen.

6 MR. MICHAEL QUEEN: Thank you. I'm Michael S. Queen,
7 M-i-c-h-a-e-l Q-u-e-e-n.

8 Esteemed members of the panel, I was born in Juneau,
9 Alaska, territory, and I'm a lifelong Alaskan. I am honored
10 to have among the members of my immediate circle in my
11 family an Inupiaq sister, but my life has been one where I
12 have, as a White person, listened to what Whites say when
13 Natives and other ethnic minorities leave the room. All my
14 life -- all my sister's life I have heard her referred to as
15 a half-breed, and my father as a squaw-man.

16 I did retire from active service from the Municipality
17 of Anchorage fire department early in 1996, and I am
18 currently enrolled in the University of Alaska Anchorage
19 creative writing and literary arts Master of Fine Arts
20 Program.

21 Recently I have been witness to racially hostile
22 mistreatment of my colleague Tlingit poet and playwright
23 Diane E. Benson by a tenured University of Alaska creative
24 writing professor, who apparently was recently rewarded for
25 her efforts, if my information is correct, by just being

1 named as head of the department.

2 From the moment that I publically acknowledged that
3 witness and my support of the human rights of my colleague,
4 I have endured a retaliation in and out of the classroom at
5 the hands of this professor and her supporters. I have even
6 been asked, ironically enough, at a luncheon honoring
7 student leaders, of which I am one, honoring Martin Luther
8 King Day, I was asked by the chancellor if I wasn't just
9 causing trouble again.

10 In the course of my work in student government, I
11 frequently witnessed defacto discrimination of Alaska
12 Natives and I see that on-campus racism is so
13 institutionalized in the University of Alaska system it
14 appears seamless, and is indistinguishable from the day to
15 day transaction of academic affairs at the university.

16 I see in university administration, faculty, and staff
17 determinedly resistant to incorporating into their job
18 requirements any sort of diversity training or cross-
19 cultural awareness education for its members. I see
20 eminently qualified Alaska Native men and women passed over
21 for faculty and leadership positions in their departments in
22 colleges. I see a university happy to appeal to multi-
23 culturalism and Native corporation monies on the one hand,
24 and then gut and under-fund Native student services as well
25 as Native languages and culture related courses on the

1 other.

2 My personal experience reinforces my conviction that
3 the University of Alaska is a state and federally supported
4 educational institution that is at the heart of the matter
5 hostile to Native students and their supporters.

6 In the face of the state's -- of Alaska's monolithic
7 and brutal indifference to Native needs and issues, I appeal
8 to you to bring to bear the full weight of your authority to
9 bring these perpetrators of racism to heel. Thank you very
10 much.

11 CHAIRPERSON THELMA BUCHHOLDT: Thank you, Mr. Queen.
12 I'd like to call on Elena Sergie, Eva Marie, Ruth Running
13 Elk, Wayne Douglas, and Tim Nicholson. Please come forward.
14 Did I call one too many?

15 MS. RUTH RUNNING ELK: No. Mr. Douglas will not be
16 testifying.

17 CHAIRPERSON THELMA BUCHHOLDT: All right.

18 MS. RUTH RUNNING ELK: So Sophia Miller.....

19 CHAIRPERSON THELMA BUCHHOLDT: Okay.

20 MS. RUTH RUNNING ELK:was the next one up, so
21 she's.....

22 CHAIRPERSON THELMA BUCHHOLDT: Okay. Again, I request
23 that you spell your name and tell us which organization or
24 if you're on your own. Thank you. Ms. Sergie, you might
25 start. Which one is Ms. -- Elena?

1 MS. ELENA SERGIE: Yes. My name is Elena Sergie,
2 E-l-e-n-a S-e-r-g-i-e. From Pitkas Point, located on the
3 Lower Yukon River. With me is my son, Micah Sergie. My
4 oldest son, Alex, is in Pitkas Point and could not be with
5 us today. I also have my friend Leslie Hunter with me.

6 I no longer have my daughter Sophie Sergie because
7 eight years ago, April 26, '93, she was murdered by an
8 unknown person. For eight years this awful murder has been
9 unsolved, because in my opinion, law enforcement people have
10 not put in their fullest effort to solve this crime.

