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**OHIO ADVISORY COMMITTEE**  
to the  
**U.S. COMMISSION ON CIVIL RIGHTS**  
December 12-13, 1988  
**"RACE RELATIONS IN TOLEDO, OHIO"**

- - -  
**PROCEEDINGS**

Before the Ohio Advisory Committee, taken before me,  
Sharon T. Pontius, Registered Professional Reporter and  
Notary Public in and for the State of Ohio, at the  
Hilton Inn, 3100 Glendale, Toledo, Ohio, commencing on  
December 12, 1988, at 9:00, a.m.

- - -  
Monday, December 12, 1988  
- - -

Ohio Advisory Committee Members

Donald Prock, Chairperson, Ohio Advisory Committee

Marian Spencer, Vice Chairperson

Ray Leventhal

Virginia Ortega

Barbara Rodemeyer

Lynwood Battle

Fred Baumann

Martin Plax

Melanie Mitchell

William F. Muldrow, Acting Director, Central  
Regional Division, USCCR

Robert A. Destro, Commissioner

- - -

1 December 12, 1988

2 Monday Morning Session

3 - - -

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

5 - - -

6 MR. PROCK: This meeting of the Ohio Advisory  
7 Committee to the United States Civil Rights Commission  
8 shall come to order.

9 For the benefit of those in the audience, I  
10 would like to introduce myself and my colleagues. My  
11 name is Don Prock, and I'm Chairperson of the Ohio  
12 Advisory Committee to the United States Civil Rights  
13 Commission. To my left, we have our Vice Chair who  
14 resides in the Cincinnati area, Marian Spencer; and to  
15 her left, we have a resident of the Cleveland area,  
16 Raymond Leventhal, who is an Advisory Committee member.  
17 And next to Raymond is a person who most of you are  
18 acquainted with, Virginia Ortega, from the Toledo area.  
19 We also have Barbara Rodemeyer from North Canton,  
20 Lynwood Battle from the Cincinnati area; and we have  
21 Fred Baumann, who is basically from the Columbus area;  
22 and Marty Plax from Shaker Heights. We will be having  
23 joining us later today two other Advisory Committee

1 members, Melanie Mitchell from the Columbus area and we  
2 are looking forward to also having -- well, Marty has  
3 made it -- Marty. He was coming in a little bit late.  
4 Also with us, we have United States Civil Rights  
5 Commissioner Robert Destro, and William Muldrow, the  
6 Central Regional Director. We have Mr. Melvin Jenkins,  
7 the Acting Director, with us today. I will be calling  
8 upon him at the closing of my remarks to introduce some  
9 of their staff that are present and for some brief  
10 remarks from them.

11 We are here to conduct a community forum for  
12 the purpose of gathering information on race relations  
13 in the city of Toledo, Ohio.

14 The jurisdiction of the Commission includes  
15 discrimination or denial of equal protection of the law  
16 because of race, color, religion, sex, age, handicap,  
17 national origin, or in the administration of justice.  
18 This is a public meeting and is being recorded by a  
19 public stenographer.

20 At the onset, I would like to set some ground  
21 rules. This meeting is open to the general public and  
22 the media, but we have a very full agenda with  
23 presenters with limited time available. The time

1 allotted for each presenter will be strictly adhered  
2 to. This will include presentations from the  
3 participants with the questions from our Advisory  
4 Committee.

5 To accommodate individuals who have not been  
6 scheduled to speak, we have scheduled an open period of  
7 time Tuesday, December 13, 1989. This time will be  
8 from -- excuse me, 1988, Tuesday, December 13, 1988.  
9 This period of time will be from 12:35 p.m. to 1:30.  
10 Anyone wishing to make statements during this period can  
11 contact our staff representative here, Faye Robinson,  
12 for scheduling. Written statements may be submitted to  
13 committee members or staff or by mail to the United  
14 States Civil Rights Commission, 911 Walnut Street, Suite  
15 3100, Kansas City, Missouri, zip code 64106.

16 During these proceedings, we may have some  
17 controversial statements. We want to ensure that our  
18 guests do not defame or degrade any person or  
19 organization. In order to cover all aspects of issues,  
20 our presenters have a wide variety of experience and  
21 viewpoints that they will be bringing forward to us.  
22 Any person or organization that feels defamed or  
23 degraded may contact staff during the proceedings so

1 that we will provide a chance for public response.  
2 Alternately such persons or organizations can file  
3 written statements to be included in these proceedings.  
4 I urge all presenters to be judicious in their  
5 statements, and I would like to thank those presenters  
6 on behalf of the Advisory Committee for sharing their  
7 views with us.

8 At this time I would like to introduce our  
9 Acting Staff Director from the Washington, D.C. office,  
10 Melvin Jenkins. Mel?

11 And I would like to call upon our commissioner  
12 also from the Washington office, Robert Destro, to make  
13 some remarks.

14 MR. DESTRO: Thank you, Don. It's a real  
15 pleasure to be here and an honor to be sitting here with  
16 the Ohio Advisory Committee. I only have a couple of  
17 comments to make. Basically that it really is a  
18 testament to the importance of understanding that we are  
19 all here today, that as we look at old problems and  
20 civil rights, I hope today that we are going to be  
21 focusing on new approaches and constructive approaches  
22 that will highlight especially in the holiday season  
23 today the importance that all of us have or all of us

1 attach to working together so that we see civil rights  
2 as not so much claims against each other but as a  
3 statement of other reciprocal obligations and citizens.  
4 So I hope that we can keep things in a -- not in an  
5 abstract sense but in a palpable and real demonstration  
6 that all of us live in a community, that the community  
7 is only going to survive if we all work together and  
8 that that is possible if we only attempt to understand  
9 each other in the spirit of both the season as well as  
10 in the spirit of civil rights generally. Thank you.

11 MR. PROCK: Next person who will be addressing  
12 us is our Central Regional Director, William Hawkey --  
13 I'm sorry -- Bill Muldrow.

14 MR. MULDROW: Thank you, Don, Commissioner  
15 Destro. I would just like to second the welcome which  
16 has been given to you by Don and to say how pleased we  
17 are to be able to have the kind of cooperation and  
18 participation we have encountered here in the city. We  
19 are looking forward to a very interesting and profitable  
20 day and a half together. As Don has indicated, this is  
21 an information-gathering process. As part of the  
22 responsibility of our State Advisory Committee here in  
23 Ohio, proceedings will be conducted by them, and as you

1 will observe, we have a court reporter, a public  
2 stenographer, making out a public record so we will have  
3 an accurate transcript of what is said and done here  
4 today. This will then be summarized in a report and  
5 forwarded to our commissioners in Washington for their  
6 information and will be available also to the public for  
7 their use.

8           The proceedings have been outlined for you,  
9 and we do have a very full schedule; so we will be  
10 moving right along. We have tried to provide for input  
11 from all the sectors of the community, and the open  
12 session at the end of the proceeding will provide an  
13 opportunity for persons who have not been specifically  
14 contacted or invited who have relevant things to say to  
15 make a brief statement. We ask that those persons, if  
16 there are such, to submit their name to the secretary  
17 outside of the front door so that you can be scheduled  
18 -- your appearance can be scheduled at that time. We  
19 will ask you also, if you wish to make a statement  
20 during the open session, to contact myself or one of our  
21 staff members to briefly explain to them the nature of  
22 what you wish to talk about and receive some information  
23 about the proceedings from them.

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1 I would like to introduce them at this point  
2 so you'll know who they are. In the back of the room,  
3 Ascension Hernandez will be interviewing people; and  
4 also, we have Debra Doherty from our Washington office  
5 who can serve that purpose also. So with those brief  
6 instructions, I think that's all I have to say, Don.

7 MR. PROCK: The format for presenters will be  
8 coming up to the microphone at the front table and the  
9 individual that will be making the first presentation  
10 will be -- if you would use the table, we would  
11 appreciate it. However, if you feel uncomfortable with  
12 that, you can stay at the microphone. I want to also  
13 point out that the record of this proceeding will close  
14 January 2, 1989. Those that wish to include written  
15 statements can forward them to the office before that  
16 date, and it will be included in these proceedings.

17 At this time I would like to call upon the  
18 Honorable Mayor Donna Owens to come forth; and if Phil  
19 Hawkey would like to move up to the front table to be  
20 prepared to speak next, and I'm sorry about your  
21 promotion, Phil.

22 MR. HAWKEY: I gladly accept it.

23 MAYOR OWENS: Chairman Prock, Vice Chair

1 Spencer, Acting Director Muldrow -- and you'll have to  
2 excuse me. I'm a little bit hoarse this morning -- and  
3 Members of the Ohio Advisory Committee to the U.S. Civil  
4 Rights Commission, on behalf of the City of Toledo, I  
5 would like to warmly welcome you to the glass capital of  
6 the world. Now, I know you feel like it's not very warm  
7 here because of the temperature outside, but indeed our  
8 hospitality is very warm and I hope you enjoy your stay  
9 at Toledo's newest, finest hotel. We are delighted to  
10 have you here.

11 I have been asked today to speak on race  
12 relations in the City of Toledo. For the past  
13 approximately one and a half years, we have had numerous  
14 racial incidents such as burning of a cross, a shotgun  
15 fired in a house, racial slurs, to name just a few; most  
16 recently, the taking over of the Council chambers. I  
17 believe these incidents were, in most part, symptomatic  
18 of a much greater problem. We have issues that  
19 definitely need to be addressed in our community, and I  
20 understand from being a female myself that the  
21 sensitivity to the issues that remain in our community  
22 are not just unique to Toledo alone but exist yet  
23 throughout this nation.

1 I have fought as Mayor of the City for the  
2 equal opportunity for females in government, and I would  
3 like to list for you a couple of examples. We have a  
4 Port Authority Board which has been comprised of men,  
5 white males, for years and years and years; and I fought  
6 like crazy to get the first female and the first black  
7 appointed to that board with substantial resistance from  
8 some members of the board and quite frankly appointed  
9 the black and the female because I feel that our  
10 community needs to be representative, reflective of what  
11 the community is.

12 In addition to that, we have what is called a  
13 Committee of 100 in our city. The Committee of 100  
14 studies a lot of quality of life issues, and I again had  
15 to fight tooth and nail to get fair and adequate  
16 representation to the Executive Committee of the  
17 Committee of 100 because, as we all know, you have  
18 boards and you have commissions, but an executive  
19 committee in any organization usually has the control.  
20 Therefore, the control ought to be reflective of what  
21 the city is and again depressed for the representation  
22 of females and blacks and Hispanics as it relates to  
23 leading the city in quality of life issues; so yes,

1 there are problems that exist in this community, and I  
2 deal with them and fight for them almost every single  
3 day.

4 But Toledo is a unique city. When the Council  
5 chambers were taken over, the emotionalism of this  
6 community, the racial tension was at its highest peak  
7 that I had ever seen. Compounded by some of the  
8 incidents that had occurred over the last year and a  
9 half, it was a very difficult time with racial tensions  
10 and emotions running extremely high. It did not have  
11 the environment where you could get people to sit down  
12 and really discuss key issues which I indicated earlier  
13 that I believe were symptomatic of the things that had  
14 occurred over the past year and a half.

15 We are now in that kind of environment where  
16 the emotionalism isn't as high as it was, so it has  
17 created the atmosphere for meaningful dialogue. I have  
18 set a meeting with the top C.E.O.'s in this city for the  
19 first week in January. I sat at one in December which  
20 had to be canceled because of their conflicting  
21 schedules. The City Manager and I will be attending  
22 this meeting, and we will be discussing many issues  
23 facing our city in 1989, one of them being the racial

1 tensions that have existed because I believe that they  
2 play an important part as well.

3 Not only did we have or seem to have problems  
4 in the public sector but we have them in the private  
5 sector; and if we are going to provide real meaningful  
6 solutions to real issues that exist in our city, then  
7 everybody has to be a part of this collusion, those who  
8 have perpetuated in the incidents, the public sector,  
9 the private sector, the religious people in our  
10 community, as well as members of the community at large  
11 because if you're going to have effective change in you  
12 city, as I indicated before, in fighting for equal  
13 representation, the key areas that I feel are most  
14 important, you also have to have equal representation in  
15 providing the solutions to community problems. We all  
16 have to be part of that solution. I have had some very  
17 meaningful discussions most recently as it relates to  
18 key issues, issues that we have pinpointed, and am  
19 looking forward to continuing meetings in that  
20 endeavor. But as I said earlier, we have a unique city,  
21 we have the kind of community where people do come  
22 together to resolve issues that face the city. I've  
23 seen it happen time and time again, and I am thoroughly

1 convinced whether they are black, white, Hispanic, the  
2 private sector, the public sector, religious  
3 organizations or the general public at large, everyone  
4 begins to pull together to build and heal the  
5 community. This is the juncture where I see us today,  
6 and I'm looking forward to continued meetings to develop  
7 a plan to deal with some very meaningful issues that  
8 still confront this city.

9 Thank you for your time and your attention,  
10 and I welcome the opportunity to talk with you and the  
11 fact that you are in our great city today.

12 MR. PROCK: Thank you, Mayor. At this point  
13 in the forum, we will call upon the Advisory Committee  
14 members for questions. If you would like a follow-up  
15 question, please indicate and the chair will come back  
16 to you after we have given every member an opportunity  
17 to speak.

18 Marty, do you have any questions of the  
19 Mayor?

20 MR. PLAX: Do you have any idea what sort of,  
21 just some vague terms, what this plan that you've  
22 started to talk about is likely to look like?

23 MAYOR OWENS: Let me indicate very clearly

1 that we have the Board of Community Relations  
2 Affirmative Action in the City of Toledo and because  
3 members of City Council felt that the job and  
4 Affirmative Action really wasn't being as effective as  
5 it should be, they asked the City Manager to create an  
6 office out of his office of Affirmative Action. I was  
7 very deeply disturbed as Mayor of this city when the  
8 incident occurred about the takeover of the Council  
9 chambers and primarily because the Board of Community  
10 Relations by regulation is supposed to be involved in  
11 these kinds of issues because they are to bring the  
12 community together, the people in the city as well as  
13 the government. And they played no role at that  
14 particular time in what took place. They need to be  
15 proactive in and not reactive after several months, and  
16 I've had a lot of discussions in that regard.

17 In meeting with members of the community, they  
18 really don't want to pull the rug out of the Board of  
19 Community Relations Affirmative Action at this time. We  
20 are trying to strengthen their role. I'm trying to  
21 strengthen the board and have them have bylaws that they  
22 follow and play a more proactive role in the community.  
23 Therefore, they have made a lot of very meaningful

1 suggestions in having an ad hoc committee that is  
2 comprised of many facets of our city to help the board  
3 of community relations in that role and give them some  
4 time to see how effective they are going to be; and if  
5 they still remain ineffective, to change that.

6 In addition to that, we have discussed issues,  
7 issues such as drugs, housing, employment, some of the  
8 issues that affect our nation quite frankly, and what I  
9 see now is this positive approach of wanting to sit down  
10 together; and no offense to the camera, but out of that  
11 kind of an arena, out of the glass house arena in  
12 private meetings to really discuss in depth the issues  
13 and how can we together as a community work on  
14 addressing those issues. And I find that very exciting  
15 and very promising because, again, as I've said before,  
16 everybody has to be part of the solution. We can't  
17 point fingers here, there, and everywhere. You know,  
18 let's all take part of the responsibility and also  
19 become partners in developing the solutions to the  
20 problems, and they are not all going to be like the  
21 magic wand that's waved and overnight everybody is all  
22 right. Some of them are going to take longer than  
23 others. Some of them are going to take money and some



1 of them are going to take innovative creative ideas of  
2 each and every one of us working together, but I'm  
3 excited about the atmosphere, the environment that now  
4 exists with a number of members of the community to  
5 really work effectively on these issues.

6 MR. PROCK: Fred Baumann?

7 MR. BAUMANN: There legally is a problem here  
8 and you spoke about it in general terms. I wonder  
9 whether you could elaborate on that a little bit  
10 specifically. How do you see what the problem is in  
11 Toledo? What kind of a problem is it? Can you be mor  
12 specific?

13 MAYOR OWENS: Well, I think, as I said  
14 earlier, that the incident that occurred was symptomatic  
15 of underlying problems; problems dealing with drugs,  
16 problems of housing in the community, problems with  
17 communications. The community is very sensitive to  
18 reading in the newspaper and hearing on television  
19 something that's going on or happening. Before, people  
20 had an opportunity to meet with them as a community to  
21 try to talk to them about the issue or the problem, and  
22 I find in life, whether it's in your home or whether  
23 it's in your office or whether it's you as a committee,

1 no matter what it is, communications often times can be  
2 one of the major problems; and I said earlier,  
3 employment, I think the upper mobility, not only in the  
4 public sector but the private sector as well because,  
5 again, being a female, that is a hard road to hoe. It's  
6 very, very difficult and we need to sensitize the  
7 private sector as well as the public sector in saying  
8 there should be equal opportunity throughout. Not just  
9 certain levels but the fact that we have the opportunity  
10 for upward mobility.

11 MR. PROCK: Lynwood Battle?

12 MR. BATTLE: Mayor Owens, I would like to know  
13 a little bit more about the role of the Committee of 100  
14 that you spoke of. Is there an official role, or just  
15 how do they fit into the scheme of things in your plan?

