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NEVADA ADVISORY COMMITTEE TO THE  
UNITED STATES COMMISSION ON CIVIL RIGHTS

REPORTER'S TRANSCRIPT  
OF  
PROCEEDINGS

Taken on Friday, August 10, 1984

At nine o'clock a.m.

At Maxim Hotel

160 East Flamingo Road

Las Vegas, Nevada

Reported by: Kathleen J. Heard, C.S.R. 163

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APPEARANCES:

Nevada Advisory  
Committee:

SUSAN DeLUCA, Chairperson  
EDITA SILVERO  
CANDICE SADER  
MERLE SNIDER  
STEVEN T. WALTHER

PAUL MONTEZ, Regional Director  
JEFF WALLACE

\* \* \* \* \*

S P E A K E R S

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L. A. Velarde, Jr.  
Lubertha Johnson  
Robert Y. Rivas  
Richard W. Arnold  
Asa Begaye  
Juan Lujan  
Suzanne Ernst  
Jesse D. Scott  
Wayne Strimling  
Asa Begaye

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1 MS. DeLUCA: This meeting of the Nevada  
2 Advisory Committee to the United States Commission on Civil  
3 Rights will now come to order. We are convened here today  
4 to gather information on civil rights concerns in Nevada and  
5 recommendations to resolve these problems.

6 I am Susan DeLuca, chairperson of the Nevada  
7 Advisory Committee. The Advisory Committee receives  
8 information and makes recommendations to the Commission in  
9 areas which the Committee or any of its subcommittees is  
10 authorized to study.

11 Other members of the Committee in attendance  
12 during the meeting will be: Edita Silvero, Candice Sader,  
13 Merle Snider and Steve Walther, W-a-l-t-h-e-r. Also with us  
14 today are staff from the Commission's Western Regional Office.  
15 I'd like to introduce our regional director, Paul Montez,  
16 right here, and Jeff Wallace from the Western Regional Office.

17 This fact-finding meeting is being held  
18 pursuant to federal rules applicable to state advisory  
19 committees and regulations promulgated by the U.S. Commission  
20 on Civil Rights.

21 The Commission on Civil Rights is an  
22 independent agency of the United States government established  
23 by Congress in 1957 and reauthorized in 1983 and directed to:

24 1. Investigate complaints alleging that  
25 citizens are being deprived of their right to vote by reason

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1 of their race, color, religion, sex, age, handicap, or  
2 national origin, or by reason of fraudulent practices;

3 2. Study and collect information concerning  
4 illegal developments constituting discrimination or a  
5 denial of equal protection of the laws under the constitution  
6 because of race, color, religion, sex, age, handicap, or  
7 national origin, or in the administration of justice;

8 3. Appraise federal laws and policies with  
9 respect to discrimination of denial of equal protection of  
10 the laws;

11 4. Serve as a national clearinghouse for  
12 information about discrimination; and

13 5. Submit reports, findings, and recommenda-  
14 tions to the President and Congress.

15 I would like to emphasize that this is a fact-  
16 finding meeting and not an adversary proceeding. Individuals  
17 have been invited to come and share with the Committee  
18 information relating to the subject of today's inquiry. Each  
19 person who will participate has voluntarily agreed to meet  
20 with the Committee.

21 Since this is a public meeting, the press  
22 and radio and television stations, as well as individuals,  
23 are welcome. Persons meeting with the Committee, however,  
24 may specifically request that they not be televised. In  
25 this case, we will comply with their wishes.

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1 We are concerned that no defamatory material  
2 be presented at this meeting. In the unlikely event that  
3 this situation should develop, it will be necessary for me  
4 to call this to the attention of the persons making these  
5 statements and request that they desist in their action and  
6 such information will be stricken from the record, if  
7 necessary. If the comments a person is offering, however,  
8 are of sufficient importance, the Committee will hear the  
9 information. In that event, the persons against whom  
10 allegations are made will have ample opportunity to respond  
11 by making statements before the Committee or submitting  
12 written statements, if they desire.

13 Every effort has been made to invite persons  
14 who are knowledgeable about the progress in the area to be  
15 dealt with here today. In addition, we have allocated time  
16 this afternoon to hear from anyone who wishes to share  
17 information with the Committee about the state of civil  
18 rights. Those wishing to participate in the open session  
19 must contact Commission staff.

20 We are now ready to begin.

21 We have with us Mr. Louie Velarde, Junior  
22 who's the regional director for the Southwest Area Office  
23 Immigration and Refugee Services of the U.S. Catholic  
24 Conference Rights. Louie, a welcome to you coming all the  
25 way from Texas. I really appreciate you coming, so go ahead

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1 with your comments.

2 MR. VELARDE: First of all, Madam Chairman,  
3 I would like to thank you for inviting me and also for  
4 giving the okay. I'm going to keep my remarks to a very  
5 limited time period because you are on a very tight schedule.

6 For those of you that weren't down in  
7 El Paso, let me give you a little bit of background of who I  
8 am. I am from El Paso and I work with the Catholic Church  
9 and I do immigration and refugee work and have been doing  
10 this for the last nine years. I have a regional office that  
11 covers nine states. Four of the nine states border the  
12 U.S.-Mexican border.

13 The reason that I was invited here is to bring  
14 you up to date on what has become a very, very hot issue  
15 during this political year and if passed or not passed will  
16 have some civil rights ramifications and it will affect the  
17 people in your state. I'm talking principally now of the  
18 piece of legislation that is pending in Congress called  
19 Simpson-Mizzoli. For those of you that aren't much aware of  
20 this piece of legislation, it deals with basic reform of the  
21 present immigration law. It contains basically the following  
22 parts and I'll hit each part and then describe it.

23 Both the Simpson part in the Senate and the  
24 Mizzoli part in the House contain what are called employer  
25 sanctions. In essence, this is a penalty to any employer who

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1 in essence hires undocumented aliens. The provisions are  
2 different in some parts.

3 First of all, the legislation says that if  
4 any employer hires four or more people, he is subject to  
5 penalties if he hires undocumented aliens. To protect  
6 himself, the employer can and must have on record some proof  
7 that the individual was screened to see if he was eligible  
8 to work.

9 Some of the screening materials are things  
10 like a U.S. passport, a naturalization certificate, your  
11 birth certificate and here is the area where I think Congress  
12 has kind of let the employer off scot-free. He can also  
13 ask for a social security card and a driver's license. All  
14 of you can look in your wallets or purses and find out that  
15 basically you have these but it doesn't say if you are legal,  
16 not legal, if you are from Mars or wherever, so the employer  
17 can get off scot-free there.

18 The House version does not require that the  
19 President set up a national ID system, where the Senate  
20 version requires that the Senate gives the President the  
21 authority to come back to them within three years and see if  
22 they can come up with some national ID system where an  
23 individual can present it to the employer saying, I'm eligible  
24 to work.

25 Also, the House version requires that money

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1 be spent, given to the Attorney General for a toll-free  
2 number where an employer can call in, gives a social  
3 security number and then verifies if it's been issued  
4 correctly or fraudulently. The Senate version doesn't have  
5 that.

6 The penalties that are to be assessed are  
7 a little bit different. The House version is a little more  
8 liberal than is the Senate version. The House version says  
9 after six months transition for the first time they give you  
10 a citation. The second time it's a civil penalty of a  
11 thousand dollars per individual that you have hired that's  
12 illegal and the third occasion you are subject to a \$2,000  
13 fine.

14 The difference in the Senate version is that  
15 the fines are basically the same but they're not civil,  
16 they're criminal which is a little more serious.

17 It also forbids in both the House and Senate,  
18 that employers are forbidden to discriminate against people  
19 because of their national origin, color, religion.

20 It also forbids in both the House and Senate  
21 version that immigration officers cannot go into open fields  
22 without having search warrants and the consent of the farmer.

23 There's also a provision in the House and  
24 in the Senate that there is to be stiffer penalties for  
25 anybody who crosses over illegal commercially what we call

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1 alien smuggling.

2           There is another provision here that talks  
3 about money. The House version does not put forth as much  
4 money as the Senate version. There's a difference of the  
5 House version authorizes 80 million, Senate version authorizes  
6 200 million.

7           As far as changing also basic immigration law,  
8 the House version is a little more liberal. It doesn't  
9 eliminate any of the categories that are presently in the  
10 law. It allows Mexico and Canada, our neighbors, additional  
11 numbers and it keeps the whole idea of family unification  
12 intact.

13           The other controversial area is the part  
14 dealing with temporary foreign workers. In both versions  
15 they allow an increase of up to 500,000 foreign workers to  
16 come in here and work the fields.

17           The House version is a lot more liberal in  
18 that it allows them to come in, work for any farmer that they  
19 want for a period of six months as long as they're looking  
20 for a job, so a Mexican can come in and say, I want to go to  
21 work in the United States as an agriculture worker and I want  
22 to go to Arizona or California. He can be given a permit  
23 and during the six months he doesn't even have to work as  
24 long as he's looking.

25           The other thing is that the House version

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1 allows the farmer to go scot-free. If he has, let's say,  
2 a hundred undocumented workers in the fields, they allow  
3 him to keep those 100 the first year. The next year he can  
4 keep 67 percent of them. The following year he can keep  
5 33 percent of them. The people in California, of course,  
6 are very much afraid of this particular provision because it  
7 would cause all of the efforts of people like Caesar Chavez  
8 to go down the drain.

9 Right now temporary workers from Mexico last  
10 year numbered in the neighborhood of 200. If this bill  
11 passes, you are talking about half a million people being  
12 allowed to come in on a temporary basis.

13 The other thing that's very controversial is  
14 the whole provision dealing with immigration, calling it  
15 legalization. The President calls it amnesty. It talks  
16 about those that are already here, allowing them to remain  
17 here and the government would give them legal status. That's  
18 as permanent residents. The controversy revolves around  
19 the cutoff date.

20 The Senate version uses the earliest cutoff  
21 date as 1980. The House version uses the '82 date. The  
22 Senate version, which is Simpson, has passed the Senate with  
23 almost four to one in favor of it. In the House, right  
24 before the Democratic Convention, the House version passed it  
25 by six votes. The controversy revolved around employer

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1 sanctions and around the amnesty provisions because the  
 2 language was different. The law requires that Joint  
 3 Committee conference of the House and Senate get together  
 4 and try to work out a compromise. Right now, that committee,  
 5 that Joint Committee of House and Senate has not gotten  
 6 together. Neither the House nor the Senate leadership has  
 7 named the conferees. At this point O'Neil is trying to hold  
 8 off as long as he can, until after the Republican Convention,  
 9 and there's a very, very good possibility that this piece  
 10 of legislation will not sail.

11 The President has already come out and  
 12 supported the Simpson version. This surprises me because in  
 13 many individual sections of this new legislation it's not as  
 14 conservative as some people think. The only reason the  
 15 President has come out and said, I support the Senate version,  
 16 is because on amnesty the cutoff date doesn't include as many  
 17 people, therefore, it is said that it won't cost as much  
 18 money to implement. This, again, surprises me because it's  
 19 not going to cost the government anything to run the  
 20 legalization program. Surely they were going to have to have  
 21 more personnel. Surely they're going to have to have a great  
 22 deal more assistance to handle millions of people, but the  
 23 way it's set up, the people that come forward must pay a fee,  
 24 a processing fee of a hundred dollars a person. Well, if you  
 25 are talking five- to six million people coming in and at a

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1 hundred dollars a head, the program will pay for itself.

2           The latest word that I get is that Simpson  
3 has met with the President. He wants the conference  
4 committees to get together on the 6th of September, right  
5 after they come back from the Labor Day holiday. He still  
6 is optimistic in feeling that it's going to pass. Apparently  
7 the immigration services do, too, because they invited me  
8 to Washington last week to discuss the legalization program  
9 nationwide, if and when this thing breaks, so they're still  
10 optimistic that it's going to pass.

11           Now, how will it affect the people in Nevada?  
12 You would be very much surprised to find out that many of  
13 the hotels and restaurants in Las Vegas hire a great many  
14 undocumented aliens, especially in the services. I was at  
15 the immigration building yesterday and was told that most of  
16 the people that are rounded up are not only Mexicans but  
17 Central Americans and they work in the services. They work  
18 as hotel maids, chambermaids. They work in kitchens and  
19 they work in construction. In fact, the gentleman that runs  
20 the immigration office here said that if they ever raided  
21 all the hotels and motels, that it would be as devastating  
22 as the strike that took place recently here.

23           Now, the INS office does have a branch office  
24 right here in Las Vegas. They conduct all kinds of services.  
25 They are a part of the San Francisco district office but the

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1 word is that they soon will become part of the Phoenix  
2 district office because Phoenix is closer. There is a  
3 detention facility here in Las Vegas. This detention  
4 facility is the first in the country that's co-educational  
5 where they have the men on the bottom floor and the women  
6 on the top floor. I understand that because of financial  
7 constraints that the immigration service has now lowered the  
8 amount required for a bond and when I was up here six  
9 months ago, that detention facility had close to 120 people  
10 here and it only has 12 right now because they've lowered the  
11 bonds so much.

12 They also had what they called a West Glen  
13 detention facility. This was for women and children where  
14 they would hold women and children apart from the rest of the  
15 population. That has been closed.

16 The immigration service is down to a very  
17 small number of investigators so even though you might pick  
18 up the phone and call them and say, I know of so and so  
19 working in such and such a place, chances are that the  
20 immigration service does not have the personnel to go pick  
21 them up.

22 One thing that we have seen lately, and this  
23 is the type of newspaper reports that are coming out daily,  
24 front page type of things, that Simpson keeps saying that if  
25 this bill is not passed that the Hispanic and the foreign-

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1 looking, those with accents applying for jobs will be  
2 discriminated more than they are already, that more people  
3 will be subject to deportation and the Hispanic leadership,  
4 some of whose organization will speak to you today--  
5 principally LULAC--has said that it's just a smoke screen  
6 that Simpson is putting up to try to get the bill passed.  
7 I don't necessarily believe it's a smoke screen.

8 I worked on this thing on a daily basis and  
9 I have seen in the last month and a half to two months the  
10 immigration service issuing what are called Order to Show  
11 Cause and taking people to deportation hearings, people that  
12 have been allowed to remain here for years because the wife  
13 is a citizen, because the kids are citizens, for various  
14 reasons, and all of a sudden and I don't know why, I have no  
15 answer for it, all of a sudden now you have the immigration  
16 service calling forward the very people who would be the  
17 first in line for amnesty if it passed.

18 In my meeting last week at the central office  
19 with INS, I told them that I felt that the only way  
20 legalization would work if and when it passed was the  
21 immigration service to show good faith, that, yes, this was  
22 a benefit program; yes, they were going to give as many  
23 people amnesty as qualified. What they're saying at the  
24 central office and what is going on in the field is a  
25 completely different attitude.

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1                    Now, what if it does pass? Every employer in  
2 this state, to protect them, is going to be subjected to  
3 screening all of his employees to make sure that they're  
4 U.S. citizens or resident aliens. If they don't have a file  
5 and they get raided, then they're going to be subject to  
6 penalties. I said this in El Paso and I'll say it here in  
7 Las Vegas.

8                    The black community was never concerned about  
9 the immigration issue. They weren't concerned about it  
10 because it wasn't something that was part of their background.  
11 In the last year and a half, the black community, especially  
12 along the border and some of the eastern states, have been  
13 subjected to the same type of screening that the Mexican  
14 alien has been. The reason for this is the tremendous  
15 influx from the Caribbean, principally Haitians who happen  
16 to be black.

17                    The big headlines in Las Vegas in the last  
18 two or three days dealt with blacks. I don't know if you  
19 read the paper yesterday or day before yesterday about the  
20 apprehension and reincarceration of Marielito Cubans that  
21 went to Atlanta. If a black is approached and keeps his  
22 mouth shut, then you can't tell where he's from, but if he  
23 starts speaking like a Marielito Cuban or he's from Jamaica,  
24 then he will immediately be identified as possibly being  
25 foreign.

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1           The Indian has come under that same kind of  
2 scrutiny, the Indian who speaks very good English, but he  
3 speaks English too well because he learned English, so  
4 whatever way this piece of legislation goes, there appears  
5 to be more of a policing action being put into operation by  
6 the immigration service.

7           I'll just leave it at that and let you all ask  
8 any questions that you may have.

9           You might be interested in knowing that  
10 California, as well as the Texas agents, have conducted  
11 studies in the past concerning such things as border patrol  
12 activities, raids on businesses, EEOC affirmative action-type  
13 of things, and the Texas agency of which I am a member is  
14 going to look at the study that we did five years ago and go  
15 back and see if there has been any improvement since the last  
16 study.

17           In a meeting in El Paso, there was a very,  
18 very strong consensus that perhaps the Western Region and the  
19 Southern or Southwest Region who had mutual problems might,  
20 perhaps, get together after some fact-finding hearings and  
21 conduct similar hearings.

22           Is it the same practice patterns practiced by  
23 the immigration service on interrogation, and, like, down in  
24 the Lower Rio Grande Valley, does it take place down in the  
25 Lower Rio Grande Valley and Sunnyside Row in California? Are

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1 the Dallas raids of which there was one conducted last week--  
2 When I was going to Washington, I read in the paper there was  
3 a big raid on a restaurant. Low and behold, the two people  
4 that were arrested and apprehended for standing up for their  
5 rights as citizens were not Mexican, they weren't Cuban.  
6 One happened to have been born in Lebanon and the other one  
7 was born in Czechoslovakia and both were U.S. citizens, but  
8 because they had an accent, they were arrested on the spot,  
9 not given time to give proof that they were U.S. citizens,  
10 and only after being incarcerated for seven hours were they  
11 allowed to have someone come and present proof that they were  
12 U.S. citizens. So whatever way their bill goes, I think  
13 that we're going to have this whole question of immigration  
14 issue staring the general public in the face for a long,  
15 long time to come.

16 Thank you.

17 MS. DeLUCA: Thank you.

18 Questions from anyone?

19 MS. SILVERO: I have one or two questions.

20 When you talk about penalties with the Senate version, you  
21 discussed three penalties. One was a citation, number two  
22 was a penalty of \$1,000, number three a penalty of \$2,000.  
23 What happened to number four, was that eliminated?

24 MR. VELARDE: No. In the Senate version  
25 they're not as charitable as the House version. They don't

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1 give you the citation the first time around. They don't  
2 give you a warning, they fine you right away. It's a  
3 thousand dollar fine, a \$2,000 fine and then possible  
4 imprisonment the third time around. If an employer hasn't  
5 learned by the second time he's been fined that he better  
6 not have these people working for him, then he's going to be  
7 subject to prison.

8 In the House version, it's different. They're  
9 going to warn you and say, look here, the law, here's where  
10 you have violated it and you are subject to a fine next  
11 time around, civil fine. They figure that if they scared  
12 him enough that first time, the second time that he comes  
13 forward he won't get bail.

14 MS. SILVERO: Two other questions. You were  
15 talking about undocumented people here in service in the  
16 hotel. Do they have--does immigration service have--do they  
17 have an idea how many of them are there?

18 MR. VELARDE: No. I think you can go down to  
19 the roulette wheel downstairs and put your chip on any number  
20 and then just multiple it by 10,000. It's as good a figure  
21 as anybody else will get. They do know that the influx has  
22 increased. They do know that it's a lot easier for, let's  
23 say, a Central American who has gotten as far as Los Angeles  
24 to be able to get to Las Vegas.

25 MS. SILVERO: Thank you.

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1 MR. SNIDER: Could you identify the PAC's  
2 that are opposing the Simpson-Mizzoli Bill, the Political  
3 Action Committees, PAC's?

4 MR. VELARDE: It's a real funny combination.  
5 There are marriages taking place out there that have always  
6 been at opposite ends of many issues who are now sitting on  
7 the same side of the table but for different reasons. The  
8 employer does not want sanctions because it's going to hurt  
9 him in the pocketbook. The Hispanic community does not want  
10 sanctions because it's going to cause possible discrimination  
11 in the hiring practices, so, you know, there's real funny  
12 coalitions that go on.

13 To show you how far-fetched these coalitions  
14 can be and these attitudes, Kennedy, who is as liberal as you  
15 can get on the Democratic side of the Senate, voted against  
16 the Senate version, so did Helms, who's on the very opposite  
17 end of the political spectrum, but they voted for it for  
18 different reasons.

19 This was the one piece of legislation that  
20 I have seen in my 19 years of immigration work that has no  
21 continuity, per se, for the whole thing; maybe for certain  
22 parts of it, but not for the whole thing. Maybe it was  
23 purposefully written that way, I don't know.

24 They tried to come up with too much in the  
25 package instead of individual pieces of legislation, but

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1 those that started amnesty said, we'll never get it unless  
2 we compromise on sanctions, employer sanctions, and those  
3 that said, we'll never get employer sanctions, passed by  
4 itself. We'll go ahead and compromise on this whole  
5 question of amnesty.

6 MS. DeLUCA: I have two quick questions.  
7 What was your feeling about the attitude of INS here to the  
8 sensitivity to these issues, and secondly, how does the  
9 Hispanic community feel about the so-called amnesty provisions  
10 of this bill?

11 MR. VELARDE: First of all, I think the  
12 attitudes of the local immigration service is more in the  
13 area of enforcement than it is in providing service, all of  
14 the service-oriented programs, such as citizenship, such as  
15 family reunification cases are no longer done here locally,  
16 they're all sent to the Regional Center in California  
17 somewhere, so there's not that up-front personal service.  
18 In other districts they have what is called up-front  
19 processing. A student walks in, he needs an extension and  
20 they do it on the spot. Not here. In the service area here  
21 the one thing that they're looking at in the spouse  
22 relationship in bringing family reunification of the spouses,  
23 they don't talk--and I heard that yesterday, they don't talk  
24 about getting husband and wife together, they talk about, is  
25 it a sham marriage. They're looking at the enforcement fraud

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1 part of it.

2 As I was looking at a file yesterday, I  
3 heard some investigators and what they're looking at is  
4 some of the prostitution rings that are going on in Las Vegas  
5 dealing with aliens, so it's more an enforcement-type of  
6 attitude.

7 The Hispanic, it depends on who you talk to.  
8 You talk to the leadership and the leadership says, this is  
9 the feeling of the Hispanic community and they give one  
10 version. You talk to the very people at the grassroots that  
11 are going to be affected and their attitudes are different.  
12 The person who is in Las Vegas without any identification  
13 does not mind carrying around an identification card that  
14 says, I can work. The Hispanic leadership says, nobody should  
15 be allowed to have to carry an identification card, so it,  
16 again, all depends on who you talk to as to the versions you  
17 are going to get.

18 I do see that the people at the grassroots  
19 that would be affected by amnesty are the ones that are  
20 getting hurt because they're getting removed from the  
21 country and not only are they getting removed, if their  
22 mama and papa--but they're being forced morally, not legally,  
23 morally that if they have U.S. citizen children, if they  
24 go back they've got to take the kids with them and that's  
25 what concerns me, not by law are they being forced but by the

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1 government knowing that Hispanic families are a tightly-knit  
2 family unit and when mama and papa go, so do the kids. That  
3 concerns me.

4 MS. SADER: So most Hispanics wouldn't be  
5 against having to have identification cards?

6 MR. VELARDE: Not the ones that I have spoken  
7 to that are out in the field. Phil might and I might and  
8 you might. I wouldn't mind having a U.S. identification  
9 card for one reason, I live on the border, but I have the  
10 advantage of a lot of other people in that even though I  
11 look like any other Hispanic, I was born in this country,  
12 I grew up in this educational system and I don't have an  
13 accent. When I speak English, I don't have an accent. When  
14 I speak Spanish, I can turn off either way.

