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U.S. COMMISSION ON CIVIL RIGHTS

UNITED STATES COMMISSION
ON CIVIL RIGHTS

Meeting of the Maine State Advisory Committee
to
the U.S. Commission on Civil Rights

HEARING

December 2, 1987

246 Deering Avenue
Portland, ME 04102

CHAIRPERSON:

~~Ki-Tack Chun~~

Shirley Elias Eddy

Reporter: Susan R. Berube, RPR

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1 PROCEEDINGS

2 MS. EZZY: I would like to call the Civil Rights
3 Forum to order. My name is Shirley Elias Ezzy and I'm
4 vice-chair of the Maine Advisory Committee to the U.S.
5 Commission on Civil Rights and I would like to welcome all
6 of you to the Civil Rights Forum here in Portland this
7 afternoon and thank you for coming to participate. First of
8 all, I would like to introduce to you the members of the
9 Maine Advisory Committee to the U.S. Commission on Civil
10 Rights and starting at my right is Bernard Berube, Ken
11 Morgan, sitting next to him our staff adviser from
12 Washington, D.C. is Ki-Taek Chun, he's the field
13 representative to the Maine Advisory Committee, U.S.
14 Commission on Civil Rights, to my immediate left is Bill
15 Burney, sitting next to him is Marshall Stern, and to the
16 far left is Elinor Multer.

17 Before we -- before we start to hear from people
18 that will be participating in the meeting, I would like to
19 mention a couple of things. I have a couple of
20 announcements here. First of all, there is a sign-in sheet
21 that is being circulated and we would like to ask everybody
22 that is here to please sign this sign-in sheet as it goes
23 around. We also have a mailing list sign-up sheet. If
24 anybody is interested in being on the Maine Advisory
25 Committee mailing list for the U.S. Commission on Civil

1 Rights, please sign your name and your mailing address here
2 and we would be happy to send out any of the announcements
3 of our meetings and publications and that sort of thing that
4 go out from time to time. So why don't we just start that
5 over there and that can be circulated.

6 We have a number of publications in the back of the
7 room that are available if you're interested. This forum
8 that we're holding on civil rights is -- is actually
9 somewhat of a follow up to a forum that we held in Augusta
10 back in 1979 and the publication that came out of that forum
11 is this publication, it's Civil Rights in Maine, and copies
12 of this are available in the back of the room. There also
13 are a few other publications back there. There is Recent
14 Activities Against Citizens and Residents of Asian Descent
15 is in the back of the room, there is a publication of the
16 periodical that is published by the Commission on Civil
17 Rights called New Perspectives and copies of this are
18 available to anybody that is interested. We also have a
19 publication, Federal Enforcement of Equal Employment
20 Requirements, and this is a publication that is up there in
21 the back; and the last publication that we have on hand here
22 this afternoon is the Economic Status of Americans of
23 Southern and Eastern European Ancestry, this publication,
24 and this is available to anybody that might be interested in
25 picking up a copy.

1 We'll ask our speakers -- we're following the
2 agenda and there are copies of that in the back of the room,
3 also. We'll ask our speakers to please step up to the
4 podium when they are addressing us and introduce themselves.
5 We need to remind speakers to refrain from making defaming
6 and degrading comments. That doesn't need to be said but
7 that is something we need to -- we need to put in for the
8 record.

9 I would like to just give you a little background
10 on the U.S. Commission on Civil Rights and the state
11 advisory committees, if I may. So if you could bear with me
12 for just a moment, I would just really like to read a
13 summary to you of what the U.S. Commission on Civil Rights
14 is and particularly the state advisory committees. The U.S.
15 Commission on Civil Rights was created by the Civil Rights
16 Act of 1957. It's an independent, bipartisan agency of the
17 executive branch of the Federal Government. By the terms of
18 the act as amended the Commission is charged with the
19 following duties pertaining to discrimination or denial of
20 equal protection of the laws based on race, color, religion,
21 sex, age, handicap or national origin or the administration
22 of justice, investigation of individuals, discriminatory
23 denials of the right to vote, study of legal developments
24 with respect to discrimination or denials, the equal
25 protection of the laws, appraisals of the laws and policies

1 of the United States with respect to discrimination or
2 denials of equal protection of the law, maintenance of a
3 national clearinghouse for information respecting
4 discrimination or denials of equal protection of the law,
5 and investigation of patterns or practices of fraud or
6 discrimination in the conduct of federal elections. The
7 Commission is also required to submit reports to the
8 President and the Congress at such times as the Commission,
9 the Congress, or the President shall deem desirable.

10 The state advisory committees, there is an advisory
11 committee to the U.S. Commission on Civil Rights in each of
12 the 50 states and in the District of Columbia pursuant to
13 Section 105C of the Civil Rights Act of 1957 as amended.
14 The advisory committees are made up of responsible persons
15 who serve without compensation. Their function under their
16 mandate from the Commission are to advise the Commission of
17 all relevant information concerning their respective states
18 on matters within the jurisdiction of the Commission, advise
19 the Commission on matters of legal concern in the
20 preparation of reports of the Commission to the President
21 and Congress, receive reports, suggestions, and
22 recommendations from individuals, public and private
23 organizations, and public officials on finding matters
24 pertinent to inquiries conducted by the state advisory
25 committee, initiate and forward advice and recommendations

1 to the Commission upon matters in which the Commission shall
2 request assistance of the state advisory committee, and
3 attend as observers any hearing or conference which the
4 Commission may hold within the state. So that gives you
5 some of the technical background on the advisory committees
6 and the U.S. Commission on Civil Rights.

7 As a result of this forum today we will be
8 preparing a report for the U.S. Commissioners to report to
9 them the status of civil rights in the State of Maine and
10 we'll also be using the information that we gather here
11 today to help us in setting our priorities for the coming
12 year or two and the activities that we will be pursuing in
13 relation to civil rights issues in the State of Maine. I
14 just might add that we do have a court reporter with us here
15 today who is reporting this forum, Susan Berube. Thanks
16 Susan.

17 After each person makes their presentation, the
18 members of the Maine Committee will -- are free to ask
19 questions of the person making the report and I think that
20 at this point we have pretty much covered everything and I
21 would like to start with our first speaker, Attorney General
22 James Tierney.

23 MR. TIERNEY: Thank you, Shirley. We have a long
24 agenda today and I can assure you that I was not going to
25 take anything out of my prepared remarks until Shirley's

1 warning about the defamatory material and so the 15 minutes
2 about President Reagan will be deleted and I'll be able to
3 talk to each of you later about the remarks I was going to
4 make. As I look around this room I see, of course, many
5 friends from many years and as I speak on civil rights
6 perhaps I can help by placing some of the discussions in
7 Maine in historical perspective and be somewhat challenging
8 and hopefully revoke response not from just members of the
9 Commission in their report but also from some of the other
10 friends in this room who are listening.

11 Civil rights of course, began in this country as
12 being synonymous with the struggle for equality of America's
13 black people. Maine has played a long role in that
14 particular struggle. In the Civil War a little known fact
15 is that Maine sent more people to fight in the Civil War on
16 a per capita basis than any other state in the union, north
17 or south, because the people of Maine were touched at that
18 very time with the deep sense of the injustice of slavery.
19 There was no surprise that when I was in high school that
20 the civil rights movement fell on fertile ground in this
21 state. Some of us were undoubtedly there in 1964 when the
22 Snick Freedom Singers came to Westbrook High School of all
23 places; some of us undoubtedly were in Biddeford when people
24 such as Dorothy Day and James Foreman, Dave Rust, Martin
25 Luther King, Jr., and a 20-year-old Stokeley Carmichael came

1 to Biddeford, Maine to speak to those of us who were there.
2 So it has been a long time for many of us as we have
3 listened and learned and grown in that particular struggle
4 and as your attorney general for the last seven years I can
5 assure you of the obvious that the laws of this state and of
6 this country have moved more in the last 20 years than they
7 have in the previous 200. The national legal barriers have
8 fallen; even Senator Strong Thurman and Governor George
9 Wallace campaigned in favor of the Voting Rights Act seeking
10 black votes in their states and here in the State of Maine
11 the Human Rights Act is alive and well and vigorously
12 prosecuted by an able Commission and staff.

13 It's been a long time since my former law partner,
14 Pat McTeague, sponsored that bill in the Maine legislature
15 and overcame the initial arguments and fights to bring that
16 basic act to us in Maine. And as it was originally passed
17 it dealt with basically constitutional acts, the issues of
18 race, color, religion, national origin; but soon the Maine
19 legislature branched out and expanded that act to include
20 protection of those who were discriminated against based on
21 sex, physical handicap, age, mental handicap in some cases,
22 children, marital status, because civil rights, my friends,
23 is an evolving process. For some of you it may be easy, for
24 some of you it may be black and white, for you I actually
25 feel some envy that the lines are that clear; but for most

1 people in this society it's difficult in evolving choices as
2 to where our civil rights movement will move and I would
3 like to share a story with you.

4 Attorney generals in this country get together from
5 time to time and four years ago my wife and I were at a
6 convention in Colorado where we had dinner with the attorney
7 general of Tennessee, Mike Cote, and his wife Suzanne. It
8 was a long evening and he told us a number of stories
9 including the time he arranged a phone call between Elvis
10 Presley and Jimmy Carter -- again outside of the scope of
11 this particular hearing but an interesting one to any one of
12 you who want to know the content of that particular
13 discussion -- but the very poignant moment is that Mike Cote
14 as a young lawyer in the City of Memphis is a civil rights
15 lawyer, Mike Cote is white, and black citizens in his
16 community soon found their way to his door; and so in 1968
17 when the garbage workers went on strike, it was Mike Cote
18 who was the lawyer for that effort, it was Mike Cote who
19 went to court and who was denied the right to have a parade
20 permit, and it was Mike Cote who met with Reverend King and
21 Jose Williams and Andy Young in his hotel room just moments
22 before his assassination. And when this was over and as
23 Mike was telling that story, he looked at me and said I have
24 been a U.S. attorney, I have been a successful attorney, I'm
25 the attorney general of my state, but I look back on that

1 day and those moments as my highest accomplishment which was
2 a great act and his testimony I think to the legal progress
3 we have made; but then he said to me, and I thought it was
4 very poignant, he said things aren't black and white
5 anymore, things are difficult, it's hard to know where to
6 draw the lines, it's hard to know what is right and what is
7 wrong because as we have made progress in the legal area can
8 any of us really feel that this nation is less segregated
9 than it was 10 or 20 years ago, the wages of black people,
10 the working conditions, the dropout rates in our high
11 schools in the black areas; despite the progress we have
12 made in seeking equal rights for women, can any of us deny
13 the fact of the gap, the wages that are faced.

14 I saw something at the KKK rally in Rumford when I
15 was there which was very powerful and also again very
16 troubling. When I was there with many of you speaking at
17 the counter rally, I was touched with the number of people
18 who came together, who showed their ability to work together
19 to put aside other differences to point ourselves in the
20 direction of how much we oppose the principles of the Ku
21 Klux Klan; but when I got home I saw something very
22 troubling, I watched on television, and I expected to feel
23 anger at the Ku Klux Klan, but I saw people who were
24 gathered in that field -- I was not there -- and there was
25 hate on their faces, hate for the people beneath the white

1 sheets, not hate for the principles that the people who wore
2 the white sheets had but hate for the people, there was real
3 anger there, an anger and a rage and a hatred which I feel
4 is not in the long run going to solve our problems. I
5 believe that the fundamental challenges facing civil rights
6 in Maine and in this country are not going to be solved by
7 our laws or our regulations and the lawsuits that I might
8 bring but will only be solved by a change of attitudes which
9 come in our churches and our schools and our political
10 parties, on our main streets and our country clubs and our
11 unions and perhaps most of all in our homes and in our
12 families. But as the attorney general the rest of my
13 remarks will be focused on this question of law and what it
14 means.

15 I have had the privilege of, and it was a
16 privilege, of recently touring the Soviet Union a month ago.
17 I was able to meet with some of the highest elected
18 officials within their party system. I was also able to go
19 out in the evening and visit in the homes of artists,
20 dissidents, dancers, of writers, and perhaps most poignant
21 into the homes of individuals who have long since applied
22 for the right to immigrant -- immigrate from their country
23 to go to their own special promised land of Israel. In
24 talking with them not only did I have a sense of the pain
25 that they were suffering and the lack of human rights which

1 they sustained on a daily basis, it also helped me look back
2 at my own country to see it in a clear light both our great
3 successes and our great failures.

4 So as I have gone back and looked at my records as
5 attorney general I have been trying to think in retrospect
6 how we have been able to help civil rights as a concept in
7 the state evolve and one of the areas which is obvious is
8 the area of physical handicap. We continue to receive a
9 significant number of complaints. I'm sure you will hear
10 more about this in a few moments. But after the legislature
11 voted to include physical handicap in our Human Rights Act
12 and as the legislature went home, the work in many ways
13 began.

14 We found that it was not easy to define
15 discrimination in this area and it was only after a long and
16 treacherous lawsuit against Canadian Pacific Railroad
17 Company that we were able to flush out the outlines of this
18 particular important provisions of the law. In this
19 particular case this particular company had made decisions
20 on three individuals and had either fired them or denied
21 returned employment or denied employment at all based on the
22 fact that they had a physical infirmity which put them in a
23 classification which rendered them suspect for future
24 injury. One was a heavy laborer and had worked as a heavy
25 laborer without difficulty but because he had a heart murmur

1 Canadian Pacific said he would have a propensity for a heart
2 attack and he was denied employment as a section man.
3 Another one was a cook with a leg brace and although he had
4 had no problems they felt that that was a propensity that he
5 might slip and fall. And the one which has had the most
6 impact on the most Maine people one of them had had a
7 laminectomy and infusion in his back and he was denied even
8 the opportunity to apply for a job because of the propensity
9 that people with those problems have for having physical
10 problems later on. Now in winning that case, of which I'm
11 very proud, perhaps the most important moral, if you will,
12 or element which arose out of it was the fact that civil
13 rights is an individual right. It stops people from
14 putting -- being put in classifications over situations of
15 which they have no control and it was the individualization
16 of the physical handicap issue which was extremely
17 important.

18 But again that was reactive and the next issue of
19 physical handicap was a great moment which was when the City
20 of South Portland would be required to purchase lifts so
21 that handicapped people, people in wheelchairs, would be
22 able to travel on the city bus system, a long and
23 complicated issue, and it was a very difficult one and it
24 appears in our advocacy for civil rights we have pushed this
25 law to at least its legal limit as our Supreme Court upheld

1 the action of the Human Rights Commission in the Superior
2 Court by a four to three vote, very unusual for the Maine
3 Supreme Court to defy on the opinion. So what we have
4 perhaps found at the end of that particular envelope, the
5 purpose I'm trying to say is that this civil right became an
6 evolutionary one. From the initial thought that a person
7 certainly shouldn't be fired for a physical handicap to the
8 second thought that that right should extend so that people
9 cannot simply be put in classifications to the third which
10 states that an entity, public or private, must take
11 affirmative actions, affirmative actions, and those are not
12 to be held in violation of our Human Rights Act and it is
13 that evolution which I think is important.

14 Well, in conclusion let me ask you this, as I ask
15 myself this question all the time, where do we go next?
16 Where does civil rights evolve to or do we spend our time
17 perhaps legitimately going back and being true of
18 discrimination? Already protected is truly protected. The
19 issue of national origin has emerged. National origin in
20 some cases for our friends in the Penobscot and
21 Passamaquoddy Nations who were here before we were a nation
22 down to our newest arrivals, our new friends and new
23 citizens often many from Southeast Asia who even in this
24 city are faced with very serious problems based simply
25 because of where they came from and how they look. That is

1 one option. Another, not in the alternative, option is to
2 expand the Human Rights Act. A good question of single
3 parents, that particularly disturbs me, is that of civil
4 right. Well, I, as many of you may know, am very much not a
5 single parent, I'm very fortunate to have been married for
6 19 years and have four children, and yet the issue is a very
7 troubling one. Is it not true that single parents have
8 great difficulty in being hired for particular jobs or
9 perhaps denied promotion in particular jobs much less not be
10 required to live in a particular place not because they are
11 a parent but because they are a single parent.

12 I'll never forget the story of my former secretary
13 who is a single parent whose son -- we have all had this
14 experience -- forgot to bring his permission slip to school
15 and, therefore, not allowed to go to the Windsor Fair with
16 his class. She called and said she has my permission, I
17 called the principal and said he has my permission, but as
18 you all know having lived in America if we did it for one,
19 we would have to do it for everyone and permission was
20 denied to this young boy. So I said Cathy get in your
21 car -- they were leaving him alone in the school with a
22 custodian -- I said get in your car, go get Gerry, take him
23 to the fair which she did; she missed an hour and a half of
24 work. But if it had been another secretary even in my own
25 office who would not have been afraid to talk to her

1 employer, if it had been a woman standing at a conveyor belt
2 on a production line, carrying the mail, believe me those
3 problems are real and they're very painful for people. So
4 is that an area in which we should go?

5 Does one's physical appearance become an area of a
6 civil right? Skinny people, fat people, tall people, short
7 people are denied jobs frankly based on how they look every
8 day. We all know it. No one wants to say it; sometimes
9 they say it to me. It's a terrible thing. Is that a civil
10 right? Is that an area we should go? And I would like to
11 challenge you with that. Or should we instead move towards
12 an area which has been well debated in this state, the
13 question of whether or not to incorporate in our Human
14 Rights Act protection for individuals based on their sexual
15 orientation. Now there is no doubt I think at this point
16 after a dozen years of debate that there has been great pain
17 ascribed to all of us as a result of discrimination against
18 gay men and lesbian women in our state and indeed the
19 country, but to place sexual orientation in our Human Rights
20 Act would take a dive legally; and perhaps this is the
21 lawyer in me speaking but two things would have to be
22 defined, the first would be the sexual orientation of the
23 individual.

24 When it comes to race or age or national origin or
25 physical handicap, the identification of the status of the

1 person or self-reporting of the status is relatively easy,
2 but in the cold light of American jurisprudence it is
3 difficult, I think, to prove that if it becomes an element
4 in the case without affecting the privacy interest of other
5 sexual partners of the person who is complaining; but even
6 if that is established, a second problem arises which is the
7 definition of the discrimination which would be visited
8 against someone based on sexual orientation. Because it is
9 troubling to me to have investigators from my department,
10 investigators from the Human Rights Commission, going out
11 and interviewing other people by standards in many cases as
12 to their sexual orientation.

13 Let me give you a hypothetical. A person is thrown
14 out of his apartment -- a couple are thrown out of their
15 apartment because according to the complaint before the
16 Human Rights Commission of their sexual orientation. The
17 landlord denys it and says they played their radio too loud
18 and besides he rents to five other couples in the building
19 and he has no idea what their sexual orientation are. Is it
20 then time for my lawyers and my investigators to walk the
21 stairs and inquire of people as to their sexual orientation
22 and does that give rise to a privacy issue which is separate
23 and more important than perhaps the discrimination against
24 the person in the first place? Well, separate from
25 questions of religion which are, I personally believe,

1 fairly easy to deal with, it's been easy for me although
2 less so to feel that the question of privacy outweigh the
3 particular discrimination against the particular class and I
4 think it's an area in which reasonable people can differ.

5 But let's go back to Mike Cote, let's talk about
6 evolution. As a member of the legislature I voted against
7 consistently including sexual orientation in the Human
8 Rights Act. Let's go back to Mike Cote and think about the
9 fact that things are neither black nor white, let's think
10 about the fact that we are in an area where the world
11 evolves, and things are not getting better for the gay
12 community in our state and in our country. It's not the
13 fact that our privacy interests are not still relevant but
14 that there is now a much more serious, much more horrifying
15 problem stalking the land. The number one public health
16 issue facing the people of this country is AIDS. They know
17 it and we know it. Now is AIDS a gay disease? Of course
18 not, but I want to share a story with you.