16 MAYOR OWENS: Well, actually, the Committee of  
17 100 has not played an active role in this issue in the  
18 community. The meeting that I will be having the first  
19 week in January will encompass most of the members of  
20 that executive committee who are the top C.E.O.'s in the  
21 city, and I will be trying along with the City Manager  
22 to sensitize them to their involvement in this issue as  
23 well as other issues in our community. It has been a

1 fight as Mayor; and as I had indicated to you earlier,  
2 since 1983 to try to get people infused into various  
3 roles in the city because, needless to say, you know,  
4 you do have a group of people who always try to control  
5 and to run things; and we need to have a balance, we  
6 need to have opportunity for a broader base to be  
7 involved. And those are the areas that I have lighted  
8 on, and I am looking forward to meeting at the first of  
9 the year because, like I said, the environment is  
10 there. The environment is there from the standpoint of  
11 the elements in our city right now, and I must say  
12 upfront that Mike Porter, who is head of our Chamber of  
13 Commerce, has indicated very early on of his willingness  
14 to help in being a leader in the private sector and any  
15 meaningful discussions that we might have. So the  
16 atmosphere from that area has been very, very positive  
17 and cooperative.

18 MR. PROCK: Barbara Rodemeyer?

19 MS. RODEMEYER: I'll pass.

20 MR. PROCK: Virginia Ortega?

21 MS. ORTEGA: Thank you.

22 You mentioned some of the initiatives that  
23 you've taken and some that have been in existence. What

1 specific initiatives would you propose today to enhance  
2 those efforts that you say already exist and you've  
3 already started?

4           MAYOR OWENS: Well, I think that's the first  
5 step, Virginia, is getting everybody to sit down and  
6 talk from all the elements, from the religious sector to  
7 the private sector to the public sector and members of  
8 the community at large, and the meetings that I've had  
9 so far have been to identify the issues, the issues that  
10 are of great concern to the community; and it takes all  
11 of us sitting down at that table to strategize what kind  
12 of a plan that we can put together to effectively deal  
13 with the issues; like, for instance, drugs, you know,  
14 this is an overwhelming problem in not only the City of  
15 Toledo but in our nation and we are taking some steps in  
16 that direction; but what I'm excited about is the  
17 community, and people that I've met with so far are  
18 coming in with some of their own ideas as to how they  
19 are going to start tying in in their own community with  
20 some ideas they have in training individuals through the  
21 churches that will go out into the neighborhoods to try  
22 to really deal effectively on a peer relationship with  
23 the problem. So what I'm seeing is creativity. What

1 I'm seeing is a positive we want to join hands and move  
2 forward because we care about this city, and that's what  
3 I'm saying; that it is a great city; that no matter what  
4 happens in our community, we seem to be able to crawl  
5 over those obstacles and join hands and move on toward  
6 the greater good of the community because after all  
7 everybody loves their wife or families. We have our  
8 jobs, you know. We are going to exist in the city, so  
9 we better exist together and provide opportunities for  
10 all and deal together with the problems that we have.

11 MR. PROCK: Ray Leventhal?

12 MR. LEVENTHAL: We have read newspaper  
13 clippings of incidents here in Toledo. Your Honor, do  
14 you feel that the news media have played an objective  
15 role in reporting the racial incidents that have  
16 occurred in Toledo, or have some of these problems  
17 possibly been blown out of proportion?

18 MAYOR OWENS: Well, I believe there has not  
19 been enough balance in the reporting, and I believe that  
20 some of the problems have been sensationalized. When I  
21 have a group of people who come to me and say we want to  
22 deal effectively with these issues, we want to develop a  
23 strategy and plan but we don't want to do it in a glass

1 house because you can't get anything substantive  
2 accomplished, then I'm very sensitive to that kind of an  
3 environment and to many others in the community; and  
4 needless to say, some things were blown out of  
5 proportion, some were accurate. There wasn't enough  
6 balance whereby you insight one side and then the other  
7 side, and you just kept these tensions going on and on,  
8 which was not good for the overall benefit of the city.

9 MR. PROCK: Marian Spencer, Vice Chair?

10 MS. SPENCER: Mayor Owens, how long have you  
11 been Mayor of the City of Toledo?

12 MAYOR OWENS: Since 1983. But I've been on  
13 City Council since 1979.

14 MS. SPENCER: Under how many administrations  
15 have you served?

16 MAYOR OWENS: This is the fourth City Manager,  
17 and I guess the most frustrating thing to me was the  
18 fact that the accusations with regard to the City  
19 Manager were really astounding to me, because of all the  
20 City Managers I've worked with, he has been the one who  
21 has pushed for more opportunity for all than any City  
22 Manager I have ever worked under.

23 MS. SPENCER: Would you say then that the rest

1 that appeared to be a part of the community's recent  
2 pattern brought about some of the atmosphere that you're  
3 now relating to in terms of positive feeling? I'm  
4 concerned that under three managers you had no  
5 Affirmative Action program. Is this what I'm hearing  
6 until this point?

7 MAYOR OWENS: Well, actually, we did not have  
8 an Affirmative Action plan documented in a booklet which  
9 is now of this nature. I mean, we had Affirmative  
10 Action in our city, and we have been fighting for  
11 Affirmative Action for years; but this is a new plan  
12 that has been brought forward and we had some  
13 controversy again, as I indicated, when an office was  
14 created in the Manager's office because some Council  
15 members were very concerned, and then we had the Board  
16 of Community Relations Affirmative Action and you had  
17 two people developing a plan and you only need one plan  
18 for a city and those minds have to come together, and so  
19 that's what you're seeing happening there.

20 MS. SPENCER: Would you characterize the  
21 manager as a strong or weak manager in terms of  
22 political mayors?

23 MAYOR OWENS: We have the Manager/Council

1 format.

2 MS. SPENCER: And you really had a political  
3 attempt to alter that in November and it failed?

4 MAYOR OWENS: Yes. It's the sixth time that  
5 it has failed.

6 MS. SPENCER: So really you are saying that  
7 except for leadership at the level of the  
8 administration, the populace, per se, had not had direct  
9 contact with administration?

10 MAYOR OWENS: You're saying that the populace  
11 did not have direct contact?

12 MS. SPENCER: Yes.

13 MAYOR OWENS: Populace has direct contact.

14 MS. SPENCER: Through the Council members?

15 MAYOR OWENS: Not always through the Council  
16 members. The Manager is out at community meetings. Our  
17 Directors are out at community meetings.

18 MS. SPENCER: And you do have a strong  
19 manager?

20 MAYOR OWENS: We have a Manager/Council form  
21 government.

22 MS. SPENCER: Thank you.

23 MAYOR OWENS: I think often times we get



1 caught up in these words what does strong really mean,  
2 and I think it's a misnomer of, for instance, the  
3 so-called strong mayor proposal we have on the ballot.  
4 In effect, I felt weakened.

5 MR. PROCK: Thank you, Mayor Owens. We  
6 appreciate you sharing your views with us.

7 As I introduced earlier, our next speaker will  
8 be the City Manager, Philip Hawkey.

9 MR. HAWKEY: May I speak from the podium?

10 MR. PROCK: If you care to.

11 MR. HAWKEY: Good morning. I have some  
12 booklets I want to distribute. It's fairly thick. I  
13 have a lot to say but not enough time to say it all, so  
14 I'll give some of it to you in writing.

15 It's good to be here, and I thank you for  
16 inviting me to be a part of this. I do want to talk  
17 about the city government. I do particularly want to  
18 welcome Mr. Destro and Mr. Jenkins and congratulate him  
19 on all the work he did in setting this up.

20 I do want to talk about city government  
21 because the city government of the City of Toledo has  
22 been beset in recent months with allegations from  
23 certain members of the community of racial bias and

1 discrimination in the hiring, promoting, and treatment  
2 of minorities in our city government. These allegations  
3 have caused me deep personal pain because I've always  
4 been proud of my belief and activity on behalf of civil  
5 rights and affirmative action. It was like a knife to  
6 the heart to be called a racist, but I will not allow  
7 loosely used words to cover up our real  
8 accomplishments. That's what I want to talk about  
9 today.

10 Certainly, these charges are serious and we  
11 take them seriously, but we believe they are born  
12 miscommunication and misunderstanding. In fact,  
13 possibly these allegations may have been appropriate in  
14 past years, but actions I have initiated since becoming  
15 City Manager two and a half years ago demonstrate that I  
16 personally and the city government are committed to the  
17 expansion of employment opportunities for minorities in  
18 Toledo. So we appreciate -- I appreciate the  
19 opportunity to come before you, the representatives of  
20 the United States Civil Rights Commission and more so  
21 before representatives of the community, some of which  
22 are here today, but primarily through the media, so that  
23 we can talk about our progress and our plans, answer

1 your questions and respond to your concerns.

2 I am proud though of the many steps we have  
3 taken to ensure the equality of opportunity, equal  
4 employment and nondiscrimination during the time I've  
5 been City Manager, and the highlights of these points of  
6 progress are listed in this document which will provide  
7 you a lot of information about what we have  
8 accomplished. But what I want to do is go through some  
9 highlights of that, if I may. That's the reason this  
10 gentleman is sitting here, and he will be putting up  
11 some overheads.

12 Let me first talk about the top managerial  
13 positions because the City of Toledo throughout its  
14 total employment has been successful in having general  
15 representation of minorities within its work force. The  
16 City of Toledo is, if we include Blacks, Hispanics,  
17 other minorities, approximately 19.9 percent minority  
18 and the general employment in the work force is about  
19 22 percent minority. We will show those figures here in  
20 a moment, but a lot of the tension has been on the top  
21 managerial position. So that's what I want to talk  
22 about for a second.

23 The number of minorities in the top managerial

1 positions since I've been City Manager has more than  
2 doubled. That's the chart and I apologize for its  
3 location. And it is in our book towards the back. But  
4 on the chart, you can see that more than doubled in the  
5 past two and a half years. The one on the left for  
6 Blacks goes from 7 to 15; Hispanics, 1 to 2; other  
7 minorities, from zero to 1; females, from 3 to 11 in the  
8 top managerial positions. These are the departments,  
9 the commissioners which are head of divisions, and the  
10 assistants to each of those.

11 As you see, the number of females has more  
12 than tripled from 3 to 11 in those top managerial  
13 positions. If you look at the last page, and I don't  
14 think Jim has it on his charts, the second to the last  
15 page in your book, some of these numbers are listed and  
16 I think you'll notice these are in the numbers and the  
17 percentages. So we can say that we have more than  
18 doubled the minorities and top managerial positions. It  
19 also shows that in May of 1986, which is when I started,  
20 that's the starting point, there were 13.8 percent  
21 minorities in top management positions. There are now  
22 23.7 percent in top managerial positions.

23 Since you're on that book, if you back up a

1 couple pages, chart number 3 -- just turn one more page,  
2 you'll come to chart number 3, which will be up on the  
3 screen as well. As you can see, the number of  
4 minorities in top positions is more than representative  
5 of their distribution in Toledo's labor force. For  
6 example, as you see in the top management position,  
7 Blacks are 19.7 versus 15.1 percent in Toledo's  
8 representative work force; Hispanics, 2.46 percent in  
9 top position versus 2.6 percent in the work force. We  
10 do recognize that as to females this is not the case,  
11 but through Affirmative Action Plan, we will work to  
12 address and remedy that deficiency. And as I mentioned  
13 before, the comparison of our entire City of Toledo's  
14 work force to the distribution in Toledo's labor force  
15 shows the same results.

16 Jim, do you have that chart? That's back  
17 several pages in your book, but as you can see on that  
18 chart, this is the total work force. The blue bar  
19 represents the city employees; the whites, blacks,  
20 Hispanics, and females in the total work force. In  
21 terms of blacks, we see 19 percent of the city employees  
22 are black versus 15.1 percent participation in Toledo's  
23 work force. 3 percent of city employees are Hispanic


1 versus 2.6 percent participation in the work force.  
2 Females, 21 percent city employees are female versus  
3 43.2 percent representation in the work force, and we go  
4 on and talk about the substantial changes we have made  
5 in our personnel operations which we call the Human  
6 Resources. The city has improved its processes for  
7 recruiting and hiring, promoting and appointing  
8 employees in many significant respects this year.  
9 Changes in the various union contracts emphasizing  
10 ability over seniority have been negotiated, substantial  
11 changes in our labor contracts, historic changes. The  
12 Human Resources Department has consolidated its testing  
13 and classification staff into something more  
14 functional. We have one of the best human resource  
15 personnel operations of any major city in the State of  
16 Ohio, and I have personal experience in working with the  
17 City of Cincinnati where I was familiar with the Dayton  
18 area and with the City of Cleveland. We have made  
19 substantial improvements in the past couple of years.  
20 Review panels for examinations, job requirements and  
21 educational reimbursement have been formed.  
22 Additionally, numerous new procedures have been adopted  
23 to ensure selection based upon valid and objective

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1 job-related criteria. What we have done is opened up  
2 the personnel system, and these aggressive efforts are  
3 listed in the book and there is a list of about a  
4 dozen. Let me just highlight those. Are they in here?

5 UNIDENTIFIED SPEAKER: Yes. Fourth page.

6 MR. HAWKEY: Listed first couple pages -- I  
7 don't want to go through all of them and take your time,  
8 but let me just highlight a couple. It's about the  
9 third or fourth page in the pink booklet. We have  
10 expanded the recruitment list from 150 to about 300.  
11 Let me skip down to application of eligibility lists and  
12 the process the city weighed to broaden selections.   
13 this has worked well in our Police division selection.  
14 And we have expanded it to our operations which means  
15 that rather than hiring people on a list of the points  
16 scoring on the test, that somebody who gets a 78 is  
17 going to be a better employee than someone who gets a  
18 71, as you know, is not necessarily true. So through  
19 our Human Resources Department create a banding system  
20 that people who finish within a certain band have  
21 eligible for a position. A mechanic has a lot more to  
22 do with the skills, their ability to apply those on the  
23 job, not necessarily whether they finish 78th or 73rd on

1 a test. Skip down. We have introduced structural  
2 interviews and standardized selection process city wide  
3 to try to get to the skills and abilities of the  
4 applicants.

5 Development of a personnel management system  
6 to track the employee movement, where do they come in  
7 the system and where do they go within the system. This  
8 is a fairly new development, so we don't have a lot of  
9 history as to how employees have gone through the system  
10 over the years, but we can do that now. Selection of  
11 provisional appointees on merit, not seniority.

12 One of the significant changes we made in the  
13 1988 collective bargaining agreement. As most systems  
14 have developed, they have been seniority based. The  
15 person that's been there the longer gets the next step  
16 up. That is no longer the case. Let me skip down and  
17 talk about education, training and career and how we  
18 develop the people within city government. Because I'm  
19 pleased with our efforts towards developing of our  
20 employees, and that's what makes us work well as a city  
21 prescribing to increase female and minority occupancy in  
22 top administration positions as was shown on the chart  
23 and make available training and education and other



1 support systems to ensure success. One of the areas we  
2 still need to give attention to is expanding the middle  
3 management opportunities for females and minorities in  
4 the city so they can grow within the system. We want to  
5 fully utilize the talents of all city employees. Within  
6 just the past year, we have taken the following steps:  
7 Provision of sexual harassment training, expansion of  
8 educational reimbursement to police officers and broader  
9 coursework for civilians, formed an educational review  
10 team, a provision on scheduled training for 160  
11 supervisory training committees. Those of you who have  
12 worked in city governments know that to allocate money  
13 to training and personnel development is a tough thing  
14 to do. Are you going to go out and fix streets or are  
15 you going to put money into training people?  
16 Introduction of career path for the new Local 7  
17 contracts to provide promotional opportunity. Adoption  
18 of a standardized analysis format to acquire uniform  
19 knowledge of creation of a Human Resource Development  
20 Section and the Department of Human Resources. Let me  
21 talk about affirmative action. The City of Toledo has  
22 an Affirmative Action Policy. Has had one for some  
23 time. It adopted one in 1976. Unfortunately, I think

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1     shortly thereafter the economic and financial problems  
2     in the city led to massive layoffs of city employees in  
3     the late '70s and early '80s, effectively defeating  
4     those Affirmative Action efforts.

5             Indeed, these cutbacks even forced to a merger  
6     of the City's Affirmative Action and Board of Community  
7     Relations sections. This caused an adjustment of  
8     priorities and a change in the role for that office, the  
9     office of Board of Community Relations and Affirmative  
10    Action, and I recognize certain needs resulting from  
11    these changes and in 1987 initiated some of the  
12    following: City Manager appointed Affirmative Action  
13    task force to develop an updated and expanded  
14    Affirmative Action plan and that comprehensive  
15    Affirmative Action Plan was assembled in February of  
16    1988 which was to effectuate and carry out the 1976  
17    policy. We also initiated some changes to City Council  
18    through City Council to change the ordinance that  
19    governs the roles of Board of Community Relations and to  
20    clarify their monitoring function versus the internal  
21    responsibility. We created a new office of Affirmative  
22    Action and appointed a coordinator, Elaine Griffin, and  
23    we are now completing an expansion of the Affirmative

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1 Action Plan. Looks like this, and as most of them are,  
2 they contain a lot of information. It has not been  
3 submitted to City Council for adoption until we have the  
4 community to include every interested party in its  
5 review and final determination.