15 There are many aliens, not necessarily  
16 Hispanics, who yesterday were legal permanent residents and  
17 today they are U.S. citizens and just because they are  
18 U.S. citizens doesn't mean the accent is gone, and as a  
19 result if you live on the border sometimes it's an advantage  
20 to have a U.S. ID card because up here in Las Vegas you  
21 don't have border patrol. You don't have to cross boundaries  
22 on the border areas. We do, so sometimes it's a tremendous  
23 advantage to have a piece of paper by the U.S. government  
24 saying I'm a U.S. citizen.

25 MS. SILVERO: I want to make a comment on what

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1 you just said. I do mind having an ID with me, the reason  
2 being, I come from a country--I came from a country where  
3 everybody had an ID, everybody, so it was something that  
4 everybody was subjected to. Now, I come here and because I  
5 speak differently and I look different, I'm supposed to carry  
6 that. I don't agree with that, that aggravates me. That  
7 really makes me mad. Why me? Now, if everybody had an ID  
8 like in other places of the world, then I wouldn't complain  
9 about it, but that is my complaint and it upsets me, and you  
10 were also talking about that we do not get subjected to  
11 being asked for documents.

12 I just happened to be at Lake Mead about a  
13 month ago and they were asking for ID. What was the purpose,  
14 I don't know, but it sounded to me like they-- I understand  
15 and I know that a lot of--well, not foreigners, but Spanish-  
16 speaking people go to that resort area during the weekend  
17 and I think that's what they were looking for, but that is  
18 my personal opinion. First time I have seen that.

19 MR. VELARDE: Let me make a comment. The thing  
20 that scares me, immigration and border patrol are one in the  
21 same. Immigration has their investigators, border patrol has  
22 their border patrol unit, but it's all the immigration  
23 service. They have, in certain states, been able to get the  
24 assistance of the state and local police by saying, we can't  
25 do our job but together we can do it better, so as a result,

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1 in a lot of places, and I'm sure that possibly the people  
2 that asked you for your ID were probably not immigration  
3 people, they might have been DPS, Department of Public  
4 Safety. In a lot of states--I've seen this in Texas--more  
5 and more of the local and state policing agencies are getting  
6 very much involved in the application of federal immigration  
7 law and there's a dangerous crossover there.

8 In El Paso, for those of you who were there,  
9 I don't know if you saw it, but downtown one policeman  
10 walks his beat and the border patrolman walks it with him and  
11 sometimes that jurisdiction passes there, but you better not  
12 mouth-off with one because the other one is going to nail  
13 you and that bothers me.

14 MS. SADER: I just would like to make a  
15 comment about that. I think maybe it's a little easier for  
16 me to say that because I'm blond and blue-eyed and I've  
17 never had this problem, but we all have to carry identifica-  
18 tion of some kind. If we drive, we have to carry a driver's  
19 license and I don't see that as a problem. The issue we  
20 have to think about is, is it an infringement of civil  
21 rights to have to carry an ID card and I don't know.

22 MS. DeLUCA: For anybody to have to carry one.

23 MR. MONTEZ: If you want to drive, you carry  
24 a driver's license, but I don't have to drive so the  
25 question is, it's by choice and it's not an enforcement

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1 unless people will be forced to carry ID. You know,  
2 technically, you can't be picked up because you don't have  
3 identification even though law enforcement will say, we want  
4 to see your identification and the court has said they can't  
5 really ask you that if you are not doing something illegal  
6 but it's by choice now and I think that's the difference.

7 MR. VELARDE: I think she made a very good  
8 point about being blond and blue-eyed. There is no system  
9 of national ID unless you come from perhaps Israel and,  
10 of course, that's a melting pot there so they're not all  
11 blond and blue-eyed, but if you come from Central America,  
12 if you come from Latin America, almost every one of those  
13 countries requires you to carry what is called a "sedula",  
14 a national identification card and you can't travel from one  
15 village to another without having this in your possession.  
16 You can't leave the country unless you have this in your  
17 possession, so a lot of those people, because they grew up  
18 with that system, are not as offended with the idea; however,  
19 when they come to this country and they see the freedoms of  
20 this country, then after they've been here a while would be  
21 very much offended having to go back to a system which is not  
22 as free as we have it here in this country.

23 MR. SNIDER: But many of those countries,  
24 however, are not totalitarian but they are democratic  
25 countries. In other words, it doesn't relate to totalitarian.

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1 MR. VELARDE: There's lots of places in  
2 Central America you can't get a job unless you present the  
3 sedula, the national ID card. It's not a social security  
4 card, it's a national ID card given out by the police.

5 MS. SILVERO: The point is, we're talking  
6 about equality. We're being treated as not-- I'm not just  
7 talking about Hispanics. Anyone looking different is  
8 treated differently. That's what I'm concerned about and  
9 that's what we should be concerned about.

10 MR. VELARDE: Your last five Supreme Court  
11 decisions that have come out dealing with aliens have  
12 eroded to a great deal many of the progressive decisions  
13 that have been given in the past in this whole issue and I  
14 think that the blacks very recently were concerned about this  
15 because of one of the decisions that was given out by the  
16 recent Supreme Court which, again, eroded. It went back to  
17 things like the Bakki decision and the like, so you see in  
18 the last year, year and a half, where civil rights were  
19 protected by the lower courts, all of a sudden in the recent  
20 Supreme Court decisions, that has eroded in the other  
21 direction.

22 MR. MONTEZ: I have two questions, just for  
23 the record. You talked about the immigration department and  
24 you talked about the numbers of people in Las Vegas working  
25 in the service areas. It seems to me if you are aware of the

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1 information, the immigration department is also aware of it,  
2 that is, in their enforcement efforts and you said if they  
3 cleaned out all of the hotels they would have the same  
4 problem that they had as the strike. Can we assume that  
5 there is some unwritten independent understanding between  
6 immigration and the businesses here that they're not going  
7 to touch them, and a follow up to that question would be,  
8 are there American citizens available to take the jobs of  
9 these people if they did clean them out? Do you follow my  
10 question?

11 MR. VELARDE: Yes. I don't think I have a  
12 answer to either one. Perhaps the SAC's should look into it.  
13 I don't think there's a written agreement. I think the  
14 reason the immigration service in Reno and Tahoe and  
15 Las Vegas--

16 MR. MONTEZ: It happens in Los Angeles, too.

17 MR. VELARDE: They don't have the personnel.  
18 They couldn't possibly. They don't have the manpower.  
19 Written agreement, I don't know. I don't know.

20 MR. MONTEZ: I would suspect it would be  
21 unwritten, if it was going to create that kind of chaos to  
22 the business establishment in Las Vegas, which from my  
23 findings--our findings, it is a very strong economical force  
24 in Nevada. The casino business is the industry in Nevada  
25 and, you know, to create the kind of problems that you said,

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1 you know, almost as a strike, it seems to me that there's  
2 almost an unwritten understanding.

3 Then the other question is, are there  
4 American citizens ready to fill these service positions?

5 MR. VELARDE: I don't necessarily believe  
6 that all of the positions would be filled because remember  
7 that the positions that I talked about were low entry paying  
8 jobs, the minimum wage type so that I feel that those U.S.  
9 citizens who have a little better education than most of the  
10 aliens would probably say, I don't want that job because it  
11 doesn't pay me enough. There are, of course, some-- And I  
12 asked that of the immigration chief here. There are some  
13 jobs that are taken by some aliens that some U.S. citizens  
14 would like to have, high paying, and these are more in the  
15 skills. I'm talking about the master carpenter, but when you  
16 take the total number of skilled jobs where the people have  
17 a direct impact on U.S. citizens, are in smaller numbers  
18 than your total picture.

19 MR. MONTEZ: One other question because we  
20 deal with racial discrimination. How do we deal with the  
21 problem of all the European blond, blue-eyed's that are  
22 coming through Canada and coming into the United States  
23 illegally and are never raised as an issue? Does it look  
24 like Simpson-Mizzoli is strictly a racial issue for people  
25 that look different? You talked about blacks coming from

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1 the Caribbean, Haitians, Latins from South America, Mexicans  
2 who look different. Do we have different programs for blond,  
3 blue-eyed's coming from Europe?

4 MR. VELARDE: You've got to remember that  
5 immigration has already officially said on the record and in  
6 the Congressional record that half of the illegal population  
7 in the United States is Hispanic, the rest come from other  
8 countries of the world. There is a definite pattern of  
9 difference as to how the immigration service conducts their  
10 business on the Canadian border in relationship to the U.S.  
11 border. A Canadian can show proof he's a Canadian and can  
12 come into this country for a period of six months with no  
13 restraints. A Mexican, if he's got a local crossing card,  
14 can only come in for 72 hours or 25 miles within the border  
15 area. If he wants to go any further, then he better prove  
16 that he's an attorney, that he's a doctor, that he's got  
17 resources to go back.

18 The majority of your border patrol is in the  
19 southern area, not in your northern area and when I look at  
20 this piece of legislation they talk about guest workers not  
21 from Canada but from Mexico. They talk about more  
22 enforcement not from Canada but from Mexico. They're not  
23 concerned about the impact of the legalization program, let's  
24 say, in Des Moines, Iowa but they're very much concerned  
25 how much it's going to cost in Los Angeles, so, yes, it's

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1 targeted. One thing you've got to remember, regardless of  
2 how targeted it is, if they're going to enforce it, they're  
3 going to have to enforce it where it affects everybody, so  
4 both of you who are blond and blue-eyed will have to show  
5 the same kind of proof to your employer that you have the  
6 same right to work as Jeff and I, who happen to look  
7 different, and you might be more offended than Jeff and I  
8 because we've been used to it.

9 MS. DeLUCA: Are there any other questions?  
10 I want to thank you very much, Mr. Velarde. I appreciate  
11 your comments and your experience and presenting some of  
12 your experience with us.

13 MR. MONTEZ: Are you leaving right away?

14 MR. VELARDE: I'm going to be leaving at  
15 one o'clock.

16 MR. MONTEZ: There is a joint effort to do  
17 something about the Western Region Office and your office  
18 down there. Richard Avena may set up a meeting in Tucson  
19 where we would invite people from the Nevada committee and  
20 see what we can do as a joint that you mentioned earlier.  
21 I don't know where that is. He's sort of handling this.

22 MR. VELARDE: He's talked to me on it. I am  
23 the chairman of the immigration subcommittee of the Texas  
24 SAC and he recently went down into the Lower Rio Grande  
25 Valley himself to get a feeling on the whole idea.

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1 MR. MONTEZ: And he got busted by the  
2 immigration because he looked like a Mexican.

3 MR. VELARDE: Well, he doesn't look Hispanic  
4 though.

5 MR. MONTEZ: Who?

6 MR. VELARDE: Richard. They think he's an  
7 Indian.

8 MS. DeLUCA: He looks very Indian.

9 MR. VELARDE: But I want to thank you again.  
10 The only reason I'm running off is because I have to pack and  
11 go up to Niagara Falls to a meeting.

12 MS. DeLUCA: Thank you very, very much. Okay,  
13 ladies and gentlemen, we better get started here.

14 With us now we have Mrs. Lubertha Johnson who  
15 is director of Operation Independence. Welcome.

16 MRS. JOHNSON: Thank you. I want to  
17 apologize for being late and I have one good excuse for  
18 being late and that is that this is only my 41st year in  
19 Las Vegas. You see, I have never been to the Maxim and I  
20 got lost everywhere I went, so, anyway, I'm here and thanks  
21 for the invitation.

22 Now, I don't know who's in charge here, but  
23 whoever is in charge, to you I want to say I appreciate the  
24 opportunity to come in and I hope I'll have something to say  
25 that is worth saying.

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1 MS. DeLUCA: May I interrupt for a second?  
2 Can everyone hear in this room?

3 MRS. JOHNSON: I couldn't hear very well down  
4 there. As you know, yelling at children I get pretty much  
5 accustomed to talking loud, but I hope everyone can hear.

6 I had an opportunity to visit one of the  
7 meetings held by the Resort Association. Most of you must  
8 be aware of the fact that in 1971 the Las Vegas branch of  
9 the NAACP were able to establish with the local hotels a  
10 plan for actually conducting more or less--I won't say an  
11 experiment--but anyway they did adopt the consent decree as  
12 a part of their hiring practices and, of course, the only  
13 big surprise I had is I had not attended the meeting in some  
14 years and I was just surprised that they were still  
15 conducting these meetings. I haven't the slightest idea what  
16 they do but they attend and usually people who have very,  
17 very little if any authority, what have you, usually attend  
18 these meetings so we have a lot of discussion on many  
19 things. However, for a number of years we did have some  
20 action and some success actually in getting people hired,  
21 getting blacks hired in the hotels into positions which they  
22 had never held before; however, that just meant moving up  
23 from a maid, one move up above a maid, or the same with a  
24 porter. Through the years, we have been able to get a few  
25 positions that were actually unusual. In the last few years,

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1 however, it seems, in fact, that very little is being done.  
2 I don't know whether I should say this but anyway I have to  
3 say during the present administration it's been slower still  
4 in that right now. We're apparently not moving ahead.  
5 Barely at all are we making any progress, however, there were  
6 many excuses, the same ones like we can't find qualified  
7 people.

8           Some of the hotels have started some training  
9 programs that were effective for a few years. I really have  
10 to mention Caesars. Their program seems to have been very  
11 effective for the years they were operating it and they still  
12 are, they say, but, of course, nothing like they were some  
13 years ago. I know of one person who is in the personnel  
14 department, for instance, who has been there for some time.

15           They also say that the unions are not very  
16 cooperative. Now, I don't know how much most of us learn  
17 about, you know, how the unions cooperate or do not cooperate  
18 in the matter of the consent decree but they say that there  
19 is an opportunity on some occasions to sort of force the  
20 unions to cooperate but many times apparently according to  
21 what they said, there are many times when they ordered a  
22 black person and said, well, you know, we must have a black  
23 person here because of the consent decree. They just will  
24 not cooperate to that extent and they give their different  
25 excuses.

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1 I can't say too much more except that I  
2 didn't introduce myself, but my excuse for being active is  
3 the fact that for some 40 years I have been active in the  
4 NAACP, have served as president, you know, secretary, you  
5 name it. And, of course, we are still concerned about our  
6 consent decree, however, we have found that we have a little  
7 problem with getting the information that we need. We can't  
8 get numbers because one of the things that we have not been  
9 able to accomplish is getting people into the upper brackets.  
10 I mean, you know, they're still on a level that does not  
11 include, you know, top jobs. Of course, one of the things  
12 they said yesterday was that they have some people--some jobs  
13 that one just can't get into because the people who have  
14 these jobs refuse to cooperate. In fact, they refuse to  
15 die and they refuse to, you know, get the captains. They  
16 just won't cooperate in that manner, so you can't get a job  
17 as a captain.

18 Anyway, would anybody like to ask me a  
19 question? I probably don't know the answer, but--

20 MS. SADER: Just a point of clarification.  
21 Captain, what is that?

22 MRS. JOHNSON: Well, that's a position in the  
23 hotel.

24 MS. SADER: Bell captain? Is that a bell  
25 captain?

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1 MRS. JOHNSON: Captain. They just mentioned  
2 captain.

3 MS. SILVERO: Do you know what a maitre d'  
4 is? He works with the maitre d', one of his--I think it's  
5 a lower position than a maitre d' but he's there.

6 MS. SADER: I have one other question. It  
7 seems to me that raising a maid from a maid to an assistant  
8 maid or whatever, a step above a maid would be called, it  
9 seems to be a token move on the part of the casino. Has there  
10 ever been a move to recruit from-- We have several  
11 wonderful black colleges in this country that recruit  
12 management for management positions. Do they have anything  
13 like that?

14 MRS. JOHNSON: Well, in their training  
15 programs they talk about management positions, but, frankly,  
16 I have seen one or two, as far as I'm concerned, so I  
17 certainly can't pretend I know all about what happens, but  
18 I have seen one or two persons who are classified as  
19 managers just the same as I've seen several who were  
20 classified in some manner and did work in the so-called--you  
21 know, as a person in the personnel department but I haven't  
22 found anyone who really had any authority, according to my  
23 understanding, but they are given names, you know, that  
24 should indicate that they are top personnel in the personnel  
25 department but whether they actually operate in that position,

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1 you know, to any extent, I don't--I haven't seen much of  
2 that.

3 MR. SNIDER: I have two questions. Number one,  
4 what is the consent decree you are talking about? Is this  
5 a court decision or approved by the court?

6 MRS. JOHNSON: Yes, it is.

7 MR. SNIDER: Was this between the NAACP and  
8 the Resort Hotel Association?

9 MRS. JOHNSON: Right.

10 MR. SNIDER: Was that a lasting decree, it  
11 was not for a specific period of time or--

12 MRS. JOHNSON: No. I was saying I attended  
13 a meeting yesterday so that they are still holding-- The  
14 consent decree requires them to continue these meetings for--  
15 ever, I guess, they said because they were required to do it.  
16 They still meet.

17 Now, there was a time when a lot of black  
18 people used to attend meetings but they said recently-- I  
19 know I attended for some three or four years and now I  
20 understand that very seldom any black representative attends  
21 the meetings but, of course, that's because when we went to  
22 the meetings we didn't seem to get anywhere and, of course,  
23 we just stopped.

24 MR. SNIDER: The next question is, you  
25 referred to unions not being cooperative with the affirmative

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1 action. Would you pinpoint the unions you are talking about?

2 MRS. JOHNSON: They did not pinpoint the  
3 unions to me, they just said the unions.

4 MR. SNIDER: Who said?

5 MRS. JOHNSON: Some of the people who were  
6 representing the Resort Association at the meeting.

7 MS. SILVERO: I have a question for you. The  
8 consent decree was first implemented or brought about in  
9 1972, right?

10 MRS. JOHNSON: '71.

11 MS. SILVERO: '71, okay. There was something  
12 else that happened, I think, two years later where something  
13 else was implemented, something else was brought into the  
14 decree. Was that the Hispanics because when you are talking  
15 about consent decree, you are talking about specifically the  
16 blacks.

17 MRS. JOHNSON: Yes. Well, I don't know about  
18 this. There may have been, as I said, because in later years  
19 I have not been active. I really have not been aware of  
20 everything that was happening but I have not heard anything  
21 about this.

22 MS. SILVERO: Are these meetings open to the  
23 public, and number two, where do they meet and when?

24 MRS. JOHNSON: Well, right now they're meeting  
25 at Summa and they meet every Wednesday. They meet on

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1 Wednesday, once a month. Must be the second Wednesday.  
2 Before I leave, I'll give you the name of a person.

3 MS. SILVERO: Okay, I'll appreciate it.  
4 Thank you.

5 MR. WALLACE: I have a question. You said  
6 that the last meeting you attended those representatives from  
7 the casinos seemed to be your lower, non-administrative  
8 types; is that correct?

9 MRS. JOHNSON: Well, that's been the same  
10 thing almost from the beginning.

11 MR. WALLACE: So would you say that there is  
12 not a very strong effort on the casinos' part to effectively  
13 comply with the consent decree?

14 MRS. JOHNSON: Well, let me say this because  
15 I don't want to-- I would like to say that from my point of  
16 view most of the people-- In fact, now there's one person  
17 there that is a representative of one of the unions who seems  
18 to be interested and has seemed to use some influence.  
19 However, generally, as I said, now we had a man who was head  
20 of the Resort Association who was apparently pretty active  
21 in the beginning. He passed away, of course, and that  
22 naturally, you know, that he is not active but, as I see it  
23 and as we all see it, it would be practically impossible for  
24 these people to take any action. Most of the people who are  
25 there, as I say, represent somebody as a secretary or some

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1 sort of an assistant to this assistant but otherwise they  
2 themselves, and I don't know how much, I doubt the amount of  
3 influence that they would have on the persons who are  
4 actually in authority and there is no real indication that  
5 they are really in touch with authority because this decree  
6 says you must hold these meetings, they are held.

7 MR. WALLACE: Thank you.

8 MR. MONTEZ: Do you know if this decree was  
9 approved by the federal or state court?

10 MRS. JOHNSON: I believe by a state court.

11 MR. MONTEZ: Do you have a copy of the consent  
12 decree?

13 MRS. JOHNSON: Yes.

14 MR. MONTEZ: Would it be possible for the  
15 Committee to have or get one from you?

16 MRS. JOHNSON: Yes. I believe I have two and  
17 you could take one.

18 MR. MONTEZ: I'd like our legal body to go  
19 over it and see where maybe we could be of some assistance  
20 to try to enforce that decree.

21 MRS. JOHNSON: You certainly may have one of  
22 the copies.

23 MR. MONTEZ: Thank you.

24 MRS. JOHNSON: I would like to go into some  
25 of the other things.

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1 MS. DeLUCA: May I ask one more thing about  
2 that? Has anyone gone back to court over this? Has the  
3 NAACP gone back to court about the decree?

4 MRS. JOHNSON: We have made some efforts in  
5 the early 70's, but not recently, we have not gone back into  
6 court.

7 I have a couple of other things I'd just like  
8 to mention. Our educational system program, or what have  
9 you, I suppose is somewhat similar to many areas of the  
10 country. The only progress that we have made so far has  
11 been to establish what is called a sixth grade center and  
12 these centers are located mostly in the black communities and  
13 white children are bussed into these centers and this is the  
14 only time that white children participate in the integration  
15 pattern. The black children, however, are bussed into  
16 white communities all of the years of their education in the  
17 public school system which means, of course, that it is  
18 certainly a very, very--what shall I say--unequal participation  
19 because this is the only time they participate, but the black  
20 children do participate to the extent that they are bussed  
21 into the so-called white schools.

22 We have tried several times through the courts  
23 to get this amended or changed or something, but we haven't  
24 been successful so far and this is how it stands now.

25 In our university we've had some problems

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1 there. We tried very hard to do something to change the  
2 pattern of apparent almost complete discrimination but so  
3 far we have not succeeded.

4 MS. DeLUCA: What type of discrimination are  
5 you talking about?

6 MRS. JOHNSON: Hiring.

7 MS. DeLUCA: Of minorities?

8 MRS. JOHNSON: Yes. In the police department  
9 also is about--I don't know how similar to other areas  
10 because, of course, I haven't lived in other areas for quite  
11 some time, but, according to the newspapers, we are still  
12 all very, very far from being treated equally. This is  
13 certainly a fact in Las Vegas.

14 MR. WALLACE: In affirmative action or  
15 policing?

16 MRS. JOHNSON: This has nothing to do with  
17 affirmative action. The police department, as far as I know,  
18 has never been involved in any consent decree activity.

19 MR. WALLACE: But when you say treated  
20 unfairly, I was wondering if you mean treated unfairly in  
21 terms of police services or employment, who's on the police  
22 department.

23 MRS. JOHNSON: We've made a little progress  
24 in the area of employment in the last two or three years.  
25 We have had more people and we've had more advertising of,

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1 you know, positions that were open and indication that  
2 training would be provided, but as far as police protection  
3 and police abuse, we are about where we were. In fact, I  
4 believe we are about where we were when I came here in the  
5 40's.

6 MR. WALLACE: Okay.

7 MRS. JOHNSON: A couple of instances. Well,  
8 just recently, if you've been reading the paper, you know,  
9 we have this case right now from perhaps about three or four  
10 days ago where a young black man was supposedly locked--got  
11 locked into Montgomery Wards store, couldn't get out and  
12 somehow was able to touch the alarm and the policeman came  
13 over and according to the news media of the story that this  
14 young man gave, they came in with their guns pointed at me  
15 and told me to turn around and lay down. He said they kicked  
16 me in the mouth and it started bleeding. They stepped on my  
17 hands and were kicking me. He alleged that after several  
18 minutes a police dog was turned loose and bit the man's arm.  
19 He said the policeman laughed as he was being attacked by the  
20 dog and one officer asked what's the matter, boy, don't you  
21 like dogs? The police dog should have been quarantined in  
22 case of rabies, but Undersheriff Eric Cooper said, such  
23 violence is not necessary. Anyway, that's just part of the  
24 headlines.