19 Several weeks ago I was talking to a professional
20 who must remain nameless because he is on a public
21 commission, he has been appointed, and has been working for
22 several years dealing with the problem of AIDS in Maine. As
23 the meeting began, it was a round table discussion, he said
24 that there was many references to the quote at risk
25 community unquote when discussing with the public health

1 problem of AIDS, the at risk community, those are three
2 words; so about halfway through the meeting someone decided
3 evidently in their own mind to shorten that and refer to it
4 as the gay community, and then the next speaker said the at
5 risk community and a few more speakers and a few speakers
6 later someone used the term the gay community and by the end
7 of the meeting people sitting around the room, some gay,
8 some not were using the term the gay community.

9 Like it or not in the public's mind the public
10 health illness of AIDS has been grafted on to the concept of
11 an individual's sexual orientation. That is the reality and
12 because it is the reality it is a worsening situation for
13 gay men and lesbian women in our society that they sustain
14 more intolerance, more discrimination simply because they
15 are in the class themselves; and so for that reason and that
16 worsening situation I for one today would vote in favor of
17 including sexual orientation in our Human Rights Act. That
18 this problem -- this evolution as it were has crossed the
19 line for me in saying that this class of individuals clearly
20 deserves protection even if it means we have other problems
21 and the issues of privacy, were this bill to become law as I
22 hope it would, then falls to those of us who must enforce it
23 and enforce in it in such a way that it would be evenhanded
24 and respectful of other peoples' privacy and other peoples'
25 life-styles. And so at least for me as I share with you

1 that is one person's thought, one person's evolution on one
2 concept which should be a civil right and I feel
3 notwithstanding the problems of single parents,
4 notwithstanding the problems of peoples' appearance that it
5 is this issue, the issue of individuals' sexual orientation,
6 which most deserves a problem in our state and is a message
7 which I would like to bring to you.

8 I would like to close with a personal story which
9 happened to me just a couple of nights ago. Having returned
10 from the Soviet Union probably I was more at least as
11 interested as the rest of you in listening to General
12 Secretary Gorbachev's interview to the United States, but
13 also like many of you the dishes have to be done so I turned
14 up the television set, was doing the dishes in the kitchen,
15 it was the usual quiet night in the Tierney home with the
16 four children and the three cats and the dog and the rabbit
17 and the guinea pig and the two birds that sing mostly during
18 the early morning hours of Robert J. Lerchman and quiet
19 during the rest of the day, it was the usual evening in the
20 Tierney house and I'm doing the dishes and my 13-year-old
21 daughter comes up to me and says, dad, I've got this dumb
22 homework assignment; I've got to memorize something. Well,
23 one of the reasons my kids go to the parochial school is
24 that they will be forced to still somewhere memorize
25 something, and Josie's assignment was the Declaration of

1 Independence. She said, Dad, listen to me and see how I do
2 and she began -- now picture the irony in this my own life,
3 the voice of the general secretary of the communist party of
4 the Soviet Union is being interviewed for the first time in
5 the free world in an open interview, I feel this is a
6 remarkable opportunity for international peace, I felt the
7 same way when Sadat went to Jerusalem, and the same kind of
8 feeling that perhaps we're on the verge of something very
9 exciting, a breakthrough that would change all of our lives
10 for the better -- and my daughter is going through, We hold
11 these truths to be self-evident, that all men are indeed
12 created equal, that they're endowed by their creator with
13 unalienable rights, that included in those rights are life
14 and liberty and the pursuit of happiness. Those indeed are
15 our civil rights and those indeed are our challenge. Thank
16 you very much.

17 MS. EZZY: Jim, I would like to ask you to please
18 come back to the podium on the chance that some of the
19 members of the committee would like to ask you some
20 questions and, Barney, let me start at this end of the table
21 and if -- do you have any added questions?

22 MR. BERUBE: No.

23 MS. EZZY: Ken?

24 MR. MORGAN: No.

25 MS. EZZY: Bill?

1 MR. BURNEY: All set.

2 MS. EZZY: Marshall?

3 MR. STERN: I just wanted to comment that you
4 mentioned a lot of names to me who are only history
5 remembrances because of their age and --

6 MR. TIERNEY: That's correct.

7 MR. STERN: What I would like to know is the nuts
8 and bolts basically of your office. What is the real nature
9 of the complaints that you receive, in what areas and so
10 forth?

11 MR. TIERNEY: Early in my career as attorney
12 general I took a very hard line of certain areas of
13 enforcement. The statute says that the attorney general for
14 those of you who don't know is the legal arm of the Human
15 Rights Commission. We brought a series of cases and worked
16 very closely and very well with Pat Ryan, John Carnes, and
17 other members of her staff in terms of being sure that when
18 the attorney general takes a case, it is an impact case,
19 that we are trying to say more than simply that there was
20 one person harmed here because I feel it is our
21 responsibility to define in Maine the limits, to be an
22 advocate for civil rights, to push that law, to push the
23 statute, to be a prosecutor, if you will, to push the
24 concept as far as the legislature and the courts would feel
25 appropriate.

1 So cases are referred from the Human Rights
2 Commission after their screening process, after mediation,
3 after at least one full hearing, and after a lot of
4 discussion that at this point frankly we are familiar enough
5 with each other that we will be alerted to cases earlier in
6 the process. After long discussions a case will be referred
7 to our office. At that point we still do not bring a
8 lawsuit because oftentimes people think agencies don't
9 really mean it but the credibility of the attorney general
10 is stronger and we attempt settlement again. It's only
11 after those types of situations have failed that we will
12 bring a private action. Now we will -- a public action. We
13 do use prosecutorial discretion. We will not take every
14 single case that comes along for reason that we feel that
15 there may be proof problems, it may not be the best way to
16 prove a particular issue, and we attempt other means of
17 resolution.

18 Now unfortunately the state itself is oftentimes
19 the subject of the complaint. In those situations as
20 counsel for the state I think it would be inappropriate for
21 me to be on both sides of the issues, unethical as an
22 attorney but also we need to provide some stability both for
23 our clients and to the Human Rights Commission. We are very
24 fortunate that the Human Rights Commission has on its staff
25 an outstanding attorney who worked there for several years;

1 and in those types of cases a division is made early on, my
2 department represents the state agency and John Carnes
3 basically becomes the attorney general in that area, and
4 there also have been times frankly where we have felt that
5 the evidence was not sufficient to going forward but the
6 Commission felt strongly about the matter and I granted
7 permission for the Human Rights Commission using John Carnes
8 to work on the case under our general supervision. We also
9 work closely as a private right of action under the Maine
10 Human Rights laws and we will oftentimes work informally
11 with the private lawyer representing a private litigant in
12 helping with research although it may never show up in the
13 actual pleadings before the court.

14 MS. EZZY: Elinor?

15 MS. MULTER: No thanks.

16 MS. EZZY: Jim, thank you very much.

17 MR. TIERNEY: Thank you, Shirley.

18 MS. EZZY: Okay. Our next speaker will be Patricia
19 Ryan and she is the executive director of the Maine Human
20 Rights Commission.

21 MS. RYAN: Good afternoon, I'm Pat Ryan, the
22 executive director of the Maine Human Rights Commission. I
23 was asked today to talk about the Commission which I'll do
24 briefly and leave you with our annual report should you wish
25 to learn more about what we do and then talk a little bit

1 about issues that we see not only in the cases that we
2 process but issues that we are aware of that we do not
3 necessarily have direct jurisdiction in. The Maine Human
4 Rights Commission is the state agency charged with enforcing
5 Maine's anti-discrimination laws. We receive and
6 investigate complaints in the area of employment, housing,
7 access to public accommodations, credit, and education.

8 The Commission itself is a five-member commission
9 appointed by the governor for staggered five-year terms, no
10 more than three members of any one political party. The
11 Commission appoints the director, the director in turn is
12 responsible for appointing and supervising the staff. The
13 staff and the Commission really functions in four major
14 divisions, investigation, conciliation, legal, and all of
15 the support and administration that's always necessary to
16 keep an organization going. By far the bulk of our work
17 falls in the area of investigation of complaints filed with
18 us. In the last year over 500 complaints were filed with
19 the Commission alleging discrimination in areas in which we
20 have jurisdiction. During that period of time 580 some
21 complaints were resolved. The majority of our complaints,
22 88 percent of our complaints, are filed in the area of
23 employment. The majority of employment complaints are filed
24 on the basis of sex. Sexual harassment in particular is a
25 problem. Discrimination against women who are pregnant

1 continues to be a problem. Betsy Sweet I know is addressing
2 you later on this afternoon and I'm sure that she will touch
3 on some of these areas as they particularly relate to women.

4 Discrimination on the basis of physical handicap is
5 a significant and growing category of cases with the
6 Commission, not in the least part due to some of the factors
7 that the attorney general was discussing with you earlier.
8 The Canadian Pacific decision and the City of South Portland
9 decision has opened opportunities for persons and expanded
10 the parameters through which people can file complaints. I
11 might just mention talking about the evolution that the
12 attorney general was talking about in terms of civil rights
13 cases, just a week ago the Commission was given jurisdiction
14 over complaints to be filed by persons who are turned down
15 for employment situations because they have made a claim
16 under the Workers' Compensation Act. Some of those cases we
17 had taken previously as perceived with physical handicap
18 cases and that is, in fact, when an employee turns someone
19 down because they have been out on workers' comp or have
20 filed a claim and they are viewed as a troublemaker, more
21 likely to injure themselves in the future, decisions based
22 on stereotypes and not on that individual factual basis to
23 believe that a person's handicap or disability or injury
24 renders him anymore likely to injure himself on a particular
25 job in the future. One out of every three complaints filed

1 with the Commission last year were filed on the basis of
2 physical handicap. It's a major -- it's a major category.
3 Kathy McGinnis I notice is on your agenda. I don't see her
4 yet today, but I did understand from her office that she
5 would be here and would talk to you in much greater depth
6 about problems related to handicap discrimination.

7 Age discrimination is our third largest category of
8 complaints. Romaine Turyn is here without a voice but I'm
9 sure that she will convey to you, also, her concerns.
10 Mostly the complaints we get filed by persons alleging age
11 discrimination are in the area of unemployment, usually
12 termination. Unlike most of our other categories that
13 people will file these are generally white males in their
14 50s who file age discrimination complaints in employment and
15 credit has become a growing problem for persons when they
16 are denied credit because of their age.

17 I would like to take the remaining time that is
18 allotted to me and talk about three areas that we have not
19 been able to focus on as fully as we have liked to. One is
20 in the area of housing. Decent, affordable housing is a
21 growing problem in the State of Maine and that impacts
22 particularly significantly on women who are often the heads
23 of households who may be receiving public assistance and who
24 usually have children. Overall we know working women earn
25 substantially less than working men, women are more likely

1 than men to be single heads of households, and they are more
2 likely than men to be recipients of public assistance. I
3 have some statistics that I won't read to you, I will just
4 leave with you about the numbers of women in this situation.
5 It is a problem.

6 All of these things, by the way, in housing
7 discrimination against someone because they are female,
8 because of their sex, because of their source of income,
9 because they have children are illegal. The problem is many
10 people in seeking housing don't realize that they are being
11 discriminated against, that they are not being shown units
12 because they receive public assistance, because they have
13 children, because they are female, single heads of
14 households. Those that do realize it are more interested
15 when you're seeking housing and you're seeking a rental
16 situation of getting a place to live in and not of filing a
17 discrimination complaint and pursuing that. This is an area
18 that needs, I think, some greater attention than is being
19 given. We as a Commission through a project are trying to
20 address some of that problem. I think it is an area that is
21 right for involvement by other organizations.

22 The problems related to hate and violence in the
23 State of Maine, in particular the appearance by the Ku Klux
24 Klan in the state earlier this year, the incidents of
25 violence against members of the gay community, the incidents

1 of violence that we hear about against members of other
2 minorities, refugees. It's a problem. It's an issue that
3 needs to be addressed. Maine has, I think, through
4 coalitions and individuals taken strong positive stands.

5 We need to encourage people to continue to do that.
6 It's not an area in which the Maine Human Rights Commission
7 has any direct jurisdiction to go into communities and deal
8 with these problems not that we don't have any business at
9 all, but we could use and everybody could use some
10 assistance by calling attention to that situation.

11 The final one is AIDS. AIDS is construed -- is
12 considered to be a physical handicap under the definition of
13 physical handicap in the Maine Human Rights Act. That is to
14 say someone who is fired from their job because they have
15 AIDS, because they test positive for the virus, because they
16 are perceived to have AIDS is protected if they come to the
17 Maine Human Rights Commission, and we make those
18 individuals -- individual assessments based on that person's
19 ability to perform their job versus the decision that was
20 made usually to terminate that individual. We have
21 jurisdiction in the area of education. AIDS is a physical
22 handicap; the Commission has jurisdiction over physical
23 handicap in the area of education. Access to places of
24 public accommodations, medical facilities, if you have AIDS
25 you're not allowed into the hospital for treatment. It's

1 not happened in Maine to my knowledge yet, it's happened in
2 other states; we have jurisdiction. But that's not
3 often -- that's not good enough in this situation. We need
4 more information, public education, people in the state need
5 to understand more about AIDS, how it's transmitted;
6 understand that in employment situations, in access to
7 medical facilities discrimination against a person with AIDS
8 is a violation of that person's civil rights and more needs
9 to be done. We can do it on the enforcement end when
10 individual cases come to us; by the time though, however,
11 the person with AIDS files a complaint with the Commission
12 if, in fact, they have AIDS, their life span is not a very
13 lengthy one and it seems to be a cruel process to put
14 someone through in their remaining days, if you will. It's
15 been shown in the few years that we have known about AIDS
16 and in those communities where serious education efforts
17 have been undertaken that problems are alleviated quicker
18 and I think that this committee as well as others can be a
19 very positive force in this area in particular. Thank you.

20 MS. EZZY: Thank you very much, Pat. We'll start
21 at the other end of the table. Elinor, do you have a
22 question you want to ask?

23 MS. MULTER: No.

24 MR. STERN: Pass.

25 MR. BURNEY: Yes. Just to follow up on your last

1 comment. How do you feel that the Federal Civil Rights Act
2 can support the Maine Human Rights Act; do you feel there is
3 a role there?

4 MS. RYAN: Well, there's the Federal Rehabilitation
5 Act which is what we would be talking about with regard to
6 physical handicap mirrors the Maine Human Rights Act's
7 definition of physical handicap in that area. So that a
8 person again filing a complaint under your federal law or
9 state law in the area of employment, for example, is
10 protected to the same degree with regard to having the right
11 to file, to be protected from unlawful discrimination in the
12 area of employment. I'm speaking more to the information,
13 education, publication studies creating public awareness.

14 MR. BURNEY: Thank you.

15 MS. EZZY: Ken, questions?

16 MR. MORGAN: Just a quick one. What degree of
17 latitude do you have in instituting any form of
18 investigation or action yourself? I take it that it is
19 mainly in response to complaints that are filed, but do you
20 have any latitude at all?

21 MS. RYAN: We do. The Commission has the authority
22 to file complaints and we do do that. They are usually done
23 in housing situations. When we believe that there is a
24 discriminatory practice and we don't have a complainant, a
25 person filing the complaint, we will institute a Commission

1 charge; however, to do a systemic investigation requires
2 considerable resources. We have a staff of five
3 investigators and as I've said we handled over 500
4 complaints last year. If I were to change anything with the
5 Commission, it would be to add some resources to do some
6 systemic classwide kinds of investigation. It's possible,
7 we have the authority and power to do it; we don't have the
8 resources to do it on any sustaining basis.

9 MR. BERUBE: You said that education is obviously
10 within your jurisdiction in your charge. You didn't mention
11 it much in the way of at least statistically in terms of the
12 kinds of complaints that you get. Do you get any in the
13 area of national origin?

14 MS. RYAN: In education we only have jurisdiction
15 with regard to sex and physical handicap.

16 MR. BERUBE: Why do you not in national origin?

17 MS. RYAN: When the law was amended four years ago
18 I believe we had no jurisdiction for education and at that
19 point some of you may be aware that there was a decision at
20 the federal level interpreting Title 9 which is the sex
21 equity counterpart which said that only the program to which
22 the federal money flowed was responsible for not
23 discriminating on the basis of sex and there was a feeling
24 in the State of Maine that -- that that was not necessarily
25 good enough and so the law was specifically expanded only to

1 deal with sex. It was only during the last session of the
2 legislature that physical handicap was added and came under
3 our jurisdiction. The simple answer I think to your
4 question is it has not been proposed.

5 MR. BERUBE: Thank you.

6 MS. EZZY: Okay. Pat, I would like to ask a couple
7 of questions, also. Prior to our forum today I reviewed the
8 report that we had a few years ago on civil rights in Maine
9 and we did have a status of the Maine Human Rights
10 Commission and some tables that showed us what the areas of
11 complaints were and so forth. One of the things at that
12 time that the Human Rights Commission was interested in was
13 getting independent legal counsel for the Human Rights
14 Commission. Am I correct in hearing that you do have
15 attorneys on your staff now --

16 MS. RYAN: One.

17 MS. EZZY: -- that are independent from the
18 attorney general's office or are they part of the AG staff?

19 MS. EZZY: No, the attorney that we have on our
20 staff is Commission counsel, he belongs to the Commission,
21 and as the attorney general had mentioned earlier we work
22 closely with his office. We do not work closely with his
23 office when complaints are filed against state agencies
24 since he is -- his office is the legal office representing
25 those agencies; but yes, we have independent counsel for

1 that conflict reason and yet we work closely together on
2 litigating private employers.

3 MS. EZZY: Okay. You mentioned housing
4 discrimination, talked about single women, women on public
5 assistance and so forth. It's my understanding that there
6 has been recent legislation passed to try to address this
7 issue of housing discrimination, renting to families with
8 children, and could you elaborate a little bit on this and
9 I'm wondering if the issue is more a question of enforcement
10 of the laws or do you feel that we need additional laws to
11 address the issue?

12 MS. RYAN: I think there need to be additional laws
13 on the federal level clearly. Source of income and children
14 are not protected, for example, on the federal level with
15 HUD; sex is. I don't think we need additional laws in the
16 State of Maine with -- perhaps with regard to children there
17 are a page of exemptions, for example, as to how a landlord
18 cannot rent to families with children, they can set aside
19 one, 25 percent of their units for no children, if it's
20 instead of being owner occupied like it is for everything
21 else with -- in a duplex you can have up to five units in
22 your apartment not rented to children and on and on and on.
23 There's a lot of loopholes that could be tightened up.

24 I don't think necessarily though we need a vast
25 amount of statutory change. We need to make people

1 understand that, in fact, discrimination does occur. If you
2 talk to people out on the street, they will say we don't
3 discriminate. Well, in fact, we think there is
4 discrimination; and one of the problems with housing
5 complaints nationally, as it is with the State of Maine, is
6 most people call up and they may yell into the phone but
7 they don't want to pursue it. They don't want to be known
8 in their community as someone who has filed a complaint when
9 they are seeking housing. They don't want to take the time
10 to pursue the complaint. They want an apartment to live in.
11 So I think that -- there is also -- there is some lack of
12 knowledge where you wouldn't get many landlords who would
13 say I'm not renting to a black. You would get many
14 landlords who would say I don't take city slicks. They
15 don't understand that that is illegal, so there needs to be
16 some further information, I think.