6 We have also been working hard to keep city  
7 employees and the general public informed of the City's  
8 Affirmative Action Program and our progress, and we have  
9 undertaken the following steps to publicize and  
10 disseminate a dictionary of city jobs. Publication,  
11 distribution of Affirmative Action newsletter on a  
12 quarterly basis to all city employees in the general  
13 public. We have convened informational meetings for the  
14 benefit of city employees and to provide information  
15 relative to current Affirmative Action issues.  
16 Affirmative Action process and city government job  
17 openings and education tuition programs.

18 We have made the Affirmative Action Plan  
19 available to all departments, divisions and informed  
20 city employees of its provisions, and we have posted  
21 kind of like a flier on all the bulletin boards that  
22 states and summarizes City Manager's policy on  
23 Affirmative Action; and that's been placed on all

1 divisions and departments.

2 And I've quickly gone through the whole series  
3 of activities that I pursued in the past two and a half  
4 years and I believe that these Affirmative Actions steps  
5 will keep us in force to ensure equality. We are  
6 committed to that policy. We will continue in these  
7 efforts. Affirmative Action will work. May I answer  
8 questions?

9 MR. PROCK: Martin Plax?

10 MR. PLAX: Mr. Hawkey, I have a couple of  
11 questions, and I guess I would like to ask you, this is  
12 an impressive outline here. Given the changes you seem  
13 to have been making here, what's the conflict about? It  
14 seems to me and I guess from your point of view, I mean,  
15 because my question is if all these things are in place,  
16 I'm not challenging that, I'm specifically asking for  
17 your perception of the conflict.

18 For example, I mean there was a question, I  
19 think, when the issue was first brought to our attention  
20 about there was a conspiracy charge against the  
21 administration, the newspaper. And so part of my  
22 question is, what do you see the conflict about? And  
23 the other is -- the other question has to do with what

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1 seems to be the conflict between the Board of Community  
2 Relations and the Office of Affirmative Action that you  
3 have established? Has there been any any effort to try  
4 to mediate that conflict? Because it seems to me there  
5 may be two sources of power here in the city regarding  
6 race relations. I was wondering if you could comment as  
7 to how that's been handled.

8 MR. HAWKEY: Let me deal with the first one  
9 about what is this all about. And I'll ask you that  
10 question tomorrow after your hearing's over, but you can  
11 tell me. But I think in part there is a lag time  
12 between past perceptions of city and current actions of  
13 the city, and that requires us to reach out and  
14 communicate better about the efforts that we are making  
15 to open up city government because we are doing that.  
16 And we have had considerable success at doing that. At  
17 the same time, I'm reluctant to publicize it too much.

18 Every time I here a Black or an Hispanic or  
19 promote a Black or Hispanic, I do not hold a news  
20 conference and say, look here, this is my Black that I  
21 just promoted. I promote people based on their skills  
22 and their ability to do the job. So the numbers that  
23 you see represent competence, not just companies, and

1 examines and not just patronizing.

2 It does require more outreach into the  
3 community and inclusion and understanding as to what we  
4 are accomplishing. I was able to work with the NAACP  
5 which I assigned with some adverse consequence to that.  
6 Some people didn't like that idea, but it was one effort  
7 I tried to undertake, demonstrate that I was sincere  
8 about all this. And I'm the first to admit that there  
9 is more to do and that we are reaching out to try to do  
10 more. And come back in a couple years, and hopefully  
11 I'll even have better news for you.

12 In terms of the relationship between the Board  
13 of Community Relations and the Affirmative Action Office  
14 under the City Manager, it really started off real early  
15 on when the Affirmative Action was raised to me back in  
16 19 -- late 1986, early 1987, and I recognize at the same  
17 time there was a separate agency that I wasn't  
18 responsible for who had the jurisdiction for Affirmative  
19 Action Plan and Affirmative Action monitor, and yet I  
20 was being criticized. And yet, I'm saying if you're  
21 going to criticize me for this, I want to take charge of  
22 it. So that was the reason for the initiative to bring  
23 Affirmative Action into the City Manager. I think there

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1 is a need for strengthening of the Board of Community  
2 Relations, and they will -- for example, I had  
3 considerable experience with a similar organization in  
4 Cincinnati. They have a very effective role with an  
5 independent agenda by asserting leadership in the  
6 community. That's what I anticipate will happen here.  
7 Their role will be more focused on community relations,  
8 and they will also hold me accountable for international  
9 Affirmative Action.

10 MR. PROCK: Mr. Baumann?

11 MR. BAUMANN: I gather that part of the  
12 problem has to do with the dismissal of some officials  
13 and the question was whether that was justified or not,  
14 and we saw some newspaper accounts which suggested that  
15 the media -- the immediate occasion for that was  
16 problems with a housing program, HUD in Columbus, and  
17 that program had to be reviewed and defaulted.

18 MR. HAWKEY: It was grossly mismanaged.

19 MR. BAUMANN: It was grossly mismanaged, but  
20 at the same time we saw some quoting of some official  
21 that says yes, that was an overreaction, and I wonder  
22 whether you would address yourself to that specific  
23 situation so we would understand your point of view.

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1 because they are good and they have the skills they can  
2 perform. And they do work in the administration. They  
3 do that based on their skills and their act to carry out  
4 those programs.

5 I could go into the whole incident at length.  
6 There is considerable documentation. I don't know if  
7 Ms. Robinson has all the investigation reports, but  
8 there is in my mind, in the minds of most people, that  
9 are familiar with the issue more than adequate  
10 documentation to support that action.

11 MR. PROCK: Mr. Battle?

12 MR. BATTLE: No questions.

13 MR. PROCK: Ms. Rodemeyer?

14 MS. RODEMEYER: Do you have any conflict with  
15 your collective bargaining?

16 MR. HAWKEY: As I addressed, we have made some  
17 historic and significant changes in our collective  
18 bargaining agreements to allow for more openness in the  
19 system, to allow for people to climb through the  
20 organization based on merit, not just based on  
21 seniority. That was a significant thing that, in fact,  
22 allows for more participation throughout the  
23 organization. I should say that our relationship with

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1 the labor union -- even though there is tension over the  
2 issue of seniority, the labor unions have been, by and  
3 large, enlightened and cooperative in pursuing this goal  
4 of Affirmative Action. So I don't have a major  
5 difficulty in that department.

6 MR. PROCK: Ms. Ortega?

7 MS. ORTEGA: Yes, I have some questions.  
8 About the Affirmative Action plan that's going -- that's  
9 being proposed, that's being worked on now, are there  
10 any measurable time frames there for employment? I'm  
11 thinking in terms of Hispanic employees, increasing the  
12 numbers of Hispanic employees within the city work  
13 force. The actual goals and timetables for each  
14 department are yet to be completed, and that's the one  
15 element that takes some months to finalize. The  
16 Affirmative Action Plan will be submitted without those  
17 specifics except in terms of the analysis that has  
18 already occurred that shows where deficiencies do  
19 exist.

20 MS. <sup>Orlowski</sup>RODEMEYER: I'm thinking in terms of the 2  
21 or 3 percent of the work force that's Hispanic, and that  
22 includes the figures for the protective services which  
23 is fire and police.

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1 MR. HAWKEY: That's correct.

2 MS. <sup>Article</sup>RODEMEYER: And so out of those 80 some  
3 employees, 40 would be concentrated in those two  
4 divisions, and then the other would be scattered  
5 throughout the general work force?

6 MR. HAWKEY: I think that's correct. I would  
7 have to look at the numbers to verify that.

8 MS. <sup>Article</sup>RODEMEYER: I'm just wondering what  
9 efforts will be taken to show more parity there with  
10 respect to Hispanics and employment. Will it be  
11 specifically addressed in the Affirmative Action Plan  
12 that will go to Council?

13 MR. HAWKEY: It will be specifically addressed  
14 and I believe one of the benefits from our actions to  
15 develop the Affirmative Action Plan as well as to  
16 confront the issues of minority participation in the  
17 city's work force has been a stronger relationship  
18 starting to build with the Hispanic community; and  
19 hopefully some of those relationships, some of the  
20 contacts that we are starting to create are going to pay  
21 off. As far as I'm aware, it's really the first time  
22 that that opening has happened where we are developing  
23 that dialogue and making the Hispanic community aware of

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1 our willingness to communicate.

2 MR. PROCK: Mr. Leventhal?

3 MR. LEVENTHAL: Mr. Hawkey, you and the Mayor  
4 referred constantly to the Board of Community Relations,  
5 and I would hope you -- although you could explain the  
6 role to a certain extent, I would like a little bit of  
7 clarification. I have several questions. I'll come  
8 back and repeat them one by one.

9 First, who does it consist of? How many  
10 people are on this board? Secondly, who appoints them;  
11 and third, have they met with those and perceived that  
12 those problems exist?

13 So then if I may repeat the first question,  
14 who does it consist of and how many people are on this  
15 board?

16 MR. HAWKEY: The Board of Community Relations  
17 is established through an ordinance of City Council  
18 Chapter 159 that sets it up as an Advisory Committee to  
19 the Mayor and members of City Council. City Manager has  
20 no direct authority or administrative oversight of the  
21 Board Community Relations. It's central through the  
22 director of administration of the board, I believe has  
23 seven members all appointed by the Mayor and members of

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1 the City Council.

2 MR. LEVENTHAL: And the last question. Have  
3 they met with those who perceived that some of these  
4 problems exist?

5 MR. HAWKEY: As far as I'm aware, yes, they  
6 have. They have had both private meetings as well as  
7 possible forums to invite members of the community to  
8 express their concerns about community relations.

9 MR. LEVENTHAL: Thank you.

10 MR. PROCK: Ms. Spencer?

11 MS. SPENCER: Mr. Hawkey, I served the City of  
12 Cincinnati as Deputy City Manager.

13 MR. HAWKEY: Yes, ma'am.

14 MS. SPENCER: You serve under a very able  
15 black manager, as I recall. When you fired the  
16 gentleman in the housing conflict, you replaced him with  
17 yet another black man; am I right?

18 MR. HAWKEY: That's correct.

19 MS. SPENCER: These are things which I think  
20 the record should show and I am concerned about the  
21 continuing or if there is a continuing litigation  
22 relative to the charges that have been filed against the  
23 city by citizens.

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1           MR. HAWKEY: Well, there are a couple of sui  
2 that have been filed which, in fact, probably will  
3 restrain Mr. Liggins who will be talking to you later  
4 today, I believe. It would be preferable, of course, to  
5 have all those issues resolved as part of the community  
6 resolution; and yet, because of the structure of our  
7 legal system, that may not be possible. It's hard to  
8 predict. Nonetheless, we are confident of our position,  
9 the actions we have taken, and I think they were in the  
10 best interest of the community.

11           MS. SPENCER: Thank you.

12           MR. PROCK: Thank you for your time,  
13 Mr. Hawkey.

14           MR. HAWKEY: Thank you very much.

15           MR. PROCK: Moving ahead on our agenda, we  
16 will be asking if Mr. Leroy Williams, President of the  
17 NAACP, is present, if he would come to the podium and  
18 also Chester Chambers, if he is present, if he would  
19 come up to the front table.

20           I would like to reiterate some of my opening  
21 remarks, that we have a full schedule in the next day  
22 and a half and we are trying to adhere to a time  
23 schedule. So far we are pretty close in time schedule.

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1 I have had a few notes that some of our speakers are  
2 unable to make it. So it seems we can stay within that  
3 time frame. I would also like to remind everyone in the  
4 audience as far as defaming or degrading any person or  
5 organization, that there is an opportunity for most  
6 persons or organizations to respond during our opening  
7 session or be included in the record. And as I said  
8 earlier, the record will close January 2, 1989.

9 Are presenters here or speakers?

10 MR. WILLIAMS: I'm here. I've got to wait for  
11 my leg to get some circulation in it.

12 MR. PROCK: Mr. Williams, if you care to sit.

13 MR. WILLIAMS: No. I think I better stand.  
14 I'm sitting too long. I would like to thank the  
15 Commission for the opportunity to speak to you today.  
16 My name is Leroy Williams. I reside in the City of  
17 Toledo at 2337 Franklin Avenue. I am the President of  
18 the local NAACP in this community. In addition to that,  
19 I serve on the Committee of 100. I serve with the  
20 Regional Transit Authority, and I'm also probably one of  
21 the individuals that's been characterized in the media  
22 lately as one of the hostile elements in the community.  
23 I'm going to try to dispel that myth or that innuendo

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1 today.

2 As a citizen in this community, I think it is  
3 a responsibility of all community leaders and I consider  
4 leaders of the black community to be equitable community  
5 leaders as well as other community leaders in this  
6 community that we need to work forthrightly to try to  
7 make the community a place where all of the resources  
8 that are available through the demography that we have  
9 of the city that represents almost one in four faces in  
10 this community being black and brown that everyone has  
11 full participation in the area of governance and  
12 prosperity. After listening to our Mayor and our City  
13 Manager, you would wonder why we are here because of a  
14 of the fine plans that they have put together and all of  
15 their program notifications about how things will be,  
16 but I assure you that members of the <sup>black</sup> ~~black~~ community and  
17 its leadership have not raised all this for nothing.  
18 You might ask why now. I think that these things just  
19 didn't happen overnight. These situations have begun to  
20 fester for some time in this community. Mr. Hawkey came  
21 to this community and I will say his initial action with  
22 the resolution of racial violence in the south Toledo  
23 area, I thought, was very favorable and spoke well of

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1 his character and his sensitivity back in '86. I think  
2 he and city administration far more than anyone else,  
3 particularly our members of Council, showed real  
4 leadership in trying to resolve that action and also  
5 trying to work with the police department, myself and  
6 other leaders in the community to resolve a very  
7 volatile situation of an assault of a black man in one  
8 of our city parks. He showed good leadership there.  
9 Unfortunately, I have to say that he didn't get the kind  
10 of support from City Council after that. I think he  
11 perhaps was a bit intimidated by his employers or the  
12 members of City Council, and I found in conversations,  
13 mainly private conversations, that I had with him and  
14 many formal conversations that I began to see him with  
15 some indifference of who did he actually serve, the  
16 people of this community or the people including the  
17 Mayor, that made this community from the legislative  
18 point of view. And I don't believe that he got very  
19 good direction from them, and media counts would  
20 indicate that one of the largest problems that we have  
21 in this community is the overt racially insensitive  
22 remarks made on the council floor, mainly by one  
23 councilman Max Reddish.

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1           Now, you might say that, I'm sure the Mayor  
2 would say, the management would say the remarks made by  
3 Max Reddish do not identify with every member of  
4 Council. However, we always believe that silence lends  
5 consent to that type of rhetoric, and until this date, I  
6 have only known of one councilperson who is no longer on  
7 Council and that is Councilman Yantz that was  
8 appointed. I believe that was the first part of '87.  
9 Everybody challenged him on the Council floor, so if you  
10 don't speak against racial indifference and  
11 insensitivity, then your silence condones it.

12           The Mayor is here, the manager is here. I'm  
13 saying these things in front of them so they have an  
14 opportunity to repudiate them in the press if they do or  
15 have challenged those remarks before the public because  
16 those utterances were given in the public. You would  
17 ask what does that have to do with the problem that we  
18 have. Well, what we found throughout our NAACP network  
19 that represents 2,200 chapters of adult, college and  
20 youth branches that whatever government does well or  
21 does poorly is also the community and the citizens  
22 reflects that. And I would say now at this particular  
23 time the city government and its elected leaders have

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1 performed poorly as it relates to racial relations.  
2 That's why you are here, for no other reason. I would  
3 say, like in welcoming you to this town, it's not really  
4 good to sort of admonish your guests; but since we are  
5 on the record, I think one of the problems that we have  
6 had is the U.S. Civil Rights Commission over the last  
7 eight years has not been the sort of advocate that it  
8 should be; and I hope under the new president-elect, I  
9 hope that would change. So just consider that a  
10 challenge, not discrimination.

11 I am one of the individuals that was arrested  
12 during the demonstration, so I don't have to talk  
13 secondhanded about that. That consisted of several  
14 members of the ministerial community, both black and  
15 white and the NAACP which I represent. You would wonder  
16 why a level of frustration got to the point where  
17 citizens would demonstrate their frustration publicly by  
18 taking over Council seats. It was not a popular  
19 decision and it was not a calculated organized decision  
20 by Mr. Culp or any one individual in that group but  
21 cautiousness among myself and the leaders of two black  
22 ministerial groups and also a white minister involved,  
23 the interracial religious group was that we just were

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1 not being heard. We were not being heard with equities  
2 at the table, privately behind doors, and with the kind  
3 of respect that's shown to the business community, the  
4 kind of respect that's shown to other leaders of this  
5 community. We are not being shown to members of the  
6 black and Hispanic community, so we had no choice but to  
7 bring this to the forefront by doing something very  
8 dramatic in a demonstration form.

