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UNITED STATES COMMISSION

ON

CIVIL RIGHTS

- - -

REGIONAL FORUM

CHANGING PERSPECTIVES ON CIVIL RIGHTS

- - -

Gold Room  
Biltmore Hotel,  
Los Angeles, California

Thursday, September 8, 1988

The Regional Forum was convened at 8:10 a.m.,  
William B. Allen, Chairman, presiding.

COMMISSIONERS PRESENT:

- WILLIAM B. ALLEN, CHAIRMAN
- MURRAY FRIEDMAN, VICE CHAIRMAN
- ESTHER GONZALEZ-ARROYO BUCKLEY
- SHERWIN T. S. CHAN
- ROBERT A. DESTRO
- FRANCIS S. GUESS

STAFF MEMBERS PRESENT:

- SUSAN J. PRADO, ACTING STAFF DIRECTOR
- WILLIAM GILLERS, SOLICITOR
- WILLIAM HOWARD, GENERAL COUNSEL
- JOHN EASTMAN, DIRECTOR, CONGRESSIONAL AND PUBLIC AFFAIRS
- MARY BALTIMORE
- NATHAN BRATTON
- JAMES COREY
- JAMES CUNNINGHAM
- DEBRA GLISPIE
- GRACE HERNANDEZ

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STAFF MEMBERS PRESENT (Continued):

MARY MATHEWS  
SYDNEY NOVELL  
ART PALACIOS  
THOMAS PILLA  
LAURA PURSEWELL

REGIONAL DIRECTORS:

JOHN BINKLEY, EASTERN REGIONAL DIRECTOR  
MELVIN JENKINS, CENTRAL REGIONAL DIRECTOR  
PHILIP MONTOYA, WESTERN REGIONAL DIRECTOR

INTERPRETERS FOR THE DEAF:

LOU RAINSEL and SHAWN M. CLARK  
Glad Agency  
616 S. Westmoreland  
Los Angeles, California 90005

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P R O C E E D I N G S

CHAIRMAN ALLEN: Good morning. I am pleased to call this meeting to order, this forum on "Changing Perspectives on Civil Rights," which is the first of three being held by the United States Commission on Civil Rights. I am, as a Californian, particularly delighted that we are opening here in Los Angeles, in my front yard, so to speak, and I am delighted that so many of you are here with us this morning, and we will be looking forward to very many others in the course of the sessions of the next two days.

Many people have wondered what this is about and, indeed, even who we are. So let me begin by introducing us, and I can complete the introductions now as our last member who joined the panel is here.

I should first like to introduce you to the Commissioners. I will say before beginning that that we do have services available for the hearing impaired. I don't know where the interpreter is at the moment -- oh, good -- so if there is anyone present who requires those services, we would very much appreciate your signaling your presence to us, so that the interpreter can make some judgment as to how vigorously to pursue his assignment this morning.

Thank you.

Now, to meet the Commissioners, beginning at my far left is Commissioner Francis Guess from the

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distinguished State of Tennessee.

(Applause.)

Seated next to Commissioner Guess is Commissioner Esther Buckley from Laredo, Texas.

(Applause.)

Next to Commissioner Buckley is Vice Chairman Murray Friedman from Philadelphia.

(Applause.)

And to my right, Commissioner Robert Destro from Washington, D.C.

(Applause.)

Next to Commissioner Destro, the newest member of the Commission from San Marino, in whose front yard also we are, Commissioner Sherwin T. S. Chan. Welcome aboard, Sherwin.

(Applause.)

And then at the far right, Acting Staff Director for the Commission, Susan Prado.

(Applause.)

I am Bill Allen.

I wanted to say respecting the program itself only two brief words. If you saw yesterday's Los Angeles Times, you would have perhaps noted, as I did, three stories of relevance to what we are about here.

One of the stories, the first to catch my

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1 attention, was the headline, "Minorities Now a Majority in  
2 State Schools." And in that story you have a lengthy  
3 discussion citing primarily the State Superintendent of  
4 Education, indicating that there are certain challenges that  
5 confront us as a result of this fact.

6 Following that, my eyes next lighted upon a story  
7 which has the headline, "Census Bureau Says More Latinos  
8 Finish Education." The story goes on to say that this fact  
9 is somewhat of a surprise to many people, but then it breaks  
10 the demographic categories down in such a way as to show  
11 that there is a reasonable and expected explanation for it.

12 The third story is a story which has the  
13 headline, "Black Official Settles Bias Claim for \$90,000."

14 Now, the reason these three headlines struck my  
15 attention and I call them to your attention now is because  
16 they say a lot about the purpose of these forums. We wish  
17 to know where civil rights is headed, and the newspaper  
18 headlines give us the indication that there are challenges  
19 and changes as well as some persistent phenomena.

20 And our purpose here, as it will be in Nashville  
21 and Washington, D.C. in subsequent regional forums, is to  
22 find out what the balance of the changing and the persistent  
23 is in dealing with the question of civil rights in the  
24 United States. You will hear much more about this from the  
25 subcommittee of the Commission, which has designed and



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1 organized these forums.

2 But before we do that I wish to invite the Deputy  
3 Mayor of the City of Los Angeles, the Honorable Grace Davis,  
4 who is with us this morning, to welcome us on behalf of His  
5 Honor, the Mayor of Los Angeles, Thomas Bradley.

6 Grace.

7 WELCOME - GRACE DAVIS, DEPUTY MAYOR,

8 LOS ANGELES, CALIFORNIA

9 MS. DAVIS: Thank you very much, Commissioner.

10 On behalf of Mayor Tom Bradley I'd like to  
11 welcome all of the Commissioners to Los Angeles and to thank  
12 you for having selected Los Angeles for this forum.

13 The presenters today that you will hear are going  
14 to provide the Commissioners with a balance of perspectives  
15 concerning the changing demographic trends and their  
16 implications on civil rights and equal opportunity issues.

17 Over 20 years ago civil rights legislation and  
18 Executive Orders struck down long-standing barriers to equal  
19 opportunities for minorities and women in such areas as  
20 employment, education, and the use of public accommodations.

21 We agree that the civil rights revolution over  
22 the past few decades has transformed race relations and  
23 assured greater opportunities for minorities and women,  
24 among others. However, we are cognizant of the fact that  
25 complaints of discrimination are increasing.

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1                   The panels will discuss future civil rights  
2 issues and how those issues might best be addressed, as well  
3 as continuing civil rights problems and our efforts to  
4 resolve them. Also to be discussed will be changes in  
5 demographics and what impact those changes will have on  
6 society, as well as proactive measures that have been taken  
7 to insure that the civil rights gains are protected.

8                   As this information is shared at this forum, it  
9 is our hope and expectation that we will all leave with a  
10 better understanding of what we are faced with now and in  
11 the future, and what the implications are with respect to  
12 civil rights issues.

13                   Again, I want to thank you and on behalf of the  
14 Mayor wish you success in your deliberations on both days  
15 that you will be here in Los Angeles. I hope you enjoy your  
16 stay, and if there is anything we can do to assist you,  
17 please call us and I will be back with you this afternoon.

18                   Muchisimas gracias.

19                   CHAIRMAN ALLEN: Thank you very much, Grace.  
20 It's a delight to be welcomed to Los Angeles so charmingly.

21                   I wish now to introduce to you again Commissioner  
22 Robert Destro, whose task it is this morning to tell you  
23 what the background is for these forums.

24                   FORUM BACKGROUND - COMMISSIONER ROBERT A. DESTRO

25                   COMMISSIONER DESTRO: Thank you, Mr. Chairman.

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1 It's a pleasure to be here, and we do thank the good people  
2 of Los Angeles for hosting this for us.

3 This project, the Regional Forums Project on  
4 Changing Perspectives on Civil Rights, began as an exchange  
5 of memoranda between various Commissioners on how the  
6 Commission should look to the future of civil rights. The  
7 memoranda were divergent. They took very different  
8 approaches to the topic of civil rights and split along what  
9 might be considered traditional liberal, conservative, and  
10 moderate routes. The differences were basically in two  
11 areas: the conceptualization of the problem itself and the  
12 basic approach to solving the problem once envisioned.

13 So what was decided was that we would put  
14 together a subcommittee that would try and take an approach  
15 to the problem that would take into account a wide range of  
16 perspectives on the issue of where civil rights is going in  
17 the future.

18 We kept in mind, as we designed this program and  
19 the programs which will follow on the relationships of  
20 economics and civil rights policies which is scheduled for  
21 Nashville in December, and a later forum which will be  
22 probably in the spring of next year in Washington, D.C.  
23 devoted to directions in civil rights policy, that the  
24 Commission historically has played a role as a bellwether of  
25 civil rights policy.

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If one goes back 31 years since its beginnings in 1957, the Commission has historically played the role of looking down the road to see what was needed as America changed. And throughout that period of time we have seen that basically there have been really two issues: vision, "Where are we going and where should we be?" and trust, "How do we get there with the minimum of mistrust and difficulty?"

That translates into trying to get people of divergent principle and good faith to work together in concerted efforts toward a better future for all of us.

So what we have done today is to try and put together a panel that will tell us: Where is the country going with respect to its demographics? How is the majority changing in this country? And what impact will that have on civil rights policy?

You will see, as the panelists come to speak with us this morning, that they range very greatly from government officials to civil rights organizations, to media officials, and as we put together the panels we invited quite a few people who for reasons of their schedule or for other reasons could not make it. We have a number of federal officials in the first panel, federal agency officials.

In the second panel we invited 16 scholars to

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1 make up a final panel of seven.

2 In the second panel this afternoon of civil  
3 rights groups, we invited 16 and wound up with a panel of  
4 eight.

5 And with respect to western regional mayors, due  
6 to schedule difficulties, we invited seven mayors from major  
7 cities around the Western Region and we have a panel of  
8 three.

9 Tomorrow we have a media panel, four people on  
10 the panel, but due to people's schedule difficulties, of the  
11 17 invited we only have four.

12 And of the voting rights and political  
13 participation panel that will be tomorrow, we invited 10 and  
14 wound up with a panel of six.

15 So as you can see, the Commission staff,  
16 especially the Western Regional Office staff, did a yeoman's  
17 job of trying to coordinate divergent schedules and did an  
18 excellent job of putting together papers, which will  
19 eventually be published, and our able reporters will put  
20 together a transcript which will eventually be published as  
21 well, which can then be submitted to Congress and the  
22 President pursuant to the Commission's statutory mandate to  
23 advise.

24 At this point we can't say what the Commission  
25 will recommend or if it will recommend anything other than a

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1 close reading of this transcript and of this record. But  
2 what we are undertaking today, to repeat, is to start the  
3 process of talking about how things are changing and how  
4 that should affect civil rights policy in the future.

5 With that, I will conclude and invite the first  
6 panel to join us, the federal agency officials: Dr. Kenneth  
7 Beirne, Mr. Sam Hirabayashi, Mr. William Butz, Vice Chairman  
8 Rosalie Silberman, and Howard Ezell of the INS. I am  
9 reading from my right basically to my left.

10 As we begin, let me just lay down what we'd like  
11 to do by way of ground rules. We'd like to have each  
12 speaker take about 15 minutes. If you want to go less,  
13 that's certainly fine with us. At about 9:35 we'd like to  
14 have some time for questions and answers. So it's about 15  
15 minutes a piece and then questions and answers.

16 So with no further ado, I'll turn to our first  
17 speaker, Dr. Kenneth Beirne, who is the Assistant Secretary  
18 for Policy Development and Research of the U.S. Department  
19 of Housing and Urban Development.

20 Before taking his current position, he was a  
21 consultant, free lance writer, and financial advisor since  
22 January 1987. He has written on homeless, urban policy, and  
23 housing issues, as an adjunct scholar for the Heritage  
24 Foundation, and in the New York Times. Prior to his private  
25 sector activity, Dr. Beirne was the General Deputy Assistant

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1 Secretary for Policy Development and Research at the U.S.  
2 Department of Housing and Urban Development from 1984 to  
3 1987, and Senior Advisor to the Deputy Under Secretary for  
4 Intergovernmental Relations from 1981 to 1984.

5 While at HUD, Dr. Beirne was involved in the  
6 development of major policy initiatives such as homeless  
7 policy, three National Urban Policy reports, resident  
8 management and home ownership of public housing, a series of  
9 demonstrations to improve the quality of life of public  
10 housing residents, housing vouchers, housing finance,  
11 improvement in the secondary market for mortgages, and  
12 economic development.

13 Dr. Beirne came to Washington from Kentucky in  
14 1981. He taught urban policy and problems, American  
15 government, and political philosophy and ethics at Marquette  
16 University, Northern Kentucky University, and in adjunct  
17 positions at the University of Cincinnati and California  
18 State College, Dominguez Hills. He received an A.B. degree  
19 from the University of Notre Dame in 1968 and a Ph.D. in  
20 Government from the Claremont Graduate School and University  
21 Center in 1973.

22 Dr. Beirne's background includes broad civic and  
23 governmental service at the local level in Kentucky and  
24 considerable activity in Republican politics and campaigns,  
25 including a stint as Executive Director of the Republican

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Party of Kentucky in 1980 through 1981.

We welcome you, Dr. Beirne, and look forward to your comments.

AMERICAN DEMOGRAPHIC TRENDS INTO THE 21ST CENTURY: A FEDERAL PERSPECTIVE: STATEMENTS OF: DR. KENNETH J. BEIRNE, ASSISTANT SECRETARY FOR POLICY DEVELOPMENT AND RESEARCH, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; MR. SAM HIRABAYASHI, REGIONAL COMMISSIONER (SAN FRANCISCO) BUREAU OF LABOR STATISTICS, U.S. DEPARTMENT OF LABOR; MR. WILLIAM P. BUTZ, ASSOCIATE DIRECTOR FOR DEMOGRAPHIC PROGRAMS, BUREAU OF THE CENSUS, U.S. DEPARTMENT OF COMMERCE; MR. HOWARD EZELL, REGIONAL COMMISSIONER (LOS ANGELES), IMMIGRATION AND NATURALIZATION SERVICE, U.S. DEPARTMENT OF JUSTICE; AND COMMISSIONER ROSALIE GAULL SILBERMAN, VICE CHAIRMAN, U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DR. BEIRNE: Thank you very much, Mr. Commissioner and Mr. Chairman and members of the Commission.

I am very pleased to be able to be here and testify for the Department of Housing and Urban Development today. I discovered when we received the original invitation that I don't know how your demographers are, but



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1 our demographers tend to be an extraordinary cautious lot,  
2 and the idea of projecting anything into the 21st century or  
3 so seemed to overpower them. So what you will find is that  
4 the written testimony that I submitted earlier tends to  
5 concentrate on two things. One is some of the current  
6 trends as far as information about demographics, especially  
7 the ones that are available to us through our usual  
8 information sources. Secondly, some discussion of some of  
9 the information-gathering problems.

10 One of the problems about talking about  
11 demographic trends into the next century or even over the  
12 next 15 or 20 years is that frequently enough we are not  
13 exactly clear what's going on now, so it can be pretty tough  
14 to try to figure out what's going to be going on 20 years  
15 from now. So I wanted to talk a little bit about that and  
16 what we're doing.

17 What I would like to do is submit the written  
18 testimony for the record and make a few comments based on  
19 that testimony, if that is all right with the Commission.

20 COMMISSIONER DESTRO: That is perfectly  
21 acceptable.

22 DR. BEIRNE: In the Housing Act of 1949, Congress  
23 established a goal of a decent home and a suitable living  
24 environment for every American family. And as part of that,  
25 and as part of HUD's interest and concern for bringing about

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1 that goal, we believe that the enforcement of fair housing  
2 policies, which are designed to eliminate barriers that deny  
3 access to decent housing for some Americans, is critical in  
4 reaching the goal of decent housing.

5           However, there are also other barriers to  
6 achieving decent housing, decent homes, for all Americans,  
7 including Americans in various minority categories,  
8 including physical adequacy or inadequacy of housing units,  
9 crowded living conditions, and housing affordability. These  
10 are problems which are faced by many Americans, especially  
11 lower-income households, many of which are minority  
12 households. These are addressed -- and we have attempted to  
13 address these at HUD -- through a series of policies and  
14 programs that should also be considered in assessing the  
15 implications for civil rights.

16           One of the concerns that we have, as you may have  
17 seen in some of the articles that have come out recently in  
18 relationship to demographics, is that there are some  
19 demographic characteristics of various parts of the  
20 population, such as blacks, Hispanics, and so on --  
21 characteristics such as the age of the population, the  
22 frequency of single-parent households headed predominantly  
23 by females, and so on -- which have to be taken into account  
24 when you're talking about disparities in housing conditions  
25 of different portions of the population. And one of the

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1 things that we are concerned about is to separate those out,  
2 but also to look toward general policies which serve the  
3 entire population that has a low-income problem in such a  
4 way that civil rights disparities can be overcome.

5           The demographic statistics that we use mostly are  
6 from the American Housing Survey, which we contract with the  
7 Census Bureau to perform. I don't know how familiar anyone  
8 may be with the American Housing Survey, but roughly  
9 speaking we survey 45 to 48 major metropolitan areas over a  
10 three-year cycle, and those results are then cumulatively  
11 available over time. They provide us with both the basis  
12 for determining rent levels for a number of the housing  
13 programs, but they also provide us with a longitudinal study  
14 of the housing stock and housing quality over many years,  
15 which enables us to keep some focus on the trends. It also  
16 provides us with information in the interim periods between  
17 the decennial censuses.

18           What is clear from the statistics is that the  
19 physical condition of the housing stock has consistently  
20 improved over the years, and there has also been a  
21 continuing decline in the number of households living in  
22 crowded units. Unfortunately, the success in dealing with  
23 such problems as the physical characteristics of housing and  
24 overcrowding has pointed out what is the predominant main  
25 problem that we have attempted to focus on in dealing with

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1 housing, and that is affordability. And this continues to  
2 be a significant problem. I probably don't have to say much  
3 about that in California. It might be a harder argument to  
4 make in Cincinnati, but in California it's not a  
5 particularly difficult argument.

6 The increase in the total incidence of selected  
7 housing-related problems between '75 and '83 was due mainly  
8 to the occupants of rental housing being burdened with  
9 housing costs in excess of 30 percent of their incomes.  
10 Now, we have noted that with the 1985 American Housing  
11 Survey information that is just becoming available now, the  
12 kind of blip up in housing cost burden that occurred through  
13 the 1983 American Housing Survey has turned its direction.

14 However, unlike some of the critics who have  
15 tended to project housing results based on the movement from  
16 1980 to 1983, we have a reluctance to project a new pattern  
17 based on the movement from 1983 to 1985, so we'd like to  
18 wait to see how these things work out. Roughly speaking,  
19 two years rarely makes a trend in anyone's situation. But  
20 we did note that there has been a change in the direction  
21 toward somewhat more affordability. I would point out, for  
22 example, that across the nation we note now about an 8  
23 percent vacancy rate in apartments renting for about \$250 a  
24 month, which indicates a significant supply of housing at  
25 that level.

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The changing demographics of households show increases in the number of lower-income households for various segments of the population. Between 1975 and '83 the total number of Hispanic-headed households increased 49 percent, with the number of very-low-income Hispanic households increasing by about 61 percent. The number of Hispanic very-low-income renters increased 75 percent.

There was also a 22 percent increase in the total number of black-headed households in the U.S. between '75 and '83, much of which occurred among households in the very-low-income category.

I would like to point out there is a grammatical error in the written testimony I submitted on page 2. Where it talks about the 22 percent increase in the total number of black-headed households in the United States between 1975 and '83, that should go on to say, "which was matched by the percentage increase among households in the very-low-income category." It's not the case that all of the increase in black households occurred in the very-low-income category, as you can tell from looking at the charts in the back. The shorthand got away with us in that one.

In any case, the number of black low-income renters did increase by 21 percent, which is roughly the same percentage as the increase in the number of black households.

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These housing conditions of lower-income renters and the disparities in the availability of housing for the very-low-income renters are of special concern to HUD, and our subsidy programs and our assistance programs are directed specifically toward this segment of the population. We have endeavored over the last six to seven years to get our housing assistance programs targeted to families with incomes at 50 percent of median or below for their areas, with the idea that the population below 50 percent of median, which suffers disproportionately from rent overburdening and other conditions of inadequacy, needs to be most directly aided, and that if you're going to have only a limited amount of resources you should devote it to those who are in fact most in need.

One of the main characteristics that we are concerned about as a result of these affordability problems is geographic mobility. The geographic mobility among the poor is impeded by difficulty in affording housing costs. The conditions that contribute to this problem in mobility pose a major challenge to federal, state, and local governments in creating opportunities for employment and social mobility and job training for especially the high-density concentrations of largely unskilled poor populations. Eighty-three percent of the minority households below the poverty level live in metropolitan

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1 areas, and 78 percent of those minority households live in  
2 central cities.

3 Now, one of our responses to this, and one that  
4 we would advocate looking at even more intensely to this  
5 challenge, is the Housing Voucher Program, which is related  
6 to the existing Section VIII Certificate Program.

7 The housing vouchers provide a straightforward  
8 and effective method of providing housing assistance which  
9 can also alleviate the impediments to mobility. Unlike  
10 other federally assisted or public housing programs, which  
11 in their own way have contributed to high-density poverty  
12 areas by concentrating housing available to the poor in  
13 specific areas, which may or may not be areas where there  
14 are jobs -- in fact, the tendency has been to no sooner  
15 locate the poor in an area using low-income housing projects  
16 than business seems to for some reason head in the opposite  
17 direction, and you end up with problems.

18 If you have high concentrations of minorities in  
19 central cities, and as we have noted both for technological  
20 and other reasons businesses are locating more and more in  
21 suburban areas, then you end up with problems of reverse  
22 commuting, which no one ever provides for, since we  
23 generally only provide for people to get from the suburbs  
24 into the city; we never provide for anybody to go in the  
25 opposite direction. You end up with problems of reverse

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1 commuting and simply an unavailability of many of the types  
2 of jobs that would characteristically have been available to  
3 the poor in central cities in earlier times.

4 So one of the concerns we have is that vouchers,  
5 which we have pressed and pressed to increase, as well as  
6 Section VIII certificates, increase the ability of low-  
7 income households to move throughout market areas, across  
8 jurisdictions of public housing authorities, and potentially  
9 to find jobs and educational opportunities in locations that  
10 would not otherwise be available to them.

11 Now, we recognize -- and I'll address this a  
12 little bit in terms of what we are looking to do -- that  
13 vouchers provide somewhat different problems for dealing  
14 with housing discrimination than public housing projects or  
15 even the old Section VIII construction projects have  
16 presented, but we might note that the efforts to integrate  
17 housing through the use of either public housing projects or  
18 Section VIII projects was not noticeably successful in the  
19 late '70s. Needless to say, it has now created an  
20 extraordinarily unfortunate situation in Yonkers, and our  
21 tendency is to believe that by providing the poor and the  
22 minority poor with market opportunities using vouchers, we  
23 may be able to alleviate some of the pressures that occur by  
24 concentrating on project-based efforts.

25 So the voucher holders have the opportunity to



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1 use their vouchers within any local housing agency  
2 jurisdiction, not just the one that they start from, and  
3 they can enhance their geographical, their social, and their  
4 economic mobility by using them.

5 We note also that the home ownership rates for  
6 black and Hispanic heads of households are considerably  
7 lower than the rates for the general population, and the  
8 data suggest that it is the lack of income that is the  
9 primary cause of this. The conditions that contribute to  
10 lower income of minorities are of concern to HUD but are not  
11 factors directly affected by housing policies, so at that  
12 point we are in a situation where we can see the problem as  
13 well as everybody else, but HUD does not specifically have  
14 programs geared to deal with many of the income problems.

15 What I'd like to do is point in closing to a few  
16 of the efforts we have undertaken to deal with some of these  
17 concerns. I have pointed to the use of vouchers as our way  
18 of increasing affordability and attempting to increase  
19 affordability especially for the lowest-income poor.

20 We have noted, however, that there has been a  
21 consistent pattern in the number of complaints of housing  
22 discrimination over the last decade. The number of new  
23 complaints has been consistently about 4,000 annually. Now,  
24 it doesn't take much imagination to realize that 4,000  
25 complaints of housing discrimination annually is kind of

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woefully short of what the likely incidence of discrimination is in the country.

Based on the 1979 Housing Market Practices Survey, we have estimated in the past that the incidences of discrimination probably range around 2 million a year, but we are not getting much in the way of discrimination complaints. We are taking a variety of measures to deal with that. During this Administration we have concentrated heavily on attempting to get state and local agencies both certified and active in pursuing housing discrimination and attempting to alleviate it.

The Secretary has pressed and we have now gotten passed a new Fair Housing Amendments Act, which among other things provides for much heavier penalties. One of the earlier problems was that there really wasn't much advantage to a family that was discriminated against in pursuing the procedural parts of a discrimination complaint for the very simple reason that, even if they won, the punishment rarely was worth visiting upon the miscreant, whoever it was. Under the new law, there are much stronger penalties, and there's a much easier ability to use the court system when necessary in order to establish those penalties.

One of the things that Secretary Pierce was most concerned about was primarily increasing this punishment as a deterrent to people engaging in discrimination.

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1 Obviously, you can't eliminate discrimination by filing a  
2 complaint against everyone who discriminates. There would  
3 be no way to do it. But you conceivably can have a strong  
4 deterrent effect if there is a strong punishment available  
5 against those who discriminate. And one of the hopes is  
6 that over the next period of 10 or 20 years, as we explore  
7 the uses of the Fair Housing Amendments, we will be able in  
8 fact to create a situation where discrimination is avoided  
9 not just because punishment is feared but hopefully people  
10 will learn also that it is a completely unsatisfactory human  
11 activity.

12 Finally, I would just point out, from the  
13 standpoint of gaining information, my office specifically  
14 this year has begun -- we should be contracting, in fact,  
15 this week to perform a Housing Discrimination Study which is  
16 a follow-up to the Housing Market Practices Survey which was  
17 done now over 10 years ago, and will concentrate on a  
18 national survey of incidents of housing discrimination and  
19 discrimination practices against blacks and Hispanics.

20 I might point out we have had a little concern  
21 raised about the fact that we are not doing possible  
22 discrimination against Asians and other smaller minority  
23 groups. One of the reasons is quite simply that the  
24 combination of our budgetary resources and statistical  
25 procedures makes it very difficult to get to very small

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1 groups. In fact, I note in my testimony the American  
2 Housing Survey, which is a very large sample, makes it  
3 difficult to deal with very small groups. But we are hoping  
4 that the Housing Discrimination Survey will give us solid  
5 information on the level of discrimination and on the  
6 characteristics of discrimination across the country which  
7 will be useful for informing future policy.

8 COMMISSIONER DESTRO: Thank you, Dr. Beirne.  
9 We'd certainly appreciate it, when you do let the contract,  
10 if you could give us whatever details you have on the nature  
11 of the contract.

12 Our next speaker is Mr. Sam Hirabayashi, who is  
13 the Regional Commissioner of the Labor Statistics of the  
14 United States Department of Labor.

15 He was appointed Regional Commissioner of the San  
16 Francisco Regional Office of the Bureau of Labor Statistics  
17 in October 1983. His previous work experience includes a  
18 position as State Labor Market Analyst for the State of  
19 Minnesota, and from 1961-1983 he served as an economist with  
20 the U.S. Department of Labor's Employment and Training  
21 Administration in Washington. His education includes a  
22 degree in business administration from the University of  
23 Minnesota.

24 Mr. Hirabayashi, we are very pleased to have you  
25 this morning and look forward to your testimony here.

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MR. HIRABAYASHI: Commissioner Destro, Mr.

Chairman, and members of the Commission. I am real happy to be here on behalf of the Bureau of Labor Statistics. The information I am going to provide here is already in the written statement you have before you. I will be using part of that, but if you're going to follow me you'll find out I'm going to skip because I'm going to depart from what I have in the written presentation.

The United States in the 20th century has been characterized by rapid technological change, an aging population, and immigration from all corners of the world. Now, accompanying these dramatic shifts have been major adjustments in the structure of our economy, unprecedented development in the role and contribution of women in particular, and the transformation in structure and pattern of family life.

Now, I'm going to go on into some of the statistics which will dwell to some extent on some of these changes that have occurred. In terms of looking ahead to the year 2000, we'll try to see what kinds of changes we will be expecting, what kinds of opportunities will be available, particularly for our grandchildren in terms of employment.

In terms of demographers and statisticians, we have no crystal ball. There may be others at the table here

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1 who may be able to do much better projections than we do,  
2 but based on the information we have, we do have some tools  
3 which will at least give us some idea in terms of what has  
4 happened in the past, what we see in the present, and based  
5 on that what we would anticipate for the future.

6 We use a large number of data sources on the  
7 labor force, in terms of the economy as well as by industry  
8 and occupation and employment. Now, using these systems,  
9 along with economic models, regression analyses,  
10 quantitative techniques, we are able to analyze past trends,  
11 review the present, and make some projections for future  
12 years.

13 As we move into the next century, we find that  
14 much has changed from the past. The labor force will reach  
15 139 million, an increase of nearly 21 million or 18 percent  
16 over the 1986-2000 period.

17 I find it a little difficult to say "year 2000."  
18 When I say "1990," it's no problem, but when I say "2000" it  
19 sounds like I'm missing something, so I always have to say  
20 "year 2000."

21 The younger and older workers will become a  
22 smaller part of the labor force. The share of workers and  
23 the new entrant group -- that is, years 16 through 24 --  
24 will decline, while workers in the prime years of working  
25 life, which includes a large baby boom generation -- and I

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1 see a good many represented here -- will increase. Even  
2 though the population 55 and over will increase, there will  
3 be a smaller share of the labor force because of declining  
4 labor force participation rates.

5 It is rather interesting because 55 and over are  
6 not working as long as they used to, and there could be a  
7 number of reasons. I suppose the possibility of better  
8 annuities or better retirement programs may be encouraging  
9 people to retire earlier. So therefore, although we do have  
10 a larger 55-and-over population, they are tending to retire  
11 or they are not participating in the labor force as in  
12 previous years. As a result, the median age of the labor  
13 force will rise to 38.9 years, which is about 3.6 years  
14 above the 1986 level.

15 Younger workers have dropped from roughly 20  
16 percent to 16 percent -- and you've heard of the shortage  
17 among the younger workers. And among the older workers,  
18 because of the earlier retirement, they will be decreasing  
19 from around 13 percent to 11 percent of all workers.

20 Now, despite the lower growth rate overall, the  
21 proportion of the labor force that is made up of minorities  
22 and females is expected to expand. Now, among the  
23 minorities, the black labor force is expected to grow by  
24 nearly 29 percent or 3.7 million workers. Among the  
25 Hispanic work force, we expect an increase of about 6

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1 million or more than 74 percent. And among the Asians and  
2 other racial groups, which include American Indians, Alaskan  
3 Natives, Asians, and Pacific Islanders, it is projected to  
4 grow by nearly 2.4 million or 70 percent.

5 Now, this group that I just mentioned here will  
6 make up 12 million, or approximately 58 percent of the  
7 future labor force growth, and including the growth of some  
8 7.7 million nonminority women, it will constitute 92 percent  
9 of the total labor force growth in the future.

10 Now, in terms of quality of work life, the  
11 following information is based on a 1980 study, and we found  
12 that the work life expectancy of blacks and others was  
13 nearly seven years shorter than for whites. That is to say  
14 that, among the blacks, the work life expectancy -- that is  
15 the number of years you expect them to work -- is roughly  
16 32.9 years versus 39.8 years for the white population.

17 Now, also, minority men spend an average of just  
18 50 percent of their lives in labor force activity, that is,  
19 involved in the labor force, whereas 56 percent were  
20 actively involved for whites.

21 Now, this difference is all the more striking  
22 because whites tend to live longer, allowing them greater  
23 potential for both a longer work life and post-retirement  
24 leisure. Far more blacks and others are also likely to die  
25 before retirement.



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1 Now, this is a figure that I had some trouble  
2 wrestling with, but the data we have show that 31.7 percent  
3 of the blacks die during their working lives versus 26.7  
4 percent for whites. And the question is: Why do you have a  
5 higher proportion die? And my guess, just looking at it --  
6 and I didn't do any real hard-nosed analysis of this  
7 information, but I would guess it has to do with maybe  
8 hazardous occupations, conceivably, maybe the adequacy of  
9 health benefits, availability of such benefits for them.  
10 But the facts show that 31 percent of them would die during  
11 their active work life versus 26.7 percent for whites.

12 Now, stated differently, although minority men  
13 could expect to spend fewer years in the labor force, there  
14 are additional periods of activity, that is, being out of  
15 the labor force, that more likely occurred during the prime  
16 working age. Now, in contrast to the men, this is rather  
17 interesting, because the women who die while actively in the  
18 labor force is only 10.4 percent. This is compared to 27.4  
19 percent for all men.

20 I looked at the population of 55 and over in  
21 terms of the year 2000 because this has to have some impact  
22 on it. Sure enough, for the population 55 and over, women  
23 will make up roughly 31.6 million, and men will be 25.2  
24 million, so you can see there will be some 6 million or more  
25 women 55 and over. And as you see the population of women,

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1 among the older group particularly, you see them more, and  
2 the reason for it is in the statistics as we have it for the  
3 demographers.

4           Therefore, the work force of the future is going  
5 to be more mature. Although still predominantly white, it  
6 will become much more multicultural, and even though men  
7 will still have a slight majority, women will account for  
8 nearly half of all workers.

9           I had a little comment in here. I can't see the  
10 group very well sitting and looking this way, but I would  
11 venture to guess that looking over the population that that  
12 represents the work force of the future. The age group  
13 would be roughly 38.9. I think you will all agree with me  
14 on that.

15           (Laughter.)

16           I'll include the people here at the table, too.

17           Like the labor force, employment will continue to  
18 grow, and although more slowly than in the recent past, we  
19 expect the increase to be by some 21 million. And if you  
20 followed me very carefully here, I said earlier I expected  
21 the labor force to grow by 21 million, and I'm saying  
22 employment will grow by 21 million, and for statisticians  
23 that would indicate that unemployment will be zero sum,  
24 something to that effect.

25           But anyway, the long-term shift from goods-

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1 producing to service-producing industries will continue.  
2 We've heard that many times, and we've been preaching that  
3 for quite some time now, that the service industry is the  
4 area that's growing. I won't get into the controversy as to  
5 whether they're good-paying jobs or not, but the facts are  
6 that the service industry is the growth area. As a matter  
7 of fact, nearly four out of five jobs will be in industries  
8 that provide services.

9 At the same time, employment will decline in some  
10 of the goods producing, commonly referred to as industries  
11 or manufacturing type jobs, except for the construction  
12 industry, and we expect an increase of about 18 percent  
13 through the year 2000. While manufacturing employment will  
14 drop by about 4 percent overall, not all manufacturing  
15 industries will decline. Increases are expected in  
16 electronic, computing equipment, medical instruments,  
17 supplies, miscellaneous plastic products, as well as  
18 commercial printing. Within the service sector, half the  
19 new jobs are expected in such service industries as business  
20 services, advertising, accounting, computer support, and  
21 health services.

22 Now, you notice that health services comes up  
23 quite often. Obviously, the population is aging. They do  
24 require additional health services, and that's one of the  
25 reasons -- it is driven really by the demographics, and data

CBT/cs 1 would indicate that that area would be a growth industry,  
2 particularly in the health area.

3 Employment in retail and wholesale trade will  
4 expand by 27 percent, with half the increase in retail  
5 trade, eating and drinking places. Now, why would eating  
6 and drinking places grow? My only guess would be that with  
7 so many more women in the work force, they are no more  
8 likely wanting to go home to cook than anybody else, and my  
9 guess would be that they would be stopping off to eat out  
10 rather than going home and cooking. But whether that's a  
11 fact or not, the eating and drinking places is another big  
12 growth industry.

13 And speaking of working women, you will notice  
14 that as a result of more women working, there is much more  
15 attention given to day care, child care. In terms of the  
16 working conditions, we have more flexible hours. We have  
17 alternate work schedules, as well as the new approaches or  
18 what we call a more liberal approach for taking leave,  
19 maternity leave in particular.

20 One of the things I want to drive home here is  
21 that employment in occupations that require the most  
22 education are expected to increase as a proportion of total  
23 employment. At the same time, employment in those  
24 industries which require less education would decline.

25 Now, how will these employment trends affect

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1 minority groups and women? Women account for roughly 44  
2 percent of the total employment in 1986, but they are more  
3 highly represented in the faster growing occupations, except  
4 for the areas of natural scientists and computer  
5 specialists. The proportion of women employed as engineers,  
6 architects, and surveyors is very low. However -- and this  
7 is, I guess, not too unexpected -- they are very highly  
8 represented in the fast-growing health industries,  
9 particularly in nursing. The technical service teaching --  
10 and you are going to see a mini baby boom coming up, and you  
11 will find that a number of the grade schools are now  
12 beginning to experience growth from the mini baby boom.

13 And among the administrative support occupations,  
14 which include clerical, roughly 80 percent of the workers in  
15 those areas are made up of women.

16 Both blacks and Hispanics account for a greater  
17 proportion of persons employed in occupations that are  
18 projected to decline, will grow more slowly than other  
19 fields. Now, these declining and slower-growing occupations  
20 are also those that generally require the least amount of  
21 schooling. For example, while blacks comprise 10 percent of  
22 all workers, they represent only 6 percent of the managerial  
23 and professional workers, but 17 percent of the helpers and  
24 laborers. Hispanics represent 7 percent, but they have 4  
25 percent in the managerial and professional type occupations,

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1 and 11 percent in the helpers and laborers.

2 A rather interesting statistic has to do with  
3 individuals who changed occupations between January '86 and  
4 '87. The reasons given by 12 percent of the white workers  
5 were that they being displaced from the previous job. That  
6 is to say that 12 percent of the white workers gave reasons  
7 that they were displaced from the previous job due to  
8 layoffs, plant closings, slack work, or seasonal factors.  
9 Now, in comparison, for black and Hispanic workers, the  
10 figure was almost 20 percent.

11 This is a rather critical figure because this may  
12 be viewed as a measure of job vulnerability. That is to say  
13 that in general the jobs that Hispanics and blacks occupy  
14 have a higher risk of being eliminated, and that was borne  
15 out by this figure of 12 percent for the white workers  
16 versus 20 for the blacks and Hispanics.

17 COMMISSIONER DESTRO: Excuse me, Mr. Hirabayashi,  
18 if you wouldn't mind wrapping up a bit, then we can save  
19 some time for questions, we would appreciate it.

20 MR. HIRABAYASHI: I also have copies available  
21 for others, but you'll find that this also holds true that  
22 among the people with higher education, unemployment is  
23 lower. People with lower education, unemployment is higher.  
24 And it carries on all the way through to the earnings, that  
25 among the people with higher education they earn more;

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1 people with lower education earn less.

2 In summary, the job opportunities for individuals  
3 or groups of workers are determined by the multitude of  
4 factors relating to job market and characteristics of  
5 workers. However, among the many factors, educational  
6 attainment is very important if minority workers are to take  
7 advantage of job opportunities associated with future job  
8 growth.

9 COMMISSIONER DESTRO: Thank you very much.

10 Our next speaker is Mr. William Butz who is the  
11 Associate Director for Demographic Programs at the United  
12 States Bureau of the Census.

13 Mr. Butz was appointed the Associate Director for  
14 Demographic Programs in January 1983. His responsibilities  
15 include the Current Population Survey, the Survey of Income  
16 and Program Participation, and national household surveys on  
17 health, crime, and other topics. Subject-matter aspects of  
18 the Decennial Census and the Census Bureau's international  
19 programs are also under his direction.

20 Prior to joining the Census Bureau, he had been  
21 with the Rand Corporation since 1970, serving as Senior  
22 Economist and Deputy Director of Labor and Population  
23 Studies. His numerous publications and articles include  
24 "Demographic Challenges in America's Future" and "Baby Boom  
25 and Bust: A New View."

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1 He has served as a consultant to the United  
2 States Agency for International Development, the Population  
3 Council, the National Institute of Child Health and Human  
4 Development, the Batelle Memorial Institute, the World Bank,  
5 the Pan American Health Organization, International  
6 Development Research Center, and other organizations.

7 We welcome you, Mr. Butz, and look forward to  
8 your testimony.

9 MR. BUTZ: Thank you, Commissioner Destro.

10 Mr. Chairman, Commissioners, it's a real honor  
11 for the Census Bureau to be represented here today, and a  
12 particular pleasure for me to come back to Los Angeles and  
13 to meet with you here.

14 The Census Bureau is charged with telling the  
15 American people about ourselves. We do this in a wide  
16 variety of areas from fertility and child support to crime  
17 and housing, from income and poverty to family structure and  
18 single-parent families, and in a wide variety of areas. I  
19 know that you have used statistics from the Census Bureau  
20 before, and it's a pleasure to be with you today to try to  
21 shed light on some particular aspects that are of interest  
22 to you currently.

23 Someone has said that trying to use information  
24 from the Census Bureau is like trying to get a drink of  
25 water from a fire hydrant, and I'm afraid I'm not going to



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1 reduce the size of the hydrant too much this morning because  
2 I have a number of slides to show you, but I'm going to move  
3 through them very briskly. For each one I'm going to give  
4 you the major point on the slide, and at the end I will  
5 summarize.

6 If we could get these lights down now, we will  
7 proceed.

8 I'm going to concentrate on information on the  
9 black and Hispanic populations to try to get this down to a  
10 drink of water rather than a fire hydrant. I'll have  
11 something to say about Asian and Pacific Islander, and  
12 Indian, Eskimo, and Aleut populations as well. As you know,  
13 the Census Bureau has a great deal of information on those  
14 populations, as well as ancestry information on several  
15 hundred other groups, Eastern European and other groups as  
16 well.

17 The information that I will present will be from  
18 the 1980 census and earlier census, from the Current  
19 Population Survey, from the Survey of Income and Program  
20 Participation, and from projections done by the Census  
21 Bureau.

22 (Slide.)

23 Here we see from the 1980 census the size of the  
24 populations of black; American Indian, Eskimo, and Aleut;  
25 Asian and Pacific Islander; and Hispanic origin populations.

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1                   During the '70s, each of these groups grew faster  
2 than the total population. However, it's interesting to  
3 note that the rate of growth of the black population,  
4 although faster than the rate of growth of the whole  
5 population, was slower than that rate of growth in the '60s  
6 and in the '50s. And indeed, during the 1980s, the rate of  
7 growth of the black population in the U.S. has continued to  
8 slow down, although it's still higher than the rate of  
9 growth of the population as a whole.

10                   For the other groups shown there, there were  
11 tremendous growth rates during the '80s and during the '70s,  
12 due partially to natural increase, which is the excess of  
13 births over deaths, but also due in some cases, particularly  
14 Asian and Pacific Islanders, to immigration.

15                   (Slide.)

16                   Documented immigration -- this does not include  
17 undocumented immigration into the U.S. -- by area of origin.  
18 Here we see the changing composition of this immigration,  
19 from 1951 to '60 at the top, to the decade of the 1970s at  
20 the bottom. And what we can observe is that the proportion  
21 of immigration that came from Mexico and Latin America and  
22 the proportion that came from Asia has been increasing  
23 rapidly over time, while the proportion of "Other," which is  
24 principally Europe, has been decreasing as a proportion and  
25 in absolute numbers over time.

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(Slide.)

Looking at the percent of the population 65 years and over, here we see it by racial and ethnic groups. Note as we talk about the Hispanic population there at the bottom as we go on, Hispanic persons as defined in the census and Census Bureau can be of any race -- white, black, or any other race.

Basically during the next 20 years the rate of growth of the population 65 and over is not going to be as high as it was in the previous 20 years, which flies in the face of what many people think. We've had a very high rate of growth of that population. However, beginning about 20 years from now, and then for the next 20 or 30 years, the rate of growth of the population 65 years and over will be high indeed. And particularly if one looks at it as a proportion of the total population or as a ratio to the working population from about 20-20 to 20-40, that ratio is going to increase very rapidly -- much more rapidly than ever before in our history.

(Slide.)

Let's now look at the black population. Here is the rate of growth of the black population from 1980 to 1987, and our projections from 1987 to the year 2000. Echoing what my colleague on the left said, except in a little different form, someone said the only people who try

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1 to say something about the future are either fools or  
2 economists. I'm an economist, but I still am not going to  
3 say too much about the future. I'm also from the Census  
4 Bureau.

5 Here we see projected increases continuing, and  
6 in fact this will be the case for all of the minority  
7 populations I talked about between this year and the year  
8 2000. All of them are projected to grow at a faster rate  
9 than the non-Hispanic white population.

10 (Slide.)

11 Now I'm going to be talking about some black-  
12 white comparisons, and about some comparisons of different  
13 subgroups in the black population. Let's begin with  
14 education. I'm going to talk particularly about education,  
15 family structure -- single-parent families -- and attachment  
16 to the work force or employment, and I'm going to argue that  
17 those three characteristics of people go a long way toward  
18 explaining some things that are of interest, particularly  
19 differences in income and in poverty rates between different  
20 ethnic groups. So first for the blacks and then for the  
21 Hispanics I'm going to be looking at educational attainment,  
22 at labor force attachment, and at family structure.

23 Here for blacks we see increases between 1980 and  
24 1987 in the percent of high school graduates -- primarily in  
25 the percent of high school graduates, no change; no

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1 significant change in the percent of college graduates. You  
2 can see on the right that the proportions for whites have  
3 stayed basically the same. This continues a trend that took  
4 place in the '70s in which the black population was gaining  
5 significantly on the total and on the white population in  
6 terms of educational attainment.

7 (Slide.)

8 Now let's look at one indicator of family  
9 structure, which is families maintained by women. The blue  
10 charts at the top are blacks; the green charts at the bottom  
11 are whites. We see, first of all, that in each year,  
12 basically since 1974 when we began measuring it, the  
13 proportion of families maintained by women in the black  
14 population has been significantly higher than that for  
15 whites.

16 We also see that between 1980 and 1987 these  
17 proportions increased for both the black and the white  
18 population until now about 42 percent of black families are  
19 maintained by women, no husband present.

20 (Slide.)

21 Now, labor force, attachment to jobs. The green  
22 are white; the blue lines are again black. We see what the  
23 Commissioner was pointing out earlier, that labor force  
24 participation rates of blacks had been declining secularly  
25 over time. Labor force participation rates of whites have

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1 been increasing. Something that may not be generally known  
2 is that labor force participation rates of black women are  
3 higher than those of white women, have been over time, and  
4 are continuing to increase.

5 (Slide.)

6 Unemployment rates -- another measure of labor  
7 force attachment. We see over time that black unemployment  
8 rates are higher than white rates. They tend to move  
9 together over business cycles. They have both declined  
10 since the pit of the recession in '82-'83. Before that,  
11 since 1978, they had been increasing for both racial groups.

12 (Slide.)

13 Now, let's look at median family income, and I  
14 going to do it here again by several of those categories.  
15 First, let's look at it for black families by whether the  
16 family is a married couple family or a female householder  
17 family, no husband present. Note that whatever date we look  
18 at, the incomes are higher for married couple families.  
19 There are two principal reasons for this. One is that there  
20 are two potential earners, of course, in a married couple  
21 family. The other reason is that women in female  
22 householder families tend to have smaller earnings and less  
23 labor force attachment, less education. So for those two  
24 reasons we see those differences.

25 But now look at the changes between 1969 and

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1 1987. For married couple families, black median family  
2 income has increased significantly between '69 and '79 and  
3 significantly between '79 and '87. However, for female  
4 householder families, this has not occurred. In fact, there  
5 has been a decline. These, by the way, are adjusted for  
6 inflation. They do not include non-cash transfers, which  
7 are an important source of income, particularly at the lower  
8 part of the income scale, and they do not account for  
9 differential tax bite which would also affect the results.

10 So we saw earlier that black families are  
11 characterized by a higher proportion of female-headed  
12 families. We see here that those families in the black  
13 population as a whole tend to have lower earnings, and not  
14 to be progressing in terms of earnings.

15 (Slide.)

16 Now, in terms of labor force attachment, let's do  
17 a comparison of year-round full-time black workers, female  
18 and male. This now corrects for hours of work, weeks of  
19 work, attachment to the labor force. I'm just going to let  
20 you look at that and notice that females make less than  
21 males, but you all who are female are gaining on us. That's  
22 true whether you're black, white, or Hispanic.

23 (Slide.)

24 Average monthly income by education. Blacks, in  
25 blue, make less than whites at every level of education,

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1 except the highest one shown there, which is the master's  
2 degree, and there those numbers are not statistically  
3 significant.

4 In general, as one moves up the education ladder,  
5 the difference between black income and white income narrows  
6 at higher levels of education. Blacks tend to have lower  
7 levels of education, but they are gaining, and anyone at  
8 lower levels of education tends to make less than people at  
9 higher education levels. And we can see that here for these  
10 black-white differences.

11 (Slide.)

12 Now looking at median family income simply for  
13 all black families compared to all white families, we see  
14 whites higher than blacks. They tend to go together over  
15 business cycles. This is also true if you carry it back  
16 into previous cycles in the '70s, '60s, '50s, et cetera.  
17 And I guess that summarizes that. There has been general  
18 growth in family income again since the pit of the recession  
19 in 1982 in every year.

20 (Slide.)

21 Median net worth of households. Income is one  
22 measure of well-being. The value of assets or net worth is  
23 another. Assets, of course, are partially a result of  
24 income over past years. We saw that whites earn more than  
25 blacks. We see here that the ratio of wealth of whites and



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1 blacks is even more pronounced. That is, blacks are much  
2 worse off relative to whites in terms of wealth than they  
3 are in terms of earnings or income.

4 (Slide.)

5 And, finally, looking at the black measures, here  
6 is the poverty rate. Much of this is very new information,  
7 in fact coming out of a survey done just last March. These  
8 results were just announced last week, showing that in the  
9 last year the poverty rate of blacks increased by 2  
10 percentage points, while for whites it decreased by one-half  
11 of a percentage point. However, once again, since 1982,  
12 both black and white rates have decreased significantly.

13 Let me turn now to the Hispanic population.

14 (Slide.)

15 Here we see 1980, 1987, 1990, and 2000, growth  
16 reflected in the earlier period's projections of growth  
17 reflected in the latter periods. We project this growth to  
18 be higher than that of the non-Hispanic population, and to  
19 result both from a higher rate of natural increase, births  
20 minus deaths, and of course from a higher rate of  
21 immigration.

22 (Slide.)

23 That's what this slide shows. Let's skip over  
24 it.

25 (Slide.)

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1                   Hispanics by type of origin. In 1987, almost  
2 two-thirds of the Hispanics in the U.S. identified  
3 themselves as Mexican, and you can see the other proportions  
4 there. We'll see as we go in a few other slides very  
5 briefly that these groups differ radically from each other  
6 in terms of education, labor force attachment, income,  
7 poverty, and other measures of interest.

8                   (Slide.)