25 Here says ACLU might probe airman's charges

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1 against police, but this is just a small matter in comparison  
2 with some things that have happened in the last few years.  
3 For instance, that raid that occurred in West Las Vegas, oh,  
4 about a year and a half ago in which the police were looking  
5 for dope. They went into practically all of the business  
6 places in West Las Vegas where they, in several places,  
7 forced everybody, customers, everybody to lie down on the  
8 floor while they searched them and abused them, as they said,  
9 and we tried to get some hearings on this. Go hardly  
10 anyplace, but we did finally invite the sheriff to speak at  
11 a black Chamber meeting. On being questioned, he said,  
12 well, you can't expect to be treated like people at Caesars  
13 Palace, that's like comparing apples and oranges, so I mean--

14 MR. SNIDER: What's the sheriff's name?

15 MRS. JOHNSON: Moran. I have some letters  
16 that were written by some of the people who were subjected  
17 to the treatment there. I don't want to take the time to  
18 read them, but if anybody would like to read them--

19 MR. WALLACE: We'll submit them for the  
20 record.

21 MRS. JOHNSON: Okay. Generally in the  
22 community we find that polarization has increased  
23 tremendously in the last 15 or 20 years, a community that  
24 was at one time apparently friendly. In fact, we had a  
25 couple of inter-racial clubs and we had very good relations,

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1 we thought, with one of our outstanding publishers who came  
2 in to town as a liberal who has now turned exactly in the  
3 other direction.

4 We feel that the media is extremely--  
5 apparently extremely prejudiced in that we live on the  
6 West Side, most of us. I don't know why we always pick the  
7 west sides of cities, but anything that is reported in any  
8 way, no matter how small the crime, it's headlined front  
9 page, West Side, and so you would think that everybody who  
10 lives in this area, you know, had to be criminals because,  
11 you know, they don't say Ms. So-and-So or Mr. So-and-So.  
12 They may put the street later, but the first thing that comes  
13 is the headline.

14 For instance, we're having some problems now  
15 where a couple of brothers have had quite a bit of money that  
16 they have used for training and one brother has a bus. Now,  
17 I don't know what is right or wrong about it, but I do know  
18 one thing, for 23 days there was a statement regarding these  
19 financial problems that were headlined on the front page,  
20 23 times, 23 days, which never happens, of course, in other  
21 matters. You know, it's an awfully big deal.

22 Anyway, as I said, we are very conscious of  
23 the fact that the media goes all out apparently to make a  
24 big deal out of the smallest kind of crime that may be  
25 committed or in which someone may be involved or accused which

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1 certainly causes a lot of complaints and a lot of  
2 unhappiness on the part of the black community.

3 Another indication of the polarization is the  
4 fact that hardly any representative group, including the  
5 City, the County or any other government establishment ever  
6 invites blacks to participate in any forums, discussions or  
7 anything regarding problems that are common to everybody and  
8 we feel this very keenly and are concerned about making some  
9 serious efforts right at this time in trying to get  
10 opportunities to express our own feelings, our concerns, as  
11 well, about certain problems, including, you know, taxes and  
12 all of the other actions that affect us all.

13 I believe that's about all I have to report  
14 and if there are questions, I'd like to try to answer them.

15 MS. DeLUCA: Any other questions?

16 MS. SADER: Is bussing a state issue or is  
17 that--

18 MS. DeLUCA: That was a federal court issue,  
19 also.

20 MRS. JOHNSON: We filed suit--NAACP filed  
21 suit against the School District for their lack of action  
22 being taken in the desegregation of schools and this is what  
23 we ended up with.

24 MS. SADER: The black community in Las Vegas  
25 doesn't support the bussing, they don't want any bussing?

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1 MRS. JOHNSON: Well, yes, but we don't want  
2 the kind of bussing that requires black children to be  
3 continually bussed all through the years in the public  
4 school system while the white children are only required to  
5 be bussed one time.

6 MR. SNIDER: In your opinion, what is the  
7 quality of the teaching in the schools in the predominantly  
8 black communities, as compared to the rest of Clark County?

9 MRS. JOHNSON: Well, at this time I must  
10 admit that some improvements have been made during the past.  
11 When I first came here, for instance, we had some small  
12 schools that could almost be classified as shacks. The  
13 equipment and materials, everything was very much inferior,  
14 however, one of the things that happened and the same thing  
15 happened in the South when word got around that we may get,  
16 you know, complete integration, a lot of those schools  
17 magically became, you know, repaired and rebuilt and  
18 additions and all that sort of thing, fortunately, before we  
19 had the final decision on it. But I want to tell you  
20 something has happened in the sixth grade centers. They  
21 compare favorably with any schools in any part of town, you  
22 know, since we found out that we were going to have white  
23 children there.

24 MR. SNIDER: Do all sixth grade students go  
25 to all one school now?

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1 MS. DeLUCA: There are about six or seven  
2 sixth grade centers and they're all located in the West  
3 Las Vegas area in the black communities.

4 Thank you very much, Mrs. Johnson, I  
5 appreciate your making so many notes and sharing your  
6 experience and thoughts with us.

7 MS. SADER: Yes, thank you very much.

8 MS. DeLUCA: Okay, moving right along, we have  
9 Mr. Robert Rivas and Mr. Ed Ochoa.

10 MR. RIVAS: Mr. Rivas is here. Mr. Ochoa  
11 will not join us.

12 MS. DeLUCA: Okay. With us we have Bob Rivas  
13 who's the state director of LULAC, League of United Latin  
14 American Citizens. Thank you for coming, Bob.

15 MR. RIVAS: Good morning. I am here this  
16 morning with you representing the League of United Latin  
17 American Citizens. I am its current state director for the  
18 State of Nevada and sit on the organization's national board  
19 of the League of United Latin American Citizens.

20 For your information, this is the oldest and  
21 largest Hispanic organization in the United States and is  
22 involved in a number of areas concerning civil rights of  
23 Hispanics of America.

24 More recently you may have noted our active  
25 participation and advocacy being heavily against the passage

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1 of the Reform Bill, Simpson-Mizzoli, and us here in the  
2 state have actively pursued the lobbying against that  
3 particular Bill and not only in the area of immigration  
4 reform but we have become involved in areas involving  
5 employment and education, specifically in individual cases  
6 where we feel that there has been a violation of individual  
7 rights. Our network in the state consists of six councils,  
8 four of which exist in Southern Nevada: One in the City of  
9 Boulder, one in the City of Henderson, one in the City of  
10 Las Vegas and one in the City of North Las Vegas. Two exist  
11 in Northern Nevada: One in the City of Sparks and one in the  
12 City of Reno. The network has approximately 150 members.  
13 Within that network, I represent the collective body in  
14 terms of providing direction and input to the national board  
15 and annually we gather at a convention to direct at the  
16 national level issues of concern to Hispanics in America and  
17 particularly in the structure within LULAC.

18 I did come before you, I believe, at your  
19 last session, open public hearing. At that time I  
20 represented a local grassroots organization called the  
21 Hispanic Committee for Quality Education. I was its  
22 president. We were on the edge, if you will, of presenting  
23 or had already presented--I can't remember the exact date--  
24 a report which the committee had put together highlighting  
25 the condition of education for Hispanic Americans in the

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1 Clark County School District. That report some of you may  
2 remember or you may have received is this one in the brown  
3 cover. Since then, of course, many things have taken place  
4 between the Hispanic community and the Clark County School  
5 District, positive things, I feel, that have brought about  
6 some changes.

7 To recall your memory, I would like to  
8 perhaps open by sharing with you recommendations that I made  
9 nearly two years ago to this body. They were that the  
10 Advisory Committee establish in Clark County a task force  
11 or subcommittee entitled Task Force For Civil Rights In  
12 Education For Hispanics. A representative body should  
13 include UNLV, Nevada Civil Rights Advisory Committee in  
14 Clark County, State Department of Education. The purpose  
15 of the task force would be to conduct a fact-finding mission  
16 for policy recommendations for the governing body to be  
17 coordinated on limited resources for unmet needs, to develop,  
18 you know, alternatives to failure affirmative action plans  
19 within those educational institutions and the last thing,  
20 to sponsor a conference to focus on Hispanic issues in  
21 education.

22 The second recommendation is a follow-up  
23 report response to questions posed regarding the  
24 recommendations written into the unmet goals report of this  
25 advisory body of September 1981. This would be specific

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1 to the Hispanic component and address the Hispanic  
2 committee.

3 The last recommendation was to issue a state-  
4 ment to all Hispanic organization agencies on the intent of  
5 this advisory body to confront and meet head-on educational  
6 deficiencies to the detriment of the Hispanics, none of  
7 which were acted upon, and I am hoping that my presence here  
8 today is not simply an exercise in verbal presentation but  
9 that we can together--we, LULAC are willing to sit down and  
10 to seriously address issues that affect us detrimentally and  
11 today I wish to share with you just one area, again, dealing  
12 with education, one very specific area, higher education in  
13 the State of Nevada.

14 Today in the United States there live nearly  
15 15 million people, approximately six and a half percent of  
16 the total population who are identified as Hispanics. These  
17 nearly 15 million Hispanics represent a 61 percent increase  
18 since 1970 compared to the nine percent growth for non-  
19 Hispanics. The increase in Hispanics is enormous and  
20 hopefully this committee is well aware of unprecedented  
21 growth that Hispanics have enjoyed, if you will, over the  
22 last decade.

23 In addition, it is important to note as a  
24 characteristic of our population that Hispanics generally are  
25 a very youthful population. Looking at certain age groups,

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1 we see that large portions of Hispanics are in the younger  
2 age groups when compared to non-Hispanics; that more than  
3 20 percent of all the Hispanics in our nation are under ten  
4 years of age. That is as of 1980, compared to 14 percent  
5 of non-Hispanics, and that our median age is 23 years,  
6 compared to 31 years for non-Hispanics. That leads us to  
7 conclude that for the years to come many of our youth,  
8 particularly women, are not even within their childbearing  
9 years insure us of a continued pattern of growth.

10 Further, that leads us to conclude or make  
11 some assumptions that our community in Clark County and  
12 Nevada are no exception, out of synch with the rest of the  
13 nation, out of synch with the rest of the state. We are  
14 synchronized to the same problems that non-Hispanic  
15 populations have.

16 While we are concerned with youth problems  
17 related to drugs and youth offense problems, while we are  
18 concerned in areas that the non-Hispanic population are  
19 concerned with, we find ourselves not being listened and  
20 addressed to in terms of growing needs that we represent in  
21 our community.

22 While we are concerned that our young be  
23 provided an equitable education, we are concerned youth  
24 projects be properly addressed in the growing barrios,  
25 Hispanic neighborhoods, that are spurring across this nation.

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1 and in Clark County.

2           The other segment of our population is  
3 concerned with problems outside that focus, for instance,  
4 on the aged, services to the older citizens, criminal  
5 problems outside of youth and in drug-related areas that  
6 not enough resources are being provided in other areas.  
7 Keep in mind the age characteristics is important.

8           In Clark County and according to 1980 data,  
9 there's a population of approximately 35,000 Hispanics,  
10 representing 7.6 percent of this county. From 1970 to 1980,  
11 no other ethnic group has experienced as large and as fast  
12 a growth percentage whereby the Hispanics more than doubled  
13 in population in this county, yet in times of economic boom  
14 and growth in this county the Hispanic has experienced little  
15 or no progress.

16           In real terms of development when it pertains  
17 to economic development, employment and education, we can  
18 continue to significantly trail in the vital areas, such  
19 as medium family income, unemployment rates are higher for  
20 Hispanics in all areas, lower status occupational  
21 distribution for Hispanics, poverty rates are higher and  
22 educational attainment levels are deplorably low for us, and  
23 observation in Clark County from the Hispanic point of view,  
24 demographic changes in our county have not reflected in  
25 policy the type of planning that is sensitive and responsive

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1 to a growing population and meeting the specific needs of  
2 that population, that being the larger growing minority and  
3 the largest minority population in this state.

4           Let us be a little bit more specific and  
5 turn to education in Clark County. There are three  
6 institutions of learning in Clark County: Clark County  
7 School District, Clark County Community College and UNLV.  
8 The opinion of LULAC, despite the growth and prosperity  
9 experienced by these three educational institutions, no  
10 progress has been made in regard to the Hispanics. There  
11 exist today a total void of opportunity for Hispanics at the  
12 doors of our public education. Our educational system in  
13 Nevada has been grossly negligent by the mere fact of  
14 acknowledging the presence of Hispanics, yet you will find  
15 us in many of these institutions trimming shrubs and cutting  
16 grass, but you won't find us in the classroom. You'll find  
17 us fixing busses and other educational equipment, but you  
18 will not find us in the classroom. You'll find us waxing  
19 floors and cleaning bathrooms, but you are not going to find  
20 us in the classroom. You'll find us occasionally running  
21 minority programs for these institutions, but you'll not  
22 find us in the classroom.

23           UNLV is my point today, ladies and gentlemen.  
24 UNLV, for years, has neglected its responsibility to insure  
25 that equal opportunity exists at its doors for Hispanics.

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1                                    Let me share with you some alarming  
2 statistics that have existed for the past three academic  
3 years at UNLV. We, at LULAC, consider education beyond  
4 public school years, K through 12, higher education to be  
5 critical to the successful development of our community. We  
6 cannot insure that we will be provided equitable access to  
7 the job market in America and in Nevada if we're not prepared  
8 to do so. In order to prepare us for the skills and to,  
9 you know, tap the potential within our community, our minds  
10 must be developed, challenged and then, of course, inserted  
11 into the mainstream of working America, and a higher  
12 education is critical to that happening and succeeding.

13                                    Between the academic years, 1980 to 1983, the  
14 University has enjoyed an enrollment level of a full-time  
15 student body of 14,501 students. These include total  
16 enrollments for first-year to fourth-year students. Of that  
17 total, four percent has been Hispanic or 583 of that total.  
18 For the freshman year the average total has been 278 or 5.4  
19 percent of the population of that university. In the second  
20 year, the population dwindled down to 135 or 3.8 percent of  
21 the population decreasing our enrollment of Hispanics by  
22 51 percent compared to a 38-percent dropoff rate for  
23 non-Hispanics. In our third year we see the continued trend  
24 of non-retention averaging 98 Hispanics on campus for 3.7  
25 percent of the total population and a dropout rate of 30.

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1 percent compared to 29 percent for non-Hispanics, and finally,  
2 in the fourth year we see an average attendance of 74  
3 Hispanics on campus.

4 The overall dropout rate or decrease of  
5 enrollment for Hispanics through the four-year period is  
6 48 percent compared to a 26 percent non-retention rate for  
7 non-Hispanics.

8 Clearly four percent of a total population on  
9 the university campus where nearly ten percent of its  
10 population distribution against the youth characteristics  
11 of our community is not nearly enough to convince us that a  
12 marketable approach is taking place in our community to  
13 insure that the minds of our Hispanic youth are being  
14 developed on that campus.

15 Let us take a look further. There are three  
16 areas within the University. Employment is one of them and  
17 it is deplorably low as an investigation hopefully will  
18 show.

19 Enrollment was the second area, and  
20 financial aid dollars to assist in enrollment was the third  
21 area which we investigated. Total dollars awarded on need  
22 for that same period, 1980-83, amounted to nearly 6.5 million  
23 dollars. Awarded to Hispanics were \$255,000, amounting to  
24 just less than four percent of the total financial package  
25 on that campus based on need. The total population of

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1 Hispanics that were awarded were 4.2 percent. Let us just  
2 for a minute study that. Both the enrollment level and the  
3 financial dollars awarded to the enrollment level suggest  
4 to us from the Hispanics' point of view that not only are  
5 they not recruiting Hispanics to the university system but  
6 they are not providing financial dollars because they are  
7 not recruiting Hispanics who are in need of financial  
8 dollars, therefore, a happenstance policy that even allows  
9 enrollment to happen as it occurs, it's not a targeted  
10 strategy to go out into the community to insure participation  
11 at the higher educational level. It is not a marketable  
12 strategy that seeks to find the most needy and can certainly  
13 tap the potential of those needy with financial dollars  
14 because most of them cannot attend simply because they  
15 cannot afford to attend that university and when we see that  
16 less than four percent of the total financial package is  
17 going to Hispanics and with the total population of that  
18 university during that three-year period amounting to less  
19 than 600 students, there is no indication to us that any  
20 type of directed effort has been made and we lay the blame  
21 not only on the University but on the policy-making body  
22 Board of Regents for the state and also, of course, with  
23 the Hispanic community. We take our fair share, but we are  
24 not nearly as to blame as the role model and leadership  
25 that should be representing that institution. Of course,

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1 LULAC would like to see significant changes.

2 We feel with new leadership on campus and  
3 with the hiring of a new admissions director who is Hispanic  
4 from the State of New Mexico just recently, we will perhaps  
5 see a sensitivity begin to develop toward the need to  
6 develop special targeted marketing approaches to encourage  
7 the enrollment of the Hispanic children and also the need to  
8 develop stronger role models at the University and, of course,  
9 target more recruitment toward the hiring of minorities,  
10 Hispanics in specific in classrooms on that university campus.

11 In conclusion, the needs of the Hispanic  
12 community here in Clark County are very diverse. We, the  
13 Hispanics, constitute a larger minority in Nevada, yet we  
14 do not reflect that statistic in employment and, of course,  
15 particularly, within our educational institutions.

16 Our youth have been stereotyped as academic  
17 failures, dropouts, even gang members, troublemakers.  
18 Immigration has portrayed us as a group of aliens in America  
19 who come only to steal jobs from Americans, jobs that no one  
20 else will take. Immigration reform in this country over  
21 the last year has at least opened the doors to debate and  
22 discussion and in my opinion has opened doors to discussion  
23 and debate of the issues much larger in our country than  
24 just immigration reform. We speak of the problems of the  
25 non-English speaking and we speak of the problems particularly

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1 and specifically cultural in nature. That had not been  
2 debated before, so to that end I owe a vote of thanks to the  
3 makers of the Simpson-Mizzoli Bill. They have opened the  
4 doors to debate. We speak a different language and we  
5 characterize a unique lifestyle in America.

6 Our Hispanic community in general can no  
7 longer allow our institutions of higher learning to ignore  
8 our presence. Our Hispanic community can no longer afford  
9 to let the educational profits and opportunities to pass us  
10 by. We can no longer afford the tragedy of the minds of  
11 our children to go untapped and unchallenged and we will  
12 become progressively more insistent and we will progressively  
13 seek strategies to insure that we do succeed in bringing in  
14 more educational opportunities for our community, and it is  
15 clear to me and hopefully to the rest of this community  
16 that the Hispanic is awakening in Nevada. We're here to  
17 stay and we will become an integral fiber of this community  
18 and we'll have our place in Nevada and we will work  
19 diligently to insure that our civil rights will be a process  
20 to equalization of our available resources and I ask you,  
21 this Commission, this Advisory Committee, to join us in this  
22 venture and to keep close tabs with our league and the  
23 efforts that we are attempting to take part in and hopefully  
24 you will support, if not in concept, certainly indirectly  
25 by some form of communication to those institutions or

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1 institution of our concerns.

2 With that, I end my presentation and open it  
3 up to questions.

4 MS. SILVERO: Mr. Rivas, I must say I was  
5 very impressed with the information in your presentation  
6 today and I have some questions for you. You were talking  
7 about unemployment among Hispanics. You did come out with  
8 some very interesting statistical figures. I like that. Do  
9 you have any unemployment figures for Hispanics? You didn't  
10 mention that.

11 MR. RIVAS: I don't have them with me today,  
12 but we have some demographic statistics regarding  
13 unemployment in the county and state. How reliable they are  
14 is suspect. Mr. Ochoa, who was pulled away from us this  
15 morning, was going to tap the issue of employment for us and  
16 I, of course, did not communicate with him this morning. I  
17 didn't get his presentation, but we do have those figures.

18 MS. SILVERO: I just wanted to know if you  
19 had them right here.

20 MR. RIVAS: Not right here.

21 MS. SILVERO: You were also talking about  
22 enrollment at UNLV and you talked about the dropout and  
23 increase in enrollment as the years go by.

24 MR. RIVAS: Yes.

25 MS. SILVERO: Did it not deal with the why of

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1 that? Do you have any comments to make?

2 MR. RIVAS: I think the University has been  
3 remiss in providing resources on campus to those who may have  
4 academic deficiencies or skills lacking, for instance, for  
5 a viable tutorial program, those type of support mechanisms,  
6 if you will, that encourage the development skills so that  
7 they can continue their career at the university level.  
8 Beyond that, I can only perhaps suggest there is not enough  
9 economic or physical support for students to stay on campus.  
10 I think the financial dollars and the awarding of any  
11 financial packages on campus-- Not enough dollars are going  
12 to Hispanics for enrollment and many of those must drop out  
13 for that reason or perhaps transfer their status to part time  
14 so that they may find employment to continue their  
15 education.

16 MS. SILVERO: One last question. What is the  
17 status of bilingual education in Clark County?

18 MR. RIVAS: In the Clark County School  
19 District there are, in fact, three programs or projects, if  
20 you will, that I am aware of. There is an immersion program  
21 taking place that is specific to non-English speakers,  
22 basically Spanish speakers. There is a Bienvenido program  
23 for, I believe, children through the third grade and an  
24 ESL program that is available for up to high school students  
25 that I know of. There's no commitment at the local level for

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1 dollars coming out of the state coffers into the county. All  
2 the programs that deal with the non-English speaking are  
3 federally funded.

4 MS. SILVERO: What I was really interested in,  
5 I know there was assistance for several years and has been  
6 very productive. How does the program stand with the new  
7 administration in the direction the administration is taking  
8 in regards to bilingual education?

9 MR. RIVAS: Are you talking about the  
10 University--

11 MS. SILVERO: No, I'm talking about--

12 MR. RIVAS: --or the School District? You are  
13 referring to the superintendent there?

14 MS. SILVERO: I'm talking about the Reagan  
15 administration.

16 MR. RIVAS: I think they've made it clear,  
17 do away with it.

18 MS. SILVERO: Do you see it like the program  
19 is going to be disappearing?

20 MR. RIVAS: No, not total, I do not.

21 MS. SADER: Is the Clark County administration  
22 in favor of bilingual education?

23 MR. RIVAS: Yes, it is.

24 MS. SADER: To your knowledge, has there ever  
25 been a Hispanic denied enrollment to UNLV because of his race?

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1 MR. RIVAS: Because of his race, to my  
2 knowledge, I don't know of any specifics. Perhaps some others  
3 on campus may know some, but I have not.

4 MS. SADER: In regards to K through 12, what  
5 is the problem with access to students, is it mostly language,  
6 is that the barrier or--

7 MR. RIVAS: Well, yes. We can point to  
8 language barriers that have caused exclusion. We can also  
9 point to incidents of cultural differences that have caused  
10 exclusion, a feeling, if you will, of being isolated in some  
11 instances.