9 As far as how that was going to happen, I as  
10 one did not know exactly what would transpire in Council  
11 that particular day. Had the cautiousness of the Mayor  
12 to Council been to agree to some public hearing or to  
13 air these allegations in a public form which later  
14 happened, both through the BCR, the Ohio Civil Rights  
15 Commission and a public hearing that Councilman Jack  
16 Ford put together, I think that the demonstration could  
17 have resulted and ended with no one being arrested. I  
18 don't know who was responsible for making the decision  
19 of the arrest. I imagine that's attributable to Mayor  
20 Owens. That's what I've heard. I don't know. I have  
21 not heard very much from her since that particular  
22 incident happened, and I assure you my phone hasn't  
23 changed. And you don't have to be fearful of some

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1 adversarial situation. I have not changed. I'm the  
2 same person that talked to you before that incident  
3 happened, and I'm prepared to do so as it relates to the  
4 Fair Share Agreement that the Manager mentioned. After  
5 October of 1986, <sup>DAN</sup> ~~Dan~~ Scotland, who was the appointed  
6 ~~white~~ <sup>black</sup> Councilman, he felt that the Manager was not  
7 keeping his promise as it related to having an  
8 Affirmative Action Plan put together and the timetables  
9 were very frustrating to him. So I had called on him  
10 for that investigation and he had, before council, sort  
11 of moved that timetable up with the dates, which I  
12 believe resulted in the formation of the task force and  
13 also the assignment to the BCR, which resulted in two  
14 plans or outlines for plans.

15 At that point, we felt it was necessary in  
16 February of 1988, we authored a letter to the City  
17 Manager requesting an audience to discuss NAACP's  
18 Operation Fair Share with the city.

19 What that involves is employment  
20 opportunities, particularly upward mobility,  
21 opportunities from contractors and vendors, appointment  
22 to boards and commission. We didn't direct that to the  
23 City Council. We directed that to the Manager because

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1 we felt that he, if no other person in this city, was  
2 responsible for the hiring and the firing and also the  
3 dispensing of quite a bit of moneys that go to outside  
4 contractors.

5 In addition to that, he did have some  
6 appointment abilities through his position as City  
7 Manager and certainly as the Chief Executive Officer of  
8 the city, he had the ability to influence other  
9 appointments to boards and commission in this city.

10 I will say that Mr. Hawkey was not -- was  
11 receptive to us meeting about this Fair Share  
12 Agreement. Now, we didn't do this without first going  
13 through the two Affirmative Action outlines that were  
14 put together by the Board of Community Relations and the  
15 Manager's task force, and we found deficiencies in  
16 several areas; some the plan commission, some the legal  
17 department, some data processing, some the health  
18 department and some others. I can provide you other  
19 information on hand.

20 There is -- we were able to successfully get  
21 that agreement signed on June 8, 1988, because we felt  
22 it was much more important to have signature of the  
23 manager in addition to his moral commitment to

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1 Affirmative Action. We will continue to monitor and  
2 work with him on that program.

3 As a matter of fact, I intend to be contacting  
4 his office very soon for an update which we try to do  
5 quarterly or every six months.

6 As far as the role of the Committee of 100, as  
7 a member, I'll update the Mayor and those of you here  
8 that the Committee of 100 has taken a role in trying to  
9 do some resolution of these particular activities. I  
10 don't know the results of what their Executive Committee  
11 did on December, the 5th, but they did receive from me  
12 communication regarding some of the concerns of the  
13 black community that need to be addressed.

14 I would say one of the problems that's been  
15 very amazing to me, everyone says what does black --  
16 what does the Hispanic community want? That's the  
17 question. And what are some of the issues? And it  
18 seems to be a very complex and complicated issue as to  
19 what we are asking for and, in my personal opinion, is  
20 not -- it may be complex, it may be comprehensive that  
21 you actually have to take to resolve some of those  
22 issues, but the real issue of what we want is what each  
23 citizen in this community is entitled to and that is

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1 full opportunity and access as it relates to governanc  
2 as it relates to the prosperity of this city, and that  
3 has not been the case.

4 Mr. Hawkey, yes, he has been under quite a bit  
5 of scrutiny. I'm sure his family has suffered. I don't  
6 know about calling him a racist. He will have to  
7 attribute that to whoever did it. I don't think that's  
8 an appropriate term when you're referring to Phil  
9 Hawkey. I think that he as a City Manager in a city of  
10 this size will grow given the opportunity if he becomes  
11 a better listener. We have said these things to each  
12 other personally, so this is not a surprise to him.  
13 Being right sometimes is not always the right situati  
14 to work out a problem of the magnitude that we have  
15 here.

16 The demonstration by the ministers and myself  
17 did not center specifically around the forming and the  
18 emotion, the work and the lateral transfer and, of  
19 course, retirement of another individual. It was much  
20 more than that. The media is just as guilty as the City  
21 Administration in portraying the wrong reasons for that  
22 demonstration. There were many reasons for it. The  
23 main reason for it was that we wanted to say no longer

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1 would we deal with second-class citizens, no longer  
2 would we not be considered relevant substantial leaders  
3 of this community from this date forth. So I'll answer  
4 any questions that you might have at this time.

5 MR. PROCK: Dr. Martin Plax?

6 MR. PLAX: Mr. Williams, maybe I'm hearing you  
7 wrong, but it sounds to me that given a whole range of  
8 experiences, your relations with Mr. Hawkey are fairly  
9 reasonable; am I correct?

10 MR. WILLIAMS: Well, I look at it this way.  
11 Mr. Hawkey is a City Manager and that will be the  
12 situation for some time to come. Regardless of  
13 disagreements, I must force myself to work with him and  
14 work with him in a coactive, objective way. That is the  
15 nature of the way I do it. I would challenge him when I  
16 feel that there is a reason for confronting him.

17 MR. PLAX: The reason I raised the question,  
18 it sounds to me that the large portion of your  
19 complaints seem to be with Council. Now, I guess the  
20 question I'm asking, since I end up doing a lot of  
21 mediation back home, is there anything that the  
22 leadership of the black community could do to help  
23 Mr. Hawkey's relationship with Council?



1           MR. WILLIAMS: The best thing we could do is  
2 rid ourselves of the current members of council and I  
3 think the way to do that would be to have a more  
4 accessible form of government. One of the things that  
5 required involvement in this community and City Council  
6 continues to perpetuate it is the fact that we have an  
7 at-large Council which indicates that we don't have real  
8 representation for Hispanics and minorities. Say what  
9 you want to about having one councilperson. People are  
10 sophisticated enough to know that if you have token or  
11 underrepresentation on council, that just keeps you out  
12 of court. That's not the case this time because I think  
13 one of the ways that we are pursuing this is to try to  
14 challenge our system in the courts, but it really  
15 doesn't have to be done that way.

16           That would be the best way that we could help  
17 have more objective councilpersons on Council because if  
18 there was a black and Hispanic or two blacks on, you  
19 know, some of the controversy that you see now would  
20 have been resolved rather than just a token position;  
21 and in itself, we as voters can't really get the kind of  
22 representation from one black councilperson that --  
23 three quarters of their votes come from the majority of

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1 the community.

2 MR. PROCK: Mr. Baumann?

3 MR. BAUMANN: Mr. Williams, if I hear you  
4 right, you're saying one of the previous speakers, that  
5 a large part of the problem was communication. What I'm  
6 asking you --

7 MR. WILLIAMS: All of it was communication.

8 MR. BAUMANN: Let me ask you then, do you  
9 sense that the demonstration was kind of the event that  
10 started that process of communication improving; and  
11 secondly, are there specific things and events,  
12 institutions, processes that you would recommend to  
13 improve that process of communication now?

14 MR. WILLIAMS: Unfortunately, the  
15 demonstration did bring a lot of communication with  
16 outside agencies, brought it to the forefront, brought  
17 your commission in, brought the Ohio Civil Rights  
18 Commission in, ultimately gave community support for the  
19 Board of Community Relations, have community forums; but  
20 the communication as far as my involvement and what I  
21 know about other leaders in the community after the  
22 demonstration didn't get better, it got worse.

23 The access -- I still have access to the

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1 Manager's office. I won't say that I won't; however,  
2 the air of suspicion has not allowed it to have real  
3 good communications. There's been a lot of work from  
4 different residual organizations, Chamber of Commerce,  
5 Committee of 100 and other leaders in the community to  
6 try to bring about a forum to do that. Government has  
7 got to be in the forefront of that, and I don't really  
8 think that they are now.

9 Mayor Owens, City Manager Hawkey should be  
10 calling for this sort of equitable forum too in public,  
11 and I don't know that that's being done at this  
12 particular point.

13 There are individuals in our community that  
14 are very good at arbitrating and being facilitators of  
15 these type of forums. Yes, it does need to be done  
16 sometimes out of the scrutiny of the media; however, I  
17 think the media has to inform the public so there should  
18 be a way to give some sort of conclusions of these  
19 forums to the media so they can disseminate that through  
20 the press, both the written and the visual media. But  
21 that has not taken place at this time and we desperately  
22 need that because the situation last summer was so  
23 volatile because of the arrest, because of other things

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1 resulting around it, had there been some radical element  
2 in the community, black or white, like there was in  
3 south Toledo, we would not only have had all this  
4 controversy about firing, about hiring; we would have  
5 had real violence to deal with. And that is the reason  
6 that I did all the scurrying around town and even  
7 jeopardized my job in order to try to get some things  
8 resolved because I didn't want to see that happen  
9 because the people who keep the lid on, so to speak, in  
10 the black community are the same people that were  
11 arrested. The same people that called for peace and  
12 reasonable actions and peaceful demonstration are the  
13 black ministers and the leaders of the community,  
14 organizations like the NAACP. So if you shun the advice  
15 of those who are the consciousness, particularly of the  
16 minority community, whom do you go to?

17 MR. PROCK: Mr. Battle?

18 MR. BATTLE: Mr. Williams, you mentioned a  
19 rather recent success that you've had which would  
20 indicate to me that perhaps things have been a little  
21 more harmonious with the city administration, and that  
22 was the signing in June of '88 of the Fair Share  
23 Agreement. Now, I'm somewhat familiar with other Fair

1 Share Agreements between City Administration and the  
2 local urban league, so -- or the local NAACP, so I would  
3 tend to say that it was not without some negotiating  
4 skills that you or or your counterparts in your  
5 organization had in effecting this particular  
6 agreement. What I would like to know is, are you  
7 encouraged at this point about the specific provisions  
8 of the Fair Share Agreement? And you stated that you  
9 were monitoring them. And in your estimation, does that  
10 give you some hope that there is a solution that is  
11 there in the short term to some of the visions that  
12 you've spoken of here briefly with us this morning?

13 MR. WILLIAMS: Well, one of the things, as a  
14 signer of that agreement, the responsibility that I have  
15 to the membership and to the national association goes  
16 beyond the local branch, tying that in -- my record of  
17 accomplishment is tied into that, so I have to make it a  
18 success. Whether I get the kind of cooperation out of  
19 the City Manager that I feel is appropriate or not, I'm  
20 going to have to apply the pressure to get that. So I  
21 take it as a personal challenge that I have to make it  
22 successful. I think that the City Manager has made some  
23 successes, that there's been some recycling of people to

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1 fill some positions that have been vacated by firings  
2 and promotions, et cetera. I think it's time to make  
3 some of those appointments permanent and not in that  
4 acting interim, so we really know what kind -- if the 22  
5 percent is real or not. It's under duress, but duress  
6 is a tool of the Fair Share Agreement.

7 MR. PROCK: Ms. Rodemeyer?

8 MS. RODEMEYER: Could you expand a little on  
9 your -- everybody has mentioned the media as sort of  
10 being a player and in not reporting. Would you expand  
11 on your ideas of this?

12 MR. WILLIAMS: Well, I think when we talk  
13 about this forum that the media has to be included in  
14 it. Members of the black community put a forum together  
15 with the Blade agreement. Donald Miller and several  
16 others in the community forum that we have were able to  
17 come together with what we felt was the biggest culprit  
18 in trying to resolve some of the perceptions in the  
19 media of this total adversarial situation between city  
20 government and the black community in particular. We  
21 brought them together and tried to get them to work in a  
22 more constructive manner and to report not only  
23 negatives but positives and to editorialize solutions.

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1 They had a vested interest in trying to change the form  
2 of government. That didn't allow them to be as  
3 objective as they should have been, and that's an  
4 indictment against them and I stand on on that record.  
5 However, I believe that since that issue is on hold  
6 right now, they can come together and sort of project a  
7 better image of cooperation and try to promote in our  
8 community say, for instance, profiles of black community  
9 leaders to show that we are diverse, that we have  
10 skills, that we make meaningful contributions not only  
11 in community but to this country and perhaps even give  
12 the next generation of youngsters coming up a better  
13 view that leaders of the NAACP and the ministers -- we  
14 are not so parochial in our interest. We are interested  
15 in the same things that everyone else is interested in,  
16 so they have to be included in a part of that process  
17 because sometimes what sells newspapers and what sells  
18 time on the news sometimes is not very positive. You  
19 know, when you look at Morton Downey, that's the biggest  
20 nonsense that goes on, but it's got a high rating. And  
21 that's all controversy and all foolishness, but that's  
22 the way it is. And so we have got to try to turn that  
23 around. The citizens and, I think, the manager, if

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1 nothing else, he would be willing to work with me on  
2 trying to change the dealings with the local media.  
3 Wouldn't you, Phil?

4 MR. HAWKEY: Yes.

5 MR. PROCK: Ms. Ortega?

6 MS. ORTEGA: No questions.

7 MR. PROCK: Mr. Leventhal?

8 MR. LEVENTHAL: No questions.

9 MR. PROCK: Ms. Spencer?

10 MS. SPENCER: I am impressed with  
11 Mr. Williams' presentation. I think it's -- I'm also  
12 feeling very strongly your indictment of the Commission  
13 in a sense. The last eight years in civil rights in  
14 this country have not been that easy under which to  
15 function. You though survived a challenge to your own  
16 leadership recently, as I understand it, a local  
17 challenge. How long have you been in a role as a  
18 President of the NAACP?

19 MR. WILLIAMS: This is my second term. Four  
20 years. And hopefully next Tuesday it will be going into  
21 six years.

22 MS. SPENCER: I hear you saying that one of  
23 the problems in the city is the manner in which

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1 councilpersons are selected at large is under challenge  
2 around the country as a method of determining elective  
3 leadership. Are you actually in court on this issue at  
4 this point?

5 MR. WILLIAMS: We expect to be given  
6 permission by the national office because the local  
7 branch doesn't do the litigation. It is done with a  
8 team from the national office with the assistance of one  
9 of our local attorneys. We have gotten a final  
10 questionnaire to fill out, and I understand that is near  
11 completion. The only thing we need to do is give some  
12 statistical figures about the lack of success of black  
13 and Hispanic candidates. I look for it in probably  
14 three to four weeks to have permission to go into  
15 Federal court, which they will send a representative  
16 from our Baltimore office to file the suit.

17 MS. SPENCER: Toledo once had proportionate  
18 representation as a method of suggesting its Council  
19 members, I believe, and you now are looking at another  
20 system districting or a combination of district.

21 MR. WILLIAMS: Probably a combination would be  
22 best.

23 MS. SPENCER: Or probably PR. What I hear you

1 saying is that your councilpersons who represent the  
2 community as a whole are not as aware as they should be  
3 of the constituency of the city and that is a major  
4 problem in many urban centers. The concern that I have  
5 is that as you look to change the system, hopefully you  
6 look for the best, which I think is PR, and that's  
7 personal opinion. Thank you.

8 MR. PROCK: Thank you, Mr. Williams. Is  
9 Chester Chambers present?

10 MR. CHAMBERS: I have nine copies of my  
11 material and additional copies.

12 Distinguished committee members and guests,  
13 I'm Chester Chambers, Coordinator of Metropolitan  
14 Ministries for the Toledo District United Methodist  
15 Church and a part-time staff person with Toledo  
16 Metropolitan Mission, the ecumenical social action arm  
17 of seven Christian denominations in Toledo. Toledo  
18 Metropolitan Mission is one of several religious bodies  
19 which formed the Interracial Religious Coalition in the  
20 summer of 1986 following several incidents of racial  
21 violence in the city. I will be referring in this  
22 presentation to official statements adopted by the Board  
23 of Directors of Toledo Metropolitan Mission and by the

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1 membership of the Interracial Religious Coalition, so  
2 of which are attached as appendices to my comments  
3 here.

4           These statements all grew out of a series of  
5 incidents which began on June 6, 1988, when three black  
6 employees of the City's Department of Community  
7 Development were relieved from their positions with  
8 pay. This followed a letter from the Manager of the  
9 Columbus HUD Field Office dated June 3 in which he  
10 referred to "the lack of satisfactory resolution by the  
11 City of Toledo of several findings related to the City's  
12 Housing Rehabilitation, Homeownership Programs, and the  
13 Small Business Assistance Corporation." On June 28,  
14 number of black clergy plus the president of the Toledo  
15 Chapter of the NAACP and one white clergy (the  
16 chairperson of the Board of Directors of Toledo  
17 Metropolitan Mission), feeling that their concerns about  
18 the suspension of these three men had not been given a  
19 fair hearing by the Mayor and the City Manager, occupied  
20 the seats of the Mayor and members of City Council in an  
21 attempt to get a hearing on their concerns by Council.  
22 When the Mayor refused to discuss their concerns and  
23 they refused to leave, they were arrested.