17 MS. EZZY: Okay. Thank you. I know you're going
18 to leave your report for us. I'm wondering if you're able
19 to provide us information that will update the kind of
20 tables, the information that the Commission provided us a
21 few years ago. It would be interesting for us to make a
22 comparison.

23 MS. RYAN: You will find in here probably more
24 tables than you want to look at and it goes back to 1978 so
25 we have all the years so the comparison is there.

1 MS. EZZY: Okay. Very good. Thank you.

2 MS. RYAN: Thank you.

3 MS. EZZY: Okay. The next person to speak at the
4 forum this afternoon is Betsy Sweet, she's the executive
5 director for the Maine Commission on Women.

6 MS. SWEET: Thank you. Thank you for having us. I
7 feel fortunate to be third because I'm sure that by the time
8 we get to 10th, 11th, and 12th everyone will want to react
9 to what other people have said including myself, so I'll try
10 and limit my remarks to what I was originally going to say,
11 although I greatly appreciate the remarks of both Pat and
12 Jim.

13 I also -- well, let me start out with talking about
14 the expansion, the evolutionary process of civil rights. As
15 many of you know on October 11th there was a national march
16 for gay and lesbian rights in Washington and in the
17 reporting of that there was a very poignant find I thought
18 that was a quote of a bishop in the State of New York and
19 the sign said if gay and lesbian people get civil rights,
20 everyone will want them; and I thought that was a very
21 interesting message, I thought, combined with an experience
22 I had.

23 I also went to the Soviet Union this summer and I
24 had the privilege of taking -- selecting 36 students from
25 all over the State of Maine and taking them to the Soviet

1 Union as part of an international exchange and to come up
2 with these 36 students we interviewed 106 students which was
3 actually my favorite part of the whole thing. We
4 interviewed 106 students who were chosen by their principals
5 to be good students, they weren't -- we asked that they not
6 be the best students or the doctors' sons and lawyers', you
7 know, so that we didn't get only the top kids but we got
8 kids for whom this would really make a difference; and as
9 part of the interview process we asked those kids to name
10 three advantages of living in the United States and then we
11 asked them to name three advantages of living in the Soviet
12 Union, but out of all these kids not a single child --
13 student, young adult named the Declaration of Independence,
14 the Civil Rights, the Bill of Rights, or the U.S.
15 Constitution as an advantage of living in the United States.

16 Now there are two ways to look at it and think
17 about it -- this was astonishing to me -- some of them would
18 mention to their credit freedom of the press, freedom -- one
19 of the Bill of Rights, you know, one of the specific ones
20 but nobody mentioned the sort of overall concept of what a
21 democratic form of government is like. You can look at it
22 optimistically or pessimistically. Optimistically my
23 interpretation is that they just take them for granted and,
24 therefore, they're not able to articulate them and so that's
25 good and people should take them for granted and we should

1 push at the limits as Jim talked about. The pessimistic way
2 of looking at it when you see the KKK and you see rollbacks
3 and some of the things that many of us have fought long and
4 hard for, the pessimistic way of looking at that is they
5 don't know what their rights are, that they aren't
6 particularly concerned about their rights, and most
7 importantly they don't think there are any problems left.

8 I think this is particularly true in the women's
9 movement when I go in and talk to young women, say in high
10 schools and elementary schools, in colleges, they think the
11 women's movement is over and the reason they think it's over
12 is because they think everything is already done and that
13 everything is fine. Now I think what that shows is that the
14 idea of equality based on gender, based on sex is accepted.
15 There are very few people, although there are some, but
16 there are very few people who generally say that men and
17 women shouldn't be equal, who will say out loud that things
18 should be different for men and women, so the idea of
19 equality and certainly the rhetoric of equality is accepted,
20 and so to me that was the first layer of the onion.

21 We now have on the books as Pat said most of our
22 laws protect legally the rights of women in this society and
23 in the State of Maine; however, what I think we're -- where
24 I think we are now is that we're at the second layer of the
25 onion, and that is, I think, a more difficult place to be in

1 that it requires the enforcement of those laws, it requires
2 educating people about their rights, what rights they have,
3 how they can pursue them individually, how they can pursue
4 them as a society because there are still very basic
5 problems. The most obvious one to me is that we have no
6 equal rights amendment in this state or in this country and
7 until we get that we can't talk about full equality for
8 women, so that clearly is something that I think has to
9 happen. We still have the problems of unequal pay, not just
10 the idea of pay equity and comparable work which I'll talk
11 about but the fact that women and men are doing the same job
12 side by side and the man is getting paid differently than
13 the woman. We have job segregation, we have discrimination
14 against pregnant women, all kinds of things that are
15 protected legally but, in fact, still happen in our society.

16 So I think to get at the attitudes and at the
17 enforcement of those thoughts that many of us all over this
18 room have fought long and hard for is a much more difficult
19 problem; you get the attitudes, you get the people who don't
20 think they are doing anything wrong, employers, institutions
21 who don't think that they are really discriminating but, in
22 fact, the result of their action is that they are
23 discriminatory, and I'll give some examples of that later.
24 At the same time I think it's difficult in that our society
25 is undergoing tremendous change. I think we have

1 significant and even revolutionary changes in both our
2 economy and our social structures, and I think that those
3 changes or change always produces difficulty but I think it
4 has produced many, many inequities for women on many fronts.

5 Let me first talk about the work place. In the
6 work place women are working in record numbers and we are
7 here to stay. Many people have said that maybe the entrance
8 of women into the force work in record numbers is a blimp on
9 the screen as it was in World War II. I do not believe
10 that's true. I think women are in the work force in order
11 to make a decent standard of living. 85 percent of the
12 women who work work because they are either the sole
13 provider for their family or because their husbands in the
14 State of Maine earn less than \$10,000 a year and their
15 income keeps them out of poverty or at least above the
16 official poverty line. So women are working here and they
17 are here to stay. In fact, all of our social structures,
18 our work place structures, our benefit structures, our wage
19 structures are based on what I call the Norman Rockwell
20 version of America, man at work, woman at home taking care
21 of the kids, with the 2.3 children, the panel stationwagon,
22 and a white picket fence and a dog. In fact, that reality,
23 the Norman Rockwell reality, is a reality for less than 10
24 percent of Maine families. So that means that 90 percent of
25 us are in some kind of crisis trying to fit our lives into

1 structures and systems that basically weren't designed for
2 us and that definitely has to do with women moving into the
3 work force.

4 In Maine 47.9 percent of our work force is female.
5 That is one of the lowest percentages in New England and
6 it's expected to rise. One half of mothers with children
7 under the age of five are in the work force, and yet we have
8 only five percent of the children who need child care or who
9 need to be in supervised settings actually are in those
10 settings or in registered homes, there are some people who
11 are taken care of at home. Child care is a significant
12 problem that we have only begun to touch. Now I don't know
13 whether child care is a civil right, but it certainly is a
14 right -- something that is needed in order to enhance and
15 protect the civil rights of working women and families.

16 Our whole work place policy has gotten changed. We
17 have the notable distinction of being the only country in
18 addition to South Africa that has no family policy, that
19 does not provide for pregnancy leave for its workers,
20 maternity leave, paternity leave, so all of the things that
21 it requires to have a family to continue our social
22 structures and work at the same time don't happen in the
23 State of Maine and they don't happen in our country. The
24 rise of single parents as everyone has talked about we have
25 a huge number and a growing number of single parents in

1 our -- and single parents with children who are in our work
2 force and again our structures are not designed to deal with
3 those people.

4 At the same time in our work place we have seen
5 rapid changes in our economy. We're changing from a
6 manufacturing based economy where it was -- where you were
7 basically able with relatively little skill to get fairly
8 good wages and good benefits and work full-time. We are now
9 seeing a rise of a service economy where the majority of
10 jobs are part-time, low wage, minimum wage that provide few,
11 if any, benefits. The vast majority of people who take
12 those jobs, in fact, are women. 95 percent of the part-time
13 work force is female, and it's not because women have
14 nothing better to do, it's not because they want to earn
15 money to buy a new dress or some of the stereotypes that
16 still exist amazingly in our work place, it is because women
17 need to work for economic reasons like as I mentioned
18 before. Pay and equity still exists. For every dollar that
19 men make in Maine, women make 61 cents. Now that is a rise
20 of basically 1.3 cents over the last couple of years, but in
21 1964 women earned 64 cents out of every dollar that men
22 made. So although we are now finally in the last couple of
23 years beginning to creep up again, women went through a dip
24 as we entered into the low wage, low paying sectors of our
25 economy.

1 Lack of benefits, lack of health benefits, is a
2 critical problem. As I said these part-time jobs, these
3 service sector jobs often do not provide for benefits and,
4 therefore, we see many, many Maine families who don't
5 qualify for Medicaid or AFDC and health benefits that way
6 but whose employers do not provide health benefits so we see
7 people going without health care, without preventative care,
8 without regular checkups, children without regular checkups,
9 and the whole issue of benefits for work is a critical one;
10 and I think we're seeing more and more industries moving to
11 having several people in part-time jobs rather than one
12 person in full-time jobs singly to avoid paying benefits.
13 So that is a real probable.

14 We still see credible job segregation which is one
15 of the reasons for that 61 cent figure. We see the vast
16 majority of women still working in what we call traditional
17 women's work. 86 percent of women in Maine still are in
18 clerical or service or restaurant business. Very few of our
19 managerial positions are held in -- whether it's our school
20 systems, our state government systems, or private industry
21 are held by females. There is a lot of talk now about the
22 glass ceiling that women can move so far in corporations and
23 in social structures but they can't go above that to really
24 get where decisions are made and to get where the money is
25 made. So job segregation continues to be a very difficult

1 problem.

2 If you look at our educational institutions and
3 education training that prepare us for the world of work, we
4 still have a great amount of problem. As Pat mentioned in
5 the State of Maine we have an Educational Equity Act that
6 the Commission and the Women's Lobby work have put together;
7 however, on the federal level the federal Title 9 has
8 been -- the enforcement of that has been grossly
9 restructured so that it is not enforced as well as it used
10 to be. That's also true for affirmative action laws. If
11 you look at our curricula in the State of Maine and our
12 textbooks that our kids use, they are out of date, they are
13 old, and they have pictures that are -- and subject matter
14 that are very sex segregated. I recently looked at the
15 textbook on economics for a friend of mine's third grader
16 and in the entire book on economics in third grade there was
17 not a single picture or cartoon of a female throughout the
18 entire book except for one where she was pushing the grocery
19 cart. This is in 1987 in the State of Maine. Those kinds
20 of messages are very strong.

21 In our vocational-technical institutes where we
22 think that a lot of the training will be done for the jobs
23 that will be created over the next 20 years we still have a
24 tremendous segregation of the way people are in those jobs.
25 Maine ranks 49th in the country in terms of segregation

1 between men and women in our VTI programs and individual
2 curricula. If you look at our educational training
3 programs, particularly ones designed to move women from
4 welfare into the world of work, the Job Training and
5 Partnership Act and the Welfare, Education, and Employment
6 Training Programs which are good programs that need to be
7 encouraged, those are highly sex segregated. About 85
8 percent of the people who enter into those programs are
9 counseled and moved and some by their own choice, some by
10 their workers to go into traditional fields of computer
11 programming, secretarial work, and certified nursing
12 assistants.

13 The most poignant example of that recently was when
14 the Health-Tex workers were laid off, here were women in
15 their 30s, 40s, and 50s who had incredible dexterity skills
16 who would have been able to go into nontraditional jobs and
17 we put together a training program for them at CMVTI in
18 machine tooling because it required the same kind of skills,
19 and we found that six people applied and were in the program
20 and got jobs as machine tool operators. We found out later
21 that there were 14 women who were turned away from that
22 program by one of the workers because quote he just couldn't
23 imagine a woman in a machine tool shop. These are
24 50-year-old women who wanted to be in those jobs, who wanted
25 to be doing nontraditional jobs and getting that pay and yet

1 they were denied that opportunity, not because someone was a
2 malicious person, not because he wanted to be a sexist pig,
3 but, in fact, because he just couldn't imagine women in
4 those kinds of rolls. So we have a lot of work to do in our
5 educational institutions.

6 As Pat mentioned in the work place we have the
7 incredible problem of sexual harassment on the job which
8 continues to be the number one occupational hazard for women
9 in work place. I just read a survey recently that 65
10 percent of women who work outside the home will be
11 physically or verbally abused in their -- sexually in their
12 job and the majority -- it represents the majority of cases
13 for the Human Rights Commission and yet we know that 85
14 percent of the women who are sexually harassed either quit
15 their job or never report it because of the fear and the
16 continuation in our society of blaming the victim and that
17 it's the women who's usually assigned the blame in those
18 cases. So the work place is not a very friendly place for
19 women even though we have laws that protect our rights
20 there. So that, I think, is a huge problem. It also adds
21 to the economic statistics that women, particularly working
22 women, are the fastest growing segment of our poverty
23 population and if you look at minority women within that
24 category, they represent the very fastest growing; so I
25 think that that is a real -- the whole issue of working

1 families has got to be looked at and we've got to put some
2 more resources into it.

3 At the same time changing social roles are wreaking
4 havoc on our whole society. Divorce is one of the biggest
5 problems that women face. One out of two marriages in Maine
6 end in divorce. That creates a lot of single parenthood, a
7 lot of issues of child support enforcement which is
8 abominable, first the amount of support that is awarded, the
9 lack of understanding in the part of our judicial system of
10 what it costs to raise children, the fact that even if you
11 only have your kids for two weeks out of the month that you,
12 in fact, have to keep a bedroom for that child for the
13 entire month, that you can't move in and out of the your
14 house every two weeks, that your requirements don't change,
15 little things like that as well as big pictures just on
16 basically what it costs to support a child.

17 There is -- I think we have a real problem with sex bias in
18 our courts and Caroline Glassman on the law court has
19 suggested that we take a look at the issues of divorce.
20 That someone do a study to look at the issues of women
21 particularly at what happens to men and women five years
22 after divorce, not in the first six months, not in the first
23 year, but where are women and men relatively after the first
24 five years of their divorce. Sylvia Hulit wrote a book
25 called The Lesser Life in which she proved or had statistics

1 that said on average divorced men -- when men get divorced,
2 they increase their standard of living by 42 percent and
3 when women get divorced their standard of living decreases
4 by 72 percent and we've got to take a look at that and what
5 the implications are for that. Again that has to do with
6 work place issues, what women can bring in the marketplace,
7 so they are all intertwined; but that is one place where I
8 think there needs to be a lot of research done and the
9 Commission is very interested in looking at that.

10 Then there's the whole issue of violence against
11 women and the issues of hate violence and harassment that
12 Pat talked about and I hope other people will talk about.
13 We're part of a coalition of most of the people in this room
14 that dealt with harassment law in the State of Maine; but I
15 think that the issue of violence is on the increase and
16 every 18 seconds a women is abused -- physically abused, one
17 out of three women by the time -- one out of four women in
18 this state -- in this country will be sexually assaulted in
19 her lifetime, one out of seven men will be sexually
20 assaulted in his lifetime, one out of seven women who is
21 married is raped by her husband, and 50 percent of all
22 marriages or any kind of cohabitation have at least one
23 session of physical violence in the life of that
24 relationship, and a statistic that someone gave me yesterday
25 that blew me away was that more women during the Vietnam War

1 died at the hands of a lover or a spouse than all of the men
2 who died fighting in the Vietnam War during that same
3 period.

4 Now we are making some progress in those areas.
5 The State of Maine has with the help of the Commission for
6 Women and the Women's Lobby and the Human Rights Commission
7 and a whole variety of groups have worked very hard to make
8 sure that there is a network of both battered women shelters
9 and rape crisis centers to support victims of violence and
10 give them some place to go. We have successfully gotten rid
11 of the exemption for marital rape and the exemption for
12 voluntary social companions in our laws in the last couple
13 years. So those are positive things. I think with the
14 community training project that the Family Crisis Shelter
15 Coalition is doing we are starting to get to the point where
16 people will talk about abuse, where it's not hidden in the
17 closet, it's not hidden anymore, people will talk about
18 abuse. Communities are beginning -- just on the verge of
19 beginning to understand that it is a community problem that
20 communities must address. So I think that we're making some
21 progress in that area and it's going to take a lot more
22 money, a lot more readjustment of attitudes, and
23 understanding that violence is simply unacceptable against
24 anybody for any reason.

25 In the issues of health and reproductive choice we

1 have the whole issue of reproductive choice and the basic
2 right to privacy, the right to control one's own body. We
3 have great concern that there will be a change in the
4 Supreme Court that will make abortion not a right in this
5 country. We currently in Maine next session will be facing
6 a referendum that will restrict a minor's access to control
7 their own body, what is the so-called parental consent
8 referendum, and we still have the situation where wealthy
9 women have more rights than poor women in reproductive
10 choice because there is no funding for poor women who seek
11 to get an abortion or seek to end a pregnancy. So there is
12 a lot of reproductive choices.

13 So that is my smattering of the situation in Maine
14 for women. I looked at the report from 1979 and it's -- I
15 looked at the Commission's report. I can say that on the
16 Commission front we're doing better. The Commission had
17 just been formed in 1979 when you first had that hearing.
18 We now have a huge staff of three and we have maintained --
19 managed to secure our funding. We are a state agency who's
20 mandated to advocate on behalf of women and girls in the
21 State of Maine. I think we are -- I think we are entrenched
22 in state government and, therefore, will continue our role
23 as we go along; and we are doing some very exciting
24 projects, two of which I would just like to mention.

25 One is the Reproduction of the Legal Rights of

1 Maine Women handbook which was published in '78 right before
2 your last hearing. It is being updated by folks here at the
3 University Law School and will be printed we hope this
4 spring or fall. Again to get at the problem that even
5 though we have many rights secured in laws, people don't
6 know that they have those rights and don't know how to
7 enforce them themselves, and that's what that book is all
8 about; and we got a grant from the Iolta people to do
9 training for women in the work place around their rights so
10 that's exciting. And on January 16th the Commission is
11 having a Winning With Women conference to encourage women to
12 get involved in the political process and our keynote
13 speaker will be Shirley Chisholm who is the mother -- one of
14 the mothers of the civil rights movement and certainly has
15 shown us by example how we can make changes, and so I would
16 encourage all of you to attend that, it's going to be at
17 Bates College in Lewiston and we will certainly get
18 brochures and stuff out to you. So that is the Commission.

19 MS. EZZY: Thank you very much. Barney, did you
20 have a question?

21 MR. BERUBE: No, thank you.

22 MS. EZZY: Ken?

23 MR. MORGAN: No.

24 MS. EZZY: Bill?

25 MR. BURNEY: Yes. Again a similar question that I

1 asked Pat. Do you use the Human Rights Act as your
2 enforcement?

3 MS. SWEET: We are not an enforcement agency.
4 We're not a direct service agency. We're simply an advocacy
5 agency. When people call us and need help, we send them to
6 the Human Rights Commission; so we hear lots of stories and
7 we help people as a referral agency, we help them to know
8 where to go to get their rights enforced, but we can't do
9 anything ourselves as an agency.

10 MR. BURNEY: Is there a reason why or do you ever
11 use the federal law and refer people to a federal agency?

12 MS. SWEET: Rarely, I mean we let people know that
13 that is an option. We usually send them to the Human Rights
14 Commission first or to private attorneys if the legal course
15 is the way to go. We work on -- a lot of times we will hear
16 similar complaints over and over again and that we will
17 submit legislation to the State of Maine that will change
18 the problem or give somebody jurisdiction over solving that
19 problem here in Maine; because the federal process takes so
20 long and is so difficult to go through, I think that we try
21 and keep it local because we have much more control.