12 MS. SADER: Prejudice within the school  
13 system?

14 MR. RIVAS: That's correct. There is an area  
15 which we're going to tap. There is a total lack of  
16 counseling or counselor support. That includes Hispanic  
17 counselors at the District level. I know of no Hispanic  
18 counselors within the School District. There are some, what  
19 are referred to as human relations workers, but not  
20 certified counselors at the School District level. There  
21 may be one and I may be missing it, but in relationship to  
22 the needs that is on campuses, high school campuses in  
23 particular, there is a void, if you will, of role models  
24 for Hispanic children which I think contributes to a feeling  
25 of isolation and a feeling of not being able to identify with

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1 a successful role model. We've pointed this out but the trend  
2 continues.

3 MS. SADER: In regards to-- We heard earlier  
4 about bussing in this county. How does the Hispanic  
5 community feel about the fact that, and I believe it's true,  
6 that the Hispanics are grouped with whites and are bussed  
7 only in the sixth grade.

8 MS. SILVERO: Repeat the question, please.

9 MS. SADER: I was asking him about bussing  
10 and I understand Hispanics are grouped with whites and are  
11 only bussed during the sixth grade and I just wanted him--

12 MR. RIVAS: In my many meetings with parents  
13 who have children in the school district, that's not been an  
14 issue. It just hasn't been brought up. It's not something  
15 that has been of concern. I have not heard anything  
16 negative. I couldn't say anything beyond that.

17 MS. SADER: And I just have one personal  
18 question for you. Do you believe a student that doesn't  
19 have the basic schooling belongs in the university system?

20 MR. RIVAS: I believe they deserve the right  
21 to develop, if they have the potential and we do not have  
22 any indication for the future of recourses, that models that  
23 can be followed are going to be in place or put in place to  
24 insure that those rights can be met. I was a late-bloomer  
25 myself. I was not university material when I finished.

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1 MS. SADER: Don't you think the focus of your  
2 group should be on K through 12?

3 MR. RIVAS: It has been. I think this is the  
4 focus of this report. It's a 122-page document. We are now  
5 moving on to higher institutions and feel it's time. We  
6 cannot just lay the blame at K through 12 level without  
7 laying some type of responsibility on the higher institution.

8 MS. SADER: But you don't build a highrise  
9 on a poor foundation.

10 MR. RIVAS: And I agree and we have not done  
11 so.

12 MR. MONTEZ: I would presume you have a  
13 problem of K through 12 in preparing people for the  
14 university. That's always been a problem any place we've  
15 ever had Hispanic students but beyond that I have a question  
16 that the Board of Regents is responsible for the university  
17 system; is that correct?

18 MR. RIVAS: Yes.

19 MR. MONTEZ: Now, is their policy to earmark  
20 money for recruitment retention and in-school assistance  
21 for minorities or is that a discretionary policy of the  
22 individual presidents? Do you have any idea?

23 MR. RIVAS: It's a discretionary policy.  
24 There is a policy, as we see it, that pertains to the office  
25 of admissions and the office of admissions at both campuses,

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1 from what I have been able to review is inadequate and not  
2 meeting the type of staff requirements that you can observe  
3 on other campuses. Like I said, at UNLV it's just a lack,  
4 if you will, of putting resources where resources are needed  
5 to meet a need and that is in the area of recruiting  
6 specific populations, so if you refer to policy, I see the  
7 policy implemented to the admissions office and there is no  
8 other effort.

9 MR. MONTEZ: What is the long-term goal in  
10 the educational process in your fact-finding mission that  
11 you have with LULAC? Do you have an idea of working with  
12 the system, that is, connecting with the system and letting  
13 them know? Do you have an ultimate goal, for example? What  
14 I'm really striving at, is there any policy of LULAC that  
15 will eventually deal with litigation against the university  
16 system?

17 MR. RIVAS: Well--

18 MR. MONTEZ: I don't know if you are prepared  
19 to answer that.

20 MR. RIVAS: That, of course, is always a  
21 choice, an alternative and that's been discussed within  
22 the ranks of our leadership within LULAC. I don't know if  
23 we're closer now than we were a year ago when we first  
24 started this toward that movement but I feel we have not  
25 lost our sense of confidence to work with the current

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1 administration. We have yet to really have dialogue with  
2 the Board of Regents. We're trying to exhaust administra-  
3 tive channels. Once that has been depleted, then we move on  
4 to the University Board of Regents, then I would suggest  
5 to you that our dialogue here with LULAC is that we will  
6 bring in legal resources. That is not an alternative outside  
7 our scope, yes, but only until we exhaust--

8 MR. MONTEZ: The reason I raise the question,  
9 we have been dealing with the University of Nevada for five  
10 or six years and really haven't penetrated and I raise that  
11 because I think it's an important public issue. I met with  
12 people this morning for breakfast that have been dealing  
13 with the University for years and have not seen any change  
14 and I bring that to you because it has not only been a  
15 frustration of this committee with its limited authority to  
16 be a fact-finder, that's our legal mandate under the  
17 Congressional Act and that there has been very little  
18 movement on the part of the University and I want to make  
19 that clear for the record.

20 MR. RIVAS: I agree and I'm aware of some of  
21 the efforts that have been made and, of course, I have read  
22 the unmet goals report and other attempts, if you will, and  
23 I'm well aware of that, but LULAC is entering into its first  
24 attempt. There will be no second attempt.

25 MR. SNIDER: Again, I didn't quite get your--

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1 the membership of LULAC, the make-up LULAC. You say you  
2 have four chapters in Southern Nevada and two in Northern  
3 Nevada?

4 MR. RIVAS: That's correct.

5 MR. SNIDER: What's the total membership in  
6 the State of Nevada?

7 MR. RIVAS: Approximately 150.

8 MR. SNIDER: That's out of 35,000 Hispanics?

9 MR. RIVAS: Let me clarify that. We do not--  
10 we have never been-- I should say, I should not be misquoted  
11 that we represent every Hispanic in the state. We are, as  
12 I told you, the oldest organization in the country. We do--  
13 we are involved in civil rights issues that pertain to the  
14 Hispanics but the league is a very structured organization  
15 and it does have some responsibility on behalf of the  
16 membership to attend meetings, pay dues, et cetera.

17 MR. SNIDER: What demographic sector do you  
18 primarily represent?

19 MR. RIVAS: What population of-- We're in  
20 the entire state.

21 MR. SNIDER: I'm talking about, are you  
22 representing the business people in the Hispanic community  
23 or primarily Hispanic workers?

24 MR. RIVAS: The workers, laypeople.

25 MS. SADER: Are those primarily your concern

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1 are the workers?

2 MR. RIVAS: We have a good mixture. The  
3 council seems to gyrate or pull into their membership certain  
4 types of members. In some councils they are more white-  
5 collar oriented. In others, they are more community-type  
6 people. I see that, for instance, in the northern area  
7 of Nevada. There are two councils up there that are  
8 distinctly different age groups. There's a difference  
9 between both. One is younger and the other is older. One  
10 is particularly white-collar, mainly young attorneys. The  
11 other is just an older group of concerned citizens, so there  
12 are two distinctly different groups.

13 MR. MONTEZ: LULAC is a national organization  
14 that lends support throughout the nation to their chapters  
15 so they really have a much stronger group and it's probably  
16 the strongest and most outspoken group in the country, so  
17 I think the number of members is misleading because they  
18 would lend support to their different councils out of state  
19 and so forth, so they have a large representation.

20 MR. SNIDER: Would it be possible for you to  
21 write the names down of the two chapters in Northern Nevada?

22 MR. RIVAS: Yes. As a matter of fact, if  
23 you want to jot them down--

24 MR. MONTEZ: We'll get them from him.

25 MR. RIVAS: --I can provide that for you.

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1 MS. DeLUCA: Mr. Rivas, I presume we have  
2 a copy of that Hispanic education report. I don't know.  
3 May we have one?

4 MR. RIVAS: I can let you have this one.

5 MS. DeLUCA: I want to ask, I'm sure you know,  
6 the statistics on the Hispanic faculty in Clark County.

7 MR. RIVAS: Secondary classroom teacher?

8 MS. DeLUCA: At any or all--

9 MR. RIVAS: The latest statistics we had was  
10 approximately 3.8 percent.

11 MS. DeLUCA: Do you have any idea what the  
12 administrative level is?

13 MR. RIVAS: Less than two percent. I think  
14 it was 1.7. There are, if I remember correctly, I think  
15 we can count three of them. We have been harping on that  
16 one for some time with little progress.

17 MS. SADER: I don't know if you have these  
18 statistics or not, but I would like them of the Clark County  
19 population. 7.6 is Hispanic.

20 MR. RIVAS: 1980 figures.

21 MS. SADER: And the population of UNLV is  
22 four percent. Do you have figures to compare what the  
23 percentage of the black and white enrollment is at UNLV in  
24 comparison with the county population? Do you understand  
25 what I'm saying?

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1 MR. RIVAS: Yes, we have that. I don't have  
2 that in front of me. This is just--

3 MS. SADER: Is it way out of proportion?

4 MR. RIVAS: Yes, it is.

5 MS. SADER: Is the Hispanic population  
6 compared to the total community much lower?

7 MR. RIVAS: They are disproportionate, yes.

8 MS. SADER: Do you know anything about the  
9 black community, its numbers? Is the enrollment at UNLV  
10 much lower?

11 MR. RIVAS: It's higher than its represented  
12 population.

13 MS. SADER: It's higher than its represented  
14 population?

15 MR. RIVAS: That's correct.

16 MS. DeLUCA: Any other questions anyone?

17 Thank you very much. I really appreciate you coming. Once  
18 again, we understand your frustrations with this process and  
19 we do hear them.

20 MR. RIVAS: I kind of heard that they're  
21 shared so--

22 MS. DeLUCA: Yeah, very much so. Your report  
23 was excellent.

24 (Thereupon a recess was taken,  
25 after which the following

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1 proceedings were had:)

2 MS. DeLUCA: Okay, we have with us  
3 Mr. Richard Arnold who is the executive director of the  
4 Las Vegas Indian Center. Thank you for waiting so long.

5 MR. ARNOLD: No problem.

6 MS. DeLUCA: I know we're running late and  
7 we're anxious to hear your comments.

8 MR. ARNOLD: All right. Well, my name is  
9 Richard Arnold and I am the executive director of the  
10 Las Vegas Indian Center and I thought I'd start by giving  
11 just a brief background of our organization. We were  
12 incorporated in 1972 and we started out basically a social  
13 group and we have now transformed into a viable organization,  
14 I think, that are meeting the needs of American Indians in  
15 Southern Nevada and Clark County.

16 Some of the things that we provide now, we  
17 provide employment assistance, vocational exploration and  
18 assistance, GED and basically literacy review, class  
19 counseling program. Development and social and economic  
20 reinforcements are kind of tied into each one of the  
21 programs. We've, I guess, seen a lot of changes and been  
22 through a lot of changes throughout the years and we're now  
23 in the process of moving forward. We had a lot of house  
24 cleaning to do. Now all that is behind us and it's ready  
25 and time for us to move on.

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1 In regards to our population based on the  
2 '70 census, we were right at a thousand people. We had like  
3 1,070 people within Clark County. Now, according to the '80  
4 census, we're closer to 3,500, like 3,350, I believe.

5 MS. DeLUCA: Thirty-- What was that?

6 MR. ARNOLD: 3,350. That was based on the  
7 '80 census, and the figure could be disputed, I think,  
8 because on the census one of their practices is if a person  
9 wants to be counted as an Indian, what you do is write down  
10 whether you are Indian and what tribe you are and you are  
11 officially counted as an Indian, so obviously can't be  
12 disputed because of that.

13 MS. DeLUCA: YOU feel it may be lower than that.

14 MR. ARNOLD: Could be, yes. It's really  
15 difficult to say, but I think the chances are that it is.  
16 I think that American Indians are probably one of the most--  
17 it might sound profound--one of the most unique minorities  
18 of all the minorities and I think the reason I say that is  
19 because we are the only minorities that have to prove who  
20 we are, nobody else. Somebody says they're whatever and  
21 it's accepted, but we have to normally provide documentation  
22 that we are American and we have records kept on us. The  
23 Bureau of Indian Affairs keeps records on us that go back  
24 generations and generations, so we have that to kind of  
25 contend with.

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1                   Within the Indian community it's kind of a  
2   bizarre situation, I think. There's the tribal entities  
3   and then, as in my instance, the off-reservation Indians  
4   and reservations are in themselves a separate deal and what  
5   they get to do, I think they get a lot of priorities as far  
6   as funding which is a gripe of mine, I guess. Normally,  
7   any type of funding that comes down, a tribe has priority  
8   in receiving the funding and generally a lot of programs  
9   are geared towards the reservation only. I have no problem  
10  with tribes having programs, but I think it's better  
11  administered by another Indian interest. I think that  
12  possibly that might be the way to go instead of just for  
13  the sake of being on reservation that a tribe would get it.

14                   I think there is another thing that we have  
15  to deal with. A lot of times arbitrary boundaries are put--  
16  assigned to us, I guess. I can think of instances where  
17  tribes are split and even within this community our  
18  organization is geared to serve the Southern Nevada area and  
19  we have people on the California side that because they're  
20  in California technically they're not supposed to be served  
21  by us, so they have to travel miles for any other services,  
22  be it health or education or whatever, just because an  
23  arbitrary boundary has been placed upon us. That also holds  
24  true for health services and a lot of other services that  
25  American Indians receive.

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1                   In dealing with employment, I think that  
2 there needs-- Right now there's an under-representation of  
3 minorities in the recruitment-hiring policies and it's really  
4 hard and I understand that Indians can't be involved in all  
5 the hiring of every employer and every agency, be it federal  
6 or state or whatever, but I think that there needs to be  
7 some sort of joint efforts between everybody to get as many  
8 American Indians employed as possible. That's one of the  
9 problems that we have faced with employment and education  
10 and a lot of other fields is that there's no uniform  
11 definition of American Indian.

12                   Within the American Indian civil rights  
13 handbook there's like three different criteria that a person  
14 can be to be Indian. You can either be a member of a  
15 federally recognized tribe or be a descendant from a member  
16 of a federally recognized tribe who on June 1, '34 was  
17 living on an Indian reservation or be at least one-half  
18 Indian blood of a tribe native to the United States or be an  
19 Alaskan or native Eskimo or Alaskan native and, to me,  
20 there's too many or's. It's like nobody knows exactly what  
21 an Indian is, I guess, and we also have to contend with that.

22                   They go on further to say that certain  
23 tribes, I guess, can and they do have the authority to raise  
24 or lower the blood quantum, whatever they want to do to make  
25 people Indian, so we have all these different things and

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1 there's no uniform definition and I think that that might  
2 possibly be addressed.

3 In dealing with the employment aspect, I  
4 think we, as American Indians, are faced with an extremely  
5 high unemployment rate based on our statistics within our  
6 organization and from employment security through research  
7 development. The overall unemployment rate for the state  
8 is between, I guess, nine and ten percent as opposed to our  
9 people who are allotted between 40 and 45 percent  
10 unemployment rate and I think, one, it is due to their lack  
11 of education and lack of available opportunities to  
12 American Indians in dealing with education.

13 I think that many times American Indians are  
14 still stereotyped and thought of as either lazy, slow or  
15 at remedial levels. There's been studies done on it in  
16 dealing with competition, cultural beliefs and a lot of  
17 people are, I guess, still of the stereotyped opinion that  
18 they aren't quick learners and in sports, for some reason,  
19 there's the old stereotype that Indians are good runners or  
20 whatever they do and that they're always good at sports and  
21 I can think of instances that I know of and am aware of  
22 that has happened where Indians have been taken out of  
23 classes because they're doing poorly and they're not able  
24 to participate in the sports and the school might really  
25 stress sports activities, so one of the problems that happens

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1 is that they'll be taken out of the regular classes and put  
2 into a special ed class so they can bring their grades up,  
3 thus bringing up their average and allowing them to  
4 participate in sports and I think that a lot of this is  
5 really wrong, and we also have indications of where within  
6 the school district there's Indian education programs and  
7 Johnson-O'Malley programs and there is a lack of coordination  
8 between those programs and in the District itself there's  
9 many teachers that are unaware of the program, what the  
10 program is supposed to be doing. All they do know is that  
11 an Indian education tutor will come and say, we'll need this  
12 child and this child, and all they know is that that person  
13 has the authority to pull them out of class to go to this  
14 special class and a lot of times they're missing out on  
15 important things. They might be teaching them to draw or  
16 whatever. I have had personal experiences with that also.  
17 And a lot of times Indians might not even need the services,  
18 so I think that this needs to be addressed.

19                   And I guess there needs to be some sort of,  
20 I guess, an improved monitoring system of some sort in  
21 dealing with alcohol and drug abuse. I think it is, again,  
22 a very prevalent problem among American Indians in Southern  
23 Nevada. Many American Indians don't take advantage of the  
24 programs that are in existence today.

25                   I was just speaking with a lady up in

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1 Carson City that had mentioned to me that there's no real  
2 program within the State of Nevada, and the State of  
3 California has a really comprehensive alcoholism and drug  
4 program that meets the needs of the American Indians. A  
5 lot of times people will be shipped off to California to  
6 attend the alcohol and drug program, but there's no follow up  
7 because of the distance. They're being shipped off there  
8 and they go through a detox situation and they return home,  
9 but the follow up--so a lot of times they return to the  
10 problem and the alcohol keeps going on and so it's just a  
11 vicious circle.

12 Tribal courts and the judicial system, we  
13 were not officially involved with the tribal court situation  
14 because that takes place on the reservation; however, we have  
15 had clients that may commit a crime on a reservation and  
16 thus tried through tribal courts and we have one instance  
17 where a person committed a crime and was tried and found  
18 guilty and was sentenced to a term in jail and they shipped  
19 this individual to Arizona, I believe it was, and this person  
20 is unable to obtain necessities like a toothbrush and basic  
21 necessities, I guess, that most individuals need and that is  
22 how the situation works, that he goes to this jail or prison,  
23 whatever it is, and nobody wants to take the blame, I guess,  
24 and nobody wants to take responsibility for the situation  
25 and they have a situation where you can go and you work while

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1 you are in there and you earn "X" amount of dollars a day and  
2 with that money in return you can buy the toothbrush and  
3 whatever it is, but because he's not one of their regular  
4 customers, he doesn't-- He's totally eligible to earn  
5 money, so because of that he gets shipped out. He's shipped  
6 to Arizona which in his case he doesn't have a family here  
7 but he had been here.

8           What happens, they ship these people out to  
9 Arizona and they're stuck there and there's no way of getting  
10 back at all and it just kind of separates the ties of the  
11 family and separates the Indian community indirectly.

12           Everything within Southern Nevada-- We're  
13 kind of--it's kind of a strange situation, I guess, because  
14 everything, as far as Indian programs and the majority of  
15 the Indian reservations are based up North, so we kind of  
16 get the leftovers of whatever there is available. The Indian  
17 legal services is based up in Carson City because of their  
18 lack of money to travel, lack of which affects also the  
19 number of adequate staff that they have and they're limited  
20 to a certain type of cause; that many times they can't get  
21 involved into the types of situations that American Indians  
22 need. I think there needs to be some sort of expansion on  
23 that and maybe somewhere possibly there could be more direct  
24 services of some sort to American Indians.

25           In relation to health care, the off-reservation

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1 Indians just received a memo. The Indian colony locally who  
2 administers the health program, originally it was designed,  
3 I guess, to provide health services to American Indians in  
4 Clark County on the reservations or off reservations and  
5 regardless of what tribe. There's been a memo that came down  
6 that the only people that are eligible for any health  
7 services are you have to be either a native Nevadan, a tribe  
8 that was indigenous to the state or you have to reside on  
9 a reservation or you can be a tribe, another tribe, but you  
10 have to be married to a native Nevadan, so if you don't meet  
11 those criteria, you are out cold turkey, you don't get  
12 anything, and that is a recent decision and the only Indian  
13 health service that Indians would be able to go to, the  
14 closest one would be the Phoenix Indian Hospital which is  
15 like six hours away which doesn't do a whole lot of good. And  
16 they can also go through the normal, I guess, county  
17 hospital and things and many times there's always just so  
18 much red tape and a lot of times people just don't end up  
19 going and getting their needs met.

20 Another problem that we've had and I think  
21 it's changing and I'm glad to see that it's changing but I  
22 think it's still prevalent to a minor degree and that is many  
23 times in the media if there's a crime committed and it's an  
24 American Indian that commits the crime, it's not a person who  
25 committed the crime, it's an American Indian did this or

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1 recently a American Indian committed whatever crime it was  
2 and I think that, like I said, that is changing and it's  
3 changed a lot, but it's still every now and then kind of  
4 pops up and we see it in the newspapers.

5 I think there's a great deal of ignorance  
6 when dealing with American Indians and nobody wants to take  
7 any responsibility at all. There's so many different facts,  
8 I guess, that always come into play in regards to education.  
9 We have the Bureau of Indian Affairs. If a person needs to  
10 go to school and is in need of financial aid, they can go  
11 to the financial aid office and the office says, fill out  
12 these forms, then go to the Bureau of Indian Affairs and  
13 get the money from them, and you go to the Bureau of Indian  
14 Affairs and they say, no, go to the financial aid office and  
15 what you don't get we'll make up, so there's all these  
16 different entities that we have to deal with that just make  
17 everything a confusing process and I guess that's why it's  
18 maybe part of the reason that the people don't like to get  
19 involved or, I guess, kind of shy away from it or push it  
20 off to somebody else and same with health. Whenever somebody  
21 goes into a county hospital or to a private doctor, there's  
22 many times where at the center we get bills from people, from  
23 doctors saying this person didn't get--they haven't paid  
24 their bills so it's your responsibility, it's not our  
25 responsibility. We don't have any money to pay for any type

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1 of health services at all so we don't get it and we'll have  
2 to refer to the equity help and they'll say, I'm sorry, that  
3 person doesn't reside on the reservation and it gets shoved  
4 on and on.

5           So in conclusion I would like to make some of  
6 the following recommendations to this Committee and I think  
7 one would be to possibly re-evaluate and restructure  
8 recruitment and hiring practices of the public and private  
9 employers. I say that because of affirmative action plans  
10 that are drawn up, usually it seems we're kind of lumped into  
11 other categories. Now it's broken down more, at least there's  
12 a category for American Indians but, of course, it's how many  
13 whites they have, how many blacks they have, how many  
14 Hispanics they have and then normally whatever is left over  
15 is split up between Indians and Asians and others, I guess,  
16 so a lot of times they're really inaccurate amounts. I think  
17 affirmative action plans are good if they are enforced and  
18 a lot of times they look good on paper but for the most part  
19 many times they don't have--they're just not, I don't know,  
20 I guess they're just not enforced, I guess, is what I'm  
21 trying to say.

22           I think a concrete definition of American  
23 Indian is something everybody can live with.

24           One of the problems we deal with in the  
25 school situation with the county is that many times they get

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1 somebody that will, in order to work say in an Indian  
2 program where the person must be Indian, many times if  
3 there's a vacancy they'll all of a sudden say, oh, yeah, I  
4 think my grandmother was an Indian; okay, well, you have a  
5 job then, and because of that this is all going back to the  
6 definition of an Indian. If this person had to meet the  
7 criteria then possibly that might weed out a lot of other  
8 people. I'm not saying to put them in for the sake of  
9 being Indian. I think we need to get qualified people into  
10 programs and providing services so I think that it's  
11 something that needs to be looked into and possibly be  
12 addressed.

13 I think we need to obtain or retain  
14 knowledgeable and qualified concerned individuals sensitive  
15 to American Indian needs and I think that we need to  
16 educate as many organizations and individuals as possible  
17 and to disseminate as much information which will make  
18 individuals aware of the needs of the American Indians and  
19 eliminate all the shuffling around that American Indians  
20 are faced with.