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1           On June 30 the Intervention Team named by the  
2 City Manager issued a Preliminary Status Report on the  
3 Community Development Investigation which the City  
4 Manager used as justification to fire Bernard Culp. On  
5 September 7 the City Manager released another report on  
6 which I will comment later. I want to draw out of these  
7 incidents five conclusions which I allege, and I am  
8 speaking here personally, demonstrate racist actions by  
9 the City of Toledo. The motivations behind these  
10 actions may or may not have been overtly racist, but the  
11 effect certainly has been, and relationships between the  
12 City and the black community are greatly strained.

13           First, the City demonstrated unequal treatment  
14 in removing these three black employees from their  
15 positions June 6. Attachment A is one of two  
16 resolutions adopted by the membership of the Interracial  
17 Religious Coalition June 22. It pointed out that it has  
18 not been the practice of the city to suspend employees  
19 during investigations, and called for the immediate  
20 reinstatement of Bernard Culp, Ed Sherman and Amos Clay  
21 so that they could assist in responding to monitoring  
22 concerns raised by the HUD Field Office in Columbus,  
23 Ohio. This resolution cited six previous incidents in

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1     which there were various kinds of problems within the  
2     city administration, and noted that in none of these  
3     cases, all of which involved white administrators, were  
4     supervisors removed while the investigation was  
5     proceeding.

6             Second, these three black employees,  
7     especially Bernard Culp, and black community leaders who  
8     supported them, were repeatedly held up to public  
9     ridicule by the City Administration, while white  
10    employees and white community leaders have been  
11    consistently protected from bad publicity. In the month  
12    of May the Toledo Blade ran stories alleging  
13    inappropriate transactions in the Small Business  
14    Assistance Corporation running to hundreds of thousands  
15    of dollars. The Board of Directors of SBAC included  
16    prominent businessmen, the Mayor, members of City  
17    Council and a white city administrator. The City  
18    deplored this bad publicity, and it must have seemed  
19    providential when the City Manager broke the story  
20    June 6 about alleged mismanagement in the Department of  
21    Community Development, for the media focused on that  
22    from then on and SBAC was forgotten. It appears that a  
23    double standard was followed by the City.

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1            Attachment B is another resolution adopted by  
2            the membership of the Interracial Religious Coalition  
3            June 22, and subsequently endorsed by the Board of  
4            Directors of Toledo Metropolitan Mission. It calls for  
5            an investigation of the City's use of Urban Development  
6            Action Grants (UDAG's), and for the City's use of the  
7            proceeds from the sale of land purchased with Urban  
8            Renewal and Community Development Block Grant funds.  
9            The City Manager promised in July that this material  
10           would be made available to Advocates for Basic Legal  
11           Equality as requested, but it is now December and  
12           nothing has been forthcoming. Toledo Metropolitan  
13           Mission has twice asked members of City Council to  
14           direct the City Administration to produce the material,  
15           but nothing has happened. Is it because the material  
16           might be damaging to white administrators and white  
17           community leaders?

18                    On March 2, 1988, the HUD Regional Inspector  
19                    General for Audit Region V issued a review of the use of  
20                    the Webstrand UDAG earlier received by the City of  
21                    Toledo in which he says that "approximately one-half of  
22                    HUD's \$10 million UDAG Grant had not been applied as  
23                    specified in the Grant Agreement with the City of

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1 Toledo." He noted that the HUD Columbus office  
2 determined that the actions of the Toledo Economic  
3 Development Corporation (TEDC) represented only a  
4 "technical violation" and that no corrective action was  
5 needed. However, he said, "information developed during  
6 our review indicated that the TEDC's actions were more  
7 than a technical violation and the HUD should require  
8 the City to take corrective action. We further believe  
9 that unless corrective action is taken, the integrity of  
10 the UDAG Program and the credibility of the City of  
11 Toledo could be adversely affected."

12 So far as we are aware, these findings of the  
13 HUD Inspector General's office were never reported in  
14 the media. Though HUD stated that the City was  
15 responsible for monitoring the UDAG, and though the  
16 amount in question here was much more than the size of  
17 the Housing Rehabilitation and Homeownership Programs,  
18 the white employee of the Department of Community  
19 Development responsible for UDAG's has never been held  
20 up to public ridicule by the City Administration. To  
21 subject this to the kind of public scrutiny given to the  
22 Housing Rehabilitation and Homeownership Programs might  
23 lead to embarrassment of Trustcorp, the City's most

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1 prominent financial institution, and the prominent  
2 people who serve on the Toledo Economic Planning  
3 Corporation. The City Administration has no qualms  
4 about repeatedly attacking black leadership in the  
5 media, but has been very protective of white leadership  
6 involved in the SBAC and UDAG programs.

7 Third, there are far too few minorities in  
8 upper levels of city government. City Manager Philip  
9 Hawkey was invited to speak to the Board of Directors of  
10 Toledo Metropolitan Mission on July 6 about the  
11 Community Development controversy and its racial  
12 overtones. At that meeting Mr. Hawkey stated that the  
13 number of blacks in "upper administrative levels" of  
14 city government had doubled since he had been hired.  
15 The TMM Board did not feel that this was an accurate  
16 statement and therefore requested documentation to  
17 support this claim. The four pages labeled Attachment C  
18 are what Mr. Hawkey sent to us.

19 In analyzing the information provided we found  
20 Mr. Hawkey had failed to count the black administrator,  
21 Glyn Smith, who was in the Department of Natural  
22 Resources in 1986, with a classification of E-1. In  
23 addition, he had counted three black administrators in

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1 his list of officials as of June 1988, but had failed  
2 note that they were in these positions in May 1986.  
3 Those individuals were Barbara Ficklin, Charles Taylor  
4 and Eldridge Edgecomb. We therefore found that, in  
5 fact, the number of blacks in what he considered "upper  
6 administrative levels" had increased from 10 in May 1986  
7 only to 15 in June 1988, clearly not doubled.

8 It is further doubtful that all the  
9 individuals Mr. Hawkey has chosen to count in his  
10 figures can be considered truly upper level  
11 administrators. The paucity of minorities in policy  
12 making positions is one issue which we hope you will  
13 carefully analyze.

14 Fourth, the reports of the investigation of  
15 the Homeownership Program and statements to the media by  
16 the City Manager were worded in such a way that the  
17 media were led to impugn the integrity of black persons  
18 who received grants in the Warren-Sherman new  
19 construction programs. Attachment D is a statement  
20 adopted by the Board of Directors of Toledo Metropolitan  
21 Mission which was presented to a Committee of City  
22 Council October 26 and mailed to clergy in the  
23 metropolitan area. This is our analysis of the document

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1     dated September 7, 1988, from the Intervention Team on  
2     the subject "Final Report on the Homeownership Aspect of  
3     the Community Development Investigation, Incorporating  
4     the Report of Deloitte, Haskins & Sells," which was  
5     released to the public in a press conference held by the  
6     City Manager. As you will note from reading our  
7     analysis, the intent of some of the Homeownership  
8     Programs, specifically in the Warren-Sherman and  
9     Washington Urban Renewal Areas, was to bring  
10    middle-income people back into these areas originally  
11    classified as slum/blight. However, because an employee  
12    in the Department of Community Development (not Mr.  
13    Culp) failed to note this fact in reports that were sent  
14    to HUD, the Intervention Team and the City Manager  
15    completely ignored the purpose of the programs and  
16    treated the persons (all black) who received grants as  
17    if each of them had received an illegitimate reporting  
18    of Community Development staff.

19           This began with the release by the City  
20    Manager on June 17 to City Council and to the media of  
21    this letter of that date to the Columbus HUD office in  
22    which he stated that "there are several individuals with  
23    rather high incomes and/or 'high profiles' who have

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1 received grant awards in excess of 20 percent of the  
2 purchase price." This was followed on June 30 by the  
3 release of the preliminary status report at the  
4 Intervention Team which included a list of the persons  
5 who had received UDAG and CDBG grants in the  
6 Warren-Sherman home ownership program. The media  
7 immediately jumped on the names of the Reverend Floyd  
8 Rose and Lee Williams who were two of the persons  
9 arrested in City Council chambers June 28.

10 Toledo City Councilman Max Reddish was quoted  
11 in the July 2 issue of the Toledo Blade as saying:  
12 "These people crying for the poor are the first in line  
13 to get money from the pot.... Reverend Rose and Lee  
14 Williams, they're upper class Negroes, blacks in the  
15 high income scale. How can they condone this? How can  
16 they not apologize?" He goes on to say: "It's the old  
17 story that they can't do anything wrong because they're  
18 black... We have to hire blacks because of affirmative  
19 action, but the problem is once you do and they screw up  
20 you can't get rid of them."

21 As a matter of fact, it was not easy to find  
22 middle income people willing to move back into this  
23 former Urban Renewal area. The homeownership program

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1 and the Beacon Place development which brought middle  
2 income persons back into Warren-Sherman were important  
3 elements in insuring the success of the shopping center  
4 and completion of the redevelopment project. The  
5 administration ought to be thanking the home-buyers who  
6 contributed to this rather than pillorying them.

7 Fifth, the way this whole manner has been  
8 handled has already taken over six months during which  
9 time housing programs vital to low income people, many  
10 of whom are minorities, have been suspended. Had this  
11 money been targeted for downtown redevelopment or for  
12 other programs in which the majority community had an  
13 interest, these delays and the procedures that produced  
14 them would never have been tolerated. Attachment E is a  
15 statement that I made to the Board of Directors of  
16 Toledo Metropolitan Mission on July 6 that includes the  
17 concerns raised by the Manager of the Columbus HUD Field  
18 Office in his letter of June 3 to the City Manager,  
19 describes in detail the correspondence of the previous  
20 year between the Columbus HUD Office and the City of  
21 Toledo, and describes what the City Administration did  
22 during the fifteen-day period given them by the HUD  
23 Office to make corrections. I argue there that HUD's

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1 concerns were not serious enough to have warranted the  
2 suspensions, and that the partition of the three men who  
3 were suspended from their jobs was vital for the timely  
4 resolution of HUD's concerns.

5 HUD never called for anyone's suspension. HUD  
6 did not ask the city to conduct an audit; HUD had  
7 already monitored the programs and identified the  
8 problems about which it is concerned. HUD simply asked  
9 that the findings be resolved. It seems to us that the  
10 logical response would have been for the city to attempt  
11 to resolve the specific findings as rapidly as possible  
12 and then work on the long-range concerns. However, the  
13 direction followed by the city manager makes it easy for  
14 one to conclude that his motivation was to discredit  
15 Mr. Culp and the other men and then try to find the  
16 evidence to justify the suspension.

17 Councilman Jack Ford earlier tried to hold  
18 committee hearings on these matters but was not able to  
19 secure enough support to do so until October 26. At  
20 that meeting several members of Council became concerned  
21 enough about the need for funds to make emergency  
22 repairs to homes of lower income persons that they  
23 directed the Administration to find funds for this, and

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1 HUD has now approved \$200,000 for this purpose. But  
2 other HUD funds are still tied up because of a so-called  
3 investigation that would not be tolerated if enough  
4 people really cared.

5 These are actions of our City over the past  
6 several months that have serious racial overtones. As I  
7 said before, the motivations behind these actions may or  
8 may not have been overtly racist, but the effect  
9 certainly has been. We must find some way to address  
10 these concerns.

11 MR. PROCK: Thank you, Mr. Chambers. Does  
12 your time permit you to afford us a chance to break at  
13 this time and come back then within the ten minutes?

14 MR. CHAMBERS: Yes.

15 MR. PROCK: Okay. We will take a break till  
16 ten after eleven and reconvene with Dr. Martin Plax's  
17 responding to you.

18 (Brief recess was taken.)

19 MR. PROCK: I would like to reconvene this  
20 session of the Ohio Advisory Committee to the United  
21 States Federal Civil Rights Commission, and we are going  
22 under questions from the Advisory Committee; and the  
23 first person that will be addressing Mr. Chambers

1 will be Martin Plax.

2 MR. PLAX: I'm going to pass.

3 MR. BAUMANN: So will I.

4 MR. PROCK: Mr. Battle?

5 MR. BATTLE: Mr. Chambers, you mentioned in  
6 your talk this morning that there have been allegations  
7 of distreatment of minority employees in the City  
8 Administration, and you prefaced that remark by saying  
9 that you had instances of white employees who were  
10 perhaps similarly situated not having been treated the  
11 same way. Do you care to be more specific about that?  
12 Those are some pretty far-ranging allegations about the  
13 City Administration, and I think that it would be to o  
14 benefit, our advantage, to know what your information is  
15 there.

16 MR. CHAMBERS: Okay. If you'll look in the  
17 material I gave you to Attachment A, there are six  
18 instances, specific instances, cited there. And these  
19 are not just over the last two years under Mr. Hawkey's  
20 administration over a period of time but by the city.  
21 You'll see these numbered there.

22 MR. BATTLE: Would you mind just summarizing  
23 some of those so that I don't have to take the time to

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1 read these now, some of the high points, if you will.

2 MR. CHAMBERS: In the last year or two, the  
3 Blade has done a lot of following city employees around,  
4 documented that they were not doing their jobs or saying  
5 supervisors were not suspended during follow-up  
6 investigations on that.

7 Employee charged and subsequently convicted of  
8 accepting bribes from the Department of Construction and  
9 Engineering. The department head or commissioner were  
10 not suspended during that investigation.

11 City employees were caught, indicted, and  
12 convicted of poaching fish and the Commissioner of Water  
13 Reclamation wasn't disciplined.

14 The Director of Economic Development for the  
15 City is a member of the Small Business Systems  
16 Corporation Board of Directors, and I already referred  
17 to that, and, you know, there's been no disciplinary  
18 action taken against him.

19 And number -- let's see, the fifth, one year  
20 and a half ago when the Finance Department predicted a  
21 substantial surplus, the Commissioner was fired and the  
22 Director was demoted. And yet, the same prediction of a  
23 substantial surplus in general funds was made to the

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1 City Manager, who recommended no disciplinary action.

2 And a year ago when the Blade reported that  
3 trust funds in the Department of Natural Resources were  
4 misappropriated, no one was suspended prior to that  
5 investigation. So those are specific instances.

6 MR. BATTLE: Thank you.

7 MR. PROCK: Barbara?

8 MS. RODEMEYER: No. I'll pass.

9 MR. PROCK: Virginia?

10 MS. ORTEGA: I'll pass.

11 MR. PROCK: Mr. Leventhal?

12 MR. LEVENTHAL: Yes. The question that  
13 perplexes me, it seems as though the discrimination,  
14 in fact, it does exist in Toledo, exists only with city  
15 management; that all the cases being made here today are  
16 minorities versus the City of Toledo. If racism truly  
17 is indigenous to the Toledo area, it seems to me as  
18 though other agencies, other groups, could possibly be  
19 equally accused of such; Federal Government, for  
20 example, big business, field of education? Why are  
21 these acquisitions being made solely against the city or  
22 practically solely against the City of Toledo?

23 MR. CHAMBERS: Well, I'm sure seeing the list

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1 of people who are testifying in the course of this that  
2 you're going to hear about many other areas; for  
3 instance, Toledo Metropolitan Mission, and I think  
4 you'll be hearing from the director of that that's going  
5 to focus on problems we see in the field of education  
6 which are certainly not city administration. I guess we  
7 were asked specifically to respond to this area of  
8 housing and the investigations, and so that's why I have  
9 limited my remarks to this, but there are certainly many  
10 other areas that we could discuss if we had the time to  
11 do it.

12 MR. LEVENTHAL: What we hear basically are  
13 arguments against the City of Cleveland -- I mean of  
14 Toledo, and I just don't quite understand what this is  
15 all about or why this is all about. It strikes me maybe  
16 particularly against the City Manager and the Mayor and  
17 the Council. I'm not saying whether that's right or  
18 wrong or taking sides, but it seems to me that it would  
19 be far more widespread if racism is indigenous to this  
20 area.

21 MR. CHAMBERS: Well, that's certainly true,  
22 and I must say you're going to hear about other areas  
23 before this testimony is over.

1 MR. PROCK: Ms. Spencer?

2 MS. SPENCER: Mr. Chambers, the accounting  
3 firm Deloitte, Haskins & Sells --

4 MR. CHAMBERS: Yes.

5 MS. SPENCER: -- which was hired by the  
6 City --

7 MR. CHAMBERS: Yes.

8 MS. SPENCER: -- to make that report, you  
9 didn't -- you don't question the results of that report,  
10 per se?

11 MR. CHAMBERS: No. Well, yes and no. If you  
12 will look at our Attachment D on the second page of it,  
13 under our numbered paragraph number three, we point out  
14 that their role was very carefully circumscribed, and in  
15 their cover letter of their report, there appears  
16 phrases such as these: "We have performed certain  
17 procedures and made certain inquiries requested by  
18 you...." "Had we performed additional procedures that  
19 might have been requested by the City..., other matters  
20 might have come to our attention that would have been  
21 reported to you." And we go on to talk about the report  
22 and down at the bottom of that paragraph, right about  
23 the middle of that paragraph, they say: "Nothing came

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1 to our attention, based upon procedures performed as  
2 outlined in Exhibit I relating to the lending  
3 institutions' loan files, to lead us to believe that the  
4 related financial institutions had provided assistance  
5 to the City relating to Homeownership Program grant  
6 applications, verification of grant eligibility, or  
7 approving of grant applications."