9                   Distribution of the Hispanic population. We sit  
10 here in California with 33 percent of the total U.S.  
11 population that identify themselves as Hispanic; Texas, 22  
12 percent. There are particular pockets around the country in  
13 which particular kinds of people of Hispanic origin have  
14 tended to settle, clearly Cubans in Florida, but perhaps  
15 less well-known, Dominicans in New York City and other kinds  
16 of patterns as well.

17                   (Slide.)

18                   Let's look at education now for the Hispanic  
19 population. Here we look at 1982 and 1987 comparisons, and  
20 we see that for most groups there was an improvement between  
21 1982 and 1987, not true for Central and South American.  
22 That isn't because people were losing education over time.  
23 It's because we had a large influx of people between '80 and  
24 '87 from Central and South America who had a lesser amount  
25 of education at the high school level than the Central and

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1 South Americans who were already here.

2 Mexicans and Puerto Ricans tend to have the  
3 smallest proportion of high school graduates. Cubans are a  
4 group, that we'll see are outliers in this as well as other  
5 measures, tend to have more education.

6 (Slide.)

7 Families maintained by women. Hispanic families  
8 have a higher proportion maintained by women than non-  
9 Hispanic families but not as high a proportion as black  
10 families. And we begin to see here some of the radical  
11 differences among some of the Hispanic groups. Compare, for  
12 example, the Puerto Ricans and the Cubans -- the Cubans with  
13 a low proportion of families maintained by women, Puerto  
14 Ricans with a high proportion.

15 (Slide.)

16 Unemployment rates. Hispanics higher than non-  
17 Hispanics, not as high as the black population, again  
18 declining since the recession in '82.

19 (Slide.)

20 Median family income, 1987. Lower for Hispanics  
21 than for non-Hispanics; not as low on average as black  
22 median family income. Again we see the differences there in  
23 the different country origin groups. Median earnings of  
24 year-round, full-time Hispanic workers, females and males,  
25 tells pretty much the story that we saw earlier with blacks.

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1 Females don't make as much as males, but they are gaining.

2 (Slide.)

3 And now, over time, '81, '82, and '87, Hispanics  
4 and non-Hispanics -- this is an interesting chart. For non-  
5 Hispanics we see growth between '81 and '82 on the one hand  
6 and '87 on the other; for Hispanics we see less percentage  
7 growth, less absolute growth. And if '81 is used as an  
8 index base, no growth in fact in real median family income.

9 And I remind you again, this does not include  
10 non-cash transfers, which are very significant, and it does  
11 not account for the differential effect of taxes on  
12 different groups.

13 (Slide.)

14 Poverty rates of persons, Hispanics and non-  
15 Hispanics. Hispanics have a higher proportion in poverty,  
16 and there you see the differences between '82, the bottom of  
17 the recession, and '87. The poverty rate has decreased for  
18 both groups.

19 And that's it.

20 If you'll give me another minute, I'll summarize.

21 Would you like me to do that?

22 COMMISSIONER DESTRO: Do that, please.

23 MR. BUTZ: In summary, blacks, Asians, and  
24 Pacific Islanders, American Indians, Eskimos, Aleuts, and  
25 Hispanic populations are experiencing rapid growth. Their

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1 growth will likely remain faster than the non-Hispanic white  
2 population in the next 20 years. Immigration plays a  
3 significant role in the growth of the Asian and Pacific  
4 Islander and Hispanic populations.

5           The elderly population is becoming an  
6 increasingly larger proportion of the total population.  
7 However, the elderly population is not nearly as great a  
8 proportion for the black, American Indian, Eskimo and Aleut,  
9 Asian and Pacific Islander, and Hispanic populations as it  
10 is for the white population, the white non-Hispanic.

11           The Hispanic population in the U.S. presents a  
12 varied socioeconomic portrait, with some groups faring  
13 better than others. Although there are significant  
14 differences in the characteristics of blacks and whites and  
15 of Hispanics and non-Hispanics, some differences are not  
16 great, and some differences have been closing significantly.

17           The same can be said about differences between  
18 men and women. There are significant differences but some  
19 of them have been closing.

20           An important part of the differences among these  
21 groups in income and poverty is due to differences in three  
22 characteristics: first, family type, characterized simply  
23 here by the proportion of female householder families;  
24 second, education level; and third, employment.

25           And to the extent that social and ethnic

CBT/cs 1 differences in these characteristics narrow over time, so  
2 will differences in income and poverty.

3 Differences in wealth between blacks and whites  
4 are considerably greater than differences in income.

5 And, finally, by the year 2000, blacks and  
6 Hispanics will probably each constitute a higher proportion  
7 of the U.S. population than they do now.

8 Thank you very much.

9 COMMISSIONER DESTRO: Thank you very much.

10 Our next speaker is Mr. Harold Ezell who is the  
11 Western Regional Commissioner of the Immigration and  
12 Naturalization Service. Mr. Ezell was appointed to this  
13 position in March 1983 at the Western Regional Headquarters  
14 in San Pedro, California. The region encompasses Arizona,  
15 California, Nevada, Hawaii, and Guam.

16 Prior to his appointment, Mr. Ezell was president  
17 and founder of the Ezell Group, a management  
18 consultant/capital formation firm for small businesses. He  
19 was a vice president and board member of Wienerschnitzel  
20 International from 1969 and 1980, which owned and operated  
21 400 franchise restaurants in 11 western states.

22 We welcome you and look forward to your  
23 testimony.

24 MR. EZELL: Thank you.

25 Mr. Chairman and members of the Commission, I'd

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1 like to talk just a little bit about the past and the  
2 present and the future immigration trends here in our  
3 country.

4           With the exception of the slave trade years,  
5 immigration to the United States until the 1960s was  
6 basically Caucasian, with mostly a Christian background. In  
7 the very early years, immigrants were overwhelmingly  
8 Caucasian with an Anglo-Saxon heritage. For example, the  
9 1790 census showed that more than 75 percent of the  
10 population was British origin. Germans accounted for 8  
11 percent, and smaller percentages had origins in The  
12 Netherlands, France, Sweden, and Spain.

13           Between 1820 and 1880, 10 million immigrants came  
14 to the United States, the majority coming from northern and  
15 western Europe. The Irish streamed into the country between  
16 1845 and 1847. British, French, Norwegians, and Swedes also  
17 entered in large numbers during this time.

18           . Between 1881 and 1920, 23.5 million aliens were  
19 admitted to permanent residency. Nearly 90 percent came  
20 from Europe.

21           Although from time to time differences arose  
22 among these groups due to nationalistic, religious, or  
23 cultural reasons, they have after several generations melted  
24 into the predominantly Caucasian and Christian society that  
25 exists in the United States today.

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1                   The Immigration and Nationality Act of 1965  
2                   literally opened America's door, for the first time, to all  
3                   the world. The legislation gave each country in the world a  
4                   20,000 annual quota, except for principalities and colonies  
5                   which have an annual 600 quota, and put a heavy emphasis on  
6                   family reunification as the major determining factor in  
7                   filling quotas. It set an annual 270,000 maximum on the  
8                   quota for immigration.

9                   The ensuing 20 years saw a most radical change in  
10                  the ethnic make-up of immigration to the United States.

11                  Asians, for example, immigrated by just a few  
12                  thousand in '65, but skyrocketed to almost half of the  
13                  immigrants admitted by 1985. An estimated 3 million Asians  
14                  have been admitted since 1965, including 250,000 last year.

15                  Latins from Central and South America also took  
16                  advantage of this in swelling numbers.

17                  The refugee and the asylee situation followed a  
18                  similar pattern during this time frame. From 1946 to 1950,  
19                  Europeans composed 99.4 percent of the refugees and the  
20                  asylees admitted. An almost complete reversal was seen in  
21                  1981 to 1986, with 75.2 percent of the refugees and the  
22                  asylees coming from Asia.

23                  One striking example is the aftermath of the  
24                  Vietnam War, which resulted in some 700,000 new refugees  
25                  coming to the United States.



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A current breakdown of immigration to the United States shows that 42.8 percent come from Asia. Mexico, the Caribbean, and Canada account for 36 percent. Europe was an all-time low with 10.2 percent, and South America 7 percent, and Africa 3 percent.

Current data also show that females account for 51.1 percent of the immigrants, and some 57.1 percent of those are under 30. Only 12.5 percent are 50 and over. Current data also show that Mexico continues to be the largest single sending country, with 72,351 immigrants in 1987, a sizable 8.7 percent increase over 1986.

In the years since the '65 Act was adopted, Mexico has consistently been the principal sending country, with the Philippines, Korea, Cuba, and Vietnam among the top five.

One of the chief assets of the quota system in 1965 was that about 25 percent of the annual immigrant visas for people with occupations, skills, or talents that were in short supply in the United States were targeted -- 25 percent of the total. As a result of this quota system, the United States has received thousands of highly skilled and professional people from Asian countries.

It is ironic, as we look back, that the opponents of the 1965 legislation declared that the new law would close the immigration door to the Orient and boost the

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1 number of immigrants coming from traditional European  
2 nations. And what the lawmakers apparently didn't realize  
3 is that family reunification went directly to the heart of  
4 the Asian value system, that Europeans were a generation or  
5 two away from immediate relatives, and they really did not  
6 have that many people to bring over during this period of  
7 time.

8 On a wider note, immigration to the United States  
9 is at almost record levels. Experts say that we will  
10 continue to grow under the existing law and policies. This  
11 is a time, too, when the United States does not necessarily  
12 need immigration to augment its population as it did in the  
13 formative years. In fact, the specter of overpopulation is  
14 one of the main dangers we are already experiencing,  
15 particularly in urban societies.

16 Legal immigration to the United States reaches  
17 601,000 in 1987 -- legal immigration -- the second highest  
18 annual flow since 1924. This figure brings to 581,000 the  
19 average annual legal immigration in the 1980s, a 30 percent  
20 increase over the previous decade.

21 Analysts say if this current rate continues,  
22 legal immigration for the decade of the '80s will approach 6  
23 million people, the highest since the nation's immigration  
24 peaked at 8.8 million in the 1901-1910 decade.

25 It is also an important factor that the

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1 Immigration Reform and Control Act of 1986 will bring about  
2 the legalization of 2.5 million people under its amnesty and  
3 special agricultural worker provisions. This will boost the  
4 total immigration for the 1980s to 8 million people, near  
5 the record of the 1901-1910 decade previously cited.

6 One of the disturbing facts about these groups of  
7 immigrants is that only 10 percent are classified as skilled  
8 workers. Due to the illegal status and shadow-world  
9 existence of these immigrants, many of them have not been  
10 able to improve their skills and education level. America  
11 has a mammoth job ahead to bring these into the mainstream  
12 of our productive society.

13 Mexico again is the leading country of origin  
14 among these immigrants with approximately 80 percent of the  
15 total. El Salvador, Guatemala, Colombia, the Philippines,  
16 Haiti, Nicaragua, Poland, Dominican Republic, and Iran  
17 comprise the top nine behind Mexico.

18 As to gender, 55 percent are male; 45 percent are  
19 married. Ages range from under 15 to over 65, with the  
20 median being between 25 and 34.

21 The Immigration and Naturalization Service is now  
22 gearing up for a massive educational program to provide  
23 these former illegal aliens with their next step towards  
24 eventual United States citizenship. This is known as Phase  
25 II. These temporary residents must now make the transition

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status to lawful permanent resident.

In cooperation with state and educational groups, and various ethnic groups, the INS is organizing educational opportunity to teach temporary residents basic English and American history and government, a requirement to gain permanent residency and eventually citizenship status.

During the 1980s we faced an invasion of illegal aliens, particularly at our southern border, unprecedented in size and scope. The border, for all practical purposes, has been out of control. Border Patrol illegal alien apprehensions along the southern border set three year records of 1 million plus each, between 1984 and 1986. During this time frame, it was estimated that between 6 to 12 million illegal aliens were in this country, with most of them being in California.

While most of these border jumpers were from Central and South America, the Border Patrol did arrest more than 90 different nationalities at our southern border in 1987, and this trend continues. This massive illegal migration was caused principally by the hard economic downturn in recent years in Mexico and other Latin countries.

It is true, too, that most of these illegal entrants are illiterate. They possess few job skills, and because of their illegal status have had nobody to turn to

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1 for assistance. Unscrupulous employers work them long hours  
2 at substandard pay. They literally live in holes in the  
3 country or in some other unsanitary hovels in many southern  
4 California communities.

5 A few years ago slums were unheard of in affluent  
6 Orange County and San Diego County. Today crime-breeding  
7 slums now exist in even the smallest communities in these  
8 two counties.

9 However, the situation is beginning to change for  
10 the good, particularly since the passage of the Reform Act  
11 of 1986, which for the first time makes it unlawful for  
12 anyone to knowingly hire illegal aliens, what we refer to as  
13 employer sanctions.

14 Some of the positive signs that we have seen are:  
15 Border apprehensions are down. Many illegal aliens, unable  
16 to get loans, have left this country. Our enforcement  
17 ability will be greatly enhanced by the addition in coming  
18 months of some 1100 new Border Patrol agents and several  
19 hundred investigators. Add to this the fact that INS is  
20 aggressively enforcing employer sanctions, we should see a  
21 more positive change in the very near future.

22 Of possible interest to you is the fact that  
23 Congress wrote into the 1986 Act a strict antidiscrimination  
24 clause which prohibits discrimination in the hiring and  
25 firing of citizens or nationals of the United States and

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1 certain classes of aliens who have filed declarations of  
2 intention to become citizens. This section of the law is  
3 enforced by the Office of Special Counsel in the U.S.  
4 Department of Justice.

5 We are in the process, Mr. Chairman and members  
6 of the Commission, of distributing to hundreds and thousands  
7 of employers in my region this little notice (indicating  
8 document) that goes out, and it says what you should and you  
9 should not do in hiring people. Just because somebody  
10 happens to have blue eyes or brown eyes and may have an  
11 accent or they may not doesn't make any difference in the  
12 way you treat them, and we're trying to communicate this  
13 throughout our region, and really throughout the country.

14 In summary, Mr. Chairman, I have tried to give  
15 the Commission an overview of the historical immigration  
16 patterns that shaped our country and subsequent laws and  
17 policies that have radically changed the ethnic origin of  
18 our immigrants, all of which is important to your  
19 Commission.

20 Lawful immigration has been and still is the  
21 lifeblood of our unique society. Each successive wave of  
22 immigrants has brought new vigor, innovation and skills and  
23 culture to the mixed fabric that is our society. This  
24 rewarding trend continues today.

25 I have also presented to your staff a copy of our

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1 annual statistical report and other detail that I trust will  
2 help you in seeing the past, present, and future of  
3 immigration here in the United States.

4 Thank you.

5 COMMISSIONER DESTRO: Thank you very much.

6 Our next speaker is Vice Chairman Rosalie Gaull  
7 Silberman of the United States Equal Employment Opportunity  
8 Commission. Ms. Silberman was nominated by President Reagan  
9 initially in November of 1984 as a recess appointee to the  
10 Commission and was sworn in to a full five-year term in  
11 1985. She was designated as Vice Chairman of the Commission  
12 in 1986.

13 She was graduated from Smith College with a  
14 bachelor of arts degree in government, and began her career  
15 as a teacher in Hawaii and in Maryland. She has served as  
16 the Chairman of the Committee on Legislation and Co-Chairman  
17 of the Committee on Evaluation of the National Advisory  
18 Council on the Education of Disadvantaged Children.

19 She has served as a consultant to the National  
20 Republican Senatorial Committee and organized and directed  
21 the Tidewater Conferences. In 1978 she became the press  
22 secretary and Director of Communications for Senator Bob  
23 Packwood of Oregon. From 1980 through '82, she served as a  
24 consultant to Senator Packwood and was Director of Public  
25 Relations for the San Francisco Conservatory of Music. In

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1 1983, prior to her appointment to the Commission, she was  
2 named special Assistant to Commissioner Mimi Weyforth Dawson  
3 of the Federal Communications Commission.

4 We welcome you, Ms. Vice Chairman, and look  
5 forward to your testimony.

6 MS. SILBERMAN: Thank you, Mr. Commissioner, and  
7 fellow Commissioners, and Mr. Chairman. I am delighted to  
8 be here with all of you to spend some time talking about  
9 this very important topic. I think probably my placement at  
10 the end of the panel may be a fortuitous one. I will  
11 reiterate some of what my colleagues have said. I may even  
12 take issue with what some of them have said. And I think  
13 what I have to say will provide a good bridge for the next  
14 panel, which is "Public Policy Effects of Changing  
15 Demographics: An Overview."

16 As Vice Chairman of the EEOC, I will, of course,  
17 be focusing on the employment implications, but I also want  
18 to spend just a little time on the link between employment  
19 discrimination and education. This, after all, has  
20 historically been true, and it will be even more true in the  
21 future.

22 We have been talking about unprecedented numbers  
23 of women minorities, older workers, and immigrants in what  
24 has come to be known as Work Place 2000. I have been struck  
25 in looking at some of the literature at how many booklets,



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1 pamphlets, and studies have been named "Work Place 2000,"  
2 and we were one of the first at the EEOC to issue one in  
3 1985 when we focused on some of the challenges as well as  
4 what these changes will mean. That study predicted the  
5 dramatic changes which would challenge our nation and the  
6 EEOC's ability to make good on the Constitution's promise  
7 that all Americans have the opportunities to secure this  
8 nation's economic blessings.

9 I think it is well that we all remember, when we  
10 think about these changes and discuss their implications for  
11 civil rights, that the diversity which we enjoy today and  
12 look forward to in the year 2000 is this nation's greatest  
13 resource. It is this nation's real wealth.

14 That diversity is in no small measure a result of  
15 the progress we have made in the last 24 years since the  
16 Civil Rights Act of 1964. That landmark legislation ushered  
17 in a new era. Vice President George Bush has been talking  
18 about the politics of inclusion. The Civil Rights Act  
19 ushered in the era of inclusion and created the EEOC to  
20 ensure equal opportunity in the crucial area of employment.

21 Now, the progress that we're talking about that  
22 we are celebrating was not achieved overnight. And although  
23 that's what some expected and I suppose that is what others  
24 feared, the EEOC had a rocky start, but in the last eight  
25 years the Commission has come of age and the public knows

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1 that equal employment opportunity is the law, and that the  
2 EEOC is in business and means business. We have improved  
3 our processes, raised our professional standard, and  
4 achieved some real credibility.

5 And we look with pride at today's diverse work  
6 force as evidence of our success as an agency and, more  
7 importantly, our success as a nation. Men and women of all  
8 ages, all races, nationalities, and religions work side by  
9 side, and that includes those with handicaps who, given the  
10 opportunity, are leading full lives, supporting themselves,  
11 and contributing to and sharing in this country's economic  
12 blessings.

13 Now, for sure, this being an election year,  
14 there's a lot of talk about how slow and how uneven the  
15 progress has been, and it has been slow and uneven, and we  
16 had a graphic representation of that this morning from two  
17 of our speakers. But I think that rather than spend our  
18 time and energy decrying and debating the pace of the past,  
19 we ought to focus on removing the obstacles that remain,  
20 identifying them and removing them. Because we are going to  
21 need this rich diverse work force to provide the fuel to  
22 propel our nation to greater productivity and greater  
23 competitiveness in the 21st century.

24 To harness this energy, certainly the most  
25 important challenge will be to strengthen America's

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1 educational system. It must spark that engine. It must  
2 prepare tomorrow's work force. This country can no longer  
3 afford to let the lack of basic skills immobilize the  
4 underclass and stall minorities and new entrants. And  
5 remember, demographic changes represent a tremendous  
6 opportunity for minority workers. Employers will be hungry  
7 for qualified people and more willing to offer jobs and  
8 training to those who have been traditionally victims of  
9 discrimination, but they have to have the basic skills to  
10 take advantage of those opportunities.

11 In enforcing Title VII, the EEOC has become  
12 keenly aware of the link between employment opportunity and  
13 equal educational opportunity. From generation to  
14 generation, denial of educational opportunity has blunted  
15 the remedial effect of our civil rights laws. We at the  
16 EEOC have recognized this and negotiated, I think, a couple  
17 of very innovative settlements that I want to tell you about  
18 because they strike at the root cause of the discrimination.

19 We have insisted and employers have increasingly  
20 come to see that more may be required than the opportunity  
21 to do a job, that skills, that training are needed to be  
22 able to do the job effectively to be able to keep the job  
23 and to be able to move up that economic ladder.

24 Let me tell you about the EEOC and General Motors  
25 and how they settled an employment lawsuit in 1983. GM set

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1 up a training program for employees and allocated a million  
2 dollars for local resource organizations to help GM workers  
3 and their families acquire just the basic skills they needed  
4 to take advantage of the training and educational  
5 opportunities that the settlement provided. They got back  
6 pay, big back pay, jobs for previously excluded women and  
7 minorities, and even endowment funds to pay for the college  
8 education of GM employees.

9 I don't know how many of you have seen the Hudson  
10 report, "Work Place 2000," but I was reading it on the plane  
11 coming out, and I will be alluding to it in this  
12 presentation again. One of the statistics that I found  
13 absolutely astonishing was that between now and the year  
14 2000, for the first time in history a majority of all new  
15 jobs available will require post-secondary education.

16 Well, that GM settlement today seems down right  
17 prescient. We were certainly instructed by it when we  
18 recently renegotiated a similar settlement with Ford. And  
19 Ford, I think very wisely, put as the showpiece of this  
20 settlement a \$2 million middle school map and science  
21 project for three schools in Detroit, Cleveland, and  
22 Chicago, all with high minority enrollments and located in  
23 areas where Ford has major facilities. Ford is putting  
24 money where it is going to be needed, and that is to train  
25 these workers that they are going to need.

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But remember -- and we all have to remember -- that both the Ford and GM settlements grew out of charges of old-fashioned discrimination. We recognized that back pay or an entry-level job would not make some victims whole if their future performance was doomed by inadequate education.

In carrying out our mandate, we enforced the law. We made good on a civil right. But something else happened in those settlements. We were able to convince two important employers that more was needed, and that it was in the company's interest and in society's interest to take the lead in filling that need.

In the four years I have been at this job, I have come to appreciate that, in fulfilling our congressional mandate in guaranteeing the rights of American workers to be free from employment discrimination, we can often appropriately achieve enlightened social policy and fill important social needs. That is what happened in GM and Ford. But we have to remember that Congress makes the policy choice, and when Congress has not provided a legislative mandate, such EEOC action is not appropriate. We need to resist the temptation to use our enforcement authority in a way that Congress never intended.

When women entered the work force in unprecedented numbers in the post-1964 area of inclusion, that temptation was great. One of the first issues to arise

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1 was whether a woman's ability and, arguably, likelihood to  
2 become pregnant could legitimately be considered by her  
3 employer. Did such consideration constitute a barrier to  
4 equal employment opportunity covered by Title VII?

5 Congress answered, "Yes," and amended Title VII  
6 with the Pregnancy Discrimination Act. And the EEOC has  
7 vigorously enforced this civil rights legislation which was  
8 made necessary by demographic changes and which solved a  
9 social policy dilemma. I don't know if it solved it; it  
10 helped to solve it.

11 More women entered the work force, and more women  
12 endured sexual harassment. Congress told the EEOC to do  
13 something, and we did. We wrote guidelines concerning  
14 sexual harassment, said it was an employment barrier, and  
15 forced the congressional mandate that sexual harassment was  
16 reachable through Title VII, Civil Rights Act. And in 1986  
17 the EEOC's position on the first sexual harassment case to  
18 reach the Supreme Court was adopted by the Court  
19 unanimously, validating many years of diligent civil rights  
20 enforcement on behalf of women.

21 More women entered the work force and found  
22 themselves channeled into sex-segregated jobs, into  
23 traditional women's work which they believed was unfairly  
24 underpaid. Sex-segregated jobs was clearly a denial of  
25 equal employment opportunity under Title VII, and the EEOC

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1 vigorously prosecuted their charges.

2           The fairness or unfairness of salaries paid to  
3 holders of traditional female jobs was something quite  
4 different. The legal theory, as you well know, started out  
5 being called comparable worth. Today it's referred to as  
6 pay equity. You may well remember that somebody once called  
7 it loony tunes. But the courts have been unwilling to  
8 embrace the theory and say that this disparity is covered by  
9 Title VII, and the EEOC has, of course, followed these  
10 decisions and left the matter to the Congress where it now  
11 is and is being debated -- slowly.

12           What are the social policy issues of women at  
13 work today? Well, for starters we're looking at child care,  
14 we're looking at parental leave, and I am delighted that  
15 they are being debated in the election campaign and in  
16 Congress. I think it's great that both candidates are  
17 talking, thinking, and proposing solutions for these two  
18 pressing social needs. They are undoubtedly being driven  
19 and will continue to be driven by changing demographics.  
20 They are issues for the Congress to confront, and we like  
21 the rest of the nation are watching carefully.

22           The graying of the American work force is another  
23 demographic fact of life, certainly in the year 2000 raising  
24 significant social policy dilemmas and law enforcement  
25 issues.

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We enforce the ADEA, which Congress passed, and the Congress has revisited these issues several times. Each subsequent amendment has had important law enforcement implications and social policy implications. And some of those are things that we are all going to be wanting to think about.

For example, when Congress lifted the cap on mandatory retirement, questions were raised about pension plans: Should employers have to contribute beyond age 65? Should workers who were staying on the job longer be retrained? They were going to need to be retrained, but should those slots be taken from younger workers? Would opportunities continue to open up if they stayed on forever?

These really are questions of equity, but they have been posed to us at the EEOC mostly by a very powerful age lobby as questions of civil rights.

Now, we have been asked to stretch the discrimination laws to cover these questions of equity. I have to ask you, as we have asked ourselves, whether it makes sense for these broad philosophical issues to be addressed by an agency that must enforce the laws as Congress wrote them, as Congress intended. And they are questions like: Should early retirement incentive programs be allowed? Is it good for society to tempt older persons to retire when they can afford to, given the fact that they



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1 are needed in the work force? Is the retirement good for  
2 older workers?

3 I really can go on and on. On the plane, as I  
4 said, I was reading the Hudson Institute report on "Work  
5 Force 2000." They asked crucial policy questions: How can  
6 we maintain the dynamism of an aging working force as the  
7 average age of workers climbs towards 40?

8 On September 4, the Washington Post had an  
9 article they ran entitled, "The Graying of the American Work  
10 Force: How can Productivity be Maintained?"

11 Let me tell you, if such questions were asked in  
12 the context of an employment discrimination case, they would  
13 be deemed per se employment discrimination. But we know  
14 that those questions must be asked, and you are the proper  
15 people to ask them. They should not be answered, certainly,  
16 in the guise of enforcing the laws against employment  
17 discrimination. They should be vigorously debated in the  
18 halls of Congress and resolved there. These are crucial  
19 social policy questions, and I take my hat off to you to be  
20 beginning to ask them in the appropriate forum.

21 I spoke earlier of the diverse work force as the  
22 fuel which will fire America's engine. A crucial additive  
23 to that fuel will be immigrants who represent the largest  
24 share of the increase in the population and the work force  
25 since the first world war. Congress recently addressed the

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law enforcement and social policy concern raised in the Immigration Reform and Control Act, IRCA.

Let me state at the outset that although I am aware of and concerned about the terrible problems of illegal immigration, I was skeptical of IRCA. I believed then, and I believe now, that America needs more immigration -- and I guess that is a difference of opinion between my colleague, Mr. Ezell, and I -- not less. However, we do agree that throughout our history, immigrants have filled jobs, not taken them away. And most importantly, immigrants have brought a special enthusiasm, a special dynamism, that enriches this country.

Frankly, one of my fears about IRCA was that in an effort to be in compliance with the law, employers would overreact and discriminate against the foreign-looking, the foreign-sounding. Some did, but they soon found out, both from the Immigration and Naturalization Service and from the EEOC, that that was a Title VII violation at the Justice Department, and the EEOC would prosecute. Title VII covers not only citizens but intending citizens and, as far as the EEOC and the courts are concerned, undocumented aliens as well. Our civil rights laws protect past, present, and future immigrations.

But what are the social policy implications? How can we meet the challenges which great numbers of immigrants

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1 pose? I certainly hope that IRCA will help to end the  
2 unconscionable exploitation of undocumented workers. There  
3 was an L.A. Times article yesterday on sweat shops in the  
4 restaurant and apparel industries, and it only points up to  
5 the importance of vigorous, aggressive law enforcement in  
6 this area. This is one of the special challenges of the  
7 demographic changes.

8 But actually, it brings me right back to our  
9 educational system. Our system has traditionally opened the  
10 door of economic opportunity for immigrants. It can do no  
11 less today, and it must do more tomorrow. Education is,  
12 after all, the most basic of civil rights.

13 That takes time, and in the meantime we are going  
14 to be diligent in our law enforcement efforts. We are going  
15 to root out discrimination that threatens the economic well-  
16 being of these new Americans. For example, we have been out  
17 there attacking "English only," no accent rules. We think  
18 that unless these rules are germane to the job, people  
19 should be free to speak to each other in whatever language  
20 they wish.

21 This forum is called "Changing Perspectives on  
22 Civil Rights." I'm not sure from the EEOC's perspective  
23 that there has really been much change. Since 1964 we have  
24 been charged with enforcing the civil rights laws  
25 guaranteeing equal employment opportunity. Those laws were

CBT/cs 1 passed to protect and promote this nation's diversity, and  
2 the EEOC must ensure that we continue to do just that. The  
3 changing demographics we have been discussing are not a  
4 difference in kind but rather perhaps of magnitude. They  
5 may in some way make our job easier. We as the EEOC will  
6 certainly be more visible, and we can only hope that the  
7 Congress will come through with the needed resources to  
8 allow us to do our job more effectively.

9 But I think the biggest challenge facing us is to  
10 resist the temptation to use our civil rights laws to  
11 accomplish what may or may not be laudable social purposes  
12 but which really do not fall under the mantle of civil  
13 rights as defined by Congress. The debate over social  
14 policy must continue, but there can be no debate over the  
15 necessity of vigorous enforcement of the laws against  
16 employment discrimination.

17 Thank you. I'm sorry I ran a little late.

18 COMMISSIONER DESTRO: That's okay. Thank you  
19 very much.

20 What we're going to do now is turn to questions  
21 from the Commissioners, and we'll take a break about 10:25  
22 to allow the reporter to stretch her fingers a bit.

23 I will turn first to Commissioner Guess and let  
24 him begin.

25 COMMISSIONER GUESS: I have no questions.

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COMMISSIONER DESTRO: Commissioner Buckley.

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COMMISSIONER BUCKLEY: It really is very

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difficult for me to know where to begin. I've got so many

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questions, and I unfortunately won't be able to have them

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all answered. I am impressed by the information you brought

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to us today, and we certainly hope there are a lot of people

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out there that will use this information, and we thank you

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for your diligence in getting this to us.

9

I'll try to take some of the questions that I

10

have, and if I can I'll start with the gentleman from HUD.

11

In your written testimony you state, "There has

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been no decline in the level of housing discrimination over

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the intervening years."

14

This is what you gave us in your paper. The

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results of testing in individual cities have shown this to

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you. Could you suggest what we could do additionally to

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correct this? You do talk about some of the testing

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programs later, but is there something we should be looking

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at to help control this? Our concern is the continued

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existence of discrimination. Can you talk to us about that?

21

DR. BEIRNE: As I mentioned, we are doing a study

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to try to update our understanding of the amount of

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discrimination that is occurring. However, as I pointed out

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in the written testimony, there are a number of hopeful

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signs, and I think it will turn out there are absolutely

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1 necessary measures that need to be taken, and that is that  
2 the state and local governments have become much more  
3 aggressive. We have attempted to encourage that through the  
4 Fair Housing Initiatives Program and other efforts to get  
5 state and local governments operating, to get them certified  
6 as equivalent agencies, so that they would be able to handle  
7 discrimination complaints on their own. And there has been  
8 a pretty fair amount of interest in the states and  
9 localities in seeking out status of substantially equivalent  
10 agencies.

11 What this really addresses -- depending on which  
12 minority population you're talking about, you frequently  
13 have entirely different local problems. For example, in  
14 much of the nation the Asian population is very small. On  
15 the other hand, in some some localities the Asian population  
16 is very large. As I point out, Asians and Hispanics have a  
17 very low level of filing discrimination complaints. Yet,  
18 this type of thing can only be overcome by pretty intense  
19 local efforts at getting to the local Hispanic population or  
20 the local Asian population, explaining to them what the  
21 situation is.

22 I think there is a better opportunity under the  
23 Fair Housing Amendments to get people inspired to do this a  
24 little bit more because there are more enforcement powers.  
25 But ultimately it is going to demand even much more state

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1 and local action, because we need a lot more in the way of  
2 enforcement agencies operating. And the states and  
3 localities are much better equipped to do that than in  
4 general the Federal Government is.

5 COMMISSIONER BUCKLEY: In some of the  
6 conversations that we have had in visiting with individuals  
7 throughout the country, one of the concerns that was brought  
8 to our attention -- and my question to you now is: Have you  
9 heard of this? -- is when you are doing the testing, and  
10 when you're doing testing that involves the vouchers and the  
11 people looking for housing using the vouchers, they have  
12 requested assistance from HUD in trying to expedite vouchers  
13 to the testers, and they have been having trouble in helping  
14 with that aspect of the testing.

15 What is HUD doing in testing in those situations?  
16 Have you heard this concern before?

17 DR. BEIRNE: I haven't heard of that, but that  
18 would normally go through the Assistant Secretary for Fair  
19 Housing and Equal Opportunity. I'd be happy to try to talk  
20 to them and find out what actions they are taking about  
21 that.

22 One of the main problems may be -- I'm not  
23 actually sure -- is that vouchers are in relatively short  
24 supply nationally. So the ability of local public housing  
25 agencies to make vouchers available for agencies which are

CBT/cs

1 attempting to do testing specifically geared to a testing of  
2 discrimination against people using vouchers -- those  
3 activities by PHAs may be hampered quite a bit. But I'd  
4 have to look into it before I could give you a fuller  
5 answer.

6 COMMISSIONER BUCKLEY: Thank you.

7 Ms. Silberman, in some of the meetings again, in  
8 some of the talking we have done about these forums, their  
9 question to us was: How does discrimination against  
10 undocumented aliens become a civil rights issue? What is  
11 your authority in dealing with this issue? You did say  
12 something about it in your testimony. Could you expand on  
13 it a little?

14 MS. SILBERMAN: The courts have ruled that Title  
15 VII covers even undocumented workers. For instance, the way  
16 it comes up with us is we will have a charge filed on the  
17 basis of national origin, and in going in and investigating  
18 this charge we will see that there is a real pattern of  
19 discrimination. But there are a lot of workers who are  
20 either afraid to talk to us or who don't happen to show up  
21 regularly when our investigators are there. And then we  
22 look and we realize that probably this is a situation in  
23 which we've got undocumented workers, and then we go in and  
24 vigorously enforce the law on their behalf.

25 I realize that does seem somewhat anomalous to



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1 some people in terms that we're trying to stem illegal  
2 immigration. However, we do have a very, very clear court  
3 precedent on this, and I think it is a good thing because  
4 what it's going to do is it is going to stop the  
5 exploitation of undocumented workers.

6 I wanted to just comment on your question to Dr.  
7 Beirne, and that is that it's interesting that the pattern  
8 of enforcement for the employment section of Title VII is  
9 very similar to what is happening in HUD, and that is that  
10 we did not get enforcement authority until years after the  
11 Civil Rights Act was passed. And the deterrent effect of  
12 having tough remedies -- and their remedies are really, I  
13 think, much stronger than what we have under Title VII -- is  
14 the single most important factor in stopping discrimination.  
15 There is no way that you're going to stop housing  
16 discrimination or employment discrimination with each and  
17 every individual case that you bring. It has to become not  
18 a free good but an expensive operation for people to  
19 continue, and that's a good way to get it stopped.

20 COMMISSIONER BUCKLEY: Thank you.

21 COMMISSIONER DESTRO: Commissioner Friedman.

22 VICE CHAIRMAN FRIEDMAN: I, too, am very much  
23 impressed with the diversity of views that have been  
24 presented to us today, and literally the torrent of  
25 information that I am struggling to digest of material and

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1 to integrate it.

2 I'll just ask one question for the moment, and I  
3 want to field it with Mr. Beirne. Again, it has to do with  
4 housing vouchers.

5 Many of us cut our teeth on certain aspects of  
6 the civil rights revolution -- like discrimination in  
7 housing, et cetera, and employment -- and recognize the  
8 existence of the continued traditional forms of  
9 discrimination. We sought through legislation to remedy  
10 these problems.

11 But in the case of housing vouchers, you are  
12 adding an interesting new dimension to the situation, and I  
13 wondered exactly what is the status of housing vouchers in  
14 the country today. Do we have enough of them available? Do  
15 we need to expand them?

16 It seems to me if we are looking at the issue of  
17 changing perspectives, this may be a really newer form of  
18 getting at many of the issues that were once seen as  
19 traditional discrimination but now can be seen in another  
20 context.

21 So what do we really need here in order to be  
22 effective with regard to housing vouchers? What is the  
23 supply of them available, et cetera?

24 DR. BEIRNE: At the current time there are about  
25 130,000 housing vouchers available, and we fully expect to

CBT/cs

1 have just about all of them out and rented up by the end of  
2 this fiscal year.

3 What has happened, however, is that the supply is  
4 not adequate. There are a couple of different standards by  
5 which the supply is not adequate, but it has failed to meet  
6 any of the standards so far.

7 What has happened is that in general the  
8 Administration has asked for as many as 100,000 in a year,  
9 that is, new vouchers, incremental vouchers. And the idea  
10 has been to put all of incremental housing assistance, with  
11 the exception of some assistance for the elderly and  
12 handicapped, into the voucher program. Congress has been  
13 very resistant to that and so has provided only between  
14 40,000 and 50,000 vouchers a year, and then has scattered  
15 housing assistance among a variety of other programs,  
16 including project-based programs, which tend to be much more  
17 expensive. For example, you can house between two and three  
18 times as many families with vouchers as you can with a new  
19 construction project.

20 And so what has happened is that the supply of  
21 vouchers has fallen short of what we believe would be  
22 necessary in order to handle the needs of very-low-income  
23 citizens over even a finite period of time. To some extent  
24 it's a question of how rapidly you want to handle that need.

25 It has been estimated, for example, that you

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1 would need about 200,000 incremental units of housing, of  
2 assisted housing, every year for between five and 10 years  
3 in order to handle what are called the worst-case needs,  
4 that is, the needs of people who are paying either more than  
5 50 percent of their income for rent or are paying over 30  
6 percent of their income for rent and are living in  
7 inadequate housing, if you wanted to do that over a  
8 relatively short period of time. If you wanted to do it  
9 over a longer period of time and count on turnovers in the  
10 programs, you would still probably need to have about  
11 100,000 or more per year of incremental units.

12 That has been the level which we have requested.  
13 What has happened has been considerably different, so that  
14 between even vouchers and Section VIII housing certificates  
15 we've only been getting about 70,000 to 80,000 units per  
16 year. So in that sense, the supply of vouchers and similar  
17 instruments has fallen short of what might be needed. And  
18 there has not been a real address to the question of how  
19 soon do you want to handle the worst-case needs of very-low-  
20 income people, and over what time period do you want to do  
21 that?

22 Implicit in what the response has been, I would  
23 say that the commitment is only for a very long period, and  
24 for the most part we are gradually increasing it. In fact,  
25 during this Administration we have increased the number of

CBT/cs

1 assisted families from 3.1 million to about 4.2 million in  
2 the HUD-assisted program. So we've increased it by about a  
3 third. But since the number of families gradually increases  
4 also, you still are only slowly making progress on the  
5 actual need over time.

6 VICE CHAIRMAN FRIEDMAN: Just a quick follow-up  
7 on this. Under the pattern of changing perspectives or new  
8 ways of doing business in this strange field of work, would  
9 you be urging us to make any recommendation in, let's say, a  
10 report that might emerge from these deliberations on this  
11 particular issue?

12 DR. BEIRNE: Well, we would recommend that  
13 everyone focus on vouchers as an instrument just because, if  
14 you're going to spend a limited amount of resources for  
15 housing assistance, this is the way to get the most people  
16 housed, and also to provide them with the types of mobility  
17 that they need in order to take advantage of educational and  
18 employment opportunities.

19 In most of the country -- and by "most" I mean  
20 the overwhelming preponderance of the country -- there is  
21 available housing which vouchers can effectively enable  
22 people to occupy. And that would be the direction I would  
23 suggest going, you know, to keep a consistent move in that  
24 direction.

25 COMMISSIONER DESTRO: Let me just ask a quick

CBT/cs 1 follow-up question to that. How much is a voucher worth?

2 DR. BEIRNE: Nationally it's between roughly  
3 \$3,200 and \$4,000 a year.

4 COMMISSIONER DESTRO: Thank you.

5 Chairman Allen.

6 CHAIRMAN ALLEN: Thank you.

7 I have far too many questions to have answered  
8 this morning, so what I'm going to do is make a series of  
9 observations which are really questions in my mind, with the  
10 hope that as they strike you you may in after-times take the  
11 liberty to jot me a line responding to these concerns that I  
12 have. And then I will ask one question finally in the way  
13 of something of a thought experiment, which all of you or  
14 any of you might respond to.

15 Your presentations have sparked a number of  
16 things. Let me just mention one of the least significant in  
17 one sense but most significant in another which came out of  
18 Mr. Butz' presentation. You had a chart reflecting  
19 educational attainments of 25-to-34-year-old persons,  
20 comparing blacks and whites, between 1980 and 1987. I was  
21 very curious about the change on the black side of that  
22 chart which moved from 75 to 82 percent totals, with percent  
23 of high school graduates. I didn't understand it, perhaps,  
24 but it would seem to show no change at all with those who  
25 had four more years of college.

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So it would seem to me a statistical anomaly, if you get this movement in the total population, increased years of schooling through high school, but you get no movement from 1980 through 1987 in years of college, and I wondered whether there had been any work to explain what can only be a statistical anomaly, and therefore must have an explanation apart from the numbers themselves.

We will want to know the answer to that question eventually because it touches upon a phenomenon, a matter of changing demographics, if you will, that is extremely sensitive today.

Now, that's the kind of thing that happens through much of your testimony. You've been talking about housing vouchers. I am very much concerned to know what the regulations are at HUD that deal with the issues of vouchers in rent-controlled communities, whether anyone has ever brought this subject up. I would like to know if anyone has ever anticipated the possibility of collusion between municipalities and federal bureaucrats that can force people to accept vouchers to pay rent-controlled rates in apartments, and therefore represent a way of expropriating people's property rather indirectly. That's just one question that would affect it, and I would like to know if it has at least been discussed, eventually if not otherwise.

More importantly than that in the housing area,

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1 we recently in the past couple of years got Congress to  
2 recognize the significance of tenant management and  
3 ownership in public housing -- and we've not talked about  
4 that this morning -- and I think we'd want to know before  
5 we're done whether HUD has actively undertaken to fulfill  
6 the intentions of that legislation, that design, and whether  
7 we are going to move finally in the direction of placing  
8 persons who presently occupy public housing in the position  
9 of owners and managers of their own fates as well as their  
10 own properties.

11           Among the other questions that have been raised  
12 by my colleagues, I share the concern with the Fair Housing  
13 Act Amendments and whether they answer the kinds of  
14 questions that have been regarded as outstanding up to this  
15 point, and I think you have spoken very well about that, but  
16 there may be other things we want to consider.

17           I would also be interested in remarking on a  
18 matter of usage that I've been concerned with for some time  
19 past. I know we speak about illegal aliens, and I know that  
20 that is the language of the law and no one is to be faulted  
21 for using it, but I must share with you that I've always had  
22 a reservation about that formulation. I prefer to call them  
23 illegal immigrants rather than illegal aliens. I don't know  
24 how it is possible to be illegally alien, nor whether the  
25 people are genuinely alien.



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But when we're talking about changing perspectives in civil rights, it is often important to remember to think about our language, how we phrase things, because our phrasing often disposes us to make use of persons and things in ways that we wouldn't necessarily be proud of. So if we choose our words with care, we may end up doing things that we all are far more proud of in the end.

I am very much struck with the observation from the Hudson report about the majority of new jobs by the year 2000 requiring more than secondary education, particularly in light of that chart from Mr. Butz that I mentioned earlier.

There are other such reflections that struck my mind as you spoke, and I mention these things mostly to say to you "Thank you." You have caused me to think and you have caused all of us to think, and I'm certain something will come of this thinking.

And I'd like to leave you with one thought experiment of your own, as I pose a question to you. Mostly you talked about how to predict the future in various ways. And the one question that stood out in my mind above all the others is: How much of the future that we predict is really our future?

What do I mean by that? I mean, when we speak of

CBT/cs 1 predicting the future, do we bother to explain the  
2 relationship between prediction and choice? Can we say how  
3 much of what we predict for the year 2000 is irreversibly  
4 fated because of choices we have already made? And how much  
5 can be otherwise if we make different choices even now?

6 That's the question that I think is most  
7 important for us. Are these predictions of what the work  
8 force will look like, what will be the character of our  
9 lives, technological intervention, the various activities we  
10 devote ourselves to -- how many of those things are yet to  
11 be affected by choices that may yet be made, and how much is  
12 genuinely prediction, the expression of irreversible  
13 choices, commitments already made?

14 Anyone of you might want to take that.

15 VICE CHAIRMAN FRIEDMAN: Would you ask him to  
16 repeat the question?

17 (Laughter.)

18 COMMISSIONER DESTRO: I think with that we will  
19 leave it as a thought question since nobody leaped forward  
20 to answer it.

21 I will now turn to Commissioner Chan.

22 COMMISSIONER CHAN: Since I am new in this area,  
23 first I must compliment the gentlemen and lady from the HUD  
24 area, the Department of Labor, the Department of INS, and  
25 the EEOC. And since I am new, I have an empty databank.

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(Laughter.)

But this databank has some feedback, so I'll ask specific questions, if you don't mind.

In the HUD area, I'd like to know if HUD has any realistic plan for the homeless.

DR. BEIRNE: We think we have a very realistic plan. There are a variety of elements involved in planning for the homeless. There is existing legislation on the books now with the McKinney Act. But I would like to point out that the McKinney Act, even with what might look like relatively sizable funding, pales in significance to the amount of activity that's going on in states and localities in dealing with homelessness.

One of the things that we have tried to impress as much as possible is that homelessness tends to be very different in different localities. In fact, in some localities large portions of the homeless population seem to be families. In other cities, even major cities, 80 to 90 percent of the homeless are unattached adults. And that kind of difference requires completely different types of responses.

In dealing with our planning, at the moment, first of all we've been working with the Interagency Council for the Homeless, which Secretary Pierce is the chair of, and which was established under the McKinney Act, which is

CBT/cs 1 responsible for coordinating homeless policy across the  
2 agencies.

3 Our present focus is really more to work with  
4 localities using the existing grant systems, and to move  
5 them in the direction of focusing on the transitional needs  
6 of the homeless.

7 In many cities across the country now we have  
8 reached the point where the available emergency beds, at  
9 least based on last winter's experience, appear to exceed  
10 the peak demand. And this has occurred even in cities such  
11 as New York, but it has also occurred in St. Louis, for  
12 example, and Denver.

13 What you have is a situation then, if the city  
14 reaches a point where it can identifiably meet its emergency  
15 shelter needs, what it needs to be looking at are  
16 transitional aids.

17 And in that case, the real focus needs to be on  
18 enabling the homeless to take advantage of existing  
19 programs, which are scattered across all the agencies. That  
20 is one of the reasons why the Interagency Council reflects  
21 all the agencies that are involved, including HHS and so on.  
22 But also because of the block granting of many of the  
23 programs across the agencies, it requires the localities to  
24 use either block-granted funds, private agencies,  
25 activities, and so on to provide that kind of transitional

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1 support.

2 So I think primarily our strategy at the moment  
3 has been using the McKinney Act monies to try to work with  
4 localities on making this transition now to enabling the  
5 homeless to both reenter the available programs and to make  
6 some kind of transition to the mainstream, if you want.

7 COMMISSIONER CHAN: Thank you.

8 Time is running short and I'll make it quick.

9 The second area is in Mr. Hirabayashi's area.  
10 You mentioned the women's work force, and the exceptions are  
11 natural scientists and computer specialists where their  
12 share is low. Do you know the approximate percentage of how  
13 low in that area?

14 MR. HIRABAYASHI: I don't have that information  
15 with me, but I will be happy to make it available for you.

16 COMMISSIONER CHAN: Thank you.

17 Also, what is the unemployment rate for the Asian  
18 graduates?

19 MR. HIRABAYASHI: Again, that information is  
20 available. I think it was touched on here earlier by other  
21 members of the panel, but the population itself is fairly  
22 small, and in terms of sample size the unemployment as such  
23 -- statistically we haven't had sufficient data to make that  
24 particular estimate. But the information is available  
25 through our 1980 census which is now, of course, some eight

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1 years old. And I guess there is some question about the  
2 1990 census, whether that information will be available.

3 COMMISSIONER CHAN: I'd appreciate it if you  
4 would give me some feedback in the near future.

5 MR. HIRABAYASHI: I think Mr. Butz would have  
6 that information.

7 MR. BUTZ: Well, I don't have all of it,  
8 Commissioner, but from the 1980 census the unemployment  
9 rate, actually for 1979, for all Asian and Pacific Islander  
10 groups together was 4.7 percent, which I believe was a  
11 little less than the overall rate in the population. That  
12 varied from a rate of 9.7 percent for Samoans, for example,  
13 down to 3 percent for Japanese. There's a lot of  
14 variability.

15 COMMISSIONER CHAN: That's the exact question I  
16 planned to ask you, the percentage of Asian graduates  
17 unemployed. That's a similar question.

18 MR. BUTZ: Yes. And as the Commissioner said  
19 here, the reason that that information is not available  
20 since then is that it requires a very large sample to  
21 produce information like that, and such a large sample  
22 becomes available generally only every 10 years in the  
23 decennial census.

24 COMMISSIONER CHAN: Thank you.

25 Your chart shows the black women family money

CBT/cs 1 income.

2 MR. BUTZ: Yes, sir.

3 COMMISSIONER CHAN: The bottom portion says,  
4 "Female Householder, No Husband Present." In 1969, I'm  
5 surprised that the average income is higher than the 1987.  
6 Can you explain why?

7 MR. BUTZ: Well, first, that is corrected for  
8 inflation. Nevertheless, that is a significant fact, that  
9 measured income between 1969 and 1987 for those families  
10 headed by women did not increase. Now, those two numbers  
11 are not statistically significantly different, so all we can  
12 really say is it didn't change. It simply didn't change.  
13 Why it didn't change, I don't know. I can point out,  
14 though, that the amount -- well, let me leave it at that. I  
15 really don't know why it didn't change.

16 COMMISSIONER CHAN: According to what you said,  
17 if this is because of inflation, on the upper chart the  
18 married couple in '69 was lower than 1987.