11 For the past year, I have not heard from the trooper
12 investigating her case. I have been waiting for calls, for
13 more information, but no calls came in. And Anchorage
14 private investigator has taken an interest in trying to help
15 to get this case solved. He has conducted his own
16 investigation and found information and leads that the
17 police have never uncovered. Why was he able to find out
18 information that the law enforcement did not find out? Why?

19 Why this is? Is it because the victim was an Alaska
20 Native? In my mind, I'm beginning to think so.

21 Did the troopers spend the same amount of time as they
22 would have spent on a White person that was murdered? As
23 you know, probably why my family has a hard -- excuse me, a
24 hard time getting peace of mind with the crime, unsolved.
25 I'd never want any other family to go through this same

1 nightmare.

2 As the mother, I'd like to know; that just is fair to
3 everybody, regardless of color or origin.

4 The reason I came to testify is because I'd like your
5 help. Would you please ask the FBI to get involved in this
6 case so that my family's peace of mind starts to heal?

7 Thank you.

8 CHAIRPERSON THELMA BUCHHOLDT: Thank you, Ms. Sergie.
9 Eva Marie.

10 MS. EVA MARIE: My name is Eva Marie, E-v-a M-a-r-i-e.
11 I will submit some paperwork to the person in the back, a
12 little note card. I wish to testify as to the insidious
13 connective web amongst our state and municipal agencies to
14 target at the whistle blowers of their misconduct.

15 Primarily we are talking about DFYS and a variety of
16 agencies that assist them. Amongst the agencies that assist
17 them are guardian ad litem, OPA, Public Defender's Office,
18 the hospitals, the police department, our therapeutic
19 community, our justice system, CSED, including even the
20 military when it's a cross-jurisdictional issue.

21 Targeting of whistle blowers includes retyped records,
22 perjury, contempt of court, obstruction of justice, false
23 diagnosis, forged documents, forcible injury without
24 warrant, harassing phone calls anonymously made, threats of
25 bodily harm. These are conducted by the police, both

1 military and civilian.

2 Amongst the things that I ask be done; abolish the
3 written reports please. There's usually very little truth
4 to them and they're totally subjective. Require instead
5 audio and/or videotape. Check out the personal history of
6 resolution of personal abuse and substance issues of agency
7 members. Remove that bullet-proof status of members of
8 agencies. Appoint civilian court watchers to close
9 children's court proceedings.

10 Amongst my own perspectives, last summer one of our
11 female judges here in Anchorage stated to me when I went for
12 a continuation on a restraining order, "We all deal with
13 harassment on the job sometimes. You have to learn to deal
14 with it."

15 I didn't go back to my job for two days because he just
16 gave my ex-partner total permission, urging him to continue
17 to harass me on my new job.

18 They whitewash perpetrators. There is widespread
19 misogyny, both amongst male and female agency members. They
20 whitewash the substantiative criminal histories of past
21 partners so that they obtain children, that when you leave
22 abuse, they'll whitewash it, they'll claim that you coached
23 your children. And then they say, "Well, you know, once
24 they were placed with the father, there was never another
25 claim of abuse." Well, isn't that miraculous?

1 And apparently with child protective services, they
2 have a different understanding of human biology. Apparently
3 your DNA is subjected to being voluntarily or drafted to be
4 different DNA. You can change your ethnicity at will.

5 CHAIRPERSON THELMA BUCHHOLDT: Okay. Excuse me. My
6 time keeper says time is up.

7 MS. EVA MARIE: Okay.

8 CHAIRPERSON THELMA BUCHHOLDT: Thank you very much.
9 Ruth Running Elk.

10 MS. RUTH RUNNING ELK: My name is Ruth Running Elk,
11 R-u-t-h R-u-n-n-i-n-g E-l-k, and I'm a full-blooded Lakota
12 Sioux. And I'm here as a victim.

13 I was out in the bush two years ago, and I flew back
14 in, and one of my co-workers, a White girl and I went
15 shopping in a large store here in Anchorage. And I told
16 her, "Watch how it works when we go in. They're going to
17 follow you and they're going to follow me." They followed
18 her to ask her if they could help her. They followed me to
19 see if I was stealing.

20 I have apartment hunted in this city, and I've called
21 about apartments. They tell me that the apartment is
22 available, come over and see it. When they see me, I've
23 been told you don't look Native, you didn't sound Native. I
24 was a manager of a B&B out on the peninsula this summer. My
25 employer left me a note addressed to, "Squaw, please get me

1 my bathrobe." I quit my job that day.