21 MS. DeLUCA: Thank you. Does the Committee  
22 have any questions?

23 MR. MONTEZ: There is one area that has been  
24 of concern to us particularly with the reservations as  
25 relates to the program with block grants. They're having to

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1 go to the block grant program dealing with the state and  
2 most treaties are with the federal government and most  
3 obligations under the law are with the federal government.  
4 Have you had any or have you heard of any of the  
5 reservations having problems in that area?

6 MR. ARNOLD: If I may, Mr. Asa Begaye, he  
7 works at the Moapa Indian Reservation, he might be able to  
8 enlighten you.

9 MR. BEGAYE: My name is Asa Begaye and I am  
10 tribal planner for the Moapa Paiutes. I'm here to give you  
11 a brief overview of the Moapa Indian Reservation. We're  
12 located 55 miles northeast of here, right off of I-15. Our  
13 land covers approximately 72,000 acres and we are what you  
14 would term an IRA tribe, Indian reorganizational tribe.  
15 As you are aware, about 1871 the United States was going into  
16 treaties with Indian tribes and at that time various  
17 legislation were enacted or Congressional mandates were made.  
18 I guess you've been filled with that.

19 But as to your question on block grants, one  
20 of the problems we're encountering is there never was a good  
21 working relationship between state and tribal governments  
22 on their failure to recognize each unique status and the  
23 government relationship as expressed, as advocated by  
24 President Reagan, you will find that our government, our  
25 population is approximately, I would say, according to him,

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1 he was saying, there's approximately 178 enrolled tribal  
2 members in the Moapa but the population is 309 and the  
3 problem, like I said, that we encounter in the state is  
4 sometimes they fail to recognize the unique status we have  
5 and their failure to recognize our ability to run or operate--  
6 to insure that we run a successful program. I think it's  
7 been changed lately, too, because I guess it all boils down  
8 to somebody making a move taking the initiative to contact  
9 the state government or whoever is responsible for these  
10 individuals.

11                   And another problem we're having is due to  
12 our size. You will find a lot of moneys that are coming down  
13 from federal granters or federal agencies that provide  
14 funding, place a limitation saying you would have to have a  
15 thousand people in order to qualify for "X" amount of money  
16 and so that really hinders us and so we end up having to  
17 form consortiums as in the tribal counsel of Arizona. You  
18 have to combine it but what they don't recognize is that  
19 each location or each local government or, say, Clark County,  
20 Washoe County, Lincoln County, everybody has their own  
21 unique needs, everybody has their own problems and they  
22 would like to resolve the matter as they've determined is  
23 a problem for them and for us to effectively do it. We  
24 can't do that because we're lumped with everybody else so  
25 by the time-- Or, anyway, well, ITC itself is located in

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1 Reno so we're concerned with the distance between the  
2 individuals that are providing the direct services to us  
3 who is located eight hours away or ten hours or how many  
4 hours away that is, so we don't really recognize a true--you  
5 know, the true intent of the program. Like all federal  
6 dollars, it seems like they're funneling down, everybody  
7 getting their share and by the time it gets to us, there is  
8 nothing and so we're confronted with that, so this is the  
9 problem we're having with block grants and if they can  
10 recognize us as, say, a state, just like a state government  
11 relationship, we can start to resolve it, and if I can, I  
12 would like to address some more issues this afternoon or  
13 else I can go ahead and add on after Mr. Arnold.

14 MS. DeLUCA: We will have an open session  
15 after session.

16 MR. BEGAYE: That's where I've encountered  
17 block grants.

18 MR. MONTEZ: Is your reservation receiving  
19 direct from the federal government?

20 MR. BEGAYE: By the time you look at it and  
21 based on the formula they've established, plus the  
22 population size, we get something like \$909. What are you  
23 gonna do with that? So, I mean, when I first started with  
24 them as a planner, I got this memo, tribes are able to now  
25 get the direct funding and all you have to do is write an

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1 address and provide a justified proposal to us to insure  
2 that you do receive funding and we recognize your unique  
3 status, your unique ties with the federal government,  
4 et cetera. They really color it up and we get it, and here  
5 is your funding, the amount of 909. What am I going to do  
6 with that? And so that's what I'm saying, what we're saying,  
7 what I advocate, is that all these agencies such as your  
8 agency, your Commission, other commissions, they lack the  
9 input of native Americans. You have Mexicans, you have  
10 blacks, you have Anglos, you have your one-fourth Cherokee.

11 For you to be influential, you need to look  
12 to the direction of the tribal leaders to go into depth as  
13 recognizing what tribal needs are and so this is my--this  
14 has always been my concern. I look at all commissions and--  
15 Justice O'Connor, she's supposedly a representative of the  
16 State of Arizona. She's from Arizona and that is heavily  
17 populated with native Americans. I don't know how many  
18 tribes you have, but her court decision is it's really--  
19 She has been ingrained with native American philosophies and  
20 you'll find a lot of these court decisions you question and  
21 it continues to, quote unquote, start to infringe on tribal  
22 governments and our right as a political entity to control  
23 our own destinies and this is some of the bottlenecks that  
24 it's creating.

25 I advocate that you look to recruit native

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1 Americans that are really knowledgeable or consult tribal  
2 governments to say, who do you feel is a true representation  
3 of tribal governments, and, you know, have them rather than  
4 just say, oh, he's Indian, because he's got turquoise on  
5 he must be Indian so let's get him. I think it is mandated  
6 by law that you consult with tribal government and tribal  
7 governments are in a better position to say, let's have this  
8 individual represent us on this advisory committee, on this  
9 task force, et cetera.

10 MS. DeLUCA: Okay. Any other questions? I  
11 just have one. Are you familiar with the-- We know there  
12 tends to be a high dropout rate of native American students  
13 in our high schools. Do you have any idea what it is in  
14 general and what it would be in Moapa Valley High School?

15 MR. ARNOLD: I don't have those statistics  
16 handy. As a matter of fact, this is our first year we've  
17 been provided a GED and basic literacy review program. We  
18 had a lot of people that were dropping out and as far as a  
19 percentage, I don't know if I could come up with a figure.  
20 The majority of the people that were coming that didn't have  
21 their GED's, most of them didn't go beyond the tenth grade  
22 so that it was, I guess, the maximum but as far as the numbers,  
23 I really can't.

24 MS. DeLUCA: Do you have any idea?

25 MR. BEGAYE: Percentagewise?

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1 MS. DeLUCA: Or how many are graduating that  
2 go to high school.

3 MR. BEGAYE: Well, we had two graduate last  
4 year.

5 MR. WALLACE: Two out of--

6 MS. SADER: A class of--

7 MR. BEGAYE: I can't honestly say. I hate to  
8 give you a figure.

9 MS. DeLUCA: Do you see Moapa Valley  
10 reservation high school students dropping out at a very high  
11 rate or what's your impression?

12 MR. BEGAYE: I think, to me, the Moapans  
13 have pretty much assimilated our cultural rate or more or  
14 less five percent retain the old way and the other 95 percent  
15 have pretty much Europeanized and the problem they're  
16 encountering is similar to, you know, your other minorities.  
17 They're in the same boat. They're probably the same  
18 dropout level as your Mexicans, et cetera, but one of the  
19 things that I've been hearing a lot of and I hate to put  
20 it forth, not until I can find that evidence or prove that  
21 there is actual discrimination within that school district  
22 in the Moapa Valley area. I hate to just make accusations  
23 so maybe I can direct a memorandum to your office.

24 MS. DeLUCA: If you would like to speak  
25 further, we will have an open session for people who would

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1 like to speak this afternoon. We're already behind schedule.

2 MR. BEGAYE: I have quite a bit.

3 MS. DeLUCA: I appreciate both of you being  
4 here. Your comments have been very useful. Thank you for  
5 taking your time.

6 Mr. Juan Lujan, who is the affirmative action  
7 officer at the University of Nevada, Las Vegas.

8 MR. LUJAN: Thank you for inviting me.

9 MS. DeLUCA: How long have you been the  
10 affirmative action officer?

11 MR. LUJAN: Hang on and I'll get started with  
12 you and I won't take very long. I'll try not to.

13 I've been the affirmative action officer since  
14 January of this year. Prior to that, Mr. Jim Kitchen had  
15 been the affirmative action officer since the inception of  
16 that office in 1976. He recently submitted his resignation  
17 and applied to and was given a position as director of  
18 academic advising at the University. I have been at UNLV  
19 since November of 1980. I first came on board as many black  
20 and brown staff do in a federally funded program. I was an  
21 upward bound counselor prior to that. I had spent my time in  
22 California and I'm giving you this information because I  
23 think it's relative to the position and some of the things  
24 I want to tell you.

25 Prior to being at UNLV, I worked in California

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1 in a variety of jobs: High school counselor, I attended law  
2 school for a year and a half at UCLA, I took part in a  
3 ten-day hunger strike there in 1978. I'm very proud of that  
4 because I was fighting for the rights of all minorities and  
5 women because of the Bakki decision. Before that, through  
6 affirmative action, I was admitted to the University at  
7 San Jose through the EOP program that they have there because,  
8 as Mr. Rivas has stated, I also was not college material,  
9 quote unquote, when I graduated from high school with a 1.7  
10 GPA. Nonetheless, I ended up here and since my tenure at  
11 UNLV in 1980, I have been an advocate of affirmative action  
12 policies that I think was highlighted this past year, 1983,  
13 November the 4th, to be exact, when I chaired and sponsored  
14 an EEOC public hearing at the University. I brought to this  
15 city Commissioner Tony "Giagos" and some of his staff. I  
16 put together a meeting of about a hundred affirmative action  
17 EEO people throughout Southern Nevada for a forum to discuss  
18 civil rights issues. Little did I know that I would soon  
19 be the affirmative action officer at the University.

20 I also, about a year and a half ago, filed a  
21 charge of racism against the University in-house on the  
22 admissions policies of the University. I think I've quickly  
23 demonstrated to you what my concerns are and what my feelings  
24 are about affirmative action. With that kind of backdrop  
25 to me taking this position, it was and is my intent to become

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1 a very good affirmative action officer at the University,  
2 taking into consideration this document and documents like  
3 it that explain and give a very clear and precise account of  
4 what UNLV has done in the past. I'm not here to argue that  
5 this didn't exist or that to a great extent it doesn't exist  
6 today, why I came before you was to tell you what I have  
7 done since January with the new administration that is there  
8 with the new president, a new academic vice president, a new  
9 dean of education, a new affirmative action officer, a new  
10 director of admissions, a new director of academic advising.  
11 I'm trying to get a new financial aid officer that's  
12 minority. I'm trying to get a new minority registrar with  
13 a new staff of the kind that I just mentioned. I'm here to  
14 tell you that and I have to believe this in all my heart that  
15 we're in for a change at UNLV.

16 But I first wanted to quickly in regard to  
17 the unmet goals and very generally I will tell you in general  
18 terms only because we are currently in the final stages of  
19 an investigation by OFCCP. In fact, our final meeting with  
20 them will be next Wednesday when the Los Angeles and Phoenix  
21 office will be here to finalize their entire investigation  
22 with us and we will come to some kind of an agreement on  
23 certain of their findings, so if you will give me that  
24 consideration, that I am speaking in general terms so we don't  
25 jeopardize what might happen to the school and community on

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1 this coming Wednesday, then I will proceed from that vein.  
2 Again, I don't intend to refute some of your findings because  
3 numbers speak for themselves. I'm one of those numbers.  
4 I'm one of three Hispanics on the campus. Let me say that,  
5 again, I'm one of three Chicanos on that campus. I come from  
6 a state where I'm a Chicano and that's my personal  
7 preference, but nonetheless, when I read this document three  
8 years ago, I sensed--I felt the need to change what was in  
9 here, to change the numbers that are there in terms of  
10 students and faculty, the classified ranks and the professional  
11 ranks. No one needs to tell me the numbers that are there  
12 in terms of parody with the state and the community.

13 In a recent letter to OFCCP, I stated very  
14 emphatically that, yes, we did not meet our affirmative  
15 action goals. That is a true statement, but I also gave  
16 what I considered some unique characteristics to this state;  
17 that me as a person from California having gone through  
18 their school and having lived in the north and south of  
19 California, having gone to school in New Mexico for my  
20 graduate work, living in Portland, Oregon doing legal  
21 internship type work. In spite of how you feel what has  
22 happened at UNLV, I also now realize that we operate in a  
23 different environment here. That regardless of how many  
24 times it is said and how it is said, they need to  
25 continually be considered and that's why we should have

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1 affirmative action working at a higher level, but we have  
2 things here that don't happen in California and Arizona and  
3 Phoenix and New Mexico and Oregon. We are a one-horse town.  
4 We are a gaming industry state and that has an impact on  
5 the employment practices of all other industry. Again, these  
6 are my opinions.

7                   When I came from California to this state  
8 having just gone through what I told you at UCLA and the  
9 fight against Bakki, I came here and stepped back into time  
10 15 years probably and I'm operating at that point now.  
11 Affirmative action civil rights issues are like a decade  
12 behind in time here. It's not that they're not important  
13 and they're not being addressed, I think they are being  
14 addressed in a different era of, you know, looking at things  
15 and working on them. Things that I could use and take  
16 advantage of in California don't happen here. I don't have  
17 a community network to assist me and my colleagues at the  
18 University. Mr. Rivas has so eloquently stated the problems  
19 of the Clark County School District. Well, my counterpart,  
20 any one of the California state schools would for the most  
21 part have a network of my school counselors that are  
22 bilingual or advocates of black rights or native American  
23 rights, Asian American and he could pull or she could pull  
24 from that resource and say, we have a problem, help me.  
25 That doesn't happen here. As Mr. Rivas pointed out, I know

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1 of no high school counselor in the Clark County School  
2 District that is Hispanic. There are, what, 16 or 17 high  
3 schools countywide. The two high schools that have the  
4 biggest enrollment of Hispanics are Rancho and Las Vegas High  
5 and they don't have Hispanic counselors. That affects our  
6 ability to recruit and get admitted in Hispanic students to  
7 the University. That we don't have a labor pool of  
8 educators at the high school level, at the community college  
9 level, does away with the ability to recruit and hire staff  
10 at the University that other schools would have.

11 In Los Angeles the community college network  
12 is there to hire from entry level type staff. That we don't  
13 have a large graduate program, eliminates a list of or an  
14 applicant pool of recent graduates to come into the entry  
15 level ranks of professionals and academics, so other things  
16 need to be attempted.

17 And as I'm talking about recruitment of  
18 professional and academic staff, it must be understood that--  
19 I guess I don't need to tell this Advisory Committee, but  
20 maybe I do. Having an affirmative office doesn't insure  
21 the recruitment of minorities in women. In fact, that isn't  
22 even my job, as I understand it. I insure the implementation  
23 of affirmative action plans. That's the responsibility of  
24 the executive officer of that school, the president; an  
25 affirmative action officer, one with staffing and the budget,

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1 does not recruit. I do just by happenstance and if I go to  
2 a conference for my business and then I happen to put out a  
3 flier or note or make mention to someone that we have a  
4 position but I have to, you know, go along with the notion  
5 that it's the responsibility of the committees and the deans  
6 of the departments to recruit and hire qualified women and  
7 your minority group individuals.

8           That is one theme that I'm insisting and  
9 spreading throughout the campus that I think is going to  
10 help in the future years, is that for many years now staff  
11 at that school has felt that having an affirmative action  
12 officer fills the responsibility for having met that part  
13 of it, that if we need a woman or a minority, Jim Kitchen  
14 or Juan Lujan will be the one to find them and if we don't  
15 have them, that's the case. Through the office that I work,  
16 we have generated a recruitment effort in spite of these  
17 kinds of things. We have a national search for any faculty  
18 position. We send out 300 mailers. What I did in taking  
19 office, I redistributed and re-emphasized where we do the  
20 recruiting because without knowledge of a position, you are  
21 not going to get applicants. I've intensified the  
22 recruitment efforts through California, Arizona, Colorado,  
23 Washington state, Texas, the major population states in the  
24 East, East Coast, Florida and some of the southern states  
25 and I did that to find qualified black and Hispanic

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1 applicants. Without them, without those positions we won't  
2 get them to apply. Once we do get them to apply, there  
3 enlies some other problems.

4           Very recently, and I'll use this as an  
5 example of those few that do apply, a gentleman from ASU  
6 applied for a position in their music department. He became  
7 a finalist and was offered the position of professor. The  
8 man has a Ph.D. in music. He took the position and I'm going  
9 to tell you in spite of salary that we offered him, seventeen  
10 eight, and I'll discuss with you that problem shortly, he  
11 took the position and the following day turned us down  
12 because Trenton State in New Jersey offered him the same job  
13 for about 28,000.

14           Last year we attracted, got to recruit and  
15 hired in the field of business a black woman from Oklahoma.  
16 She took the position in the mid to high 20's and then turned  
17 us down and took a job somewhere else in the mid 30's.

18           That happens more than you would imagine,  
19 not just with the protected group members but with all  
20 faculty and staff. We cannot attract and keep quality  
21 people whether at entry level or at the higher levels because  
22 of the salaries that we offer. Now, as an example of this,  
23 in the last five years since we're a state agency and we're  
24 funded through the legislation, one year have we been able  
25 to show something in the positive side. I think that was in

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1 the 82-83 year where we did a lot of hiring and we had a  
2 14 percent pay raise. After that we have not been able to.  
3 We can only hire to fill positions that people leave and  
4 then we've had a hiring freeze for one year. This year the  
5 legislation decided that after two years without a pay raise,  
6 that they should give us one and they gave us a one and a  
7 half percent pay raise which came to, for some people, 20 to  
8 \$40 a month. That kind of budgetary restraint makes it very  
9 difficult for me or for anyone else on that campus to go  
10 out and try to entice people to come and work here. It  
11 doesn't take away from the obligation that we have of finding  
12 these people, that's not at all what I'm advocating, it's  
13 just that it makes it very much more difficult in that you  
14 can't offer somebody those kinds of wages when a young  
15 person or any person with a B.S. degree in economics can go  
16 out into the labor force and earn that immediately. I know  
17 because some of my students are leaving and calling me and  
18 telling me the wages they're earning and they're very proud  
19 and we're very proud of the money they're earning  
20 immediately and they make more than the professors do. So  
21 we have a very tremendous problem with salaries.

22 In that same vein in terms of salaries,  
23 because I think within your report there was mention that  
24 maybe there's no equity in terms of minorities and women and  
25 white males because the school is so very young in terms of

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1 an institution. We just celebrated our 25th anniversary.  
2 I found out very recently that about a hundred of the white  
3 males that were initially hired are still there. We have  
4 these men in key positions and they're not going to leave.  
5 You can understand why. I wouldn't leave either. They hold  
6 key tenured positions and until they leave, we can't fill  
7 that job with someone new, and when we came here in '57 the  
8 work force wasn't at all like it is now where you have, you  
9 know, what I would guess seven, eight percent Hispanics in  
10 the county and maybe ten or 12 percent blacks. I'm just  
11 giving you rough guesses. I haven't had time to look at the  
12 statistics but things have changed since 1957 but our school  
13 hasn't in terms of who's there. These men are now making--  
14 because of pay raises, are in the upper pay scale in terms of  
15 their counterpart, the young person that comes in or new  
16 person, so there is a disparity there that we seem to not  
17 be able to get around. I don't know a way around it. You  
18 are welcome to interrupt me at any moment to ask me a  
19 question.

20 I mentioned that we have a new staff at the  
21 top and within that staff we've made some, what I consider,  
22 major accomplishments because we have so few black and brown  
23 staff. If we hire one, our statistics go way up. Prior to  
24 July, we had two Hispanic males on campus. We hired the  
25 third one, Mr. Larry Mason from New Mexico. Well, that

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1 increased our-- You see what that did to my statistics?  
2 Nonetheless, it's just a statistic to me. There's just  
3 three of us out of a staff of over 400, so that is misleading  
4 but nonetheless, it's a tremendous gain. It's a very key  
5 position. As Mr. Rivas pointed out, I'm sure you are aware  
6 that the admissions office is the door to our campus in many,  
7 many ways and we're very fortunate to have hired this  
8 particular gentleman who originated out of East L.A. and has  
9 spent much time throughout the Southwest, has a tremendous  
10 record in recruitment of all groups of people and he brings  
11 to us that ability. Again, he is just one of three though  
12 so the expectation that we have of him or that the community  
13 has of him has to keep that kind of thing in mind, that just  
14 because he's there doesn't mean that the picture is going to  
15 change overnight, but he is sensitive to the things we're  
16 talking about.

17                   The new director of academic advising,  
18 Mr. Kitchen, I think, will bring a new attitude and change  
19 to the academic advisory center. Once we get a minority  
20 there, we have to give them support service or they're not  
21 going to stay. These are changes that I think are going to  
22 affect what your statistics here have been showing.

23                   Now, what I'd like to do--try to do is--  
24 Again, keeping in mind that we're not done with the  
25 reconciliation agreements that we have with OFCCP. They started

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1 their investigation the week I took office.

2 MS. DeLUCA: Mr. Lujan, if anyone should ask  
3 you a question that you don't feel you can answer, you can  
4 always say.

5 MR. LUJAN: But I will try my best to give  
6 you an answer.

7 Because we're just at the final stages of this  
8 investigation and reconciliation with them, very generally  
9 I can tell you that they came up with the same kinds of  
10 problems that you did in terms of what has happened there in  
11 hiring and that we're trying to make some adjustment and  
12 changes to that by implementing different kinds of practices.  
13 Again, I have been involved with them since I took office  
14 there and it's been a very quick learning process for me as  
15 to what an affirmative office and plan does. I think we've  
16 established and by we I mean from the president's office  
17 down through the deans, have established a very good working  
18 relationship with this agency which has enhanced our ability  
19 to come to some kind of agreement with them. All the  
20 necessary documentation that they have needed, we have given  
21 them. They looked into classified hiring, professional  
22 hiring, academic hiring for the last three or four years  
23 and they looked at the equity issue of pay between men versus  
24 women. Again, basically the points that were brought out  
25 in the unmet goals were the points that were brought up in

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1 their investigation. What I think will come of this is that  
2 we're going to intensify the efforts through the state  
3 personnel office to bring in entry level classified people,  
4 minorities and women. We have attempted to train-- They  
5 know the working relationship with our personnel office and  
6 the state personnel office and the City here to find us an  
7 applicable pool of minorities and women in those kinds of  
8 positions. That, I think, is something that we will be  
9 addressing in the very near future. We've considered in our  
10 work, working towards a language agreement of vocational  
11 training program such as the one Mr. Rivas heads, Jobs For  
12 Progress, on the West Side here, to work closely with them  
13 to find these applicants when we have positions that are  
14 available at the University but, again, we've told them and  
15 we've demonstrated that working under budget restraints  
16 immediately puts a dent or puts some kind of screening  
17 process in our hiring. It just immediately affects us and  
18 we have to circumvent that somehow and, again, we don't use  
19 that as an excuse. We look at it as a fact and then try to  
20 work around it.

21 In the classified ranks it's not as big a  
22 problem as the professional and academic positions but we do  
23 feel that we're going to make a major change out there and  
24 we feel very good about setting up a language agreement for  
25 the vocational training centers. Other than that, I think--

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1 I feel that the new staff is going to bring some new blood,  
2 some new ideas, some new concerns to some old problems. You  
3 know, I was very active from the day I got there in trying  
4 to address and change some of those things that I did. I  
5 think the school knows what my intentions are. No one is  
6 questioning the job that I'm doing. I'm getting lots of  
7 support from the new president. I'm very active in a lot of  
8 searches being done. I'm insisting on it. They're abiding  
9 by that so I think--I feel that we're in for a change there.  
10 Now, if you see me a year from now packing my bags, leaving  
11 town, you'll know that maybe it didn't work and I have to  
12 live elsewhere, but I came here to tell you that very  
13 optimistically we're going to have new changes and I quickly  
14 show you that was instrumental in the hiring of Mr. Mason.