8 Now, reading files, they didn't find this but  
9 their role was circumscribed. They didn't go talk to  
10 banks and ask them what they did and, of course, in  
11 subsequent hearings; and we have here -- in fact, we  
12 have an attachment on here that describes the role the  
13 banks did, in fact, play which was never found out  
14 because they were not told to talk to people like that.  
15 So as far as their information, it was accurate. But  
16 they certainly didn't go far enough to have satisfied  
17 what management was calling an investigation of the  
18 whole program.

19 MS. SPENCER: When you cite this treatment,  
20 are you further saying that you feel that the other  
21 persons who were not cited should have been?

22 MR. CHAMBERS: Not necessarily. I guess we  
23 are saying that we feel that in the case here that

1 probably was not sufficient justification to have  
2 proceeded in the way it was done, and, you know, I would  
3 have to weigh each case individually to say whether or  
4 not it should have happened.

5 MS. SPENCER: My next question though is based  
6 a bit on that.

7 MR. CHAMBERS: Okay.

8 MS. SPENCER: Because I'm hearing from what  
9 you're saying that there is a large percentage of the  
10 problem that is not only racial but political.

11 MR. CHAMBERS: True.

12 MS. SPENCER: And what -- in your estimation,  
13 what percentage of the problem is political, if certain  
14 persons who could have been cited were not?

15 MR. CHAMBERS: Yeah.

16 MS. SPENCER: -- and others were cited who  
17 happened to have been all black?

18 MR. CHAMBERS: Um-hmm.

19 MS. SPENCER: You see it as totally racial,  
20 but the fact that others were not cited could be more  
21 than racial?

22 MR. CHAMBERS: Well, it's certainly true and  
23 it's very -- you know, it's impossible to draw a line

1 between the two. I guess I'm saying the effect though  
2 has really been on a racial basis, whether or not the  
3 motivation was.

4 MS. SPENCER: To whom do you ascribe directly  
5 the incarceration of the ministers?

6 MR. CHAMBERS: The mayor issued the order for  
7 that.

8 MS. SPENCER: No more questions. Thank you.

9 MR. BATTLE: I have a follow-up question to  
10 your point number three, Mr. Chambers. The report  
11 called the Federal E04 Report would tend to corroborate  
12 the numbers of people in various jobs classifications at  
13 certain levels, and I'm sure that the City of Toledo as  
14 other municipalities are required to file and file that  
15 report with the Federal Government. It would appear to  
16 to me to be that it would have been a very simple matter  
17 for the information that the City Administration  
18 provided on that report to be compared with the  
19 information that you and your organization relied on for  
20 the report. Was there any attempt to match the two up  
21 to see if they were, in fact, in alignment or just how  
22 did you draw your conclusions there?

23 MR. CHAMBERS: This started when the manager

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1 met with our board and simply volunteered the statement  
2 that the number of black persons in upper levels had  
3 doubled during his administration. We talked about with  
4 the Board of Community Relations and tried to pull  
5 figures together ourselves, and then we came up with  
6 different figures which we then stated and the Manager  
7 then sent us these four pages back which are appendix --  
8 Attachment C here.

9 Now, I don't know whether these represent the  
10 material they filed with the Civil Rights Commission or  
11 not, but he gave us these pages from the city that  
12 listed the persons he was saying were black in higher  
13 levels and we went back and checked each one of  
14 positions as to what the situation was two years before  
15 and came up with our figures.

16 MR. BATTLE: Was the E04 report ever  
17 requested?

18 MR. CHAMBERS: No. And I don't know what  
19 these forms are, what these pages are that we have.

20 MR. BATTLE: Thank you.

21 MR. PROCK: Thank you, Mr. Chambers. We  
22 appreciate your volunteering to let us have a break in  
23 the time presented to us, and we will make sure that we

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1 during our leisure time review the material you  
2 submitted to us. I would like to call forward Reverend  
3 Floyd Rose.

4 REVEREND ROSE: I feel sort of like the man  
5 who watched his mother-in-law run over the cliff in his  
6 new Cadillac. I'm not sure whether to be happy or  
7 whether to be sad. On the one hand, I am happy that you  
8 responded to the call of this community to come take a  
9 look at the problems that we think are extremely  
10 serious. On the other hand, I'm sad that you had to  
11 come as a minister. I would rather have seen us get our  
12 own house together. Unfortunately, when things cannot  
13 be done voluntarily, they have to be done with  
14 pressure. You have before you, and I apologize, I was  
15 under the impression that you had received a copy of my  
16 September 22nd letter which urged you to come here and  
17 which outlines several problems that we thought were  
18 extremely critical to this community. If you have some  
19 questions about that letter or the information contained  
20 in it, I would be happy to answer them. In the  
21 meantime, I would like to just share with you some  
22 concerns that we have based on some of the figures that  
23 you may or may not have.

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1           In the word processing unit of the city  
2 government, there are seven employees, one black. Until  
3 three weeks ago, no blacks were in that department. The  
4 Health Department, there were 68 employees; 47 whites,  
5 16 black, and one black at the administrative level. In  
6 the Plan Commission, there were 20 employees; 24 blacks,  
7 none are at the administrative level. In the  
8 Engineering and Construction Department, there are 42  
9 employees; two black males, two black females, but none,  
10 none are in any administrative positions. There are  
11 nine directors, one black acting director, and I'm not  
12 sure how long he is going to act but one black acting  
13 director. We have 18 commissioners, three blacks and  
14 one acting. Then we have what is called a coordinator  
15 for Affirmative Action. I don't know why she is not a  
16 director unless they don't want to pay her the  
17 director's salary. She earns \$7,000 less than the  
18 directors. Why? One of the other black directors does  
19 not report to the City Manager, only to the Mayor and to  
20 a board of community representatives. His salary too is  
21 less than the other directors. Does that mean that the  
22 City of Toledo put less emphasis or less respect to  
23 those positions than it does to the others? If so,

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1 why?

2. That's -- I want to share with you a minute,  
3 having said that, and having passed out to you a copy of  
4 an expensive letter that I wrote to Ms. Robinson back in  
5 September urging you to come here. I want to read a  
6 letter with her permission that I just addressed to  
7 Ms. Pearline Griffin, Coordinator, and I hope that you  
8 will look at it very seriously and at least use your  
9 influence to see that her position is updated to  
10 director that she deserves and that this community  
11 deserves the invitation to appear before the December 12  
12 public hearing to provide a litany of discriminatory  
13 acts by the city against minorities <sup>and</sup> in women. However,  
14 after reviewing the City Manager's re-affirmation of  
15 Equal Employment Opportunity Policy and the City's  
16 Affirmative Action Plan, I've chosen to use my influence  
17 to garnish support for the City's obvious new commitment  
18 to fair treatment of all of its minorities or  
19 employees. As indicated at the City Manager  
20 Reaffirmation policy, the Affirmative Action Coordinator  
21 will be empowered with the authority to review and  
22 evaluate personnel procedures and personnel to ensure  
23 that such procedures are consistent with the stated

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1 policy of equal employment opportunity. This could ve  
2 well be the beginning of something beautiful, especially  
3 if all employees within municipal government are  
4 expected to fully comply with the program. As you know,  
5 no one has been more vocal in his criticism of the  
6 city's treatment of minorities and women than I. If the  
7 cities -- the city is serious about its commitment to  
8 equal employment for all of its citizens and willing to  
9 underscore that commitment with the necessary resources  
10 to make it work, no one would be more pleased than I.  
11 There are some things in the plan which I believe are  
12 absolutely essential to its success.

13 One, the recognition of those city employees  
14 who are underemployed because they have been locked into  
15 non-challenging slots. We must qualify the qualifier  
16 book. Your objective seems to speak to this issue. A  
17 human resource management strategy which identifies  
18 these individuals and ensures their upward mobility.

19 Two, I agree that the single city, single mind  
20 attainment of the above objective is essential to the  
21 fulfillment of its ability, to its ultimate  
22 beneficiaries and therefore the head -- and this is  
23 important -- I think, the head of each city department

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1 must understand the City Manager's intolerance of  
2 vagrant violations of the policy. Now, I do need to  
3 tell you that you don't need to be fooled. Nothing  
4 except a beautifully written document. With the  
5 exception of that, nothing has really changed, nothing.  
6 Mr. Culp who has been maligned, lied on, has been unable  
7 to get a job. He has been denied his severance pay.  
8 His money, they owe him, and when he applies for a job  
9 now and his four-month employer is called, his  
10 prospective employer, employers are told, well, there  
11 may be criminal indictments and we are here, we are  
12 facing Christmas season and the city wants to talk about  
13 conciliation and love and happiness and all is well and  
14 here is a man whose reputation has been destroyed, whose  
15 dignity has been fronted and he will have to go through  
16 Christmas with his family with nothing. It is wrong.  
17 Sure, I've been maligned and my name -- and my house,  
18 all through the headlines and the news media in an  
19 attempt to paint me and Mr. Williams and others as  
20 leaders who have taken advantage of the very people that  
21 we propose to help, and it's all a lie. And  
22 incidentally, I got my house in 1985 and all hoopla  
23 about 1986 forward. But that was never mentioned and I

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1 have to live with telephone calls and mail that sugges  
2 that here I am speaking on behalf of and have been  
3 taking advantage of them, but that's not nearly as  
4 important as Mr. Culp's position and his livelihood at  
5 this point. It is wrong and I would hope that in some  
6 way that would be corrected. That's all I have.

7 If there are any questions that you might have  
8 with respect to the letter, I would be glad to respond.

9 MR. PLAX: I've got some questions. I'm  
10 wondering if there is a specific issue of Mr. Culp.  
11 What would you like to have happen with respect to  
12 Mr. Culp?

13 REVEREND ROSE: I would like to see this cit  
14 do what we originally asked them to do before we were  
15 arrested and that is appoint a committee to review  
16 without prejudice the operations of the city of the  
17 Community Development Department. We begged them to do  
18 that. We asked them to wait at least two days and give  
19 us an opportunity to get someone who was mutually  
20 respected to do it before a decision was made. We were  
21 ignored. If they did that, you would find that Mr. Culp  
22 would either be reinstated or he will be assigned to  
23 another post of equal rank.

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1           MR. PLAX: I think Mrs. Spencer had made the  
2 observation that persons who were hired by Mr. Hawkey to  
3 replace Mr. Culp and the other two were black; is that  
4 correct?

5           REVEREND ROSE: Interesting, isn't it?

6           MR. PLAX: Well, I guess it leads me to raise  
7 a question of, you know, what the motivations were. I  
8 mean is it a racial issue here or is there something  
9 else that's going on? I'm raising the question only  
10 because it's really not clear to me just exactly what's  
11 been happening.

12           REVEREND ROSE: Well, if you're asking for my  
13 opinion, I think that Mr. Hawkey replaced Mr. Culp and  
14 the other blacks in that department so that he could  
15 say, look, it's not race. We just replaced blacks with  
16 blacks, but it is the history of Toledo to use blacks  
17 against other blacks, as I've indicated to you in my  
18 letter of September 22.

19           MR. PROCK: Mr. Baumann?

20           MR. BAUMANN: Reverend Rose, I'm trying to  
21 figure out what the situation is here and there are two  
22 modems that occur to me. One is that as Mr. Chambers  
23 seems to suggest, there is a real fenlock obstacle. The

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1 other is that there is a kind of agreement forming no'  
2 to go down a road, and as might be expected, city  
3 government wants to go down a little slower than you and  
4 Mr. Williams but that there is a real agreement to go  
5 down that road. Those two situations seem very, very  
6 different to me and you seem sort of saying pointing in  
7 both directions on it. Would you summarize generally  
8 what you think the situation here is in regard to race  
9 relations?

10 REVEREND ROSE: I'm saying that that document  
11 if it receives the full support of the City Manager and  
12 all of the directors and commissioners and supervisors  
13 in city government and if the coordinator is made a  
14 director and given the salary that she deserves as a  
15 director, then we can believe in the seriousness of the  
16 commitment, and Mr. Culp is given his money and his name  
17 is clear.

18 MR. PROCK: Mr. Battle?

19 MR. BATTLE: Reverend Rose, your comments  
20 would speak to another issue. I think that I personally  
21 would like to know a little bit more about and that's  
22 the assertion that the City of Toledo's wage and salary  
23 policies may be a little bit biased against blacks and

1 there is the comparability issue, particularly about the  
2 \$7,000 salary for the Director of Affirmative Action  
3 that is less than the -- less than directors, I would  
4 say, with similar responsibilities. Do you have  
5 information on how the city sets their salary, set  
6 scale? Are you familiar with the processes that they go  
7 through and have you had input into that issue? Have  
8 you tried to put yourself in the middle of that in any  
9 way?

10 REVEREND ROSE: No. I've been fighting it  
11 but --

12 MR. BATTLE: What's been the reaction of the  
13 City Administration?

14 REVEREND ROSE: Well, in the situation with  
15 the coordinator, what you do when you want to pay people  
16 is call them something different and yet their  
17 responsibilities are the same. It's not just her  
18 insignificantly. You've got the Director of the Board  
19 of Community Relations which was once the Board of  
20 Community Relations/Affirmative Action. His salary is  
21 less than other directors. <sup>Mr Battle:</sup> Would you characterize these  
22 as, quote, black jobs, unquote? .

23 REVEREND ROSE: Yes.

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1 MR. BATTLE: Is that what you're saying?

2 REVEREND ROSE: Yes. They have been  
3 traditionally black jobs.

4 MR. PROCK: Barbara?

5 MS. RODEMEYER: Is Mr. Culp going into  
6 litigation against the city?

7 REVEREND ROSE: Yes. He filed a name-clearing  
8 suit recently. Why should he have to pay a lawyer  
9 30 percent of what they are going to make the city give  
10 them when the City could just give him his severance  
11 pay? Give it to him. It's his money.

12 MS. RODEMEYER: Well, I agree with you. A lot  
13 of people in government believe if you want to suspend  
14 it should be with pay until it's resolved.

15 MR. PROCK: Ms. Ortega?

16 MS. ORTEGA: Reverend Rose, you mentioned what  
17 you feel should be done with respect to Mr. Culp's  
18 situation and the hearing that you talked about. Is  
19 there -- are there any specific programs or any specific  
20 initiatives you would advocate today that could be done  
21 in addition to that?

22 REVEREND ROSE: To heal the wound?

23 MS. ORTEGA: To heal the wound and to increase

1 the --

2 REVEREND ROSE: As soon as we get through our  
3 trials and give us whatever time they are going to give  
4 us, I hope that they will sit down representatively and  
5 acknowledge the leadership. Hispanic and black  
6 communities would meet with Mr. Hawkey and other public  
7 officials in a day or two seminar if they are serious  
8 about implementing the Affirmative Action Plan and  
9 really deal with each other and try to bring back some  
10 kind of respect for each other. At this point in this  
11 city, trust in city government by the black community is  
12 at zero percent.

13 MR. PROCK: Mr. Leventhal?

14 MR. LEVENTHAL: Reverend Rose, we know that  
15 you're a pastor of the Family Baptist church here in  
16 Toledo, and as such, you must have a rapport with your  
17 congregants' reactions to your sermons and your  
18 counseling, knowing what goes on in the mind of every  
19 man, so to speak. Now, here today, we have heard or are  
20 hearing from the leaders in the community, and I would  
21 like to get, if it's possible, your perspective, sir, of  
22 the feeling of every man, black person, in your  
23 congregation, the average person in the community, how

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1 do they feel about all of these political problems?

2 REVEREND ROSE: Well, prior to our arrest,  
3 there was a lot of apathy and people were believing  
4 generally what was in the press with respect to the  
5 development and with respect to what we were saying.  
6 However, when the mayor ordered the president of the  
7 NAACP 11 black ministers and one white minister, not  
8 simply removed from Council chambers but put in jail,  
9 then there was a whole new feeling out there. Even the  
10 people who didn't understand why we took the seat knew  
11 that the respected black leadership of this community  
12 would not go that far unless there was some serious  
13 problems. Then we began a series of meetings and  
14 rallies to educate them as to what's going on.

15 MR. LEVENTHAL: Thank you.

16 MR. PROCK: Ms. Spencer?

17 MS. SPENCER: Reverend Rose, who hires the  
18 City Manager?

19 REVEREND ROSE: City Council.

20 MS. SPENCER: Who fires the City Manager?

21 REVEREND ROSE: City Council. All they need  
22 to do is count to five.

23 MS. SPENCER: Your statement says that the

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1 head of each city department must understand the City  
2 Manager's intolerance. I'm sure you mean flagrant  
3 violations of the policy.

4 REVEREND ROSE: Yes.

5 MS. SPENCER: The various departments have  
6 developed a system whereby they elect their EEO council  
7 leadership; in other words, it comes from within those  
8 departments and then they sit with the manager and work  
9 out the disparities in terms of hiring. That infers  
10 that, one, there is not only managerial support for the  
11 affirmative but the departments are under direct order  
12 to do that which is affirmative. Is that possible  
13 here?