19 MR. BUTZ: No, it's not because of inflation at  
20 all. Clearly this experience is not the general experience.  
21 The general experience in the population, and for most  
22 population subgroups, is one of increasing median family  
23 income adjusted for inflation between those years. This is  
24 an unusual experience for this group, female householder  
25 families.

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COMMISSIONER CHAN: Thank you.

Mr. Ezell, I have a concern about immigrants.

I'm an immigrant, too.

MR. EZELL: All of us are.

COMMISSIONER CHAN: I am in the area of how to blend into the American way of life. Does the Immigration office have any plans that require a new immigrant to acquire a certain basic English proficiency or blending into the American way of life? Because mostly the immigrant has a sponsor, and the sponsor should be more or less responsible for the well-being of the immigrant, too. I'm not saying this is the responsibility of the INS. I'm talking about maybe there could be a requirement for the sponsor to assist the new immigrant to achieve a certain basic education in the American way of life. Then it will become much easier for him to work in the mainstream.

MR. EZELL: Well, there are really two problems, Commissioner. One is the area of legal immigration, which has a different not only demographic but a different educational, economic position, as opposed to those who are illegally here. As you come through the legal immigration system, not only do you have the medical check and all the other things, but you also have a goal. Most generally, those who come legally have a goal of becoming United States citizens. Once you take that examination, you have to show



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1 some kind of a proficiency to a degree of the language, as  
2 well as some understanding of our government, civics, and so  
3 forth.

4 Right now we are going through a major challenge  
5 in Phase II of amnesty, where we've got 2.5 million people  
6 who are going to have to go into some kind of educational  
7 program to get a survivor ability in English. It's very  
8 important, I think, the ability to communicate in that  
9 common language that's the glue that holds us all together.

10 And the other part of that program in Phase II is  
11 the civics and history and government understanding, which  
12 we are doing everything we can to pull it together.

13 But if you are here illegally and you didn't come  
14 through the Phase I of amnesty, there is very little we can  
15 do or anybody else can really do in the government to cause  
16 an assimilation into our fabric. And that is a disadvantage  
17 for those who are here illegally.

18 COMMISSIONER CHAN: So far INS does not have such  
19 a plan or such a requirement for the immigrant?

20 MR. EZELL: Well, we can't do much more than what  
21 Congress has told us to do, and it really comes down to the  
22 time when you become a citizen. That testing that you go  
23 through, the examination, is where you come to us and we say  
24 you either passed the understanding or you didn't.

25 COMMISSIONER CHAN: Thank you. One last

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question.

COMMISSIONER GUESS: Mr. Chairman, I changed my mind.

COMMISSIONER CHAN: Yes, Mr. Guess.

COMMISSIONER GUESS: Mr. Ezell, following up on that very briefly, the bottom line question: To what extent has immigration reform, regardless of everything we said here today, in your own opinion, stemmed the tide of illegal immigrants into the United States?

MR. EZELL: Well, the statistics are down as far as apprehensions on the southern border. I was looking at them a few minutes ago. We're down about 30 percent. And that sounds wonderful. But it still means we apprehended probably 2,000 people yesterday along the southern border.

COMMISSIONER GUESS: On a typical day, then, how many illegal immigrants do you suspect are coming across our borders?

MR. EZELL: Well, we apprehend 2000, and I can guarantee you that if we're 30 or 40 percent effective, we're doing a pretty good job. And of that percentage that we apprehend, I don't believe but maybe 10 percent finally say, "I'm not trying it again." Eventually they keep trying it. That's why employer sanctions are so important. It's illegal now to hire someone who is illegally here.

COMMISSIONER GUESS: Well, I can appreciate that

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1 employer sanction. In looking at the change in  
2 demographics, though, is the Immigration and Naturalization  
3 Service, in particular, and the United States Government in  
4 general capable of protecting the integrity of our borders?  
5 Are we going to be able to do it?

6 MR. EZELL: I believe that it's essential for the  
7 survival of this nation that we do regain control of those  
8 borders. I believe that employer sanctions will help. I  
9 believe that 95 percent of the employers in America are law-  
10 abiding people and they will obey the law.

11 The thing we have working against us until  
12 December 1st is that agriculture employers are exempt from  
13 employer sanctions. I don't know how they did it but they  
14 did it. And everybody else is under sanctions, but not  
15 agriculture. I believe beginning on December 1 you will see  
16 a major turn downward of apprehensions. It will take us  
17 another six to eight months before I think we can answer  
18 that with real integrity, that it is really starting to  
19 work.

20 COMMISSIONER GUESS: Mr. Chairman, may I ask an  
21 editorial question?

22 COMMISSIONER DESTRO: Yes, sir.

23 COMMISSIONER GUESS: You keep referring to the  
24 employer sanctions, and we've had this debate around this  
25 table for a number of years now. And I continue to ask:

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1 Why does it become necessary for the United States  
2 Government to put the burden of protecting the integrity of  
3 our borders on the American businessman? Why is the United  
4 States Government not capable of doing that themselves?

5 MR. EZELL: Well, I believe it's a basic  
6 philosophical and, not only that, a political decision. But  
7 you have two choices. You either take away the magnet, the  
8 draw, which is economic, or you put the military on the  
9 border, which none of us wants. The Immigration Service  
10 isn't promoting that idea.

11 We have not been serious about border control --  
12 not border closing but control -- where we have had less  
13 people on the border at any one given time than we've had  
14 guarding our monuments throughout the nation at any one  
15 given time. There is a priority imbalance. And I think  
16 this Administration has given a 50 percent increase in  
17 Border Patrol agents, which will help. They will be in  
18 place by May of this coming year. It takes a while to train  
19 them and get them on, and oftentimes you are given this  
20 wonderful political reelection year contribution of numbers  
21 of people without resources. That's what happened to us in  
22 1986. We got the money this past year to put these people  
23 in place. It wasn't easy.

24 COMMISSIONER CHAN: I have one last question.

25 COMMISSIONER GUESS: Mr. Chairman, I want the

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1 record to clearly reflect that I have exercised a good deal  
2 of restraint.

3 COMMISSIONER DESTRO: It is duly noted, Mr.  
4 Guess.

5 Mr. Chan, your last question.

6 COMMISSIONER CHAN: I have one short question.  
7 This is in Ms. Silberman's area.

8 Talking about priority, as Mr. Ezell has  
9 mentioned, what is the priority, the most needed improvement  
10 area in the EEO area for women? Is it child care or others?

11 MS. SILBERMAN: Are you talking about broad  
12 social policy in the broadest sense?

13 COMMISSIONER CHAN: In the broad sense. If  
14 somebody asked you to pick one subject, what is the most  
15 important one in that particular area?

16 MS. SILBERMAN: That is a very difficult  
17 question, and I really don't quite know how to answer it. I  
18 keep going back to education. I don't think that anything  
19 has as much effect, and it really brings me back to the  
20 Chairman's question about whether we have an effect in what  
21 we do. That is the nightmare question, as you well know, of  
22 any public servant.

23 And the truth of the matter is that there is a  
24 relationship between prediction and choice, and that  
25 mistakes that I or we make today will be projected into

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1 those figures that you hear tomorrow, just as the question  
2 that you asked, Mr. Chan: Why is it that the lowest rate of  
3 increase -- as a matter of fact, there is no change in the  
4 economic circumstance of black female-headed households over  
5 the last, I think it was 19 years. That did not happen by  
6 chance. It happened as a result of social policies that  
7 have not worked or that have worked to the detriment. And I  
8 think it is certainly incumbent on all of us to think about  
9 what we've done, what havoc we have wrought, what good we  
10 have done, and project that.

11 In terms of women, I have to get back to  
12 education. I think that child care certainly is a big  
13 problem, but it's a big problem for a targeted segment of  
14 the female population. The women that are in the most  
15 trouble are the women who are having babies, unmarried, and  
16 who do not have a WIF. If they had child care, there really  
17 isn't anything for them to go out and do because they don't  
18 have the training and the skill to do it.

19 COMMISSIONER CHAN: Thank you. You have answered  
20 the question.

21 COMMISSIONER DESTRO: I'm going to raise one  
22 question but not necessarily require an answer. I would  
23 appreciate it if you would get back, especially Mr.  
24 Hirabayashi, Mr. Butz, and Commissioner Silberman. One of  
25 the issues that we haven't really touched on is the degree

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1 to which the work force is changing and will result in  
2 greater opportunities for handicapped people, and that is  
3 not reflected in any of the census statistics, and I would  
4 be interested in knowing what impact that is going to have,  
5 especially given the need for additional workers and whether  
6 that will be significant.

7 With that, we will take a five-minute break and  
8 recommence at 10:50 with the next panel, which will be  
9 chaired by Commissioner Buckley.

10 (Whereupon, a short recess was taken.)

11 COMMISSIONER BUCKLEY: If we can go ahead and get  
12 started please, we do not need a full Commission sitting at  
13 this point. They can still hear us from the back.

14 This second panel is the "Public Policy Effects  
15 of Changing Demographics: An Overview." Hopefully we have  
16 you seated in the right situation.

17 Professor Ivan Light is from the Department of  
18 Sociology University of California, Los Angeles.

19 Professor Roger Daniels, Department of History,  
20 University of Cincinnati.

21 Dr. Manuel Justiz, College of Education,  
22 University of South Carolina.

23 Senor Antonio Serrata, Chicano Studies Research  
24 Center, University of California, Los Angeles.

25 Dr. Jonathan Leonard, School of Business,

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1 University of California, Berkeley.

2 Professor Bruce Cain, Division of Humanities and  
3 Social Sciences, California Technic.

4 We welcome you to the panel. We would again ask  
5 that you try to limit yourself to 15 minutes to try to get  
6 us through all of the members. It is a long panel and we  
7 know you have a lot of information for us. We will begin  
8 with Professor Light, and I will try to give you a five-  
9 minute and a two-minute warning with this beautiful poster  
10 here so that you will be aware.

11 PANEL ON PUBLIC POLICY EFFECTS OF CHANGING  
12 DEMOGRAPHICS: AN OVERVIEW: STATEMENTS OF:  
13 PROFESSOR IVAN LIGHT, DEPARTMENT OF SOCIOLOGY,  
14 UNIVERSITY OF CALIFORNIA, LOS ANGELES,  
15 CALIFORNIA; PROFESSOR ROGER DANIELS, DEPARTMENT  
16 OF HISTORY, UNIVERSITY OF CINCINNATI, CINCINNATI,  
17 OHIO; DR. MANUEL JUSTIZ, COLLEGE OF EDUCATION,  
18 UNIVERSITY OF SOUTH CAROLINA, COLUMBIA, SOUTH  
19 CAROLINA; MR. ANTONIO SERRATA, CHICANO STUDIES  
20 RESEARCH CENTER, UNIVERSITY OF CALIFORNIA, LOS  
21 ANGELES, CALIFORNIA; DR. JONATHAN LEONARD, SCHOOL  
22 OF BUSINESS, UNIVERSITY OF CALIFORNIA, BERKELEY,  
23 CALIFORNIA; PROFESSOR BRUCE CAIN, DIVISION OF  
24 HUMANITIES AND SOCIAL SCIENCES, CALIFORNIA  
25 TECHNICAL INSTITUTE, PASADENA, CALIFORNIA.



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PROFESSOR LIGHT: Thank you very much. Did you say 20 minutes?

COMMISSIONER BUCKLEY: No, I said 15 minutes for your speech if you can give it to us. I will give you a five-minute and a two-minute warning.

CHAIRMAN ALLEN: It was a good try.

(Laughter.)

PROFESSOR LIGHT: Fine. Thank you very much. I am very pleased and indeed honored to be here. It is very gratifying. I don't often have an opportunity to take myself away from my research interest and begin to raise my eyes up to the heaven and think about what ought to be done, so when I do have that opportunity it's a rare pleasure.

I am also particularly happy to be followed by a number of very distinguished scholars, especially Professor Daniels who is sitting here on my right. He is one of the earliest critics of my work and one of the most vigorous ones, so I can be confident that anything I say here that is incorrect will be immediately erased from your memory banks when Professor Daniels speaks next.

My subject is rethinking entrepreneurship. The subject of ethnic and immigrant entrepreneurship is one that I have long had an interest in. I published a book back in 1972 on this subject, to which Professor Daniels took vigorous dissent, subsequently continued to work in the

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1 field and recently finished a book on Koreans in Los Angeles  
2 with my co-worker, Dr. Edna Bonacich at the University of  
3 California at Riverside. This book is entitled, "Immigrant  
4 Entrepreneurs," and was recently released by the University  
5 of California Press.

6 I am working now with Dr. Carolyn Rosenstein on  
7 another project that involves research into immigrant and  
8 ethnic minority business enterprise. This uses the Public  
9 Use Sample of the 1980 census and it's about halfway done.  
10 We hope it will turn into a useful book. And Dr. Rosenstein  
11 is the co-author of the paper I am presenting today.

12 Now, it's called "Rethinking Entrepreneurship,"  
13 and I suppose the paper's most simple point is that  
14 entrepreneurship is a subject that needs rethinking, and I  
15 propose to make that claim, and in addition raise four  
16 additional points, all in support of a rather simple  
17 proposal. And the proposal is that it is both desirable and  
18 feasible to channel some youthful offenders away from career  
19 criminality and into small business enterprise, and that if  
20 that were feasible, as I claim, it would be desirable  
21 because these people would then cease to be in the future  
22 social problems who destroy wealth and would instead become  
23 people who create wealth. And while it is by no means my  
24 claim that every youthful offender can be turned into a  
25 small business operator, it is my belief that some of them

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1 can. And while this would not represent in itself a  
2 complete solution by any means to our pressing urban agenda  
3 of crises, it would at least be a step in that direction,

4 And I'd invite you to think, when I present this  
5 paper, of the humble Brazilian piranha fish and how it goes  
6 about solving its problems. It takes a bite here, it takes  
7 a bite there, and between all the piranha fish they do a  
8 very good job in cleaning off their problems. And this is  
9 the kind of attitude I have toward my proposal. It takes a  
10 bite out of the problem without solving it.

11 When I say that entrepreneurship needs  
12 rethinking, one of the reasons I believe it does need  
13 rethinking is because it's so much a part of our culture  
14 that we think already we know everything about it. And  
15 because we think we know everything about it, we don't pay  
16 any attention to it. And, in fact, a lot of what we think  
17 about it is not correct.

18 One of the things we think about it that is not  
19 correct is that we think we know where this belongs in the  
20 political agenda we confront. When the subject of  
21 entrepreneurship is raised, it comes under the rubric of  
22 self-help and fits into our conception of what ought to be a  
23 conservative political agenda.

24 Now, my claim is that that is a misconception,  
25 and that in fact the subject of entrepreneurship is really

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1 politically neutral, neither conservative nor liberal in its  
2 political implications. And here is the way I justify that  
3 claim. If you look at the difference between conservatives  
4 and liberals in our national politics, the difference comes  
5 down, it seems to me, over the role of government in  
6 intervening in the economy and also in developing autonomous  
7 social problems. Liberals favor them. Liberals favor  
8 government intervention in the economy, and liberals favor  
9 social programs; conservatives don't favor them. That's the  
10 point.

11 Now, when asked what they do favor, conservatives  
12 are likely to say, "Well, we think there are already  
13 mechanisms for redressing socioeconomic inequities in  
14 place," and one of the ones they are most likely to mention  
15 is entrepreneurship, self-help modality of people who are  
16 disadvantaged who start their own business and in so doing  
17 create a job for themselves, a job for other people, and  
18 help to bring up people like themselves who were otherwise  
19 disadvantaged.

20 It is from this that we have gotten our notion  
21 that entrepreneurship is part of a conservative political  
22 agenda, and it's as simple as that. I disagree with it.  
23 Because entrepreneurship is what remains when you take the  
24 politics out of it. That is to say, under a liberal  
25 political agenda, government's interventionist programs are

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1 unleashed, and entrepreneurship remains. Under a  
2 conservative political agenda, government's social and  
3 economic interventions are restrained; entrepreneurship  
4 remains.

5 So it's in place under all types of  
6 administration. What varies is the other aspects of the  
7 government's agenda, not entrepreneurship as such. And what  
8 a person has to decide who wants to know whether he's a  
9 political liberal or a conservative is what his attitude is  
10 toward interventionist government programs. That's the  
11 political issue, the nub of the political issue. But the  
12 entrepreneurship part of it is really something that can be  
13 embraced by both liberals and conservatives.

14 So in my opinion, you see, one of the things that  
15 needs to be rethought about entrepreneurship is where it  
16 fits into the political spectrum. In my opinion, it's  
17 really neutral, and it can be part of a conservative agenda  
18 or it can be part of a liberal agenda. Those agendas will  
19 differ, but entrepreneurship itself is neither part of one  
20 nor part of the other.

21 My own personal feeling about it is that  
22 entrepreneurship has a claim to be able to contribute  
23 something very important to the solution of central city  
24 problems, to reducing socioeconomic inequities and  
25 differences over a long-term period, but that probably it is

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1 not enough in itself and it needs to be supplemented by  
2 interventionist social programs. That's my personal view.  
3 But I would be prepared to work with anybody who thinks that  
4 it is of value.

5 Another thing that I think needs consideration is  
6 just who is an entrepreneur. When we define the term, we  
7 may think of someone like Donald Trump who is a wealthy  
8 tycoon, but in point of fact most entrepreneurs are not very  
9 wealthy. Indeed, most of them make very little more than  
10 the average wage and salary in their locality. The numbers  
11 that indicate this are presented in our paper. They were  
12 generated by Dr. Rosenstein from the census. I don't need  
13 to go into them except to say that entrepreneurs are not big  
14 and large wealthy people.

15 Another thing to say about them is that the line  
16 between entrepreneurship and criminality is often a thin  
17 one. Some entrepreneurs are really illegal entrepreneurs.  
18 These would include people who sell or make products that  
19 are banned, such as pornography, controlled substances,  
20 prostitution. All of these can be conceived of as  
21 entrepreneurs, but they are not counted as entrepreneurs.  
22 And in the paper I point out that such people really ought  
23 to be counted as entrepreneurs but understood to be engaged  
24 in a type of entrepreneurship which for a variety of complex  
25 reasons is often destructive and antisocial in its

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1 consequences.

2 So the problem is how to redirect people from one  
3 form of entrepreneurship to another, how to get them to stop  
4 being destructive entrepreneurs, the consequences of whose  
5 actions may be personal enrichment but also are socially  
6 destructive, to be entrepreneurs who do not destroy wealth,  
7 who do not have destructive consequences for their action,  
8 and who help themselves at the same time that they help to  
9 enrich the communities in which they live, rather than to  
10 impoverish those communities.

11 On this point, it is particularly important to  
12 note that a lot of people who are illegal entrepreneurs and  
13 a lot of people who are accused thoughtlessly of being too  
14 lazy to work and wanting a government handout are  
15 demonstrating by their activity that this isn't at all what  
16 they have in mind.

17 For example, supposing you leave today, go to the  
18 parking lot, and find that your car has been stolen while  
19 you were gone. Now, this is somebody else's business, and  
20 whatever else you might say about this person's business,  
21 however destructive it is in its consequences, you'd have to  
22 at least admit that the person didn't wait around for a  
23 government handout in order to take action to improve his  
24 own lot.

25 It is for this reason basically that I think the

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1 idea that our population consists of people who are too lazy  
2 to work or who don't want a business or who don't want to  
3 work to help themselves -- that's a fallacious idea. In  
4 fact, there is a tremendous desire out there on the part of  
5 disadvantaged people to operate a business. The problem is  
6 they don't know how to do it, and they don't have the  
7 resources to do it. If they could do it, they would  
8 certainly do it.

9 Now, I would have to be not candid to suggest  
10 there are no obstacles to entrepreneurship on the part of  
11 the disadvantaged. There are obstacles. They don't have  
12 skills, they don't have knowledge, they don't have money.  
13 And these are obstacles that are going to inhibit them.

14 At the same time, I would have to say that it  
15 seems to me these obstacles are frequently overstated in  
16 terms of how much of an obstacle they represent, and that  
17 there are certain myths out there that should be debunked in  
18 the interest of helping to reduce the perceived obstacles to  
19 entrepreneurship, reduce them where in fact the perceived  
20 obstacle is greater than the real one.

21 And I'd like to mention, for example, two: the  
22 myth of finance and the myth of saturation. And I'd like to  
23 debunk briefly, in the time that's left to me, these two  
24 myths: the myth of finance and the myth of saturation.

25 The myth of finance is the idea, complexly ///



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1 expressed in different places, either that it takes so much  
2 money to become self-employed that there is no way you can  
3 obtain it if you are a disadvantaged person or,  
4 alternatively, that you can't do it without government help,  
5 and that government help is impossible for people like us to  
6 obtain.

7 And this mythology is often expressed in  
8 critiques, population critiques, of the success of the  
9 immigrant population in opening small businesses. People  
10 look at the immigrants, and they see that the immigrants are  
11 heavily entrepreneurial, and they say, "Where did they get  
12 the money to do this? Why can they do it and we can't do  
13 it?"

14 And they conclude that, well, somebody is helping  
15 them, and often there is a mythology that the immigrant  
16 entrepreneurs owe their business success to the solicitude  
17 of government, and that without government programs in place  
18 that uniquely target the immigrant population, these people  
19 would not be successful, and that this is why immigrants can  
20 make it and native-born disadvantaged Americans can't do the  
21 same thing.

22 This was, for example, proposed in an academic  
23 setting -- critiques of the Cuban entrepreneurial success in  
24 Miami, where it was pointed out that the Cubans were  
25 beneficiaries as refugees of government resettlement

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1 programs that didn't benefit equally Mexicans who are not  
2 defined as refugees and therefore are not entitled to this  
3 type of unique governmental assistance.

4 In rebutting the point, Dr. Alejandro Portez of  
5 Johns Hopkins University observed that if it were true, then  
6 all the refugees would have been entrepreneurially  
7 successful, whereas in fact the Indo-Chinese who, like the  
8 Cubans, are refugees, have a rate of self-employment which  
9 is not only not spectacular but is lower than average.

10 So the claim that unique government programs are  
11 required -- that claim is not worthy of our belief.

12 Another thing to look at is that we are a  
13 prodigal country. We are a prodigal country from the top  
14 the bottom. Our country owes a tremendous amount of money.  
15 We have doubled our deficit in the last eight years because  
16 we spend more than we save, and not only do we spend more  
17 than we save but we save less than we have ever saved in our  
18 past. And not only do we save less than we have ever saved  
19 in our past, we save less than any other country among the  
20 lowest countries. We save about 3.9 percent of our  
21 disposable income, whereas the Japanese and the Koreans save  
22 between 15 and 26 percent of their disposable income.

23 Now, it is also true that at the national level,  
24 native Americans don't save as much as foreigners, and one  
25 of the ways the immigrant gets into business is he saves a

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1 lot of money, and this is something possibly that we could  
2 learn from them.

3 I am also interested in the role of rotating  
4 credit associations and happy to see that the press has  
5 recently gotten into this and has begun to explore the  
6 rotating credit association and the contribution that it has  
7 made to immigrant enterprise.

8 In short, the myth that you can't do it because  
9 you can't get the money is just that -- it's a myth.

10 There is a more complex myth I'd like to conclude  
11 with, and that is the myth of saturation. It's the idea  
12 that you can't rechannel people into self-employment who  
13 were unemployed or who were engaged in crime because there  
14 is no room, there are already all the firms that can be  
15 absorbed, and that if you try to rechannel people you are  
16 simply going to bump up against the fact that there is no  
17 room. It's like a crowded elevator. If you want to get in,  
18 you must first push somebody off. And therefore, that being  
19 the case, we are already at the limit.

20 It's a myth for two reasons: First, empirically  
21 it turns out to be a myth. When we look at the numbers, we  
22 find that there are no inverse correlations between how many  
23 of Group A are self-employed and how many of Group B are  
24 self-employed. Secondly, it's a myth conceptually because  
25 the existence of a limit doesn't prove that we are at the

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limit.

In summary, I'd like to say entrepreneurship needs rethinking, and that if we think about the subject we can fairly conclude that something can be done through this mechanism to reduce -- not to eliminate but to reduce -- the severity of many of the problems that we encounter in central cities and that are characteristic of our disadvantaged population.

Thank you very much.

COMMISSIONER BUCKLEY: Thank you, Dr. Light.

Dr. Daniels.

DR. DANIELS: Thank you. I'm going to be talking basically about three things. First, as a historian, I'm going to talk very briefly about the transformation of the Asian American experience, mostly in terms of numbers, since the Second World War. In the central part of my presentation, I'm going to make some comments on the draft staff report on "The Economic Status of Americans of Asian Descent." And then finally, I am going to make some very, very general recommendations.

The total Asian American population, including Hawaii, increased only by 400,000 persons in the first 50 years of this century. Another 300,000 were added between 1950 and 1960, more than half a million between 1960 and 1970, and more than 2 million between 1970 and 1980. And,

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1 if we believe the estimates of the Population Reference  
2 Bureau, 3 million more will have been added by 1990, for a  
3 projected total of 6.5 million persons of Asian American  
4 descent.

5 Since as recently as the 1970s, no expert would  
6 have predicted a population of even half that size. I  
7 really take a dim view of population projections for the  
8 year 2000, the year 2010, and 2025. All the population  
9 projections I've ever seen in the past have been grossly  
10 wrong on a long-scale basis, and I think we have every  
11 reason to suspect that the ones made now for more than a few  
12 years in the future will be wrong.

13 Even more startling has been the increase in the  
14 number of ethnic groups comprising Asian Americans. As  
15 recently as 1950, all but a few thousand of the nation's  
16 Asian Americans were one of three groups: Japanese,  
17 Chinese, and Filipinos. In 1980, the Census Bureau  
18 specifically named 12 different Asian ethnic groups. Most  
19 of this increase has come through immigration, and the  
20 Immigration Act of 1965, although there were important  
21 things happening before then, was an important factor.

22 We heard some things, by the way, about the  
23 history of immigration a few moments ago that would not be  
24 accepted by any scholar. I'd take up all my time if I  
25 talked about the conceptual and the factual errors made in

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1 the historical presentation. As far as the numbers are  
2 concerned, they were pretty good, but it reminded me of the  
3 mediocre pianist playing Mozart. The notes were all there,  
4 but there was no music.

5 What has happened is that from 1860 to 1920 --  
6 this is immigration generally -- the percentage of foreign  
7 born in our population was an amazing steady 13 to 14  
8 percent. And I point out just in passing that this, of  
9 course, is the great age of economic growth in the United  
10 States, and I would like to suggest that those factors are  
11 probably not unrelated.

12 After the restrictive immigration of the 1920s,  
13 that figure, foreign born as a percentage of the total  
14 population, declined steadily with every census until 1970  
15 when it hit 4.7 percent. It had been 13 to 14 percent from  
16 1860 to 1920, and we made a political decision in 1920; we  
17 didn't want foreigners, especially certain kinds of  
18 foreigners. We made another decision in 1965, which isn't  
19 really reflected in the '70 census. But by 1980, the  
20 percentage of foreign born in the population was 6.2  
21 percent, and it will probably be somewhere around 8 percent  
22 in the 1990 census. I'm not suggesting it's bound to go up  
23 after that.

24 In view of this, it seems to me the Commission's  
25 expressed concern about the economic situation of ethnic

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1 groups, which are composed very largely of immigrants and  
2 their children, is wholly appropriate, and I commend it for  
3 doing so.

4 The Commission's draft study, "The Economic  
5 Status of Americans of Asian Descent," finds, to quote its  
6 executive summary:

7 "We do not find consistent evidence that the  
8 earnings of native-born Asian men are lowered across the  
9 board by labor market discrimination since native-born  
10 Chinese, Japanese, and Korean men earn about as much or more  
11 than non-Hispanic white men with comparable skills and  
12 characteristics. To the extent that labor market  
13 discrimination does affect the earnings of Asian immigrants,  
14 its adverse effect is overcome with time in the United  
15 States. We find no evidence that the earnings of Asian  
16 women -- native born or foreign born -- are lowered by labor  
17 market discrimination."

18 While these conclusions may well be technically  
19 correct, they are, I believe, misleading, provide an answer  
20 to the wrong question or questions, and are posited on  
21 assumptions that are fallacious. Perhaps the most patent  
22 fallacy, implicit in the entire report, is that there is an  
23 Asian American pattern which all groups have followed and  
24 will follow willy-nilly. One cannot, for example, make  
25 valid assumptions about Vietnamese, no major percentage of

CBT/cs 1 whom are yet native-born adults, based on the past  
2 performance of second-, third-, or fourth-generation  
3 Japanese and Chinese Americans.

4 I'm going to skip some material here from my  
5 written summary.

6 My differences with the report are largely  
7 conceptual rather than factual, although there are a number  
8 of discrete erroneous statements in the historical section.  
9 And I do have some problems with the data. The major  
10 conceptual flaw, it seems to me, is the apparent search for  
11 what the report terms "labor market discrimination." There  
12 was a time in American history when explicit ethnic  
13 differentials existed.

14 In the early twentieth century, for example, one  
15 can find in the archives of American railroads ethnic-group-  
16 specific wage rates for certain kinds of common labor jobs:  
17 "Americans" would be paid so much, members of various  
18 European ethnic groups would be paid so much less, and  
19 Asians and Mexicans would be paid even less. And the  
20 railroads that I've examined were mostly northern railroads  
21 and western railroads, and there were no black rates at all  
22 because they didn't hire blacks. The Pullman Company did  
23 but the railroads didn't.

24 This kind of labor market discrimination -- when  
25 I write about it I call it discrimination by employers;



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1 "labor market" makes it sound a nice Smithian, invisible  
2 hand doing it, but discrimination is always done by  
3 somebody. This kind of labor market discrimination hardly  
4 exists today. It is not only illegal but I suggest that no  
5 significant group of employers is interested in pursuing  
6 such a policy.

7 As I read the report, its authors would judge  
8 that discrimination existed only if aggregate figures for  
9 Asian American employment showed clear and present wage  
10 discrimination. Certainly there are situations in which  
11 that kind of accounting can reveal discrimination. The wage  
12 data by gender, for example, show a bias against females in  
13 almost any way that they are arranged.

14 Why is such an approach inappropriate for judging  
15 whether discrimination against Asian Americans exists?  
16 There are number of reasons, some of which I will list, not  
17 necessarily in order of importance.

18 National aggregate data is misleading, first of  
19 all, because Asian Americans are concentrated in high-income  
20 states. In 1980, almost 60 percent of all Asian Americans  
21 lived in just three such states -- California, Hawaii, and  
22 New York -- and almost none live in the lowest income  
23 states. Thus, comparison of gross Asian American income  
24 data with gross non-Hispanic white income data, as the draft  
25 report does, understates income disparity. Such a

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1 comparison, if it is to be made, should be made with the  
2 income of non-Hispanic whites in the states where most  
3 Asians live.

4 The report tends to treat Asian Americans in some  
5 instances, or specific ethnic groups such as Chinese  
6 Americans or Japanese Americans in others, as if they were  
7 homogenous groups. In some instances, however, the gross  
8 data conceal as much as they reveal. And this is not a  
9 criticism of the data that was presented in the earlier  
10 panel, but almost all of it was gross data, but you've got  
11 to look beyond that.

12 Let me give you one example from the 1970 census  
13 educational data, comparing Chinese and Japanese. I'm going  
14 to quote from a forthcoming book of mine. And I use the '70  
15 data because this is published data, and in 1970 the Census  
16 Bureau published a volume on Asian Americans data that was  
17 this thick (indicating), and in 1980 that volume was this  
18 thick (indicating), even though there were more Asian  
19 Americans.

20 The gross educational data for the two  
21 communities, Chinese and Japanese, were similar: 68.8  
22 percent of Japanese Americans 25 years of age or older were  
23 high school graduates, as compared with 68.1 percent of  
24 similar Chinese Americans. Japanese Americans had completed  
25 12.5 medial school years as compared with 12.4 for Chinese.

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Gross data suggest that these are almost identical educational profiles. But when we look beyond, we find that more than one-quarter of the Chinese Americans had not completed elementary school, and that about the same percent were college graduates, whereas for Japanese Americans the comparable figures were about one-tenth not completing elementary school and one-sixth college graduates. These are very different figures. These are very different profiles when looked at that way.

One should also be aware that the census data does not tell you where the education was obtained. The teenager from Hong Kong with a high school degree, who gets into an American community college, may well not be able to cope because of his language difficulties, et cetera.

I also think the report overstates income, and in some ways it just eliminates certain people. The most curious elimination was the note to its Table 3.7 where they're talking about the income of Asian American married women, and the note says:

"Married women, here, include only women who are in marriages where husband and wife are of the same race and nativity."

Now, that's a very curious cutting out, and it talks about a lot of people -- why, for example, one should ignore the tens of thousands of Asian-born wives of American

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1 servicemen.

2 And in 1970 there was a wonderful map put out by  
3 the Census Bureau -- it didn't have any money to do this in  
4 1980 -- which shows various ethnic groups by counties in  
5 color. And for most of the Asian ethnic groups -- they just  
6 did it for Chinese and Japanese, and for both of these  
7 groups you can locate most of the major military bases in  
8 the south of the United States because those are the  
9 counties in which there are large numbers of Asians, most of  
10 whom are women. These are left out.

11 Similarly, why they should ignore the thousands  
12 of Asian-born wives of Asian American born husbands I don't  
13 understand.

14 Let me close by giving you some seat-of-the-pants  
15 notions by one who has been a fairly close student of Asian  
16 American communities for more than three decades. The  
17 flowering of Asian Americans, as individuals and as  
18 communities, since the end of World War II has been  
19 exceptional and reflects great credit on both them and upon  
20 the society in which they have flourished. The literature  
21 -- and especially the popular literature -- has come to be  
22 dominated by the so-called model minority thesis, which I  
23 have criticized elsewhere and I'm not going to talk about  
24 here.

25 By the 1980s, journalists like Bruce Nelson of

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1 the Los Angeles Times were hailing people of Asian ancestry  
2 as "the nation's best-educated and highest-income racial  
3 group," while Newsweek in a feature article did the same  
4 kind of thing.

5 I'm going to skip some more literature.

6 There is a good deal of evidence, however, to  
7 suggest -- I'd say more than suggest but let's be modest --  
8 that many Asian Americans are not members of this model  
9 minority. A recently released analysis by the General  
10 Accounting Office, for example, reported the increasing  
11 prevalence of what it called sweatshops, and most of the  
12 employees in these sweatshops, it turns out, are either  
13 Hispanics or Asians, and almost all are immigrants.

14 The latest major components of the Asian American  
15 population are from Korea, India, and Southeast Asia.  
16 Although it is clear that there are significant poverty  
17 problems within each of these groups, they are statistically  
18 most significant among the Southeast Asians who are largely  
19 refugees from the war in Vietnam and its ongoing aftermath.  
20 The Census Bureau counted more than 300,000 such persons in  
21 1980 -- 245,000 Vietnamese -- and some people just say  
22 "Vietnamese," but 47,000 Laotians, 16,000 Cambodians, and  
23 5,000 Hmong. The Population Research Bureau estimates there  
24 will be over 850,000 Vietnamese by 1990, and over 700,000  
25 other Asians, most of whom will be from other refugee

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1 groups.

2 While every newspaper in America likes to run  
3 stories about the Vietnamese girl who wins the spelling bee  
4 -- and it's a wonderful story, and it was true in a couple  
5 of cases -- few explicate the wide cultural and economic  
6 gaps between the various groups and types of Southeast Asian  
7 refugees. Some, such as former high officials and well-to-  
8 do businessmen and their families, have come with capital  
9 and enjoy a prosperous lifestyle here. Former Air Marshal  
10 Ky is a good example. Most of these persons were already  
11 oriented to French culture. Others, like Vietnamese  
12 fisherfolk, have been able, with government assistance, to  
13 reestablish themselves on the American Gulf Coast, although  
14 not without both cultural and physical conflict. Many of  
15 you may have seen Louis Malle's film.

16 Many others, despite help from government and  
17 VOLAG sponsors, are having a difficult time. And let me  
18 just give you the census data on public assistance which  
19 nobody bothered to give.

20 COMMISSIONER BUCKLEY: Can we kind of summarize  
21 quickly, please.

22 PROFESSOR DANIELS: One piece of data and then I  
23 will be done. Then I will make a statement and be done.

24 In 1979, 28 percent of Vietnamese American  
25 households were receiving public assistance, and the figures

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1 for Laotians, Cambodians, and Hmong would have been higher  
2 had they been reported. The comparable figure for blacks  
3 was 23 percent, and it goes all the way down to Japanese at  
4 4.2 percent.

5 My notion is, if the national poverty norm is 13  
6 percent, that among Asian Americans taken as a total group  
7 it probably runs about 10 percent. That's 650,000 persons  
8 in 1990.

9 What should the Commission do? First of all, I  
10 would hope that it sees for itself. If its members have not  
11 already done so, I would suggest visits, with appropriate  
12 guides, to inner city ethnic enclaves in San Francisco or  
13 New York, a trip to some of the poorer Vietnamese  
14 communities in Orange County, an exploration of a Hmong  
15 settlement in San Jose and Minneapolis.

16 Armed with that and other knowledge, I would hope  
17 that the Commission endeavors to establish a level playing  
18 field which, in this instance, means, above all, intensive  
19 language training and the establishment of programs to  
20 create marketable job skills. If this is not done, we will  
21 surely witness the development of a new variant of the  
22 culture of poverty, Asian American style.

23 I'm sorry if I ran over.

24 COMMISSIONER BUCKLEY: Thank you very much.

25 Dr. Justiz.

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DR. JUSTIZ Thank you, Commissioner.

First of all, I want to thank you for the opportunity to be before you today. I am reassured by the foresight of this Commission in conducting these hearings, because I think that the issues you are raising are of critical importance to the future of our country.

I will ask you, if you would, to enter my remarks for the record. The data I will be sharing with you is based on an article that was recently published in the "Educational Record," which is a magazine of higher education of the American Council on Education. It is co-authored by a dear friend and colleague, Reggie Wilson, who is Director of Minority Concerns for the American Council, and a distinguished black educator and former college president.

I am deeply concerned about the future of our country. I am concerned about it because, as you look at the projections for the future, you see a tremendous demographic curve, principally made up of Hispanics and blacks. And you have to admit, if you look at the projections, which for the most part are very conservative, that our nation is changing dramatically right before our very eyes.

The concern I have is that as these dramatic demographic changes occur, what we are seeing on the other



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1 hand is an acute decline in the participation rates of  
2 minorities, Hispanics, and blacks in our educational system,  
3 both in high school and particularly in college.

4 I submit to you that if we allow those trends to  
5 continue, what we will have in this nation in 30 years from  
6 now is basically the creation of an underclass. We're going  
7 to see large cohorts of our society, principally Hispanic,  
8 black, and other minorities, becoming increasingly  
9 disenfranchised and not participating in the opportunity  
10 that this nation has come to be known for. I am concerned  
11 that the trademark of America, the American dream and the  
12 opportunity for which our land has become known, may in fact  
13 become a thing of the past for minority cohorts.

14 If that happens, and if we allow this trend to  
15 continue, this nation will resemble more the political-  
16 socioeconomic makeup of a Latin American nation than the  
17 United States of America. And that to me is of deep concern  
18 and deep trouble.

19 You see, I believe in this land, I love our  
20 freedom and our democracy, and my concern is to preserve the  
21 integrity of our political system and the opportunity that  
22 America has become known for, that all of us in one fashion  
23 or another can talk about to the realization of our own  
24 American dream.

25 But the information is alarming. Let's take a

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1 look at the data. And I know all of us are familiar with  
2 it, but I think it's helpful to refresh our memory.

3 Based on the 1980 census, by the year 2000 one  
4 out of every three Americans will be nonwhite. Today we are  
5 a nation of 14.6 million Hispanics and 26.5 million blacks.  
6 By the year 2020 we will be a nation of 44 million blacks  
7 and 47 million Hispanics, even more Hispanics if the  
8 immigration rates continue to increase.

9 Now, there are other minorities that come into  
10 the picture, but I am focusing particularly on the Hispanic  
11 and black cohort because they are such a predominant  
12 proportion of our population projections.

13 Now, the total United States population by the  
14 year 2020 will be 265 million people, a very small increase  
15 from our current 238 million, and more than 91 million of  
16 those will be minorities -- mostly young with much higher  
17 fertility rates than the rest of the population.

18 Now, keep in mind that we are entering an era in  
19 which youth will be in short supply in America, and yet the  
20 increasing youth cohort will be made up of minorities, again  
21 principally Hispanic and black.

22 As we find a rapidly aging middle class retiring,  
23 their retirement income will be provided increasingly by the  
24 minority cohort. In the year 1992, three workers will  
25 provide funds for each retiree. One of the three will be a

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1 minority.

2 Now, the '80 census tells us that the average  
3 white person in the United States is 31 years of age, the  
4 average black is 25, the average Hispanic is 22. So you can  
5 see that the population projection in terms of fertility  
6 rates is definitely going to be with the minority cohort.

7 So not only are we seeing a tremendous increase  
8 in the number of the minority population, but the fertility  
9 rates are also going to be on the side of that population  
10 curve.

11 Now, the demographic trends reflect a dramatic  
12 increase in the minority population of our nation at a time  
13 when the dropout rate is at its highest point, and that is  
14 what I am concerned about. If you concur with the belief  
15 that education is the key to the realization of dreams, and  
16 that education is a key tool towards bettering yourself and  
17 participating in leadership roles in our society, then we  
18 are in for a very, very bad experience.

19 Let's look at some of the data for just a second.  
20 In the State of Texas, Commissioner Buckley, your home state  
21 -- and this is not unusual; this is happening across the  
22 country -- last year one first grader out of two was either  
23 black or Hispanic. However, by the ninth grade, the ratio  
24 decreased to one out of three either black or Hispanic. The  
25 reason for the decrease is that 50 percent of all Hispanic

CBT/cs 1 students drop out before the ninth grade, the highest  
2 dropout of any ethnic minority group in the State of Texas.

3 But Texas is not unique. Take a look at New  
4 Jersey. Last year one ninth grader out of four was either  
5 black or Hispanic. If you look even further back down into  
6 the earliest grades, we find the ratio rises to one first  
7 grader in three either black or Hispanic.

8 These trends are occurring across the country.  
9 In Colorado, 25 percent of the K-12 student population is  
10 minority. Of the minority students entering the ninth  
11 grade, 50 percent drop out before they graduate.

12 Now, we have had some increase in high school  
13 graduation rates for minorities, but the increase has not  
14 been significant enough to offset the population boom. We  
15 have had some increase, however -- let me point that out.  
16 Sixty-five percent of blacks graduated from high school in  
17 1975. That number went up to 76 percent by 1985.

18 Hispanics: 56 percent graduated from high school  
19 in 1975. The number went up to 63 percent by 1985.

20 However, their level of proficiency in academic  
21 skill has declined. Look at the 1985 SAT scores. Of the  
22 blacks who took the SAT during their senior year in high  
23 school, 73 percent scored below 400 on verbal, and 64  
24 percent scored below 400 on math. They couldn't get into  
25 college for the most part.

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Hispanics: 59 percent scored below 400 on verbal, and 45 percent below 400 on math. The black students did better, even though there is still a lot of room for improvement: 31 percent scored below 400 on verbal, and 22 percent below 400 on math, but still better.

The dismal picture comes even more into play when you look at college participation rates. Now, remember what we talked about. We talked about leadership; we talked about opportunity. We're talking about a cohort of our population that is going to be one-third of our nation soon. And yet, we have a lower college attendance rate of blacks and Hispanics than we have ever had before.

From 1960 to 1980, the minority percentage of the college-age population was 15.5 percent. Based on the demographic projections, by the year 2000 the minority proportion of the college-age population will be 30.6 percent, and by the year 2025 it will be up to 40 percent of the college-age population. We're not saying attending college; we're saying college age, 18 to 24 year olds who are eligible to be attending college.

Black Americans: Of blacks who graduated from high school in 1976, 33.5 percent of them attended college. By 1985, black high school graduates were down to 26.1 percent attending college, a 7.4 percent decline. And yet, you see this population boom increasing.

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Hispanics: 35.8 percent of the Hispanic high school graduates attended college in 1976. That number declined to 26.9 percent by 1985.

By 1986, 20 percent of whites over age 25 had completed four or more years of college. Only 10.9 percent of blacks and 8.9 percent of Hispanics had completed four or more years of college.

College enrollment rates for blacks and Hispanics continue to decline at alarming rates. From 1984 to '85, just to make the point even further, 80 percent of our undergraduate students in our 3,300 colleges and universities in this country were white and they received 85 percent of the baccalaureate degrees. Nine percent were black. They received 6 percent of the baccalaureate degrees. Four percent were Hispanic and they received 3 percent of the undergraduate degrees. All minority groups put together earned only 11.7 percent of the baccalaureate degrees in this nation in the year 1985.

Graduate-level participation is also dismal. Minorities earned 10.4 percent of the master's degrees in 1985, 9.5 percent of the doctorates; 9.8 percent of minorities went to professional schools and completed a professional degree. So you see the acute underrepresentation there.

So we are seeing some improvement in high school

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1 graduation rates, but concurrently we are seeing an  
2 increasing decline in college participation rates.

3 Let's look now at the underrepresentation of  
4 teachers and professors -- again a very, very dismal  
5 picture. If you look at the State of Colorado, for example,  
6 as I mentioned earlier, 25 percent of the student population  
7 K-12 is minority, yet less than 6.6 percent of the teachers  
8 are minorities.

9 If you look at the professorships across this  
10 great country of ours, in 1973 6.2 percent of the professors  
11 were minority. By 1985, that number had increased to 9.6  
12 percent. But between '73 and '85, the minority population  
13 tripled in size in this country. Full professors -- I found  
14 out as a full professor at the University of South Carolina  
15 that I'm part of a very, very small minority. Less than 1.5  
16 percent of full professors are Hispanic in this country;  
17 less than 2.3 percent are black.

18 The concern is that this is happening across the  
19 country. We have an underrepresentation of blacks,  
20 Hispanics, and other minorities in leadership roles in the  
21 business community, but what I found even more appalling is  
22 the underrepresentation in our political system.

23 Let's look at the United States Congress. Did  
24 you realize that in the United States Senate we have 2  
25 percent of the Senate that's minority? We have no Hispanic

CBT/cs 1 or black United States Senators. We have two Asian-Pacific  
2 Americans. That's it.

3           Governors: Four percent of the governors are  
4 minority: the Governor of Florida, Hispanic, and the  
5 Governor of Hawaii, Asian-Pacific American.

6           The United States House of Representatives -- we  
7 believe in a representative form of government -- 435  
8 members: 22 black, 11 Hispanic, 6 Asian-Pacific Americans,  
9 1 Native American, a grand total sum of 9 percent of the  
10 United States House of Representatives.

11           My concern is opportunity. You and I have had  
12 the opportunity. The increasing cohort of the Hispanic,  
13 black, and other minority population is not getting that  
14 opportunity. If that trend is allowed to continue, we are  
15 going to see a tremendous gap in the leadership of this  
16 country coming from the minority community, and what we in  
17 essence will have in this nation is the creation of an  
18 underclass. And that is a threat to our democracy and to  
19 our form of government.

20           We have to challenge the community. We've got to  
21 deal with the issue in a very public and straightforward  
22 fashion by taking the initiative and assuming a leadership  
23 role both at the Federal Government, the state government,  
24 and with the business community.

25           Ladies and gentlemen, we cannot continue to



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1 operate under the premise that we live in a color-blind  
2 society. We've got to act on a problem of national  
3 significance and take action to increase opportunity and  
4 insure that the minority cohort is properly challenged and  
5 properly prepared to become part of the leadership structure  
6 of our society in the future.

7 Thank you very much.

8 COMMISSIONER BUCKLEY: Thank you very much, Dr.  
9 Justiz.

10 Mr. Serrata.

11 MR. SERRATA: Thank you, Commissioner Buckley and  
12 other members of the Commission. It is indeed an honor for  
13 me to be here. Sitting here thinking in terms of 20 years  
14 ago, I was rereading some of the Commission reports from the  
15 late '60s and early '70s, and in a sense they were a  
16 reflection of my parents, thinking that my parents have a  
17 combined education of nine years, and that in a sense I am a  
18 product of many of the policies and recommendations made by  
19 preceding commissions, those being primarily affirmative  
20 action programs and those sorts of recommendations and  
21 enactments by the Federal Government.

22 So I am here at a time, in a sense -- and I will  
23 use the term "Latinos" instead of Hispanics, and perhaps in  
24 a question I can explain the difference -- when we, as the  
25 Professor here just mentioned, are increasingly becoming a

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1 larger and larger percentage of the U.S. population. I will  
2 look at that demographic change in a sort of different way,  
3 and I will compare the aging of the U.S. population in  
4 general, and particularly the aging of the Anglo population,  
5 and the youthfulness and the growing percentage of the  
6 population that is comprised of Latinos. They present  
7 seemingly different and disparate occurrences, but I see them  
8 as highly linked.

9 And not to go over all the numbers -- Professor  
10 Justiz just went through them very eloquently and paints  
11 actually a picture that doesn't give room for much hope. On  
12 the other hand, I think that there is hope.

13 So if we look at the aging of the population, we  
14 know that except for the baby boom generation, which I  
15 happened to miss by one year -- I was born in 1944; the baby  
16 boom generation was primarily a 1945 through 1965 occurrence  
17 -- there has been nearly a century of decline in fertility  
18 in the U.S. population and also an increased longevity. We  
19 are living a longer time. Therefore, what we have is people  
20 living longer and more of us in a sense living together.

21 So the consequences of this aging population are  
22 what? Well, for one, as the elderly, primarily Anglo baby  
23 boomers are retiring over the next 20 or 30 years, in a  
24 sense we will be losing their economic contribution to the  
25 U.S. economy -- a powerful contribution, if I might say. We

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1 will also have an increase in needs for income maintenance  
2 -- social security and other programs. And we will  
3 certainly have a need for increased medical services and  
4 other programs of support for the elderly. Those, as we  
5 know, are very expensive programs.

6 So if by 2030 the U.S. population is  
7 approximately 22 percent of those 65 and older, the order of  
8 magnitude based on our projections is such that 65 percent  
9 of the federal budget would have to be spent on maintenance  
10 programs for the elderly. There is just no way that our  
11 Federal Government could ever sustain such an expenditure.

12 So what are the occurrences?

13 Well, for one, they will ask the states to bear  
14 some of the burden, and certainly the states cannot bear the  
15 burden so they will ask the counties to share in that  
16 burden. So the maintenance of those retirees and those  
17 older folks will be shared throughout the system.

18 The intergenerational compact that we all know --  
19 and most of us that still have parents and have children  
20 know that there is a link, unspoken and perhaps unwritten,  
21 but there is a link between the way we care for our children  
22 and the way in the future we hope to care for our parents as  
23 they retire and as they get out of the active work place.  
24 So intergenerational compact will be seriously strained.