22 MR. BURNEY: I'm not being critical. I just
23 need -- we to know whether -- that there are laws --

24 MS. EZZY: Marshall?

25 MR. STERN: No.

1 MS. MULTER: I have one. Betsy, when you were
2 talking about the Health-Tex workers and the -- I think it
3 was 14 women who had been interested in machine tooling and
4 were turned away by a worker, by that did you mean one of
5 their colleagues simply talked them out of it or what kind
6 of worker?

7 MS. SWEET: No, no, this is a worker within one of
8 the employment and training systems, someone who -- their
9 case worker who --

10 MS. MULTER: Somebody who was supposed to help
11 them?

12 MS. SWEET: That's right.

13 MS. MULTER: Got you. Let me go further with that,
14 and I have no desire to find out who the individual was, but
15 what would be the background of that individual or for whom
16 are they working for?

17 MS. SWEET: Well, there's programs within both the
18 Department of Labor and the Department of Human Services to
19 provide training and I would have to say there has been a
20 lot of improvement and we have been pushing very hard. One
21 of the things we're working on now with the Department of
22 Labor is trying to get training not just for supervisors but
23 for the front line people on their own biases in terms of
24 guiding people into work so that that kind of stuff doesn't
25 happen. Not everybody wants to be a secretary, not

1 everybody wants to be a certified nurse's assistant despite
2 a lot of their socialization that that is what women do
3 best.

4 MS. MULTER: Shirley, do I have time to ask one
5 more?

6 MS. SWEET: Sure, go ahead.

7 MS. MULTER: I will ask it. Do you have any
8 perception yourself or any sense of the extent to which the
9 barrier to young women getting into nontraditional
10 occupations comes from within them as opposed to counseling
11 from the schools or so on and so forth?

12 MS. SWEET: I think it's both. I think that there
13 is a significant number of women who have internal barriers
14 to doing it and the Commission produced a brochure called
15 Why Should You Choose Nontraditional Work to try to get at
16 some of that it's too dirty, it's too heavy, you know, that
17 kind of stuff, and as I go around and talk to young women I
18 find that there's lots of barriers and they have no trouble
19 delineating what jobs are women's job and men's jobs;
20 however, for those women who do enter nontraditional work it
21 is very difficult and the sexual harassment problems are
22 extremely difficult and we have no support or very few
23 support mechanisms for those women who enter nontraditional
24 work and one of the things we need to do is develop some of
25 those support mechanisms so that there are more role models

1 so that girls and boys get it from an early age that that is
2 an acceptable thing to do.

3 MS. MULTER: Thank you.

4 MS. EZZY: All right. Betsy, I would just like to
5 ask if the Commission for Women continues to maintain a
6 talent bank of Maine women? That's something I know that
7 years ago the Commission was involved with.

8 MS. SWEET: No, we do not. We think it's a great
9 idea for somebody to do. We have many cartons of
10 applications in the tops of our closets from years ago. In
11 order to maintain a talent bank we would have to have an
12 incredible computer network that allowed us to update
13 everyone's resume as it happened, and the one thing that we
14 do do is try and maintain lists of women who are interested
15 in boards and commissions and state government and what
16 those openings are so that we can filter some of those
17 people together; but to do a talent bank for the whole state
18 in every occupation is just way beyond our very limited
19 resources although it's a great idea.

20 MS. EZZY: Thank you very much.

21 Our next speaker is Romaine Turyn, if I pronounced
22 that correctly. I would just like to ask -- we have a
23 number of speakers this afternoon and I would like to ask if
24 possible if speakers could keep their comments to about 10
25 to 15 minutes and if you have any written comments that

1 you're not able to present, we'll be happy to accept any
2 that you may have.

3 MR. FERGUSSON: Patricia Ryan said that Romaine
4 would send you some of her concerns and I'm one of them.
5 I'm Stuart Fergusson, a member of the Maine Committee on
6 Aging, it's a 15-member group appointed by the governor to
7 advise the governor, the legislature, the executive state
8 and federal agencies on matters affecting the aging and
9 elderly, and also an advocate for the elderly. I'm retired,
10 I'm 73. And looking at the list of subjects that are being
11 taken up this afternoon I'm finding myself appalled at the
12 breadth of it and even more appalled when I realize that
13 it's only a fraction of what could be covered.

14 I worked in Paris in the early days of World War II
15 for some months and I think the experience of living as a
16 person in the minority is a good one. Most of us don't;
17 though we do as we get older. Alex Comfort, the
18 gerontologist, once said on TV the United states is a place
19 where we all discriminate against ourselves. Quite true.
20 At least those of us who are lucky enough to get old and
21 wind up that way. And incidentally a couple of years ago he
22 left the U.S. to go back to England and he told me before he
23 left there was no way he and his wife were going to grow old
24 in the U.S. The attitude toward the aging is less favorable
25 here than it is in any other country, particularly in

1 Western Europe.

2 Now you know the source -- it's been brought up
3 earlier today -- the source is not a question of emotional
4 bias, that's not the source of prejudice against the aging,
5 discrimination against the aging; people don't mean to be
6 mean to the elderly, they don't have anything against them
7 necessarily, I think they are afraid of them to some degree
8 just as they are to the handicap and fear engenders a kind
9 of prejudice by itself. But there are a lot of
10 self-conscious perceptions and the State of Maine has put
11 out a very considerable excellent study, I think it's your
12 group who put this study out on the status of older workers
13 in the Maine State Government, and they point out its
14 perceptions in hiring, perceptions, subconscious things lead
15 to these perceptions. That just in hiring and in advancing
16 in employment and raising pay and so on and so forth somehow
17 or another the older person is shortchanged because of an
18 unconscious feeling that the older person won't perform
19 quote as well or will present problems or something of that
20 sort.

21 So it's -- it's really the fact that the older
22 people who live in a society that has a kind of a symbiotic
23 structure which tends to work against them and, of course,
24 we see a very obvious case of this in the case of AIDS where
25 we all of a sudden have a group picked out and -- Jim

1 Tierney spoke about that this afternoon -- how very quickly
2 the whole subject shifts over to the homosexual category
3 which really has nothing to do with it when you come right
4 down to it; and when you start dealing with these
5 perceptions in a symbiotic structure, these things happen,
6 perceptions shift into situations that are hard to analyze.
7 Within this country, you know, if you're old and you're a
8 female and you're poor and maybe your health is pretty poor,
9 too, boy, you've had it.

10 You say structural, sure, the question of hiring as
11 the state report points out, the question of jobs, getting
12 jobs, the perceptions work against the older worker. Given
13 somebody in their 30s and given somebody in their 40s, 50s,
14 or even in their 40s the tendency is to hire the younger
15 person, they will be more flexible, they won't present the
16 same health problems, they won't present imaginary problems
17 that the person who's doing the hiring may think they might
18 have. We had a member of the Maine Committee on Aging, a
19 man by the name of Bill Cunningham, a retired auditor for
20 the Internal Revenue Service, he's one of our members who
21 helped us on financial studies that we have to make from
22 time to time. Bill looked into getting a job. The best he
23 could do was get a job as a bag boy in a supermarket. It
24 starts in the -- as low as the 40s. It's not a question of
25 being in the 80s. They don't look at you as old when you're

1 in the 80s; they look at you as ancient. They start looking
2 on you as too old in your 50s and even in your 40s today;
3 and these things are not emotional biases, they're not
4 deliberate, they come from the subconscious, but, boy, they
5 are just still as real as if they were, in fact, deliberate.

6 How about the question of health, health care?

7 Well, doctors aren't interested in patients over 65; they
8 don't give interesting problems. A friend of mine is a
9 professor emeritus at Duke University of mathematics and
10 arts and sciences faculty, he's also a professor emeritus of
11 biophysics in the medical school. I talked to him recently
12 and he brought the subject up, he said, you know, Stu, he
13 said my doctors aren't interested in taking care of my
14 health anymore now that I'm over 65 in his own medical
15 school and his wife is a physician. We have no interest in
16 preventative medical care in this country before people get
17 old. Many physicians think that the thing that's going to
18 kill you off can probably be seen by a skilled physician
19 when you're in your 50s, but we don't do anything in the way
20 of preventative health. We wait until somebody is 70 and
21 say how did you get this way.

22 So when we have -- once you do get old and you have
23 medical problems, we have another kind of discrimination --
24 there's lots of discriminations but I won't talk about all
25 of them, we don't have time -- many older people by virtue

1 of their health and income status often have to deplete
2 their resources, spend down is the saying, until they're
3 paupers in order to get Medicaid to pay for their medical
4 bills which they simply can't afford otherwise; and then
5 when they get down to that stage and they may need to get
6 into a nursing home, they find that they're discriminated
7 against in getting into a nursing home because they're on
8 Medicaid. It's not legal, but it's a matter of fact.

9 So I guess the thing that we should turn our
10 attention to is what can we do specifically, what can you
11 do, and I don't think -- well, generalities won't do it. I
12 think generalities are things that we have to work on, talk
13 on, talk at all of the time; but I think we do have to try
14 and find some specifics on which we can do some kind of
15 work. Samples, I think we should remember, first of all,
16 any anti-discrimination measure that we take against --
17 discrimination against the aging or the handicapped or those
18 with AIDS, every step helps all the others who are
19 discriminated against simply because everything that is
20 anti-discrimination is against all discrimination.

21 Patricia Ryan and Betsy Sweet brought up violence.
22 I think that's a crackerjack. Certainly older people are
23 subject to violence more and more as with children. It
24 tends to be that it's almost like being in Nicaragua, you
25 know, if you're small and weak, you have violence against

1 you and as people get older they get weaker and suffer more
2 violence. Women suffer more violence certainly because of
3 the perception, even in marriage, that they are weaker than
4 the man. So weakness or possible weakness or perceived
5 weakness leads to violence against the person who is weaker.

6 I think hiring is a good place for a specific
7 attack because there's something you can focus on there;
8 there's the job interview, there's the business of hiring,
9 putting on the payroll, promoting, and raising pay. Right
10 there there's a specific area which I think attention could
11 be paid and your organization can do a great deal to
12 spearhead this kind of effort.

13 Training and retraining is the third specific.
14 That will be my last. The older worker -- they don't want
15 to spend the time and money training and retraining older
16 workers. Why, it's not worth it, but it is worth it and
17 they should have just as much training and retraining as
18 younger workers; and I won't give you anymore specifics, my
19 time is up, but speaking as somebody 73 and looking around
20 seeing many younger people all I can say is you just wait
21 until the baby boomers hit 60. Nice seeing you, Ken.

22 MR. MORGAN: Nice seeing you, Stu.

23 MS. EZZY: Anybody on this side with a question?
24 Marshall?

25 MR. STERN: I'm just curious, sir, what your past

1 occupation was and why you retired.

2 MR. FERGUSSON: Well, that's interesting. I was a
3 telecommunications consultant and I was thrown on the junk
4 heap. We were hit by a very serious computer recession in
5 1969, my health wasn't too good, so I pulled my horns in and
6 moved to Maine where I had a home for many years. I had a
7 safety net. I was a stockholder in a company that had about
8 a billion dollars in backing and it certainly looked secure
9 and had a nice fee structure that was taking care of me very
10 nicely. The president turned out to be more interested in
11 the beautiful blonde secretary that traveled with him and
12 the silver ashtray and things like that. He ran the company
13 in the ground, the billion dollar company, except \$10
14 million was all poured down this rat hole and 70 some odd
15 people were thrown in the street and I was thrown into
16 Togus.

17 My doctor at the time looked at me and said there's
18 no way that you can continue to try and consult on a
19 national level 50 to 75 trips a year, your blood oxygen
20 level is 50 percent of what it should be, and you just don't
21 have the stamina to do that kind of thing. Well, there's
22 nothing in between and they got me a VA pension and social
23 security and disability because I'm a high-anxiety type, I
24 didn't have the oxygen to keep pushing me at the speed that
25 my profession, telecommunications consultant, required; and

1 I was finally bailed out, later after I got out of the
2 hospital somebody from the Committee on Aging wanted some
3 help in analyzing nursing home finances and I started doing
4 a little bit of that and gradually got more involved and
5 eventually the governor appointed me to the long-term care
6 task force for adults where I worked with Ken -- and I was
7 always the troublemaker, wasn't I, Ken -- and then finally
8 to the Maine Committee on Aging.

9 MR. STERN: I commend you for your blood oxygen
10 levels.

11 MR. FERGUSON: Well, thank you. I won't give it
12 to you though.

13 MS. EZZY: Any questions here?

14 MR. BERUBE: Just --

15 MS. EZZY: Barney, go ahead.

16 MR. BERUBE: You said the Committee on Aging, it's
17 not the commission?

18 MR. FERGUSON: No, Maine Committee on Aging.

19 MR. BERUBE: Obviously it's an advocacy group for
20 the aged, but does it also have any legal protections that
21 it offers people on aging?

22 MR. FERGUSON: Well, we work closely with the
23 Legal Services of the Elderly but we also administer --
24 well, first of all, a committee like ours is required by
25 federal law; however, the State of Maine as in so many cases

1 as I pointed out today was ahead of time and the Maine
2 Committee on Aging was formed by the legislature before the
3 federal requirement. We do operate or administer under
4 contract from the state with federal funding so-called
5 nursing home ombudsman program which now takes care of
6 complaints, analyzing complaints, and so on for people in
7 nursing homes, also in boarding homes, and home care; so we
8 do have an active role of -- active advocacy of taking care
9 of people who have complaints and seeing those complaints
10 are analyzed and validated, taken care of by the appropriate
11 body. So we do have what you might call an enforcement arm,
12 that's right, but we exist under our own statute. We do not
13 report to anybody as we exist under our own law. Our
14 advocacy function, advisory function, is placed upon us by
15 statute.

16 MR. BERUBE: Maine statute?

17 MR. FERGUSON: Yes.

18 MS. EZZY: Okay. If there are no other questions,
19 thank you very much.

20 MR. FERGUSON: Thank you.

21 MS. EZZY: You're welcome. At this point I think
22 we'll take a very quick break so that people can stretch
23 their legs, five minutes literally, and then we'll be back
24 here.

25 (A SHORT BREAK WAS TAKEN.)

1 MS. EZZY: There are a couple of speakers this
2 afternoon that do have a time problem and as you know we're
3 running a little later than we had expected on our agenda.
4 So we will have a couple of -- a couple of changes. After
5 Kathy McGinnis speaks, David Veilleux will be speaking from
6 the New England Multifunctional Support Center and then Ann
7 Pardilla who is the governor of the Penobscot Indian Nation
8 will speak after that and Pearl Tendler will speak after
9 her; but we're going to start off the second half of the
10 afternoon with Gerald Talbot who is the president of the
11 NAACP Chapter in Portland.

12 MR. TALBOT: My name is Gerald E. Talbot and I've
13 got to make a couple of corrections for the record. I have
14 not been asked by the NAACP to speak for them. I am a past
15 president of NAACP, but I'm not the current president of the
16 NAACP. I represent Black Education and Cultural History,
17 Incorporated and we have been incorporated since 1980 with
18 the State of Maine.

19 Because many people in the private and public
20 sector of this state do not really understand, know the
21 meaning or significance of racism let me start there.
22 Racism may be viewed as an attitude, action, or
23 institutional structure which subordinates a person or group
24 because of his or their color. If you have a problem with
25 that, look to the Civil Rights Commission because that's

1 from their pamphlet. With that in mind the bottom line is
2 yes, once again there is racial discrimination in the State
3 of Maine, there always has been, there is now; and as a
4 native Mainer, an active black, with over 25 years of
5 experience, the gap between black and white will even get
6 whiter.

7 In the past year or even in the past several months
8 a young black man, a county employee, clean record,
9 education, work habits, job-related schooling, seniority has
10 been denied not once but three times and has never been
11 explained why. A very prominent black businessman in and
12 around the Portland area was accused of sexual harassment of
13 a white woman, had a public hearing, had that thrown out
14 because of no foundation and no merit. A visitation by none
15 other than the Ku Klux Klan in Rumford really needs no
16 explanation except they say they will return. A
17 well-educated black man, an ex-governor -- governor's
18 appointee, an appointee under three governors left to enter
19 the private section only to be continually denied employment
20 across this state and the excuses used was overqualified, et
21 cetera, et cetera. A story that we and he has heard many
22 times before. A black person in the city of Bangor out of
23 New York City with a good record, good employment record, a
24 retiree with enough money to hold him over bought a house in
25 Bangor -- attempted to buy a house in Bangor and that bank

1 made him get a job first before he got that money.

2 Since 1980 when the current administration of
3 Ronald Reagan came to Washington, D.C. white America has
4 been in reverse gear concerning the issue of civil rights
5 and blacks are still in the back of the bus. Civil rights
6 organizations on the whole which include Maine have come to
7 a grinding halt. The once visible organizations who stood
8 by, stood up, and was counted on are now invisible to the
9 black community. We don't hear them, we don't see them, and
10 we don't know their final results. Therefore, the black
11 community has little or nothing to turn to in time of crisis
12 due to civil rights, human rights, discrimination, or
13 prejudice or all of the above.

14 Let me best describe this by a -- by a quotation
15 out of the governor's task force on human rights in 1968.
16 To be black in the State of Maine means being subjected to
17 all the discrimination in, for example, housing, employment,
18 and social and civic groups which Negroes are subjected to
19 throughout the rest of the north. Having to face this
20 discrimination alone or as a small family group without even
21 having the moral support of a substantial black community
22 with which to exchange ideas or which can be organized to
23 exert political pressure. As a result you feel almost
24 totally isolated in a basically hostile community subjected
25 to pressures which your white neighbors cannot understand

1 even when occasionally they try. This is not to say we
2 have -- we all haven't made advances. We all have made
3 advances in the past and we will in the future, but here in
4 1987 black people are still collecting scars to add to our
5 continued collection of scars and when you look at that
6 record, that's where we were in 1960, over 20 years ago.

7 Let me conclude -- and I'm only taking my 10
8 minutes -- let me conclude by reading this letter I received
9 no more than two months ago. A white revolt is coming to
10 this country. It's better for you to go back to Africa
11 where you belong. Thank you very much.

12 MS. EZZY: Thank you. Barney, questions?

13 MR. BERUBE: Two questions.

14 MR. TALBOT: You're only allowed one.

15 MR. BERUBE: With you two. Gerry, one is NAACP I
16 know it's associated largely with being a black organization
17 is not only open to blacks but indeed to people of all
18 colors so far, is that not correct, and more specifically is
19 the advocacy of NAACP inclusive of Asian and Hispanic or is
20 it really largely black?

21 MR. TALBOT: Let me start out with the first
22 question.

23 MR. BERUBE: That is all one question.

24 MR. TALBOT: The NAACP is not a black organization;
25 it is a multiracial organization, open to all. It is made

1 up now, from what I know of, of anybody who wants to join
2 who has that attitude insofar as civil rights are concerned
3 and who has a membership fee.

4 MR. BERUBE: So the advocacy is not limited or --

5 MR. TALBOT: No.

6 MR. BERUBE: The other is I don't know the extent
7 to which that organization would actually receive either
8 complaints or concerns, but I suppose it would because it's
9 an advocacy function. I'm wondering about school age kids
10 who are black or colored?

11 MR. TALBOT: Let me -- in my remarks I think I said
12 something to the effect of all civil rights organizations.
13 That includes the NAACP. I am a very strong supporter of
14 the NAACP as you know, I am a strong supporter of the Human
15 Rights Commission, but as I see it through my eyes, through
16 a black person's eyes, they are now almost invisible. I get
17 calls, and I'm just one, I get calls weekly from people who
18 have a problem and want me to solve that problem. Now
19 that's a -- that's a compliment on my part but it's -- and
20 it shouldn't be, okay, because there should be the NAACP
21 there, there should be the Maine Human Rights Commission
22 there, and there should be the U.S. Commission of Civil
23 Rights there.