2 I was slashed in my chest three times a year and a half
3 ago. I was also arrested because I'm an ex-cop and I
4 whipped up on him, and I was charged. I was acquitted. He
5 got 20 hours in jail and \$150 fine. I'm scarred for the
6 rest of my life.

7 I've had to implement a safety plan for myself with my
8 roommates so that I can call them and let them know where
9 I'm at all the time. This is the year 2001. I'm a 39 year
10 old woman, and I'm afraid to walk down the street by myself.

11 I would also like to say that I think it's very
12 disrespectful that some of you left early. This is part of
13 your job. This is your responsibility, and it's about
14 accountability. These people, these victims, we victims, we
15 need your attention. This is exactly what's happening here;
16 people are walking out. Law enforcement, the judicial
17 system, everybody is walking out. Thank you.

18 CHAIRPERSON THELMA BUCHHOLDT: Thank you very much.
19 Wayne, which one is -- is Wayne Douglas.....

20 UNIDENTIFIED VOICE: He's not here.

21 CHAIRPERSON THELMA BUCHHOLDT: Oh, he's not here.

22 MR. TIM NICHOLSON: My name is Tim Nicholson. I'm with
23 Sophia Miller. I'm a victim of the paintball incidents on
24 July 14th. I feel there is a racial problem in Alaska.

25 At first, before this year, I lived here for 27 years.

1 I never realized that there was a problem. And now I find
2 out that there is. It's affected me very emotionally. I'm
3 very weary of young people today.

4 I feel that the march that happened this afternoon
5 showed some support for victims, but it needs more
6 recognition from the community because it's becoming more of
7 a problem every day, every year. So I hope that it gets
8 more recognition towards the future, because it needs to be
9 recognized very strongly.

10 CHAIRPERSON THELMA BUCHHOLDT: Okay. Go ahead. And
11 tell us your name.

12 MS. SOPHIA MILLER: Hello, I'm Sophia Miller. I am
13 also a victim of the paintball incident. I'd like to say I
14 don't want to be rushed in the three minutes. I don't agree
15 on that.

16 I'd like to say about racism, I come from a family, an
17 international background. They're -- we're mixed. And I'm
18 adopted. I never knew such racism. I wasn't taught to be
19 racist. And I still don't feel racism and not prejudice,
20 but I wouldn't want my four year old niece or my two year
21 old nephew thinking -- I want them to feel proud of where
22 they come from.

23 But I feel justice should have equal -- I feel
24 juveniles should have equal justice consequences, the same
25 as adult offenders, as all people who commit assaults upon

1 others. Thank you.

2 CHAIRPERSON THELMA BUCHHOLDT:// Thank you very much.
3 I'd like to call on Richard Segura (ph), Flossy Morey (ph),
4 and Donna Willoya.

5 MS. DONNA WILLOYA: I'm Donna.

6 CHAIRPERSON THELMA BUCHHOLDT: Go ahead.

7 MS. DONNA WILLOYA: My name is Donna Willoya,
8 W-i-l-l-o-y-a, I'm an Inupiaq, born and raised in Anchorage.
9 I have two incidences I'd like to talk about, and what I'm
10 doing about them.

11 The first one happened in 1985 when I brought my son to
12 kindergarten school at the Anchorage School District. The
13 last day of school the teacher told me she thought my son
14 was doing okay considering he was from the village. We're
15 not from the village.

16 Upon entering the first grade, four days after my son
17 was in the first grade, the teacher called me up and told me
18 that he was severely dyslexic, and he needs to be tested.
19 My son graduated last year with high honors in high school.

20 In March of 2001 my grandson built a wall in front of
21 my gate. While he was playing in my yard. He was six years
22 old. He took my garbage cans, the snow shovel, and a box
23 and made a wall across my gate so grandma doesn't get hit by
24 a paintball. He is six years old and he does not live in
25 Anchorage, and he is entering the school district.

1 I raised strong children, two of my own, three adopted,
2 and five foster children. I'm a single parent, and I've got
3 a strong family. And if racism hits them, you're talking a
4 fight from this mother. Thank you.

5 CHAIRPERSON THELMA BUCHHOLDT: Is Richard Segura here?
6 And Flossy Morey? Do we have any more, Tom? No. Okay. I
7 would like to.....