25 Will, in fact, the young population be willing to

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1 invest in the elderly? And in a sense, will the elderly be  
2 interested in maintaining the educational status, the  
3 educational programs, the educational systems of the young?  
4 There will be powerful social policy issues to be looked at.

5 So if we look at the Latino population, it's  
6 doubling nearly every 10 years, and we all know the numbers.  
7 Again, contributing to that -- high fertility due to  
8 youthfulness and high immigration rates.

9 And if we project again through 2030, in assuming  
10 that fertility will decline, which we think it will, and if  
11 we assume heroic proportions of the capabilities that  
12 Commissioner Ezell mentioned to somehow or other decrease  
13 the flow of immigrants to this country, in California by the  
14 year 2030 Latinos will increase from 5.6 million to 12.3  
15 million people in the state -- a large percentage of the  
16 State of California, from 20 percent to 38 percent of the  
17 state's population. Latinos will comprise that total.

18 And the age structure of Latinos again will be  
19 quite young. We will average approximately 22 years of age,  
20 where Anglos will average approximately 34 years of age.  
21 And if we take a look at Mexico, which is our primary  
22 sending country of immigrants, their average age in Mexico  
23 is 17 years old. Other Central American countries are even  
24 down to 16 years old. So our sending pool is quite a  
25 youthful one, so the youthfulness of our Latino population.

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1 will continue in that vein.

2 By 2010 the stratification, the age and ethnic  
3 stratification, will be well under way. In California we  
4 know that that is happening now, and some of you might have  
5 seen the article in the L.A. Times yesterday saying that  
6 minorities are now a majority in the state schools. Well,  
7 again in 20 or 30 years, the state population in general  
8 will have to say that and will have to make that claim.  
9 Latinos, blacks, Asians, and others will comprise the  
10 majority.

11 For example, of all the children by the year  
12 2030, 50 percent will be Latino, 30 percent Anglo, 20  
13 percent black and Asian. Of working-age adults, 40 percent  
14 will be Latinos, 40 percent Anglo, and 20 percent black and  
15 Asian. Of the elderly, 20 percent will be Latinos, 60  
16 percent Anglo, and 20 percent black and Asian. So that that  
17 age stratification and that ethnic stratification is  
18 certainly very clear.

19 So what are the social policy issues here? It  
20 can be two sorts of example. For example, one, again, that  
21 that commitment either to maternal or child health  
22 maintenance versus geriatrics -- that's a difficult policy  
23 decision to make. Will the aging population be willing to  
24 keep its commitment to the youth through education funding  
25 programs, elementary, secondary, post-secondary? And as we

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1 have seen recently in several elections, bonds for building  
2 schools, et cetera, have all been defeated -- soundly  
3 defeated.

4 Because of the age structure, many issues that  
5 might otherwise only be seen as age- or race-related issues  
6 certainly will have civil rights implications, and I  
7 certainly understand this is probably the reason for  
8 hearings such as this. Those are very powerful questions.

9 Again, as someone asked me at a conference just  
10 the other day, a young man asked me, "If this is a  
11 democracy, then the aging who vote in great numbers, as  
12 compared to the youth who vote in very low numbers, if they  
13 decide not to invest, that's their right."

14 As a Commission on Civil Rights, I think we have  
15 to in a sense think of this more as a social policy question  
16 and not to get to that level, because the decisions will be  
17 made, and it will be a powerful consequence for us as a  
18 country if in fact we make those wrong choices.

19 Also, the opportunity I see, instead of looking  
20 at the numbers as dismal for our future as minorities and in  
21 fact as a country, if we look at the problem of our  
22 underachievement, if we look at the problem as Commissioner  
23 Ezell does as an invasion of brown faces -- "invasion" is a  
24 hostile term -- if we look at it that way, we are going to  
25 do things such as "English only" initiatives. We're going

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1 to pass what some consider to be a shot at immigrants, which  
2 is the Immigration Reform and Control Act. There are  
3 several punitive things in it.

4 And there are other restrictive measures that are  
5 in place. For example, at-large elections. These are all  
6 issues that are being dealt with daily in the courts and  
7 many other places. If we look at it that way, I think the  
8 future is not one that we would like to be involved in.

9 But as I'd like to think, and as I'd like to urge  
10 the Commission to recommend, for example, if we see Latinos  
11 as a possible answer to many of the problems that will be  
12 created by this retiring aging Anglo population, our  
13 contribution to that labor pool, our contribution to the  
14 economic well-being through education, through other job  
15 training programs, et cetera, will result in such a way that  
16 we can fill that void. We can meet the needs of the aging  
17 as well as the needs of the young people in this country for  
18 education, and certainly for careers for those of us who  
19 have finished our education.

20 To give you an example in California, how that  
21 would act out, the contribution of Latinos to the economic  
22 well-being of the state: The state's total income, if we  
23 maintain the 1985 differential earnings between groups, will  
24 rise from \$320 billion in 1985 to \$804 billion by the year  
25 2030. And if we assume again a declining fertility and a

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1 lower rate of immigration to this country, and assuming that  
2 we have invested in the Latino minority communities and they  
3 in fact are producing at the levels that we require in this  
4 state, the state's total budget would rise to \$1.37 trillion  
5 by the year 2030. This amount is \$570.7 billion more than  
6 baseline projections. Earned income would rise to \$898  
7 billion, and the needs of the elderly would rise only to  
8 \$153.6 billion. This would be more than offset by the  
9 increase in total earned income. So the tradeoff is not  
10 one, I think, that we can see as a loss to us.

11 The options to me and to the staff of the Chicano  
12 Studies Research Center are fairly clear. The balancing act  
13 between the needs of the elderly and the young can be offset  
14 by an equal investment in Latinos and other minorities in  
15 the state and throughout the country. A failure to invest  
16 in these communities could well result in our communities  
17 remaining split. The possibility of a Lebanon-type  
18 situation of disparate groups living in different places and  
19 not communicating is a possibility, and I don't believe that  
20 this Commission nor I would like to live in those kinds of  
21 environments, nor would we like to have our children live in  
22 those kinds of environments.

23 Thank you very much.

24 COMMISSIONER BUCKLEY: Thank you, Mr. Serrata.

25 Dr. Leonard, please.



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DR. LEONARD: Thanks for inviting me. I brought along some copies of my comments, and I believe they are actually on the floor to the left of Mrs. Buckley.

I would like to highlight for you some of the implications of the changes in demographics that were discussed this morning for our regulations and laws concerning employment discrimination.

I think some of the largest changes that were outlined this morning is the tremendous growth we can expect in the Hispanic and Asian population, each of which is projected to grow by the year 2000 by nearly half. That is a tremendous change that is going to erode the majority position of whites in this country, and you can expect in time that to have both political and economic repercussions when those raw numbers get organized into power.

Proceeding into the next century, blacks will become not only a minority but a minority of minority population. And the flip side of that coin is that I believe Hispanic concerns will increase. I think that brings a few new dimensions to our discussion of civil rights.

The first of those is an increase in the concern with the language issues and language rights. To give you an example, under Title VII of the Civil Rights Act, I think it will become a little bit harder to invalidate the

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1 business necessity of bilingualism or of Spanish-speaking  
2 workers when an increasing share of their co-workers,  
3 supervisors, and customers are Hispanic-speaking. That is  
4 important when you realize that language proficiency is a  
5 major component of the observed earnings differentials  
6 between Hispanics and whites. It is also important when you  
7 realize that the use of English has historically been a  
8 great forge of commonality across diverse immigrant groups  
9 in this country.

10 The second major issue, I think, the growing  
11 share of Hispanics among minorities, brings more attention  
12 to issues of immigration. Obviously, we have a new  
13 immigration law, but there is something else to consider.  
14 As our labor force growth rate decreases, as it is projected  
15 to in the future, there will be increasing pressure to fill  
16 many of those jobs. And I believe that pressure will  
17 continue to lead to some employers trying to fill those jobs  
18 with illegal immigrants.

19 CHAIRMAN ALLEN: May I ask you to speak very  
20 directly into the microphone. It's very hard for them to  
21 hear you.

22 DR. LEONARD: I'm sorry.

23 The second major change we would be seeing is an  
24 aging of the work place. As the population ages, we will  
25 get lower labor force growth rates. We will have fewer new

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1 entrants to absorb, so for that reason alone we can expect  
2 lower unemployment.

3 Also, in a tighter labor market, there will be  
4 greater pressure to utilize some labor groups that have  
5 previously been ignored. The wages of young relative to old  
6 are expected to increase as the relative numbers of young  
7 people decrease. And I think importantly, as you get an  
8 older work force, you get a work force with more experience,  
9 and that means a work force with greater productivity and a  
10 work force with greater stability.

11 The BLS is projecting that the median age of the  
12 work force will rise to about 39 years old by the turn of  
13 the century. That has some important implications for  
14 regulation. That means that half the work force will be  
15 covered directly under the Age Discrimination Act. For  
16 employers, that means they are going to be more restricted  
17 in their room for adjustment with half their work forces on  
18 average covered under the Age Discrimination Act. It means  
19 that the amount of attention drawn to issues of pension and  
20 health insurance funding and rights will increase. It also  
21 means, I believe, that as the demographic bulge moves  
22 through increasingly narrow corporate hierarchies, you're  
23 going to see more age discrimination cases.

24 At the same time, we could expect, after a  
25 generation of enforcement of the Civil Rights Act, that the

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1 seniority issues that have proved so divisive and that have  
2 been used to tar unions in the past -- those should  
3 eventually fade as the average seniority of minority groups,  
4 certainly of women and blacks, approaches that of whites.

5 Now, it is interesting to note that the U.S.  
6 Equal Employment Opportunity Commission does no monitoring  
7 of the Age Discrimination Act, certainly nothing comparable  
8 to what they do for race and sex discrimination. And it is  
9 also interesting to note that there is no equivalent  
10 affirmative action policy for older workers.

11 For gender issues, the female share of the work  
12 force is projected to increase its growth. Relatively  
13 little of that past growth, I believe, is directly traceable  
14 to our affirmative action policies of the past. Some of the  
15 issues that the increasing female share of the work force  
16 raise we have already seen -- unisex funding of pension and  
17 health insurance, a lot of attention now to compensation  
18 schedules. Comparable worth is a policy that is designed  
19 not to break down the barriers of the female occupation  
20 ghetto but rather to gild the ghetto. And I believe we have  
21 seen the limits of those policies in the past. We can also,  
22 I think, expect to see continued attention drawn to  
23 pregnancy rights, child care, maternity leave, and issues  
24 such as that.

25 Let me turn now to the shifts that we can see on

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1 the employer's side of the picture. There are three major  
2 shifts, I believe, that we can see. There is a continuing  
3 growth of the service sector, a decline in union jobs, and  
4 an increasing share of employment in small establishments.

5 Now, those might not have obvious implications  
6 for civil rights, but I believe they do have some important  
7 implications. It is more difficult to enforce  
8 antidiscrimination law at smaller establishments, and part  
9 of that is simply a statistical effect. It's much harder to  
10 prove any statistical hypothesis, including discrimination,  
11 when you have a smaller number of employees. As the  
12 proportion of the employment that is in small establishments  
13 increases, it will be more difficult to bring adverse impact  
14 types of cases. And I believe it is difficult to expect  
15 affirmative action to fill the gaps since the numbers of  
16 small employers are just way beyond what the Office of  
17 Federal Contract Compliance Programs have ever had or we  
18 could expect it to have the manpower or the money to  
19 enforce.

20 The decline of unions means that an alternative  
21 dispute resolution mechanism, and a decentralized one which  
22 has proven to have some success in the past, will be less  
23 available as an outlet.

24 The shift toward service sector jobs also means a  
25 shift towards relatively unstable jobs. The service sector

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1 tends to have higher turnover rates. That means you can  
2 expect, on the one hand, more disputes about discharges and,  
3 on the other hand, perhaps shorter-duration jobs.

4 The educational issues, I believe, are also quite  
5 important. During the past two decades, and probably even  
6 before that, the fastest growing employers in this country,  
7 even within particular industries, have been those with the  
8 greatest hiring of white collar workers. It is the white  
9 collar intensive work forces in this country that have grown  
10 the fastest, and that is consistent with the Bureau of Labor  
11 Statistics' projections of the demand for skilled workers.

12 What I believe that means is that there will be  
13 increasing emphasis and increasing importance on access to  
14 education and access to training. Given the kinds of  
15 evidence we have heard about the minority educational  
16 levels, that raises a specter of a mismatch between the  
17 skill needs that our economy needs to grow and the kinds of  
18 investments we are currently making in education and  
19 training.

20 On the growing internationalization of the U.S.  
21 economy, as a side note it's worth noting that foreign  
22 ownership of U.S. business is increasing. Those businesses  
23 are generally covered under Title VII, but it adds an  
24 additional dimension to the regulation because it adds a  
25 sort of layer of international conflict. And this country

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1 has signed certain treaties that limit the application of  
2 antidiscrimination laws to the very top layers of some  
3 multinational corporations.

4 A further change on the employment side of this  
5 is that we are beginning to see a fuzzing of the lines, a  
6 blurring of the lines, between employees and employers.  
7 That is coming along with the growth of subcontracting in  
8 the economy, and the growth of transient arm's-length  
9 relationships between employers and either subcontract labor  
10 forces, temporary work forces, or transient work forces.

11 What that means, I believe, is that there is an  
12 increased opportunity for some employers to discriminate not  
13 directly by who they employ but indirectly by who they  
14 choose to subcontract with. The subcontracting decision --  
15 there are obviously increased opportunities to cloak that as  
16 a business decision, so it's a little bit more difficult to  
17 attack in the courts.

18 We can look forward to increasing suburbanization  
19 of employment as jobs disperse from the central city, but I  
20 believe the implications of that for minority unemployment  
21 have been grossly exaggerated. In Los Angeles, for example,  
22 there is no evidence that suburbanization of jobs can  
23 explain very much of the higher unemployment rates of  
24 minorities. The technological advances that we can see  
25 coming do raise, I believe, opportunities for a number of

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1       handicapped groups, and that is probably the most important  
2       good news in all this.

3               And finally, on the employer demand side, we have  
4       had on the state level growth of employment-at-will  
5       doctrines that have independently led to the formalization  
6       and rationalization of a lot of personnel systems, and that  
7       offers a whole other level of protection for people who  
8       depend on the federal policy.

9               Let me just briefly review some of the major  
10       changes in federal policy as I see them in recent years, and  
11       I'll talk just about the EEOC and affirmative action.

12               EEOC has voided exercising its right to bring  
13       pattern and practice cases under Title VII. Its rapid  
14       charge-processing system has, I believe, degenerated into a  
15       system that is equivalent to parking tickets for employment  
16       discrimination, although it certainly has reduced the  
17       backlog of charges.

18               Affirmative action as a policy -- I think if we  
19       look at the history in this area, what we see is that as a  
20       policy it can be made to work; it can also be made to fail.  
21       During the '70s it was quite successful, and it was  
22       successful without the use of quotas. It was successful  
23       without targeting reviews more at firms that had the least  
24       proportion of minorities and females. I always think it's  
25       remarkable that during that period you can find a number of



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1 large employers with no minorities, no females, and no  
2 compliance reviews by the OFCCP.

3 I also think it's remarkable that during those  
4 years, if you look at the question of whether the system of  
5 goals and timetables were quotas, what you see is that firms  
6 that were promising to increase, for example, female share  
7 from 25 percent to about 26 percent, in fact made no  
8 changes. They ended up where they started. I don't believe  
9 that anybody can look at those numbers and call that a quota  
10 system.

11 The affirmative action program throughout its  
12 history depended on the government taking relatively  
13 symbolic actions to increase the threat of enforcement. I  
14 believe in the last eight years the government has been  
15 unwilling to take those actions. It has also reduced the  
16 use of sanctions. There are far fewer back pay awards, far  
17 fewer debarments than there were before 1980. And the  
18 consequence, if you look at the success of affirmative  
19 action after 1980, I think it's fair to say that in effect  
20 there has been no affirmative action through the Contract  
21 Compliance Program since 1980.

22 I say that because, if you look at the employment  
23 growth rates of minorities and females at contractors,  
24 compared to the growth rates at noncontractors, you don't  
25 see a difference. There is no observable impact of

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1 affirmative action after 1980.

2 Let me just end by saying that the pure  
3 redistribution programs are always the most divisive. The  
4 programs that perhaps we can expect to see the greatest  
5 policy changes on in the future are those that offer more  
6 widely shared rewards, including education and training  
7 programs, and programs that embrace widely shared ideals,  
8 and I believe antidiscrimination is a widely shared ideal in  
9 this country.

10 Thank you.

11 COMMISSIONER BUCKLEY: Thank you.

12 Would you pass the microphone over, and Dr. Cain,  
13 would you please proceed.

14 PROFESSOR CAIN: Thank you.

15 I am a political scientist, and I have been  
16 charged with the task of talking about the political  
17 implications of immigration and changing demographics, which  
18 I will do.

19 The image I think most people have of the impact  
20 of this changing demographic scene is that it will result in  
21 enormous political change, if not in the country certainly  
22 in states like California and Texas where there has been a  
23 fair amount of in-state migration.

24 The reality of that is that such political change  
25 will be much delayed and perhaps never realized because of

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1 some factors I'm going to talk about. While it is projected  
2 that in the year 2010 the population in California will be  
3 less than 50 percent white, I would say that by the year  
4 2010, even if those figures come true, it is quite likely  
5 that the electorate will still be white, and I'll talk about  
6 why that is true.

7 And my second point will be that as a result of  
8 this gap between the demography and the political power,  
9 there is enormous frustration with the system, and those  
10 frustrations are going to crop up continually at the local  
11 government level. And certainly a lot of that will be  
12 resolved at the courts, will be in the hands of the Justice  
13 Department and the Supreme Court. But I am going to suggest  
14 that there are some other things that might be undertaken by  
15 local towns and counties to deal with the situation in a  
16 more creative and perhaps less litigious manner.

17 First, why this gap between the demography and  
18 the political power? Well, the fact is that most immigrant  
19 groups, most minority groups, suffer from the triple whammy  
20 of a large percentage of noncitizen, a very young age  
21 distribution, and low socioeconomic status.

22 In terms of noncitizenship, the Irish that came  
23 over in the 1840s, many of them could vote and participate  
24 in the electoral system almost immediately. They were  
25 people being taken off the boats and enlisted in the

CBT/cs 1 machines in the inner city.

2 In subsequent years, we have increased the  
3 stringency of our registration laws. The naturalization  
4 process has lengthened considerably. So it turns out that  
5 the political gestation period is just much longer. It  
6 takes much longer as compared to that first wave of  
7 immigrants in the 1840s for an individual to go from  
8 noncitizen status to citizen status to participating citizen  
9 status. So any look at the population and the likely  
10 political power of that population has to adjust for  
11 noncitizen. And when you do that, you suddenly see that the  
12 potential power drops enormously.

13 Secondly, age. It was mentioned earlier that  
14 Latinos in particular are a very young population. Their  
15 average age is about 22. That means you have a lot of  
16 people who are under the age of 18 who cannot vote, many of  
17 them in the schools, et cetera. So populations that have  
18 that kind of age distribution are going to be  
19 disproportionately represented in the electorate.

20 Thirdly, low socioeconomic status. Insofar as  
21 there are any iron laws in political science -- and I said  
22 insofar as there are any -- the one that crops up in every  
23 country, in every context, is that groups who have lower  
24 education in particular, but also lower income, are going to  
25 be less participatory, unless there are other kinds of

CBT/cs

1 supporting mechanisms -- strong party structures, get-out-  
2 the-vote campaigns, et cetera -- that are going to bring  
3 them to the polls. It is the middle class that consumes  
4 politics, that enjoys politics, that will do it without much  
5 prompting. And in every society it is the lower educated,  
6 lower income individuals that have to be assisted to  
7 participate in the political process.

8 On that scale, that international scale, the  
9 United States is further in the direction of putting the  
10 initiative on the individual as compared to other countries  
11 where the state takes the initiative to get people involved  
12 in the political process, either by compelling them to vote  
13 or making sure that they are registered. And that is a more  
14 onerous system for low socioeconomic individuals.

15 Now, I should say not only is the kind of  
16 conventional education and income a problem, but in the case  
17 of the Asian Americans we have something that I don't think  
18 is very well understood, which is very low participation  
19 from a group that in every other indicator ought to be  
20 participating very highly. I don't have time to go into it.  
21 There are a variety of theories as to why that may be true,  
22 and it may be cultural. It may have to do with  
23 organization. It may be linguistic, time to get used to the  
24 communications. But that is an additional problem that we  
25 don't very well understand, but it does inhibit Asian

CBT/cs 1 American participation.

2 So we have the gap, and the gap shows up over and  
3 over again. You look at California, and you see that 19  
4 percent, probably by now 23 to 25 percent, of the population  
5 is Hispanic. But if you look at the electorate, it's more  
6 like 12 to 14 percent, when you take into account those who  
7 are eligible to vote, those who are registered to vote, and  
8 those who actually vote. The triple whammy hits in, and the  
9 participation rates are lower.

10 Redistricting design. I was the state  
11 redistricting consultant in 1980 for the Assembly. I was a  
12 city redistricting consultant last year when we settled the  
13 lawsuit with the Justice Department, and I have gone by  
14 tract by tract, block by block, trying to design districts  
15 to match federal requirements. And you discover that  
16 certain areas of the city of Los Angeles, you can build a  
17 district that looks like it is a fair opportunity, a fair  
18 break, for the Asian or the Latino population, but when you  
19 actually look at the number of voters that are in that seat,  
20 you see that it's appalling low.

21 In Richard Alatorre's seat, the 14th City Council  
22 seat, 75 percent Latino, and yet only 50 percent of the  
23 electorate was Latino, and that was after many, many years  
24 of voter registration as a result of a recall fight.

25 When we built the Florio Melina seat in response

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1 to the Federal Government, we could get it up to 60 to 65  
2 percent Latino, but if you centered it in downtown Pico  
3 Union area, where the immigrants tend to live, you could  
4 have less than 25 percent of that seat being registered to  
5 vote.

6 So the gap appears over and over again.

7 One last thing. In a study we did with the Los  
8 Angeles Times a year or so ago, we discovered that despite  
9 fairly equal population increases in the white side of Los  
10 Angeles City and the nonwhite section of Los Angeles City,  
11 the participation of the electorate was such that it was  
12 about a 60-40 split, that is, that the white areas of the  
13 city constituted 60 percent of the electorate, even though  
14 they constituted 49 percent of the population, and that that  
15 trend was being exacerbated because the kind of immigration  
16 you were getting among the nonwhite was largely this  
17 individual that has to get naturalized and move through the  
18 gestation period. The white immigration into the state is  
19 affluent, middle-class professional moving into the San  
20 Fernando Valley of the west side, and they are going to get  
21 into the system much faster.

22 Two things I will mention very briefly that are  
23 additional problems for minorities. We don't have time to  
24 go into it. But a second problem in addition to the gap is  
25 the fact that there is an enormous heterogeneity of interest

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1 in minority groups. You can't see them as an automatic  
2 coalition. Even the Asians are not an automatic coalition.  
3 There are tremendous differences between the different Asian  
4 groups and their political attitudes.

5 Asians as compared to Latinos and blacks. Asians  
6 went for Reagan in 1984 in this state. They were  
7 registering equally between Republican and Democratic Party  
8 in a state that is about 51-37.

9 Blacks and Hispanics. On many issues blacks and  
10 Hispanics are very close, but on the issue of Simpson-  
11 Mazzoli -- and I picked that up from a comment that somebody  
12 made earlier -- on the issue of Simpson-Mazzoli, there were  
13 disagreements between the black community and the Hispanic  
14 community, whether they are justified or not.

15 So there is a heterogeneity of interest. So even  
16 if you get people participating, the white fear that somehow  
17 this is going to be one cogent interest that is always going  
18 to combine really I don't think will ever materialize. The  
19 Republican fear that they will all become Democrats also  
20 will not materialize. So if I were a Republican consultant,  
21 I would say, "Look, it's not a bad idea to actually increase  
22 the quota from Asia. You will probably get a Republican  
23 realignment a lot faster if you do that than if you wait for  
24 the conversion of Southern whites" -- at least if the polls  
25 are to be believed.



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One last thing I want to say, and that is that the whole context of American politics has changed since the 1840s in ways that don't make it easier for non-middle-class people to participate. The party structure is weaker. Parties are there to mobilize. They are not there now, but they served that purpose in the 1840s.

The role of money. Money now is much more important in American politics than it was in the earlier period, and poor socioeconomic, lower socioeconomic disadvantaged communities don't have that money.

The campaign finance laws. When we undertake reform, our ideal is that everybody gives \$250, but that's easier to do if you're in the San Fernando Valley or if you're in Pasadena than if you are a poor person in the Pico Union area, et cetera.

So all of this contributes to increasing frustration with the system, and I could go on, but I won't. We have had challenges in the state to the City of Los Angeles redistricting lines. We have had a suit in Watsonville, Pomona. There are suits pending in San Diego and Los Angeles County.

Now, certainly one route is the route of litigation, and I happen to believe in the Voting Rights Act and I happen to like the enforcement of the Voting Rights Act. But in general, I'd like to see the political system

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1 do something as well. That is to say, I wish it weren't all  
2 resolved by the courts. A lot of political scientists --  
3 well, not a lot, but a significant segment of us are  
4 beginning to try to get local towns and counties to think  
5 about other ways of doing business other than at-large  
6 elections or even single-member simple plurality. As a  
7 gerrymanderer, I can tell you that, yes, we can change the  
8 lines to accommodate the interest of various groups, but it  
9 tends to produce a backlash from others because the lines  
10 are ugly and it is very obvious what you're doing.

11 What we might think about doing is looking at  
12 some mechanisms called semiproportional systems, limited  
13 vote, cumulative vote systems, the thrust of which, the  
14 basic principle of which, is that they deny the ability of  
15 the majority to control every seat.

16 In a single-member system, you could  
17 theoretically have 435 seats, all of them splitting 51-49,  
18 so that somebody could get 49 percent of the vote and zero  
19 seats. It's not a mechanism that is designed to give you  
20 any kind of proportional representation. Proportional  
21 representation, such as they use in Europe, is usually  
22 compatible with a very strong party system, and I don't  
23 think most Americans have the stomach for it -- too bad, but  
24 they don't. Semiproportional systems don't require that. I  
25 don't have time to tell it in great detail, but it's

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1 something, if I were your commission, I would encourage  
2 people to think about a little bit more.

3 And, finally, I think more thought should be  
4 given to registration and making registration easier for  
5 minority groups of various kinds.

6 Thank you.

7 COMMISSIONER BUCKLEY: Thank you very much.

8 We will now go into our question-and-answer  
9 portion of this panel. We don't have a lot of time. And,  
10 again, you have given us a lot of things to think about.

11 We'll start with Commissioner Destro, and note  
12 that we have some time constraints. We want to break for  
13 lunch so these people can also have some rest.

14 COMMISSIONER DESTRO: Where to start.

15 CHAIRMAN ALLEN: First by speaking into the  
16 microphone.

17 COMMISSIONER DESTRO: Thank you, Mr. Chairman. I  
18 appreciate that.

19 The real issue that lies underneath all of this,  
20 for us at least, is how this is going to have a major impact  
21 on either how civil rights policy is envisioned -- and I  
22 found Professor Cain's comments with respect to different  
23 ways of envisioning voting as very useful and intriguing.

24 With respect to other types of enforcement  
25 policies, I'm sure everyone else would have other comments.

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1 But the thing that concerns me the most, and  
2 which is going to be, I think, part of the focus of our  
3 forum when we meet in Washington in the spring, is how these  
4 other policies, other policies like educational policies,  
5 policies like how one deals with the needs of the elderly --  
6 whether or not those are going to be dealt with under the  
7 rubric of discrimination, under the rubric of civil rights  
8 laws, or are they going to be dealt with as meeting an  
9 educational need, meeting a geriatric need, which will then  
10 filter down through the population.

11 Even to Dr. Leonard's point, which I know is  
12 hotly disputed with respect to the EEOC, the EEOC argues  
13 very strongly that they have got a very good record in the  
14 last few years. But my question goes more to the question  
15 of how are pattern and practice losses going to help you if  
16 you have an ill-educated work force. No amount of  
17 affirmative action is going to help someone who can't read.

18 So the question, at least for me, is: Where do  
19 these policies intersect? How do you parse out the  
20 education parts? How do you parse out the geriatric parts?  
21 How do you speak in terms of -- as Mr. Serrata said, how do  
22 you get people to stop thinking in majority-versus-minority  
23 terms and speak in terms of what you should do, and speak  
24 more in terms of: What do we need to do to have a result?  
25 Because you can certainly see that disproportionate impact

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1 with respect to discrimination -- you know, it filters down  
2 through, and you have a disproportionate impact. If you  
3 start focusing on educational needs, you will also have a  
4 disproportionate impact, but it will be a positive one,  
5 because the greatest needs are in the minority populations.

6 And I'll just turn to any member of the panel who  
7 would like to talk about that relationship, and since it's  
8 going to fall to me and the other members of the  
9 subcommittee to conceptualize that last forum, how do you  
10 split out or how do you start to conceptualize this notion  
11 of where the relationship between civil rights and other  
12 policies are?

13 It's not a clear question, but we don't have the  
14 idea thought out very well, and you could very much help us  
15 with that.

16 CHAIRMAN ALLEN: That question is for any member  
17 of the panel. And let me say while you're deciding whom to  
18 address it, we should have said we're going to have to limit  
19 each Commissioner to one question with no follow-up.

20 MR. SERRATA: I'd just like to contribute a  
21 little bit to that. At UCLA we have a Committee on  
22 Diversity, as it's known. We're looking specifically at the  
23 curriculum. Much was said here, for example, on I believe  
24 the stereotype, if you will, that Asians are all succeeding  
25 throughout the system, that they are doing well at all

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1 facets of life. Yet, articles have come out, not only in  
2 the L.A. Times but in academic journals that, in fact,  
3 Asians do not rise to all levels of decisionmaking. They  
4 are good workers and they are all successful and they  
5 achieve highly in everything, but in fact they do not rise  
6 -- and again, it has a lot to do with stereotypes, of how we  
7 stereotype ourselves.

8 At UCLA in particular, what we are arguing is  
9 that there is no contradiction between affirmative action  
10 and excellence. The concept that has been argued in the  
11 past, at least to the last meetings of a couple of months  
12 ago, is: How are we going to achieve affirmative action and  
13 excellence at the same time? And we are arguing that there  
14 is no dividing those issues. We are not only affirmative  
15 action meaning remedial students. We are achievers, and we  
16 have these skills that the university needs for excellence.

17 UCLA in particular has absolutely no choice  
18 because Los Angeles, that's what it is, and will be a larger  
19 and larger percentage of minority people, minority groups.  
20 The Asians have a powerful struggle against the University  
21 of California, and their battle is not an affirmative action  
22 battle. Their battle is power. They are overachieving  
23 against whites, and that's the issue.

24 So in response to your question, it's an  
25 attitude, an attitude change, that there is no contradiction

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1 between excellence and affirmative action for  
2 underrepresented groups.

3 That's how I would begin the discussion, and I  
4 think it translates from the aged to the young, that the  
5 tradeoff is of mutual benefit to all of us. I know it's  
6 hard to believe that we're going to change our attitudes,  
7 but in some cases we have no choice. And in this case of  
8 the University of California, I think they feel that they  
9 have no choice.

10 CHAIRMAN ALLEN: Commissioner Chan, any question?

11 COMMISSIONER CHAN: No, but I guess Dr. Destro  
12 has already expressed what I have in mind. But I believe if  
13 you ask some of the people, they have a different vision of  
14 affirmative action and the excellency. I think you are  
15 referring to the faculties and the students both, aren't  
16 you?

17 MR. SERRATA: I'm referring to all components --  
18 staff, top administration.

19 COMMISSIONER CHAN: Yes, all components. What  
20 I'm trying to say is there is always two sides to a coin,  
21 and I have no comment so far.

22 CHAIRMAN ALLEN: Director Prado.

23 MS. PRADO: Dr. Justiz, on your statistics, do  
24 the higher education statistics include vocational training  
25 schools, or what role do they play in the statistics you

CBT/cs 1 were talking about?

2 DR. JUSTIZ: The statistics included primarily  
3 the students in the transfer program going onto the  
4 baccalaureate degree, to achieve a bachelor's degree.

5 MS. PRADO: I guess my question is: Then your  
6 statistics don't reflect the role of specialized schools,  
7 like computer training schools or skills schools, in terms  
8 of a high school graduate that does not go to college but  
9 instead goes into a vocational program?

10 MR. SERRATA: That's right. But what we find is  
11 the majority of minority students in fact are going to the  
12 military. The military has been very, very successful in  
13 recruiting blacks and Hispanics into its ranks. Probably  
14 anything could be said, it's that the higher education  
15 communication has a great deal to learn from the military in  
16 terms of effective recruitment techniques. And they are  
17 performing very, very successfully in the military.

18 By the way, I wanted to comment on something that  
19 Professor Cain said -- and, by the way, I concur totally  
20 with him. But one thing I feel very strongly is that when  
21 you look at the gap in demography and political power, one  
22 of the principal problems is that the educational system has  
23 not met its obligation, that we have to do a better job in  
24 American education in teaching the values and principles of  
25 democracy, and that voting is a fundamental front-and-center



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1 value that has to be incorporated and integrated into the  
2 value system of all new immigrants and in minority youth.  
3 And I think that can be taught and valued and acted on very  
4 readily if we make that a priority. And I think it's  
5 critical we start doing more of that.

6 COMMISSIONER DESTRO: I just had a quick question  
7 to follow on your military, and it's just a request for  
8 information, actually.

9 If there is information available with respect to  
10 what the minorities being recruited into the military are  
11 doing afterwards, that would also be useful, too, because  
12 there are funds available for going to college and such.

13 CHAIRMAN ALLEN: I didn't pay for this mike but  
14 I'm taking it.

15 Vice Chairman Friedman.

16 VICE CHAIRMAN FRIEDMAN: Let's see if I can tie a  
17 couple of you together with this question. Since so many of  
18 the issues that we are grappling with now transcend  
19 discrimination in its traditional and well-accepted form,  
20 I'm just wondering what ways of public policies, that we as  
21 a Civil Rights Commission might endorse or try to stimulate,  
22 can be harnessed in two areas particularly: for Ivan Light  
23 who seems to be stressing very heavily the concept of  
24 organizational behavior on the part of individual groups and  
25 the ways in which they organize themselves. I think another

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1 way of putting it is the cultural systems of groups and the  
2 way these systems lead to success in our society.

3 So I'd like Ivan to tackle that one, but most  
4 particularly in terms of the public policy implications  
5 there.

6 And then Jonathan Leonard on the issue of, say,  
7 William Wilson's concept of jobs going overseas, the  
8 dislocations created by past discrimination, et cetera --  
9 what are the public policy implications of these kinds of  
10 issues?

11 CHAIRMAN ALLEN: First Dr. Light.

12 PROFESSOR LIGHT: As far as public policy  
13 implications are concerned, I tried to tell you what I  
14 thought they were, namely, that it is possible to redirect  
15 people --

16 CHAIRMAN ALLEN: Could you speak directly into  
17 your microphone.

18 PROFESSOR LIGHT: I tried to explain what I  
19 thought some of them were, that it's possible to redirect  
20 people into legitimate entrepreneurship particularly from  
21 crime, with a lot of benefit to society.

22 But speaking to the issue of cultural systems of  
23 groups, what can public policy be toward this? There is  
24 evidence that cultural systems of groups do include  
25 entrepreneurship. But insofar as that's the only thing

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1 we're dealing with, that's really outside the sphere of  
2 public policy.

3           However, one could say that that's not all there  
4 is to it. There's a portion of it which may be  
5 idiosyncratic, and a portion of it which is not  
6 idiosyncratic to a particular group. It's the latter  
7 portion, the portion which is not idiosyncratic, which  
8 public policy could tackle.

9           So, for example, if we switched to basketball and  
10 we look at people who are successful in basketball, we find  
11 that it helps to be 7 feet tall. Now, public policy can't  
12 do anything about the fact that you're only 5 feet tall. If  
13 you're only 5 feet tall, that's a problem.

14           But there's more to it than that, of course.  
15 There also is a certain amount of time spent dribbling and  
16 practicing and so forth, and that's something the public  
17 policy can do. So if we studied basketball high achievers  
18 and how they succeed, we'd want to distinguish that which  
19 is, so to speak, idiosyncratic about them, their being 7  
20 feet tall, and that which we can take over as part of public  
21 policy, namely that they practice a lot, they like  
22 basketball, they throw a lot of baskets.

23           And similarly with entrepreneurs. If we study  
24 the Koreans, as I have done -- and they are very super-  
25 successful as immigrant entrepreneurs and we want to know

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1 what can we do with this -- well, we can't make everyone  
2 into a Korean. This we cannot do.

3 But there are some things the Koreans do that we  
4 can learn from, and I'll give you a very simple example.  
5 Their newspapers contain a lot of information about how to  
6 run a business -- just in the newspaper. You open the  
7 newspaper and it says, "Here is this kind of a business, and  
8 this is how you get into it, and this is where it's located,  
9 and this is how much you should pay for it, and this is the  
10 kind of thing you should stress in this neighborhood" -- a  
11 very simple little thing like that. To read that, you must  
12 be able to read Korean, so a non-Korean cannot read it.

13 But there is in principle nothing about this that  
14 couldn't be taken over and become a part of public policy,  
15 and there are a number of other aspects of the  
16 entrepreneurship game which are similar in character.

17 CHAIRMAN ALLEN: Thank you.

18 Dr. Leonard.

19 DR. LEONARD: I'll try to answer your question  
20 and Commissioner Destro's at the same time. It seems to me  
21 there are certainly things like education that are very  
22 important in determining the employment success of  
23 minorities and whites. But I think it is still important to  
24 have a civil rights policy that focuses on equal access and  
25 equal opportunity to those educational opportunities.

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1 That's where I would draw the dividing line.

2 As for the job dislocation issue, fortunately we  
3 are blessed with quite a flexible work force. The kinds of  
4 policies that could help people in that area are better  
5 information about where jobs are growing. And I suppose the  
6 civil rights component might be greater stress on the  
7 education and training aspects of affirmative action.

8 The way we have succeeded and the way we probably  
9 will succeed in world business competition is in high value-  
10 added industries, and that is going to take increasing  
11 investment in education and increasing investment in R&D. I  
12 don't see those particularly as civil rights issues unless  
13 different groups don't have equal access to those policies.  
14 That's the civil rights issue to me.

15 CHAIRMAN ALLEN: Thank you.

16 Commissioner Buckley.

17 COMMISSIONER BUCKLEY: Not at this time.

18 CHAIRMAN ALLEN: No questions, and the last will  
19 come to me, which will come in the form primarily of an  
20 observation simply because I think these matters need to be  
21 entered on the record.

22 I believe it is correct to say that the EEOC does  
23 monitor age discrimination. We at least had a report to  
24 that effect as long ago as one year, and recognition of the  
25 increasing occurrence of complaints about sexual harassment

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1 and age discrimination. And, indeed, I think they closed a  
2 major litigation within the past month in Michigan on age  
3 discrimination grounds.

4 Similarly, I would like to point out with respect  
5 to pattern and practice or class actions that they have  
6 achieved records in that area that exceed anything  
7 previously attained. Just in the last year, 50 percent of  
8 their cases were of that variety, with rewards exceeding  
9 anything ever before attained through such actions.

10 I would also note that the Asian report, for the  
11 record, does indeed control for regional differences in  
12 dealing with the statistics. I have been through the report  
13 quite carefully, and while it may not satisfy everyone's  
14 particular concern, it certainly does scrupulously make  
15 explicit exception of the kinds of things that were  
16 discussed earlier.

17 I have one question, which should take a  
18 relatively short answer. I suppose it would go to Mr. Cain,  
19 although anyone might want to answer it. It's a question,  
20 however, that involves what everyone has talked about,  
21 namely, the so-called majority of minorities in America's  
22 future. We all like slogans in America, and we catch a  
23 phrase that has a turn to it, and we like to repeat it.  
24 We're not always sure of the substance, though.

25 What my question went to was precisely the

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1 question of what that might mean or whether in fact it would  
2 be more realistic for us to think that what we have known in  
3 the past we'll continue to know in the future.

4 Let me just give the example of what I'm talking  
5 about to see whether we need to reconsider the notion of a  
6 majority of minorities.

7 It could look quite white on one ground, on one  
8 basis of assumptions. If one takes some of the assimilation  
9 studies regarding Hispanic Americans or Latinos that are  
10 being done in Chicago and at Rand, or things that we all  
11 know that are reflected in works like Richard Rodriguez and  
12 others, we could say there is a substantial portion of the  
13 Hispanic, Mexican American, and other population which looks  
14 quite white after a certain amount of time. And looking at  
15 the numbers, and looking at the residue of white Americans,  
16 which even all the most dramatic projections still show to  
17 amount to much more than a majority, what is there to make  
18 anyone think that there won't still be a majority of white  
19 Americans at the end of this long chain of predictions?

20 PROFESSOR CAIN: Well, if you mean by "white,"  
21 middle class in values and assimilated in that sense --

22 CHAIRMAN ALLEN: Assimilated.

23 PROFESSOR CAIN: -- I think that's right; I think  
24 that's correct. But there's another school of thought in  
25 political science that really what we have is a pluralist

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1 society, that is, we have a lot of different groups, a lot  
2 of different interests that come together for coalitions.

3 And it may be, just as what we said the  
4 minorities are -- there are many different groups in the  
5 minorities, and there is no one single coherent interest --  
6 we might say the same thing about the white population, that  
7 is to say, that they are divided themselves between women  
8 and men and conservatives and liberals and affluent and  
9 poor.

10 So, yes, from that perspective there will be more  
11 of the same, more of a coalition of various groups.

12 CHAIRMAN ALLEN: Thank you. I'm even going to  
13 deny myself the opportunity for a follow-up, just to show  
14 that the rules I impose I'm also willing to abide by.

15 VICE CHAIRMAN FRIEDMAN: Good for you.

16 CHAIRMAN ALLEN: We will at this point break for  
17 lunch. I will only make an announcement that we will start  
18 at 1:35 rather than 1:30. I'm going to give an additional  
19 five minutes, but no more, for that lunch period.

20 And for those of you in the public who are  
21 present here, I want to point there will be an open session,  
22 a public session, this afternoon, between the hours of 5:00  
23 and 7:00, so you will have the opportunity. And you may  
24 want to sign up, I suppose, with staff at the rear of the  
25 auditorium here, if you particularly want to speak to the



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Commission during that period of time. And your time will be limited to five minutes for each person.

Is there anything else, Commissioners and staff, that we need to do before we leave?

Then we shall recess the meeting until 1:35.

(Whereupon, at 12:45 p.m., a luncheon recess was taken, to reconvene at 1:35 p.m.)

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## AFTERNOON SESSION

(1:45 p.m.)

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3 CHAIRMAN ALLEN: Let me ask the panelists to take  
4 their places. Reading from my right, Betsy Rosenthal, Bruce  
5 Ramer, John Kromkowski, Yolanda Eubanks, Irvin Lai, Joyce  
6 Leanse, Harold Webb, Antonia Hernandez.

7 I explained to my colleagues and our guests when  
8 we left before lunch that we would start again at 1:35. I  
9 regret to say we have failed to do that, but nevertheless we  
10 are going to begin now, and the afternoon panel is in the  
11 hands of Vice Chairman Friedman.

12 Murray.

13 VICE CHAIRMAN FRIEDMAN: Yes, sir.

14 Good afternoon, ladies and gentlemen. We are at  
15 this stage of our discussions and deliberations, and I would  
16 like to ask you each, regardless of what you have been asked  
17 previously --

18 CHAIRMAN ALLEN: May I interrupt you for just a  
19 moment, Murray. Not only do we have to speak directly into  
20 the microphones or we won't be heard, but I want to make  
21 certain that those present in the audience know that we have  
22 an interpreter for the hearing impaired. If they would  
23 signal, anyone requiring that service, it would permit our  
24 interpreter to know how vigorously to pursue his craft this  
25 afternoon. Thank you.

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VICE CHAIRMAN FRIEDMAN: I wanted to urge you, regardless of what you may or may not have been asked before, to see if you can confine yourself to about 10 minutes -- not about but to 10 minutes -- in your remarks. And I would urge you, if possible, to summarize what may be in your papers, whether we have received your papers or not.

We have been so barraged by such a large torrent of information that there is a certain inability to grapple with the totality of the facts you're tossing at us. So if I may, I'd like to ask you to speak more broadly than perhaps your paper itself does.

I was asked to check on one panelist.

COMMISSIONER BUCKLEY: She's here.

VICE CHAIRMAN FRIEDMAN: She's here now.

Okay, we can go from right to left or from right to left. Let's start this way.

CHANGING DEMOGRAPHICS: THE PERSPECTIVE OF CIVIL RIGHTS ORGANIZATIONS: STATEMENTS OF: MS. BETSY ROSENTHAL, WESTERN STATES CIVIL RIGHTS COORDINATOR, ANTI-DEFAMATION LEAGUE OF THE B'NAI BRITH, LOS ANGELES, CALIFORNIA; MR. BRUCE RAMER, CHAIRMAN, COMMISSION ON NATIONAL AFFAIRS, AMERICAN JEWISH COMMITTEE, LOS ANGELES, CALIFORNIA; DR. JOHN KROMKOWSKI, NATIONAL CENTER FOR URBAN ETHNIC AFFAIRS, WASHINGTON, D.C.; MS.

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1 YOLANDA JODI EUBANKS, ASSISTANT TO THE  
2 NATIONAL PRESIDENT, LULAC, FORT WORTH TEXAS;  
3 DR. IRVIN R. LAI, ASIAN AMERICAN VOTERS  
4 COALITION, POTOMAC, MARYLAND; MS. JOYCE LEANSE,  
5 WESTERN REGIONAL MANAGER, NATIONAL COUNCIL ON  
6 AGING, LOS ANGELES CALIFORNIA; MR. HAROLD WEBB,  
7 EXECUTIVE DIRECTOR, LOS ANGELES NAACP, LOS  
8 ANGELES, CALIFORNIA; AND MS. ANTONIA HERNANDEZ,  
9 PRESIDENT AND GENERAL COUNSEL, MALDEF, LOS  
10 ANGELES, CALIFORNIA

11 MS. ROSENTHAL: Good afternoon, Commissioners.  
12 My name is Betsy Rosenthal, and I'm the Western States Civil  
13 Rights Director for the Anti-Defamation League of B'nai  
14 Brith. Hopefully I'll make it through this without a  
15 coughing attack because I'm recovering from bronchitis.

16 Just yesterday on the front page of the Los  
17 Angeles Times it was reported -- and I see you smiling;  
18 perhaps you read it -- that for the first time in  
19 California's history there were more minority students  
20 enrolled in California's public schools than Anglo students.  
21 Certainly this is an indication of the dramatic shift in  
22 demographics in California. Unfortunately, we can't assume  
23 that just because you throw in together a bunch of diverse  
24 students from various racial, religious, and ethnic  
25 backgrounds that they will all get along and there will be

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1 perfect harmony. And it's the increase in tension which  
2 often comes about as a result of this increase in diversity  
3 in our society that the Anti-Defamation League is very  
4 concerned with.

5 Just for some background, the ADL was founded in  
6 1913 to promote good-will and mutual understanding among  
7 people of various creeds, races, and ethnicities, and also  
8 to combat prejudice and bigotry.

9 One of the ways in which we have gone about doing  
10 this, and something that perhaps makes the Anti-Defamation  
11 League unique among private organizations in the private  
12 sector, is our monitoring and counteracting of extremists.

13 Probably the most extreme example of intolerance  
14 for this increasing diversity in our country comes from the  
15 far right wing fringe, and the various individuals and  
16 groups in this fringe are groups which the ADL vigilantly  
17 monitors, the groups which would deprive ethnic, religious,  
18 and racial minorities of their rights and would try to  
19 basically undermine our democratic society. So these are  
20 groups that the ADL is very concerned with.

21 And just to cite probably the most radical  
22 example, The Order was a band of far right extremists, a  
23 violent group who went on a crime spree. Their goal was to  
24 rid the country of blacks, other minorities, and Jews and  
25 others that they considered undesirable, and to establish an

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1 Aryan white homeland in the Pacific Northwest in this  
2 country. Unfortunately, by the time they were apprehended,  
3 they had already committed murders, armored car robberies,  
4 bombings, and the arson of a synagogue. Currently, most of  
5 the members of this violent band are serving lengthy prison  
6 sentences for federal racketeering.

7 The Anti-Defamation League released a report in  
8 1987 on the hate movement today, and in that report we show  
9 that actually the increase in violence among the far right  
10 extremists over the past several years is probably due to  
11 the decline, in terms of both influence and numbers, of  
12 right wing extremists and leaders in the hate movement.  
13 What we are left with is a desperate group. It has left the  
14 leaders unorganized and searching for ways to rebuild their  
15 movements.

16 Unfortunately, though, there may be a strategy  
17 developing right now for the rebuilding of their movements,  
18 which has taken little effort on the part of the hate group  
19 leaders themselves, and that is groups of shaved-head young  
20 people sporting the Nazi insignia often, and these are the  
21 Skinheads. For those who aren't familiar with the movement  
22 itself, it is comprised primarily of young people, ages 13  
23 and 14. They're in the high schools. They are easily  
24 identifiable by their appearance. They shave their heads,  
25 which they claim to shave for battle. They wear black garb

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1 usually, combat boots or what are called Doc Martin boots.  
2 They have an attraction to a particular form of rock music,  
3 hard-driving rock called "White Power" music. They advocate  
4 violence against minorities and have committed many violent  
5 acts throughout the country in every city in which they have  
6 maintained a presence.

7 In order to shed a little light on their role  
8 here in American society, let me just give a brief overview  
9 of their origination.

10 They started in the early '70s on the streets of  
11 England. They wore combat boots, and oftentimes swastika  
12 tattoos and other various tattoos. They provoked minorities  
13 on the street and got involved in street battles. One of  
14 their favorite pastimes was called Paki bashing. They used  
15 to stomp on Pakistanis and other Asians, who comprise large  
16 minority immigrant groups in England, with their combat  
17 boots. And they characterized themselves as tough,  
18 patriotic, anti-immigrant, and working-class young people.

19 The neo-Nazi organizations in England quickly  
20 found that the Skinheads were recruitable and became  
21 successful in enrolling them in their organizations.

22 The American ideology of the Skinheads is similar  
23 to that of the British variety. For the most part, they are  
24 xenophobic. They have an affinity for Nazism. They don't  
25 like minorities and immigrants, and they are attracted to

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1 the music, as I mentioned earlier. They are engaged in  
2 violent activities.