24 Looking through my eyes as a black person none of
25 the above are there. A black person in that kind of a

1 crisis has nowhere to turn because he doesn't or she doesn't
2 know that those organizations are out there. Insofar as
3 civil rights are concerned and human rights are concerned I
4 believe are the most basic rights for all of us and the --
5 whether it be the U.S. Commission on Civil Rights or anybody
6 else should be the first ones if somebody is in that kind of
7 trouble they turn to because they know I can turn to that.
8 If a fire in your house breaks out, you immediately turn to
9 the fire department. There is no question. But in the
10 black community across the country or the black community
11 here in Maine that is not the case.

12 MR. BERUBE: But I was just going after the school
13 age kids with regard to schools because at the state level
14 there's support for sex equity, there's support for national
15 origin equity in public schools and there is not for race,
16 and I don't know that there is a statement that can be made
17 that the need is there and the services are not available.

18 MR. TALBOT: We have probably made that statement
19 over the last 20 years and we have taken the education and
20 history department to task, but so far as I know that's not
21 there. One of the things you have to remember by is the
22 fact that the black community in the State of Maine has no
23 political power, has no financial power, and, therefore, can
24 only move at the hands and at the -- and at the support of
25 other communities. I'm talking about a coalition of other

1 communities or coalition of the white community. Otherwise
2 than that we cannot do that; you know, that's from where I
3 see it.

4 MR. BERUBE: Thanks.

5 MS. EZZY: Anyone else? Marshall?

6 MR. STERN: You're talking almost like a 911 number
7 in a sense of help, self-help, if people have a number
8 basically where they can turn to so they don't have to look
9 up and try to find under a rock or try to rally some sort of
10 support. There should be something that's available and
11 ready and, of course, that's what these laws are about to
12 help minorities. Obviously you don't have the economic base
13 or the power base and that's why we're here is to help and
14 we would appreciate any other suggestion, you know, that you
15 might have. Your comments are well accepted, we all agree
16 with you, but we could use some constructive push as well.

17 MR. TALBOT: Yes, you're right, and what I'm saying
18 is insofar as education and visibility, it's not there and
19 it should be there; and I'm just taking probably another
20 prejudicial view, it should be plastered all over the place.
21 So if I even think I've been discriminated against, I'm
22 going to file a complaint. When I receive a call from
23 somebody that legitimately probably thinks they have a
24 complaint or does have a complaint, I say the first thing
25 you do is file a complaint with the Human Rights Commission;

1 where's that, what is it, and that should be plastered all
2 over the place. So if I even think I've been discriminated
3 against, then it's going to be no problem.

4 MR. STERN: As popular as you are still there are
5 many people who don't know you --

6 MR. TALBOT: Oh, true.

7 MR. STERN: -- and there should be a way of like
8 you say a listing of the fire department, police department,
9 whatever that gives access to everyone, the stranger who has
10 moved to Maine, for instance.

11 MR. TALBOT: That's true, and there are a lot -- in
12 the last year, the last couple of years, I think the
13 population of the State of Maine is vastly growing, you
14 know, upwards and they are going to be that more concerned
15 about civil rights and human rights than they were before
16 and that is something that we have been saying for the last
17 10 or 15 years, but it seems that that's what we do. Not to
18 be derogatory but the last time that I spoke to the U.S.
19 Commission of Civil Rights was 1968. Now that's -- you
20 know, that's nine years ago, and in my invitation -- and I'm
21 saying I don't want to be derogatory but -- and now in my
22 invitation you say you've got 10 minutes, there is something
23 a little wrong there. When I have to, you know, have to
24 come again and say yes, there is discrimination in the State
25 of Maine, yes, there is prejudice in the State of Maine,

1 there seems to be, you know -- from that point to this and
2 that's all I'm saying. You know, I would -- I definitely
3 think there needs to be more visibility and more education
4 insofar as the Maine Human Rights Commission is concerned,
5 the U.S. Commission on Civil Rights is concerned, or any
6 other commission or board that's going to protect my rights
7 or anybody else's rights.

8 MR. STERN: I think we may hear something about a
9 public advocacy approach a little later.

10 MR. TALBOT: I thank you.

11 MR. STERN: Thanks.

12 MS. EZZY: Elinor?

13 MS. MULTER: No.

14 MS. EZZY: Any other questions of Gerry? Gerry, if
15 you have any other comments -- I know that 10 or 15 minutes
16 is not sufficient time for most people to talk and if you do
17 have any other comments or points that you would like to
18 submit, we'll make them part of the record and we'll
19 consider them, also. Thank you very much for being here.

20 MR. TALBOT: Thank you very much.

21 MS. EZZY: Okay. Our next speaker this afternoon
22 is Kathy McGinnis, she's the president of the Maine
23 Association of Handicapped People.

24 MS. MCGINNIS: Actually I'm an organizer now and
25 former president. First, I think that it's quite obvious

1 that I have talked in the past month to some of your staff
2 people and just a few minutes ago when somebody was talking
3 about the fact of the matter that this room in and of itself
4 and the Commission at this moment is discriminating against
5 people with disabilities because this room is inaccessible.
6 Ken Morgan of the Commission and subsequently from my
7 knowledge what he told me the staff was informed and given
8 the option of moving this meeting to the third floor, Room
9 302, which I had arranged for the Commission -- the advisory
10 committee to use. Needless to say that is tremendously
11 distressing to me, one, is not only is it a major
12 inconvenience for all of you because now you to have look at
13 me, I cannot address the Commission in the same dignified
14 manner as Gerry just has and Betsy and Pat Ryan. I'm in the
15 position of being not by my incapability but by some
16 structural barrier from being there instead of here.

17 The other thing is that there is -- this is a
18 public meeting and there is no interpreter for deaf people
19 and there were several members of my organization who were
20 interested in coming and I informed the Commission of that
21 and requested that an interpreter be present. When I heard
22 from Ken Morgan a couple weeks ago that that was not going
23 to happen and that the location would not be moved, needless
24 to say I assumed that I would not bring along people from my
25 organization who were deaf that I think would by their

1 presence, let alone questions or comments they could have
2 made, would have been helpful to the Commission.

3 I think what it boils down to is and some of your
4 staff people said one is miscommunication and two is
5 ignorance and ignorance is no excuse. I have heard many
6 times people say to me, as I'm sure Betsy as heard people
7 say that about women, well, it's not really discrimination,
8 people have good intentions, it's not really discrimination,
9 they mean well, they mean well; and what I say depending on
10 my mood is either yeah, you're right, sometimes people do
11 mean well, but the road to hell is paved with good
12 intentions as my dad would say, that does not matter.
13 Handicap is sexism, racism, homophobia; it's not something
14 to be brushed off by someone saying they meant well or they
15 didn't know. That's no excuse certainly in this day and
16 age.

17 I'm here to talk about people with disabilities and
18 the status of people with disabilities. I would prefer to
19 have been able to do it in a position of commending the
20 Commission for having a wonderfully accessible location and
21 interpreters and welcoming all minorities equally to give
22 you people, but that is not what we have today. To say
23 disabled people are unique among minorities in that we
24 encompass all minorities. There are disabled people who are
25 black and there are disabled people who are women and there

1 are disabled people that are old and young of either sex or
2 sexual preference.

3 The other thing that bothers me since I am of an
4 organization that represents and encompasses these people is
5 that nowhere here today, and I have no idea whether they
6 were asked or not, but it is obvious to me and I'm aghast at
7 the omission of activists and civil rights leaders in the
8 gay and lesbian civil rights movement not being here. Many
9 of my members that come from all walks of life and
10 background face double discrimination based upon who they
11 are, based upon their color or their sexual preference or
12 their age or their sex, so that makes us unique and I think
13 it puts me, a disabled person in a wheelchair, in a position
14 to say to you folks that it is critical given the status
15 right now of civil rights in America and given the status of
16 the Reagan administration lack of respect for even basic
17 enforcement of age old civil rights protections like the
18 Voting Rights Act, as I'm sure Gerry could talk hours on.

19 One is that we want, and I think all of us that are
20 here today want, the Commission's report to the U.S.
21 Commission, your report, to be a reflection of all people,
22 to talk about the status of civil rights, and to talk about
23 equality and dignity. Disabled folks generally are
24 perceived in society as being sick, pathetic or exceptional.
25 It might be any one of those things as I'm sure any of you

1 are. What happens with disabled people because of this
2 double discrimination, because of being treated most of
3 their lives as being inferior is that they feel totally
4 powerless. What we do as an organization, we're a grass
5 roots civil rights organization; we're not an agency; we
6 provide no services; we don't tell people this that or
7 whatever; we organize people and we motivate them for
8 change. As I just said to your staff person if I came here
9 today, sat here and said nothing to you about the
10 inaccessibility of this building, I would not be doing my
11 job and I hope that my board would kick me from here to Fort
12 Kent and back again because this is blatant discrimination.

13 And I think that many times what happens is that we
14 focus on disabled peoples differences, my differences,
15 Kathy's problem, she can't get from here to there because
16 Kathy can't walk. That's not the problem. The problem is
17 that this building was not built in mind to have disabled
18 people included and it's not a building that is open to
19 whomever designed this building, and believe me I've tried
20 to find him or her for years, did not think of that, so that
21 the structural barrier is the problem not my inability to
22 walk. I think that what we want to say to people is to get
23 rid of what we consider our greatest disability which is not
24 our particular physical or mental disability or not our race
25 or not our sex or sexual preference or age, it is the social

1 and political institutions and individuals in power to
2 affect social and political change that block our access to
3 having full and equal rights and participation in every
4 aspect to be material or spiritual fruits of our lives.

5 I would like to give you some facts to put in
6 perspective of what we're talking about for disabled people.
7 We're not talking about gee, there's a bunch of people we
8 need to give services to and help them because they are sick
9 and pitiful. Wipe that out. If there is any part of that,
10 wipe that out because that is not the reality you have in
11 this country. There are millions of Americans with
12 disabilities that are capable, willing, and able to
13 contribute that are being oppressed and I'm sure many times
14 all of us hear those words and use those words
15 discrimination, oppression but for Betsy and for Gerry and
16 myself representing minorities that's an every day fact of
17 life. There is not a day that goes by that someone or
18 something doesn't make you feel inferior or less equal or
19 slap you in the face to say you're not good enough and the
20 effect of that is quite powerful.

21 Maine generally speaking has a higher percentage of
22 people with disabilities than any other state in the nation.
23 There are a lot of reasons for that. I've heard people give
24 a lot of generalities. We're talking 10 to 13 percent of
25 the population in the State of Maine, 13 percent include

1 older people who are disabled in one way or the other,
2 physical, mental disability or age. That's a huge
3 percentage when you're talking about a state with a
4 population the size of Maine. The reason for that are
5 environmental. There are a lot of hands-on work and a lot
6 of people get injured environmentally in the work place.
7 Maine is very rural, so it's much harder work, more toxic
8 work environments, as well as the lack of equality in
9 medical care and preventative measures in the more rural
10 sections of our state, and there are many, many more reasons
11 as well which I don't think are necessary right now to go
12 into.

13 In 1981 there was a study done here in Maine that
14 showed that 30 percent of the people in institutions,
15 nursing homes especially, here in the State of Maine, folks
16 in nursing homes and health care facilities, 30 percent of
17 them in there were disabled people that were healthy,
18 healthy disabled people, not in there for medical reasons
19 that had no other place to go but had to remain incarcerated
20 in those institutions because they had no other place to go;
21 so presently we have disabled people who are quite capable
22 of living in a community but they can't because of barriers,
23 because of a lack of accessible, affordable housing, a lack
24 of transportation, public transportation, an ignorance as to
25 equality, the need for independent living, being able to be

1 out and on your own.

2 There is a tremendous shortage and crisis right now
3 in the disabled community for a lack of what is known as
4 personal care assistants; that is an individual, a tool,
5 something that will help you get up in the morning, maybe
6 help you cook your meal, and then you're off and ready to
7 go. There's a real shortage there, so the effect of it is
8 even though those people that are in their homes, not stuck
9 in a nursing home, end up being prisoners in their own home
10 as a result of that and that is a lack of understanding and
11 ignorance as to that need, that tool. Like an interpreter
12 is a tool for a deaf person, this chair is a tool for me,
13 an accessible building or facility is a mechanism to set me
14 free to do what I have a right to do. Transportation and
15 housing are all keys to that, but if you don't have a decent
16 place to live or you can't get there even if you have a job,
17 and I know many disabled people who had very good jobs and
18 had to say I'm sorry, I can't accept it because I don't have
19 the reliable transportation to get there.

20 What we're producing in this country as disabled
21 people, as a minority group encompassing all other minority
22 groups are the poor people in this nation. A lot of people
23 like to throw out well, geez, disabled people are on social
24 security, they get this and that. That's not true. A great
25 many of them don't get any benefits, don't get any money.

1 When you look at the homeless statistics now, a huge
2 percentage of homeless are people with either physical or
3 mental disabilities that have been dropped through the
4 cracks because they didn't fit into one particular program
5 or services. 40 percent of disabled people between the ages
6 of 16 and 64 earn less than \$3,600 a year. U.S. Census
7 tells us, and up until recently I was one of those
8 statistics, that 76 percent of the disabled women capable
9 and willing to work are unemployed. 16 percent of all poor
10 families in our country having at least a husband and a wife
11 at home include a disabled adult.

12 Disabled people because of these incentives and
13 disincentives of working -- and Betsy touched upon some
14 which were women and insurance -- is you could have -- not
15 many disabled people do, but you could be disabled in a
16 \$50,000 a year job and not be able to get an insurance
17 company to cover you because there is blatant discrimination
18 in regards to covering disabled people in the insurance
19 industry. There are now federal mechanisms to try to
20 address that, but they have caps that basically leave a
21 small fraction of people able to get some coverage and then
22 the rest of the people are supposed to shell out the
23 hundreds and hundreds of dollars a year to either do it --
24 pay for their own medical cost or if they are lucky enough
25 to find one insurance company that will say sure, for \$3,402

1 a year, which is what one person in Massachusetts told me
2 they were told, they would cover the basic premium costs.
3 So all of those add tremendous pressure on disabled people.

4 Workers, same with people at work, last statistics
5 of the Census said a good 40 percent of disabled people that
6 were working were getting well under, and the term well
7 under, minimum wage meaning they were making in some
8 instances 2 cents an hour, \$15 a week. Those that are
9 working disabled men make now what women used to make is 59
10 cents on the dollar of every able bodied white man.

11 Disabled women make 39 cents on the dollar of an able bodied
12 white man. So you add to that if you are a black or
13 Hispanic woman, then they make even less and I can provide
14 you with information on statistics from Frank Bow who is
15 with the American Coalition of Citizens with Disabilities
16 that did a breakdown in minorities who were disabled and
17 it's quite staggering when you look at the statistics and
18 the amount of people that are quote in competitive working
19 employment making anywhere from 25 to 39 cents on the dollar
20 than someone else would make. All this happens despite
21 federal and state civil rights protection for the same
22 people, inaccessibility of housing, transportation,
23 buildings, this one is in violation as well, and that makes
24 that much tougher. So when we start approaching the core
25 issue getting down to the basics is education for disabled

1 people and we were fortunate enough to work with Pat Ryan
2 and the Commission to get some amendments to the Human
3 Rights Act; because up until last year when we approached
4 the Commission, disabled people were not protected for their
5 rights to education under Maine law which is quite scary.

6 There were a lot of regulations and federal
7 mandates but there is wholesale violation of 94142, the
8 Childrens -- the education involving Handicapped Childrens
9 Act. They're constantly finding tools that are deliberately
10 segregated in their disabled schooling. A quite obvious
11 example here in Portland where a young man who was mentally
12 disabled was tethered to a radiator over a period of three
13 months up to about 20 times because they weren't sure what
14 to do with him so they tethered him, tied him, to a
15 radiator. That's in 1987 in Maine for disabled people. I
16 would love to say that that is a rarity but from what we've
17 heard after having a large civil rights conference in Maine
18 that that seems to happen quite frequently, things like
19 that, kids not getting materials or books, transportation
20 provided, or being segregated in a portable classroom and
21 lucky if they see the teacher once or twice a week and told
22 to play and occupy themselves. That does not live up to the
23 land and certainly not the spirit of what is intended.

24 If we do not address these problems, what we're
25 producing is people that forever will be depending on a

1 system to take care of them, to produce dependent people not
2 independent people. You take them and zap them of any sense
3 of pride or dignity. Practically speaking we're dumping
4 right now billions of dollars into tentative programs, into
5 Medicaid, into social security, into segregated bus systems
6 and institutions whereas if we made a one-time investment in
7 peoples' dignity and civil rights, then we would have an
8 open community, would have someone who would have
9 transportation to go to work, they would be capable of
10 giving back, practically speaking paying taxes, morally
11 speaking you would have a whole person that's contributing.

12 One very proud thing that I have to say about the
13 State of Maine is that the State of Maine in regards to
14 transportation for disabled people is leading the nation.
15 Since the federal laws under Reagan were totally gutted out
16 and accessible transportation was eliminated, many states
17 stopped doing it, they welded their lifts shut and said we
18 don't need to do it anymore. What we did here in Maine is
19 to say no, that that is a right of disabled people. The
20 Commission being I'm proud to say one of the most active
21 bodies here in the State Government, I think, in regards to
22 civil rights were willing to back us, so now what we have is
23 a mandate and public transportation is a right for disabled
24 people. We have fought for that for six years. Black
25 people fought to sit anywhere on the bus; we fought for over

1 six years to convince people we had a right to even be
2 there. That is important. But the work is not over. I
3 mean it continues. I still get calls from other bus
4 companies, what does this mean, can I only have one lift on
5 one of my buses; what if someone wants to go down to Route 3
6 down to Shop 'n Save, oh, yeah, well, they can call ahead,
7 give me a couple days notice. They missed the point. It
8 defeats the whole purpose.

9 I think that Maine is leading the nation in regards
10 to rights of disabled people, but there are constant
11 reminders like this event today and others that I have had
12 in the past few days that we have a long ways to go and
13 there are times that I'm proud of Maine leading the nation
14 and there are other times that I laugh and it hurts because
15 I know how far still that we have to go; and I think that
16 when I find someone as I always seem to do election time a
17 disabled person says to me, geez, I didn't know I could vote
18 because I was disabled or I get a call from a
19 vision-impaired man in Augusta that said they told me I
20 couldn't take my wife there because they said the warden
21 would have to vote for me and I would have to tell him who I
22 wanted or mentally -- a group home in Hollis, Maine that was
23 told no way will we let retards vote in our city.

24 It hits home and it makes me want to convince you
25 folks that you need to give more commitment to those of us

1 that are in the community like Gerry and I that are doing
2 civil rights work and talk to us, give us more opportunity
3 and input than a 10-minute conversation, and in my case it's
4 been well over that, to let you know because I could talk
5 for four hours on the housing crisis for disabled people. I
6 could talk for weeks on what it's going to need for this
7 community to break down all its barriers so the disabled
8 people are integrated and equal, and I would like that
9 expressed in some mechanism incorporated so that there is
10 more input within the community itself and it's hurt and
11 shockful that this would have happened today; and I do not
12 see gay and lesbian brothers and sisters of mine here
13 talking about concerns of theirs even after many incidents
14 of extreme prejudice and violence that has led to the death
15 of individuals in this state and still that was not an
16 active, at least from what I see, an active request of the
17 Commission to have someone here to address that. I'll
18 answer any questions you have.