14 REVEREND ROSE: I don't know, but that's the  
15 reason I underscored that in the past. I can't speak  
16 for Mrs. Griffin's situation now; but in the past when  
17 Affirmative Action was a part of the Board of Community  
18 Relations, it was treated lightly. They could do an  
19 investigation, come back, make a recommendation, and it  
20 would simply be ignored by everybody and that's why it's  
21 important that the City Manager put his full support  
22 behind the document and make sure that he is not going  
23 to tolerate any flagrant violation by his underlings and

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1       that's --

2                   MS. SPENCER:   What you're really saying is  
3       that he would have to have the full support of his  
4       Council?

5                   REVEREND ROSE:   That's correct too.

6                   MS. SPENCER:   Thank you.

7                   MR. PROCK:   Reverend Rose, we have with us  
8       today United States Civil Rights Commissioner Robert  
9       Destro, who is a native of Ohio and I'm sure you've had  
10      some conversations with Bob.

11                  MR. DESTRO:   I have a question.   Welcome,  
12      Reverend Rose.   I'm sure I'll get a chance to meet you  
13      in a few minutes.   I had just one question for you.  
14      It's been obvious that you've been very adept at getting  
15      people's attention to these issues, and you've, I  
16      thought, done an admirable job of getting the City  
17      Government's attention in a confrontational way.   Are  
18      there some initiatives that you could suggest to other  
19      leaders in the minority community here in Toledo in a  
20      non-confrontational way to start to reach out to the  
21      business nonprofit and other religious sectors of the  
22      community because it strikes me at least that that's  
23      really where the fundamental changes have to take

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1 place.

2 REVEREND ROSE: I'm glad you opened the door  
3 to that for me. I appreciate it. When you have failure  
4 of moral leadership at the municipal level, it has a  
5 negative effect on industry and other entities of the  
6 city. We have had to boycott businesses to get them to  
7 hire blacks when they have made a significant amount of  
8 their Monday money off blacks. It's unbelievable.  
9 Right now we are locked in a situation with the Sheraton  
10 hotel where blacks for the most part are locked into  
11 what they call the back of the house, media,  
12 traditional, black, low paying jobs. They are washing  
13 the dishes and they are sweeping the floors and making  
14 up the beds, et cetera. Now, that may have changed in  
15 the last month or two; but when we contacted them last,  
16 that's what was going on but they are not the only one.  
17 In fact, I saw one brother when I came in the door *here*  
18 parking cars or something. I'm not sure what's going on  
19 here. But Toledo is a strange animal. I hope you all  
20 get to go to the malls, walk around. You won't see  
21 black youngsters working in Toledo anywhere except in  
22 fast food restaurants. Go to all the malls. You won't  
23 find them and you'll find few blacks of any age working

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1 in the stores in the malls in Toledo 1988.

2 Surprised?

3 MR. DESTRO: No, I'm not surprised, but I  
4 guess if I can go back to my original question though.

5 REVEREND ROSE: I'm sorry.

6 MR. DESTRO: It's obvious that one can go  
7 picket, but in order -- how would you suggest that  
8 influence like yours can be brought in a  
9 non-confrontational way to get people's attention?

10 REVEREND ROSE: I wish I knew. I tried. I  
11 hope that you don't think that Reverend Rose gets out  
12 and grabs a group of people and starts picketing. It's  
13 not like that. The problem is we are ignored. We were  
14 ignored by the citizens. So we are ignored.

15 We requested a meeting. Now, 99 percent of  
16 the time, you don't read about it. We end up working  
17 out something and everything is smooth, but that  
18 1 percent of the time people seem to say it's our  
19 business and we run it the way we want to run it and  
20 you're going to come in here and shop because we want  
21 you to spend our money and we can't deal with that any  
22 longer. What we are saying is that before you can --  
23 before any issue can get resolved, it has to get on the

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1 agenda. And it can only get on the agenda when you get  
2 the attention of those who designed the agenda and  
3 control it. Now, confrontational demonstrations, these  
4 are methods that are designed only to get the attention  
5 of those who are in charge of agendas so the issue can  
6 get discussed so it can get resolved. And that's where  
7 we are in Toledo. Unfortunately, we have to resort to  
8 picketing and public confrontation too often.

9 -- MR. PROCK: I just have a final follow-up  
10 question, Reverend Rose. Do you view the Fair Share  
11 Agreement as a positive step as far as City Government  
12 goes?

13 REVEREND ROSE: I don't know what it is.

14 MR. PROCK: Okay. It was entered in when  
15 Mr. Williams and the NAACP --

16 REVEREND ROSE: I have not seen it.

17 MR. PROCK: Thank you.

18 Do we have a representative from Incorporated  
19 Mexican --

20 MS. DE LEON: That's not what IMAGE stands  
21 for.

22 MR. PROCK: I have a few announcements to  
23 make. There was an emergency in Reverend Liggins'

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1 family and he had contacted us. He was scheduled next  
2 on the agenda to speak, and he will not be able to make  
3 our forum today and also another individual; and if you  
4 would contact those two individuals on our break and see  
5 if we can reschedule them tomorrow. I think it's  
6 important that we have them included in our  
7 presentations, and earlier there was some mention of the  
8 Toledo Blade participating. They have been invited to  
9 speak before this group, and we again extend that  
10 invitation to them.

11 Are you Margarita De Leon?

12 If you would feel more comfortable seated.

13 MS. DE LEON: I probably will. I'm a little  
14 bit nervous now. I wasn't ready. I thought I was going  
15 to have one more person before me.

16 You have before you a packet of information  
17 that I thought it was important to kind of put together  
18 to share with you. I'm here basically on behalf of the  
19 Hispanic community and I hope that what I will share  
20 with you will be of help to you as far as the Toledo  
21 Hispanic community here and the relationship it has had  
22 with the city.

23 In this packet there are several other

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1 things. The first thing you will find, however, is this  
2 presentation that I'm going to make to you today.

3 First of all, IMAGE stands for -- IMAGE of  
4 Northwest Ohio is a chapter of National IMAGE. National  
5 IMAGE is an advocacy group for the advancement of  
6 Hispanics through education and employment that started  
7 in 1972 and IMAGE stood for at the time International  
8 Mexican American Government Employees, but over the  
9 years it has come to just to know the name of the  
10 Organization for Hispanic Advocacy. So as it stands on  
11 your agenda, it is incorrect. But I just wanted to  
12 bring that to your attention.

13 Secondly, Mr. Rose, I just caught the tail end  
14 of his presentation and he talked about how the city has  
15 ignored blacks. If the city has ignored blacks, I don't  
16 know what term to properly use to describe what the  
17 situation has been for Hispanics, but the term that I  
18 come to use in my presentation is basically negligence  
19 as well. And finally, if Mr. Rose alluded to the  
20 tactics that the black community has had to use to get  
21 the attention of the city, I would kind of like to thank  
22 Mr. Rose and the black community for doing this because  
23 this has given us an opportunity to talk about the

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1 Hispanic needs and concerns here in Toledo as well.

2 Without any further ado, I will just go to my  
3 presentation now and it is one of the first items there  
4 in your packet if you want to follow along with me.

5 My name is Margarita De Leon. I am president  
6 of IMAGE of Northwest Ohio -- an advocacy group for the  
7 advancement of Hispanics through education and  
8 employment and I also serve as chairman of the Hispanic  
9 Advisory Committee to the University of Toledo  
10 President. By profession, I am Director of Public  
11 Relations at Riverside Hospital, so my involvement here  
12 with the Hispanic community is all voluntary.

13 I've been asked to come before you today to  
14 outline in a brief 15 minutes the City of Toledo's  
15 relationship with the Hispanic community and any  
16 wrongdoing or unfair treatment of this particular ethnic  
17 group. The challenge put forth is a big one due to the  
18 fact that the settlement of Hispanics to this area,  
19 primarily Mexican-Americans began in the early 1900s.

20 I know that the U.S. Commission came maybe in  
21 the 60s to address the migrant farm workers situation,  
22 but it hasn't been here in a while. So to try to  
23 address unfair treatment of Hispanics over a decade is a

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1 little bit challenging in 15 minutes, so I'll try to  
2 keep it up-to-date as much as I can.

3 Today Toledo's Hispanic community is a blend  
4 of Mexicans, Puerto Ricans, Cubans and individuals from  
5 Central America and the Caribbean Islands. According to  
6 the 1980 census, the Hispanic population for the Toledo  
7 Metropolitan area is 3 percent, which equals a total of  
8 12,000 people. That's 84 percent Mexican, 3 percent  
9 Puerto Rican, and 1 percent Cuban. The other 12 percent  
10 is composed of people from Central and South American  
11 countries and Spain.

12 One of our -- one of the problems here in  
13 Toledo is that -- specifically for us is that the census  
14 does show that we are only 3 percent. And there are --  
15 we tend to believe the Hispanics in the community, that  
16 that figure nationally needs to be updated. And  
17 unfortunately, we are having to wait till the 1990  
18 census to get some kind of anything that we can point  
19 to. But there are several reasons why we feel that this  
20 information is incorrect, and one of them is that the  
21 census bureau itself openly admits that about 2.2  
22 million people were not counted in the last census,  
23 representing a 1 percent undercount for the total and

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1 about a 6 percent undercount for minorities. And,  
2 secondly, the Toledo Hispanic community also includes  
3 migrant farm workers -- many of them undocumented.

4 I'm sure some of you are familiar with the  
5 Immigration and Naturalization Service Illegal Alien  
6 Amnesty Act in 1986. It allowed migrant farm workers  
7 who worked from May 1985 to May 1986 to register for  
8 citizenship. The deadline for this registration was  
9 November 30th of this year, so we still do not have in  
10 solid figures as to how many undocumented workers  
11 actually applied. However, the Farm Labor Organizing  
12 Committee claims that due to the difficulty in  
13 registering, the process was ineffective. On a nation-  
14 level, they had a 50 percent success rate. Some of the  
15 things that deterred migrant farm workers from applying  
16 was the \$300 plus charge to actually become a citizen.  
17 That's a lot of money, certainly when you have a farm  
18 and you have to pay over \$300. There are other things  
19 too that deterred migrant farm workers from becoming,  
20 you know, actually documented; but this group continues  
21 to be a very important concern to the community in this  
22 area.

23 Another reason why we feel that the census is

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1 inaccurate is because the Hispanic population has  
2 increased over 30 percent, 34 percent Nationwide. I  
3 don't know if any of you are familiar with that. It's  
4 almost common knowledge. It's been in the papers  
5 repeatedly. I'm a little closer to it, so it's not a  
6 big secret. This is five times the growth rate of the  
7 entire population. This is from '80 to '88. 50 percent  
8 of that is through natural increase, and the other  
9 50 percent is through migration. So we continue to see  
10 Hispanics coming into the country as well. I believe  
11 that leading Hispanic communities population may not be  
12 in, so I'm going to bet that that has increased  
13 substantially since 1980. So we continue to live with  
14 this 3 percent standard over the last eight years; and  
15 through the information and statistics I will share with  
16 you, I believe that the Hispanic community has had  
17 little, if no representation, in a lot of areas in the  
18 city.

19 What I would like to start out with is the  
20 hiring practices of the City of Toledo here over the  
21 past five years. You have the statistics here. I'm not  
22 going to -- and the numbers here. I don't want to go  
23 over each and every one of them. I would like to make

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1 just a general statement and that the City of Toledo in  
2 the past five years has never been able to reach that  
3 3 percent representation; and probably even the bigger  
4 problem is not the number of Hispanics working there but  
5 the number of Hispanics lacking representation in policy  
6 and administrative areas and also in very important  
7 areas in the city administration.

8           Until recently with the appointment of Lourdes  
9 Santiago from city attorney to city staff manager, there  
10 has been no Hispanic representation in administrative  
11 and policy making areas as well as other main  
12 departments. For example, in 1988, there are no  
13 Hispanics in Community Development and Human Resources  
14 There is only one Hispanic in the Health, Corrections  
15 and Affirmative Action categories, one in each. The  
16 bulk, over 50 percent of Hispanics, has been employed in  
17 the Police and Fire departments as a result of a court  
18 mandate. In 1974, Judge Young concluded that the City  
19 of Toledo intentionally discriminated against Hispanics  
20 and Blacks in the hiring and promotion practices for the  
21 Police and Fire divisions. This was affirmed by the 6th  
22 Circuit Court of Appeals in Cincinnati. The consent  
23 decree filed is still in effect.

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1           This year ABLE (Advocates for Basic Legal  
2 Equality) discovered that there still exists.  
3 discriminating hiring practices in the Fire Division.  
4 In reviewing the Fire Department's files, ABLE  
5 discovered that white applicants were allowed to  
6 supplement their files and explain any negative points  
7 in their background investigation. This opportunity was  
8 not afforded to Hispanic or Black applicants. ABLE is  
9 awaiting a response to their request to review all Fire  
10 department files to determine any patterns of  
11 discrimination. Part of the court order filed by ABLE  
12 also states that all applicants be allowed due process  
13 and that all background information be disclosed to  
14 applicants for assessment and appeals. So we are still  
15 waiting to hear the response from the court on this.

16           The City's response to Hispanics: There has  
17 been a general distrust of the city by the majority of  
18 Hispanics. Many Hispanics are unaware of the services  
19 provided by the city and do not know how to seek  
20 assistance when they do need it.

21           A particular case of what many describe as  
22 negligence is the City's response to the re-development  
23 area of the South St. Clair area on Toledo's south side,

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1 where the majority of Hispanic community resides.  
2 Please stop me and interrupt me, ask me any questions.  
3 I know I'm just kind of rambling on here. I've spent a  
4 lot of time on this, so I know it by heart. So if you  
5 have any questions, just slow down here. I have a  
6 tendency to go too fast.

7 Several Hispanic groups have made proposals to  
8 re-develop that area, that South St. Clair area. One  
9 individual in particular is Baldemar Velasquez,  
10 President of the Farm Labor Organizing Committee. He  
11 submitted a concrete proposal to revitalize a building  
12 that would create 18 new jobs. This proposal, according  
13 to Mr. Velasquez, was shelved. It was ignored with no  
14 reason or explanation whatsoever. Except for the City  
15 Manager, no phone calls were ever returned from the  
16 Community Development Office. Mr. Velasquez also made a  
17 special visit to the Mayor's office about the proposal  
18 requesting that she call to discuss it. No calls were  
19 ever returned.

20 I quote Mr. Velasquez. "This type of neglect  
21 isolates and discourages individuals from their right to  
22 allow everyone to participate in the grant and proposal  
23 process."

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1           Concerning the area of education, as there  
2 .exists underrepresentation and no representation in many  
3 areas of city government, the same type of situation  
4 exists in our schools. I review this area with you  
5 because it is crucial not only to the development and  
6 advancement of the Hispanic community, but to the future  
7 leadership of Toledo as well. Studies indicate that  
8 Hispanics are the least educated major population in the  
9 United States resulting in underrepresentation in higher  
10 skilled industries. We need to correct this problem.

11           As of November 1988, the Toledo Public School  
12 system shows very weak statistics in Hispanic  
13 representation. Out of 385 administrators, we have  
14 four. That's a total of 1 percent. Out of 2,537  
15 teachers, we have 30. That's another 1 percent. This  
16 is barely 1 percent. I'm giving you the benefit of the  
17 doubt here. Out of a total of 1,878 non-teaching  
18 positions, we have 38 Hispanics. This is a total of  
19 2 percent. The breakdown of students in the Toledo  
20 public school district is -- we have 5 percent Hispanic  
21 students out of a total of 42,000. Black, there is 37  
22 percent. White, 57 percent. And there is 1 percent  
23 other.

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1           Since the Toledo Public School system only  
2 covers 80 percent of the Toledo area, I also provide  
3 statistics on the Washington Local School district which  
4 covers approximately the other 20 percent. Out of 60  
5 administratives, we have one Hispanic which is 1.6  
6 percent. Out of 437 instructors, we have no Hispanics.  
7 Out of 249 non-teaching positions, there are three. We  
8 have a total of 128 Hispanic students, 1.7 percent, out  
9 of 7,346.

10           A recent news release disseminated by the  
11 University indicated a rise of 27 percent in Hispanic  
12 enrollment since 1984. This figure is correct. Since  
13 1984, the Hispanic enrollment went from 241 to 307  
14 students. It's about 66 students over a four-year  
15 period. The other records show a 43 percent increase in  
16 freshman Hispanic enrollment from '84 to '88. I think  
17 the real story is told in the number of Hispanic  
18 students compared per year to the total number of  
19 University student population per year. Hispanic  
20 representation at all levels of the University is  
21 lacking, and they have recognized this and are making  
22 efforts to correct this. Because the number of Hispanic  
23 students are so few, it is important to review the raw

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1 numbers instead of percentage growth for each year. I  
2 was not able to get some statistics for you for the last  
3 three years. I know from '87 to '88, we had 296  
4 Hispanic students out of 20,671, 1.4 percent; and from  
5 '88 to '89, we have now registered 307 students out of  
6 22,806, 1.3 percent.

7 Another area which is a problem nationwide and  
8 also at the University of Toledo is retention. While we  
9 are able to get these students in, if we cannot retain  
10 them, we have wasted our time, as far as I'm concerned.

11 For Hispanics at the University of Toledo, the  
12 retention rates are as follows: From '84 to '85, they  
13 were 45.5 percent. I mean, the 45 percent retention  
14 rate. That's almost 50 percent, if you get ten  
15 students.