3 Let me just show you. I brought some samples of  
4 their literature that they distribute so you can see. I can  
5 bring them up there. These are the types of things that  
6 they put out.

7 How widespread are they? Last November the Anti-  
8 Defamation League produced a report which showed there were  
9 several hundred of them and that they were growing in  
10 numbers. But as a result of the media exposure this report  
11 got, we received a lot of feedback comprised of additional  
12 data which indicated that their numbers were actually much  
13 larger and that there were between 20 and 25 groups of  
14 Skinheads nationwide in 12 cities throughout the country,  
15 and that in total they comprised membership of between 1,000  
16 and 1,500 people, and that they continue to have a  
17 propensity for violence.

18 Then the question becomes, of course: Why do  
19 young people want to join the Skinhead movement? One can  
20 speculate that perhaps they are banding together as a way of  
21 venting their frustration on a society in which they feel  
22 increasingly alienated. They resent the new kid on the  
23 block who perhaps doesn't speak English, who is unlike them.  
24 Rather than take responsibility for their own circumstances,  
25 they look for scapegoats, and the scapegoats are readily



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1 available in their neighborhoods and their schools.

2 But perhaps one of the main factors causing young  
3 people to join the Skinheads is the fact that they are  
4 exploited and encouraged by the older and more organized  
5 hate group leaders. They are being recruited because they  
6 are young and they are vulnerable. In fact, the changing  
7 demographics in this society has been a tool that has been  
8 wielded by the hate group leaders to frighten these young  
9 white kids into joining their movement. They threaten them  
10 with the extinction of the white race, thereby trying to  
11 attract them. And the outreach has proved successful. We  
12 find more and more Skinheads involved in neo-Nazi rallies  
13 and Ku Klux Klan rallies and attending various meetings of  
14 theirs.

15 One of the prime recruiters of the Skinheads has  
16 been Tom Metzger, whose name might be familiar to you as the  
17 former Grand Dragon of the Ku Klux Klan in California, and  
18 he currently heads up an organization called the White Aryan  
19 Resistance. He uses these Skinheads as what he terms as  
20 foot solders. He sends them out to do his dirty work, to  
21 have them put up stickers and posters like these  
22 (indicating).

23 It is too early to tell whether the Skinheads  
24 will continue to grow or will fade, but nonetheless it is  
25 very important for community leaders to educate themselves

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1 about the Skinheads, familiarize themselves with what they  
2 are all about, and of course for law enforcement to  
3 investigate and vigorously prosecute those Skinheads who  
4 have been involved in criminal activity.

5 Let me just quickly tell you about a couple of  
6 other efforts on the part of the ADL because, aside from the  
7 exposure of Skinheads and educating the community about  
8 them, we have been focusing quite a bit of effort on the  
9 schools. In eight cities so far throughout the country, the  
10 Anti-Defamation League has undertaken a media and school-  
11 project called "A World of Difference." I have some  
12 materials here about it. It's designed to reduce community  
13 racial, religious, and ethnic friction. It has a number of  
14 components to it. We are currently developing localized  
15 teacher training and study guide materials.

16 It's coming to the southern California region.  
17 This is the newest region to get the "A World of Difference"  
18 project. KCBS has already committed itself to \$3 million  
19 worth of on-air programming. The L.A. Times will be  
20 producing a 32-page supplement on "A World of Difference."

21 Since "A World of Difference" is a year-long  
22 project, of course, our work must continue. That's only the  
23 beginning. And for this reason the ADL has pushed for the  
24 passage of legislation here in California which would  
25 implement a pilot project for prejudice reduction education.

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1 in the schools. It's Assembly Bill 3504, and it is  
2 currently awaiting the Governor's signature. We hope he  
3 will sign it. This pilot course is to be developed by a  
4 number of community and civil rights organizations such as  
5 the ADL and including MALDEF and the NAACP. And the pilot  
6 course will be tested in three school districts throughout  
7 California. So hopefully that will be signed by the  
8 Governor.

9 In conclusion, let me just say that programs such  
10 as "A World of Difference" and prejudice reduction education  
11 in the schools will hopefully help ease the transition of  
12 Americans into this increasingly diverse society and will  
13 also hopefully help insure that hatemongers, such as the  
14 neo-Nazi Skinheads, will not find America a hospitable place  
15 for the dissemination of their ideas.

16 Thank you.

17 VICE CHAIRMAN FRIEDMAN: Thank you, Ms.  
18 Rosenthal.

19 Our next panelist is Bruce Ramer who is the  
20 Chairman of the Commission on National Affairs of the  
21 American Jewish Committee and a personal friend.

22 MR. RAMER: Thank you, Commissioner. I will do  
23 my best by omitting every other sentence from the paper in  
24 order to meet the constraints of time which you have  
25 imposed, and I will try to take notice of Commissioner

CBT/cs 1 Allen's two-minute warning.

2 I am delighted to be here on behalf of the  
3 American Jewish Committee and we're pleased to have the  
4 opportunity to participate in this forum. I will assume,  
5 for time, the knowledge of the American Jewish Committee by  
6 the Commission and the Commissioners. It is the oldest of  
7 America's human relations organizations, being founded in  
8 1906, from which time it has vigorously fought prejudice and  
9 bigotry.

10 We feel that it is very significant and important  
11 for the Commission to look toward new issues being raised by  
12 the changing demographic patterns. AJC approaches this  
13 concern from the perspective of some 20 years of research  
14 and practice in ethnic pluralism carried out through our  
15 Institute for American Pluralism.

16 We have found that ethnic groups, including white  
17 ethnics as well as black, Hispanic, and Asian Americans,  
18 continue to hold onto their sense of group identity  
19 generations after they have adapted to American society and  
20 moved into the mainstream.

21 Two concepts must be clearly understood and  
22 advanced in order to promote increased tolerance in our  
23 society. One is that the adjustment of newcomers into  
24 American life should be viewed as an acculturation process  
25 rather than as a process of assimilation.

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The second is that the United States is a pluralistic society with each participating ethnic group continuing to reflect its own patterns of group identity and interests in the context of a broader set of civic values. Therefore, one of the challenges to healthy intergroup relations and to protecting the rights of all Americans is to dispel the notion that group identity is unhealthy and will inevitably lead to conflict. It's not so.

Let me note as briefly as I can a number of our concerns in the area of the impact of changing demographics on civil rights.

On immigration, a study which we recently undertook at AJC has taught us that the major flow of newcomers into the United States will create challenges requiring public policy responses, that the country is capable of meeting them, and that the nation will reap many benefits in the process.

It is important to note that the character of immigration has changed with the elimination of national origin quotas. Now only slightly over 10 percent of immigrants comes from Europe, more than 80 percent comes from Asia and Latin America, and a small but rising proportion originates from Africa. The influence of this kind of change in immigration is highly visible here in Los Angeles, which has lately been described as the Ellis Island

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1 of the West.

2 Now, several specific civil rights challenges  
3 which we urge the Commission to monitor arise in the context  
4 of immigration. The first relates to discrimination in  
5 employment. As part of the Immigration Reform and Control  
6 Act enacted by Congress last year, employer sanctions were  
7 established to try to prevent employers from hiring  
8 undocumented aliens. We at AJC took no position on the  
9 issue of sanctions, but throughout that legislative debate  
10 we stressed our concerns about the need to protect against  
11 discrimination that might result from the imposition of  
12 employer sanctions.

13 To address problems of employment discrimination  
14 that will likely and indeed already have arisen from such  
15 sanctions, a special Office of General Counsel was  
16 established in the Department. We believe that for this  
17 office to function effectively, it needs to be publicized,  
18 its mission clearly understood, and, importantly, its  
19 performance carefully monitored. We think the Civil Rights  
20 Commission could play a very useful role in assuring that  
21 the legislative intent, implicit in antidiscrimination  
22 provisions of the immigration reform legislation, be carried  
23 out.

24 A second specific civil rights concern relates to  
25 the implementation of the legalization program under the

CBT/cs

1 Immigration Reform and Control Act. We are concerned about  
2 the enforcement of the law. The INS has a responsibility  
3 and a prerogative to do what it can to identify undocumented  
4 aliens, but how they do this, the manner in which they carry  
5 it out, is of great significance. Wholesale sweeps and  
6 detentions that have been employed in the past have  
7 sometimes abrogated these protections. And we think those  
8 persons who are especially vulnerable to that kind of  
9 discrimination need to be protected.

10 On language policy, a major challenge to healthy  
11 intergroup relations that particular affects new Americans  
12 is the growth of the "English only" movement, which seeks to  
13 have English established as the official language through  
14 constitutional amendments and state initiatives. While it  
15 may appear innocuous on the surface, it does exacerbate  
16 intergroup tensions and anti-immigrant sentiments.

17 In response to that movement, the American Jewish  
18 Committee and a number of other concerned groups are  
19 advocating a positive, proactive language policy which  
20 includes support for bilingual programs for students who  
21 need them to maintain their educational level while they  
22 learn English. And we support as well English proficiency  
23 programs for adults and enhanced competency for Americans in  
24 foreign languages. Language policy also has a very  
25 significant implication in the adequate delivery of social

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1 services, particularly for immigrants and refugees.

2 We believe that the Civil Rights Commission could  
3 do much to put language policy into the proper perspective  
4 for the public. Confusion abounds about bilingual  
5 education, its successes and failures. And the Commission  
6 might consider undertaking research and public education  
7 efforts geared toward the following areas of concern: one,  
8 the extent to which bilingual education mandates established  
9 by the Supreme Court have been implemented; two, the  
10 educational attainments of students in bilingual programs;  
11 and model bilingual programs.

12 We also suggest that the Commission might  
13 consider investigating, perhaps through its State Advisory  
14 Committees, what has been the impact of the "English only"  
15 initiatives in those states in which they have been adopted.

16 On economic issues: The economic issues  
17 surrounding the new immigration are complex and have many  
18 ramifications for intergroup relations. On the positive  
19 side, most immigrants bring with them a willingness to work  
20 hard and a desire to succeed. Yet, they face discrimination  
21 at all levels. Often they are willing to seek a toehold on  
22 the economy through places that others are not willing to  
23 accept, or they may be in positions which are not reflective  
24 of their skills or training.

25 Immigrants are also vulnerable to housing



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1 discrimination and the practice of so-called "redlining"  
2 certain neighborhoods -- practices that continue to affect  
3 primarily but not exclusively blacks. Neighborhood  
4 institutions can assist governmental efforts to combat these  
5 practices.

6 To be sure, the economic problems of minorities  
7 in the United States will not be solved without strong  
8 attention to ending discrimination and providing  
9 governmental assistance, and also to provide models for  
10 community-based economic need to be disseminated and  
11 promoted.

12 A comment on bias-related crimes which ties into  
13 Betsy Rosenthal's comments to some extent before.

14 We believe that this topic of bias-related crimes  
15 merits serious attention by the Civil Rights Commission.  
16 For example, in recent years, the types of bias-related  
17 crimes that have arisen include confrontations between  
18 immigrants and other groups that have occasionally escalated  
19 into violence, but not only that because there are also  
20 isolated bias-related attacks against immigrants.

21 We have been advocating on behalf of two  
22 breakthrough pieces of federal legislation -- the hate  
23 crimes bill, which Congress has enacted, and the hate crimes  
24 statistics bill. The first establishes penalties for crimes  
25 motivated by religious and ethnic bigotry and incorporates

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1 many recommendations which we have made. The hate crimes  
2 statistics bill, which is pending, would establish for the  
3 first time a federal mechanism for keeping records on hate  
4 crimes. And we urge the Commission to take an active role  
5 in this area.

6 A task force of the American Jewish Committee  
7 which I had the honor of chairing dealt with anti-Semitism  
8 and extremism. We called for a number of actions at the  
9 state level, including the creation of special bias units,  
10 specialized training of local officials in the problems of  
11 intergroup relations and ethnicity, the creation of victim  
12 assistance programs, and the creation of local and state  
13 task forces similar to those here in California, Maryland,  
14 and recently in New York, these task forces to determine the  
15 breadth of the problem in a particular area and recommend  
16 responses. We believe the Civil Rights Commission would be  
17 a welcome partner in that process.

18 On youth and bigotry: One of the most disturbing  
19 aspects of what we found in our task force is that most  
20 bias-related crimes are committed by youth under the age of  
21 18. We believe this problem and the equally disturbing  
22 reports of deteriorating intergroup relations in our  
23 nation's schools and universities and colleges demands  
24 special attention. We would ask for a serious commitment to  
25 prejudice reduction programs beginning at early grade

CBT/cs 1 levels.

2 Two final comments, if I may, Commissioner Allen.  
3 My time is, I guess, nearly up.

4 I want to comment on a study which AJC finished  
5 recently dealing with the media and its potential for  
6 shaping attitudes toward others and affecting intergroup  
7 relations. We know that the media can exacerbate conflict  
8 or ameliorate it. Even when it is not explicitly reporting  
9 on intergroup relations, the media plays an ongoing role in  
10 depicting ethnic groups. Just as the media has the  
11 potential to transmit inaccurate or negative stereotypes, it  
12 has the potential to reach masses with positive and  
13 reinforcing messages about ethnicity and pluralism.

14 The Commission itself in the late 1970s did a  
15 study of images of women and minorities in television, and  
16 this may provide a useful reference to the Commission for  
17 further action in this area.

18 And finally, if I may, a quick comment on the  
19 need to revitalize intergroup relations, and the positive  
20 support that the Commission can give in that area. We  
21 believe there is need for professionalization of the field,  
22 and the governmental support in this area has been lacking.  
23 We hope and ask that the Federal Government, through the  
24 leadership of this Commission, could act as a catalyst in  
25 assessing the state of research and practice in intergroup

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1 relations and for promoting a heightened federal role.

2 Thank you very much for enabling us to

3 participate.

4 VICE CHAIRMAN FRIEDMAN: Thank you, Bruce.

5 I might add that one of your recommendations has  
6 already been carried out by the Civil Rights Commission. We  
7 testified during the summer before the Senate Judiciary  
8 Committee in support of the Hate Crimes Statistics Act.

9 MR. RAMER: Thank you, sir.

10 VICE CHAIRMAN FRIEDMAN: Our next speaker is Dr.  
11 John Kromkowski of the National Center for Urban Ethnic  
12 Affairs. I am particularly pleased to call upon John to  
13 testify because of all the groupings that the civil rights  
14 community has connected with over the years, we have perhaps  
15 connected with least the groupings of white ethnics in  
16 America represented in Poles, Italians, and so on. So I  
17 welcome you here today, John.

18 DR. KROMKOWSKI: Thank you very much.

19 Let me begin by indicating that the National  
20 Center for Urban Ethnic Affairs, as you may know, is an  
21 affiliate of the U.S. Catholic Conference. And upon hearing  
22 the recommendations of the AJC that just preceded my  
23 presentation, I am reminded that over the 20 years of the  
24 existence of the National Center for Urban Ethnic Affairs,  
25 we found ourselves in constant coalition-building with the

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1 efforts of Irving Levine and AJC affiliates around the  
2 country.

3 So I want to begin my remarks by adding a second  
4 to the items that were in the long list of policy items,  
5 action items, for the Commission, but I want to push it in a  
6 couple of other directions.

7 I have prepared a rather long paper because it  
8 seemed to me that a number of symbolic actions were going on  
9 with your convening in this building. In many respects,  
10 1968 in this building was a very tragic turning point for  
11 coalitions that fell apart upon the assassination of Robert  
12 Kennedy.

13 Second, the 30-year anniversary is another very  
14 important aspect of a time to reflect about what was going  
15 on in the nation, not only in the overall period of the  
16 civil rights and the war on poverty movement, but in a  
17 whole range of public policy areas that have become  
18 disconnected in a frightfully confused way.

19 So my paper is an attempt to get at at least  
20 seven or eight items, and I think the item of "a new vision"  
21 is absolutely crucial to the direction of the civil rights  
22 movement. I have some very pointed remarks on that vision,  
23 and I want to share them with you publicly.

24 One of the very important items in the American  
25 reality that we are very ill-equipped to deal with -- and we

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1 have been ill-equipped to deal with it from the very origin  
2 of this nation -- is justice for minority populations, for  
3 ethnic populations, so much so that Eastern and Southern  
4 Europeans, that particular configuration of immigrant  
5 groups, have over the last decade, for a variety of very  
6 ill-conceived strategies, become the stepchild of the civil  
7 rights movement. The whole strategy of dividing and  
8 conquering and scapegoating is an insidious disease within  
9 the American reality. And if liberty and justice for all  
10 means anything, then it means reconstituting the base of the  
11 civil rights movement.

12 One of the items that I want to suggest as part  
13 of the new vision is that we must come to grips with a  
14 reassessment of ethnicity because we are ill-equipped to  
15 deal with that category. Our capacity and competence in  
16 things ethnic has been stunted by black-white language that  
17 emerged in the Southern states between 1850 and 1915. A  
18 very interesting social history in this respect has been  
19 published by Joel Williamson. And until we move through the  
20 question of black-white language, we are going to continue  
21 to be caught in the paralysis that you find yourself in as  
22 leaders of this movement and the nation finds itself in in  
23 looking for leadership in this area.

24 A second item I want to call your attention to is  
25 that the intellectual leadership that over the years has

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1 looked at social history, looked at the language of  
2 politics, race, and ethnicity in the United States -- you  
3 listen to some of that leadership today, and what Professor  
4 Daniels was telling you, although you in many respects  
5 didn't allow him to elaborate it, was the intellectual  
6 bankruptcy and the scandalous misinformation that continues  
7 to be presented here.

8           And let me point to someone who wasn't here.  
9 Robert Pear in an article, a very important commentator in  
10 the New York Times on all things civil rights, first  
11 regularly misses national origin discrimination as part of  
12 your charter.

13           Number two, when he interviewed Lawrence Fuchs,  
14 who is an expert on immigration, and a former Staff Director  
15 of the Select Committee on Immigration Reform, he quotes  
16 Fuchs, and they have an interesting exchange about, "We are  
17 probably going to have a browning of America over time" --  
18 Fuchs is quoted as saying. But he says, "The concepts of  
19 color and race will probably change, and it's possible that  
20 the questions" -- speaking about the census about color --  
21 "won't even be asked by 150 years from now."

22           What I am saying to the Civil Rights Commission  
23 today is that question shouldn't be asked in this next  
24 census. It is an utterly bankrupt legacy of racist,  
25 nativist language that is still with us. It makes

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1 absolutely no sense to anyone knowing anything about the  
2 city of New York to report that it is a white city, and that  
3 it is shaped by whiteness. It's the height of absurdity to  
4 tell anyone that it is not relevant that it is Jewish,  
5 Irish, and Italian. And I can point to every city in the  
6 country and say the same thing.

7 We are fooling ourselves; we are being  
8 irresponsible. And, in fact, we are fueling with this sort  
9 of scholarship the madness that goes in the media. The  
10 deculturation of young people that concern about hate groups  
11 brings up is simply one macro picture of deculturation and  
12 social breakdown that we are involved in.

13 What are some therapies for that? The truth.  
14 think careful social history must be brought back into our  
15 education. So much has been talked about in terms of laying  
16 more burdens on the educational system.

17 Well, let me suggest one that, while it hits to  
18 the educational system, also raises the stakes. That is,  
19 when we talk about education in a pluralistic society, we  
20 are talking about the full panoply of items that was in the  
21 AJC report. That is, we are not simply talking about  
22 formal, technical education. We are talking about learning  
23 about the context of social and economic change. Almost all  
24 of the gibberish about projection that came up to this panel  
25 today is tied into a positivistic social science that has in



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1 fact led us in its economic mode into a near worldwide  
2 bankruptcy by its lack of capacity to project sound economic  
3 models that we in fact projected through most of the second  
4 and third world. We are still listening to that claptrap  
5 here.

6 Very careful analysis of entrepreneurial  
7 activity, of credit, of markets -- not at the national  
8 level. Tell me any one person who lives in the entire  
9 nation. Everyone lives in particular regions and  
10 neighborhoods. Until we move the census to disaggregate  
11 information so that we can talk about specific places with  
12 specific outcomes, we will in fact perpetuate this myth of  
13 living at the national level.

14 There are some other items I want to point to  
15 that specifically relate to some of the comments that came  
16 up this morning.

17 EEOC -- an excellent record in many respects,  
18 speeding up the process. Yet, to this day, 10 years after  
19 this Commission took testimony about the lack of collection  
20 of information for EEOC compliance, recognition that in fact  
21 its guidelines commissioned them -- Guidelines 50-60 of  
22 their first federal regulations -- commissioned them to be  
23 concerned about Eastern and Southern European ethnic  
24 populations -- there is still not one shred of evidence  
25 being collected by that agency. And I want to know why. I

CBT/cs 1 want to know where have you been, because your testimony,  
2 your statement 10 years ago, said that was an item you were  
3 going to be concerned about. And it is still not collected  
4 today.

5 Then you will ask someone about why do we have an  
6 exacerbation of group tensions? If you are ignored and  
7 neglected and turned into a scapegoat, no simple answer is  
8 going to go down because you will bristle.

9 A complex question like mobility -- we went back  
10 to the executive suites of the major corporations in  
11 Chicago, and who was there? Black, Hispanic, Polish, and  
12 Italian populations are not present in the executive suites.

13 Finally, let me underscore one other major  
14 dimension of the proposal that I make to you.

15 VICE CHAIRMAN FRIEDMAN: Your time is really  
16 running out.

17 DR. KROMKOWSKI: This is that we revisit the  
18 discussion of the national neighborhood commission and begin  
19 to rethink how we reconstitute at the neighborhood level the  
20 reservoir of good-will that may be there if, in fact,  
21 national leaders and local leaders can come to grips with  
22 the challenge of the next two decades.

23 Thank you.

24 VICE CHAIRMAN FRIEDMAN: Thank you, John. You  
25 have given us much food for thought.

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1 Our next panelist is Ms. Yolanda Jodi Eubanks,  
2 who is the Assistant to the National President of LULAC.

3 MS. EUBANKS: Thank you for having us here today.  
4 On behalf of LULAC, it is a great honor to be here. I was  
5 real excited about presenting the position statement of the  
6 League of United Latin American Citizens. After looking at  
7 all the research studies and all the data that I have, I  
8 come here not to paint a gloomy picture, but it's not a  
9 happy one for the future of Hispanics.

10 What we want to comment and make a position  
11 statement on is we believe that racism and discrimination is  
12 on the rise, and it has been flourishing in this  
13 conservative Administration. We see evidence of this  
14 through all our LULAC councils. We have chartered over  
15 10,000 councils in our nation. We represent a predominantly  
16 Mexican American membership with a large number of Puerto  
17 Ricans, Cubans, Central and South Americans.

18 We see evidence of this through complaints filed  
19 with our organization at the local level, at the state  
20 level, and at national where we have filed suit after suit  
21 to insure that the rights of Hispanics are protected, and  
22 that we do have equal opportunity in all the given rights to  
23 us here in this nation.

24 Today we see evidence of an increase in ethnic  
25 and racial disdain. Incidents after incidents are being

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1 documented and reported on colleges and university campuses,  
2 in work places, in synagogues, churches, neighborhoods, and  
3 public schools. We see evidence of new groups promoting  
4 racial and ethnic hate violence, such as the Skinheads --  
5 and we do have the Skinheads in little old Fort Worth,  
6 Texas, Cow Town, where the West begins, so they are  
7 everywhere. We see neo-Nazis in our city -- we also see  
8 swastikas coming out at schools -- and the resurgence of the  
9 Ku Klux Klan, which is very alive in Texas and many other  
10 places, and the movements for "English only" and U.S.  
11 English. We definitely believe these are movements of anti-  
12 Hispanic, and also it is discriminatory.

13 Police departments across our nation are even  
14 having to initiate bias incident investigating units due to  
15 the increased reporting of hate and criminal acts promoted  
16 by prejudice. This Commission must declare war on all forms  
17 of discrimination and racism. We have failed to win the war  
18 on drugs. Maybe we can be more successful in the war on  
19 discrimination. We must set the tone in this nation, let  
20 everyone know in our nation that we will not tolerate  
21 bigotry.

22 The time has come to talk frankly about the  
23 issues that minority communities face on a day-to-day basis  
24 and the future impact on the lives of generations to come.  
25 The demographic trends, research, and studies clearly

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1 predict that Hispanics are the fastest growing minority, and  
2 I'm sure we've heard that over and over and over again, but  
3 that is something we cannot overlook or ignore. We are  
4 predicted to be the largest minority group. And here today  
5 I am hearing that we're going to be 74 percent of the  
6 minority group in the future.

7           The rapid changing demographics of Hispanics will  
8 have a great impact on the future of the United States.  
9 Congressional representative seats, single member districts,  
10 educational programs, English language laws, the 1990 U.S.  
11 census count, equal employment and housing opportunities,  
12 and human services are at stake. The League of United Latin  
13 American Citizens are committed to the advancement of our  
14 people -- not just our people but for all our nation, all  
15 our brothers and sisters. LULAC will make issue to  
16 strengthen and broaden Hispanic representation from PTAs to  
17 presidential cabinets.

18           Numerous studies and projections predict that  
19 Hispanics will account for one-fifth to to one-half of the  
20 nation's population growth over the next 25 years. If the  
21 Census Bureau's projections are correct, shortly after the  
22 year 2000 there will be twice as many Hispanics as there are  
23 now. No longer can we be excluded in the decisionmaking  
24 process that affects our day-to-day lives.

25           We have been referred to as a sleeping giant.

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1 Well, the sleeping giant has woken up. We are now coming to  
2 grips with what we have to deal with in the future as far as  
3 representation. We are that sleeping giant. We are awake.  
4 If this sleeping giant trips, this nation will be crushed --  
5 crushed by the evils of illiteracy, crushed by the evils of  
6 underrepresentation, crushed by the evils of under- and  
7 unemployment, crushed by the evils of poverty.

8 A good education continues to be a key to a  
9 better life in America. Ever since our founding, LULAC has  
10 made education our highest priority. We have fought and  
11 will continue to carry out our mission to ensure that  
12 Hispanics have not only an equal education but a quality  
13 education.

14 LULAC's far most reaching achievement in  
15 education was our "Little Schools of the 400." For those of  
16 you who are not familiar with this, this is the prototype  
17 that was used to start the Head Start program. My mother  
18 was a third-grade dropout. She was discriminated against.  
19 She was not allowed to speak Spanish, her native tongue.  
20 Too bad this program didn't come before the end of it. It  
21 came many years afterwards. I was a project of this "Little  
22 Schools of the 400." I did so well I was there three years,  
23 learning the English words that were needed to get into  
24 school.

25 But these "Little Schools of the 400" have become

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1 the prototype so that we now have Head Start. We need more  
2 programs like this -- prevention.

3 We are all concerned about our nation's children  
4 -- your children, my children, our grandchildren. Together  
5 we can make a positive impact on their educational  
6 achievement. By the year 2000, minorities will make up the  
7 majority of the school age population. And from what I've  
8 learned today, we are already there.

9 Earlier today also we heard that one in every  
10 three will be a nonwhite. Numerous studies show that the  
11 nationwide dropout rates are alarming and disproportionately  
12 higher for Hispanic students. You're looking at a statistic  
13 right now. I was an at-risk student, a potential dropout.  
14 So that problem is very real to me.

15 According to a June 1988 report, the Hispanic  
16 high school dropout rates nationwide are a growing dilemma.  
17 I won't give you the statistics because we know there is at  
18 least 50 percent, and in many other cities there are 70 and  
19 even 80 percent.

20 Students give reasons for dropping out of school  
21 due to academic difficulties, boredom, disruptive  
22 environments, pregnancy, drug abuse, which are the more  
23 common ones. And I want you to note that language is not  
24 one of the common problems.

25 Forty-three states have strengthened high school

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1 requirements, and 15 now require exit tests. These ways are  
2 now helping to eliminate more of our students. They are  
3 being pushed out due to these new regulations. Few states  
4 have allocated money to help them reach these new standards.  
5 So here, again, we're seeing more dropouts. Yes, we have  
6 graduated more. That's because our populous has grown, but  
7 we still have the largest amount of dropouts, and that  
8 continues to grow.

9 The recruitment and retention and hiring of  
10 Hispanics in higher education systems are currently being  
11 challenged by LULAC in the State of Texas where we have a  
12 lawsuit against the University System of Texas for their  
13 inadequacy in recruiting students, and earlier we heard the  
14 statistics on that.

15 I know my time is running out, so let me get to  
16 the main part.

17 Hispanic children will make up the majority of  
18 our school-age population. They will be the poorest of the  
19 children. Their parents will have the smallest paychecks.  
20 Their families will feel the pangs of under- and  
21 unemployment with the least amount of education. This is a  
22 critical problem for the future of the largest minority  
23 group in America.

24 The overriding value of this forum is to put into  
25 focus that for the first time the future of our nation will



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1 be affected by the success of the Hispanic population.

2 We look at the three factors that have been  
3 mentioned today here at this forum, and those were  
4 education, family type, and employment. We need to place  
5 emphasis on education to insure that our students are  
6 completing high school, and to make available assistance for  
7 students who want to go to college to go there.

8 Last night I heard on the news that one of our  
9 presidential candidates has issued his statement on a new  
10 program to help college students, hoping this will be  
11 enacted by our other candidate.

12 Every dollar we invest will save us thousands in  
13 the long run, savings from lost revenues, savings from  
14 welfare, incarceration, et cetera.

15 Family is the base of the Hispanic culture. Our  
16 nation is now beginning to realize the importance of that  
17 family base. Child care standards, child care stipends, tax  
18 credits, flexible work hours, menu benefits, and affirmative  
19 action programs, increased food and housing and job training  
20 programs are support services that the family in the 1990s  
21 and the year 2000 will need in order to survive.

22 All our statistics, research, and study show that  
23 children who are in families headed by women are victims of  
24 a deteriorating family support base. Employment  
25 opportunities will be plentiful, but there will be a

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1 shortage of skilled applicants. We will have a third world  
2 situation here in the future if we let this trend continue.

3 These are the agenda items that we must make a  
4 priority in our nation.

5 At this point, since I have no other time, I will  
6 go ahead and close.

7 VICE CHAIRMAN FRIEDMAN: Thank you very much.

8 Our next panelist is Dr. Irvin R. Lai of the  
9 Asian American Voters Coalition.

10 DR. LAI: Thank you for allowing me the time to  
11 share some of my concern and thought with your Commission.

12 I am also the National President of the Chinese  
13 American Citizens Alliance, which was established in 1895.  
14 We are the oldest Chinese American citizen organization,  
15 especially in civil rights, and that's the reason why our  
16 organization was born, because of the prejudice and  
17 persecution of the Chinese earlier settler coming to the  
18 United States, and that's the reason why we were formed.

19 And we are still fighting that battle from that  
20 day on until now, and we still haven't completed our job.  
21 And I'm sorry to say, after 93 years, we are still at Day  
22 One. This is the reason why I am here today so maybe we can  
23 advance to the second step in this next century, so we don't  
24 have to spend our time here -- although I like to look at  
25 you, but we can spend our time at home or maybe at our

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1 business areas so we can earn a living.

2 We are very concerned about the demographic  
3 change that is going to come upon this area, especially the  
4 impact on the Asian minority in the United States,  
5 especially in California.

6 During the last decade, the Asian population has  
7 increased approximately over 100 percent. The changes by  
8 the immigration law of 1965 created a great influx of  
9 immigrants from Southeast Asia, and especially because of  
10 the Vietnam War in which we allowed over a half-million  
11 refugees to come to the United States, and most of them do  
12 like southern California and came here. And also through  
13 the natural growth of the Chinese people in the United  
14 States, and especially the Chinese people -- we have over  
15 1.2 million right now in the United States.

16 If you take the Asian population, including the  
17 Pacific American, as a whole we have 6.5 million. That was  
18 related to me last week from the Census Bureau down in  
19 Houston.

20 The reason for it is the large population. We're  
21 not talking about 100,000 people like we did in 1850 or 1890  
22 or 1900. We're talking about a much larger population with  
23 a bigger magnitude.

24 The reason for the large population is caused by  
25 immigration growth. And once you have a large population,

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1 you demand more jobs, you demand more service, you demand  
2 more educational privileges, and demand more other things  
3 that society has. And then you'll be competing for those  
4 things when there is not enough to pass around.

5 And that's where the ugly thing comes in part,  
6 because if there are not enough jobs, and there are some  
7 Asians that got some jobs and other people don't have the  
8 jobs, the Asians will be the scapegoats of the plight of the  
9 society. Not only that, you have experience with the black,  
10 the Hispanic, and now the Asians, that we are on the bottom  
11 of the totem pole, that we are the ones that will be the  
12 target because we are the quiet type. We never say anything  
13 because we are afraid of our status in the United States,  
14 because before we did not understand the law fully and now  
15 we do, and now we are beginning to be a little more vocal.  
16 And hopefully I'm not that vocal today.

17 But through the increase in violence to the Asian  
18 minority in the United States, I can cite one area. In  
19 south central Los Angeles, we have a great population of  
20 newly arrived immigrants from Korean. They are the ones  
21 that are buying property, which was cheap property -- not  
22 cheap but in cost because nobody wanted it. They have taken  
23 over small businesses that are corner grocery stores or  
24 service stations, and they begin to make a living for  
25 themselves.

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Unfortunately, the society, the way it is, when you don't have anything and you see your neighbor got something, you're going to hate him for it. That is part of the reason why I come to you. Maybe we can work out some solution to resolve those things.

You know, they are subject to verbal abuse; they are subject to violence, physical violence. They are subject to sometimes killing in that particular area.

I think it is very serious because most of the people who do live down there are first-generation immigrants, and for some they understand very little English. So their communication with the general public is very limited. And without communication, that will be another step backward.

So there is another area that I think in order for you to protect the civil rights you have to work on and maybe increase the budget on English as a second language, or teach them English so they can understand and converse with other people.

Another area that we run into is the San Gabriel area that is very predominant. There are a lot of Asians who like that particular area because the weather is right for them comparatively from where they came from, and also there are a lot of Asians living there and they like to live among the neighbors.

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Unfortunately, they brought a lot of money in with them, they buy a lot of things, they improve the house, or drive a fancy car, and people begin to get jealous of them. I don't mind them getting jealous without abusing them. You can get jealous; that's your privilege. But when you start verbally and physically attacking those people, write graffiti on their houses, in front of their lawn put crosses, and burn crosses on the law -- I think that is not too American, I don't care where you are or where it is.

And this happened right here in southern California. You talk about Mississippi or Arkansas or Georgia; you talk about Texas and those places and it's a common thing sometimes. But here in southern California? When you have a pluralistic society, with all the combination of people that come here, you have very good communication with people in this area, and you still have this kind of racist action. That is very unbecoming of Americans. I know they violate the civil rights. I know I don't have to tell you that.

And another thing happened here in Los Angeles. This is an experience now. I'm not talking about general. Here is a classic case. You all remember the Vincent Chin case in Detroit. This was a Chinese American young man who was mistaken for a Japanese, and two auto workers in a bar were accusing him as a Japanese, that the Japanese

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1 automobile came into the United States and caused a  
2 depression in the auto industry and they were out of a job.  
3 And through drinking and abuse back and forth, they started  
4 fighting. Unfortunately, he was killed by a baseball bat  
5 that knocked his brains out. And those things are uncalled  
6 for.

7 And I believe the civil rights was tried, and the  
8 first trial convicted one person, and a second trial in  
9 Cincinnati they overturned the conviction. And on the other  
10 conviction, it was a very light conviction, which is three  
11 years' probation and a couple thousand dollar fine for  
12 killing a human being.

13 This thing was almost repeated again in Los  
14 Angeles about a month ago. It happened in this Los Angeles  
15 city in a restaurant called L.A. Nicole on Sunset Boulevard.  
16 Three Chinese Americans were sitting in a bar having a  
17 drink, minding their own business, having a good time, not  
18 bothering anyone. Here were two men, Caucasian,  
19 construction workers, came in and accosted them and said,  
20 "Where is the Honda convention?" which means that those are  
21 Japanese people here coming for the Honda convention. And  
22 secondly, they started racial slurs and they asked, "Where  
23 are your cameras?" and called them all kinds of names.

24 So finally one of the Lee brothers couldn't stand  
25 it and told them, "Will you please leave us alone." The two

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1 men jumped up and knocked him down, so they had a big brawl  
2 at that restaurant.

3 Fortunately, the owner of the restaurant saw what  
4 was going on and had the two ejected. And fortunately,  
5 there was no baseball bat out there waiting for them when  
6 they came out.

7 I'm telling you this is a very serious situation  
8 in southern California.

9 They told me that the Vincent Chin case happened  
10 in Detroit because there's not enough Chinese or Asians to  
11 have communication with the Caucasians, with other people,  
12 because they are so few and far between they don't have any  
13 communication. They used that as an excuse for killing the  
14 man. But here in southern California, when you have about  
15 3,000 or 4,000 Asians, and they have been in California  
16 since 1850, you mean to tell me the people around here don't  
17 know the Asians and who they are? That is totally  
18 unacceptable, and I believe civil rights are violated. And  
19 I plead to you that you should look into it very seriously.

20 Another area I'd like to talk to you about is on  
21 education, discrimination in our higher education. I'm  
22 talking about mainline educational institutions, the  
23 University of California and many other institutions.

24 There is an unwritten quota system set in for  
25 Asian Americans. Whether you have a 4. average score on



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1 your test, you cannot get in because when you reach the  
2 magic number that the Census Bureau has, you are  
3 automatically cut out. We have intervened with the  
4 University of California, and they began to look into it.

5 But last August it happened again. A friend of  
6 mine -- his daughter graduated from Lowell with a 3.9  
7 average, went to the University of California and was denied  
8 admission. And his father happened to be a judge, Leonard  
9 Louie, and he inquired and found out that many people were  
10 accepted to enter with a much lower GPA. So he wrote a  
11 letter complaining, and finally she got accepted.

12 But how many children have a judge for a father?

13 So use that information. I have much information  
14 here to tell you. I have written it so you can see it. I  
15 am very pleased that you allowed me to express my concern,  
16 my anxiety.

17 I hope I didn't take too much of your time. I  
18 hope it's valuable.

19 Thank you.

20 VICE CHAIRMAN FRIEDMAN: You have been very  
21 helpful. Thank you very much, sir.

22 Our next speaker is Ms. Joyce Leanse, who is the  
23 Western Regional Manager of the National Council on Aging.

24 Ms. Leanse.

25 MS. LEANSE: Thank you very much. We appreciate

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1 being here and having an opportunity to bring to you our  
2 concerns. I know you have heard ad infinitum about the  
3 increasing numbers of older persons in our society and the  
4 tremendous projections that are coming up. But I also want  
5 to comment just on the fact that there will be also  
6 increasing numbers of frail, mentally and physically frail,  
7 living to be old for the first time, as well as increasing  
8 numbers of older persons who live long enough to become  
9 mentally and physically frail.

10 But NCOA also has a concern about the impact of  
11 the equally dramatic changing proportions of minorities in  
12 our population, the lessening number of children being born  
13 to middle- and upper-income families, the resulting smaller  
14 family size and the increasing age of mothers when they  
15 first become mothers, and the results of that in terms of  
16 the assistance that will be available to them when they grow  
17 old from their own children.

18 I'm skipping a lot of information that you will  
19 have a chance to read. But I do want to focus on the fact  
20 that we believe, based on anecdotal and experiential  
21 evidence, that NCOA asks the Commission to consider doing  
22 another age-related study. It has been over 10 years since  
23 you did your last, and unfortunately the values and  
24 attitudes which supported age-related discrimination in the  
25 past, particularly towards the elderly, continue and become

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1 self-fulfilling prophecies.

2           Given the unprecedented increases in the numbers  
3 of older persons and the steep increase projected for 2010  
4 when the baby boom generation begins to turn 65, but also  
5 the fact that that large cohort has begun to enter their  
6 40s, the age at which age discrimination legislation in  
7 relation to employment begins to protect individuals,  
8 provides reason and impetus, we believe, for studying age  
9 discrimination now.

10           NCOA is aware that this Commission does not have  
11 jurisdiction over age discrimination in employment, but NCOA  
12 believes that you must share our concern over the  
13 unprecedented lag in processing age discrimination in  
14 employment cases at the Equal Employment Opportunity  
15 Commission.

16           The Senate Commission on Aging reported to NCOA  
17 that that number could be between 6,000 and 7,000 cases. No  
18 other category of persons is addressed by the EEOC in such  
19 an unresponsive, neglected manner.

20           We recognize the pressures on the EEOC to carry  
21 out assignments with too small a budget and too little  
22 staff, but it is obvious that their disregard for the plight  
23 of older persons, their ordering of priorities that push to  
24 the rear cases affecting older adults, is undoubtedly  
25 repeated in agencies the country over, agencies whose

CBT/cs 1 responsibility isn't so specifically related to older  
2 adults.

3 NCOA will assist the Commission in any way it can  
4 in the conduct of and/or to gain resources for a study which  
5 will document the extent to which other federally supported  
6 programs may be denying older persons their right under the  
7 law or serving them in a lesser way than other eligible  
8 populations.

9 There are three policies and practices that I  
10 would like to comment on now that I would urge you to look  
11 into. One has to do with program dollars for benefits or  
12 services not proportionally allocated to older persons.

13 A second has to do with definitions for benefits  
14 or services that do not address a comparable concern of  
15 older adults.

16 And the third is the limitations of age placed on  
17 services when functional capacity is a more relevant and  
18 appropriate criterion.

19 The large increase projected in the number of  
20 older persons, particularly for those requiring increased  
21 assistance, will require the allocation of increased  
22 dollars. The projected increase in demand for services has  
23 potential for impacting negatively on the variety as well as  
24 the quality of available services. The emphasis on cost  
25 rather than care is probably more appropriately addressed in

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1 another forum.

2 But the civil rights issue lies with the  
3 potential for inappropriate targeting, and the lag in  
4 delivery time or unresponsiveness of the service for some  
5 category of eligible persons. It also results from an  
6 administrative practice identified in the 1977 study and  
7 still, unfortunately, continuing today, of limiting the  
8 coverage of programs with multiage eligibility, such as  
9 Title XX or vocational education, and utilizing age-specific  
10 funds, such as Title III of the Older Americans Act, or  
11 JTPA, 3 percent older worker programs, to provide services  
12 for older adults. It is a type of Gresham's law, with  
13 flexible dollars replacing categorical dollars, and older  
14 adults are short-changed in the process.

15 However, for much of the past decade, if not  
16 longer, no data has been collected regarding the ages of  
17 those receiving federally supported benefits and services.  
18 So there is no data to substantiate such practices or their  
19 consequences.

20 NCOA urges the Commission to initiate whatever is  
21 necessary to have such age-related reports made available.  
22 We will support your request and rally to the support of  
23 other organizations to seek congressional authority or  
24 whatever it takes to have such reports required of all  
25 relevant agencies.

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1 An example of limited service or benefit  
2 definitions that disregard the concerns of the elderly is  
3 child care. NCOA believes and supports the fact that child  
4 care is needed in this country. Indeed, we train older  
5 adults through our Title V program to provide child care.  
6 But a more inclusive term is dependent care. The need for  
7 caring arrangements is not limited to children, but it is of  
8 concern particularly to employed persons for dependents of  
9 all ages, including disabled youth, mentally frail elders,  
10 and so forth.

11 We have no idea how many persons have been forced  
12 out of the labor market or are working in less responsible  
13 positions because of their need to be available to care for  
14 a dependent relative.

15 Is this a civil rights issue? NCOA thinks so.  
16 In Los Angeles, NCOA succeeded in having the local JTPA  
17 program expand its coverage for child care to include  
18 dependent care. Such expanded coverage should be available  
19 nationwide for JTPA and other employment training program.  
20 NCOA urges the Commission to review federally supported  
21 programs to determine the extent to which archaic  
22 impediments for adult participation in employment, in  
23 education, in training programs are addressed.

24 And then the last specific issue I want to cover  
25 has to do with age-based limitations on services or

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1 functional capacity as the more relevant criterion.

2 Examples readily come to mind for housing and  
3 vocational rehabilitation services. One I am personally  
4 familiar with in Los Angeles is where shelter cannot be made  
5 available in a particular downtown housing complex for  
6 persons over 62. This a safety measure required by the fire  
7 marshal because of difficulty an older person might have in  
8 negotiating the building. It is obvious the building could  
9 be a problem to a disabled or mentally frail person of any  
10 age and not a problem for many, if not most, persons well  
11 into their 70s or older, depending on their capacity to cope  
12 with the building.

13 Related to this are the reported practices of  
14 many voc-rehab departments that deny services to persons  
15 over 60 or even younger because the worker doesn't perceive  
16 the person seeking the service as employable.

17 Similar discriminatory practices occur with the  
18 state employment service based on the stereotypic  
19 perceptions of agency staff. NCOA urges the Commission to  
20 expand its outreach and educational efforts. Forums such as  
21 this one and the others planned in this series, coupled with  
22 the broad dissemination of the resulting materials, are  
23 important efforts. We would urge you to think through with  
24 related not-for-profit organizations how to best gain the  
25 attention of agency administrators who put into place the

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1 policies and practices that negatively impact on minorities,  
2 women, disabled persons, and older adults.

3 To review, we urge you to conduct another study  
4 of age discrimination in federally supported programs,  
5 including a review of impediments to participation. We urge  
6 you to do what is needed to gain age-related data on those  
7 receiving federally supported benefits or services, and we  
8 urge you to continue and expand your educational and  
9 outreach programs. NCOA is ready and willing and able to  
10 assist you in any way that we can.

11 Thank you.

12 VICE CHAIRMAN FRIEDMAN: Thank you so much.

13 Our next speaker is Mr. Harold Webb who is the  
14 Executive Director of the Los Angeles NAACP. I am very  
15 pleased to welcome you as a representative of one of the  
16 oldest and most respected of the civil rights agencies.

17 MR. WEBB: Thank you very much. Mr. Robert  
18 Destro is who I had as committee chairman, but I would like  
19 to say Mr. Murray Friedman, Dr. William D. Allen, Chairman  
20 of the U.S. Commission on Civil Rights, and distinguished  
21 members of the Civil Rights Commission. Good afternoon.  
22 I thank you for the opportunity to share with the Commission  
23 on Civil Rights the concerns of the Los Angeles Branch of  
24 the NAACP on changing demographic trends and their  
25 implications for civil rights.



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First, we must address the concerns the NAACP has about the Commission on Civil Rights' philosophies.

As we reviewed the philosophies of the previous Administration -- and I will say "CRC" or "Commission on Civil Rights" -- we noted a definite decline in the effectiveness of the Commission on Civil Rights in upholding legislation, and litigation is already in motion in supporting the civil rights of minorities. It is our hope -- and we pray for relief for the new CRC administration -- that it will not embrace the same philosophies but rather support the policies that were established with the 1964 civil rights legislation, legislation that the NAACP was very instrumental in shaping, their subsequent affirmative action programs that were put into effect, the affirmative action program in employment and education, the affirmative action programs that resulted in education and employment of minorities. Many of us in this room are direct beneficiaries of those programs.

Yes, times are changing. Demographics are changing. However, the complaints of discrimination are still being filed heavily with the NAACP as well as with other agencies.

For example, in less than a three-week period, our Los Angeles office has taken in and filed -- and what I mean by "taken in," not the ones that we refer out but the

CBT/cs 1 ones that we've taken in -- over 60 employment  
2 discrimination cases, 34 police racial slurs and excessive  
3 abuse cases, 40 housing discrimination cases, and 19  
4 miscellaneous discrimination complaints -- that is, court  
5 cases, education and civic matters.

6 This goes on and on and on and, as I am speaking,  
7 I may refer to a single incident, but we are saying that  
8 these things are a broad spectrum of things that are  
9 occurring in the city, in the region, and indeed in the  
10 nation.

11 Therefore, these are the concerns that the NAACP  
12 has about the future of the Civil Rights Commission. We are  
13 concerned as to the equality of enforcement of civil rights  
14 that we can expect from the Commission on Civil Rights.

15 I am speaking from a unique vantage point. I  
16 have been working in the outlying cities in Los Angeles  
17 County and San Bernardino County as well as observing  
18 discriminatory practices in the L.A. urban city. Future  
19 civil rights issues will be the smaller cities, such as  
20 those outlying -- Pomona, Claremont, Upland, Rancho  
21 Cucamonga, Torrance, Bell, Gardens -- these cities that are  
22 25 years behind in the civil rights progression, cities that  
23 have not addressed the issue of civil rights in their  
24 affirmative action, that is, in the governance of the city  
25 and the administration of the city. The cities have not

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1 included in their administrations as, say, police  
2 departments and fire departments -- they do not have firemen  
3 and policemen and, indeed, administrators in those areas or  
4 in the cities in relation to the population of the cities,  
5 in regard to the number of minorities that are in the city.

6 The make-up of some cities is that indeed 50  
7 percent of the population is minority. Administration of  
8 these cities do not reflect equal numbers that make up the  
9 minority groups in that given city. What we are saying here  
10 is that oftentimes the minority population in some of these  
11 cities is really the majority population but they are not  
12 included in the mainstream of the cities. They are not  
13 included. They are not included in the employ of the city  
14 in the administration, or in the safety areas.

15 Future civil rights issues will be with the  
16 cities that have institutional racism so deeply ingrained  
17 that the exclusion of minorities is passed off as the norm  
18 rather than the exception. We need a Civil Rights  
19 Commission to oversee the compliance and the enforcement of  
20 the rulings of the court and the legislation that has been  
21 passed. Or is it that the civil rights laws still have to  
22 be further defined or amended to insure the issues of  
23 discrimination in employment, housing, education, et cetera,  
24 are adequately addressed, that is, this scenario in  
25 employment with an influx of so many new minorities, the old

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traditional minorities -- the Afro-American we'll use here -- and I am speaking for all minority groups. The NAACP has fielded many, many complaints with all the minority groups in here, but I'm speaking for the Afro-American because these cases are very blatantly prevalent to us.

And as Dr. Lai said, Afro-Americans are subject to many of the same problems that you're having in south central L.A. and, indeed, all through California. There are cross burnings happening all the time, cross burnings in Claremont, California, cross burnings in -- yes, there has been recently, in Riverside, in Orange County.

And I'm saying that these things are happening not only there in the Chinese area but all over. And these are things we have to be cognizant of, and how can we reflect civil rights to bring equality there.

The scenario I'm talking about -- I'm talking about the institutionalized racism. So much so that when an Afro-American employee -- and I have many, many numerous cases of this type of thing.

A valued employee that has worked for a corporation for eight to 10 years comes up for some type of an award, whether that is profit-sharing, whether that is extra vacation time or whatever, and we find that pretty soon he starts getting what we call a paper being written up on him. He's been coming to work for 10 years two minutes

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1 late. All of a sudden this is an infraction that they start  
2 writing him up for, that he's coming in two minutes late.  
3 And pretty soon they start giving him warnings, and the next  
4 thing we find the employee is being terminated. He has a  
5 pay scale of maybe \$10 to \$15 an hour. And what happens is  
6 that employee is terminated, and they bring in what we say  
7 is a new minority, and they're bringing him in at minimum  
8 wage and not giving him any benefits.