15 There are qualified minority women candidates  
16 out there. We have to find them.

17 MR. MONTEZ: I want to say that I'm very  
18 impressed with your presentation. As I said earlier, our  
19 office along with this state advisory committee has met a  
20 high level of frustration in this state and it's not only  
21 educational training, it's at every level you want to talk  
22 about and for the sake of this committee I think it's  
23 important because there are new members here and I want to  
24 say that the investigation by the Department of Labor was  
25 instigated by this committee and for some of you new members

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1 that are constantly asking me where do we get any results,  
2 after this report came out we were in contact with the  
3 Department of Labor and I don't say that as grandizement  
4 but, you know, this committee needs encouragements of some  
5 of things that we do. You know, they received our report  
6 in Phoenix and we were in communication with the liaison  
7 people and they said they were coming in on the recommendation  
8 of this committee and I only say that for the sake of the  
9 committee, that this is a positive result. Mr. Lujan is  
10 obviously, I hope, a result of some of the work we've done.  
11 As you might know, our work is very frustrating and with all  
12 the committees every time something like this positive  
13 happens, I like to tell the committees. You know, I don't  
14 have anything going to Arizona, California and Hawaii at  
15 this time but was able to take the Nevada SAC.

16 MS. DeLUCA: I was impressed. I was riveted  
17 by what you were saying. I'm hopeful that your optimisms  
18 pan out. I hope the legislation comes through with this  
19 money.

20 MR. LUJAN: Let me add something to that. In  
21 the meeting this past week with the president, we found out  
22 that we may have a drop in enrollment of about 500 students.  
23 Well, we translate that into a loss of a half a million  
24 dollars, \$1,000 per student roughly, and we're being  
25 conservative in that and we're hoping that we're totally

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1 wrong but if that holds true, we're going to first of all  
2 put a freeze on any job that we haven't filled at this point  
3 and we do have jobs out there to be filled, but if we do that,  
4 then the goals that we've set up at this moment are going  
5 to have to be changed just because we told OFCCP we'd be  
6 filling these positions and we anticipate two of those would  
7 go to women and minorities, but if we lose half a million  
8 dollars, then we have no alternative but to introduce those  
9 jobs the following year, so we're hoping that we don't have  
10 that loss of student enrollment.

11 MR. MONTEZ: You might know that the chancellor  
12 was a woman in the state university system in California.  
13 The same thing has happened. Your enrollment is dropping  
14 in all areas and they have now, in order to try to beef that  
15 up, have gone very strongly on a Hispanic and black student  
16 recruitment because they feel that to encourage these  
17 groups that have not been part of the university, that they  
18 might be able to make up some of that and I have discussed  
19 it with her and we're hoping to beef up recruitment. I  
20 throw that out as a suggestion.

21 MR. LUJAN: Thank you. Those things are  
22 priorities right now and so that will affect us tremendously.

23 MS. DeLUCA: Mr. Lujan, when you say, we have  
24 some different conditions here in Las Vegas, lower salaries  
25 and you mentioned the gaming mentality or aspect, can you

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1 elaborate on that a little bit more and how that affects the  
2 University hiring?

3 MR. LUJAN: I was recently at a conference  
4 back East and right here is part of this answer I gave to  
5 OFCCP. Because we're Las Vegas, when we advertise for a  
6 position, many times it's almost a joke because people, one,  
7 don't know we have a university here of any quality or--they  
8 know we have a basketball program, but very seriously, and  
9 I've been asked this by some very well educated people, they  
10 say, do you have a community there, so they think we're just  
11 a Strip and that I live in, like, a casino. I've been told  
12 that, you know, and I'm almost-- I say, damn, this isn't  
13 happening, but it does happen and if we send out an  
14 advertisement for a position and it goes into Tennessee or  
15 Carolinas, I'm wondering how often that happens. You know,  
16 I wonder if that applicant is thinking, well, how would I  
17 live there, you know, and that's a factor that other schools  
18 don't have to deal with that I'm aware of and I've been at  
19 other universities where that kind of attitude towards it  
20 isn't felt.

21 Another thing, although, you know, we're here  
22 in the Southwest where there's a high percentage of  
23 Hispanics, in the Southwest where we're isolated geographic-  
24 ally from Phoenix, from Los Angeles, that sets up a minor  
25 problem of sorts of getting someone to come here and to change

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1 from that kind of a place to this place. You know, we are  
2 isolated. It's not just 300 miles, it's ten years also.  
3 I mentioned that, and I mentioned that we're a young school.  
4 Other young schools will have the same problem that we do,  
5 is that the initial corps of people that came in the 50's,  
6 you know what the hiring for us was like then, white male.  
7 Well, we still have them and we have to somehow incorporate  
8 that into the affirmative action plan.

9 MR. HOWARD: You have your affirmative action  
10 equal opportunity employer. Do you have an affirmative  
11 action plan?

12 MR. LUJAN: Yes.

13 MR. HOWARD: Is that affirmative action plan  
14 written in a book so that all can see what your plan is?

15 MR. LUJAN: It most certainly is. To add to  
16 that, the plan was written in '82 and it has expired in past  
17 April. We're now in the process of and it should be  
18 completely rewritten by the end of this year. That's part  
19 of this OFCCP investigation. With help from them, we should  
20 have a tremendously better written affirmative action plan  
21 and policy that we can work with. Again, through experience,  
22 we learn and many of the things that we had in it we didn't  
23 have to do and that was causing a tremendous workload on a  
24 very small staff and the direction was misdirected maybe, so  
25 with the help of OFCCP, who, by the way, invited me and I

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1 accepted a two-day in-house meeting in the Van Nuys office,  
2 they worked with me for two days on how to write an  
3 affirmative action plan, what things to zero-in on and what  
4 things to stay away from and so that's been a tremendous  
5 help.

6 MR. MONTEZ: You couldn't get any federal  
7 funding without a plan?

8 MR. LUJAN: Right.

9 MR. MONTEZ: You have to file it?

10 MR. LUJAN: Most definitely. Another thing  
11 because we have so few black and Hispanics on campus, if we  
12 lose one, our statistics--we lose a tremendous number,  
13 therefore, on finding out, to make up for that statistic and  
14 to show a gain, we not only have to replace that person but  
15 we have to hire one other or our statistics from year to  
16 year just look terrible. They're not good to begin with but  
17 this fluctuates tremendously from one year to the next.

18 MS. DeLUCA: Because of knowing a professor  
19 in a certain department--this was several years ago--I was  
20 aware of a situation where the white males had the  
21 departments was why they were actively looking for minorities  
22 in women and one woman was offered a contract and she had  
23 accepted it and she was an outstanding person from a major  
24 university and then she turned it down at the last minute  
25 having changed her mind, again, about living in Las Vegas.

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1 I don't know if they do this with those type  
2 of applicants, like they do with coaches, but they need to  
3 gather up a host or reception of people that live in this  
4 community and all kinds of stuff to keep people like that. I  
5 also know of numerous abuses that have taken place just  
6 within the University of minorities and women, but that was  
7 an example of the kind of thing you were talking about.

8 Does anybody else have any questions?

9 MR. MONTEZ: This Civil Rights Commission  
10 suffers from the same image that you talk about. We have to  
11 find a community center where we can have meetings because  
12 meeting in the hotels people say, wherever else are you  
13 going to meet, there is no community there. Same kind of  
14 image when I come from Los Angeles.

15 MS. DeLUCA: It's too late, but I would have  
16 welcomed you on my campus. I would have loved to have you  
17 there. That's why I had the EEOC meeting there.

18 MR. MONTEZ: After talking about the problems  
19 of American Indians in Nevada, we think we should probably  
20 meet on the reservation to try to get some real input. I'm  
21 the administrator and it's somewhat-- You know, I always  
22 thought Nevada was everybody gambled, you know. You know,  
23 no more different than the perceptions you get across country.  
24 I don't live in Nevada, so it's different.

25 MR. LUJAN: I would say finally if you want

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1 further information as to what has happened since I've been  
2 there, Mr. Begaye, I would ask him to speak on what I have  
3 attempted to do and how the things seem to be changing. He  
4 was a very key individual in that EEOC hearing last  
5 November and because he came and because of a lot of things,  
6 his tribe is now getting some help and he and I are supposed  
7 to attend a conference in October in Albuquerque for a--

8 MR. BEGAYE: National conference.

9 MR. LUJAN: He was a student when I met him  
10 and we've generated a working kind of relationship where we  
11 assist each other but, again, I mentioned at the very onset  
12 that without community network and help nothing will change,  
13 no matter how I want things to happen, it just won't. We  
14 need the community behind us.

15 MS. DeLUCA: Thank you very, very much for  
16 your presentation, Mr. Lujan.

17 We have Suzanne Ernst on hand scheduled to  
18 speak, then we have maybe a couple of people or an open  
19 session and we will decide what to do about lunch.

20 MRS. ERNST: Nothing like being the closing  
21 act.

22 MS. DeLUCA: I apologize for having you wait  
23 so long. We have with us Mrs. Suzanne Ernst who is deputy  
24 administrator for the Division For Aging Services, State  
25 Department of Human Resources. We really appreciate you

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1 coming.

2 MRS. ERNST: I'm going to try and keep within  
3 the time limit. I know that the afternoon will soon be gone  
4 and there won't be a lunch if we don't get on with it, so  
5 I'm going to be as concise as I can. I am happy to be given  
6 this opportunity to testify about the concerns of the  
7 Division For Aging Services, which is a State of Nevada  
8 division, as an advocate for the elderly statewide, and the  
9 problems that we have identified, and we think we do a very  
10 good job of it.

11 Just to put it in perspective, if you don't  
12 know, Nevada is the fastest growing state for seniors in the  
13 United States.

14 Between 1970 and 1980 we had a hundred percent  
15 increase in seniors. Between 1980 and 1984 we had a 28-  
16 percent increase in seniors which puts us percentagewise as  
17 the fastest growing state for senior population in the  
18 United States. Clark County has shown the greatest amount of  
19 increase. Right now approximately 54 percent of all the  
20 seniors in Nevada live in Clark County. This has made a  
21 tremendous impact on us in providing services and seeing  
22 problems and meeting needs and we have tried to address those  
23 needs as best we can.

24 Our agency primarily receives federal funds  
25 which we act as guarantee for and we passed through almost

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1 four million dollars in the federal government to various  
2 granting agencies. The things that you may recognize right  
3 offhand are things like meals and senior nutrition programs  
4 and senior centers, those kinds of things. Those fundings  
5 come through our division to various non-profit agencies  
6 primarily.

7 We also act strongly and advocate legislative  
8 procedures, and in our office we have one direct service  
9 personnel both in the north and south and that is a nursing  
10 home ombudsman because we have also a tremendous growth in  
11 this area and so we have an ombudsman which acts as an  
12 advocate for patients' rights in nursing homes.

13 We frankly feel that we have tried very hard  
14 to make equal accounts as to services. We're not a hundred  
15 percent successful and, in fact, far from that and I'll  
16 address one of those problems towards the end of this, but  
17 our primary concern when we're talking about age discrimina-  
18 tion, that comes repeatedly to my attention primarily because  
19 seniors call me, directly contact me themselves in the area  
20 of employment. It's an issue that lies quietly, barely  
21 examined by the experts as Phil and Susan and I have talked.  
22 It seems to be on the bottom of people's lists. It's  
23 religion, it's race, et cetera, et cetera, and when I got  
24 down to the last little thing mentioned is age, the seniors  
25 themselves softly discuss it. Part of it may be a certain

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1 amount of competition between themselves and what they  
2 consider in their own families for working positions. You  
3 know, you want your children and your grandchildren to be  
4 able to work, be employed and that's sort of an in-cultural  
5 guilt, that there may be a competition between the  
6 generations, but we have to recognize more and more seniors  
7 have to work. It's not merely a matter of choice and as long  
8 as their health permits you are going to find that seniors  
9 are going to want to work longer and longer.

10           Those who need to work are usually senior  
11 women who have very, very low retirement benefits, senior  
12 women in the lowest economic straits statistically of any  
13 group in the United States, and another group of seniors who  
14 must be considered are those who had low earnings during  
15 their working years because obviously their benefits are  
16 based on their low earnings and it just is a cycle that's  
17 set up because these seniors then have very limited skills  
18 and they have basic problems finding jobs in an ever-changing  
19 work environment.

20           You take women in their 60's and 70's whose  
21 husband died who may have a cessation of that pension and  
22 have to live on one-half or sometimes one-third. The average  
23 senior widow woman on social security averages monthly  
24 payments from social security somewhere around 370 a month.  
25 For most of those people that is their income. A lot of

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1 seniors have been helped and are being served by federal  
2 programs like Title V and Greenthumb programs that provide  
3 stipends like RSVP and foster grandparents. They are doing  
4 a good job, but they are very limited and the incomes they  
5 are providing are very limited. What happens then is you  
6 cannot find it easy to retain and provide jobs for seniors  
7 in the work environment and then we have some bias in our  
8 employers whether it's accurate or inaccurate and behind  
9 closed doors they'll tell me things that they will not say in  
10 public.

11           One of the things that I hear repeatedly that  
12 employers have confided, that increased insurance premiums  
13 and concern for retirement benefit costs have prejudiced  
14 them against hiring seniors. Also it should be noted that  
15 studies show, and I can give you statistics if you want them,  
16 that seniors are highly productive. They do not lose any more  
17 workdays due to health problems and they are accident-free.  
18 All those prejudices that may have accumulated over the  
19 years have proven not to be true. Conversely, when we have  
20 a senior who is highly educated or well trained, we find  
21 many times when they apply for jobs that they are not  
22 accepted and told that they are overqualified. Where does a  
23 senior go if they're unqualified and if they're overqualified,  
24 whatever the reason? He's going to have a tough time getting  
25 a job.

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1                   With the increased stress on those on fixed  
2 incomes--you think about it--with increased utility costs  
3 and health costs, you are going to see more and more seniors  
4 over 70 that are going to be looking for jobs. My mother is  
5 79 years of age. When my father retired, her house was paid  
6 for. Her car is paid for. She has no major bills. My  
7 father died three years ago. Her income is \$354 a month in  
8 social security. Her car is now 20 years old. Her  
9 utility bills are running in a very small two-bedroom home  
10 only 90 to a hundred dollars a month. Her medical costs,  
11 prescriptions and other needs, are running in a substantial  
12 figure monthly. How does she survive? Fortunately, she has  
13 a family who helps her, but for other seniors who are past  
14 70 who thought that they were going to be comfortable, they  
15 are not comfortable and what happens, when they talk to us  
16 about age discrimination or they talk to-- The laws, as we  
17 understand them, only serve those people for protection  
18 between 40 and 70. I'm not sure that they protect those  
19 between 40 and 70, but that's, however, the way the law is  
20 written.

21                   Recently, just to give you another little  
22 aside on something that happened locally, in the Hilton Hotel  
23 there were approximately 40 dealers, male, who were over the  
24 age of 40 who were replaced by younger female employees. As  
25 you know, dealers in this town are not unionized and I know

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1 that they have filed some sort of an action but it is just  
2 a local aside that I think you can see that the competition  
3 in the work force is extensive.

4 I do have a success story. I wish Mr. Lujan  
5 was here because I think that he should recognize that when  
6 you go and tell all the problems you have, that you ought  
7 to share your successes, so I'm going to share a success  
8 story.

9 Dr. Byrnes, who joined UNLV in 1966, reached  
10 his 65th birthday in 1980. He was on a yearly contract and  
11 the Board of Regents had passed a mandatory retirement age  
12 of 65. Nationally, there appears to be a de facto policy of  
13 retirement at 70 for professors. Dr. Byrnes went through  
14 channels in an attempt to be reappointed, including the  
15 dean of his college and the UNLV affirmative action officer.  
16 In the spring of 1980, the UNLV Grievance Committee  
17 recommended that he be reappointed. In February 1981, he  
18 appeared before the Board of Regents and it voted six to  
19 three not to reappoint. At no time was his performance ever  
20 questioned, it was only based on his age. If he had been  
21 forced to retire at that time, his income would have been  
22 cut to 37 and one-half percent of his present salary. He  
23 brought suit and then the Nevada State Supreme Court found  
24 the decision illegal and unconstitutional. Since then, 28  
25 persons in the Nevada system of higher education were

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1 affected. Dr. Byrnes is today a full professor on tenure at  
2 UNLV and we worked very closely. It's one of the few  
3 shining lights that we have to show, but I think we should  
4 talk about our successes as well as our failures.

5           Going back to accessing of services, although  
6 this is slightly out of the realm of age discrimination, I  
7 feel very strongly about this area and as to our discussion  
8 and I was asked and I want to bring to your attention the  
9 problems that we have identified in the Indian population.

10           We provide nutrition services to the elderly  
11 Indians in eight sites in Nevada. We have gone a step beyond  
12 also to try and provide services to the Indians and we've  
13 worked very closely with the Indian Tribal Council. We have  
14 given funds in an effort to establish an Indian Aging Council.  
15 We're the only state in the union that doesn't have one. We  
16 had a meeting last September with Indian representatives from  
17 throughout the state and it's important, I think, that  
18 someone-- I've lived in Nevada all my life and I think it's  
19 important that we Anglos tell you some of the problems that  
20 we recognize in the Indian population. They shared that with  
21 us last September.

22           We have a problem getting Indians to access  
23 services where the population is primarily white. Now, I am  
24 specifically talking about elderly Indians. At this  
25 conference we had last September they told us stories where

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1 most of them were sent to the Stewart Indian School in  
2 Carson City when they were young and they were told they were  
3 not to speak their language and they were strung and beaten  
4 every time they did not speak English. If you ever thought  
5 that Indians were stoic, maybe if you were beaten every time  
6 you misspoke something or went to your native language, you  
7 would be stoic also. It gave me a greater insight into the  
8 Indian elderly and their problems in adjusting into a white  
9 access service and we have tried to do something to make  
10 this as palatable as possible for them.

11           You, I'm sure, know that many or most Indian  
12 elders in Nevada worked in positions where they did not  
13 receive any withholding from their checks. Most of them  
14 worked on ranches as cooks and ranch hands. They are not  
15 getting social security. They have the shortest life span  
16 of any minority in Nevada, therefore, most of them don't  
17 live to accept our services which, by law, are at 60 through  
18 the Older Americans Act. They have some specific medical  
19 problems that we've identified that we are trying to help  
20 them with, such as diabetes and so forth. We just feel that  
21 we're dedicated to serving the Indian elders but their  
22 problems are beyond the things that we can do for them and  
23 we would very much implore you to use your resources to do  
24 research and study this area. Thank you.

25           MS. SADER: Thank you.

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1 MS. DeLUCA: Thank you.

2 MS. SADER: You are right, none of us went  
3 to sleep.

4 MS. DeLUCA: It's really excellent. Any  
5 questions?

6 MS. SADER: I have one question. Can you  
7 just tell me a little bit about the policy by the State of  
8 Nevada as far as aged is concerned? Is there a mandatory  
9 retirement at the state level?

10 MRS. ERNST: State level, no.

11 MS. SADER: Is there an unwritten policy?

12 MRS. ERNST: No. We have had people work.  
13 We've never had that complaint.

14 MS. SILVERO: Did you mention the senior  
15 population in Clark County?

16 MRS. ERNST: 70,000 seniors.

17 MS. SADER: It's growing faster than Florida.

18 MRS. ERNST: Percentagewise, not numberwise,  
19 it's the fastest growing state last statistics out.

20 MS. DeLUCA: Thank you very, very much. I  
21 appreciate your efforts.

22 (Thereupon a lunch recess was  
23 taken, after which the following  
24 proceedings were had:)

25 MS. DeLUCA: Well, shall we go ahead? We'll

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1 reconvene our meeting of the Nevada State Advisory Committee  
2 To The United States Commission On Civil Rights.

3 We have with us Jesse Scott, executive board  
4 member, Economic Opportunity Board of Clark County.

5 Would you introduce yourself, as well, for  
6 the record?

7 MR. STRIMLING: My name is Wayne Strimling  
8 and I'm the planning officer for Economic Opportunity Board  
9 of Clark County.

10 MR. SCOTT: Want me to read this?

11 MR. WALLACE: Would you just for the record?

12 MR. MONTEZ: You can just summarize it.

13 MS. SADER: We can just put it in the record.

14 MS. DeLUCA: Can you summarize and bring out  
15 the main points, Mr. Scott?

16 MR. SCOTT: I'll try. My name is Reverend  
17 Jesse D. Scott and I serve on the Board of Directors for the  
18 Economic Opportunity Board of Clark County. The Economic  
19 Opportunity Board of Clark County is the designated Community  
20 Action agency for Southern Nevada with its ongoing purpose  
21 being the alleviation of the effects of poverty and the  
22 combating of problems resulting from economic deprivation.  
23 EOB currently operates 15 programs which serve Clark County  
24 residents.

25 Community Action was the centerpiece of

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1 President Johnson's War on Poverty. For 17 years, Community  
2 Action agencies, that is, from 1964 to 1981, were funded  
3 through the Federal Office of Economic Opportunity and then  
4 the Community Services Administration. One of the first  
5 acts of the Reagan administration was to abolish the  
6 Community Services Administration, the first federal civilian  
7 agency to be put out of business since before World War II.  
8 The demise of CSA effectively silenced the voice for the poor  
9 within the federal government.

10           Accompanying the dissolution of the Community  
11 Services Administration, Congress established the Community  
12 Services block grant, which supports Community Action agencies  
13 and other local programs through state governments at a  
14 greatly reduced funding level. Funds for Community Action  
15 agencies have been reduced on a nationwide basis by 45  
16 percent with the creation of the Community Services block  
17 grant. Yet, in the last fiscal year, requests for services  
18 from Community Action agencies have increased by 30 percent,  
19 across the nation. The agency that I represent has  
20 experienced an increased demand for services since the  
21 inception of the block grant while funding for the agency  
22 through the Community Services block grant has been diminished  
23 since its inception in 1982.

24           Approximately 40,000 residents within the  
25 EOB service area, a majority of whom are low-income and of

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1 minority status, depend on the services provided by EOB's  
2 15 agency programs which are administered through four  
3 divisions specifically, and they are listed as follows, first  
4 being the Transportation and Senior Services Division,  
5 Health Services Division, Education Division and other  
6 programs. In order to administer and plan these programs  
7 adequately, funding must be maintained at a level which is  
8 responsive to the needs of the community.

9 Under the current Community Service block grant  
10 process, which is administered in Carson City, the State has  
11 the power to make decisions regardless of the local situation.  
12 Yet the recipients of program services provided by EOB have  
13 the lowest incomes, the greatest handicaps and the least  
14 political power of any faction residing in Clark County.

15 The Community Service block grant as it is  
16 administered in Nevada is not targeted to those in need and  
17 is not sensitive to the plight of the poor and disadvantaged  
18 of Clark County. Since the demise of the Community Service  
19 Administration in 1981 when my agency received \$546,461 in  
20 funding, funding under the current Community Service block  
21 grant has been reduced to \$240,169 in 1984, a reduction of  
22 \$306,292. While economic conditions in Clark County warrant  
23 the development of additional Community Action programs to  
24 serve the poor and disadvantaged, inadequate funding through  
25 the Community Service block grant prohibit their creation.