19 MS. EZZY: Okay. Thank you very much, Kathy. I
20 just would like to say in terms of the facility and the
21 meeting itself I -- we spoke yesterday and it was the first
22 time that I was aware that this room was going to be a
23 problem or perhaps this building, and I frankly was not
24 familiar with the building or the room and I want to
25 apologize to you for -- for the inaccessibility and the

1 inconvenience that it's caused. I think you have made --
2 you have made an excellent point and you have made it very
3 effectively with us and with everybody here.

4 The question of representatives from the gay and
5 lesbian community I think I should comment on that. The
6 U.S. Commission on Civil Rights and the advisory committees
7 have specific jurisdiction in certain areas and sexual
8 orientation is not one of them. That is not included in the
9 statutes that we operate under, and consequently we don't
10 officially hold meetings that just specifically address
11 directly those issues. We have certainly left our meeting
12 open today and after the scheduled speakers anybody that
13 would like to speak, we're happy to hear from anybody that
14 would like to speak before us, but it's not part of our
15 statute and that's why we didn't specifically include any
16 gay or lesbian representatives on the agenda.

17 MS. MCGINNIS: Right, I do realize that. I guess
18 it is a difference in perspective coming as I do from the
19 civil rights organizing perspective is that I encourage my
20 people to take the forefront, to take bold stands. One of
21 the most stressing things for me right now in this country
22 is your head body in Washington, the U.S. Commission on
23 Civil Rights, which I will be totally blunt with you is a
24 total embarrassment and a disgrace to this country and even
25 decisions or positions they have made in my opinion have set

1 back civil rights of people of color and disabled people and
2 women which hopefully since they seem to have no motivation
3 to actively pursue anything, we're going to be able to
4 countermand in the years to come; but I would like to see
5 the Maine Advisory Committee not just stick within its
6 little guidelines, to be able to be a thorn in the side of
7 the U.S. Commission and say yeah, this isn't technically
8 within our jurisdiction but this is a minority group in
9 Maine that is saying, as I'm saying as the same person, that
10 federal laws mean nothing to disabled people, they are
11 extremely weak, Maine laws are strong and the gay, lesbian
12 people are not represented, they are a minority group and
13 are not represented, not part of our charge, and to make a
14 public statement to take a stand which I think is critical
15 for your advisory committee and individuals from other
16 organizations to also make that stand. I was surprised I
17 was one of the few people here today to make that statement,
18 why aren't gay and lesbian people here. That should be
19 coming out of the mouths of every single one of us that are
20 committed to civil rights work and it didn't and that's
21 disappointing, understandable but disappointing.

22 MS. EZZY: Thank you. Bill?

23 MR. BURNEY: For the record, I was involved in
24 arranging the facility and it did come to my attention that
25 there was a room that had been available in prior years. I

1 did not understand that it was committed to this function
2 today which is what you said, they had said we could have
3 it.

4 MS. MCGINNIS: Yes.

5 MR. BURNEY: I asked them could we have that room
6 and they said no, it wasn't adequate or available for this
7 function today. So yes, there was some miscommunication as
8 to whether or not there was an accessible room that was
9 available. I guess also for the record, I -- I kind of take
10 exception to the fact that only those people out there are
11 advocates for civil rights and that we here are not
12 advocates for civil rights.

13 MS. MCGINNIS: Oh, I didn't mean that.

14 MR. BURNEY: We're here because of that and we have
15 been able to rally this committee through some troubled
16 times to have this forum available for people to come and
17 speak. 10 minutes is better than no minutes. We have
18 pulled this thing together so people can have that
19 opportunity and I just have to be on the record about those
20 things.

21 MS. MCGINNIS: I wasn't inferring that. As I said
22 to your staff person, I have tremendous respect for the
23 commitment of the committee because I know it's not, given
24 the environment nationally of the Commission on Civil
25 Rights, an easy thing to be a part of. Certainly yourself

1 and Ms. Ezzy and Tom Andrews, of course, I have a particular
2 respect for which is important, but I think that and I would
3 say that to Tom and I will say it to all of you is given all
4 of that and given your commitment I would like to find a
5 mechanism so that things like this don't happen again and,
6 two, that there is more involvement than one day whether
7 it's 10 minutes or two hours presentation and as an ongoing
8 involvement with people in some sort of capacity that gives
9 a better mechanism for addressing the issues we're talking
10 about.

11 MS. EZZY: Thank you. Ki-Taek, I believe you
12 wanted to make a comment.

13 MR. CHUN: I just would like to make a couple of
14 comments as a way of saying I share the sentiment as
15 expressed by the vice-chairperson and Mr. Burney. I think
16 it's very unfortunate that a distressing oversight has taken
17 place and for that I feel personally we owe you an apology.
18 It also calls for a couple of explanations, I think. That
19 is I did inquire of a person who was answering for the site
20 and additional problems, I feel doubly bad about this
21 instance; but I do like you to know that we did inquire
22 about handicap accessibility. The answer was affirmative
23 but now I realize what is meant by the affirmative answer is
24 the building itself is. There is a side entrance as you and
25 I agreed on. What is not accessible which has been pointed

1 out so persuasively is the fact that the podium is down
2 there and if a specific speaker has inaccessibility to the
3 podium, then they are deprived. That is unfortunate and I
4 wasn't aware until I talked to you, you know, a few minutes
5 ago that this is the situation we are in. So for that I
6 feel very bad and terrible about it.

7 As far as the sign interpreter services is
8 concerned, you will find out in the Federal Register notice
9 we do say that if we are given a notice that somebody needs
10 a sign interpreter service five working days prior to the
11 event itself, then we'll provide that. Unfortunately I just
12 learned from our vice-chairperson last night we were not --
13 there was no indication that such a service would be needed
14 so naturally we just didn't provide any and hopefully from
15 this incident in the future we will avoid the same
16 repetition of the same instance.

17 MS. MCGINNIS: Just one comment, a misnomer which
18 deals with the awareness in education is that even in your
19 press release you did not mention whether or not the
20 facility was accessible to deaf people or whether or not
21 people that were deaf needed interpreters, so like myself I
22 assumed the place is inaccessible because I know that most
23 things are. The person who's deaf, and that does not say
24 any question about interpreters, will assume there will not
25 be any. There has to be at least an effort to say if you

1 need such and such, call and I --

2 MR. CHUN: The point is well taken.

3 MS. MCGINNIS: I think the building is not
4 accessible. So advance notice needs to be made. I don't
5 get a lot of my information reading the Federal Register; I
6 go to the Shop 'n Save bulletin board and read the newspaper
7 and that's the way it should come at minimal. As I said to
8 Ken Morgan a month ago, leaders like myself in the disabled
9 civil rights movement and leaders of the deaf community
10 should have been contacted to ask for their assistance.
11 That's all basically what I'm saying is that that should
12 have been done and I'm disappointed, having said that at
13 least a month ago, that something couldn't have been done.

14 MS. EZZY: Okay. Kathy. Any other questions?
15 Barney?

16 MR. BERUBE: Just a brief note not to belabor the
17 point but I felt that I wanted to inject, I guess, my
18 acceptance a little bit of the same chastisement about the
19 building only because when I learned that we were using this
20 building, I became immediately complacent because I knew
21 that it was inaccessible because the governor's committee on
22 handicap which I was on for a few years had used this
23 building for that very reason. I didn't know about this
24 room, and I just wanted to say that had I known I would have
25 said something that it wasn't.

1 MS. EZZY: Thank you.

2 MR. STERN: I just guess to summarize, Kathy, a
3 good Maine term you can't get there from here.

4 MS. MCGINNIS: No, you can't, you can't, and
5 that -- funny you should say that, that was our slogan we
6 used for the successful bus fight. We had the late Marshall
7 Dodge write us a tune called You Can't Get There From Here,
8 so it was very appropriate.

9 MR. STERN: Thank you very much.

10 MS. EZZY: If there are no other questions, thank
11 you very much, Kathy.

12 The next speaker on our agenda this afternoon will
13 be David Veilleux who is the coordinator of the New England
14 Multifunctional Support Center.

15 MR. VEILLEUX: Because of some really pressing
16 appointment that I have at 6:00 and I live up in the Bangor
17 area, I'm going to really shorten my remarks and I want to
18 thank Kathy for not taking the full hour or four days or a
19 week. One of my colleagues who was to be here today, Yvon
20 Labbe, was also going to address the issues of Franco
21 Americans in Maine. I myself am a Franco American, but I'm
22 also employed under Title 7, Bilingual Education, and a
23 Multifunctional Resource Center which serves all of
24 linguistic minorities in the New England area and I have
25 specific responsibility for Maine, New Hampshire, and

1 Vermont.

2 I think I'm here in the capacity today to alert the
3 Commission, if they're not already alerted, and also to
4 alert all the people in this room who come from or represent
5 linguistic minorities in Maine to some evolution that's
6 going on in this country in regards to legislation and
7 linguistic minorities and languages. We have been talking a
8 lot about evolution today and it seems to me -- and Kathy
9 alluded to this -- that while we have made great strides in
10 civil rights in this country at some points it seems as
11 though we begin to go backwards again and return to some
12 former prejudices and discrimination that we thought we had
13 begun to eliminate, and so today I wanted to address the
14 issue of the english only movement and how that could impact
15 and the impact that it's already having on linguistic
16 minorities on this country.

17 Briefly I'll just mention the U.S. English movement
18 for those of you who are not familiar with it and this is
19 taken from their own brochures. U.S. English is a national,
20 nonprofit organization cofounded by United States Senator
21 S.I. Hiakowa, the other cofounders or cofounder in this
22 brochure are not mentioned, and I quote our goal is to make
23 english the official language of the United States. We are
24 working to abolish bilingual ballots and limit bilingual
25 education to short-term transitional role. You can help

1 make english the United States one and only official
2 language by mailing your tax deductible contribution with
3 this survey in the enclosed envelope.

4 In addition to that, last year a letter was passed
5 on to me by a state legislator in Vermont who had received
6 and apparently all of his colleagues received and apparently
7 all state representatives and all state legislators in the
8 50 states received a letter from Senator Hiakowa on November
9 13th, 1987 and at the top of the letterhead the constitution
10 is quoted, it says We, the people of the United States, in
11 order to form a more perfect union and on the right-hand
12 side is the logo for U.S. English. The letter cites, of
13 course, the recent passage of Proposition 63 in California
14 designating english as that state's official language.

15 Hiakowa argues that english is our common language. The tie
16 that binds us all together as citizens of one nation, and
17 then he continues yet some politicians and ethnic leaders
18 oppose giving english any legal protection. They will
19 continue to demand the use of other languages by government
20 such as mandatory bilingual ballots, bilingual education
21 that doesn't emphasize english, and a federally endowed
22 national Hispanic university system and other divisive
23 measures.

24 It's interesting to note that the implications of
25 the U.S. English statements and also to ask whether or not

1 this movement really is directed at the largest single
2 ethnic group in the U.S. namely Hispanics. Demographic
3 projections over the last two years indicate that the
4 Hispanic population in this country by the year 2000 will
5 comprise nearly one-third of the U.S. population; meaning
6 that one-third of our entire country's population will be of
7 Hispanic origin and a great number of those perhaps
8 one-third also will be speakers of Spanish. Those are the
9 ones who say that also -- those Hispanics will also be
10 bilingual. What are we to conclude on the heels of these
11 projections when a national movement arises to protect
12 english, as if it needs protection, from some politicians
13 and ethnic leaders. Many of us who oppose the english only
14 efforts do so because we are seeing in this movement a
15 xenophobia or as I call it Hispanophobia, a movement really
16 directed at one of the largest groups and by implication all
17 nonenglish background persons in this country.

18 The U.S. English proponents on the one hand readily
19 admit that english is by custom the language of the United
20 States and I don't believe that's contested by any U.S.
21 citizen. U.S. English, however, indicates its real agenda
22 when it refers to legislation that it will pursue after
23 making english the law of the land; that is the elimination
24 of bilingual ballots, bilingual education, and other
25 divisive measures which it fails to define. It supports its

1 arguments by referring to the political upheavals over
2 language that have torn apart, and I'm quoting, Canada,
3 Belgium, Sri Lanka, India, and other nations. To my
4 knowledge Canada is still a nation that hasn't fallen apart
5 and it seems to me the argument against making english a
6 legalized language in this country arbitrates exactly
7 against that because the problems in Quebec, for example,
8 occurred because a language was legalized in preference to
9 another and we all know what the status of that is today, it
10 doesn't work, it doesn't happen, it causes division and
11 divisiveness.

12 Language to me in this whole thing is not the
13 issue. The issue here is prejudice. The intolerance of
14 other ethnic groups' cultural and linguistic differences is
15 central to the issue of U.S. English. It makes the language
16 spoken by an individual a loyalty test for citizenship. It
17 ignores and puts down the cultural and linguistic diversity
18 of this nation. It would deny access to voting rights and
19 equal educational opportunity to millions of citizens who
20 are not yet english proficient. I've worked in bilingual
21 education for nearly 13 years now and I have yet to see any
22 project or bilingual educator who would deny that the goal
23 of bilingual education is to develop proficieny in english.
24 National legislation under Title 7, Bilingual Education, has
25 never permitted anything else. It's true there have been

1 violations of these regulations, but it is also true that
2 monitoring of these programs has also uncovered and
3 corrected these abuses of the law. Hiakowa hurts when he
4 indicates that some ethnic groups push for bilingual
5 education that doesn't emphasize english. Bilingual by
6 definition means two languages. One of those has to be
7 English.

8 Hispanics as well as all our recent immigrants know
9 full well that success in this society necessitates
10 proficieny in English. Bilingual education is one means of
11 attaining that and I might add it has been done successfully
12 in Maine and continues right here in the City of Portland at
13 Peter Dana Point and Pleasant Point Reservations and enjoyed
14 exemplary status with the U.S. Office of Education in the
15 St. John Valley. It would be an unfortunate development to
16 see us revert to the sink or swim english submersion
17 experiences of our limited english or nonEnglish proficient
18 students that preceded bilingual education legislation in
19 1968. National data at that time indicated that minority
20 language students were achieving well below national norms,
21 had higher school dropout rates, were overrepresented in
22 special education and compensatory programs, and were being
23 denied equal educational opportunities afforded to their
24 english dominant peers. Culturally insensitive though well
25 meaning educators even here in Maine too often negated the

1 child's or parents' home language and culture by insisting
2 on english only and actually using punitive measures for
3 being caught speaking the mother tongue on or about school
4 property. This produced low self-image and motivation for
5 learning. In so many ways children and parents from
6 minority language groups were told that to be a loyal
7 American one had to speak english only and adopt the customs
8 and mores of the dominant anglo culture. I have seldom
9 encountered limited english proficient adults whose students
10 would not believe strongly that to make it in America's
11 society one needs to learn and become proficient in english.

12 California as well as many other states have
13 already begun to extend the english only law to public
14 business, government, and education. Opponents of the
15 english only movement point out that motives behind this
16 movement are once again to put ethnic linguistic minorities
17 in their place and to effectively disable them politically
18 and educationally. It is a return to prebilingual and
19 multicultural education effectively denying the culture and
20 language heritage of millions of Americans; in short it's an
21 insult.

22 It is noteworthy that two separate attempts to pass
23 english only legislation in the U.S. Congress have failed
24 and it's also significant that when these efforts fail, the
25 english only proponents adopted a new strategy if we can't

1 pass a national law, then let's do it state by state. Last
2 year in our neighboring state of New Hampshire an attempt to
3 introduce the english only bill failed to make it out of
4 committee. In fact, one of the bill's sponsors withdrew his
5 sponsorship of the bill after hearing testimony from a
6 number of representatives from the Hispanic, Asian, and
7 Franco American communities. To my knowledge no such
8 legislation has been introduced in Maine yet. If such
9 legislation is attempted or worse yet passed, it would
10 indeed be a slap in the face of the many ethnic linguistic
11 groups found in Maine's population. Many legislators as
12 well as people in the general population see no need to make
13 law what is already fact. English has been and continues to
14 be the language of government, commerce, and education. To
15 deny the use of bilingual education as a proven pedagogy in
16 Maine is to be ignorant of the tremendous achievement in
17 past and present programs we have had here.

18 Bilingual education programs that foster pride in
19 one's own cultural and linguistic background as well as
20 educate the local english speaking population in other
21 languages and cultures have done much to improve student
22 achievement and break down these cultural prejudices. It
23 should be a concern to this committee and to the citizens of
24 Maine that no one should be denied access to public health,
25 welfare, and educational services or be victims of the law

1 because of one's inability to handle the english language
2 proficiently. Many of Maine's elderly population are of
3 Franco American descent and french is their language of
4 preference. Many never had the opportunity in life to
5 develop their english language skills and yet they have
6 contributed substantially to the social, economic, and
7 political life of this state. We are only just beginning to
8 recognize the linguistic needs of these citizens in order to
9 help them participate fully in the system. I strongly
10 recommend that this issue be monitored in Maine as well as
11 in the nation. Such an effort to legislate language should
12 be quickly and swiftly defeated.

13 And, finally, I would like to quote from the
14 English Plus Project brochure, their special convention
15 issue of June of 1986, if the ongoing efforts to make
16 english the official language of the United States are
17 successful, english won't be the official language,
18 discrimination will. The english only movement is merely
19 the latest form of what Dr. Ricardo Kalao first described as
20 linguistic racism in the United States; and to quote a Maine
21 Yankee person, to include all those anglos, also, if it
22 ain't broke, don't fix it. Thank you. I'll leave a copy of
23 the full document with the committee here so you'll have a
24 chance to read it.

25 MS. EZZY: Very good. Thank you. Let me start at

1 this end of the table. Barney, do you have any questions?

2 MR. BERUBE: No.

3 MS. EZZY: Ken?

4 MR. MORGAN: No.

5 MS. EZZY: Bill?

6 MR. BURNEY: No.

7 MR. STERN: No.

8 MS. MULTER: No.

9 MS. EZZY: David, thank you very much.

10 The next speaker this afternoon will be Pearl
11 Tendler and she is representing the Anti-Defamation League
12 of B'nai B'rith.

13 MS. TENDLER: I want to thank the committee for
14 inviting me here to speak. I, too, am at this very moment
15 late for a meeting and I will stick to my written words
16 because I know that they are exactly seven minutes. I speak
17 to you today as a representative of the Anti-Defamation
18 League. Because of our belief in the democratic process,
19 the rule of law, the dignity and worth of every individual
20 and their experiences as members of a minority group, the
21 Anti-defamation League readily identifies with members of
22 every disadvantage group. While our primary goal is
23 fighting anti-semitism, for 75 years now we have been active
24 in the pursuit of our charter which compels us not only to
25 stop the defamation of the Jewish people but to secure

1 justice and fair treatment for all people. To that end the
2 Anti-Defamation League is in frequent and continuous contact
3 with government agencies, news media, church, civic and
4 ethnic groups, businesses and educational institutions.
5 Independently and in conjunction with these groups we
6 sponsor conferences, colloquia, and workshops on intergroup
7 relations each year.

8 In the past two months -- the past few months in
9 our New England office located in Boston we have had a
10 seminar in discrimination and higher education examining how
11 it affected Jews in the past and comparing it to how it is
12 presently affecting Asians and Asian America. We have
13 conducted security seminars for religious institutions, a
14 forum on extremism for law enforcement officials, and
15 recently took a group of black and Jewish leaders to Israel.
16 This group which included Martin Luther King, III was made
17 up of people who are committed to an open dialogue and
18 deeper understanding of each other's communities.