9 That is a direct racial violation, as we view it.  
10 As we view these cases, we see that that is happening to  
11 black males and we see that that is happening in some cases  
12 to black females. We do not find that happening in the  
13 other minority areas.

14 What I'm saying is that the employee has been put  
15 in jeopardy, and he ends up being terminated from the job.

16 As I move on here -- and I'm trying to do what  
17 you asked me to do here.

18 Do we need laws to address the other types of  
19 racism? I said institutional racism. We have the  
20 revolving-door type syndrome in racism. We find that this  
21 is happening in our educational systems and institutions of  
22 higher learning -- state college system, the university  
23 system, the private college system, and, yes, the community  
24 college systems.

25 I have here documentation on those types of

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1 revolving-door type syndromes of discrimination. We find in  
2 the institutions of higher learning that the Afro- American,  
3 both male and female, at the doctoral level and even at the  
4 master's level, are encouraged or invited to become part of  
5 the staffs of universities, and not just in ethnic study  
6 classes but classes in all disciplines. They are invited in  
7 as assistants or they are hired in as assistants or  
8 associate professors. They teach and publish from year to  
9 year, and they are there five or six years but they are  
10 never given tenure. The institution finds a reason to find  
11 them not suitable for tenure.

12 And as far as we have been able to discern, in  
13 the numerous cases we have reviewed, the bottom line is  
14 definitely racial discrimination. They are asked to leave  
15 the institution. So they go out the revolving door, and at  
16 the same time they put together a flyer that is announcing  
17 the job, and we have someone else that comes in the  
18 revolving door, and they're in there for another four years  
19 or five years, and the syndrome goes on.

20 We find that they have posted, "We are equal  
21 opportunity employers." "We employ equally but we do not  
22 tenure equally" is what we are saying here.

23 Or as they do in the community college system,  
24 they bring in highly qualified educators and underutilize  
25 these persons. They hire the employees, mostly Afro-

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1 American males and females, as hourly employees. They do  
2 not receive a full benefit package, and they are never able  
3 to upgrade themselves to become full-time tenured employees.  
4 These persons are qualified and have applied for and in many  
5 instances have taken the test and gone through the system  
6 process for positions, but they are always told, "Your  
7 experience is good but we have found someone else who is  
8 better qualified."

9 Do we need an amended civil rights? Do we need  
10 new or amended civil rights laws, or do we need to enforce  
11 the laws that we already have?

12 The NAACP maintains that the Civil Rights  
13 Commission needs to be the power that enforces the laws and  
14 the checks and balances, but we also maintain that the  
15 Commission on Civil Rights needs to be certain that subtle  
16 forms of racism, and the new racism which includes the  
17 revolving-door syndrome and institutional racism, are  
18 adequately included in the court decrees and the legislation  
19 that is passed.

20 Yes, the nation still does need a Civil Rights  
21 Commission, a Commission that has the ability to focus on  
22 discrimination that exists in the work place, the housing  
23 industry, the educational institution, at all levels of the  
24 government in cities, regions, and the nation, along with  
25 the ability to focus on the issues. The Commission needs

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1 the power and also the philosophy that mandates that the  
2 Commission enforce legislation already ratified and that  
3 which will be forthcoming.

4 Can we form a partnership where the NAACP seeks  
5 to acquire legislation that will preserve and protect the  
6 rights of all individuals by banning discrimination and  
7 segregation and seek justice in the courts? And can the  
8 Civil Rights Commission be a checks-and-balances watch of  
9 the executive branch of government to enforce compliance  
10 through the agencies, that is, the EEOC, the defense  
11 contract compliance, the Justice Department, the civil  
12 rights departments of all those agencies that are charged  
13 with that concern?

14 And as one footnote: Can we find out why we have  
15 to wait 12 to 14 months before an EEOC complaint is even  
16 assigned to someone to investigate? I have confidence in  
17 America; I have confidence in the Civil Rights Commission.  
18 I need to see that confidence come to fruition.

19 Thank you very much.

20 VICE CHAIRMAN FRIEDMAN: Thank you, Mr. Webb.  
21 And thank you for your comments, even though sometimes you  
22 were not complimentary to us.

23 MR. WEBB: I'm not complimentary to you?

24 VICE CHAIRMAN FRIEDMAN: I said sometimes when  
25 they weren't complimentary to the U.S. Civil Rights



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Commission.

MR. WEBB: Oh, no, there is no disrespect here.

VICE CHAIRMAN FRIEDMAN: No, no, I didn't mean --

MR. WEBB: I didn't understand what you said.

VICE CHAIRMAN FRIEDMAN: I said I appreciate your comments even when they were sometimes critical.

MR. WEBB: I thought that's what you said. We cannot always be complimentary.

VICE CHAIRMAN FRIEDMAN: It was said in a loving way.

MR. WEBB: In a loving way; right, that's what it is.

DR. LAI: He loves the way you talk.

MR. WEBB: I just make things happen so everybody can have a piece of it.

VICE CHAIRMAN FRIEDMAN: Our next speaker is Ms. Antonia Hernandez, President and General Counsel of MALDEF.

MS. HERNANDEZ: Thank you very much. What I will do is submit my written statement and just outline and summarize some of the concerns that we have.

I have been asked to speak about the changing demographics and the impact that it will have on the civil rights community in the '90s.

To me it is interesting that we sit here and talk about specifics when in reality we're really talking about

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some changes that to some degree are beyond the control of a lot of people. And I think that California is a perfect example. We are the guinea pigs; we are the experimental of what the future of the United States will be. And that is that California is now a minority-majority state. Whether we have actually reached the 50 percent or not is really irrelevant. It's there; it's going to be there.

But numbers in themselves don't mean anything if you don't really look at what these individuals can and cannot contribute, and the fact that we are all going to be interdependent upon one another. And I'm going to make some statements that will probably rattle some cages, but so be it.

We keep talking today about the reality of the civil rights community, the progresses and the drawbacks, the lost battles, and yet there has been some progress; one cannot deny that.

The question now before us is that in the struggle for civil rights we have grown a little cynical, and we have never really had the support of the community to eradicate discrimination. So as we look at what has been done, one must say that a lot has been done, despite the lack of support and despite the lack of resources.

We must also consider the fact that we are going through some radical changes within our country. We are

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1 going through an economic change that is pitting interest  
2 versus interest. We are going through a radical change in  
3 our economy where our job structure is changing, and that is  
4 from an industrial base to a service/information technology.  
5 And what is that doing to the work and the availability of  
6 employment to minorities?

7 We are dealing with the reality that we have a  
8 school system that is not educating anyone even to be a  
9 janitor, and that to be a janitor you have to have a certain  
10 degree of competence to run the computer vacuum cleaner.

11 And in the future, whereas before a fourth grade  
12 education would have sufficed to be on the assembly line,  
13 today and in the future it will not suffice. And what is  
14 that doing to the minority community, whether it be  
15 Hispanic, black, Asian, or whatever?

16 To me, the challenging thing of the future is  
17 that white America, America that has the power, is going to  
18 have to let it go, because if it doesn't we are going to  
19 sink together. Statements have been made about the changing  
20 demographics and the fact that it is an older white America.  
21 Well, they're going to need a minority educated work force  
22 to support them. And if that is not realized very soon, it  
23 is not just the plight of the minorities; it is the plight  
24 of society at large.

25 And I think as you look into the changing

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1 demographics and what that means to the civil rights  
2 community in the future, a report on the interdependence of  
3 our interest and of our well-being, and that it is no longer  
4 to do well and feel good about yourself but that it is your  
5 self-interest to educate and to pass bonds and to care about  
6 whether a black or a Latino is educated. Because that  
7 Latino, that youth that is entering kindergarten right now,  
8 is going to be the worker that I am going to rely on if I am  
9 going to retire at age 65 by the year 2000. And it is not  
10 just I, but the yuppy, the Anglo. And chances are it is the  
11 majority white that is going to live to be 65 and not the  
12 black or the Latino. The statistics show that many of us  
13 don't even make it that far.

14 When we look at the issue of education, it is  
15 sort of ironic that people always say, "More money, more  
16 resources." Well, there has never really been enough money,  
17 and there has never really been enough resources to really  
18 truly educate our community.

19 One of the most difficult problems that we are  
20 encountering in the area of education is the unwillingness  
21 of society to provide for a public education, because the  
22 majority of the students going to public schools are  
23 minorities, and you don't have the institutional structural  
24 support for an education that is adequate.

25 Here in L.A. is a perfect example of this. We

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1 have within the L.A. school district an inequitable  
2 distribution of resources. And I'm talking about tenured  
3 teachers versus inexperienced teachers. I'm talking about  
4 facilities that have air-conditioning or just facilities  
5 that have a cafeteria and a gym where children can play.  
6 I'm talking about the fact that in L.A. the year-round  
7 schoolings are in predominantly Latino schools and black  
8 schools, and in the San Fernando Valley we have schools that  
9 are half empty, but yet we cannot get the school district to  
10 impose year-round schooling to spread the unfairness and the  
11 inequity in that.

12 In the area of education, we are going to have to  
13 spend more money. How one gets that message across to  
14 society is going to be a difficult one, and I think that is  
15 one that the Civil Rights Commission can undertake. Because  
16 really what we are dealing with is changing the tone of this  
17 country, the feeling that we have to go beyond taking care  
18 of our own individual needs, and that we have to go back to  
19 the civic societal covenant that we all have in a democracy,  
20 and that it is all in our interest to provide for the other  
21 less fortunate individual.

22 I don't know how one does that. I don't know how  
23 one goes about providing for valuing diversity, that there  
24 is nothing wrong with being different. You're not better;  
25 you are not worse; you are just different, and we are all

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1 enhanced by our differences.

2           Within the Latino community, we have the usual  
3 issues that plague all poverty communities, and I will not  
4 go into that. But above and beyond those issues, there are  
5 several issues that are extremely unique to Latinos, and  
6 that is "English only".

7           I am extremely baffled by the fear of non-English  
8 or, let's say, English-only speaking individuals, of the  
9 abilities of others to speak another language. I am no less  
10 American because of my ability to speak Spanish. In fact, I  
11 am a better American because I can communicate with more  
12 people throughout the world and can be a better ambassador  
13 for this country. And sometimes I wonder when people speak  
14 about the "English only" movement -- and, in fact, I asked a  
15 question recently when somebody said it was symbolic. Well,  
16 is the English language like the rose being the flower of  
17 the United States? And if that is so, we don't have a rose  
18 as the flower of the United States, so why should we have a  
19 language? And if it's English language like the religion of  
20 the United States, then do we really want that within our  
21 society? And what is it about our ability to speak another  
22 language that threatens so many people?

23           I believe that if you look at the impact of  
24 Proposition 63 and its impact on people, it is a vehicle to  
25 be used to discriminate, to stifle people, to deny them of

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1 rights and opportunities. And anyone who sees the "English  
2 only" movement as anything but that is refusing to face  
3 reality.

4 The other issue that I would like to address is  
5 the issue of immigration. Yes, MALDEF was and continues to  
6 be opposed to the Immigration and Reform Act. But be that  
7 as it may, it has passed. And what we have said is coming  
8 to be true and our dire projections are coming to be true.  
9 What we have done is we have created an underclass, and we  
10 cannot avoid that reality. And in creating an underclass,  
11 what we are doing is justifying discrimination and  
12 exclusion. Those people continue to come. They are not  
13 going to stop coming. And by denying them the basic  
14 necessities, what we are doing is we are putting a burden on  
15 our infrastructure.

16 MALDEF has been working to document the charges  
17 of discrimination, to really put into focus the  
18 antidiscrimination provision of IRCA. And as a GAO report  
19 that will be coming up in November, it will document the  
20 widespread discrimination in the employment force, not only  
21 for undocumented individuals but for citizens and residents  
22 alike.

23 I would urge you to consider this topic as an  
24 issue of further review. It is the Hispanic who are facing  
25 the greatest threat, but it also impacts all other

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1 immigrants, not just Hispanics.

2 And in closing, I will tell you that on behalf of  
3 the Hispanic community, things look extraordinarily tough,  
4 and it's going to be a rough time, but we will take our  
5 rightful place in society. We only seek to contribute, to  
6 be part of a society where a human being is valued for his  
7 or her contributions -- and we have a lot to contribute. We  
8 are not going back, because this is where we belong. And we  
9 intend to be part of this society, whether we do it  
10 friendly, whether we share, whether we do it openly, or  
11 whether we do it through the courts and through more  
12 divisive manners.

13 I thank you for the opportunity.

14 VICE CHAIRMAN FRIEDMAN: Thank you.

15 We now go into our question period, and I will  
16 start with Francis -- unless you have no question.

17 COMMISSIONER GUESS: I would like to yield to my  
18 colleague for the time being, Mr. Chairman.

19 VICE CHAIRMAN FRIEDMAN: Esther.

20 COMMISSIONER BUCKLEY: It is very difficult to  
21 take all of your ideas and try to come up with questions  
22 that could be addressed by all of you. I believe probably  
23 what I like hearing and what I am hearing from a lot of you  
24 is that the stress is still going to have to be on education  
25 in a lot of ways, not only in the actual schooling and



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1 schooling institutions but in how we deal with employment  
2 issues and how we deal with the work force and how we deal  
3 with changing conditions.

4           What I'd like to do, if I can -- and probably  
5 MALDEF and LULAC might have more to say on it, but the  
6 American Jewish Committee might also have something to say  
7 on it -- the issue of bilingual education is an issue that  
8 has never been quite resolved, and it still is that nobody  
9 really knows what that term means, and everybody has a  
10 different impression. Mr. Lai talked about English as a  
11 second language, but yet I don't think that that is the  
12 impetus the other organizations might have.

13           What I'm asking is: Can you suggest in the area  
14 of bilingual education what kinds of things we should be  
15 looking at to improve the education of minority students?  
16 Because in some cases we are even hearing that we might need  
17 to teach English to blacks as a second language. So kind of  
18 suggest what kinds of things we might look at in the  
19 educational system to improve communication skills in our  
20 minority students to have them achieve success to where they  
21 stay in school and graduate. And maybe we'll start from the  
22 left this time.

23           MS. HERNANDEZ: Well, as far as bilingual  
24 education used in an educational setting, it basically means  
25 the teaching of the English language through a transitional

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1 method, and that is that you teach the children in Spanish  
2 the substantive language while at the same time teaching  
3 them English, and once they are versed in that language then  
4 transferring over into the English language. That is the  
5 understanding of the traditional definition.

6 What you do while you're doing that is you're  
7 reinforcing the native language, and that is you are really  
8 reinforcing two languages. There are enough models and  
9 examples where, when properly implemented, it is one of the  
10 best methods to teach non-English-speaking individuals the  
11 language.

12 Here in the L.A. school district, I believe they  
13 have just passed the largest budget allocation for bilingual  
14 education, and I believe the budget was \$19 million. So you  
15 will begin to see a school district that has made their  
16 commitment to properly implement -- in a limited manner;  
17 just keep in mind that it still does not and will not  
18 address the number of children that are non-English-speaking  
19 in the L.A. school district which is the second largest in  
20 the nation. But as far as commitment to properly implement  
21 it, you will have a model from which you can judge. And  
22 there are other models throughout the country that show that  
23 it can be done.

24 Our experience, of course, is with Spanish-  
25 speaking children, but I believe that there are other model

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1 that have used it for other languages in the transition to  
2 the English language.

3 COMMISSIONER BUCKLEY: Ms. Eubanks.

4 MS. EUBANKS: There is a myth that bilingual  
5 education is a cause for dropouts. If that is the case, if  
6 bilingual education is causing Hispanic dropouts, then what  
7 program do we blame for black students, for Asian students,  
8 and for the white population?

9 Bilingual education is an excellent vehicle for  
10 teachers to help develop the self-esteem of students. That  
11 seems to be one of the main reasons why they do drop out.  
12 The U.S. English movement is trying to blame bilingual  
13 education for the reason that we have so many drop out of  
14 the limited-English-proficiency students because they are  
15 isolated or they are not developed in the skills of English,  
16 but again bilingual education needs to be expanded.  
17 Students need to maintain longer years in that program in  
18 order for them to receive all those skills necessary to  
19 transfer into the English language. It takes usually  
20 between five to seven years to become proficient in  
21 academia.

22 COMMISSIONER BUCKLEY: Mr. Lai, do you want to  
23 comment?

24 DR. LAI: I was one of the commissioners on the  
25 Los Angeles Unified School District, especially pertaining

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1 to Asian education. At that particular time, about 10 years  
2 ago, we had a great group of people who came into the United  
3 States of all different nationalities -- Cambodian, Laotian,  
4 and Southeast Asian that doesn't have the main line like the  
5 Chinese, Japanese, Korean, and Filipino.

6 We have indeed quite a problem educating people  
7 to learn the English language. At that particular time, the  
8 commission devolved a training program for the teacher in  
9 bilingual education. And I believe it's very important.  
10 When school children come into the unified school district  
11 and are thrown into a class completely foreign to them and  
12 they don't understand, you kind of retard their growth.  
13 Their mathematics, their science excels anybody, but when  
14 comes to speaking English they are far behind.

15 I can prove to you through my experience, when I  
16 went to kindergarten I did not understand one word of  
17 English because my mother taught us the Chinese language.  
18 And I had such a problem understanding English, and when I  
19 graduated the eighth grade, my grammar was so horrible I  
20 don't know I graduated. And without a proper program of  
21 training children with bilingual education, you cannot get  
22 into the mainstream of American life.

23 DR. KROMKOWSKI: While that dimension of the  
24 equation is very important -- and I endorse that, and the  
25 Center endorses the notion that there are particular needs

CBT/cs

1 that are met by bilingual education -- it seems to me that  
2 we have caught ourselves in a situation that provokes  
3 negative responses to the situation because of the way we  
4 frame the issue.

5           What I am proposing is that we see languages as a  
6 natural resource, that it's not bilingual; it's having  
7 second and third linguistic competencies because we live in  
8 an interdependent world. That is, there is a whole range of  
9 resources that are part of the American reality that we need  
10 for a whole range of items that are a part of the  
11 international economy.

12           But more than that, on the Hill a genocide treaty  
13 was passed. We finally agreed, after all of these years,  
14 that the destruction of people and cultures was a violation  
15 of the UN Charter, and we agreed to that.

16           And when we begin to destroy cultures in this  
17 country, as we did to the German American culture and the  
18 German language, to a whole range of other language  
19 resources that were Americanized so-called in the twenties,  
20 then we have not only missed a major positive point but we  
21 have allowed ourselves to be drawn into a debate that is  
22 framed by racist nativists who are perpetuating a very vile  
23 dimension of the English tradition. And I don't want to  
24 have anything to do with it. And I also resent -- and I  
25 know all Eastern Europeans resent -- being called Anglo.

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COMMISSIONER BUCKLEY: My husband is Irish and he agrees with you.

2

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Mr. Ramer.

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MR. RAMER: May I just make three brief points.

5

One is in the area of methodology of bilingual education.

6

I'm certainly not competent to speak to the merits of the

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system of the teaching of it. The goals are important. But

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I would like to suggest that whether it's an immersion

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system, whether it's teaching primarily in English with

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resource available in the second language of the students or

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reversing it and teaching principally in the second language

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and having English available, I'd like to suggest that, in

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conjunction with other appropriate agencies, the Commission

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might look into whether there is a methodology which floats

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to the surface and should be a recommended methodology.

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The second point I would like to make -- and this

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is consistent with, I think, what the others have said -- is

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that certainly no school program and no governmental agency

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should do anything which denigrates the home language.

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Indeed, not only is that a cohesive factor in the

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communities that the students and their parents come from,

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but it is also a valuable asset.

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And a final point, if I may, and that is that

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public agencies dealing with issues of safety, such as

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street signs, such as calling in on 911, or civic

CBT/cs

1 participation such as ballots, should also provide a second  
2 language where it's necessary in the particular community.  
3 I think that's part of bilingual education. In other words,  
4 I construe bilingual education as more than just the  
5 technical teaching in the schools but a broader community  
6 aspect of teaching and of preserving language.

7 MR. WEBB: May I make a comment?

8 COMMISSIONER BUCKLEY: Yes, sir.

9 MR. WEBB: I would just like to comment that I  
10 think it is very important that we keep the languages of the  
11 people that come to America, which is a melting pot. I  
12 would just like to call to everyone's attention the example  
13 of the Afro-American, the deletion of the language and of  
14 the culture, and likewise the American Indian. But I would  
15 just like to point out that we need to keep the culture of  
16 the people who live here in America and their languages.

17 Thank you.

18 VICE CHAIRMAN FRIEDMAN: Chairman Allen, do you  
19 wish to ask any questions?

20 CHAIRMAN ALLEN: I pass.

21 VICE CHAIRMAN FRIEDMAN: Bob Destro.

22 COMMISSIONER DESTRO: I'd like to ask the panel  
23 generally to address what I heard as the underlying question  
24 that Dr. Kromkowski raised, which is the way that we phrase  
25 questions and the way we define issues, because that really

CBT/cs 1 is going to be the focus, in effect, of our third forum,  
2 which is in the planning stages at this point.

3 And listening not only to his testimony but also  
4 to the others -- Dr. Lai, for example, pointed out that  
5 whatever ethnicity the construction workers were, they had  
6 no appreciation for the difference between a Chinese  
7 American and a Japanese American -- that when we talk about  
8 black Americans we have no appreciation for the diverse  
9 ethnic and cultural backgrounds that they come from; that to  
10 speak of Hispanics as a lump presupposes that Puerto Ricans  
11 and Cubans and South Americans and Spaniards all come from  
12 precisely the same cultural and ethnic backgrounds.

13 Those of us who study that know that they don't  
14 The difficulty is that the government, in formulating its  
15 policies, whether it's census questions, data-gathering at  
16 the EEOC, and other ways in which we talk about civil rights  
17 problems, either as black-white problems or as brown-white  
18 problems, or when I asked one of the border guards down in  
19 Laredo, "Who are you looking for down here?" he said, "We're  
20 looking for Mexicans."

21 I said, "You're not looking for illegal Poles or  
22 illegal Japanese?"

23 He said, "No, no, we're looking for Mexicans."

24 So in his view, the problem was a Mexican  
25 problem.



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1                   How do you think, in terms of not only working  
2 with us but in defining the questions for later discussion,  
3 we can get to this question of appreciating differences and  
4 show that the government itself, in the way it collects data  
5 and other things, has an appreciation for those differences?  
6 Because the government tends to look at things in big  
7 categories, kind of at the national-level categories, and  
8 those have political implications to them. How do you  
9 suggest that we start to get around that or start to deal  
10 with that?

11                   It's a very broad question, I understand, but  
12 nonetheless it affects everything. You can't bring a  
13 national origin discrimination question if there is no  
14 statistics of disproportionate impact.

15                   So would you care to address the question of how  
16 we get the government to appreciate those differences a bit  
17 more?

18                   MR. WEBB: I'd like to start.

19                   COMMISSIONER DESTRO: Mr. Webb.

20                   MR. WEBB: It may sound like a simple solution,  
21 but first of all equality of all peoples is what is  
22 necessary. The Asian is talking about the inequities that  
23 are happening to them; the Afro-American is speaking the  
24 same way; the Hispanic American is speaking the same way.

25                   What we want is inclusion. We want to be a part

CBT/cs

1 of everything that there is. We want to be able to be a  
2 part of everything. So if the national government is  
3 looking to address the issues, then they need to allow for  
4 everyone to be included into the system, and that would end  
5 the problem of the Native American, the Afro-American, the  
6 Asian American, because all would be included. And then we  
7 would come up with some other problems that we would have to  
8 address.

9 But I'm saying, first of all, the main problem  
10 here when we talk about discrimination is that we are  
11 excluded, and we are excluded on a basis that someone, as  
12 this young lady said, has put the criteria to. Let's get  
13 rid of that criteria, and let's allow for everyone to be  
14 included in this system.

15 So that is what I would say would be not the  
16 simple solution because it would be a hard task that we are  
17 working on to come together with a program that would do  
18 that. But I'm saying very simply let's drop all the  
19 rigmarole and go right to the fact that you're included,  
20 you're included, and you are able to apply and be a part of  
21 everything that happens.

22 Thank you.

23 COMMISSIONER DESTRO: Dr. Lai.

24 DR. LAI: I would like to comment on that. We've  
25 been working on this, and I think we have some experience

CBT/cs

1 regarding why we are discriminated against.

2 I think the primary reason is education. If a  
3 person does not understand who you are, they are going to  
4 think all kinds of things. And education comes from home,  
5 from school, from textbooks, from the media, from  
6 newspapers, from books of all kinds. And if we can suggest  
7 or regiment them through the law, that those are people,  
8 they have to understand; they make the mosaic of America,  
9 and they are your neighbor, they are your partner. When it  
10 comes to war, they are fighting side by side with you. When  
11 it comes to pay taxes, they pay taxes. But if we do not  
12 educate people that there are no differences -- I mean in  
13 civil rights, you have to respect each other -- if you don't  
14 teach them.

15 A shining example is I have a friend in Ohio that  
16 has a mixed marriage, and she is a Chinese snf as white as  
17 everything. When she went to Akron, Ohio and went to a  
18 grocery store, a little five-year-old kid -- less than five  
19 years old -- came in front of her and used his hand and put  
20 it right on his eye and pulled it back and made those kinds  
21 of gestures. Who taught that child to do that? She is not  
22 born with that. Someone has to teach her. It's society.  
23 It's the family.

24 So those are the areas that the civil rights has  
25 to investigate, how we can get to those kids, to teach a new

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generation so we don't have to have these kinds of obstacles and confrontations.

COMMISSIONER DESTRO: I'm certainly sorry to hear that that happened in my own home town.

But there is a more serious problem, I think, too, and your response would be appreciated, to the extent that we understand differences -- at least my own view of this has been that sometimes we do appreciate the differences and policy says we don't like them and so we are going to wipe them out. That's part of the problem with bilingual education, that it is seen as a threat; the differences are seen as threats.

And that is something that I'm not quite sure that we've really -- if there is some way you can help us to frame questions to get at that -- I'm not sure that black folks are necessarily excluded because they are just excluded but because the people see the differences and don't like them. That's where the real racists are. They see the differences and they don't like them. And how do we get around that is how you deal with those questions.

MS. ROSENTHAL: May I address that? This actually goes back to your previous question, and perhaps what you just asked. I'm not sure I can address the question of how to sensitize the Federal Government into appreciating differences to a greater extent, but I want to

CBT/cs

1 reiterate something that I discussed during my presentation,  
2 and that is this project that the Anti-Defamation League has  
3 undertaken, along with other civil rights organizations,  
4 which is "A World of Difference."

5           And it sort of goes to what you were just  
6 bringing up, because the real focus is the community and  
7 schools, and it also follows up on what the gentleman just  
8 said earlier. Basically the program allows for students to  
9 put themselves in various cultural contacts so that they can  
10 learn about the similarities between different ethnicities  
11 and races and creeds, and also to appreciate the  
12 differences.

13           As I said, it's focused on the community and the  
14 schools, and in conjunction with that are prejudice  
15 reduction programs in the schools. I think if you start  
16 with our educational system, hopefully it will have a ripple  
17 effect.

18           As I said, I'm not sure that this is the solution  
19 to sensitizing the government to appreciating differences,  
20 but you can start with school children and give them this  
21 context.

22           VICE CHAIRMAN FRIEDMAN: Time is running out on  
23 us. First Mr. Chan has a question.

24           COMMISSIONER CHAN: Ladies and gentlemen, I have  
25 heard the panelists inform me about the Jewish American

CBT/cs 1 problem --

2 VICE CHAIRMAN FRIEDMAN: Excuse me one second. I  
3 have been given orders by my boss here that we must break in  
4 about five minutes, so we'll have questions and answers for  
5 five minutes.

6 COMMISSIONER CHAN: -- also concerning the  
7 Chinese American problems and the black people's problems,  
8 and I am deeply concerned.

9 Actually, you people brought up a broad spectrum  
10 of problems, and some of them are very old. It seems to me  
11 some of them we have to treat specifically. For instance,  
12 some of the cases involved something above police problems,  
13 and some of them are long-term hidden. Take, for instance,  
14 discrimination about employment as was mentioned, and I  
15 suggest that all of us should build up a case, so to speak,  
16 and according to what I understood from all the complaints  
17 we should establish a case and then mail it to our General  
18 Counsel in the Washington, D.C. office to establish a case.

19 Now, when the cases have accumulated, so many of  
20 them, that gives us more bullets to fight the war, so to  
21 speak.

22 Now, of course, we are all here to fight for our  
23 civil rights. But then how to do it, that's a different  
24 approach.

25 And as far as the Commission is concerned, our

CBT/cs

1 job is to accumulate the information, study it, and clarify  
2 it and present it to the Congress.

3           Meanwhile, I think there may be a small solution  
4 to some of the problems. Take Mr. Lai, for instance. To  
5 prevent a case like Vincent Chin, I think some of the cases  
6 we could treat more timely to prevent the particular problem  
7 getting any deeper.

8           The same approach could be applied on the  
9 discrimination on employment. And if we can see where the  
10 bottleneck is, then we can go over and expend that  
11 bottleneck.

12           This is my first day as a Commissioner here, but  
13 it is my gut feeling that I'm in sympathy with you, and I'm  
14 really deeply concerned about all this.

15           Thank you.

16           VICE CHAIRMAN FRIEDMAN: Susan.

17           MS. PRADO: I'm sorry that the lady from MALDEF  
18 had to leave the table, but let me just direct my question  
19 to whomever will answer it.

20           Recently we conducted a community forum in  
21 Florida. The Florida State Advisory Committee conducted it.  
22 And I am interested in something that I'm stating I heard  
23 from people at that forum, so those of you who are familiar  
24 with the situation can educate me, and that's really what  
25 I'm after.

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1                    Basically we went down to conduct a forum in  
2 police-community relations, and for the most part it was  
3 people in the black community that had asked us to come  
4 down. However, between the lines and in conversations off  
5 the record, what emerged was something else, and that was  
6 that we heard a lot about rising tensions between Hispanics  
7 and blacks in Miami, and basically we were being told that  
8 the Cuban community really controls the economy in Miami,  
9 and that they required Spanish-speaking applicants for jobs,  
10 and the black people who were conveying this to us basically  
11 off the record were terribly concerned.

12                    In fact, I got terribly concerned because I felt  
13 there was a great deal of tension rising just below the  
14 surface in the community, certainly what was presented to  
15 us. That was not a problem I was aware of, and I wonder if  
16 those of you who are familiar with a language problem in a  
17 different aspect -- in other words, that there was  
18 resentment, particularly in the black community, that they  
19 were being required to speak Spanish in order to get jobs,  
20 or just to cope in what they considered their town; and that  
21 they also had trouble dealing with Hispanic police officers  
22 coming into their communities.

23                    I wonder if those of you who are familiar with  
24 that situation could comment on that for me, and what is  
25 being done to resolve it if it is a problem.



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1 MS. EUBANKS: I'm familiar with that. In  
2 resolving that, a lot of departments have started to do the  
3 sensitizing of their officers. It would be only common  
4 sense to send in a person requiring a certain language with  
5 an officer with that same home language. With the tensions  
6 between the two groups, I see that more as a regional, maybe  
7 just a city problem, but I don't see that across other  
8 cities and counties.

9 I don't know if MALDEF wanted to address that.  
10 MS. HERNANDEZ: I apologize, but I didn't hear  
11 the question.

12 MS. PRADO: I know you had to be called away.  
13 Just very quickly, I was recounting that recently the State  
14 Advisory Committee of the Commission in Florida had a  
15 hearing on police-community relations, and the large part of  
16 what came out surprised me, and that was that there seemed  
17 to be a very intense growing tension between the black  
18 community and the Cuban community over language disparities  
19 and economic resentments, that they felt the Cubans had the  
20 economic power and required Spanish language for jobs in  
21 their community that then blacks couldn't get, and also they  
22 felt there was tension between Cubans on the police force in  
23 the black community.

24 I just wondered if this is a correct perception  
25 in terms of what I heard and, if so, what you are aware of

CBT/cs 1 and what's being done about it.

2 MS. HERNANDEZ: I must state that I have heard of  
3 it but I am not familiar with the Miami situation. That is  
4 a very tense situation that has a lot of deep-rooted  
5 problems behind it.

6 I will say that in other urban jurisdictions  
7 attempts are made to communicate with the other minority  
8 groups, and here in L.A. and in other jurisdictions, where  
9 there is a sense of communication within the leadership.  
10 The tensions, the economic sort of tensions as to who gets  
11 what, are there, and there are attempts to try to remedy it  
12 by discussing and talking about these tensions.

13 I don't believe I know of any other jurisdiction  
14 or urban area that has the intensity of the conflict as the  
15 Miami area.

16 MR. RAMER: Commissioner, may I just add one  
17 footnote to that, based on the Los Angeles experience.

18 Some years ago a joint task force of the American  
19 Jewish Committee, the Urban League, and the NCCJ undertook a  
20 study, actually resulting from what had happened in Watts  
21 then 20 years before to see what the current state was.  
22 What came out of that in terms of police-community  
23 relations, which is the only aspect of your question I'd  
24 like to comment upon, is that the police academy, in  
25 discussions with AJC and its related groups, agreed to

CBT/cs

1 institute as part of its training schedule a course dealing  
2 with intergroup relations and the tensions that come out of  
3 different ethnic communities and their interfacing. That's  
4 been going on for some years. Neal Sandburg of AJC has been  
5 very active in it. And the result has been exemplary. The  
6 police like it and favor it and think it does good, and the  
7 community seems to appreciate it.

8 So that is one small answer to begin to solve  
9 those kinds of problems vis-a-vis police-community  
10 relations.

11 VICE CHAIRMAN FRIEDMAN: Let me take just one  
12 more response, and then we must wrap it up.

13 MR. WEBB: The thing that has happened recently  
14 in the east of L.A. in the Pomona area with police oversight  
15 and trying to put together police commissions that would  
16 address that problem -- you have diverse populations in the  
17 city, and you have police insensitivity to the customs, to  
18 the language, to the needs of each one of those groups. And  
19 as the gentleman on the end said, one thing that was put  
20 together was a course at the Cal Poly University that the  
21 police would be required to take and that would help to  
22 sensitize them to the needs.

23 And the language -- you call a guy a nigger, you  
24 call an Asian a gook -- what do you mean when you call him  
25 this? How does that offend? How are you religiously

CBT/cs 1 offending this person? How are you offending his culture?  
2 So that needs to happen.

3 One quick word on maybe some of the problems  
4 between the Afro-Americans in Miami and the Cubans. You  
5 have to understand some things -- where the power structure  
6 comes from, who controls the economics there. We have to  
7 look at legitimate businesses; we have to look at  
8 illegitimate businesses. We have to look at who has the  
9 money; we have to look at, as I say, what we call the new  
10 minority, that people are displaced. The jobs that they  
11 had, the service jobs, are gone. Then the money that is  
12 coming in or the resources that are coming in, are they  
13 legitimate and who controls that? So, therefore, it creates  
14 quite a different problem.

15 VICE CHAIRMAN FRIEDMAN: I just want to express  
16 our deep appreciate to all of you. Some of you have come  
17 great distances to be with us here and to share with us your  
18 thoughts. We are most grateful to you.

19 Your statements are already part of the record  
20 and will give us a great deal of food for thought, and  
21 hopefully for publication in the coming year.

22 So, again, many, many thanks for your  
23 helpfulness.

24 We will reconvene at 4:00 o'clock for the next  
25 session of our program.

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(Whereupon, a short recess was taken.)

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CHAIRMAN ALLEN: Good afternoon.

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I would like to call Janice Dembo, the Honorable Grace Davis, and the Honorable Rich Castro to come forward and take their places.

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COMMISSIONER DESTRO: We'd like to bring the presentations back to order now.

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The next speaker is Ms. Janice Dembo, who is representing the Honorable Arthur Eggleton of the City of Toronto. She is the Coordinator of the Toronto Mayor's Committee on Community and Race Relations, and we welcome her as a representative of another government that has a slightly different system, and look forward to hearing what you have to say.

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One of the questions that we had from our own media yesterday is: Why do you have someone from Toronto to come and talk about changing demographics in an ethnically diverse society? I suppose I'll start your comments out with that question for you. So why don't you tell us what you do in Toronto, and we are very happy to have you here.

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THE EFFECTS OF CHANGING DEMOGRAPHIC: AN URBAN VIEW: STATEMENTS OF: MS. JANICE DEMBO (FOR THE HONORABLE ARTHUR EGGLETON), COORDINATOR, TORONTO MAYOR'S COMMITTEE ON COMMUNITY AND RACE RELATIONS, TORONTO, CANADA; MS. GRACE DAVIS (FOR

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THE HONORABLE THOMAS BRADLEY), DEPUTY MAYOR, LOS ANGELES, CALIFORNIA; AND MR. RICH CASTRO (FOR THE HONORABLE FEDERICO PENA), EXECUTIVE DIRECTOR, AGENCY OF HUMAN RIGHTS AND COMUNITY RELATIONS, DENVER, COLORADO

MS. DEMBO: I'd be delighted to.

Good afternoon, members of the Commission, and ladies and gentlemen. On behalf of the Mayor of Toronto, Arthur Eggleton, and the Toronto Mayor's Committee on Community and Race Relations, I am delighted and honored to be with you this afternoon to discuss with you the role of the Toronto Mayor's Committee on Community and Race Relations and how Toronto is meeting the challenge of serving its many minority communities, and to explain to you why Toronto is different from other North American cities.

I would like to give you a little bit of background about Toronto. Toronto is Canada's largest city and it has a population in the census metropolitan area of 3.4 million people. Toronto is one of the wealthiest cities in North America. A third of all newcomers to Canada choose to settle in Toronto. Eighty-five different languages are spoken in Toronto, and more than 100 minority groups live there.

The preliminary analysis of the 1986 census has shown that, with metropolitan Toronto, the people of solely

CBT/cs

1 British origin have declined by almost 20 percent, which  
2 means that a higher percentage of us have ethnic and  
3 aboriginal origins. The 968,190 people of British ancestry  
4 now account for only 28.5 percent of the area's total  
5 population, which contrasts with the prewar period when  
6 almost 70 percent of the population claimed British origins  
7 and English as a first language.

8 Well, if we are not British, what are we?  
9 Statistics Canada tells us that we are literally a global  
10 village of people. The top 10 of us, including the British,  
11 are: Italians, at 292,000 or 8.6 percent; Chinese at  
12 126,000 or 3.7 percent; Jewish, 109,000 or 3.2 percent;  
13 South Asian, 106,000 or 3.1 percent; Portuguese, 98,000 or  
14 2.9 percent; blacks, which excludes African and Caribbean  
15 people who were surveyed in other categories, 90,000 or 2.6  
16 percent; German, 73,000 or 2.1 percent; French, 65,000 or  
17 1.9 percent; and Greek, 62,000 or 1.8 percent.

18 The percentage of visible minority population,  
19 that is racial minorities, is estimated to be between 15 and  
20 20 percent. So, as you can see, there is no real majority  
21 group within our population.

22 Because the population of Toronto was dominantly  
23 British for most of its history, the city, in the words of  
24 our Mayor, "has retained the British traditions of civility  
25 and tolerance." Those traditions have been reinforced by

CBT/cs

1 the influx of large numbers of immigrants from Commonwealth  
2 countries. The result is that while immigrants to Canada  
3 are encouraged through the Canadian policy of  
4 multiculturalism to retain their cultures, they have adapted  
5 to and taken on a Canadian identity and culture as well.

6 Toronto's racial and ethnic diversity makes for a  
7 dynamic, vibrant, and vigorous society. The city's varied  
8 population enriches schools, work places, and neighborhoods.  
9 In spite of this positive impact, racial and ethnic groups  
10 still experience prejudice and unfair treatment to a certain  
11 extent. The challenge for the city is to meet this  
12 diversity with respect to the provision of goods and  
13 services, accommodation, and employment.

14 Before going on to describe how the City of  
15 Toronto is attempting to meet this challenge, I would just  
16 like to tell you a little about the national social programs  
17 and the role of the Toronto Mayor's Committee on Community  
18 and Race Relations and its mandate.

19 Canada has national social programs which benefit  
20 new immigrants such as government-funded health care, the  
21 baby bonus or child allowance for every child under the age  
22 of 18 years, and "English as a second language" classes. In  
23 addition, should immigrants run into financial problems, we  
24 do have a welfare system for which they are eligible. The  
25 federal government funds community ethnospecific counseling



CBT/cs

1 services for new immigrants during their first two years in  
2 Canada, and the provincial government operates newcomer  
3 service offices to assist immigrants.

4           The Toronto Mayor's Committee on Community and  
5 Race Relations was established in 1981 by Toronto City  
6 Council, at the initiative of Mayor Art Eggleton. It is  
7 composed of 15 members, 13 of whom are citizen members.  
8 Members are chosen based on their ability to represent all  
9 persons and their knowledge of human rights, employment  
10 equity, and multiculturalism, not upon their ethnic and  
11 racial background. The committee does not have members who  
12 represent a particular constituency or institution. If we  
13 did, we'd be a congress of more than 100 members. Members  
14 are expected to be objective and to be able to deliberate on  
15 any issue, including those that impinge upon their own  
16 group.

17           This committee is the only citizen committee that  
18 the Mayor personally chairs. There is no doubt that his  
19 chairing of the committee sends out a very clear message to  
20 the citizenry, that our Mayor revels in the city's  
21 multicultural diversity, but at the same time abhors racial,  
22 ethnic, or religious intolerance, and is prepared to act in  
23 order to ensure good race relations and equity within our  
24 city.

25           The committee seeks to promote understanding and

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1 a respect among racial, cultural, and ethnic and religious  
2 and community groups in the city and, furthermore, it seeks  
3 solutions to problems concerning the citizens of the city,  
4 with a view towards providing an environment in which each  
5 citizen has an equal opportunity to grow to his or her  
6 maximum potential.

7           The committee also has a very broad  
8 responsibility to help combat racism and other activities  
9 which may lead to intergroup tension and conflict in the  
10 city. The committee actively attempts to further the letter  
11 and spirit of and, where feasible, to work to strengthen all  
12 federal and provincial human rights legislation, wherever it  
13 affects or relates to the corporation of the city of Toronto  
14 and its agencies.

15           The committee monitors the effectiveness of the  
16 delivery of city services to minority groups and advises  
17 City Council and city departments on a wide variety of  
18 issues, ranging from human rights and policing to matters of  
19 cultural affairs and employment.

20           The aims of the committee, you can see, are very  
21 straightforward. Our role is to try and facilitate through  
22 moral suasion, advocacy, commitment and action, good race  
23 relations within the city of Toronto. The committee wants  
24 every citizen to live and work in a city which recognizes  
25 the value of diversity, the value of being part of a

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1 multicultural, multiracial, multilingual environment. We  
2 want our citizens to live in a city which believes that each  
3 citizen has a right to equity, to have equal access to  
4 housing and equal access to goods, services, and employment.

5           What does this involve? It involves a continuous  
6 advocacy process. It involves, for example, pressing the  
7 civic service at City Hall to be more responsive to the  
8 needs of its citizens; pressing the City of Toronto to play  
9 a leading role in the implementation of employment equity.  
10 This sort of work requires vigilance and research on a  
11 continuous basis. It involves listening to individuals and  
12 communities and talking to officials and politicians.

13           The bulk of the issues that come before this  
14 committee have come through the community participation  
15 process. Every month many deputants from the communities  
16 come before our committee, and I meet regularly with  
17 community representatives. At these meetings, community  
18 representatives are able to air their grievances and witness  
19 immediate action from the committee in most instances.

20           In addition, the committee has been vigorously  
21 proactive in consulting with the communities to see what  
22 their needs are. In fulfilling its mandate, the committee  
23 has addressed numerous issues since its inception in 1981.  
24 The bulk of its work, however, has been in the areas of  
25 employment equity, accessibility, education, and matters to

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1 do with the Metropolitan Toronto Police Force and its  
2 interaction with communities and hiring policies. Amongst  
3 the other areas covered have been credentialism in admission  
4 to trades and professions, including internships for foreign  
5 medical graduates, appointments to city boards and  
6 commissions, legal aid clinics for ethnic communities,  
7 hiring of minority youth, media coverage, immigration and  
8 refugee matters.

9           Since its inception, the committee has had an  
10 exceptional opportunity to see the effects of social and  
11 economic inequality at first hand, through the many projects  
12 and activities that we have undertaken.

13           One of our major projects, and one which is  
14 generally recognized by the communities as being something  
15 of a success story, began in 1984 when the committee began a  
16 consultation process. In the fall of 1984, because of the  
17 numerous complaints from various communities of the City of  
18 Toronto that services were not geared to people whose first  
19 language is not English, or who are members of the visible  
20 minority communities, the committee decided to hold what we  
21 called "listening sessions" with the various communities.  
22 The sessions were designed to hear from the communities  
23 about those areas which impact upon their lives.

24           Discussions were held with the Chinese, black,  
25 South Asian, Filipino, Portuguese, and Southeast Asian

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1 communities. These sessions were attended by  
2 representatives of city departments, which provided services  
3 to the community. In most cases they were department heads,  
4 in fact. The committee heard the same thing over and over  
5 again at these sessions, about the inadequate service  
6 delivery, the employment discrimination that they saw.  
7 These communities saw themselves as being external to the  
8 operation of City Hall and unempowered to effectively  
9 challenge the status quo. The input from the communities  
10 led the committee to making more than 30 recommendations to  
11 City Council, which Council approved and established an  
12 interdepartmental implementation committee to follow through  
13 on these recommendations.

14 Numerous meetings between the coordinator of the  
15 committee and senior members of city departments resulted in  
16 City Council, in January 1987, approving a multicultural  
17 policy and an implementation strategy, which included the  
18 hiring of a multicultural consultant to assist the  
19 departments in developing and implementing a multicultural  
20 access program.

21 As a provider of public services, the city has  
22 recognized its obligations to make its services available to  
23 racial and ethnic groups. This responsibility includes  
24 facilitating access to services by removing barriers that  
25 may be caused by organizational complexity, language

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1 difference, or discrimination. In order to increase access  
2 to its services in a racially and ethnically diverse  
3 community, city departments have been required to monitor  
4 changing community needs and adapt their programs to better  
5 meet these needs within available resources.

6 City Council's objectives are to increase the  
7 extent to which the work force and city departments reflect  
8 the racial and ethnic make-up of Toronto's population, to  
9 promote city employees' awareness of cultural and  
10 linguistic, religious, and other factors which should be  
11 taken into account for the appropriate delivery of public  
12 services, to ensure that they do not present discriminatory  
13 barriers to racial and ethnic groups.

14 At the same time that the committee consulted the  
15 communities in '84, it became evident that most of the  
16 communities had serious concerns about the workings of other  
17 levels of government. In 1984 City Council expanded the  
18 committee's mandate to include advocacy to other levels of  
19 government regarding issues which affected the citizens of  
20 the city who were members of racial and ethnic communities.

21 The committee meets regularly with ministers of  
22 both the federal and provincial governments. It has sent  
23 briefs to the Canadian Senate, whose endorsement is required  
24 before laws are enacted by the Canadian Parliament, on a  
25 variety of important matters related to the committee's

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1 mandate. These include a brief on the proposed amendments  
2 to the Immigration Act to establish stringent new rules and  
3 procedures respecting the admission of refugees into Canada.  
4 City Council endorsed the committee's position that the  
5 proposed rules and procedures were harsh and unfair,  
6 constituting a radical, unjustified, and perhaps  
7 constitutionally invalid change from Canada's humanitarian  
8 traditions.

9 COMMISSIONER DESTRO: Excuse me a moment, Ms.  
10 Dembo, if you wouldn't mind wrapping up, we'd like to save  
11 some time for questions.

12 MS. DEMBO: Okay. I won't go into details. We  
13 have an employment equity or equal opportunity program at  
14 the City of Toronto, and we are doing a number of things to  
15 increase the hiring of target groups, which are women, the  
16 disabled, visible minorities, and we are now adding  
17 aboriginal peoples to this group in 1989. We also have a  
18 contract compliance program which applies to \$1.5 billion  
19 annually of business.

20 I think what you'd be interested to know about --  
21 and maybe I'll read that section -- is what is happening  
22 with the police. I don't know; am I correct?

23 Although the Metropolitan Toronto Police Force is  
24 not directly within the jurisdiction of the City of Toronto,  
25 as it is a regional force, I am able to inform you of its

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1 efforts, particularly as the Mayor's Committee has advocated  
2 for many of the programs which have been undertaken by the  
3 police force with respect to employment equity and  
4 sensitivity training of the force regarding its dealings  
5 with the racial and ethnic minorities.

6 In 1984 the Metropolitan Toronto Police Force  
7 commissioned a management consultant firm to undertake a  
8 comprehensive review of the Metropolitan Toronto Force's  
9 recruitment selection system, and to make recommendations  
10 for changing them.

11 In January '86 the Board of Commissioners of  
12 Police accepted the consultant's recommendations and agreed  
13 to an action plan for implementation. As part of that  
14 action plan, a new outreach recruitment strategy was  
15 adopted. The results in 1987 for the established goals for  
16 representation of women, visible minorities, and the  
17 disabled have not only been met by the police force but  
18 surpassed. Female representation in the uniformed rank has  
19 increased from 3.9 percent in October, 1986 to 5.3 percent  
20 by December of 1987.

21 Visible minority representation has increased to  
22 3.5 percent from 3 percent on October 10, 1986. These  
23 increases are the results of concentrated recruitment  
24 efforts that work in conjunction with an objective and fair  
25 selection system. Goals for '88 have been adjusted to



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1 reflect 1987 accomplishments, and given the anticipated  
2 recruitment level for 1988 it is projected that by the end  
3 of the year female representation, in a force of 5,500  
4 persons, will be 6 percent and visible minority  
5 representation 4 percent.

6 The monitoring of the process will continue,  
7 facilitated greatly in 1988 by the implementation of the  
8 computerized applicant tracking system. Citizen recruitment  
9 endeavors must be complimented by training programs to  
10 ensure the existence of an environment that fosters success  
11 on the job. The steps taken in 1987 to establish a  
12 comprehensive cross-cultural human rights and race relations  
13 training program will intensify in 1988 with the  
14 introduction of a new workshop that will reach every member  
15 of the force. In addition, revisions to a number of  
16 existing courses will be made to incorporate elements of  
17 cross-cultural, human rights, and race relations training.  
18 These training initiatives will become vital components of  
19 the employment equity program.