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1                   We're saying in substance our agency serves  
2 as an umbrella for the poverty funds coming from the federal  
3 government in Southern Nevada and whereas at one point we  
4 had a half a million dollars to fund those needs, presently  
5 we are down to about 200,000--a little better than \$200,000  
6 and we lost about \$300,000 in the process of transferring  
7 over to the block grant system and we have the need and we  
8 have the people and the requests are being made but we don't  
9 have the forums to adequately supply them.

10                   The Low-income Energy Assistance Program,  
11 when it was initially developed by Congress about five years  
12 ago, was awarded directly through local grants. The funds  
13 for administering this program was awarded to local Community  
14 Action agencies. Upon being made a State block grant, the  
15 administration of the total program was shifted to State  
16 government. Local agencies lost this revenue with the  
17 exception of a token payment of \$5 per application taken.  
18 This shift to State administration did not lessen the amount  
19 of dollars expended on administering the program, it merely  
20 shifted funds from local control to state control, again  
21 weakening the base for local control and input.

22                   And that's the sum and substance of what I  
23 have to say is that since they've been changed over to the  
24 block grant funding, we're getting a smaller dollar to  
25 service these needs and that the need persists but the funds

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1 have been decreased substantially.

2 In addition to this presentation, we also  
3 have a breakdown of the services and the heads of various  
4 departments and what these services do in terms of rendering  
5 services to the individuals who would have need for them.

6 Any questions?

7 MS. DeLUCA: Thank you.

8 MS. SILVERO: I have a question. Regarding  
9 your funding, what is your total funding right now, overall  
10 total funding for the agency?

11 MR. STRIMLING: For all the programs we have  
12 an annual budget of about three and a half million dollars.  
13 You're talking about the Community Services block grant?

14 MS. SILVERO: That's what I'm asking you.

15 MR. STRIMLING: Right now we received in 1984  
16 \$240,169 in the Community Services block grant. We received  
17 \$16,000 for Career Readiness. That deals with career  
18 counseling and job placement. In other words, we deal with  
19 low-income people who have difficulty in getting jobs. They'll  
20 get some counseling on how to write resumes, how to get  
21 their direction in dealing with a job.

22 Another program that we have under the  
23 Community Services block grant is Senior Opportunities and  
24 Services, West Side Senior Center, and we receive \$58,000 for  
25 that and that amount of money has been stagnant for about the

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1 last four years, and we compliment that money with City  
2 money. The West Side Senior Center is located on "D" Street  
3 and we deal with about 200 low-income seniors per month and  
4 we have requested additional funding through block grant  
5 and we also get money from communities for the general  
6 operations but in essence when the federal government, the  
7 Community Service Administration was in control, more funds  
8 were available, not only for the maintenance of our own  
9 operations, but money was available to develop new programs  
10 such as Youth and Employment Energy Assistance, Crisis  
11 Intervention. It appears right now that the Community Service  
12 block was limited each year in the funds that we have and  
13 we really cannot develop new programs.

14 We had one program last year. We had for six  
15 months what's called our Youth Employment Program where we  
16 dealt with low-income individuals between the ages of 16 and  
17 19, the unemployed, and we were allowed funds for six months  
18 which really wasn't adequate and when it runs out that's the  
19 end of the program.

20 MS. SILVERO: That was under the Summer Youth  
21 Program?

22 MR. STRIMLING: It started as a Summer Youth  
23 Program, but it went from June through February so it was  
24 eight or nine months.

25 MS. SILVERO: Does the agency have an

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1 affirmative action officer at this point?

2 MR. STRIMLING: Yes. Our personnel officer  
3 is Muriel Simpson, who is also the affirmative action  
4 officer.

5 In essence, what we're trying to change--  
6 When the change went from federal grants to state controlled  
7 block grants, we feel that the State really does not take  
8 care of the poor. Our basic argument is the fact that one  
9 policy regarding the poor is left to the discrimination of  
10 the State which under the block grant are poorly protected.  
11 That's another one, another comment that Jesse didn't mention.  
12 We were commenting about the misdirection of the block grant  
13 movement.

14 An example of one of the block grants is  
15 the Older Americans Act. The Older Americans Act provides  
16 money for division services in the State of Nevada, for  
17 example, and according to the Older Americans Act, and I  
18 cite on page five their basic goal is to provide services  
19 to older persons with greatest economic or social need, but  
20 according to the Older Americans Act you cannot take a means  
21 test. We have a senior day care center in Las Vegas. We  
22 cannot take the means test for anyone. In other words, if  
23 a person comes into the program and applies, there's no--we  
24 have to accept everyone. I'm not saying we won't, but you  
25 cannot take that economic profile of that individual so, in

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1 other words, if we want to target towards the poorest people,  
2 we can't exclude anyone, say, middle income because we cannot  
3 make what we call an economic assessment.

4 MS. SILVERO: Before I ask my question, I  
5 want to point out that I am very proud of this agency. I  
6 worked for this agency for nine years as one of their  
7 administrators and at one point I was the affirmative action  
8 officer for this agency and I was one of the ones that was  
9 out of the system because of funding cuts.

10 My question was, from what I'm hearing, your  
11 problem is that-- Let me rephrase my statement. How is it  
12 that we can help you or your agency?

13 MR. SCOTT: By making a recommendation to the  
14 Congress and the President that we go back from the block  
15 grant funding to the CSA kind of funding, rather than have  
16 it go back to the categorical way of expending of funds,  
17 rather than going through the block grant because when you  
18 come to the block grant, it's stopping, bottlenecking at  
19 the State rather than coming through, and originally it went  
20 the other way. You know, we had a former President who came  
21 up with this great idea that government closest to the people  
22 is the best for the people and we're saying we want to make  
23 it very close by sending it directly to them rather than  
24 going through the State.

25 MR. STRIMLING: There is six block grants for

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1 health, et cetera, but the thing about it with the block  
2 grants, each state will administer the block grant itself.  
3 They'll make up their own priorities and policies, so the  
4 needs of various states aren't necessarily protected.

5 MS. SILVERO: Thank you.

6 MR. MONTEZ: What agency handles the block  
7 grant for the State of Nevada or do they come under the  
8 specific of health or--

9 MR. STRIMLING: We have the Community Service  
10 block grant that's from the Office of Community Services up  
11 in Carson City. The Primary Care grant and Maternal--the  
12 Child Health Services grant, they're administered by the  
13 Nevada Department of Health. Low Energy Assistance is from  
14 the Office of Community Services. There was another one here  
15 which was not typed in for one reason or another, the  
16 Alcohol and Drug Abuse block grant which is from the Bureau  
17 of Alcohol and Drug Abuse. There are various entities in  
18 the state. These various entities: Nevada Department of  
19 Health, Office of Community Services, Bureau of Alcohol and  
20 Drug Abuse, they get money from the federal government and  
21 they decide who are the most needy, how much money would be  
22 allowed for each program.

23 Our basic argument is the fact when the  
24 federal government would have their priorities, it would be  
25 sort of a uniform protection across the country. When the

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1 State has control, the State will decide who's going to  
2 benefit, who's going to be--

3 MR. MONTEZ: So eventually you could be at a  
4 low priority with all the block grants; that you would be  
5 non-existent. In fact, that could happen; is that correct?

6 MR. STRIMLING: That's right. It's coming to  
7 that now.

8 MS. SADER: Is the State receiving as much  
9 money as was given the State before the block grants were  
10 initiated?

11 MR. STRIMLING: Approximately the same, if  
12 not more. It would vary from state to state. What they'll  
13 do, the block grant money will go to the Office of  
14 Community Services and they'll channel down the money to the  
15 various accepted divisions.

16 MS. SADER: Where do you see the money going  
17 if you are not getting it? Who's getting that other  
18 \$300,000?

19 MR. STRIMLING: When we had a budget of  
20 \$500,000, we had other programs. We had the Low-Income  
21 Energy Assistance Program which we provide assistance to  
22 low-income people. That was taken over by the State. The  
23 Office of Community Services controls it now.

24 MS. SADER: How much was budgeted for that?

25 MR. STRIMLING: I think it was approximately

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1 1981 is the last time that we had it. We were dealing with,  
2 I would say, something like \$240,000 which was handed down  
3 to us from CSA which we would then distribute.

4 MS. DeLUCA: Do you have any idea how  
5 effective the energy program is now coming through the state  
6 government? I don't know if you have any feeling for that.

7 MR. SCOTT: I don't have any actual  
8 statistics on the number of people they service and how  
9 effective they've been. We don't have that information. We  
10 know when we had it we were very effective. In fact, we  
11 got a lot of commendations from the State as helping a lot  
12 of people who had needs and it is true, as Mr. Strimling  
13 has said, we have to service people on a first come, first  
14 serve basis but without having any means test to qualify  
15 them. We're actually going out to see the people and doing  
16 the work. We didn't encourage them to be receiving  
17 governmental assistance in this program. When they obviously  
18 could do for themselves, we would let them know that the  
19 program was for the poor. I don't know what is happening  
20 now, but we would do what we could do within the framework  
21 of the rules that we have to discourage people from getting  
22 these services that could afford to pay for them themselves.  
23 I don't know anything about the record of what's happening  
24 now. I know we were very effective. In fact, we got letters  
25 and statements of commendation from the State Office of

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1 Community Services telling us how effective we were when we  
2 had the program.

3 MR. MONTEZ: You'd rather have the money than  
4 the letters, wouldn't you?

5 MR. SCOTT: Oh, yes.

6 MR. MONTEZ: Under the federal regulations  
7 of block grants there is a civil rights component that is  
8 required of all money going into states and as I would  
9 suspect that some block grantees, agencies of the government  
10 or of the state government are more concerned about the  
11 civil rights regulations than others. You may not want to  
12 comment on it. I just feel that maybe this Advisory  
13 Committee could look at those six agencies of the State and  
14 see what they're doing.

15 MR. SNIDER: It appears that all of these  
16 block grants are administered under the Department of Human  
17 Resources; is that correct? His name is Jacka.

18 MR. STRIMLING: And Linda Rhine in the Office  
19 of Community Services.

20 MR. SNIDER: But evidently these block grants  
21 are administered by that, that is the umbrella--

22 MR. STRIMLING: Then we apply for funds and  
23 they disburse money to me.

24 MR. SCOTT: In response to the prior question,  
25 where is the 300,000 plus going now, we don't know. I don't

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1 know.

2 MS. SADER: He told me where over 200,000 is  
3 going.

4 MR. SCOTT: Where a portion of it is going.

5 MR. MONTEZ: The Committee should be aware of  
6 where all those block grant moneys are going that are coming  
7 from the federal government, then this Committee could  
8 decipher whether the money is being used according to civil  
9 rights regulations, and if the money is not being used  
10 according to the civil rights regulations I think that becomes  
11 our responsibility.

12 MS. SADER: I absolutely agree.

13 MS. DeLUCA: Do you know where the rest of  
14 the funding for EOB comes from?

15 MR. STRIMLING: For example, for Foster  
16 Grandparent Program we get from Action. Senior and  
17 Handicapped Transportation primarily from Urban Mass Transit  
18 Administration. Carson Reality House from the Bureau of  
19 Alcohol and Drug Abuse. Family Planning is from the Nevada  
20 Department of Health. Maternal Health Care from the Nevada  
21 Division of Health. North Las Vegas Alcoholism from the  
22 Bureau of Drug and Alcohol Abuse. Head Start from Health and  
23 Human Services. We also get money from other sources, like  
24 United Way and we also get money from City of Las Vegas,  
25 Community Development block grants, but our primary source

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1 for transportation are UMPA, and Division of Aging Services  
2 from Senior Day Care Program, and health programs we get  
3 from Nevada Department of Health, and our education programs,  
4 to reiterate, are Head Start that we get from the Department  
5 of Health and Human Services, HHS, and some money from  
6 Title 20.

7 MR. SNIDER: Is that direct federal money?

8 MR. STRIMLING: Yes. Our Head Start Program  
9 which is HHS, we get that directly from Washington or the  
10 San Francisco office. We don't get that through block grants.

11 MS. DeLUCA: Any other questions?

12 MR. WALTHER: I'm having a hard time  
13 understanding the block grant system. You mentioned here  
14 with the Older Age Americans Act is a federal rule. If it  
15 wasn't in effect, chances are that it wouldn't be implemented  
16 in Nevada. I'm guessing. What is it about having the money  
17 come to a state that makes it less equitably distributed?

18 MR. STRIMLING: Basically the argument is  
19 the fact that when the money goes directly to the state, are  
20 they aware of the problems that are going on in Clark County?  
21 We feel that when the money goes to Carson City, are they  
22 making an evaluation of what's going on in Las Vegas?

23 MR. WALTHER: What's your answer?

24 MR. STRIMLING: No.

25 MR. WALTHER: Do the people in Washington know

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1 better than Carson City?

2 MR. MONTEZ: The Washington money came more  
3 direct, Steve.

4 MR. STRIMLING: With the categorical block  
5 system we would apply directly to the federal government.  
6 We would state our case, take a profile in the community,  
7 express our argument to the federal government. When the  
8 money goes up to the State we don't necessarily have a lot of  
9 input.

10 MR. MONTEZ: The State establishes the  
11 priorities, who gets the money. Like you said, a person  
12 through the Older Americans Act could be drawing \$3,000 a  
13 month in income and actually fit into the program because  
14 they're older Americans and so what you could really have is  
15 very affluent older Americans in the program.

16 MR. WALTHER: That's a federal rule though.

17 MR. MONTEZ: I understand that's a federal  
18 rule but then you give the State the authority of how they  
19 distribute the money and you've got another bottleneck that  
20 the Economic Development Board, such as this--not Development  
21 but Opportunity has that much more of a difficult time  
22 dealing with the problems of the poor. Now, we're either  
23 dealing with the problems of the poor or we're dealing with  
24 problems of everybody and that includes people who don't  
25 need money. That's where you get it.

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1 MR. WALTHER: I'm just saying, unless you are  
2 just simply saying the people in Carson City do not listen  
3 to you, if that's what you are saying then that's another  
4 problem we ought to talk about and that's what I hear you  
5 talking about today, that they do not listen to the input  
6 you give them and that's a problem that we ought to maybe  
7 consider.

8 MR. SCOTT: The Economic Opportunity Board  
9 meet each month and at these meetings the second item I think  
10 on the agenda affords the opportunities for individuals who  
11 either are recipients of the program or who are just  
12 independent citizens in the community and they come forth  
13 and say, I know of a number of people who have a need or I  
14 have a need and I'd like to have my need addressed, so on  
15 a monthly basis we have an open forum to hear those needs  
16 expressed and, therefore, we are in a better position to  
17 service those needs. We're saying that the State is a  
18 distance from these individuals and the largest percentage  
19 of the population is in this area and they are a distance  
20 from that and, therefore, they would not be as sensitive  
21 toward those needs as we are.

22 MS. SADER: But you still get the money.

23 MR. SCOTT: No, we're not getting the money,  
24 that's what we're saying.

25 MS. SADER: You are getting all but \$60,000.

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1 One program has been taken out of your hands and placed in  
2 the State's hands for energy reimbursement to the needy so  
3 I see \$60,000 that's not being accounted for.

4 MR. SCOTT: Let's go back to the original  
5 thing and we're having a hard time getting this one over,  
6 is that we feel that being in the community, located in the  
7 community that we are more sensitive to the needs of those  
8 that are really in need than those who are not. There is a  
9 possibility without being able to pinpoint it that there are  
10 some people who are receiving these funds that are not in  
11 a needy area and we're saying with this EOB knowing the  
12 community and knowing the people, that we are in a better  
13 position to, without having a means test, to decipher those  
14 that have the most need from those who are not in need.

15 MR. SNIDER: My understanding is that  
16 communication between your agency and the various state  
17 agencies does not exist. Do you have hearings? Do you  
18 submit evaluations and reports and statistics and that type  
19 of thing to them?

20 MR. STRIMLING: We are required to submit on  
21 a monthly basis financial reports. I submit on a quarterly  
22 basis what we call the Quarterly Program Reports to the  
23 central administration.

24 MR. SNIDER: I'm talking about the initial  
25 grant request. In other words, justification for the moneys.

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1 MR. STRIMLING: If we have a request for a  
2 proposal, we'll--I will write up a proposal and I will send  
3 it to Carson City and they decide what they want to give.

4 MS. DeLUCA: Whereas with the federal  
5 government in the old process it was handled differently.

6 MR. SCOTT: It was accepted and they sent the  
7 funding through.

8 MR. SNIDER: What I'm trying to understand is  
9 the difference between your communication with the feds as  
10 compared to the state.

11 MR. WALTHER: You are saying the communications  
12 isn't the same. The feds listen and the state doesn't.

13 MR. STRIMLING: I have submitted a request for  
14 Community Services block grants every year and it's a  
15 humungous document that we'll send up to the Office of  
16 Community Services and we'll send it up to them and they'll  
17 say how it is, no argument. That's it.

18 MR. SNIDER: Don't they come down here and  
19 have meetings with you and that type of thing?

20 MR. STRIMLING: No, they don't.

21 MR. SNIDER: To establish what you are doing?

22 MR. STRIMLING: No, they don't. They'll come  
23 down and they'll audit the money that they give us. They'll  
24 check our books but as far as asking for input and what we  
25 need, no.

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1 MR. MONTEZ: It doesn't seem to me there's  
2 any opening for any kind of lobbying. What we're talking  
3 about is like any bureaucracy works, whoever creates the  
4 heat, you know, and goes in and demands the money or does  
5 whatever, they seem to always get it but here at the State  
6 level it seems to be that the decision is made and it's fine.  
7 This is the problem with all block grants throughout the  
8 country.

9 MS. DeLUCA: This is what we knew would  
10 happen when the block grants came in.

11 MR. SNIDER: The testimony today brings that  
12 out.

13 MR. WALTHER: What have you done to develop  
14 a system whereby you can meet on a periodic basis with the  
15 people in Carson City to make your positions maybe more  
16 clearly known? Do you have a board in Washoe County to  
17 communicate with them about the same type of problems?

18 MR. STRIMLING: We communicate with Clyde  
19 Philips who is the executive director for the Washoe Active  
20 Community and we discuss common problems. Our biggest  
21 argument there is a communication problem with the State.  
22 They get the money and they feel that, you know, it's right  
23 to distribute it with very little input from us. We've made  
24 overtures and they don't want to listen.

25 MS. DeLUCA: The state agencies?

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1 MR. STRIMLING: Right.

2 MR. SCOTT: I'm not too sure if somebody made  
3 an announcement to the press on either side, we want to meet  
4 with you and talk, but the tone is, here it is, you take it  
5 and use whatever we're giving you, that's it.

6 MR. WALTHER: Whereas historically the feds  
7 were more deferential to you.

8 MR. SCOTT: Yes.

9 MS. DeLUCA: It's very interesting. A lot  
10 of people's attitude is that the government is insensitive  
11 to the people and they don't listen, yet it's opposite in  
12 this case.

13 MR. MONTEZ: I know after 18 years on the  
14 Civil Rights Commission that civil rights issues are never  
15 addressed by state locals, never have been and that is the  
16 most frustrating kind of thing. If it hadn't been for the  
17 federal government, there wouldn't have been any gains made  
18 and I've seen it publicly because that's the way it's been  
19 maybe in some other areas.

20 MR. SCOTT: Ever since President Nixon changed  
21 that kind of thinking-- He thought the locals shouldn't be  
22 given money, the local government and it seems that that  
23 kind of thinking is prevailing at this time in this sense.

24 MS. DeLUCA: Well, I'm kind of glad these  
25 folks raised these questions because the more in detail we

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1 understand what this process is, the more maybe we can focus  
2 on some steps we can do to intervene or something we can do  
3 to help. We are supposed to be a watchdog agency. At least  
4 the agencies in the federal government are supposed to  
5 enforce the civil rights.

6 MR. MONTEZ: I just had one question. Is  
7 there an agency such as yours in every county in the state?

8 MR. SCOTT: Yes. There's an umbrella. No,  
9 not every county. We have one in Southern Nevada and then  
10 we have one in Northern Nevada, Reno area, then we have one  
11 taking care of the outer areas.

12 MR. STRIMLING: The second largest one is  
13 Washoe County agency. That's up in Reno.

14 MR. SCOTT: Then the State, I think, sort of  
15 reaches out and takes care of the rest of the state.

16 MR. MONTEZ: Would they be competing with you  
17 for the money or do they face the same problems you face?

18 MR. STRIMLING: I don't think we're in  
19 competition for the money. They have similar problems we  
20 have and they have similar programs that we have. I wouldn't  
21 say we're in direct competition for the money. I guess the  
22 state distributes the money as they see fit, but we're a  
23 much larger county. The bulk of the population, 56, 58  
24 percent of the population is in Clark County, so I wouldn't  
25 say we're in direct competition for the money. We work

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1 closely with Washoe County.

2 MR. WALTHER: Maybe you can help cite some  
3 particular areas where your board has made recommendations  
4 and you have felt that those recommendations weren't followed  
5 to deal with that more specifically.

6 MR. SCOTT: I'm not even sure that the  
7 relationship that we have has reduced itself to that point.  
8 I told you that they give us money and say, here's what it  
9 is and this is the portion that goes to you so you make do  
10 with that, so there is little communication; as little input  
11 as to whether or not we think this is sufficient or whether  
12 or not there should be more in this category or that  
13 category. We make do with what is here, what is given, so  
14 communication has been very limited.

15 MR. WALTHER: I got the impression there were  
16 monthly reports.

17 MR. STRIMLING: We send a report. We have  
18 to submit by state law financial reports, progress reports,  
19 a lot of paperwork up to the State. It has to be there on  
20 a certain date. If it's not there on a certain date, then  
21 they could cause problems for us, but we meet our monthly  
22 and quarterly reports and it's the bulk of the communication  
23 and the planning. I'm the planning officer. I write the  
24 grants. I'm not the director or executive director, my  
25 focus in the agency, of course, is to make sure the reports

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1 go up there on time.

2 MR. WALTHER: As the planning officer you get  
3 the plan or do you get input? You get the money and allocate  
4 it out the way you are told?

5 MR. STRIMLING: As a planning officer my job  
6 is to deal with all funding applications for the programs  
7 they have to fund so that's automatic. The Board of  
8 Directors and the executive director and the deputy director  
9 when they feel certain programs have been developed, I meet  
10 with them and from their input I will develop a project. As  
11 I say, as the planner, I do the paperwork. I do a lot of  
12 thinking but the basic decisions are made by the executive  
13 director and deputy director and the Board.

14 MS. SADER: So you devise a program that's  
15 requested by your superiors for a certain group of people or  
16 a certain need?

17 MR. STRIMLING: Yes.

18 MS. SADER: That's what Steve is asking for,  
19 what instances, like you've been turned down a lot or--

20 MR. STRIMLING: Well, I'll give you an  
21 example. The Economic Opportunity Board of Clark County  
22 serves the entire area of Clark County and even goes into  
23 the boondock areas of Searchlight and--

24 MR. SCOTT: Overton.

25 MR. STRIMLING: Some of the small areas.

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1 For example, last year we were approached by the community  
2 of Searchlight and I can't remember the other one.

3 MS. SILVERO: Sandy Valley.

4 MR. STRIMLING: Sandy Valley, okay. Those  
5 areas did not have any kindergarten programs or preschool  
6 and what we would do on a yearly basis is we would apply on  
7 their behalf for OCS funds which go in this block grant for  
8 money so that they could have equipment to run a preschool.  
9 What they would do, they would either have a building  
10 donated to them-- For example, Pop's Oasis in Jean would  
11 donate for the people and I think it was in Searchlight they  
12 would donate a couple of rooms.