19 While it may often be true that you have to be
20 taught to hate and fear, it is equally true that
21 understanding has to be taught, too, to overcome prejudice.
22 That is the aim of the program I'm about to tell you, The
23 World of Difference. The World of Difference campaign, a
24 prejudice awareness project, started in our Boston office in
25 1985. Our director, Leonard Zacombe, felt that the time was

1 right to reverse over a decade of overgross racial tension
2 in that city. The goal was to find ways to celebrate the
3 rich heritage of racial, ethnic, and religious diversity
4 while working hard to reinforce attitudinal change, the
5 attitudinal change that the attorney general began his
6 remarks with, around the issue of prejudice. In most issues
7 of prejudice the primary recourse is through legislative or
8 judicial means in order to prevent the behavior for
9 manifesting itself again. Certainly at ADL we have been
10 proponents of such prevention. Nevertheless, changing
11 behavior cannot be enough. Prejudice is at least partly a
12 matter of attitudes. A World of Difference looks to change
13 attitudes.

14 As we did in Boston and as we are doing in over 10
15 cities nationwide including Detroit, Miami, San Francisco,
16 Houston, Philadelphia, and now New York City we have
17 maintained a broad-based, multifaceted coalition governing
18 grass roots support bases composed of interested,
19 enthusiastic, and committed people like yourself. In Boston
20 together with the Greater Boston Civil Rights Coalition,
21 WCBB TV and Shawmut Banks, the Anti-Defamation League
22 initiated an unprecedented project, The World of Difference,
23 aimed primarily at young people from junior high to high
24 school. Since young people spend a large portion of their
25 time in school or in front of the television set, education

1 and media seemed the obvious vehicles to reach them.

2 A World of Difference is a project with a national
3 resource guide developed by experts in the field of
4 curriculum development. We conduct teacher training
5 workshops always with the interest and support of the
6 commissioner of education, superintendent, principal, and
7 teacher organization. We widely disseminate our material
8 throughout the school system. The material includes award
9 winning media produced by WCBB thus combining television in
10 a unique and limited potential to affect constructive
11 change. The television component allows -- I'm sorry that
12 Gerry's not here -- allows for the incorporation of
13 prejudice awareness programming into specials, documentary,
14 editorials, and news programs fostering awareness in the
15 wider community and reaching parents often the missing link
16 in an educational endeavor. Most important, however, is
17 in -- is that in each city with the support and the input of
18 local civil rights groups, local television stations, and
19 local corporate sponsors the campaign mandates the creation
20 of locally relevant television programming and locally
21 relevant curriculum material to use as a resource in
22 enabling teachers and students to respond to the issues that
23 are locally relevant to them.

24 I'm speaking this week to people in the corporate,
25 media, and educational communities. Our discussion is

1 focused on insuring that Maine is the place where the idea
2 of difference is respected and understanding of it is
3 promoted. Our curriculum addresses many of the issues and
4 concerns raised here today and those that will still be
5 raised here. Progress in these areas rarely occurs in easy
6 to measure jumps and bursts. Progress is achieved in small
7 and sometimes painful steps over a long period of time. I
8 know that many good community programs exist in Maine. A
9 World of Difference can help supplement and enhance these
10 efforts due to the high public visibility purported by the
11 media partners. I ask you today for your consideration and
12 support. Your voices can make it clear to the television
13 stations and the companies in Maine that their constituency
14 is concerned about this issue and it behooves them to
15 address it.

16 I'm going to stray from my written remarks for one
17 moment to tell you that I hope not to have to repeat the
18 experience speaking to someone rather high in the television
19 industry here who told me that Maine doesn't have a problem
20 with discrimination and that if we address the issue, we're
21 going to create a problem where one doesn't exist. I wish
22 he could have been here today. I am struck by the fact that
23 what's united us here today is our common experience of and
24 concern for prejudice, stereotyping, and scapegoating. If
25 we're to truly build bridges on a firm foundation, we must

1 do so not on the basis of ignoring our differences but
2 through open and honest communication. Though we speak for
3 minority populations, our sincerity and our perseverance
4 will propel our impact beyond our numbers so that we, too,
5 can make a world of difference. Thank you.

6 MS. EZZY: We'll start at this end of the table.
7 Elinor, do you have a question?

8 MS. MULTER: No.

9 MS. EZZY: Marshall?

10 MR. STERN: I would just like to comment that being
11 a member of the Jewish religion we are no longer considered
12 minorities which is incredible in itself; but it's important
13 that we not be concerned with ourselves, that we share our
14 experience and try to share that communication on
15 discrimination for everybody else in the community. So I
16 commend the effort and I think this is what Gerry was
17 talking about, a huge dissemination of information and
18 education to the public media, and I hope that we can
19 continue to educate the corporate side and the media side to
20 carry the message.

21 You say there is no discrimination. I was talking
22 to a gentleman here today in Portland, a tailor from India,
23 who feels in his shy own little way the discrimination of
24 being able to go to the bank and asking for a loan and
25 watched how the Yankee banker looks at him and wonders about

1 him and sees that he's different and how he just shared that
2 feeling of loneliness, so there are groups out there that we
3 can embrace and I commend your effort and hope you gain the
4 support that should be out there.

5 MS. EZZY: Thank you. Ken?

6 MR. MORGAN: No.

7 MR. BERUBE: Just a quick -- you -- with the
8 exception of the television person that you ran into, I
9 regret I guess that in one sense that the TV and other press
10 people didn't catch your remarks, but the question overall
11 what kind of reception do you see -- what does it look like
12 for Maine just viscerally?

13 MS. TENDLER: For the most part people think it's
14 an issue that needs to be addressed publicly and that there
15 is momentum gaining for it to be addressed publicly. I
16 think that there is hesitation on the parts of people
17 particularly within the corporate and media community.
18 Certainly within the civil rights community it is clear that
19 this is a need. But my sense is that with the support of
20 people within Maine that will, you know, convince the
21 companies that their constituency is a concern and that they
22 will address it, so I'm hopeful. It's a process.

23 MR. BERUBE: Thanks.

24 MS. EZZY: Thank you very much.

25 MS. TENDLER: Thank you.

1 MS. EZZY: The next person to speak this afternoon
2 is Ann Pardilla, she's the lieutenant governor of the
3 Penobscot Indian Nation.

4 MS. PARDILLA: I thought I was going to say good
5 afternoon, but it looks like good evening. We talk about
6 Indian time and I guess white folks have Indian time, too.
7 We are always late, but it so happens that I'm always early.
8 And Franco American and Indian quag. You know we don't say
9 how, we say quag meaning welcome; we know how. My name is
10 Ann I. Pardilla, lieutenant governor of the Penobscot Nation
11 and I'll probably touch base on a lot of things that you
12 talked about, evolution, being different. I wish to --
13 today I wish to address the single and the most important
14 concerns of our tribal government, our childrens' future,
15 their rights as human beings and the cycle of racism found
16 in Maine. As we near the 21st century I'm mindful of the
17 every changing pattern of human existence and the slow
18 evolution towards social equality for all people; however,
19 there is a need to assess the current status of civil rights
20 in the content of human rights. Also, we must consider the
21 historical and cultural source of racism in the United
22 States. Native Americans are a distinct people, unique in
23 their history, culture, and value.

24 Maine Indians, the Penobscot, Passamaquoddy,
25 Malaceden, and MicMac share the common bond with their

1 tribal people throughout the maritimes. I have stressed the
2 use of distinct and unique to illustrate a very important
3 point. Being different has been used too many times in many
4 ways which have hurt our people. In fact, no greater harm
5 could be imagined than the withstanding of spiritual,
6 psychological, cultural, and social pain caused by the force
7 of assimilation of society values, norms, and the way of
8 living. There are many forms of racism perhaps more than I
9 have personally witnessed or heard; however, I can attest to
10 the cultural drawing a line in Maine and the United States
11 first by the facts of being a native. My experience somehow
12 is nonvalid. Through tribal history, teachers, songs,
13 dances, dress our wisdom and languages are not important;
14 the significance are important.

15 We, too, as a Franco American were told we could
16 not speak our language so today the Penobscots do not speak
17 their language. Next by the fact of living nextdoor and by
18 residing in the eastern state a Penobscot is not the same as
19 a Native American in the West. I'm not quite a real Indian,
20 yet everything around me confirms that I'm quite different.
21 Terms such as squaw, chief and injun were used to describe
22 something very disgusting, moreover each word was commonly
23 spoken in a fashion that really fully expresses disdain,
24 contempt, and corruption of my human spirit and my people.
25 Finally, to further confuse the presence of social signals

1 which defines who and what I am, there are strange sense of
2 humor to derive or negate my humor by me and my being a
3 Penobscot. Usually such conversations going around when
4 people want you to hear, they should go back to their
5 reservation or end with you know who they are.

6 There is a distinct social behavior in how Indians
7 are usually dealt with here in Maine. First, the lack of
8 recognition, positive attitudes. For example, the number of
9 Maine Native Americans who served in the country's
10 conflicts, wars, and battles since prerevolutionary times to
11 the present have been clearly nonrecognized and have been
12 forgotten. We have fought through revolutions. We had a
13 war called the French and Indian War but in actuality it was
14 a French and English War; the Indians were drew in there in
15 order so the French could win.

16 Next, a Maine person will find it very difficult
17 and different in approaching Maine institutions as Michael
18 Stern talked about and applying for a bank loan, for
19 example, they will need a cosigner when an individual would
20 otherwise need just a requirement of a signature loan.
21 Another instance would be applying for AFDC or any other
22 social assistant program. Our people are asked to return to
23 the reservation even though they're not living there,
24 they're living in Bangor, Portland, Augusta. They are asked
25 to go back to the reservation. They are millionaires back

1 there now, they have a lot of money; and they are often
2 turned down because of the Settlement Act of the Maine
3 Indian Land Claim despite the promise that they would not
4 use that per capita as income.

5 As a mother of six and five that were not raised on
6 the reservation except for one, my youngest, I have seen the
7 meaning of difference in their lives. My first five
8 children in their youth were raised on a military
9 reservation. They were raised as Indian and Philippino, in
10 fact, they call themselves Philippeans; yet knowing that
11 they are also English and they are Scotch and they are Irish
12 blood lines, my husband and I are parents, and also various
13 people in the community which we live we learn to be proud
14 of our Indian heritage. Of course, we were not stationed in
15 Maine. They were also not made to feel ashamed nor did they
16 have to blend in to create a sense of belonging. Most
17 important each of my children learned at very early age that
18 they had individual abilities and gifts and the pursuit of
19 excellence without the fear of standing out or feeling
20 guilty of having motivations to achieve.

21 In a sharp contrast, my 15-year-old son who was
22 raised on the reservation of 13 of his 15 years appears to
23 be contented with As and Bs instead of attempting for the
24 high straight As. He justifies his actions because he
25 doesn't want to be standing out in the crowd or he won't

1 want to be burnt down by his peers. However, the attitude
2 is somehow -- it is not common in our community on our
3 reservation, because it indicates that some types of
4 shortcoming is in our community. Our young people do not
5 live up to their full potential nor can they and we need to
6 change that through our environment of our community or how
7 persons learn to accept themselves less than they can be or
8 she can be or maybe it all relates to how the self-esteem
9 and the pride in one's self can be by -- deterred by the
10 feeling of shame, guilt, or becoming what everybody wants us
11 to be.

12 Before ending my presentation I want to leave you
13 with more observations and thoughts concerning racism and
14 the native people. Two years ago my five-year-old
15 granddaughter was at a public function in a traditional
16 dress which we were providing there at the school. The
17 principal came over and said you do not look like an Indian,
18 you have blonde hair. She looked up to him and she said my
19 hair may be blonde but it doesn't make me an Indian, my
20 mommy and my grandmother do. Our children attending schools
21 in Old Town, Bangor areas are at risk for carrying over the
22 effect of being different, the different era; in other
23 words, the grandchildren, of my generation as such the cycle
24 of racism would be complete. Beyond the borders of Maine
25 the white society has engendered a stereotypical version of

1 native. The media, movies, history books, educational
2 institutions, and television have established a set of
3 values, images, and views of native reality which cannot be
4 forgotten by the American public.

5 I also would share a poem that was written by an
6 Indian, Ernest J. Osheel, Senate for Sioux. A river has its
7 banks in the earth of the sky, a mountain has its valleys,
8 why not I, but its river is sad and moves along the way, I
9 doubt it even notices for it moves on every day. Does the
10 earth feel its harness as it runs into space, I doubt it
11 even notices for each must have its place. Does the
12 mountain feel its boundaries as it towers towards the sky, I
13 doubt it even notices or even wonders why. So if I lack my
14 freedom what all that I can see, life, health, family, and
15 friends, then my boundaries must be me.

16 In making my final remarks I feel it's important to
17 leave something which has hope for the future. There has
18 been progress made since we first appeared before the U.S.
19 Commission on Civil Rights nearly two decades ago.
20 Needless, it must be clearly understood that we have a new
21 generation before us who rely upon us for guidance and as
22 example to create better lives. Further, there is a need of
23 recognition that legislation and laws by itself cannot
24 reverse the powerful trend to deny the presence of racism in
25 our lives. Thank you.

1 MS. EZZY: Thank you. Any questions here?

2 MR. BERUBE: No.

3 MS. EZZY: Ken?

4 MR. MORGAN: No.

5 MS. EZZY: Marshall?

6 MR. STERN: I'm going to ask a question that we
7 once sent out in a study. Do you feel that in your own
8 particular area or in the state that the Indians are getting
9 a fair shake with the criminal justice system; do you think
10 there is still a lot of prejudice in that area?

11 MS. PARDILLA: Well, I do. Of course, we have our
12 own tribal court, but we cannot try the nonIndians that are
13 in our court system as you know and we're going out after
14 class D crimes for ourselves; but Indians we can be tried
15 double or you say double jeopardy. If an Indian is tried in
16 our court, it may be taken to state and federal. But, you
17 know, with an Indian we have to live under so many rules, we
18 have to live under the federal rule, state rule, and tribal
19 government, and there is always Big Brother watching over
20 us; and tribal court is an issue that we can be able to take
21 care of our own needs.

22 MR. STERN: Do you think there have been
23 improvements then in the general Bangor area, for instance,
24 in rules?

25 MS. PARDILLO: Well, an improvement is saying

1 that -- we say that if I need a lawyer as a lieutenant
2 governor, I have a wire line into Jenny Wiggins which comes
3 out of Tom Tureen which comes in Portland. Let's say I'm a
4 tribal member and I have a problem and then I want to go out
5 and get Michael Stern for a lawyer or any other lawyer or
6 anyone around, they'll say we don't know anything about
7 Indian law, you'll have to go and see Tom Tureen. Well, Tom
8 Tureen, you need a lot of money to see Tom Tureen. You
9 don't have anybody -- and right now we're looking to go to
10 Pine Tree Legal in order to -- maybe they can help some of
11 our people. You know, they feel Indians are rich here,
12 we're paper money Indians; you know, just like the stock
13 market it went down, the paper money, not real dollars and
14 cents.

15 MR. STERN: Thank you.

16 MS. PARDILLO: Thank you. I do want to share this
17 with you. Thank you.

18 MS. EZZY: Okay. Thank you very much.

19 MS. PARDILLO: Thank you.

20 MS. EZZY: The next speaker this afternoon is Sambo
21 Sok, he's president of the Union Cambodian Association of
22 Maine.

23 MR. SOK: Good afternoon, everybody. My name is
24 Sambo Sok, I reside at 25A Riverbank Court, Springvale,
25 Maine. I arrived in the United States as a Cambodian

1 refugee on September 11, 1981 with my wife, brother-in-law,
2 and five children, a family of eight. After six and a half
3 years in this country, my family and I have become U.S.
4 citizens; but U.S. citizens has not changed something for
5 us. Those are the things that I have come here today to
6 tell you about. I have always wanted to have my people to
7 reside happily here in this country and especially in this
8 state. That is why I have to form the Union Cambodian
9 Association of which I am now president and that is why I am
10 here today. I know I need your help for myself, for my
11 family, and for my people.

12 Today I want to tell you about and let you
13 experience again with me some things that have happened to
14 me and to my family from the time I arrived in 1981 until
15 the present. Starting with the the first snowstorm of the
16 winter of 1981, the first snowstorm I had ever experienced
17 in my life, I was happily playing with my children when it
18 was a very surprise to come from the neighbor, it's a rock
19 disguised as a snowball hit my head and at the same time
20 come nice words of welcome from all these friends standing
21 around, go back where you come from, go. I did not
22 understand this word until later on, I did not know english
23 then; I just looked at them and wondered, maybe this is the
24 way you play the snowball game.

25 My next experience came in the spring of 1982 when

1 my brother and I were fishing. A group of four white men in
2 their early 20s were having a good time near us, part of
3 their good time included drinking beer and then soon it
4 includes throwing the empty beer bottles at us where we were
5 fishing. We did nothing but try to ignore them; but once
6 they knew that we wanted to leave the area, they made a
7 bonfire in the middle of the road to stop our car from
8 leaving. These people then used all kinds of nasty slang
9 words and expressions. They say go Vietnamese, et cetera.
10 We know for sure that these people want to have physical
11 fighting but we did not. We left the scene peacefully with
12 the thought in mind that being a chicken is better than
13 trying to be a rooster or to be a turkey.

14 In 1983 when we were leaving the car wash, I
15 started being familiar with the American sign alphabet.
16 Many Cambodians have been greeted with this same letter, the
17 letter I that is formed by extending only the middle finger
18 upward. Many Cambodians at first thought it was the way to
19 say hello and respond with thank you. I knew better thought
20 and was mad. I chased the man in his car at high speeds
21 through the streets of Sanford. It looked like a James Bond
22 movie. I want to ask him why, why he did that to me, I had
23 done nothing to him but he escaped.

24 Among the Cambodian refugees who have settled in
25 Maine many are widows with young children or single women.

1 I naturally have a special sympathy for these women and
2 their children for they are being victimized frequently by
3 American men. Let me give you some examples. One, in South
4 Berwick, a young widow has frequent uninvited male visitor
5 who doesn't believe in wearing pants. She must now answer
6 her door armed with a knife. It is the only way -- only way
7 to prevent him from entering her apartment. When she
8 doesn't come to her door, he gives explicit description over
9 the telephone of what he would like to do with her. She has
10 called the police but they always come too late. Two, in
11 Portland, almost all single and widowed young women
12 regularly receive the same type of obscene phone call. They
13 hate to answer the telephone. Three, also in Portland, a
14 young mother often finds a stream of urine trickling under
15 her apartment door; someone has stood outside the door,
16 urinated, and disappeared. The police have not caught him
17 either. Four, again in Portland, a number of women have
18 been visited by a man dressed as a doctor naming a Cambodian
19 hospital employee as his friend and claiming that he has
20 been sent to do a home physical examination. At first these
21 women submit themselves to the exam; soon, however, after
22 comparing the story with neighbors, the women uncovered the
23 man's scheme and refused him entrance. This man was
24 identified, tried, found to be retarded and released.

25 In Sanford, an American woman married to a

1 Cambodian man finally quit her job because of harassment
2 from fellow employees. She was tired of being asked why she
3 had married a Cambodian. She was also tired of persistent
4 untrue rumor that Cambodians pay no income tax and that the
5 government give them all Trans Ams or Z28s to drive. In
6 Springvale, a 10-year-old boy was intentionally shot with a
7 BB gun in the neck and arm by a neighborhood young man. He
8 was also verbally abused. Legal action is currently being
9 taken against the man. The boy's mother, however, is not
10 interested in a large settlement of money. Her major
11 concern is that the medical bill be paid. During the
12 question -- during the questioning the fact was brought out
13 that this incident was only one of many upsetting
14 happenings, the mother having experiencing the 1975 Polpot
15 communist takeover in Cambodia. That was why she did not
16 respond more drastically. It was like another drop of water
17 in the ocean to her. I hear many other stories that I could
18 tell you, but I do not want to take up all the time with
19 them because the more recent is the worst.