20 The Metropolitan Toronto Police Force is  
21 constantly striving to be aware of the problems faced by  
22 today's society and established in the early 1970s an Ethnic  
23 Relations Unit to cope with the changing needs of the city's  
24 many different ethnic groups. Police officers of the Ethnic  
25 Relations Unit come from numerous cultural and ethnic

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1 backgrounds. These officers speak numerous languages and  
2 are representative of our multilingual and multicultural  
3 city. In addition, they are familiar with the many customs  
4 and traditions of new immigrants and have an understanding  
5 of some of the problems they face. To remove the barriers  
6 created by mistrust and fear that sometimes occur between  
7 the police and the community, ethnic officers meet regularly  
8 with members of metro Toronto's ethnic groups to establish  
9 and maintain communication.

10 a total of 51 languages are spoken by members of  
11 the Metropolitan Toronto Police Force. In cooperation with  
12 the media, ethnic officers assist in producing a variety of  
13 public service messages for radio, television, and the press  
14 on police-community related topics. Officers also broadcast  
15 in several languages on radio and television programs to  
16 promote awareness of the many services provided by the  
17 force.

18 Despite all of these efforts on the part of our  
19 police force, we are currently facing a crisis situation in  
20 relations between the black community and the police  
21 following the shooting of a black disabled man. The  
22 incident occurred when four police officers responded to a  
23 call that a man with a knife was holed up with a hostage in  
24 an attic. Information that has been released to date  
25 indicates that one of the police officers feared for the

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1 safety of another officer and shot the man. The case is  
2 still under investigation by the Ontario Provincial Police  
3 Force as well as the Public Complaints Commission, which is  
4 a civilian body which has the power to investigate police  
5 misconduct.

6 The black community is upset over this shooting  
7 and has been protesting by way of marches and public  
8 meetings, and has been pressing for an independent  
9 investigation in addition to the above. This tragic  
10 incident indicates that, although many improvements have  
11 occurred in relationships between the black community and  
12 the police, the health of the relationship remains fragile  
13 and will require much more attention by all interested  
14 parties.

15 So, as you can see, although as a city we are  
16 taking numerous steps to address discrimination and  
17 prejudice and to sensitize our work forces to a multiracial  
18 and multiethnic society, setbacks such as this shooting do  
19 occur. However, although problems will inevitably arise  
20 from time to time in a city as culturally diverse as Toronto  
21 we will continue to be innovative and positive in our  
22 efforts to serve our ever-changing population.

23 COMMISSIONER DESTRO: Thank you very much. We'll  
24 be coming back with some questions, I'm sure.

25 Our next witness is the Honorable Grace Davis,

CBT/cs 1 who was with us this morning, the Deputy Mayor of the City  
2 of Los Angeles. We welcome you back and look forward to  
3 hearing what you have to say to us.

4 MS. DAVIS: Thank you very much.

5 In the interests of time, I'm going to just read  
6 portions of this, since you all have copies of it, just for  
7 emphasis, and then I'll try in my own words to share some of  
8 the other things besides the internal workings and so on.

9 As is true throughout the West and Southwest,  
10 there have been major demographic changes in the City of Los  
11 Angeles. The 1980 census recorded the minority population  
12 at 51 percent, and according to its latest estimates, it  
13 continues to grow, particularly with respect to the Hispanic  
14 and the Asian populations.

15 As an employer, the City of Los Angeles has  
16 always tried to be responsive to the community it serves.  
17 We have tried to be a model employer by adopting programs  
18 which would expand the pool of qualified job candidates and  
19 provide them with an equal opportunity to compete for jobs  
20 which would enable them to be productive members of our work  
21 force. Accordingly, great strides have been made within the  
22 City of Los Angeles in the area of minority employment.

23 A formal commitment to affirmative action and  
24 equal employment opportunity was made by the City of Los  
25 Angeles in 1973.

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1                   When we first came in there, the former Mayor had  
2 just presented the policy statement to the Council, and it  
3 was about six pages long. Our administration took it over  
4 and established a task force within the city. There are  
5 associations within the city for each of the ethnic groups.  
6 They themselves, you know, have come together and formed  
7 these. We have an Asian employee, Hispanic, and so on.

8                   What we have on the task force is representation  
9 from each of those groups, in addition to the Personnel  
10 Department, the Mayor's Office, the City Attorney's Office,  
11 and some of the other administrative elements that are  
12 necessary to do the work.

13                   The Personnel Department is the one that is  
14 really in charge of doing all the actual audits, if you  
15 will, of the departments, and they work with individual  
16 managers and their personnel sections in reviewing the work  
17 force of each department. And we have done this by category  
18 -- professional, administrative, and so on. What they do is  
19 help them identify obviously all of the representation  
20 across those categories.

21                   We then also look at the kind of training they  
22 are providing some of the entry-level and lower-level  
23 categories in the departments, and assist them in helping  
24 not only to bring people into the entry levels but to also  
25 allow the mobility within the department of the minorities.

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1 We have done this by doing things like bridge classes, in  
2 which we allow bridging between, say, for instance, the  
3 clerical and paraprofessionals and so on, and many of our  
4 clerical people have been going. In fact, we have people at  
5 very high levels who started this way.

6 By the way, to show you the dedication in terms  
7 of the task force, our meetings are all at 7:00 o'clock in  
8 the morning.

9 COMMISSIONER DESTRO: That is dedication.

10 MS. GRACE: Yes, that is dedication. And what we  
11 do is actually we meet frequently about once a year when we  
12 are actually reviewing each department's goals and  
13 timetables and so on.

14 We also involve the commission of each of the  
15 departments to become aware of the objectives for the  
16 departments. We assist them in developing training programs  
17 for the various levels and so on, so that we realize it's  
18 not just a question of bringing the new people into the work  
19 force.

20 As you saw in here, we do have two consent  
21 decrees -- one for the fire department and one for the  
22 police department.

23 We are doing, I think, very well in both of those  
24 categories, and I know that in spite of the fact there was  
25 much resistance from the departments, now that they are int

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1 it they are committed to the objectives, and they are doing  
2 very well in the recruitment area, and the retention which,  
3 particularly in the fire department with women -- as you  
4 know, that has been a very difficult area, but they have  
5 extended themselves to providing training starting in the  
6 high schools. We have special classes in the high schools  
7 to have the women who are interested to begin to develop the  
8 physical capabilities that they need, in addition to other  
9 skills, and we're being very successful in that.

10           Particularly, I think, in the case of women, we  
11 have had very strong programs in terms of the harassment  
12 issues, the sexual harassment issues. The Mayor has  
13 established very strong policies very recently and has  
14 personally met with all the general managers and reviewed  
15 policies with them because we were continuing to get many  
16 different kinds of complaints from them.

17           I know in terms of women, we have also introduced  
18 a number of programs to assist them. Child care, by the way  
19 -- that was my first assignment when I came to Tom Bradley  
20 in '73, and we are finally realizing child care. We are  
21 having two different centers, one that we're going to share  
22 with the federal agencies across the street from us, and the  
23 other one that we will be sharing with the community in  
24 another location here and downtown.

25           We also have flex hours for women or any other

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1 employee where they are allowed to adjust so they can be  
2 with their children, take them to school and go back. We  
3 have different hours in which people can work 10 hours a day  
4 instead of eight hours so that they have an extra day off on  
5 the weekend or every two weeks and so on.

6 We have shared positions, particularly for women  
7 who are wanting to go to school, or men who want to go to  
8 school and work, and we have positions that are being  
9 shared.

10 So we are providing many, many opportunities that  
11 we find.

12 The difficulty, particularly to get them  
13 interested in promotions, is to get them to take that extra  
14 education. By the way, we have classes right in City Hall  
15 after work. We have the colleges that come into City Hall  
16 and teach classes on administration, supervision, and  
17 management, so that also coincides with the kinds of  
18 requirements for promotions and all.

19 I think that we probably have one of the  
20 strongest affirmative action programs in any of the cities  
21 that I have seen, and I have compared it with many other  
22 cities. Again, it's the kind of commitment and the  
23 dedication. We have had to convince management that they  
24 are part of the policies that have been established in the  
25 city. We have done a lot of training. We have had to have



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1 one-on-one discussions with many people. But we still have  
2 a long way to go, and you have the statistics in terms of  
3 the improvement.

4 In terms of the community, because this is not  
5 just the fact that we look good ourselves, we are concerned  
6 about the civil rights of all people who reside within the  
7 parameters of the City of Los Angeles. To that extent we  
8 have a number of advisory groups that we work with.

9 First of all, within our own staff, we have  
10 representation of the various segments of the community so  
11 that we have people who go out into the community and work  
12 with the various ethnic community organizations to be  
13 responsive to their needs, to make them aware of the  
14 services of the city, not just the Mayor's office but the  
15 departments. We have bonus pay for people who speak the  
16 languages and are able to be responsive on the telephone, at  
17 the counters, and so on. We have materials that are  
18 translated in a variety of languages, and so on.

19 We are very aware of the immigration to the City  
20 of Los Angeles, and we have worked with the Immigration  
21 Department. In fact, we are very successful in helping them  
22 facilitate or get the permits they needed in terms of  
23 opening up the offices for the legalization programs and so  
24 on.

25 But I think also, more than that, we have made

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1 ourselves available within the city. Many of the employees  
2 have volunteered to become counselors and to assist other  
3 organizations in many of these programs.

4 We have a refugee committee that works with the  
5 refugee communities that live here in Los Angeles. While we  
6 know that they have many legal restrictions as far as their  
7 own status and what have you, we still realize that they are  
8 entitled to the services that we provide, so we do  
9 communicate with them. And we have several problems that  
10 I'm sure you have been aware of. One is that since they  
11 can't work because of legalization, they take to the streets  
12 to try to sell all kinds of items, and of course we have  
13 restrictions about that, and I'm working very closely with  
14 some of the Council members. We're thinking in terms of  
15 maybe having some kind of swap meet areas where they can  
16 legally go and probably sell.

17 Also, we have a problem with the employers who  
18 pick up day laborers on corners. And again, although we  
19 have done a little bit of a survey, we find that there are  
20 many legal people who are part of that, so we don't want the  
21 discrimination to affect either group.

22 So, again, we are looking to possibly the  
23 establishment of hiring halls that were very common in the  
24 early days of the labor movement. We haven't discussed it  
25 with Labor. They may take exception to it. But I think we

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1 can probably get them to participate in this because, again,  
2 we have to make sure that new people who come here become  
3 aware of our laws and are able to function within the laws  
4 to the extent possible.

5 I think that we have been fairly fortunate in the  
6 relationships that we have with the various ethnic groups  
7 that reside within Los Angeles. Our city schools have over  
8 80 and maybe more languages that are spoken by the children  
9 who attend the schools. That gives you an idea of the  
10 diversity of the people who live here.

11 We have very outstanding communities in terms of  
12 the Japanese, the Chinese, and Korean communities.  
13 Unfortunately, east L.A., which is thought of as Hispanic,  
14 and south central as the black, are generally thought of as  
15 the areas where gangs promote their activities, and so on.  
16 So we have to constantly work to try to enrich the cultures  
17 of those communities so they can also be projected in a  
18 positive way.

19 But I think that we have very good race relations  
20 here in Los Angeles. Certainly we have individual instances  
21 that arise every once in a while, but again we have a close  
22 working relationship with the state in terms of the agencies  
23 that are responsive to discrimination.

24 We have, as was mentioned here, our own structure  
25 within each department and within the city when we have

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1 other complaints that are filed against the city and so on.

2 So we certainly realize we have made great  
3 strides in the years that we have been in office, but we  
4 recognize that there are many areas that still need to be  
5 addressed, possibly different interpretations of the way we  
6 have addressed these issues in the past, but we certainly  
7 are committed to insuring that we protect the civil rights  
8 of the people who live in the City of Los Angeles.

9 Thank you.

10 COMMISSIONER DESTRO: Thank you very much.

11 Our next speaker is Mr. Rich Castro who is  
12 representing the Honorable Federico Pena of Denver. He is  
13 the Executive Director of the Agency of Human Rights and  
14 Community Relations for the City of Denver.

15 Welcome, and we look forward to hearing from you.

16 MR. CASTRO: Thank you very much.

17 In the interests of time, I, too, have presented  
18 the Commission with written testimony. I will not read all  
19 of the testimony. I know the hour is late and I know you  
20 want to allow for some questions and answers.

21 I do want to, first of all, indicate it is a real  
22 pleasure to be here. Our Mayor could not attend, so I was  
23 asked in his stead that I represent him. I run what is  
24 called the Agency for Human Rights and Community Relations  
25 for the City and County of Denver.

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1 I have been asked to address the effects of  
2 changing demographics with an urban view. Before I do that,  
3 I'd be remiss if I didn't interject a couple of major  
4 concerns that I personally have and that our Mayor has  
5 conveyed to the public that he has as well.

6 This whole topic -- and I will not try to be  
7 redundant; one of the disadvantages of coming on so late is  
8 that much of what I wanted to say has been mentioned many  
9 times.

10 CHAIRMAN ALLEN: It hasn't bothered anyone else.

11 MS. CASTRO: It hasn't stopped anyone else, so I  
12 will want to make a couple of comments.

13 One of the main points I wanted to make -- and it  
14 has been reiterated time and time again by others very  
15 eloquently before me -- is the growing number of Hispanics  
16 in this region. I am particularly grateful that you have  
17 come out to Los Angeles, an area that is experiencing major  
18 demographic changes. I think it is in the spirit of the  
19 Commission that you're coming out to the various regions. I  
20 think previous speakers have alluded to the idea that we  
21 need to take a look at some of the regional differences that  
22 we have in this country, and certainly the Southwest has  
23 some very unique regional differences.

24 We are seeing a major shift, if you will, in  
25 population. Many people have talked about the growing

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1 Hispanic numbers. But I think if you look at the Southwest  
2 in a regional sense as well, much of the growth that is  
3 going on in the Southwest, population growth, is because  
4 many people coming from the eastern Rust Belt states are  
5 migrating into the Southwest, and given the high immigration  
6 and the history of the Southwest with Hispanics, we're  
7 seeing some demographic changes there that have some  
8 political implications as well as economic implications. So  
9 your visit here I think is most timely in the Los Angeles  
10 community.

11 Colorado -- and I don't want to go into a lot of  
12 statistics; I want to indicate that many of the demographic  
13 changes that we are seeing throughout the nation are also  
14 evident in the State of Colorado with respect to Hispanics  
15 in terms of growth and in terms of economic and political  
16 participation.

17 I thought one thing that might be of interest  
18 when we talk about demographics from an urban context -- and  
19 I'm shifting quite a bit here because I know the time is  
20 late -- but the 1990 U.S. census -- it's hard to talk about  
21 demographics without talking about the Census Bureau,  
22 obviously. And I think one of the things we are going to  
23 see is a trend, and we are already seeing it, challenges by  
24 certain groups. At a time when the Census Bureau and  
25 certainly minority groups in this country recognize the

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1 value of a complete count, there are certain forces that are  
2 attempting to, I wouldn't say try to see less than a  
3 complete count but are putting some stumbling blocks in the  
4 way of a complete count. What I'm making reference to are  
5 organizations such as FAIR that are talking about trying to  
6 identify undocumented people in our nation in that count.

7           When we recognize the fact that there is already  
8 an undercount of Hispanics in this nation, to suggest that  
9 the Census Bureau somehow is going to perform an immigration  
10 philosophy or role, I think it would only contribute to an  
11 underground. So when we're talking about trends here, I  
12 hope that the Commission would look at that fact, that we  
13 have a Constitution, and in the U.S. Constitution it speaks  
14 about the fact that all residents of our country would be  
15 counted every ten years.

16           So there will be major challenges in ensuing  
17 months. Several states have already issued challenges in  
18 that regard. I think it has major civil rights  
19 implications.

20           And the reason that I say that and suggest that  
21 is I served on the 1981 Colorado Reapportionment Commission  
22 when I was in the legislature. I was one of eleven members.  
23 And this committee, I know, doesn't need a lecture on  
24 reapportionment and the gerrymandering and the long history  
25 of exclusion that has taken place in our country, but thanks

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1 to the U.S. Voter Rights Act, blacks were enfranchised in  
2 '64 in record numbers. Ten years later when the Act was  
3 reauthorized, those extensions were brought into the  
4 Southwest. And as a result, in 1974, there were only 1,500  
5 elected officials with Spanish surname. A little over 10  
6 years later, we find now over 3,000.

7 So when we're talking about how do we encompass  
8 people, the question by Commissioner Destro, how do we  
9 involve people at the federal level, certainly through the  
10 U.S. Voter Rights Act that Dr. King was so instrumental in  
11 pushing and promoting, we are embracing ethnic groups in  
12 record numbers through political participation. We need to  
13 reinforce the Voter Rights Act.

14 Comments were made about the "U.S. English only"  
15 movement. That movement is, in a final analysis, about  
16 diluting the Voter Rights Act, and also has other major  
17 implications in terms of services and education for language  
18 minorities in this country.

19 So when we talk about the U.S. Census, I'd hope  
20 that somehow the Commission could get involved in that  
21 question. We need to have a full count.

22 From an urban context, when we talk about the  
23 implications for urban areas, and specifically with the  
24 census count, communities like Denver are not as large,  
25 obviously, as Los Angeles. We're only half a million in



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1 size. To have less than a full count, however, literally  
2 puts us in jeopardy of losing millions of dollars if we  
3 don't meet the half-million threshold. So if we came under  
4 500,000, many of the federal grants that are so critical to  
5 our urban community are linked to this whole question of the  
6 census, aside from the political considerations.

7 When we talk about the demographic shift, it is  
8 obvious that areas like Texas, California, Arizona, and  
9 Florida, because of that in-migration within our country,  
10 and also the fertility rate of minorities in this country,  
11 those states specifically in the 1990s have a rare  
12 opportunity to pick up anywhere from 11 to 13 new Congress  
13 people. From a political context, that has major  
14 implications for certainly language minorities in the  
15 Southwest, but other ethnic groups as well.

16 I want to take just a moment -- and as I  
17 mentioned, I am skipping a little, but the topic of  
18 immigration was mentioned, and it certainly was a theme I  
19 wanted to touch on. The reason I mention it as having civil  
20 rights implications is that my analysis, in following the  
21 immigration question for some 15 years now, is that the same  
22 kind of fear that is generated by "English only" is linked  
23 in many respects with immigration. We have heard testimony  
24 today, and the figures range anywhere from 6 to 12 million  
25 at different points in time of undocumented workers in this

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1 country. If you took those figures on face value, one of  
2 the concerns I have in terms of racial implications is that  
3 one would be led to believe that almost every other Hispanic  
4 you saw on the street got here last night.

5 The reality is, particularly in areas like  
6 Colorado, according to a recent survey done by the Latin  
7 American Research and Service Agency on census information,  
8 that in Colorado over 90 percent are native born. So we  
9 need to deal with these illusions that were spoken to  
10 earlier about myths and reality, the whole idea of pitting  
11 different groups, and the illusion that Hispanics in this  
12 nation are all recent arrivals.

13 There is no question that we do have an  
14 immigration question before us that we need to deal with  
15 but, by the same token, I think it is critical that we  
16 recognize that we do not have to establish a xenophobic fear  
17 of everyone, particularly those who are identifiable ethnic  
18 minorities, as draining the economy, if you will.

19 This comment was made as well -- and I want to  
20 reemphasize this because I think it's a real role for the  
21 Commission to play. Colorado, Arizona, and Florida are now  
22 three states that will be dealing with an initiative in  
23 November on the "English only" question. I think it would  
24 be remiss on my part, as a civil rights individual in our  
25 city -- certainly from a national level I would hope you

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1 would place some focus on this -- but there is no question  
2 that the "English only" movement, which is not just in these  
3 three states but in 37 states at this point -- 14 states  
4 have passed legislation up to this point, and as I mentioned  
5 three states will be up in November for voting on this  
6 initiative -- are impacted by this.

7           And the fear, I think, is the same fear that  
8 drives the immigration question, that there are certain  
9 demographic changes taking place in this nation. And rather  
10 than embrace those changes -- and as Antonia Hernandez very  
11 eloquently pointed out, we need to look at inclusion, how we  
12 are enriched by our cultural diversity, not divided by it  
13 but enriched. We need to recognize and see through these  
14 movements as to what the dangers are.

15           And what the dangers are are this: I don't  
16 believe that there is a question that minorities,  
17 particularly Hispanics and Asians who have been targeted by  
18 this movement, value education. There is no question that  
19 they do. There is no question that they recognize that to  
20 succeed in this society one needs to speak English.

21           But what drives the opposition on this question  
22 -- and I hope the Commission can take a look at this -- is  
23 some of the myths and the types of statements made with  
24 regard to this question. Language in this issue has been  
25 equated to loyalty to their country. To not be fully

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1 proficient, there have been allegations that Hispanics, for  
2 example, are going to set up a Hispanic Quebec in the  
3 Southwest. There are charges that Hispanics are not loyal.  
4 There are charges that somehow there is some kind of a  
5 deadly disunity.

6 The reality is just the opposite. I think we  
7 need to recognize that, what the "English only" movement is  
8 about. It is not a unifying measure but one that has  
9 certainly divided people not only in this state but in other  
10 states where these measures have been introduced. They have  
11 certainly economic, educational, and housing implications  
12 for civil rights.

13 One other topic I want to touch on -- and I know  
14 the time is winding down -- is what do we do in Denver as a  
15 small community addressing this question. Previous speakers  
16 have talked about: How do we link neighborhoods to this  
17 whole question of civil rights from a smaller perspective?  
18 As someone mentioned, the fish that just takes little bites.  
19 Well, perhaps we're like the fish in Denver.

20 One of the things we do at the neighborhood level  
21 is we have over 200 identified neighborhood groups in a  
22 small community of half a million. Our mayor regularly goes  
23 out to the neighborhood groups. Our office helps staff  
24 those meetings, and it's bringing government to the people.  
25 I think that is a concept that needs to be amplified

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1 throughout the nation.

2 The idea, very similar to Los Angeles, we have  
3 advisory groups. We have a Mayor's Black Advisory Group, a  
4 Mayor's Hispanic Advisory Group, an Asian Advisory Group,  
5 and an American Indian Advisory Group. Given our regional  
6 locale, American Indians, for example, have not had a real  
7 opportunity to speak today. I think it's important for  
8 areas like Denver and certainly for the nation to recognize  
9 we are a crossroads where we sit in the nation between the  
10 Indian nations. So we have not only the reservation  
11 questions that are very apparent in terms of what's happened  
12 to the American Indian, but we also see transitional  
13 problems with American Indians as they come through large  
14 urban areas trying to make an adjustment from reservation  
15 life to urban life.

16 The Asian community is a growing community in our  
17 city. The Asian Advisory Group tries to meet quarterly with  
18 the Mayor to discuss these questions. And even though we  
19 are a land-locked state, we have a lot of in-migration from  
20 Asian groups, particularly Vietnam, Hmong, Cambodian, as  
21 well as the traditional Chinese and Japanese groups that  
22 settled there years ago.

23 The blacks have several organizations, the Black  
24 Roundtable. In fact, the chairwoman, Mrs. Gwen Thomas, who  
25 is an advisory member of the State Commission of Colorado,

CBT/cs 1 is here present, and we try to encourage meetings with the  
2 black community as well as the Hispanic leadership.

3 My agency also, aside from coordinating those  
4 meetings -- this is a question of inclusion again for  
5 Commissioner Destro's question -- has set up commissions in  
6 a wide variety of areas. We have a Commission on Youth,  
7 which is a majority of young people from high schools who  
8 sit on that commission. We have a Commission on Women that  
9 deals with domestic violence questions, the whole issue of  
10 comparable worth, day care. We have a Commission on the  
11 Disabled, with disabled individuals working there, and who  
12 access questions of how disabled people can function and  
13 work in our community and contribute.

14 We have a Commission on Aging, as well as a  
15 Cultural Affairs Commission. All of these commissions work  
16 out of our agency. I am the overall head, and the Mayor  
17 meets regularly with each of these bodies.

18 We also have an Urban Environmental Affairs Task  
19 Force which deals with all urban questions dealing with  
20 quality-of-life issues.

21 Police training is also a major component of our  
22 office.

23 So I guess what I'm here to suggest is that  
24 perhaps the model we use at Denver -- one of the real  
25 advantages you can take advantage of, I would believe, is

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1 for us at a later point to submit our model to you, and as  
2 you travel about the country to encourage local level  
3 participation. I think we can't make that statement enough,  
4 that if we are going to survive as a country we need to  
5 include all people. I think that is a role that the  
6 Commission plays.

7 I thank the Commission for giving me this time.  
8 If there are any questions, I'm sure all three of us would  
9 entertain them at this point.

10 Thank you.

11 COMMISSIONER DESTRO: Thank you very much.

12 I think I'll start with Commissioner Chan.

13 COMMISSIONER CHAN: Ms. Dembo, it is very nice to  
14 hear that the civil rights is being managed so well in our  
15 neighbor.

16 MS. DEMBO: Thank you.

17 COMMISSIONER CHAN: Is that because you have a  
18 city provincial control program of some kind to control the  
19 funding for certain organizations so they will be under the  
20 control of the government on your human rights program?

21 MS. DEMBO: Well, not quite. First of all,  
22 there's the Canadian Multiculturalism Policy, which is  
23 enacted into law, and under that they spend \$17 million a  
24 year in promoting multiculturalism and financing different  
25 support services for ethnic communities, and interracial

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1 communities. Then each province has its own human rights  
2 legislation. We have federal human rights legislation as  
3 well, but the federal human rights legislation is really for  
4 the federal civil service and federally regulated companies  
5 like the railways, the airways, et cetera. But like the  
6 Province of Ontario has human rights legislation under five  
7 areas and 15 different grounds. But there is no real  
8 provincial control except through the provincial code of  
9 human rights.

10 COMMISSIONER CHAN: The Canadian Human Rights Act  
11 is established by the Parliament, is it?

12 MS. DEMBO: Yes, it is.

13 COMMISSIONER CHAN: And then in each province,  
14 you have, say, the Ontario Human Rights code?

15 MS. DEMBO: Yes.

16 COMMISSIONER CHAN: To go down to the state  
17 level.

18 MS. DEMBO: Yes. And then the city government  
19 has its own code of discrimination, which is under the same  
20 grounds as the province. In fact, the province recently  
21 followed the city by adding sexual orientation to their list  
22 of grounds.

23 COMMISSIONER CHAN: Thank you.

24 On the other hand, Ms. Davis, our city is under a  
25 different kind of administration as far as civil rights is



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1 concerned. I understand in the United States there are  
2 federal civil rights, and then all the city has to do is to  
3 comply with it by organizing some kind of organization.

4 MS. DAVIS: That's true, but I think that the  
5 City of Los Angeles has gone beyond, as it has in other  
6 areas, the requirements in the kind of programs that we have  
7 initiated and so on. We have taken the lead, for instance,  
8 in the area of the gay and lesbian community. We were one  
9 of the first local governments that came out with  
10 legislation that protects them in terms of a variety of  
11 problems that they have.

12 And, incidentally, in terms of AIDS also, which  
13 is not restricted, as you know, to the gay and lesbian  
14 community, there are many issues. For instance, I just had  
15 a letter yesterday from a prisoner who does not have AIDS --  
16 he's a hemophiliac -- but because the prisoners see him  
17 going to the dispensary all the time, they just assume he  
18 has AIDS, so he is being discriminated against and is  
19 suffering a great deal, to the point that he ran away from  
20 the facility, and so on.

21 So those are the new areas that we have gotten  
22 involved in. But, again, we also have legislation in the  
23 city that is protecting the creation of hospices, the  
24 renting of the medical facilities, medical services, and so  
25 on.

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We do certainly abide and go beyond.

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COMMISSIONER CHAN: Well, I used to be the

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secretary of the CCPA, Chinese Consolidated Benevolent

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Association of Los Angeles. I used to deal with Mr. Bradley

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and so on, and I must compliment him, that even though Mr.

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Bradley and I are on different sides of the political arena,

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because Mr. Bradley is black I think the City of Los Angeles

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has more favorable management records than many other major

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cities in the United States.

10.

MS. DAVIS: I thank you very much. We do

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sometimes need a little prodding.

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I just want to share with you that in the police

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department, although we are doing well as far as the consen

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decree, the promotions of minorities is very limited. And

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we had MALDEF, who was represented here earlier today --

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their attorneys -- and we made all our files available to

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them, and they did an extensive review of the promotions

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within the police department. As a result, the Mayor has

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generated some directives through the commission to the

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police department, and they are grudgingly going, and we

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hope that in the years to come we will see the results.

22

Because as you know, the Mayor himself only got as far as

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lieutenant because that's as far as anybody ever got. And

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we now are seeing captains and commanders and so on. But it

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takes a lot of help from the outside.

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COMMISSIONER CHAN: Very good. Thank you.

I have one question for the City of Denver.

In Colorado there are many Native Indians. Can you tell us a little bit about how the Indian people fare with the other people or vice versa?

MR. CASTRO: As I mentioned, Denver sits kind of at the crossroads within various Indian nations in the Southwest. Because of the census undercount, it's hard to determine how many. In fact, that's an issue with the American Indian community in terms of how they are counted for obviously various resource allocation questions.

We estimate anywhere from 15,000 to 20,000 live in Denver at any one time. They tend to be not migratory but transient, if you will. Many come from a reservation on the way somewhere else and happen to drop off in Denver. So we do have an American Indian Center that we work quite actively with. We have distributed a lot of economic development funds to that center so that there are economic initiatives taking place there.

We have an advisory group made up of various Indian organizations, so it's not based on tribalism as much as it is by various Indian organizations that serve the American Indian community. I believe there are about 15 members on that advisory group. They try to meet regularly, quarterly, if you will, with the Mayor to discuss issues of

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concern.

One question that was brought forward -- and this is an area that I think needs some discussion -- that I think was by the American Jewish Committee spokesman -- is that cross-dialogue with different ethnic groups is very important. We have a Chicano-Jewish dialogue, a black-Jewish dialogue. The Hispanic community is very involved peripherally with the American Indian community. And wherever we can develop programs where other cultures can work together, aside from the majority society, I think we are all better served. So I think that speaks to your question as a need to do more of that type of interacting between particularly minority groups.

COMMISSIONER CHAN: Thank you.

COMMISSIONER DESTRO: Commissioner Allen.

CHAIRMAN ALLEN: Well, I will take a brief moment, although we are running out of time. Mr. Castro already answered partly the chief question I had in mind this afternoon, and in your opening remarks you also talked some about neighborhoods and groups, and I thought it would be worthwhile above all to hear from you representatives of major cities what some of the dimensions of intergroup relations are.

Particularly I have one thing in mind, which I am concerned about because I know historically one thing above

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1 all else has characterized race relations and civil rights  
2 questions in the United States, and that one thing has been  
3 denial throughout every historical period. You usually find  
4 the most important trends are subject to denials. They are  
5 never admitted and never discussed, and they are always on  
6 the fringes.

7 One thing, of course, that is on the fringe today  
8 in the cities like Chicago and to some extent also in New  
9 York is a growing tension between particularly black groups  
10 and Jewish groups. Well, I shouldn't say groups; let's just  
11 say loosely blacks and Jews for the moment, not to  
12 exaggerate it.

13 So I wanted to know from your respective vantage  
14 points how that question stands so that we might be better  
15 able to judge whether these are parochial issues or whether  
16 there is an underlying trend.

17 MR. CASTRO: I think that question was also  
18 raised when Mr. Destro asked about the whole question of  
19 inclusion. I agree with you that some of our major problems  
20 have been the question of access and inclusion. From a  
21 purely administrative point of view, one of the things we  
22 have tried to address, rather than talk about police  
23 commissions -- because many of the questions of police  
24 brutality have been focused in on black and Hispanic  
25 primarily but to a degree Asian, and now the gay community

CBT/cs

1 -- is to try to put people in those positions that run those  
2 agencies that will be accountable to the communities.

3 For example, in terms of inclusion, we now have  
4 an Hispanic who is very sensitive to neighborhood questions  
5 running the Manager of Public Safety's office, which  
6 oversees the police and fire departments. The fire  
7 department head is Hispanic. The head of our health and  
8 hospitals system, which is the largest cabinet-level  
9 position, is a black.

10 So when we talk about access, access points  
11 obviously are in the administrative area.

12 When we talk about ethnic groups, we have tried  
13 to integrate ethnic groups into all boards and commissions,  
14 outside of those that I mentioned of my agency.

15 CHAIRMAN ALLEN: Let me interrupt you just to say  
16 what I really wanted to focus on was the remark you made  
17 about intergroup discussion. I want to know, for example,  
18 as between blacks and Jews, whether you foster those kinds  
19 of discussions because there are perceived difficulties  
20 between those groups in the City of Denver.

21 MR. CASTRO: I am not a party to the black-Jewish  
22 dialogue group, but I was one of the founders of the  
23 Chicano-Jewish dialogue group. One of the reasons we  
24 established that group -- in fact, Ms. Davis and I went to  
25 Israel together at one point, having been picked from around

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1 the country. But one of the reasons that we established  
2 that group is that there were perceived differences,  
3 obviously. There are some commonalities. The Jewish  
4 community obviously has some commonality with Hispanics on  
5 the question of immigration. We differ on quotas. We have  
6 gotten involved with briefings on the Mideast because global  
7 questions impact all of us. Central America and bilingual  
8 education are some areas that we have some question and some  
9 commonality on.

10 So, yes, to answer your question, we formed these  
11 groups because --

12 CHAIRMAN ALLEN: Let me just point it a step  
13 further, and then the other two can also respond to it.  
14 Has your experience in Denver been that there has been  
15 scapegoating behavior? Have there been stereotypings that  
16 have become problems? Have those kinds of problems  
17 surfaced?

18 MR. CASTRO: We've had some cross burnings, and  
19 also in front of the Urban League a KKK activity. Mr. Berg,  
20 a radio announcer, a very prominent radio announcer, was  
21 assassinated several years ago.

22 In that regard, we're developing -- in Denver  
23 it's more of a regional concept; we just had a meeting  
24 several weeks ago -- to develop an intercultural coalition,  
25 if you will, patterned after the coalition that formed up in

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1 the Northwest to deal with extremism. It's going to be a  
2 regional organization, based in Denver but involving four or  
3 five outlying states, to monitor and share information  
4 between various ethnic groups and civil rights organization  
5 about the whole new wave, if you will, of right wing  
6 extremism.

7 So to answer your question, there is some of that  
8 activity in Denver as there is throughout the nation, and  
9 this is going to be our attempt to try to network with one  
10 another to try to address that question.

11 MS. DAVIS: We also have the kind of dialogues  
12 with blacks and Hispanics, and they really don't last very  
13 long. We have had them with the Jewish community -- they  
14 came to us -- and they have them with the black community.

15 Recently we have been working with the Asian  
16 community, and frankly, my own personal experience, since I  
17 have participated in all of them, is that we find we have  
18 much more in common with the Asian communities as Hispanics  
19 than we have had with the blacks, because when we talk to  
20 the blacks or the Jews -- well, actually with the Jews we  
21 can talk about language and we can talk about immigration  
22 because they have those problems, but when we talk to the  
23 blacks they don't have that experience unless you're talking  
24 about Haitians and so on, which is not something that is  
25 really very common.



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1                   But with the Asians, when we talk about  
2 immigration or education and so on, we really have had  
3 incredible dialogues in a lot of areas that we can really  
4 work together.

5                   In terms of the city and the things of my  
6 experience in those 15 or 16 years we've been there, when  
7 we've any kind of, you know, a little bit of rubbing  
8 together of groups, it has really been over resources.

9                   Just yesterday we announced and went to Council  
10 with this program with just \$2 million that the Mayor has  
11 gotten to extend several schools -- you know, after school  
12 hours, sort of a latch key program, which we already have,  
13 but we wanted to extend it more. The way we did it in  
14 working with the schools is looking at the schools that have  
15 the greatest needs, that don't have other programs, have the  
16 greatest number of people in poverty -- all kinds of  
17 criteria that were used. It just turned out that the  
18 majority of the schools in those categories were Hispanic.

19                   Also, even in the south central area, which is  
20 normally looked on as the black community, they have been  
21 infiltrated with Latin American and Central American people,  
22 so again the population is highly Hispanic.

23                   So when we looked at the results, it looked like  
24 we were just dealing with Hispanics. And we got a lot of  
25 flak on that yesterday.

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1                   So now we are having to respond by looking for  
2 additional resources so we can expand to schools that are  
3 looked at as predominantly black.

4                   But those, unfortunately, either in funding, our  
5 block grant funding, development of housing -- even within,  
6 for instance, the housing authority, the public housing that  
7 we have -- by law we are supposed to have integrated  
8 projects. That has not happened because they were only  
9 doing the certification of people at the local areas. So if  
10 it was a black neighborhood, all the black people live in  
11 there, and the same thing with south central.

12                   We are now centralizing all the certifications so  
13 that people just come to one, and we send them where the  
14 vacancies are. Well, we got an objection form the south  
15 central area people saying, "You're putting too many  
16 Mexicans over here. We know there must be blacks on the  
17 waiting list." And that was not true.

18                   But we are having to respond to those things  
19 continuously. But the fact we are able to enter into  
20 dialogue, bring people together, and talk about these  
21 things, much as you've said it in your cities -- and that's  
22 the only way to get to those things, is to get them  
23 immediately, bring the people who have the information to  
24 the meetings, and make sure the people get that firsthand  
25 information, and then hopefully you have the resources to

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1 responsive.

2 CHAIRMAN ALLEN: Could you at least just tell me  
3 whether you have had the experience, say, of increasing  
4 anti-Semitism in the Toronto area on the part of some of the  
5 other groups -- blacks, for example?

6 MS. DEMBO: Well, we certainly have seen an  
7 increase in anti-Semitism. We haven't seen an increase in  
8 the black-Jewish conflict, although we occasionally hear of  
9 the American influences coming in in terms of speakers  
10 coming across and talking to the black community, and that  
11 sort of raises tensions.

12 We actually have a very volatile situation in the  
13 sense of strained relations between the Ukrainian population  
14 and the Jewish population, which is in part caused by the  
15 fact that we had a commission which has resulted in the  
16 Canadian Government passing a law where we can now have war  
17 crimes trials, and there are a couple of cases before the  
18 courts, and because of the Demanuk trial in Israel, tensions  
19 are very high, and there is no dialogue at all between the  
20 Ukrainian and Jewish communities. So other groups, such as  
21 my committee, are trying to initiate discussions  
22 individually with the communities.

23 We do see a problem, and that is a problem  
24 between the older communities which came pre-1967. I should  
25 explain that prior to 1967, we really did have

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1 discrimination in immigration to Canada. And the older  
2 groups are more resentful of the newer groups there, because  
3 the newer groups have benefitted from policies of  
4 multiculturalism. So they see new immigrants as receiving  
5 benefits which they did not, and they say, "We came in the  
6 hard way. You've got to suffer, too."

7 So this is an area of tension, but yet they do  
8 work together on an area which is calling for heritage  
9 languages in the schools. They have worked to get most of  
10 the area school boards to extend the school day by half an  
11 hour so heritage languages are taught. And with 85  
12 languages, you can have some idea of the impact.

13 But there are tensions, and one does try to bring  
14 about the dialogue.

15 MS. DAVIS: Could I just add one thing, which I  
16 think is interesting for Mr. Chan. The difference in the  
17 immigration that we've had, like people who come from  
18 Central America and from Mexico and so on, are from a lower-  
19 income class. So when they come here, they are the ones who  
20 have less skills, less education, and are working at very-  
21 low-skilled jobs or looking for work.

22 Many of the Asians who have come here have been  
23 very fortunate in coming to have the capital in which they  
24 can engage in businesses right away. They actually have  
25 added greatly to the economy and the facade of the city

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1 because they come into the neighborhoods -- like about four  
2 miles from here there is an area that used to be called  
3 Dogtown because that's where we had the first animal  
4 shelter. They don't know that. We have moved away from  
5 that and everything. All they see is properties that have  
6 been left there vacant, and they are inexpensive. They come  
7 in and they don't just patch them up. They really  
8 rehabilitate the buildings, and have added to the community  
9 and the economy.

10 In some areas there is resentment to that because  
11 where you have, especially the small communities, the small  
12 chamber of commerce and so on, and they come in and they are  
13 flourishing and so on, and they do not necessarily have the  
14 same orientation as our business people so they have to work  
15 to get them to become a part of the business community. So  
16 we have had to sit in on meetings to bring them together,  
17 like with the Korean community and so on.

18 But they are a real asset to the city, so we have  
19 to just convince people, although as you say they are recent  
20 arrivals but they are making contributions. But, again, we  
21 do intervene in many cases like that.

22 COMMISSIONER DESTRO: Mr. Friedman.

23 VICE CHAIRMAN FRIEDMAN: Mr. Castro, you and a  
24 number the other panelists who represented Hispanic points  
25 of view from time to time in the course of these meetings

CBT/cs

1 have made reference to the "English only" movement and have  
2 expressed concern about it with regard to what Ms.  
3 Hernandez, I think it was, who said something to the effect,  
4 "Why can't they accept the fact that we have this language  
5 and we wish to preserve it and so on?"

6 I happen to be personally a critic of the  
7 "English only" movement. I have written on the subject, so  
8 my credentials are clear on the subject. But there has not  
9 been any defense made, at least of some of the underlying  
10 theory that motivates the "English only" movement, which is  
11 that they are worried in part about America becoming a kind  
12 of ethnic grab bag in which we have so many racial,  
13 religious, and ethnic groups, and if each group goes after  
14 its own thing so fully and thoroughly in an activist manner,  
15 the common sense of identity will be eroded, and we will  
16 become a kind of -- a familiar term years ago was kind of a  
17 Balkanization of American life.

18 Now, I think one of the really difficult arts  
19 that exists in American life is how you adjust the need for  
20 communal identity and strength which is so terribly  
21 important to all of us, and how you preserve the common  
22 sense of a total identity. And it is on this level that I  
23 thought the discussion ought to be elevated a little bit,  
24 rather than, "Why are they trying to drive out Spanish?"

25 MR. CASTRO: Sure. If I might, I might make jus

CBT/cs

1 a couple of comments. First of all, as I mentioned, those  
2 of us who are opposing "English only" are not opposed to the  
3 English language. That's a myth that has been purported,  
4 and you'll probably hear more testimony on that tomorrow,  
5 that we do support the English language and we recognize the  
6 importance.

7 We come at it from a philosophy of English-plus.  
8 Anybody who has an opportunity to travel around the world  
9 recognizes that other countries value their children not  
10 only speaking their native language but learning English or  
11 two or three other languages.

12 So from a competitive point of view, the area  
13 that you mentioned we ought to elevate it to, we are losing  
14 our competitive edge around the world. We hear that not  
15 only in testimony here, but much of the literature today  
16 talks about us losing some of our competitive edge, and that  
17 the "English only" movement is coming at a time narrowing  
18 our vision rather than expanding it, that we ought to value  
19 a second and third language.

20 Particularly with language minorities, we should  
21 not view them as some kind of a detriment to the nation but  
22 as an asset. I don't know if you slipped the point that  
23 Antonia mentioned, but the idea that we have Spanish  
24 children who can speak English and have a second language of  
25 Spanish is going to be a resource for us in the decades

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1 ahead.

2 I was down in Mexico several weeks ago. There  
3 are major problems because of the elections, the inflation,  
4 the debt -- \$106 billion, most of it owed to us. We're  
5 going to have to be working closer with Mexico for our own  
6 best interests, and certainly conditions in Central and  
7 Latin America demand that we work in social and economic  
8 approaches versus the military approaches that we're doing  
9 now.

10 So I guess when we talk about elevating the  
11 discussion, what we really ought to be talking about is not  
12 looking at Asians or Hispanics or others who have a culture  
13 that is very rich, that we ought to obviously get them to be  
14 English-proficient, which many want to. The only thing  
15 holding them back are programs, or lack of programs.

16 And looking at them as an asset, from a  
17 competitive edge. I believe because of that argument, there  
18 is no question that both presidential candidates are on  
19 record now against "English only" because they recognize  
20 that in the years ahead America needs to work in more of a  
21 global context, and anybody who can speak a second language  
22 ought to be looked at as a resource and not from a divisive  
23 point of view. I think that's the message that "English  
24 only" is portraying, rather than the positive side, that  
25 cultural enrichment enriches all of our lives.



CBT/cs

1                   One point I think needs to be mentioned that  
2 probably hasn't been mentioned, I don't believe, at least  
3 listening to the testimony, is that we need to educate our  
4 educators from a global perspective as well. You know, we  
5 don't offer programs in the high schools for people to  
6 appreciate different cultures. Many of our teachers are a  
7 product of the same educational system that has gone on for  
8 generation after generation.

9                   One approach, and one that I think the Commission  
10 can play, is to talk with higher education officials about  
11 how we can encourage ethnic studies again. You know, when  
12 our young people come out of higher education, they have to  
13 work in the real world. And if the demographic statistics  
14 that we are hearing constantly today and tomorrow are such  
15 that that is the reality, then we ought to be educating our  
16 teachers and future leaders in a multiethnic approach  
17 because that's what they're going to work with in the real  
18 world.

19                   I guess I've talked a little bit around your  
20 question, but I think we ought to take a look --

21                   VICE CHAIRMAN FRIEDMAN: There's no good answer  
22 to my question, really.

23                   MR. CASTRO: From a constitutional point of view,  
24 from a civil rights point of view, I think this "English  
25 only" question has major, major civil rights implications

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1 for our country. The ultimate goal is to change the U.S.  
2 Constitution. I believe if they are successful we will see  
3 major challenges against many of the language minority  
4 rights that were fought for for generations in this country.  
5 They deny that they are after access in terms of health or  
6 emergency care, but there are several bills pending right  
7 now that speak about cutting back those kinds of programs.  
8 I don't believe that's good public policy. It's not good  
9 health policy; it's not good criminal justice policy; it's  
10 not good educational policy, and lastly, I don't believe it  
11 helps us from a competitive point of view.

12 COMMISSIONER DESTRO: Commissioner Buckley.

13 COMMISSIONER BUCKLEY: First of all, what I'd  
14 like to do is commend all three of your mayors and your  
15 cities for the work that you are doing. It really has been  
16 impressive to listen to all the things you are  
17 accomplishing, that you have been able to effect in your  
18 cities. I am really impressed by some of the things, like  
19 in Los Angeles that you speak about, Ms. Davis, and when you  
20 talk about pay incentives for being able to speak a second  
21 language, that is definitely a very positive approach.

22 Again, please, I hope you send back to your  
23 mayors our congratulations for what we definitely appreciate  
24 as a good job in what you are accomplishing in your positive  
25 race relations.

CBT/cs

1 I do not know what your situation may be in  
2 Toronto, but in Denver and in Los Angeles, I recognize  
3 your city has done a lot as far as your work force within  
4 your city government. But has your city also looked at  
5 possible things to deal with or perhaps help in dealing with  
6 the dropout problem in your cities, and perhaps additional  
7 education of your work force in your city, not necessarily  
8 your city employees which you have done in Los Angeles, but  
9 do you have any kind of community involvement program or  
10 something where you are trying to address the dropout  
11 problem in the city as a means of preventing rising crime  
12 and other problems in the future?

13 MS. DAVIS: Yes, absolutely. Although the  
14 schools are not under our jurisdiction, we work very closely  
15 with the school district. I know the Mayor has worked with  
16 the inner city corporations that make up the central city.  
17 They have gone into a variety of groups, committees, where  
18 they have generated monies to fund certain programs that  
19 have gone into the schools. There is a focus on youth that  
20 has been working with young people in terms of the support  
21 system that they need.

22 You know, we found they don't come to school  
23 because they don't have bus money, and of course they don't  
24 eat -- you know, the usual things. So these corporations  
25 are addressing those kinds of problems. Coca-Cola also has

CBT/cs 1 a program that has dealt specifically with the academics  
2 within the school thing.

3 And then, of course, the program I mentioned, the  
4 after school program, keeping the school open so that the  
5 kid doesn't go out on the street and get involved with the  
6 gangs and what have you.

7 We have here in the central city, and it's in  
8 many of the cities, but the tax increment money that is  
9 collected from an area -- it's like a district -- in the  
10 downtown area, the taxes were frozen at a certain level, and  
11 anything beyond that is given to the Community Redevelopment  
12 Agency. Several years ago there was a cap that was put on  
13 the amount of money that could be collected. The Mayor is  
14 going to court, if necessary, to try to get that cap lifted  
15 to several billion dollars, in which most of the money would  
16 be going to education, to providing low affordable housing,  
17 and some of the other social needs that we have.

18 And very specifically we do work and encourage --  
19 we fund several programs ourselves through our community  
20 block grant that is addressed to helping the dropout and all  
21 that.

22 It's a problem. For instance, in the Indian  
23 community, it's a community we have great difficulty working  
24 with, because they are there in numbers because they were  
25 counted, to an extent, in the census, but we can't find the

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1 in terms of working with them. And we do have an Indian  
2 commission to try to help because they have the greatest  
3 dropout rates and things in addition to the other minorities  
4 and all that.

5 But it is a problem that we recognize that we  
6 have to address because they are the future of the city.

7 MR. CASTRO: If I might just say briefly I heard  
8 Jesse Jackson -- he was in Denver about seven or eight years  
9 ago, and he came to our city just after our Mayor was  
10 elected. With these demographic changes, we are seeing  
11 black mayors, Hispanic mayors -- our mayor is Hispanic --  
12 coming into office at a time when we are seeing less federal  
13 commitment to local government. I'll get around to the  
14 point in just a second.

15 The one problem we have is that we are a  
16 community that is much like the rest of the nation, having  
17 economic trouble. So our mayor is without a large treasury  
18 at this point, and we don't have a lot of money to offer  
19 programs.

20 At this point one of the things we have done,  
21 though, is to try to coordinate a little better with the  
22 schools. The schools aren't under our jurisdiction, so we  
23 have established a City-School Coordinating Commission.  
24 That commission meets regularly, and it's an attempt to have  
25 after-school programs like the community-school concept -- I

CBT/cs 1 don't know if you're familiar with that, but many of our  
2 schools lay vacant after the school day, obviously -- trying  
3 to open up schools to offer community-based programs in  
4 those schools, somewhat for a small fee by the residents,  
5 but in that way trying to help address the literacy question  
6 and programmatic question.

7 Our mayor has a very definite commitment to  
8 education, has made some major educational policy  
9 statements. He himself -- I think at last count it was 135  
10 schools he had visited personally. For those of us within  
11 the administration, he encourages us to visit the schools  
12 regularly in terms of role modeling.

13 The dropout problem is a very complicated one.  
14 There's not any one thing that either the city  
15 administration can do or the school system can do, but at  
16 this point, from a cooperative point of view, the City-  
17 School Coordinating Commission, I guess, is about the  
18 closest that comes to that.

19 From financial resources, though, that's a real  
20 problem. We are embarking on major capital improvements  
21 programs, like a new airport and a new convention center to  
22 try to stimulate more of the tax base, but at this point  
23 Denver is strapped, much like many other large  
24 municipalities in terms of a tax base to support additional  
25 programs.

CBT/cs 1 COMMISSIONER DESTRO: Commissioner Guess, you  
2 indicated you had a question.