13 MR. SCOTT: It was Jean.

14 MR. STRIMLING: Jean, okay. We would get  
15 money through these grants from OCS, enough to buy arts and  
16 crafts materials, books, et cetera. Well, last year we  
17 submitted the application to OCS and we were told by the  
18 assistant director, we're not funding it, we're not going to  
19 fund this program any more and that was it. Then I had to  
20 go back to the people in Searchlight and Sandy Valley and  
21 say, I'm sorry, you can't have the program this year.

22 MS. SILVERO: So it was cancelled.

23 MR. STRIMLING: Are you acquainted with Ruth  
24 Rawlinson?

25 MS. SILVERO: Yes.

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1 MR. STRIMLING: Ruth Rawlinson used to say,  
2 are we going to have it this year, and I would talk with her  
3 and also her counterpart, I think, at Sandy Valley and write  
4 a small grant for \$20,000. That would be for basically arts  
5 and crafts. At the time we even had the endorsement from  
6 the Clark County Recreational Parks. They were going to  
7 donate some material and some supplies as well. Well, I  
8 sent in the grant application and I was rebuffed on it and  
9 they said this program wasn't in operation last year for  
10 some reason or another and we're not going to re-fund it  
11 this year, good-bye, that is it. So I had to call  
12 Ms. Rawlinson and said it was dead and she said, can I do  
13 anything about it, and I said, talk to your Congressman.

14 MR. SNIDER: Am I hearing you right in most  
15 of your relationships with these various agencies that they  
16 are arbitrary, that you have no opportunities to discuss  
17 or negotiate a situation?

18 MR. STRIMLING: No. We also stated, I think,  
19 in Jesse's document the fact that whether they do this  
20 deliberately, things change. Clark County is one of the  
21 fastest growing communities in the United States and they're  
22 very arbitrary about the amount of money they'll send us.  
23 We'll make an application and we'll make requests and some  
24 of these amounts are frozen almost every year whether or not  
25 we're dealing with more people. We're just set whether or

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1 not there's a greater need. Maybe there's more women, low-  
2 income women with children. The amount of money we're  
3 getting for WIC--Women, Infants and Children care--it stays  
4 the same. It's very arbitrary. There's very little input  
5 from us and that was the argument brought up in Jesse's  
6 statement.

7 MR. SCOTT: When the funding time comes  
8 no matter what the requests are, they say, this is the  
9 amount allotted this year and use that amount.

10 MR. STRIMLING: You cannot discuss it with  
11 them. As I said, as a planner I do most of the funding  
12 applications. Some administrators with ongoing programs  
13 make their own negotiations but as I understand it is that  
14 the amount that they get is pretty set and even if the  
15 money that they receive is the same for the last three years,  
16 it's not reflective of the need in the community because  
17 Las Vegas is a very rapidly growing community, maybe 60,000  
18 more than we had last year.

19 MR. SCOTT: What we're saying in substance,  
20 no matter how many conversations might have gone on the  
21 telephone between one of the directors, deputy director and  
22 the state office, no matter how much correspondence, the  
23 bottom line is the amount has been reduced and the amount,  
24 whatever the amount is allocated, they say take this and use  
25 it, that's it.

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1 MS. DeLUCA: Well, I very much appreciate your  
2 comments and I think speaking for the Committee on the block  
3 grant situation is a very serious concern in my mind anyway  
4 and I want to personally state that I have felt real lucky  
5 to have EOB in this county. Even with your limited resources  
6 I feel like you do a tremendous job for people, so thank you,  
7 gentlemen, for taking this time with us.

8 MR. SCOTT: Thank you for inviting us and  
9 maybe we've said something that will be helpful.

10 MS. DeLUCA: I'm sure you have.

11 Dr. McMillan, I guess, will not be able to  
12 be here. Did you have some communication with him on that?

13 MR. SCOTT: Yes. I saw him before we came  
14 and he told me he would not be able to attend.

15 MR. MONTEZ: He called Jeff and he's in a  
16 meeting. I would like to suggest to the Committee that  
17 between now and the next time we meet if we get this  
18 information from this Block Grant Committee, send some staff  
19 people to Carson City, I guess is where they're at, and find  
20 out where the money is going that they get from the federal  
21 government, to try to make some assessment as to whether or  
22 not their priorities are-- I mean, maybe get their  
23 philosophy and policy and at least we can operate with both  
24 sides of the coin. You know, it seems that we have some  
25 limitations in trying to discuss this because, of course,

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1 there's a point of view here but I think we ought to hear  
2 the other side of this. Same complaints we get all over.

3 MR. SNIDER: Phil, again, the only component  
4 we can only go into would be that civil rights clause and  
5 all those federal grants, it's not necessarily the amount of  
6 money but whether it's discrimination.

7 MS. SADER: I think it would be nice to send  
8 our findings to these two gentlemen.

9 MR. MONTEZ: At the next meeting we might  
10 want to ask some of those State officials to have a talk with  
11 us about it.

12 MR. WALTHER: Maybe it would be possible to  
13 send them a portion of this transcript and invite them to  
14 come to the next meeting.

15 MR. MONTEZ: Can we write them a letter only  
16 because the transcript is somewhat sacred to the Commission.  
17 I don't like to get them distributed. I don't want to put  
18 people who talk to us always on the spot. I think we ought  
19 to take the heat on it, is what I'm saying.

20 MR. WALTHER: I understand that the only way  
21 we can do it is say where we got our information, unless we  
22 want to go and ask questions instead of operating out of a  
23 vacuum.

24 MR. SNIDER: For those of us who have heard  
25 the testimony, it's a matter of recollection on our part. I

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1 don't think we have to go into the transcript.

2 MR. MONTEZ: It's public record, but I think  
3 there's all kinds of possibilities to take a look at it. The  
4 approach is not as important to me as what we're going to do.  
5 Makes no difference.

6 MS. SADER: Well, if staff has time to do  
7 that before the next meeting, perhaps once they get this  
8 information then you could decide whether it's worth having  
9 those people come to testify or not because I don't think we  
10 should have them there if it's a waste of time, first of all,  
11 because, you know, that's probably what we're getting from  
12 Washington; look, we have this much money and that's what you  
13 can do with it.

14 MR. MONTEZ: The real question is where is  
15 the money going.

16 MR. SNIDER: What criteria are they using  
17 for distribution in determining who gets it? That's my  
18 question. Are they listening to the people in the State of  
19 Nevada or are they taking into consideration the needs of  
20 the constituents?

21 MR. MONTEZ: As I said yesterday, you know,  
22 as I mentioned to you, there's been great regulations but  
23 the issue is when you throw it into the hands of the  
24 bureaucrats to interpret and carry it out, then it becomes  
25 different than the legislative mandate, the intent, and I

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1 think that's what we have to constantly keep looking at.

2 MS. SILVERO: That's where I think the problem  
3 is here because when you are dealing with the feds, even if  
4 they're monitoring the programs, they don't know about all of  
5 our telephone contacts with them. They are not looking at  
6 us as an individual.

7 MS. DeLUCA: On the state level though they  
8 know each other. They have political interests. Those  
9 connections can be unfortunate, I think.

10 MR. MONTEZ: When the shift came over, there  
11 was too much local clout being developed by poverty people.  
12 That's why they shifted to the block grants because you don't  
13 develop in the state a lot of strong clout if you keep  
14 control on the money.

15 MS. DeLUCA: They gave the power back to the  
16 people who always had the power who have never listened to  
17 these things in the first place because there was power  
18 rising in the community and it's a very good assessment.  
19 Personally I think they started there.

20 Don't we need to hear from the open session  
21 now?

22 MR. MONTEZ: I just want to get this clear  
23 before we move on. We'll keep you informed as to the  
24 possibilities of having staff get somebody up there.

25 MS. DeLUCA: We have two other people who

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1 would like to speak in open session.

2 MR. MONTEZ: Three, I think.

3 MS. DeLUCA: Did you want to speak, also?

4 UNIDENTIFIED VOICE: I came to listen. In a  
5 way, I came here to listen, but nobody has brought up the  
6 issue that I want to hear about.

7 MS. DeLUCA: Would you like to limit the  
8 speakers to five or ten minutes or longer? How does the  
9 Committee feel?

10 MR. MONTEZ: Five minutes, then if you have  
11 questions you--

12 MS. DeLUCA: Five minutes each, then if we  
13 have questions, we can certainly lengthen it.

14 MR. MONTEZ: If anybody chooses not to be on  
15 the record, we can stop the court reporter at any time.

16 MR. BEGAYE: As I have mentioned earlier, my  
17 name is Asa Begaye and I'm a Paiute and I'm a planner, but  
18 I do more than plan for them, I become pretty much an  
19 advocate for them since we really lack the individual, say,  
20 college backgrounds, and so there's only probably two of us  
21 with college backgrounds that are part of the administration  
22 now. But one of my concerns and our concern is the  
23 continued backlash of non-Indians--well, against Indians  
24 by non-Indians, such as the recent attempt by Arizona  
25 delegates to the Republican Party in which they passed a

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1 resolution calling for the abrogation of treaties with  
2 Indian tribes. That's one of the concerns we have and mainly  
3 we conclude that their action or their judgment comes from  
4 ignorance of the relationship between tribes and the  
5 United States.

6 As you are probably aware, there's a different  
7 relationship between tribes in the United States as opposed  
8 to states and U.S. States have become signator to the  
9 constitutions whereas our relationship with the U.S. is  
10 through treaties or through recognition from them by us or  
11 whatever by vice versa, that we are a sovereign nation; that  
12 our party isn't derived from Congress. We were long here  
13 before they were. We were here long before the constitution  
14 was enacted so they recognize that special status that we  
15 have, and the recent court's decision, Supreme Court's  
16 decision have continued to reinforce that relationship that  
17 we have with the United States.

18 In addition, the Reagan policy on Indians  
19 continues to reinforce it, but we still continue to have  
20 various judgment made which I say is due to ignorance and  
21 what we're advocating is that since you are an advisory  
22 group for the State of Nevada, that you look at the textbooks  
23 that are being taught to students to insure that tribes have  
24 inputs for individuals with such quality education and that  
25 they are familiar with the relationship between U.S.

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1 government and tribes, et cetera, to be included in these  
2 rather than the romanticized noble savage which we are  
3 stereotyped as. The massacre, the heathens, you know, this  
4 is how we were displayed in modern textbooks and people tend  
5 to judge us in that manner and I think one of the things  
6 we need to do is to increase and revise present textbooks to  
7 truly reflect Indian and U.S. relationship history to insure  
8 that they will be able to gain a knowledge about native  
9 Americans. At least they'll be able to make the right  
10 decisions and so this is more or less what we feel that  
11 should be done.

12 Another thing we have encountered is tribal  
13 court versus state courts. We would like this advisory  
14 group or this council, this commission to look into that  
15 to see if state courts are honoring court decisions made by  
16 tribal courts. I think we have a competent court system.  
17 I think they are comparable to the rest of the judicial  
18 system or court system that is established in the state and  
19 we would like for them to recognize any decisions or  
20 judgment that is made by our courts and to insure that these  
21 decisions are honored by the state, and in addition we will  
22 commit ourselves to do the same, to honor any decision that  
23 is made by the state courts.

24 In addition, I have become aware of court  
25 cases in which state courts have strongly assumed jurisdiction

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1 over civil matters. If it is determined that this civil  
2 matter should be decided in tribal court, let it be  
3 decided by the tribal court, just like if I'm within the  
4 exterior boundary of the Moapa Indian Reservation and if I  
5 should decide to do anything that is wrong according to the  
6 Moapa law and Moapa band of Paiutes law and order, I am  
7 subject to their jurisdiction. If I am here in Clark County,  
8 in North Las Vegas, I am subject to their jurisdiction and  
9 vice versa, so wherever the action occurs and if it is  
10 proper to assume jurisdiction, I think they should do that  
11 and like this is one of the problems we're having also.

12 One really great problem we've recently  
13 encountered, we had a case where three juveniles had  
14 committed--threatened the life of one of our residents and  
15 they were from the reservation and we do not have the  
16 facilities to house these individuals and so we committed  
17 them to Clark County, the juvenile system, and they had to  
18 release the juveniles because there was a recent decision  
19 made by the Attorney General in which-- Are you familiar  
20 with the Interstate Compact Act? What it is is it's an  
21 act which allows a state to enter into an agreement with  
22 another state to provide contracting, to provide services  
23 such as detention and so that act allows, say, the State of  
24 Nevada to enter into contract with the State of California  
25 and vice versa. They use each other in that manner and the

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1 Attorney General before this other Attorney General--I wish  
2 I had the paper--but he had ruled his opinion was that  
3 Indian tribes were considered a state and thereby they were  
4 able to under that act enter into contracts with states  
5 should they need detention services, detention facilities  
6 and so what happened was the other Attorney General said,  
7 couldn't do that, and so we're in that mess now. We cannot  
8 enter into a contract with the state or a county to provide  
9 juvenile services for us, even though we have the money to  
10 pay them to house that individual.

11 MS. SADER: The most recent State Attorney  
12 General?

13 MR. BEGAYE: The most recent Attorney General,  
14 so this is a problem we have.

15 We had a situation like the three juveniles  
16 were back on the reservation and there's that situation  
17 where they had threatened this family and so I did not know.  
18 I think we should look at the opinion and if it's a  
19 justifiable opinion that was made, then maybe it needs to  
20 go up to the next level, to the legislative level and see  
21 what can be done to resolve this issue, resolve this matter  
22 whereby we can be able to enter into an agreement with the  
23 county facilities and able to have them house our juveniles.  
24 So that's another concern we have.

25 Another problem we have is I received a letter

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1 from an inmate from the Indian Springs facility. This was  
2 in October of 1983. His letter is dated 10/16/83 in which  
3 he had a concern on the unwillingness of that facility over  
4 there for them to practice their religion. According to this  
5 paper here, they're allowed to participate in sweat lodge  
6 ceremony, et cetera, practice this religion and what he was  
7 saying was that-- I'll read you what I was given. "The  
8 previous captain, the policy we use at the maximum security  
9 facility, which he agreed to establish here but never did.  
10 Now, there is another captain who came from the North. This  
11 is him from up North. We have continued to get the same  
12 run-around." And in another place he says, "We had to use  
13 many improper materials to construct it." He's talking about  
14 the sweat lodge. "And when the time was right we replaced  
15 wrong material with proper ones." What he's saying is that  
16 they have a right as prisoners to practice the religion of  
17 their choosing and what was guaranteed to them by the state  
18 is being ignored by the local officials in which they're  
19 not able to practice the sweat lodge, the ceremonies, and  
20 as you are well aware, there are a number of different  
21 tribes and a number of procedures or a number of-- Just like  
22 you have your Catholics, your Mormons and each one uses  
23 different material. You have your cross, you have various  
24 paraphernalia and that's the same with the native Americans.  
25 What they were asking for is the sweat lodge poles, certain

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1 willow-type materials and that was denied to them whereby  
2 it would be discriminatory that you allow the Catholic--  
3 There's probably a church pretty well established there, a  
4 Catholic Church, and there was no qualms about them saying  
5 let's have the altar, et cetera, but when it comes to native  
6 Americans, no, no, no, that's the old considered heathen,  
7 that's not Christian-like but you have to recognize that we  
8 have our own religion. We have our religion, the Paiutes  
9 have their religion, the Siouxs have their religion and these  
10 correctional officers are not understanding in that sense  
11 so I believe he has a legitimate concern and I'd like to make  
12 you aware of it and have you look into it.

13 MR. MONTEZ: What facility?

14 MR. BEGAYE: Indian Springs.

15 MS. SADER: That's medium security.

16 MR. BEGAYE: Medium, but they have a policy  
17 which governs the uses of these lodges there and maybe what  
18 I would recommend is-- The Arizona Navaho tribe has been  
19 very involved in this issue with the New Mexico state  
20 criminal system. I think they're one of the forerunners in  
21 recognizing the rights of native Americans in their plight  
22 to practice their religion and somehow they developed a--  
23 Medicine men can visit the individuals in prison.

24 The individual that was up here previously was  
25 saying that people were forced into boarding school and if

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1 they talked English you had your mouth washed out with soap,  
2 you were--excuse me--damned if you spoke your native tongue,  
3 so it has created a lot of individuals to be very silent and  
4 so they found this to be the case in the New Mexico prison  
5 system. A lot of times they figure by being very vocal they  
6 figure they would get repercussions which was very negative  
7 so a lot of them, they just never really become vocal, they  
8 just remain silent through the whole time of their prison  
9 sentence for ten years, if it was for ten years, and usually  
10 they take solace, where other inmates are more vocal and  
11 understand their rights and have advocated for early  
12 releases and they're able to get early release.

13 In addition, I don't know how many native  
14 Americans we have in the prison population in the State of  
15 Nevada but it would be only right to insure that you have a  
16 native American counselor that can understand their needs  
17 and their problems as native Americans.

18 MS. SILVERO: Maybe it's late to ask for this.  
19 What is the sweat lodge?

20 MR. BEGAYE: It's a purification rite.

21 MS. SILVERO: Is it a rite? Does it take a  
22 long time? Is it something you do every day? It takes a  
23 minute, an hour, what?

24 MR. BEGAYE: Well, it depends on the  
25 ceremonies. Anyone that practices it has their-- There's no

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1 time limit. We're so used to one o'clock, two o'clock,  
2 three o'clock, four o'clock that you have to go to work,  
3 so we're time oriented and there's a difference between time  
4 and space. If you look at the native American ways and  
5 European ways, you establish a difference. That's what I'm  
6 saying. I have so much to say and I've taken up five  
7 minutes. I'm going to miss out on a lot of things. Just  
8 like I went to a native American church this past Friday  
9 night. I had a ceremony and we went in about seven o'clock  
10 and went all night and we got out at eight o'clock in the  
11 morning, so you see, this is--

12 MS. SILVERO: I'm just trying to understand.

13 MR. BEGAYE: Each sweat lodge is different.

14 MS. SILVERO: I just want to understand the  
15 problem. They are taking too much time, security? I don't  
16 know. Are you saying that what he's saying is the only ones  
17 that are going through this problem are the Indians, right?

18 MR. BEGAYE: That's what he appears to be  
19 saying. I don't know, I couldn't say for the other inmates.  
20 No, I couldn't say that, but it's just--

21 MR. MONTEZ: We've heard this complaint in  
22 California, the same similar complaint.

23 MR. BEGAYE: He called me up collect and, you  
24 know, just like me personally I figure I say, hey, he's a  
25 prisoner, he's going to do hard time but he's guaranteed he

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1 has his rights, too, as an individual. If he wants some  
2 type of spiritual guidance, that's his right and it's a form  
3 of, you know, release. To me, it's a release. I'm able to  
4 cope with and deal with distress which I've accumulated the  
5 whole time I'm away from my reservation and when I'm back  
6 down to being Indian again, I am able to practice in our  
7 native way and at the same time I pray for my guidance in  
8 decisions I make and speeches I make. This is the time I do  
9 it and I imagine this is what he uses this sweat lodge for,  
10 so that's another concern we have.

11 If you would like, I'll go ahead and get your  
12 names and addresses and Xerox these and send them to you.  
13 I'm sorry to not be fully, thoroughly prepared, but I got the  
14 letter yesterday saying there was a hearing, so I just got  
15 everything together and rushed over here and if I had advance  
16 knowledge that this meeting was going to take place and if I  
17 had gotten the letter in time, I would have come up with a  
18 presentation.

19 MS. DeLUCA: Don't worry about it.

20 MR. BEGAYE: These are our concerns and I don't  
21 know how much influence you have. I'm not very familiar with  
22 this Commission or this advisory group.

23 MS. DeLUCA: Uh-huh.

24 MR. BEGAYE: And so this is our purpose of our  
25 tribe and government. We try to govern our people just like

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1 any other government. We try to provide the services and we  
2 want the State to recognize us. We want the federal  
3 government to recognize us, that we have a political entity  
4 and we like people to realize that we are different. You  
5 know, we have a different philosophy, different ideology,  
6 different culture and there are probably 400--approximately  
7 400 different Indian tribes. They need to know the  
8 difference and these are our concerns and I don't know how  
9 far you'll take my problems and my needs. If you choose to  
10 discard it once I leave here, I'll just go ahead and go  
11 around and gather up all my problems and find the right  
12 persons to voice my opinions to and my needs, but if you guys  
13 have any questions, I'll answer to the best of my ability.

14 MS. SADER: You made a comment about the state  
15 courts not honoring tribal courts. When would that come into  
16 play? Do they have anything to do with each other?

17 MR. BEGAYE: It's a reciprocal relationship  
18 by courts in which they recognize other courts' decisions.  
19 It's just like if one got divorced in California, it's only  
20 right that Nevada recognizes that divorce decision. It's  
21 just that simple. We make a decision and it's not recognized  
22 by the state court.

23 MS. SADER: For example--

24 MR. BEGAYE: For example, say, our court  
25 decided to commit two juveniles to be detained and for some

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1 reason the other judge, the state judge, decides that, well,  
2 that's an incompetent court system so I'm not going to  
3 recognize their decision so that does not hold in my court.  
4 Situations like that occur but a lot of times as far as  
5 certain jurisdiction, I'm familiar with a case in which both  
6 parties were married and then divorced and one individual,  
7 though they were very far from a reservation, went to the  
8 state court and filed a complaint and the other individual  
9 went to court and says, you are not the proper jurisdiction,  
10 I'm from the reservation, she's from the reservation. It's  
11 only right that this court hearing be conducted in the  
12 proper court, the tribal court, which the judge said, no, I  
13 do not think so.

14 MS. DeLUCA: Well, I appreciate your being  
15 willing to stay this long. I don't know, but we were  
16 wondering, is there any possibility of us meeting out at the  
17 Moapa Indian Reservation?

18 MR. BEGAYE: Sure. Contact me and I'll make  
19 arrangements for that.

20 MS. DeLUCA: Is there a number that we can  
21 contact you at?

22 MR. BEGAYE: Area code 702 865-2787.

23 MS. SILVERO: One of the EOB buses can take  
24 us out there.

25 MS. DeLUCA: Thank you very, very much. I

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1 appreciate your coming.

2           Civil rights issues of concern in Nevada have  
3 been presented at this meeting. The Advisory Committee has  
4 heard from those individuals and organizations who have been  
5 active in these issues. We have collected this information  
6 as part of our responsibility to advise the United States  
7 Commission on Civil Rights about local concerns relating to  
8 equal protection of the laws and to assist the Advisory  
9 Committee in determining future activities. We will report  
10 our findings and recommendations to the Commission. The  
11 data will be available for the citizens of Nevada.

12           The Advisory Committee would like to thank  
13 all those who have participated in this endeavor.

14           The forum session of the meeting is now  
15 adjourned. The Advisory Committee will conduct a brief  
16 business meeting.

17                           (Thereupon the proceedings  
18 were concluded.)

19                                   \* \* \* \* \*

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CERTIFICATE OF REPORTER

STATE OF NEVADA )  
:  
COUNTY OF CLARK )

I, Kathleen J. Heard, (certified shorthand reporter,) do hereby certify that I took down in shorthand (Stenotype) all of the proceedings had in the before-entitled matter at the time and place indicated and that thereafter said shorthand notes were transcribed into typewriting at and under my direction and supervision and the foregoing transcript constitutes a full, true and accurate record of the proceedings had.

IN WITNESS WHEREOF, I have hereunto affixed my hand this 24<sup>th</sup> day of October, 1984.

  
KATHLEEN J. HEARD, C.S.R. 163

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