20 For the last 18 months my family has received nice
21 phone call every day from a secret admirer. He wants to
22 speak to Sambo Sok, but he doesn't know if Sambo Sok is male
23 or female. He had the same dirty, x-rated, sexual message
24 for whomever he talked with except the young children. He
25 prefer to terrify the children with threats of killing them

1 if they do not pass the phone to their mother or father or
2 if they hang up the phone on him. The children do not know
3 what to do, who knows, maybe he know who they are even
4 though he does not know who he is. So they are doing what
5 he asks. We have asked the telephone company to help but so
6 far nothing has happened except more calls on a daily basis.
7 It is more fear and more disgust. It is sickening.

8 My family and I escaped from Cambodia up to Polpot
9 for a year of horror because we want peace of body and mind.
10 We had had enough. We thought when we come to this country
11 that I had had my turn to be a victim. I lived through the
12 Polpot holocaust and the refugee camps ordeal in Thailand.
13 I did not know I was going to have to live through prejudice
14 and harassment in the United States in the State of Maine.
15 That's why all the Cambodians are not for sure that the
16 United States is a peaceful place, that it is full of
17 freedom and full of many understanding people. I believe
18 that the United States laws do provide for human rights.
19 The problem is that they are not enforced to their full
20 strength. We need to make them stronger, more powerful, and
21 more effective through legislation that allow the full
22 enforcement and the prosecution of those that break them.
23 Thank you.

24 MS. EZZY: Any questions from this side of the
25 table?

1 MS. MULTER: Yeah. I'm curious about this business
2 with the telephone company. Did they do anything at all or
3 tell you --

4 MR. SOK: They send me a copy of a form, a release
5 kind of form, and I fill it out and it took me a week
6 because I have to put down every day, when they call, what
7 time and so on and we filled it out and sent it back and it
8 still happens. Sometimes he calls me 2:00 o'clock in the
9 morning or 3:00 o'clock in the morning.

10 MS. MULTER: How long since you sent it back
11 roughly?

12 MR. SOK: Roughly about two or three months ago,
13 maybe more than that.

14 MS. MULTER: And you've never heard anything more
15 from the phone company?

16 MR. SOK: Nothing, my phone still rings every day.

17 MS. MULTER: What phone company?

18 MR. SOK: New England.

19 MS. MULTER: New England Telephone?

20 MR. SOK: Yeah.

21 MS. EZZY: Do you have a question?

22 MR. MORGAN: No.

23 MR. BERUBE: No.

24 MS. EZZY: Okay. Sambo, thank you very much for
25 coming and participating today. I appreciate it.

1 The last scheduled speaker of the afternoon is
2 David Stauffer, he's the chief coordinator of the Maine
3 Department of Health and Human Services.

4 MR. STAUFFER: I'm the state refugee coordinator
5 for the Department of Human Services.

6 MS. EZZY: Thank you for clarifying that.

7 MR. STAUFFER: I would like to thank the committee
8 for inviting me here and I would like to thank you for your
9 stamina for sitting through all of this. I'm just going to
10 very briefly supplement the moving and eloquent remarks made
11 by my friend, Sambo Sok, just now. And briefly there are --
12 for your information there are approximately 2500 refugees
13 who have been resettled in Maine since 1975, primarily
14 Cambodians and Vietnamese, about 2,000 of those are
15 Cambodians and Vietnamese, but also several hundred Poles,
16 Afghans, Iranians, and small groups of Hungarians,
17 Bulgarians, Czechs, and Romanians.

18 There are two specific areas I would like to
19 mention very briefly today around civil rights and refugees
20 that have been troubling us and one is a potential issue and
21 one is a very real issue. The very real issue is the
22 reluctance of hospitals in Maine to provide interpreters for
23 refugee patients. It impacts mostly in the Cambodian and
24 Persian speaking refugee communities, Afghans and Iranians,
25 simply because they are the largest groups using the

1 hospitals. Hospitals do not want to take the responsibility
2 to find interpreters and they will use interpreters when
3 interpreters come with patients but they will not find
4 interpreters and for limited english speaking patients it's
5 a very real problem. What you have is hospitals either do
6 one of two things. They will either refuse to treat the
7 person unless they come in with an interpreter or what is in
8 my mind even worse they will treat the person without an
9 interpreter.

10 In the cases where hospitals do provide
11 interpreters they have something else that is only slightly
12 better. Sometimes the interpreter they use is someone
13 that's on their hospital staff. It might be a former
14 refugee who works in the kitchen or the housekeeping
15 department that they will call up, come up and interpret for
16 us right now. That's really not adequate and it's not
17 appropriate, because, number, one in most cases they have
18 provided no training to this person, the person may not
19 speak much more english than the patient they're
20 interpreting for, they have no -- received no training in
21 medical terminology, and that can certainly lead to errors
22 in the interpreting which could be pretty drastic when
23 you're talking about someone's physical well-being, and,
24 furthermore, it may be inappropriate.

25 There have been instances where they have used male

1 employees to interpret for female patients in OB-GYN, and
2 they sometimes use the person's neighbor, if someone lives
3 in the same apartment building, to interpret for a rather
4 sensitive medical condition so then they're violating the
5 confidentiality of the patient. I think this situation
6 violates the patient's rights to equal medical treatment and
7 the right to a clear understanding of what is or is not
8 being done to them.

9 The other issue that I mentioned earlier is a
10 potential civil rights issue and it's something that I'm
11 weary about and hope you would keep in mind and that regards
12 to the implementation of the new Immigration Reform and
13 Control Act, IRCA. As you're probably well aware there's a
14 provision in that law that calls for penalties against
15 employers who hire anyone who is not either a citizen or a
16 legal alien. My fear is that employers may want to reduce
17 their risk of sanctions by refusing to hire those who appear
18 quote foreign. If you don't know and you can't prove it,
19 take the safe way and hire someone who looks like they are a
20 citizen. I think refugees are going to be especially
21 vulnerable to this, particularly when you're talking about
22 newly arrived refugees whose english speaking ability is
23 rather limited. They are going to appear more foreign and,
24 therefore, more risky and I urge the advisory committee to
25 be alert for this potential abuse as IRCA has implemented.

1 And I thank you again for asking me here.

2 MS. EZZY: Okay. Thank you. Barney, any
3 questions?

4 MR. BERUBE: No.

5 MS. EZZY: Ken?

6 MR. MORGAN: No.

7 MS. EZZY: Ki-Taek?

8 MR. CHUN: Is there any effort in terms of
9 collecting information for these potential views of the
10 immigration act? We know there are some efforts. We
11 learned in the State of Rhode Island and in some other
12 states there is a coalition of networks developing to
13 monitor precisely that either alleged or blatant sort of
14 incidents of discriminatory hiring and I was wondering what
15 the condition would be in the State of Maine?

16 MR. STAUFFER: Nothing has been done yet, but we
17 also haven't -- I'm not aware of it happening; that's my
18 common potential. I think if something came to our
19 attention that it was happening, we would be more inclined
20 to do something.

21 MS. EZZY: Marshall?

22 MR. STERN: I'm just curious, if there's an Asian
23 who happens to settle in Maine, how do they know of your
24 resources; is there any information as to a factor or
25 coordinator or something of that nature?

1 MR. STAUFFER: Yes. I'm trying to answer this
2 simply. I administer a federal program that comes to the
3 state and that's separate from the actual resettlement of
4 refugees, that is done by private voluntary agencies. So,
5 number one, they are coming in through private voluntary
6 agencies anyway and are aware of those agencies. Those
7 agencies are aware of the program that we administer.

8 MR. STERN: So potentially everybody who settles
9 here would know of your services?

10 MR. STAUFFER: I hope so.

11 MR. CHUN: Does that mean that it is your agency
12 which sort of listens to the problems and complaints they
13 may have, then you channel them to proper agencies and
14 authorities? Some cases may be -- may belong to let's say
15 the Human Rights Commission, some may belong to some other
16 agencies; so who does this kind of channeling and funneling?

17 MR. STAUFFER: Yes, partially. One of the services
18 we provide through a contract with an agency in Portland is
19 Case Management for new arrivals, so some of it would be
20 taken care of there, housing needs and help with employment
21 and things like that; but in terms of civil rights or human
22 rights, yes, they would contact our office.

23 MR. STERN: How do you account for the problems
24 that Sambo Sok relates to us; who is pursuing the telephone
25 company, who is pursuing the police, how do these things get

1 related to actual performance other than just a public
2 statement that he has made here today?

3 MR. STAUFFER: Sadly enough nothing is being done
4 because everybody says well, we have our job
5 responsibilities, we have our job responsibilities, that's
6 an individual thing. I think Case Management Program that I
7 mentioned earlier will take care of it, but they have --
8 they have a mandate that says as the state program does the
9 goal of the program is to get refugees self-sufficient, to
10 get them to obtain self-sufficiency which means quote a job
11 unquote; so areas like that have not been addressed, areas
12 of civil rights and human rights, and they are left as any
13 other resident of the state.

14 MR. STERN: To their own devices?

15 MR. STAUFFER: Yes.

16 MR. STERN: Thank you.

17 MS. EZZY: David, what is the name of the agency
18 that does the Case Management work in Portland?

19 MR. STAUFFER: It is a program of the Diocese and
20 Human Relations Services. It's the Refugee Resettlement
21 Program.

22 MS. EZZY: Elinor?

23 MS. MULTER: Yeah, I would you like to pursue this
24 thing on the hospitals for just a minute. Were you aiming
25 your concern would that be primarily in the Greater Portland

1 area?

2 MR. STAUFFER: Since that's where most of the
3 refugees are.

4 MS. MULTER: I guess that's what I meant. What is
5 it that you think the hospitals ought to be willing to do?
6 I assume you're not suggesting or perhaps you are that they
7 maintain a full-time interpreter for each language, that
8 would seem unrealistic but --

9 MR. STAUFFER: That's right.

10 MS. MULTER: Have you talked to the hospitals and
11 what is it you think they might well do that they are not
12 doing?

13 MR. STAUFFER: I myself have talked to hospitals
14 and various other people have talked to hospitals and we
15 have talked to other people who -- we have talked to the
16 Maine Hospital Association, too; and we're again talking to
17 hospitals, starting a new effort in talking to the
18 hospitals. What we feel it's reasonable to have a full-time
19 interpreter or a three-quarter time in negotiation Cambodian
20 interpreter, because we really feel they see enough
21 Cambodian patients and Persian speaking I think for at least
22 a part-time interpreter. We don't expect them, you're
23 right, to have a full-time interpreter for each language
24 that refugees speak in Maine. What I am most interested in
25 is seeing them take the initiative and the responsibility

1 for finding interpreters instead of relying on the patient
2 to find an interpreter.

3 MR. STERN: The federal court system and the
4 customs agencies in this area have people that sign up and
5 who are made available and they're approved and when called
6 upon they're compensated at that time. Perhaps some kind of
7 a relationship like that where the hospital does a community
8 service by having people on standby and paying them only
9 when called upon. It works very well with customs and it
10 works very well with the federal court system.

11 MR. STAUFFER: Another motto that was used in
12 Washington State, I believe, was where hospitals joined
13 together. It's similar to the motto where the Medivac
14 helicopters will jointly fund an agency to provide
15 interpreters and then use them as needed but only ending up
16 paying for part of it.

17 MS. EZZY: David, do you have data that shows where
18 refugees have settled in the State of Maine and, you know,
19 how frequently is the data updated, if you have it?

20 MR. STAUFFER: I have data that goes back to 1975
21 and it's updated monthly, but the problem is it's not
22 entirely accurate because that tells where refugees were
23 resettled. Refugees as anyone else refugees can move around
24 and it doesn't keep track of people moving even within the
25 state or out of the state or into the state even from

1 another state, so all I -- the figures I have are all
2 approximate figures. Primarily Southeast Asians are in
3 Portland, Biddeford, Saco, Sanford, Augusta, and smaller
4 groups elsewhere; primarily most of the other nonSoutheast
5 Asian refugees end up in Portland.

6 MS. EZZY: Do you have counts though in those
7 communities?

8 MR. STAUFFER: No.

9 MS. EZZY: You don't?

10 MR. STAUFFER: We just can't keep track of them.
11 After INS did away with the alien registration, on January
12 31st they used to have the little PSAs on TV to register by
13 January 31st; once they did away with that, we had no way of
14 keeping track of people.

15 MS. EZZY: Do you have it prior to that time; do
16 you have any population figures?

17 MR. STAUFFER: No, that's when we were just getting
18 started.

19 MR. BERUBE: Can I back up just a little bit with
20 what David is responding to though. With school-age
21 children a refugee census is taken every year for every
22 school district in the state, so that would at least give
23 you an idea if there are kids there and probably adults,
24 too, that would go with them; so at least you can make some
25 judgment and that's through the public education.

1 MS. EZZY: Okay. I think that would be helpful,
2 Barney, in getting that data in conjunction with the
3 testimony that we've heard.

4 MR. BERUBE: Yeah, I'll take the initiative in
5 getting that to all members of the staff.

6 MR. CHUN: Just a question of clarification. Do I
7 remember right that the national origin-related fair
8 treatment does not fall within the Human Rights Commission
9 jurisdiction or does it?

10 MR. STAUFFER: I think it does, doesn't it?

11 MR. CHUN: I think Pat Ryan said something about
12 not --

13 MR. BERUBE: She said not in the school, not in
14 education.

15 MR. STAUFFER: Yes.

16 MR. CHUN: Fine. So, in other words, in some of
17 the cases that Sambo Sok related to us that couldn't go to
18 the Human Rights Commission?

19 MR. STAUFFER: That's my understanding.

20 MR. CHUN: Has that been done, Mr. Sok?

21 MR. SOK: No.

22 MR. BERUBE: Are you aware that they exist, the
23 Maine Human Rights Commission, I mean before today?

24 MR. SOK: Yes, I was aware but not strongly, fully
25 aware because, first of all, you know, from my understanding

1 they all feel that you cannot fight with a rock, because you
2 always break it off, you always crack them because they're
3 not eggs, they're rocks, you cannot fight this rock. This
4 is the ideology of the -- most Cambodians believe and plus
5 not many people even though they are aware of the civil
6 rights, even though they know where to go to your office
7 they just try to -- try to -- do not want to do anything.
8 They are afraid because through their life they're either
9 trained or learned that and they cannot fight with anyone or
10 cannot fight with any top rank or, you know, people or
11 someone because they are afraid.

12 MR. CHUN: I can understand their feeling very
13 undoubtedly and so on, but was there any contact or
14 conversation, dialogue between let's say your group or some
15 similar groups with either Pat Ryan's office or the attorney
16 general's office on some of your concerns and sharing how
17 you feel about not pursuing these issues?

18 MR. SOK: No, we didn't.

19 MS. EZZY: Any other questions for David? Okay.
20 David, thank you very much. I appreciate it.

21 We're at the end of our regularly scheduled
22 speakers this afternoon; but if there is anybody that is
23 here that would like to speak, we would be happy to hear
24 from you. Again we would like to ask you -- we would
25 appreciate it if you could confine your comments to about 10

1 minutes and also we're happy to take any written testimony
2 and, in fact, anybody that you know of that may not have
3 been able to attend this afternoon that has some written
4 testimony that they wanted to submit to us, we would be
5 happy to accept that, also.

6 MS. BUCHANAN: I'll confine my comments to about
7 one minute. I'm late for somewhere, also. My name is
8 Brenda Buchanan and I'm a law student here at the University
9 of Maine and I'm also a lesbian and I'm responding to the
10 issue that Kathy McGinnis brought up earlier. Lesbians and
11 gay men may not be part of your jurisdiction in the
12 technical sense, but you do still need to hear from us. In
13 places where we are not invited to speak we still can't
14 remain silent or we're contributing to our own oppression
15 which is very real.

16 Discrimination against lesbians and gay men in
17 Maine exists on a tremendous scale and in the age of AIDS
18 it's getting worse. If ever it was necessary for a group
19 like yours to be paying attention, it's now. Several
20 summers ago a gay man was murdered here in Maine in Bangor.
21 There have been lots of other documented, widely publicized
22 incidents of harassment and violence against lesbians and
23 gay men. And I would just like to say that I think ongoing
24 efforts are necessary and I would like to see this group
25 take some initiative on that. There are plenty of people

1 who will testify. Every year, every session when we go
2 before the legislature we have hours long public hearings
3 where lesbians and gay men come in and talk about how
4 difficult it is with no civil rights protection in this
5 state.

6 So just because the Reagan administration doesn't
7 define lesbians and gay men as a group that's in need of
8 civil rights protection, you need to check in and see how
9 that's working with them and just because the Maine
10 legislature hasn't either because nobody has dealt with that
11 in terms of political courage, which is what I think it is,
12 doesn't mean that that's an accurate perception. It is a
13 serious problem and I urge you to look into it. There are
14 many, many people who will give you information if you ever
15 want to have a fact-finding type thing and you can reach
16 them through the Maine Lesbian and Gay Political Alliance.
17 Pat Ryan didn't address this, I don't think, when she was
18 here but there are many gay men and lesbians who call the
19 Maine Human Rights Commission every year to be told I'm
20 sorry, you don't have civil rights in Maine, there's nothing
21 we can do for you and that I think is a crime. So thank you
22 very much.

23 MS. EZZY: Okay. Thank you. Any questions at this
24 end of the table? Barney or Ken, any questions? Okay.
25 Thank you, Brenda.

1 Does anybody else-- would anybody else like to
2 comment?

3 MS. PARDILLA: I have a traffic ticket for parking.
4 I should know I'm on the university and somehow I thought
5 when we were out there that I wouldn't get a ticket and I do
6 have one.

7 MR. STERN: I'll personally take care of that for
8 you.

9 MS. PARADILLO: Stan Evans is our friend so I was
10 going to give it to him.

11 MR. STERN: Well, let Stan pay for it.

12 MS. PARADILLO: Since it was this Commission I
13 figured I would give it to you.

14 MR. STERN: I'll forward it to Stan.

15 MS. EZZY: Bill?

16 MR. BURNEY: Just for the record, did you
17 officially enter in Gloria Tardiff's written testimony?

18 MS. EZZY: I haven't mentioned it in particular,
19 but we do have some testimony from Gloria Tardiff and that
20 will be included. We will also have testimony from --

21 MR. BERUBE: Yvon Labbe.

22 MS. EZZY: -- from Yvon Labbe, from Terry Polchies
23 of the -- it's the Mid Maine -- what's the name of the
24 group? I can't think of it now.

25 MR. MORGAN: Central Maine.

1 MS. EZZY: It's Central Maine Indian Association.
2 They called and planned to be here and could not and they
3 are submitting testimony.

4 MR. BERUBE: Shirley, if the question arises, is
5 testimony sent to you or is it sent to Ki-Taek?

6 MS. EZZY: It can be sent to either. Any testimony
7 that's sent to me, I will forward to Ki-Taek. You can send
8 it to me. My address is Post Office Box 988, Augusta,
9 Maine, 04330. Ki-Taek's address is on the notice of the
10 agenda that was sent out prior to this meeting.

11 It appears we have no other comments from the
12 audience here at 5:22. We're running a little late with our
13 forum.

14 (TIME: 5:22 P.M.)

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CERTIFICATE

I, Susan R. Berube, a Notary Public in and for the State of Maine, hereby certify that the foregoing pages are a true and accurate record of my stenographic notes that were reduced to print through Computer-Aided Transcription.

I further certify that I am a disinterested person in the event or outcome of the above-named cause of action.

IN WITNESS WHEREOF, I subscribe my hand and affix my seal this date, ~~DEC 11 1987~~ ^{DEC 11 1987}

Dated at Portland, Maine

Susan R. Berube, RPR
Susan R. Berube, RPR
Notary Public

My Commission Expires
March 24, 1990