3 COMMISSIONER GUESS: Thank you. I don't have a  
4 question, Mr. Chairman. I'd like to make a comment.

5 First of all, I want to explain to the panelists  
6 that my colleagues have chosen to deny my civil rights since  
7 I have an old war injury of smoking, so they ban me to the  
8 back of the room. I didn't want you to think that I was  
9 ignoring you since I wasn't sitting up here.

10 (Laughter.)

11 I just wanted to say, Mr. Chairman, because I  
12 have heard this testimony, the subcommittee is to be  
13 commended. The representatives of the cities that you have  
14 assembled here, I think, have given excellent testimony this  
15 afternoon, and it is unfortunate that millions of cities  
16 across the United States, and I suspect in Canada, even  
17 though I haven't followed it that closely, haven't been able  
18 to implement many of the same creative and imaginative  
19 approaches to dealing with the diversity that exists in our  
20 society, and I just wanted the record to reflect that I have  
21 thoroughly appreciated hearing what they've had to say  
22 today.

23 COMMISSIONER DESTRO: Thank you. I should also  
24 note for the record that Mayor Tatangelo had committed to  
25 come from Laredo and was unexpectedly called to deal with

CBT/cs 1 questions of building a new bridge over to Mexico.

2 COMMISSIONER BUCKLEY: That took precedent.

3 COMMISSIONER DESTRO: So he did send his regrets  
4 for not being here.

5 I only have one question, and then I'll turn the  
6 last question over to Ms. Prado. It goes to Ms. Dembo.

7 You use a term in the materials you gave us,  
8 "visible minority." What does that mean?

9 MS. DEMBO: Well, in Canada it's a term which,  
10 according to the census and according to all the people that  
11 work in the area, is any person who can be recognized  
12 visibly. They have color or have racial characteristics.

13 What is interesting is there are people who  
14 resent the term "visible minorities," and say you are now  
15 "audible minorities," people who have language other than  
16 English. And a new term is beginning to sort of be coined  
17 in some circles, and that is "vulnerable minorities,"  
18 because there are certain groups like the Jews, for  
19 instance, who are always vulnerable. There are certain  
20 groups like them, you know, who are usually the target for  
21 discrimination or prejudice. And under the term "visible  
22 minorities," they are excluded, of course.

23 So the question is, in race relations, how you  
24 use these terms.

25 I'm not that happy with them myself, I must be



CBT/cs 1 honest.

2 COMMISSIONER DESTRO: The reason I asked the  
3 question is that it is not unlike one of the questions I  
4 raised earlier, which relates to your comment about the  
5 previous immigrants, and then the later immigrants.  
6 Obviously, the opposite of "visible minority" is "invisible  
7 minority," and I suppose you could say there might be an  
8 invulnerable minority as well.

9 But doesn't the real question come down to how  
10 the government classifies people who need assistance or  
11 protection from discrimination?

12 MS. DEMBO: Yes.

13 COMMISSIONER DESTRO: I find it interesting to  
14 see it's being debated at the level of what you call people  
15 rather than at the level of how you define what their needs  
16 are. Because you mentioned the Portuguese, for example.

17 MS. DEMBO: Yes.

18 COMMISSIONER DESTRO: Are they considered a  
19 definable minority group in Toronto?

20 MS. DEMBO: Oh, yes. In fact, in the city of  
21 Toronto -- Toronto is part of a metropolitan area of six  
22 cities -- they are the largest minority group. In fact,  
23 next to the English, they are the largest population group.

24 COMMISSIONER DESTRO: Is there any documentation  
25 of discrimination against them, for example?

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MS. DEMBO: No, not really, although educationally they are at the lowest level because the majority of them have come from the Azores and came prior to the revolution in Portugal and so had an average of four years of schooling. So the result is that their children are the highest dropout rate, followed by blacks, in the school system. So the Portuguese tend to be very low in the sort of economic and social categories.

COMMISSIONER DESTRO: But they wouldn't be considered to be a visible minority?

MS. DEMBO: No, they'd call themselves an audible minority.

COMMISSIONER DESTRO: I was just looking to see, because we have similar questions here. Our census categories define Asian, for example, but nobody knows quite where that stops. Does it stop in the middle of India somewhere, or does it go all the way over to the Bosphorus? And those have come up with respect to affirmative action questions here, and it goes really to the question of how we conceive the problem of civil rights. Is it one that is related to people who have problems because of who they are or their diversity, or is it because of color, notwithstanding that diversity?

MS. DEMBO: I think it goes across the board. I think what one wants is to see that all groups are free from

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1 discrimination and are entitled to equal treatment under the  
2 law and in everything else.

3 COMMISSIONER DESTRO: All right. I'd like to ask  
4 you one more thing. It's not a question but a request for  
5 information, and that is if you could give us some  
6 information at your convenience on the content, more or  
7 less, of the federal multicultural program, that would be  
8 very useful to us.

9 MS. DEMBO: Okay.

10 COMMISSIONER DESTRO: Thank you.

11 Ms. Prado. and then that will wrap up this panel.

12 MS. PRADO: I also must apologize for having to  
13 be absent at various times so I was unable to hear all your  
14 presentations, but I did hear enough that I would like to  
15 ask you a question that I posed to the last panel. That  
16 briefly was that several months ago our State Advisory  
17 Committee in Florida held a community forum, and out of that  
18 forum in a lot of off-the-record conversation and between-  
19 the-lines conversation, I learned there was a simmering  
20 tension in Miami between the Cuban population and the black  
21 population in terms of a slightly different twist on some of  
22 the questions you've been talking about in terms of  
23 language. In other words, the blacks were contending that  
24 they were discriminated against by the Cubans who would  
25 insist on Spanish as a prerequisite for jobs in the

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1 community. They contended to me that they called City Hall  
2 and they could only get Spanish-speaking people; they  
3 couldn't get their problems addressed. It was a different  
4 situation than I was aware of, but I was impressed with the  
5 level of tension that seemed to exist.

6 As I was listening to you, I heard you say -- Ms.  
7 Davis especially -- that there was difficulty in Los Angeles  
8 between Hispanics and blacks trying to work out their  
9 differences.

10 Two questions, I guess: Are you aware of the  
11 situation in Miami and any strategies you might recommend,  
12 or do you have any such tensions in your two communities,  
13 particularly Denver and Los Angeles, that you have been able  
14 to work out?

15 MS. DAVIS: The language problem always has been  
16 a factor, the fact that the black community just speaks  
17 English, and when they hear the Hispanics just speaking  
18 Spanish -- for instance, in our cafeteria, as of Tuesday we  
19 have a new contractor up there, and they have a lot of help,  
20 and it just turns out that they are all Hispanic, at least  
21 the ones who are visible, and they are speaking Spanish to  
22 each other. So you get resentment from people: What are  
23 they talking about? Is it going to affect the service that  
24 we get because of this?

25 Again, I think it's the paranoia that we as

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1 Americans have about other languages and so on.  
2 In other communities -- say, for instance, in the  
3 Watts area, which is where we had the riot back in '68 --  
4 and it's true of all communities -- a lot of the people  
5 there have been moving out, and the other less economically  
6 able people are moving in. So as I said before, in terms of  
7 the schools, they are now more predominantly Hispanic. And  
8 we have a lot of tension -- although I shouldn't say that as  
9 a blanket because we see a lot of communication with people  
10 in the schools. But at the very beginning, early on in the  
11 years, for instance, there was a Hispanic area  
12 superintendent put into that area, and they got a lot of  
13 resistance from the members that were there from the black  
14 community again.

15 And it's just because the need is so much that  
16 they feel it's going to take longer for their needs to be  
17 addressed if it's not addressed by someone who has the  
18 sensitivity of their own race or their own community.

19 Those are the kinds of things that we just  
20 constantly have to address immediately as soon as it  
21 surfaces, so that we can try to give them what it is that  
22 they really need to allay their fears or concerns and not  
23 let it take the form of a race relationship.

24 MR. CASTRO: I might make just a real brief  
25 comment. I know this is the final question.

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1 I look at it more from a dynamic of competition  
2 for resources. I don't know the whole issue in Florida.  
3 I've done a little reading. I know language is at the heart  
4 of some of that. But when you talk about jobs, about blacks  
5 being unemployed, high unemployment, the Hispanic community  
6 concerned with the same question, it's resource allocation.

7 A previous speaker talked about what are we going  
8 to do with the seniors. There's the whole generational  
9 equity question. Are we going to take funds away from  
10 seniors to provide for future generations of our young?  
11 That's pitting old against young, minority against minority.

12 In Denver we've had a problem nationally --  
13 several years ago, I think you may recall -- actually it was  
14 in my legislative district when I was in the State House --  
15 we had problems between Vietnamese and Chicanos in the  
16 housing developments, a perception that Vietnamese were  
17 being treated separately and given favoritism in terms of  
18 how they got into the housing in the first place. I think  
19 you had some testimony about that issue already.

20 So whenever you get into the question of pitting  
21 groups against each other -- not pitting them deliberately  
22 -- I think the resource allocation question revolves around  
23 it, not in just Florida but throughout the country. So it's  
24 not an easy thing to deal with. As was mentioned, you need  
25 to deal with it as it arises, if you will. A lot of it is

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1 driven obviously by the national level in terms of where we  
2 put some of our dollars.

3 I think Antonia mentioned it very eloquently,  
4 that we really never have allocated enough in specific  
5 areas, and I think that is probably at the heart of some of  
6 this divisiveness that we see.

7 CHAIRMAN ALLEN: Thank you very much. I  
8 apologize for keeping you all so very long. We are far over  
9 time. And we have run into our public comment time, so I am  
10 going to move right along to that.

11 I understand, however, that we need to give our  
12 recorder certainly two minutes to stretch her fingers, if  
13 nothing else. So I'm going to declare this a formal recess  
14 for that purpose, while you then are able to clear away, and  
15 I will go over the list of names and call out the people who  
16 are to come to the table for the public session.

17 So we are temporarily in recess.

18 (Whereupon, a short recess was taken.)

19 CHAIRMAN ALLEN: I am going to reconvene the  
20 meeting.

21 This is the Open Session, and respecting that I  
22 must say to you all that we can receive your statements  
23 under certain limitations mandated by the law, the most  
24 significant of which is that we have to avoid defaming or  
25 degrading the character of other persons in making general

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public statements. What that means is if I should happen to interrupt you or someone sitting up here should happen to say to you, "You're crossing the line," then you shall have to back off of the line. But we do want you to be careful not to engage in defame and degrade kinds of statements.

Since I'm pretty sure I know why you're here and what you have to talk about, you can just tell me how you want to proceed. Five minutes is permitted to each of you. Does each of you wish to speak for five minutes?

MR. RIDLEY-THOMAS: I'm not inclined to speak for that length of time, Mr. Chair.

With your permission, if we are prepared to proceed, I simply want to offer opening remarks and introduce those who are with us, and Mr. Webb from the NAACP will conclude.

As I said, my remarks are not intended to be five minutes in length, although I understand that is the limitation under which each of us should govern ourselves. So with your permission, I am prepared --

CHAIRMAN ALLEN: Let us begin, then, with Mr. Mark Ridley-Thomas.

MR. RIDLEY-THOMAS: We are here today because we take note of a very serious issue that has to be described as a civil rights concern, and it is basically the question of the hiring, the retention, the promotion of blacks in



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1 higher education. And because of the virulence of racism in  
2 a variety of forms in the context of these United States, we  
3 take particular note of the numbers of complaints that have  
4 come to the attention of the Southern Christian Leadership  
5 Conference in particular here in Los Angeles, as well as the  
6 local chapter of the NAACP.

7 As a result of these rather persistent concerns  
8 or grievances that have been brought to our attention, we  
9 thought it appropriate to raise them to the level of the  
10 U.S. Civil Rights Commission, and we appreciate the fact  
11 that you have afforded us that opportunity.

12 I have written comments that I have shared with  
13 the Chairman, and would be appreciative if they were shared  
14 with the other Commissioners.

15 CHAIRMAN ALLEN: I will acknowledge that I have a  
16 copy here. Without objection, it will be entered in the  
17 record.

18 (The complete statement of Mr. Mark Ridley-Thomas  
19 is as follows:)

20 "Dismal prospects exist for blacks interested in  
21 pursuing occupations in academia. Several factors seem to  
22 exacerbate this problem. One is the declining number of  
23 minorities attending college and the even fewer electing to  
24 pursue graduate degrees. A recently released Urban League  
25 report shows there was a decline in the number of degrees

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1 awarded to blacks at nearly all levels, except the first  
2 professional degree. According to the National Research  
3 Council's data, the number of blacks earning doctorates in  
4 the U.S. dropped 20 percent -- from 1,186 to 946 -- from  
5 1976 to 1986.

6 "Another factor is an increasing competition  
7 between educational institutions and private corporations  
8 for a shrinking labor pool. The educational community  
9 cannot offer the opportunities, financially and benefit-  
10 wise, that private corporations can which results in fewer  
11 minority applicants for collegiate employment.

12 "The most horrific factor preventing the hiring  
13 and promotion of black faculty is the reluctance of college  
14 administrators to honor affirmative action principles.

15 "We will hear the stories of three black  
16 scholars, each of whom are credentialed, competent, and  
17 committed to the institution and students they served. Their  
18 academic achievements were often lauded and they  
19 participated in a number of organizational activities on  
20 campus. They were popular instructors and received  
21 excellent evaluations from their students and from the  
22 departments which employed them. Unfortunately, each were  
23 denied tenure for nebulous reasons. Grievances and the  
24 professor's requests for recourse from the university often  
25 ostracized them from the academic community upon which they

CBT/cs 1 livelihood depended.

2 "These are not isolated examples of campus  
3 racism. In terms of full-time faculty positions,  
4 predominantly white college campuses reflect only a 1.8  
5 percentage of black faculty. Though many college  
6 administrators verbally support affirmative action, the  
7 overall pattern of faculty ethnicity remains virtually all  
8 white.

9 "The majority of black college educators are  
10 employed by historically black colleges and universities.  
11 These institutions, however, have been consistently  
12 underfunded by the Federal Government forcing some, such as  
13 the recently closed Bishop College, to cease their  
14 operations.

15 "The Southern Christian Leadership Conference of  
16 Greater Los Angeles is concerned about the virulent forms of  
17 racism permeating the bastions of higher education. It is  
18 impossible to convey the importance of education to youth  
19 when institutional racism blocks the aspirations of those  
20 who dedicate their lives to academic endeavors.

21 "We bring this matter to the attention of the  
22 U.S. Civil Rights Commission because it is one of the most  
23 pressing civil rights issues of our time. The downward  
24 spiral of black student education places our nation at risk.  
25 The employment, retention, and promotion of black educators

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1 is necessary to provide black students with the best  
2 education possible. Our existence as a nation demands no  
3 less."

4 MR. RIDLEY-THOMAS: And those who accompany me  
5 have prepared texts as well, and I simply want to say that  
6 it is without question that the Southern Christian  
7 Leadership Conference recognizes this to be one of the more  
8 clear and important civil rights issues of the 1980s and no  
9 doubt beyond. When we look at the crisis in education and  
10 we look at the issue of test scores reflecting poor  
11 performances on the part of people of color, but black  
12 students in particular, it is of deep concern that when we  
13 have black persons excel academically that that is not  
14 saluted.

15 In the person of Professor Hal Fairchild,  
16 Lawrence Hogue, and Reginald Clark, we have three  
17 individuals who have rather extraordinary presentations to  
18 make about what precisely has happened. These are complex  
19 questions. They are not isolated, and this is precisely our  
20 concern.

21 So without further ado, it seems to me it is  
22 appropriate, then, to talk specifically about these  
23 examples, and toward that end, Mr. Chair, I would introduce  
24 Professor Hal Fairchild.

25 CHAIRMAN ALLEN: Thank you.

CBT/cs

1

Dr. Fairchild.

2

DR. FAIRCHILD: Thank you. My name is Halford

3

Fairchild.

4

On behalf of my colleagues, I wish to thank the

5

Commission for the opportunity to bring this issue of

6

discrimination against black faculty to your attention. You

7

will hear, in our individual statements, three recurrent

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themes:

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First, black faculty are discriminated against in

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terms of the levels of service expected of them.

11

Second, despite a greater-than-average level of

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scholarly productivity, which is after all the currency in

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academic, our work is subjectively devalued as inferior.

14

And, third, we are denied tenure within the

15

context of a whole host of procedural irregularities in the

16

formal review process.

17

I was hired as an assistant professor of

18

psychology at UCLA in July 1978. My appointment was shared

19

with the Center for Afro-American Studies, where I served as

20

a faculty associate. My contract was terminated in June

21

1986, eight years later, when I was denied tenure and

22

promotion to associate professor.

23

My teaching at UCLA ranged across a very diverse

24

set of undergraduate and graduate courts: Introductory

25

Psychology, the Psychology of Social Issues, Research

CBT/cs

1 Methods in Afro-American Studies, Race Relations, Black  
2 Psychology, et cetera. Even that breadth of teaching is  
3 very unusual for nonminority faculty members at UCLA or  
4 really anywhere else.

5 I consistently received teaching evaluations that  
6 were significantly -- and I want to say statistically  
7 significantly -- higher than departmental and universitywide  
8 averages. In addition, I had a much larger than average  
9 number of individual students. And this is a problem that I  
10 think confronts all black faculty. At UCLA, for example,  
11 there is a 5 percent or so black student body but only a 1  
12 percent or so black faculty. So the demands on the black  
13 faculty are increased exponentially.

14 For example, I served on over two dozen  
15 dissertation committees in six years.

16 For five years, 1980 to 1985, I served as  
17 Chairman of the Committee to Administer the B.A. Program in  
18 Afro-American Studies. During that time I completely  
19 rewrote the curriculum design of the program and supervised  
20 two extensive reviews of the program by the UCLA Academic  
21 Senate.

22 For three years, 1982 to 1985, I served as  
23 Chairman of the Committee to Administer the Masters of Arts  
24 Program in Afro-American Studies. This level of  
25 administrative responsibility is unheard of for white

CBT/cs

1 assistant professors.

2 In addition, the more senior faculty who do serve  
3 as chairs of committees to administer interdepartmental  
4 programs such as the programs I chaired typically receive an  
5 administrative stipend of \$2,000, they receive summer salary  
6 which is equal to two-ninths of an individual's annual  
7 salary, and they receive a reduction in their teaching load.  
8 I was given none of these rewards, which would have amounted  
9 to nearly \$100,000 in my years of service.

10 When I was reviewed for tenure by the Department  
11 of Psychology, the department was nearly unanimous in  
12 approving my promotion to associate professor with tenure.  
13 Of the 68 full-time faculty members in the department, only  
14 three voted no. The UCLA administration, however, created  
15 an elaborate rationale for why the department's decision  
16 should be overturned. They denied my promotion and  
17 terminated my contract.

18 In so doing, the UCLA administration disrupted my  
19 career, defamed my reputation, and intentionally caused  
20 intense emotional turmoil.

21 After raising grievances concerning the  
22 procedures that were followed in my tenure review, the UCLA  
23 Committee on Privilege and Tenure reported that they found  
24 at least two procedural irregularities in my review but they  
25 dismissed them as, quote-unquote, "harmless." In so doing,

CBT/cs 1 they violated their own policies and procedures for  
2 investigating such grievances. Appeals to various agencies  
3 within the University of California system have been in  
4 vain.

5 I am currently seeking redress within the civil  
6 courts in the State of California and am hopeful that the  
7 Commission on Civil Rights will recognize the imperative for  
8 placing this question of discrimination against black  
9 faculty in higher education on your agenda.

10 Thank you.

11 CHAIRMAN ALLEN: Thank you very much, Dr.  
12 Fairchild.

13 Who is next?

14 MR. RIDLEY-THOMAS: Dr. Hogue.

15 CHAIRMAN ALLEN: Dr. Lawrence Hogue.

16 DR. HOGUE: In 1987 the University of California-  
17 Irvine, had .016 percent or 10 black faculty members in a  
18 total of 900. UC Irvine's rationale for this paucity of  
19 black faculty members is that there is no pool of black  
20 PH.D.'s from which to hire.

21 On August 19, 1988, UC-Irvine's black faculty and  
22 staff association gave a farewell party to 10 black Ph.D.'s  
23 and M.D. who were leaving because Irvine either had denied  
24 them tenure, had failed to promote them, or had failed to  
25 make opportunities in the work place a reality.



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1 In its entire history, UC-Irvine has granted  
2 tenure to only three black professors. All three had to  
3 fight, and all three are still associate professors.  
4 Despite that, the UC Board of Regents approved a Target of  
5 Opportunity Program in 1982 for the hiring of minority  
6 faculty. Irvine has hired only one black assistant professor  
7 through that program.

8 UC-Irvine would argue that racial discrimination  
9 has nothing to do with the farewell party or with the lack  
10 of black representation on its faculty. But it is quite  
11 obvious that institutional racism is a major factor.

12 What I want to show this evening is how that  
13 institution of racism manifests itself.

14 In 1985 I came up for tenure at Irvine. My book  
15 had been accepted by a reputable university press and had  
16 been held as superior research by scholars in the field. I  
17 had some of the best teaching evaluations in the English  
18 department and had delivered scholarly papers at all of the  
19 right professional conferences. UC-Irvine could not deny my  
20 tenure based on merits. Therefore, the English department,  
21 with the cooperation of the university, deliberately and  
22 systematically violated university tenure procedures to  
23 effect a predetermined outcome. Despite the fact that I was  
24 the only Afro-Americanist in the department, the department  
25 broke university procedures and voted on my tenure before

CBT/cs

1 soliciting letters from outside scholars. Wanting to  
2 withhold valuable information from outside reviewers, the  
3 department had a secretary who compiled and thinned out my  
4 curriculum vitae without consulting me.

5 After several unsuccessful battles with the  
6 department chair to get a fair representation of my  
7 credentials, I filed a formal charge of discrimination with  
8 the university's Office of Affirmative Action. A three-  
9 month investigation found racial discrimination on two of  
10 the four complaints I made against the English department.

11 In a letter dated June 11, 1986, the Chancellor  
12 informed me of these findings, but on July 11, 1986, I  
13 received a letter from the Office of Affirmative Action  
14 informing me that the initial report's conclusion had been  
15 changed from racial discrimination to violation of tenure  
16 procedures. As the Affirmative Action Office admitted in  
17 the campus paper, the change was made without any additional  
18 investigation.

19 Despite the fact that other review levels had  
20 made tenure recommendation that were contrary to the  
21 department's, the Chancellor refused to make a decision on  
22 my tenure. Instead, in an unprecedented move, he ordered a  
23 second tenure review. Naturally, I protested because I  
24 realized that a second tenure review would give the  
25 university and the department the opportunity to deny my

CBT/cs

1 tenure without violating procedures. I knew that a second  
2 tenure review would be a whitewash. The Chancellor informed  
3 me that he would instruct the department to initiate a  
4 second tenure review with or without my cooperation.

5 And the second tenure review was a total  
6 whitewash. My file was held up in the department for four  
7 months, until the beginning of the spring quarter. I  
8 learned at the beginning of the spring quarter that an  
9 English professor was becoming the Acting Dean of the School  
10 of Humanities.

11 I protested in writing to the Chancellor. He  
12 never responded. The Executive Vice Chancellor for Academic  
13 Affairs was lobbied by star professors in the department,  
14 and members of the ad hoc committee were changed. With  
15 these changes, I was denied tenure at all levels in this  
16 second review.

17 In a letter dated February 2, 1988, the  
18 Chancellor denied my tenure. When he was questioned by  
19 reporters of my accusation that the second review was a  
20 whitewash, he informed them that I had received a fair  
21 review.

22 Feeling that my civil rights had been violated, I  
23 sought legal counsel. I retained the offices of George  
24 Hightower, and on June 3, 1988, I filed a racial  
25 discrimination lawsuit in the federal courts against the

CBT/cs 1 University of California.

2 I ask -- no, I implore -- the U.S. Commission on  
3 Civil Rights to assist us in making sure that UC-Irvine and  
4 other universities around the country do not use academic  
5 freedom as well as a cloak of secrecy around personnel  
6 matters to violate the civil rights laws, to end run the  
7 U.S. Constitution.

8 (The complete written statement of Dr. Lawrence  
9 Hogue is as follows:)

10 "I have served UCI and the University of  
11 California communities excellently. I have served annually  
12 on the department's English and American Literature  
13 Committee. I served on the Committee for Honors at  
14 Graduation for two years in the School of Humanities,  
15 chairing that committee during the 1984-1985 academic year.  
16 I served as the Irvine representative on the University of  
17 California systemwide COPRE, which implements remedial  
18 education policy in the UC system, for the 1983-1984  
19 academic year. I was a mentor in the UCI Mentorship Program  
20 for minority students. I was one of the organizers of the  
21 Irvine Saturday Academy -- a Saturday educational program  
22 designed to provide additional verbal and math skills to  
23 black youth in Orange County. Lastly, I was always  
24 available for advising students. Yet, despite these  
25 accomplishments, I was not granted tenure.

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1 "Early in the tenure review process, which begins  
2 in the sixth year, the English department realized that it  
3 could not deny me tenure due to a lack of merit. Therefore,  
4 the department deliberately and systematically violated  
5 university tenure review procedures to affect a  
6 predetermined outcome. After several battles with the  
7 department's chairman, I filed a formal charge of  
8 discrimination with the university's Office of Affirmative  
9 Action. In the complaint, I listed the intentional  
10 violation of procedures by the department. I also listed  
11 the department's refusal to consider research in Afro-  
12 American literature as a valid scholarly endeavor and to  
13 allow me to teach courses in Afro-American and other  
14 minority literatures. I had been employed in the department  
15 for four years before I was allowed to teach my first course  
16 in Afro-American literature. When I inquired, I was told by  
17 then Chairman John Rowe that Afro-American literature was  
18 not a priority in the department. Later, I was to learn  
19 that the department consciously did not consider Afro-  
20 American literature a part of American literature. When I  
21 refused in my seventh year to teach a graduate seminar if it  
22 was not in Afro-American literature, I was told by the  
23 chairman that I was renegeing on my responsibility to teach  
24 American literature.

25 "After a three-month investigation, Affirmative

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1 Action finalized its report and sent its findings to the  
2 Chancellor, Jack Peltason. The Chancellor, in a letter to  
3 me dated June 17, 1986, accepted Affirmative Action's  
4 findings and forwarded to me a copy of the report's  
5 conclusion. The report found racial discrimination on two  
6 of the four complaints I made against the department. But,  
7 after a series of meetings between Affirmative Action, the  
8 Chancellor, and Executive Vice Chancellor for Academic  
9 Affairs William Lillyman, the Vice Chancellor for  
10 Affirmative Action Carla Espinoza, changed the conclusion of  
11 the report from racial discrimination to violations of the  
12 university tenure review procedures.

13 "Despite the fact that other review levels -- the  
14 Committee on Academic Personnel (CAP) and the Ad Hoc  
15 Committee -- had made recommendations that were contrary to  
16 the department's, the Chancellor refused to make a decision  
17 on my tenure. Instead, he ordered a second tenure review.  
18 With racial discrimination eliminated by Affirmative Action  
19 as an issue, the Executive Vice Chancellor Lillyman could  
20 conduct a whitewashed second tenure review. Naturally, I  
21 protested a second review, and the Chancellor informed me  
22 that the department would conduct a second tenure review  
23 with or without my cooperation. This action by the  
24 Chancellor was unprecedented at the university.

25 "The second tenure review was a total whitewash.

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1 The English department kept my file in the department for  
2 four months, from late November 1986 until the spring of  
3 1987 when an English professor, James Calderwood, became  
4 Acting Dean of Humanities. I protested to the Chancellor in  
5 writing; he refused to respond. The Executive Vice  
6 Chancellor, who is a good friend with certain 'star'  
7 professors in the English department, was lobbied by the  
8 department. Although the Academic Affairs Manual states  
9 that I have the right to request that certain individuals  
10 not serve on the Ad Hoc Committee, Academic Affairs placed a  
11 distinguished professor from the department on the  
12 committee. Other members of the Ad Hoc Committee were  
13 changed. With these changes, all levels of review  
14 recommended a denial of tenure, except the scholars in the  
15 field of Afro-American literature who wrote a minority  
16 report that refuted all of the department's allegations  
17 leveled against my research.

18 "Unfortunately, my case is not unique. I am  
19 hearing stories throughout the country of qualified black  
20 professors who are doing research that challenge existing  
21 curricular academic structures and who are being denied  
22 tenure.

23 "I am appealing to the U.S. Commission on Civil  
24 Rights to use its power and authority, along with other  
25 federal agencies such as Congress and EEOC, to investigate

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1 UCI and the University of California on their racist and  
2 discriminatory practices, and to require UCI and the  
3 University of California to practice equity. I implore the  
4 Commission to invite an independent investigation into  
5 racism and the violations of civil rights at the University  
6 of California-Irvine. Without your involvement,  
7 opportunities for hiring and promoting blacks and other  
8 minorities may be forever doomed."

9 CHAIRMAN ALLEN: Thank you.

10 Next, Dr. Reginald Clark.

11 DR. CLARK: Good evening, Commissioners. My name  
12 is Reginald Clark.

13 In my six years as a faculty member at one of the  
14 Claremont Colleges between 1979 and 1985, and since 1985, I  
15 have encountered some insidious, dangerous forms of bigotry,  
16 racial intolerance, and discrimination. From the very  
17 beginning I was the victim of unfair treatment and built-in  
18 discrimination at the Claremont Graduate School in the city  
19 of Claremont, California.

20 When I was initially hired at Claremont in 1979,  
21 I was hired as an assistant professor at an annual salary of  
22 \$18,000. My teaching load was severe in the sense that I  
23 was given token responsibilities for teaching ethnically  
24 sensitive subject matter in my seminars. Acts of  
25 institutional and interpersonal racism occurred with some



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1 regularity. A number of minority students, for example,  
2 complained to me about perceived acts of unfairness against  
3 them by my white colleagues. And my research program was  
4 never adequately supported in comparison to some of my white  
5 colleagues.

6           Despite these and other impediments to my  
7 research, I was able to develop an internationally and  
8 nationally respected research program, and to publish  
9 several articles in places such as the well-regarded "Black  
10 Law Journal" and "Sociology and Social Research," and I had  
11 one book published on my research by the international  
12 respected University of Chicago Press. The title of that  
13 book is "Family Life and School Achievement: Why Poor Black  
14 Children Succeed or Fail." At the time I was fired, my book  
15 had been received very favorably. My book has received  
16 several dozen published reviews, with the majority of them  
17 being quite laudatory.

18           When I reached the point of being evaluated for  
19 promotion and tenure, I encountered built-in racial  
20 discrimination. There were entirely subjective and nebulous  
21 standards of performance criteria used to legitimate/justify  
22 the rejection of my tenure request. Never mentioned was a  
23 clear-cut objective standard for what constitutes a  
24 sufficient quality of scholarship or body of work to warrant  
25 tenure. Some of my work, published by the Black Law

CBT/cs

1 Journal, was not even reviewed. Also, a certain amount of  
2 deception, manipulation, racial hostility, and  
3 discrimination was evident from comments made by members of  
4 the education program's tenure review committee during the  
5 review process itself -- remarks I inadvertently overheard  
6 and documented.

7 For example, they were saying things like, "Us  
8 white people have rights, too. And we're all agreed that he  
9 has the potential for greatness, perhaps, but how do we know  
10 if we give him tenure he won't go out and do something  
11 crazy?"

12 And after some later comments, "Yes, that's why I  
13 really don't want to work with a black man on a permanent  
14 basis."

15 When I requested the official reasons for the  
16 termination in June 1984, I was treated callously and I was  
17 given an improper response. I was told that the individuals  
18 making the decision were constrained from even discussing  
19 the reasons because of confidentiality. I lodged a  
20 complaint to school officials, telling them I felt I was a  
21 victim of racial discrimination and wrongful termination.

22 When my complaint against the faculty committees  
23 was reviewed, all white male groups of faculty and  
24 administrators ratified the negative action already taken.  
25 I feel that as a result of my complaint, school officials,

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1 from President John Maguire -- who likes to claim he is for  
2 justice and a friend of Martin Luther King, Jr. -- on down,  
3 used unfair practices to intentionally hide the truth and to  
4 deny me due process.

5 The college remains unable to provide me with  
6 compelling evidence to justify their decisions to deny my  
7 request for tenure and terminate my contract. Thus, I am  
8 left with little recourse other than to pursue a tough,  
9 costly, and lengthy legal action. This legal action, and  
10 the ensuing harassment and stress it engenders, has  
11 seriously disrupted, and it could destroy, my professional  
12 career growth.

13 Four years after I was denied further work at the  
14 school, I am still fighting for justice -- that is, due  
15 process and fair employment at the school. And I'm paying  
16 dearly for it.

17 Also, it appears that members of the independent  
18 college community believe they are immune to the letter and  
19 spirit of laws that promote racial diversity because of  
20 their private corporate status. Apparently, they believe  
21 that as independent colleges they are not subject to the  
22 same level of compliance with affirmative action procedures  
23 as are public institutions of higher learning.

24 I believe that when you take a close look at the  
25 situation at the Claremont Colleges, you will find that they

CBT/cs

1 do benefit from government aid and that affirmative action  
2 for faculty is not working. Blacks and Hispanics feel they  
3 have been unfairly denied jobs there, promotions, tenure,  
4 and have been mistreated in other ways over the last two  
5 decades. When I was fired in 1985, the graduate school  
6 hadn't had a tenured minority since its inception over 50  
7 years ago.

8 I am bringing these issues to the Commission's  
9 attention because I am deeply concerned that in 1988 many of  
10 our best and brightest faculty members still have to endure  
11 the kind of occupational violence that, for example, I have  
12 endured since 1979. Please do something to help stop these  
13 immoral and racist abuses of power at private colleges such  
14 as the Claremont Graduate School.

15 These schools are practicing a masked form of  
16 intentional racial exclusion. Other untenured black and  
17 Hispanic professors at the Claremont Colleges have  
18 complained about exploitative, discriminatory, ethically  
19 corrupt, and plain shabby treatment. Nothing has been done  
20 before now to discourage these patterns. These contemporary  
21 forms of bigotry that they use allow them to discriminate  
22 with considerable finesse. They would prefer to carry on  
23 their "us versus them" variety of discrimination without  
24 being caught in the act or punished for it in any manner.  
25 When they are caught, they simply deny it and take steps to

CBT/cs

1 cover their tracks.

2           Taken together, these patterns of discrimination  
3 that the three of us have faced reflect built-in biases and  
4 intolerance that work against the granting of tenure to  
5 black faculty. We request that this Commission use its  
6 power and influence to initiate independent fact-finding  
7 investigations of the racial situation at three specific  
8 locations -- UCLA, UC-Irvine, and the Claremont University  
9 Center College and Graduate Schools.

10           Further, we respectfully request that the  
11 Commission ask the Justice Department to do a fact-finding  
12 examination and assessment of our individual and collective  
13 complaints. We are hopeful that such investigation will  
14 result in the providing of appropriate remedies.

15           In closing, it should be noted that the  
16 discrimination confronting black faculty at American  
17 colleges and universities are only the tip of the iceberg.  
18 The percentage of black faculty in higher education is  
19 small. However, when we consider that black nonacademic  
20 staff and black independent businesses also encounter racial  
21 animus and inequity within university settings, at that  
22 point the issue looms even larger indeed.

23           Black staff, for example, from clerical to  
24 managerial, are faced with the same kinds of barriers to  
25 occupational progress that black faculty must overcome.

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Thank you very much for your time.

CHAIRMAN ALLEN: Thank you.

Unfortunately, Mr. Clark used up the extra time for Mr. Ridley-Thomas, Harold, so you have five minutes.

MR. WEBB: This will be very brief.

Thank you very much, Commission, for indulging me again. When I undertook the receipt of these complaints, I was working in the Pomona Valley Branch of the NAACP, and subsequently since that time I have transferred to another area. But I still support this, and the NAACP still supports this.

And I want to reiterate what has been said and urge the Civil Rights Commission to undertake, through the Justice Department, a fact-finding investigation because it is extremely difficult to weed out the racism in these institutions because it has become very sophisticated. And I tried to allude to that earlier.

The Commission definitely has to be concerned with the discriminatory practices in all institutions of higher learning. The state university systems, the state college system, the California University system, the community college system, and the private college system.

And with that, I would like to read a report for Ms. Georgia Houston, a statement of racial discrimination at the Mt. San Antonio College. This report is by Ms. Georgia

CBT/cs

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Houston Webb.

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CHAIRMAN ALLEN: May I ask you to submit it to the record for us.

4

MR. WEBB: Submit it to the record?

5

CHAIRMAN ALLEN: Right.

6

MR. WEBB: Not read it?

7

CHAIRMAN ALLEN: No, I don't think that's appropriate.

9

MR. WEBB: Very well, I would like to submit this for the record.

10

11

CHAIRMAN ALLEN: Thank you very much. And indeed, all of you who have had prepared statements, if you would submit them we would appreciate it, and they will go into the record both as you read them and as you submit them.

12

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(The prepared statement of Georgia Houston Webb is as follows:)

17

18

"STATEMENT OF RACIAL DISCRIMINATION AT

19

MT. SAN ANTONIO COLLEGE

20

"I wish to comment on my endeavors to secure full-time employment at Mt. San Antonio College in Walnut, California. I believe that I have been a victim of racial discrimination, and I wish to shed light on this vague and nebulous, yet menacing practice of racism.

21

22

23

24

25

"I was employed by Mt. San Antonio College four

CBT/cs

1 years ago as a teacher's assistant. At that time there were  
2 no available openings in my field, so I took this position  
3 to stay involved in the educational milieu.

4 "I hold a master's degree in counseling. I  
5 graduated with a 3.8 gpa on a 4.0 scale. I have six years  
6 of professional experience as a counselor and an  
7 administrator. I am highly recommended by past and present  
8 employers, both inside and outside of Mt. SAC.

9 "During my employment at Mt. SAC, I have acquired  
10 credentials from the California Community College System to  
11 give instruction in English as a Second Language, Tutorial  
12 Techniques and Basic Skills in Learning. I also acquired  
13 CCC credentials as a Counselor and an Administrator.  
14 Subsequently, I have worked for Mt. SAC as an hourly  
15 instructor in ESL, Tutorial Techniques, and Basic Skills. I  
16 have also actively volunteered many hours to serve as an  
17 advisor to black students. My ability to effectively  
18 communicate with students has been demonstrated and  
19 documented at Mt. SAC, yet after numerous attempts I have  
20 been denied employment.

21 "My first application for employment at Mt. SAC  
22 was for the position of Director of the Transfer Center. I  
23 applied for that position in August 1985. I did not receive  
24 an interview for that application.

25 "Due to the above experience, I decided to work



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1 my way back into the counseling field which is certified, by  
2 going through the classified route. In April 1987 I applied  
3 for the position of Vocational Outreach Specialist. This  
4 position required an A.A. or A.S. degree and qualifications  
5 that I have performed. I was denied employment for this  
6 position. I received an interview for this position, which  
7 I was told established the fact that I was qualified, but I  
8 was informed that they found someone more suited. I  
9 question the meaning of the term 'more suited.' I have no  
10 understanding of the method used, or the standard of  
11 qualification used to determine the meaning of 'more  
12 suited.'

13 "During the fall semester of 1987, I applied for  
14 and was interviewed for the position of educational advisor.  
15 This, too, is a classified position. It is a  
16 paraprofessional position. For two years at the University  
17 of Wisconsin-Eau Claire I trained paraprofessional  
18 counselors, and for four years as an administrator at  
19 Cornell University a major part of my duties included  
20 training paraprofessional counselors. I received an  
21 interview for my application, but I was denied the position.  
22 By now, administrators and instructors at Mt. SAC were well  
23 aware of my ability to work well with students. People who  
24 sat on the interviewing committee can attest to this fact.

25 "My fourth attempt to secure full-time employment

CBT/cs

1 at Mt. SAC was made by applying for the position of  
2 counselor. This application was not only made for one  
3 position, but four positions were available in the  
4 counseling department. Again, I received an interview for  
5 this position, substantiating my qualifications, and again I  
6 was denied employment. The Personnel Director assured me  
7 that I was rated as qualified, but he stated that there were  
8 others more qualified. I must know what 'more qualified'  
9 means and what standards are used to determine it.

10 "I contend that racial discrimination is  
11 involved. I specifically believe that it is discrimination  
12 against blacks. For the seven positions I applied for,  
13 three Hispanics were hired, two Asians were hired, and two  
14 whites were hired. I fear that I am being used as a  
15 statistic to show that blacks were interviewed but found to  
16 be unqualified.

17 "The Personnel Director also told me that Mt.  
18 SAC's affirmative action goals and progress towards them had  
19 been approved by the state and that, in fact, Mt. SAC had  
20 received letters of commendation for its progress. He  
21 stated the AA goal in the category where counseling is  
22 placed has been satisfied for blacks. Does this mean that  
23 they can discontinue hiring us? I contend that this  
24 perspective represents an abuse of the purpose of  
25 affirmative action.

CBT/cs

1 "In my quest to gain employment at Mt. SAC, I  
2 asked the Assistant Director of Personnel who serves as the  
3 affirmative action officer and sits on the interviewing  
4 committee to monitor personnel guidelines if she could shed  
5 any light on why I was not gaining employment. She  
6 suggested that I should hone my interviewing skills and  
7 offered to conduct a session on interviewing techniques for  
8 me. I took her up on her offer to glean more inside  
9 information, for I have conducted the sessions with students  
10 myself. I worked with placement services at UW-Whitewater,  
11 UW-Eau Claire and Cornell University. In addition, members  
12 of screening committees who had interviewed me earlier had  
13 commented to me that I was a very skilled and composed  
14 interviewee.

15 "I make these statements because I am hard-  
16 pressed to find the true reason for not being hired at Mt.  
17 SAC. I am left with the overwhelming feeling that I am a  
18 victim of racial discrimination."

19 CHAIRMAN ALLEN: Mr. Long.

20 DR. LONG: Good evening. I am Dr. John T. Long.  
21 I speak today as a private citizen, not for any persons with  
22 whom I am associated. My credentials include being a  
23 multicultural consultant and consulting with the television  
24 program "Free Style," which was shown nationally.

25 My comments today have to do with issues of cast

CBT/cs 1 and class in higher education. I have taught at every level  
2 of higher education. Today my comments are focused more on  
3 the community college level, and I entitled them "Cast and  
4 Class in the California Community Colleges."

5 W. B. DuBois, as you know, indicated that the  
6 problem of the 20th century is the problem of color. To a  
7 large extent, he was prophetic. In looking at the racial  
8 and ethnic exclusion and inclusion in terms of the  
9 California community colleges, what we see is that no  
10 college has attained the goal of proportional representation  
11 in terms of faculty and minorities, for example.

12 I think that there may be many reasons for this.  
13 Among these are, first, the denial of prejudice and  
14 discrimination based on ethnicity, and I include language  
15 and gender as well when I talk about ethnicity.

16 Secondly, the adoption of affirmative action  
17 policies and equal opportunity practices.

18 And, third, a legacy of ethnic and racial  
19 exclusion.

20 And, finally, in terms of my comments today,  
21 changing population demographics.

22 I think before a problem can be solved it first  
23 has to be acknowledged, and many administrators and  
24 educators believe that racism and sexism are social ills of  
25 the 1960s which have been solved in the 1980s. Some feel

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1 that since they are not personally prejudiced and sexist, no  
2 exclusion exists.

3 It is important to understand that prejudice and  
4 discrimination based on ethnicity and gender are permanent  
5 aspects of the institutional process and I believe of the  
6 American national character.

7 Exclusion in the 1980s may be more subtle than in  
8 the 1960s but it's still exclusion.

9 I think that further affirmative action is an  
10 important innovation in the social evolution in American  
11 society. Now, since exclusion based on differences is  
12 assumed to be a permanent part of institutional processes, I  
13 believe that some existing ongoing institutional means of  
14 combatting discrimination and prejudice is necessary.

15 What we see in terms of the community colleges  
16 further is this means that if a community college does not  
17 have any qualified minorities, i.e., affirmative action, or  
18 women on staff, it might go out and train some or might find  
19 some. What I'm calling for is a change in the way in which  
20 institutions practice the process of inclusion. Many don't  
21 see that there are many qualified minorities who are  
22 available. What I hear around the State of California is  
23 many minorities saying that they can't find the jobs, and  
24 then the institutions are saying they can't find the  
25 minorities.

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1 Now, that is a situation which is a paradox.

2 The legacy of racial and ethnic exclusion  
3 continues to affect hiring and promotion practices in a  
4 variety of ways. First, a sense of discomfort and  
5 intolerance toward people who are culturally and  
6 economically different exists among some persons on hiring  
7 committees. What I am calling for here is cultural  
8 sensitization.

9 I heard earlier someone talk about vulnerable  
10 minorities. In my talk at Stanford in April, I interjected  
11 the term "unmeltable ethnics," to refer to persons of color.  
12 I think that to a large extent this is the group we have to  
13 deal with.

14 A perception may exist that an institution is  
15 racist. That in and of itself is a problem. And I think  
16 what we need to do is to deal to a great extent with  
17 attitudes, not only in terms of the institutional managers  
18 and faculty members, but certainly also in terms of ethnic  
19 minorities as well.

20 Procedurally the failure to include  
21 representative racial and ethnic minorities and women in  
22 every stage of the hiring process may result in the hiring  
23 procedures being structured so that racial and ethnic  
24 minorities and women are excluded from consideration. For  
25 example, job descriptions may be written with excessive

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1 requirements which correlate poorly with the actual job  
2 task.

3 Further, it is important that persons  
4 representing all segments of the college communities be  
5 involved in writing the job descriptions; secondly,  
6 determining where the jobs will be flown; third, screening  
7 the applicant selected in the initial interview; fourth,  
8 determining who will be selected for a second interview;  
9 and, fifth, recommending the finalist for selection.

10 It is also crucial that ethnic minorities who  
11 meet minimum qualifications for hire be included in the pool  
12 to be interviewed. The California Community College  
13 Association passed a policy in the spring of 1988 stating  
14 that persons who are ethnic minorities and/or meet the  
15 minimum qualifications can be considered, as far as the  
16 Association is concerned, for hire.

17 I know that time is short here. Let me just  
18 mention that California again is rapidly, as many have  
19 mentioned, becoming a majority-minority state. However, we  
20 are in danger as ethnic minorities of not only not moving  
21 ahead but falling behind. The reason for that is many  
22 persons who obtained their jobs in the '60s have now become  
23 retirement-eligible, and often there are no replacements on  
24 the horizon. Obviously, this speaks to a need for  
25 qualifying additional persons.

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1                   There is much more to say, and the time is short.

2                   I thank you very much.

3                   CHAIRMAN ALLEN: I appreciate that.

4                   Permit me to say ordinarily the Commission  
5                   doesn't respond to comments made in public session, and  
6                   therefore we won't do so on this occasion, save that I must  
7                   at least enter into the record an acknowledgment of what  
8                   might appear to someone else to be my own conflict of  
9                   interest. I do know Dr. Clark personally, and of course I  
10                  know Messrs. Webb and Ridley-Thomas with their respective  
11                  organizations, and therefore I am somewhat familiar with the  
12                  cases that have been presented. I don't think, however,  
13                  that I need to recuse myself in the present circumstance.  
14                  We have heard the testimony you have given and will pay due  
15                  heed to it.

16                  I thank you. I will summon the next panel up.

17                  The next panel will consist of Dr. Julian Lee,  
18                  Georgia Houston --

19                  MR. WEBB: She's not here.

20                  CHAIRMAN ALLEN: That's right, we heard of that,  
21                  and that's the statement.

22                  MR. WEBB: Right.

23                  CHAIRMAN ALLEN: I understand. Okay; excellent.

24                  Thank you.

25                  Don Tolin, and Gwen Thomas.



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Would you please come forward.

MR. TOLIN: Mr. Chairman, I am Don Tolin, and because of the lateness of the hour I would prefer a statement be invisible but (inaudible).

CHAIRMAN ALLEN: Very well; thank you.

Ms. Thomas from our SAC.

MS. THOMAS: I make no such gracious gesture.

CHAIRMAN ALLEN: Will you give your name to the recorder, please.

MS. THOMAS: I am Gwen Thomas. I belong to the Colorado Advisory Committee. I am here in place of Maxine Kurtz, who is the Chair.

I wanted to mention two or three things that are going on in Colorado that I thought might be of interest to you.

First, the Colorado Black Roundtable was mentioned by Rich Castro when he made his presentation. I would like to mention that in that organization we have every black-elected official in the metro Denver area. Consequently, when a black staff person was fired at the University of Colorado because that person had made a statement that the university is racist, we sent a representative group of the Colorado Black Roundtable to negotiate with the Chancellor, and the person was rehired.

We are developing our own approach to some of

CBT/cs 1 these kinds of problems. We have decided that broad  
2 community representation is necessary in order to prevent  
3 some kinds of racism from continuing.

4 Another thing that I would like to mention is  
5 that as the Chair of the Urban League, which I was of a year  
6 ago, I reconvened the black-Hispanic dialogue. And we  
7 concluded that dialogue was not enough. We ended by  
8 developing what is called the People of Color Coalition. It  
9 includes, in addition to blacks and Hispanics, Asians and  
10 Native Americans. And we have decided that our areas of  
11 activity would be education and economic development. Some  
12 of you may know that Denver is building a new convention  
13 center and a new airport, and we are determined that  
14 minority contractors and concessionaires and architects and  
15 engineers shall participate in all of these endeavors. The  
16 People of Color Coalition has managed to accomplish that, at  
17 least with the convention center, which is a little bit  
18 further along the way.

19 The third thing that I wanted to do was ask a  
20 question that had to do with the HUD presentation earlier  
21 today.

22 You were told that HUD was willing to provide for  
23 closed houses for the homeless. I would like to know  
24 whether or not the further requirement that HUD consult  
25 community members in the areas where those houses are

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1 located has produced any claims of discrimination. It seems  
2 to me that that requirement would lend itself to  
3 opportunities to express discriminatory tendencies. And I  
4 wondered about that.

5 Thank you.

6 CHAIRMAN ALLEN: Thank you very much. And, of  
7 course, we can't speak for HUD, but I think we'll see to it  
8 that your question is passed on.

9 Thank you all. I wish to remind you once again  
10 we have the reception which begins at 7:00 o'clock in the  
11 Corinthian Room.

12 Tomorrow morning we will reassemble at 8:15 a.m.  
13 here in the Gold Room for the second day of our forum, which  
14 will conclude at approximately 2:45. And at 3:00 p.m.  
15 tomorrow afternoon, we will have the regular Commission  
16 meeting in the same room, which is, of course, open to the  
17 public.

18 Therefore, for now, we shall recess until 8:15  
19 tomorrow morning.

20 (Whereupon, at 6:20 p.m., the meeting was  
21 recessed, to reconvene at 8:15 a.m., Friday, September 9,  
22 1988.)  
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