8 MS. DONNA BROOKS: Just me.

9 CHAIRPERSON THELMA BUCHHOLDT: I beg your pardon?

10 MS. DONNA BROOKS: I will.

11 CHAIRPERSON THELMA BUCHHOLDT: Could you ask Tom if
12 it's -- is that Donna?

13 MS. DONNA BROOKS: Yes.

14 CHAIRPERSON THELMA BUCHHOLDT: Okay. State your name
15 and organization please.

16 MS. DONNA BROOKS: My name is Donna Brooks, and I'm
17 with the NAACP. I have sent over a testimony, a written
18 testimony before, but something else came to my attention
19 yesterday as I talked to an attorney. Many of our cases
20 that are dealt with in the commissions end up going to EEOC,
21 and I'm going to talk about a particular case. And there
22 was substantial findings.

23 EEOC found substantial findings, and they indicated
24 they were going to attempt to get \$300,000 to make this
25 person whole with compensatory damages and punitive damages.

1 That case has turned out to be a fluke. Even though the
2 complainant had proved pre-tax (ph) they choose not to get
3 his compensatory damages is that because he's a minority.

4 The attorney indicated that even if he goes to court,
5 the harm that he will have is because of Civil Rule 82. She
6 said that many cases that can be won on appeal will lose
7 because complainants don't want to be charged with the
8 defendant's attorneys fees, and so they don't pursue their
9 cases. If you can look at these rules, I do intend to call
10 you, Ms. Lee, because you are at the federal level, and we
11 need an explanation why the feds are not pursuing
12 compensatory and punitive damages when the new civil rights
13 laws allow you to do so.

14 And you have my written concerns, and that's all I'd
15 like to leave with you right now. We have a problem in our
16 educational system. We have -- and I heard it spoke today,
17 there needs to be an overview, and on site to look at these
18 racist behaviors that are teaching our children, hiring our
19 people. We found out that the Aryan Nation, the National
20 Alliance, Klu Klux Klan are here. They'll get hired on a
21 job before we will, and they're put in management positions,
22 and they carry out their biases. There needs to be a way to
23 identify these individuals.

24 One of the things that I found out is this National
25 Alliance gentleman who hates Blacks, minorities and anything

1 that's different than him, his wife is a nurse in this
2 community. I would be really concerned about that.

3 CHAIRPERSON THELMA BUCHHOLDT: Thank you, Ms. Brooks.
4 Did Commissioner Reynoso want to speak?

5 COMMISSIONER CRUZ REYNOSO: Thank you very much, Madam
6 Chair. I want to express my own thanks to all of you who
7 have taken time. I know some of you have traveled a long
8 ways. Others of you live here in the community. But it
9 gives us a real sense of the issues that individuals live
10 with as we hear the entirety of the testimony. We have
11 these public sessions so that we can hear from the people
12 and the community groups, and not just from the officials in
13 the state or the community. So for me, this has been a very
14 instructive and very valuable exercise that we have gone
15 through. I know that sometimes it's difficult to come and
16 testify.

17 Yesterday I spoke with the lady and gentleman who were
18 the victims of the paintball incident, and they were
19 reluctant to testify. But some of their -- some of the
20 other folks encouraged them to come forward, as they did
21 today. So I know it takes an element of bravery. Once a
22 person has suffered, to then bring that suffering to the
23 front and be reminded of it again when one speaks publicly
24 of that trauma, whether it be the murder of a relative or
25 being victimized by an assault.

1 So I just wanted to express my own deep-felt
2 appreciation for the time and the care that you folks have
3 taken. I know that many of you are here even though you've
4 suffered individually in the hope that others will not
5 suffer as you have. So again, I just want to thank you for
6 coming forward. Would you like to say something, Yvonne?

7 CHAIRPERSON THELMA BUCHHOLDT: Commissioner Lee, go
8 ahead.

9 MS. YVONNE LEE: Thank you. I just want to join the
10 vice-Chair in expressing my gratitude for all of you who
11 stayed behind attending yesterday's and today's session. I
12 think it's been a longstanding request from several
13 Commissioners that we needed to move the open forum to a
14 better time of the day so public officials and members of
15 the media can hear this.

16 While I appreciate your sharing your stories, and it's
17 very difficult, I also want to assure those of you who
18 express over and over again what's the use. You've talked
19 about this over and over again. It seems like people just
20 listen and then they move on.

21 I just want to share with you briefly, last year the
22 Vice-Chair, Commissioner Meeks and I went to Hawaii to join
23 the Hawaii State Advisory Committee's public forum on a very
24 similar hearing, which is on Native Hawaiians' Civil Rights,
25 indigenous people's rights have been largely ignored. And

1 as a result of the members speaking out, we issued the
2 report that's right now shared in Congress and is being used
3 by other folks as a tool to remind the public of the
4 struggles that Native Hawaiians have to go through. And I
5 fully intend to -- I fully expect the staff, who has been
6 doing an excellent job pulling this together, they will have
7 a very productive, inclusive report, including the comments
8 made here.

9 So I hope that you would not feel your time has been
10 wasted. This certainly has not been wasted on me. And I
11 again, want to appreciate you sharing your very personal
12 stories with us.

13 CHAIRPERSON THELMA BUCHHOLDT: Thank you, Commissioner
14 Lee. Did anyone else want to speak from the Advisory
15 Committee? Rosalee?

16 MS. ROSALEE WALKER: I'm not going to say too much
17 except to say thank you for sharing your pain with us,
18 because some of us have experienced your pain. And maybe
19 not to the same extent that you have, but we are sympathetic
20 and empathetic. And those of us who live in Alaska
21 certainly try to do whatever we can and I was surprised that
22 so many people really were not aware of the Alaska State
23 Advisory Committee. And we advise the Commissioners. And
24 so be aware that we are here, and we will certainly do
25 whatever we can to assist you in any way we can. I'm

1 getting a little old and whatnot, but I still have fire in
2 the belly, and I will do whatever I can. So be sure to let
3 us know how we can assist you. We will do everything we
4 can. Thank you.

5 CHAIRPERSON THELMA BUCHHOLDT: Okay. Mary, you have
6 something to say.

7 MS. MARY MILLER: I would just like to add my thanks as
8 well. It's -- it does look bleak oftentimes when you bring
9 forward your experience of discrimination and experiences of
10 intolerance. But this is one of the first steps, in
11 bringing it out. And I would just like to add my word of
12 encouragement to folks not to give up, even if there are
13 cases that are not complete yet, even if you have not yet
14 experienced justice in coming to bear with what you've been
15 through, not to give up.

16 I sense too that things -- it's not getting any easier
17 here in this state. One time a woman who survived a plane
18 crash shared with me, a young woman, she said, it won't get
19 any easier. So we really need to be strong and we need to
20 be diligent about learning what our rights are, what the
21 process is for remedying these unjust situations.

22 And it's not easy to be listening to this too because
23 like Rosalee said, many of us have had our experiences with
24 discrimination, racism, unfairness in our lives as well.
25 And those are very close to us, and I just encourage folks

1 to continue and to just prevail in moving forward, and don't
2 give up. Don't get discouraged. Even in those discouraging
3 moments, you are not alone. Thank you.

4 CHAIRPERSON THELMA BUCHHOLDT: Okay. As you can see, I
5 ended up chairing this hearing. I do appreciate the
6 opportunity to do so. I want to also encourage you to know
7 your rights and speak your mind and be able to assert
8 yourself whenever that is necessary. I know I had to learn
9 the hard way myself, have experienced a whole lot of
10 discrimination, more so because I've been out in public
11 service and people are prone to tell you what you are
12 supposed to be, how you are supposed to be standing on the
13 back, and all that sort of thing. I've learned to assert
14 and to speak out, and I believe that you can do the same.

15 Thank you very much for coming, and I do encourage you
16 to send your testimony in writing, and we will certainly
17 consider them when we try to put this material together.

18 This concludes the two day session of the Alaska
19 Advisory Committee, the U.S. Commission on Civil Rights. We
20 thank the participants for their candor and comments. We
21 await the transcript of these proceedings. As you can see,
22 we have a staff there taking records.

23 Please remember the record of this meeting will remain
24 open for a period of 30 days following our conclusion today.
25 The Advisory Committee will evaluate the material it has

1 collected and determine if additional such open meetings
2 will be necessary.

3 We stand adjourned. Thank you.

4 (Off record)

5 (Meeting Adjourned - 6:15 p.m.)

6 * * * * *

7 END OF PROCEEDINGS

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