16 From '85 to '86, it was 46.7 percent; and from  
17 '86 to '87, it's now down to 40 percent. The national  
18 retention rate for all students between '84 and '86 is  
19 61 percent, so we verify that by 20 percent. The  
20 overall retention rate at the university is 26.2 percent  
21 so that you can have a fair judgment as to where we  
22 stand with retention rates.

23 Along with the students' underrepresentation

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1 is the lack of staff representation. Classified staff  
2 we have 16 out of a total of 812. That's 2 percent.  
3 Unclassified staff, we have five out of 254. That's 2  
4 percent. I have full time and part-time faculty here  
5 for '87. I didn't get this year's figures, but I'm sure  
6 that this year's figure is very close to last year's.  
7 Full time faculty, we have five Hispanic representatives  
8 out of 782. That's 1 percent. And part-time faculty,  
9 we have three out of 347. That's another 1 percent.

10 Because of my close involvement with the city  
11 and the University, which are public entities, the  
12 information I've just shared with you is readily  
13 available. Much needs to be done, however, and I don't  
14 even begin to touch on what the private entities are  
15 doing in the Hispanic communities. That's a whole  
16 'nother ball game. And I wish I had information to  
17 share with you at this point, but I don't.

18 Although the information shared with you is  
19 somewhat disheartening, I would be amiss in not sharing  
20 with you some positive steps that have occurred in this  
21 community regarding Hispanics within the last three  
22 months. It's probably within the last year that there  
23 have been some things that have been positive. We have

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1 had dialogue with the City Manager. We have been  
2 allowed to review the Affirmative Action Plan. That is  
3 supposed to go before City Council tomorrow, but we are  
4 asking for time to review that a bit further. It's a  
5 very large document, and we feel that we need to have  
6 more input in that area.

7 The University of Toledo has established an  
8 Hispanic Advisory Committee to the University of Toledo,  
9 and there has been development in one year of four  
10 Hispanic organizations.

11 Toledo stands in a pivotal position at this  
12 time. It can no longer ignore the special needs and  
13 assistance that Hispanics need to grow as a community.  
14 It is evident from the United States Census Bureau  
15 statistics that Hispanics will grow and it is evident to  
16 the development of these new organizations here in  
17 Toledo that they are ready to work with the city and  
18 schools to develop strategies now.

19 I strongly believe that the City of Toledo  
20 along with the Toledo Public School system and the  
21 University make a concerted effort or a commitment in  
22 providing the guidance and support needed to grow this  
23 new leadership for the future, that the financial

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1 support which will be needed to enact them from the  
2 private sector will follow.

3 In the meantime, short term employment and  
4 educational goals need to be set and strategic planning  
5 and ongoing dialogue with the local Hispanic groups need  
6 to be carried out to begin to address the needs of this  
7 growing, vital community.

8 That concludes my presentation.

9 MR. PROCK: We have a forum where our Advisory  
10 Committee members will be asking you questions, and I'll  
11 call upon Martin.

12 MR. PLAX: I have actually maybe two  
13 questions. One, when the last census was taken, it was  
14 fairly evident at least in Cleveland that members of  
15 minority communities, some members of minority  
16 communities were either unprepared or suspicious as to  
17 what the count meant so that they were showing up on the  
18 representation. I'm wondering whether, in fact, in  
19 anticipation of the 1990 census, the organizations, for  
20 example, that you mentioned here being formed are  
21 planning or will be planning to go into the community to  
22 try to encourage people to make sure that they are  
23 counted because usually that's going to be a critical

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1 element.

2 MS. DE LEON: That's going to happen. I mean  
3 we are ready to talk with individuals, Hispanic  
4 individuals, to make sure that we can do whatever we can  
5 to get accurate representation and counting, but  
6 50 percent of the Hispanics are coming from migration.  
7 You're talking about people who speak Spanish only as  
8 their first language. If the U.S. Census Bureau doesn't  
9 make -- doesn't provide for those type of families to  
10 have someone to relate to and talk to, then just having  
11 a regular white person come knocking at their door and  
12 asking for this information, they are not going to get  
13 the response that they need and especially in this area  
14 where there's continuing to be a lot of farm worker --  
15 migrant farm workers here. If you don't have -- if you  
16 go with a nice little white tablet and tie and suit to  
17 knock on their doors, I don't think you're going to get  
18 a very good response. So our organizations do have to  
19 work with the Census Bureau, and they have to be  
20 agreeable to designing strategies that are going to make  
21 the count more effective than it was last time around.

22 MR. PLAX: Okay. One other question that  
23 bears on the issue of retention. I don't know whether

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1 you have the date or not. You talked about the 40  
2 percent retention rate. Do you have any sense of  
3 whether, in fact, there are prejudicial factors involved  
4 with Hispanic students dropping out or being bailed out  
5 or failed out or -- I guess I have to put it in -- or if  
6 related to the fact that some of the students are not  
7 adept at English?

8 MS. DE LEON: I'm not an expert in this area.  
9 My involvement as far as the University is concerned has  
10 been short, but the information that I have gotten from  
11 the members of the committee are that there really isn't  
12 a support type of system, that once that student -- once  
13 you get that number there for recruitment, then there is  
14 in the follow-up support type system to encourage the  
15 Hispanic student to stay on. I mean there needs to be  
16 some kind of mentorship and other type of financial  
17 assistance available because a lot of the time it's  
18 money and they don't have the money. But there is -- in  
19 this packet I gave you, the Hispanic Advisory Committee  
20 put forth a proposal to, you know, address that problem;  
21 but I guess what I want to say here more than anything  
22 this morning is that, yes, I felt like some positive  
23 things have happened, but this is just the beginning. I

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1 mean, this is -- you know, Toledo has a lot to do as far  
2 as addressing Hispanic needs, and all the information  
3 that has come forth has been developed through the  
4 organizations that have wanted it to happen. And if the  
5 city and the university and the public, private entities  
6 aren't willing to support it, then it's not going to  
7 happen. What I'm saying is we just don't want lip  
8 service. We really want attention given to the Hispanic  
9 needs in this area.

10 MR. PROCK: Mr. Baumann?

11 MR. BAUMANN: Mrs. De Leon, you have given a  
12 clear description of the situation of an ethnic group,  
13 and it has all kinds of different fronts. It has  
14 economic, social, political, and questions of clout,  
15 questions of education, neighborhoods. And I notice in  
16 this document you've given us, the IMAGE of Northwest  
17 Ohio Strategic Plan 1988-89, there list some agendas for  
18 the education committee, the employment committee, and  
19 so forth.

20 I wondered, could you pick out what you would  
21 call the civil rights agenda? What specific measures in  
22 the area of civil rights specifically pertaining to that  
23 would be highest on the agenda within the next year,

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1 within the next five years?

2 MS. DE LEON: That's a tough question. I mean  
3 I would have do sit down and think about that one. I  
4 guess my two agendas have been employment and education  
5 for right now. I mean, efforts have to be made by the  
6 city to assist Hispanics and to provide direction and  
7 and assistance; and however you want to term it,  
8 whatever you want to call it, we need to work together  
9 to get our students in school and not, you know, prevent  
10 from dropping out and provide them to follow through,  
11 strategic plans to do that. And I think employment -- I  
12 mean, we can't wait until all of us become educated. We  
13 have a big enough Hispanic work force that I think wil  
14 allow for all this underrepresentation in a lot of ways  
15 to be filled. If not for now, in just the jobs that are  
16 open, but eventually in the policy making and in the  
17 administrative positions. And I guess the whole thing  
18 is we have basically been ignored, and we are really  
19 trying too hard to get in. And there have been things  
20 that have gone on this particular year. I know there  
21 are others that have been involved in the community as  
22 far as Hispanics that would be able to give you more  
23 than I've been able to.

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1 MR. PROCK: Mr. Battle?

2 MR. BATTLE: Incidentally, I know that you  
3 don't set yourself up as speaking for the entire  
4 Hispanic community.

5 MS. DE LEON: You're absolutely right.

6 MR. BATTLE: But what I'm interested in is  
7 your feeling of the unity of various Hispanic groups.  
8 You put 12 percent in the Central and South American.  
9 Are there organizations here, is there one enrolled in  
10 the, quote, Hispanic agenda or are there subsets of  
11 those agendas that we should be aware of?

12 MS. DE LEON: From my experience this year,  
13 there are several organizations. I think large numbers  
14 of people are involved in each. There are -- we have  
15 individuals that have a grass roots organization that  
16 work with them. I think all the leaders of the  
17 different organizations work together and communicate  
18 with each other and they know what's going on and they  
19 know what the overall agenda is. I think each  
20 organization -- though, of course, they have their own  
21 private agendas, but I think for the interest of all  
22 Hispanics as far as the advancement and education and  
23 employment are concerned that the leaders of each of

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1 these groups are constantly in communication and we m  
2 together regularly. We belong to each other's  
3 organizations so that we know what the overall agenda is  
4 and has to be.

5 MR. BATTLE: So again, just to rephrase, the  
6 agenda overall is just advancement of education and  
7 employment? Those two items are right at the top?

8 MS. DE LEON: That's very narrow, yeah.  
9 That's what I perceive it to be. That's my perception  
10 and I think that the other individuals feel that way as  
11 well in education and employment.

12 MR. PROCK: Ms. Rodemeyer?

13 MS. RODEMEYER: In the school system, where  
14 are the Hispanic teachers located?

15 MS. DE LEON: I don't know. I know that -- I  
16 can -- like I said, I couldn't give you any more  
17 specifics. I could find out, but I know that there are  
18 certain concentrations and I don't know if the Hispanic  
19 teachers are where the Hispanic students are. I  
20 couldn't tell you that.

21 MS. RODEMEYER: You have no idea what the job  
22 breakdown is?

23 MS. DE LEON: No. I could get it for you, but

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1 I don't have it here.

2 MR. PROCK: Ms. Ortega?

3 MS. ORTEGA: I have no questions.

4 MR. PROCK: Mr. Leventhal?

5 MR. LEVENTHAL: First of all, Margarita, I  
6 would like to compliment you on the work that you do.  
7 Evidently, you devote your free time to this cause, and  
8 I compliment you for it. Secondly, I would like to say  
9 when you made a statement that perhaps the cause of the  
10 Hispanics were being ignored possibly be cemented a  
11 little bit by your coming here. Admittedly, there was  
12 news media where evidently they perceived into the  
13 problems of other minorities, possibly more important in  
14 those, the Hispanic people.

15 MS. DE LEON: I agree with you. It does  
16 reflect that. I mean, we have been ignored by the media  
17 repeatedly.

18 MR. LEVENTHAL: I would like to say this also,  
19 not in the way of criticism but in the form of a  
20 suggestion. Perhaps if the mountain won't go to  
21 Mohammad, Mohammad could go to the mountain.

22 As far as employment is concerned, I realize  
23 that a lot of Hispanics and blacks do not have the

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1 opportunity to move up in the social stratum of the  
2 business world. I'm a businessman, and I know that  
3 unfortunately it's sort of the good old boys syndrome  
4 that gets you either in or out. However, at the same  
5 time, there are laws passed by the government offering  
6 minorities, including Hispanics, a right to privately  
7 own businesses and minority preference.

8 I, in fact, run into this as far as  
9 competition is concerned in my own business, and I'm not  
10 objecting to it. I think it's wonderful that the  
11 government support minorities; yet at the same time,  
12 perhaps it's a problem of the banks not lending money to  
13 people who want to start their own businesses. So if  
14 you're not accepted, let's say, by Cellanese Corporation  
15 or U.S. Rubber or perhaps a person can start a small  
16 franchise, do you recognize this as not a possible  
17 solution but possibly to ameliorate to a certain extent  
18 the employment cause if Hispanics and other minorities  
19 could possibly take advantage of these governmental  
20 advantages? If they haven't, what have been some of the  
21 problems?

22 MS. DE LEON: As I said in my presentation, I  
23 didn't really have time to look into the private

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1 sector. I know that there is a group of Hispanic  
2 business professionals here who have come together and  
3 are interested in trying to advance their agenda, but I  
4 haven't been able to develop that area yet. But there  
5 haven't been that many as far as I'm aware of, that many  
6 Hispanic businesses that would support employment of the  
7 many Hispanics that are here in this area. To me,  
8 that's just yet another strategy, another area that  
9 needs to be developed.

10 MR. LEVENTHAL: Ms. De Leon, I also think that  
11 your presentation has been very clear. As a public  
12 relations expert, we would expect that from you. I  
13 continue to be struck by the parallels also of  
14 minorities, period. You're dealing with retention rates  
15 of students, and this is a major problem for blacks on  
16 college campuses when programs are put in place. The  
17 commission itself studied the migrant workers' children  
18 in the nominative part of the State of Ohio a few years  
19 ago and the educational problems are compounded often  
20 because of lack of representation on faculties,  
21 et cetera. I am concerned with the statement that you  
22 made early on that there is a general distrust of the  
23 city by Hispanics. Now, you say general distrust.

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1 How -- where do you focus that? Not only on employment  
2 but --

3 MS. DE LEON: Well, basically from the  
4 services that the city has to offer. My involvement  
5 with the different community groups is here. That was  
6 the perception that I had been getting over and over and  
7 over again is that Hispanics feel like they have been  
8 ignored by the City, and they don't really know what  
9 services the city has to offer them. And if they really  
10 needed something that was provided from the city, they  
11 don't really know who to go to. I mean, they just --  
12 the city and its services practically don't exist  
13 because they have just never recognized the Hispanics  
14 and their needs and have never developed any particular  
15 plans to address their needs, and I guess that's evident  
16 through the Affirmative Action plan that they talk about  
17 passing through City Council. That plan had been in  
18 existence, but how long had it been sitting there  
19 without being put into effect or being, you know,  
20 carried out? I mean, they are aware of that, they have  
21 acknowledged that, and they are trying to turn that  
22 around, but you know.

23 MR. PROCK: Ms. Spencer?

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1 MS. SPENCER: Communication continues to be a  
2 problem?

3 MS. DE LEON: Yeah, it has been.

4 MS. SPENCER: This isn't germane to our  
5 immediate subject, but would you address the English's  
6 first movement in this country as you see it?

7 MS. DE LEON: That's a loaded question there.

8 MS. SPENCER: I mean it to be loaded.

9 MS. DE LEON: I see it as very detrimental to  
10 the Hispanic community. I don't support it at all  
11 personally. I think when you talk about having a net  
12 migration of 50 percent Hispanics to this country from  
13 South America, Spain, Mexico, you know, these people,  
14 their first language is English; and with the passage of  
15 this law, I mean, that is almost destructive. That's  
16 insulting to many Hispanics to say that English, it's  
17 more symbolic to say that this is the official  
18 language. It's almost like telling Hispanics we don't  
19 encourage you speaking a second language and we don't  
20 like what you speak and it's -- that's my perception  
21 that most Hispanics will speak out against it. There  
22 are very few for it and it's unfortunate. I have read  
23 articles about California, the situation in Florida

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1 where the Act was passed right away. Employers and  
2 other individuals started using it as almost like a ploy  
3 against Hispanics. You right away tell me that you  
4 can't speak Spanish here anymore and a lot of things  
5 relating to the Spanish community have come out of  
6 that. Where it has passed, the Hispanic community has  
7 suffered for it.

8 MS. SPENCER: The inability to print a ballot  
9 in an election in the dual language would also tend to  
10 disenfranchise the Hispanic community?

11 MS. DE LEON: I would say so.

12 MS. SPENCER: Thank you.

13 MS. DE LEON: Thank you.

14 MR. PROCK: Ms. De Leon, I just have one  
15 question. In your opening remarks, you pointed out that  
16 one of your constituents had attempted to acquire a  
17 grant from the city and did not receive, in turn, calls  
18 from the Mayor's office or City Manager. Did that  
19 individual attempt to use the vehicle of the City  
20 Council?

21 MS. DE LEON: The individual I referred to is  
22 very well known by the city administration in other  
23 areas. He's President of the Farm Labor Organizing

1 Committee. He is no stranger to the leaders here in the  
2 city and his complaint was, you know, he called City  
3 Manager. He called the Community Development Office,  
4 and the last thing he told me was that he went directly  
5 to the Mayor's office, placed this proposal on her desk,  
6 and left a message for her to call. And they know how  
7 he is, so he was very, of course, upset when he received  
8 no response from what he considered a concrete proposal  
9 but that his proposal was just one of many to revitalize  
10 the South St. Clair area, which is an important area for  
11 the Hispanic community because it is an area where most  
12 of the Hispanics in the Toledo area -- they reside in  
13 the south. And there is a church there, there is other  
14 entities there and a lot of Hispanic community  
15 congregates there; so we felt that this was an important  
16 area to develop and nothing -- I think -- I don't know  
17 all the details of what's going on there.

18 MR. PROCK: Thank your for your time today.  
19 We will recess until 1:30, at which time we will  
20 reconvene.

21 - - -

22 Thereupon, a luncheon recess was  
23 taken at 12:25 p.m.

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MR. PROCK: I'd like to call this afternoon's  
2 session of the Ohio Advisory Committee to the United  
3 States Civil Rights Commission back in order, and we will  
4 be meeting today to approximately 4:50, at which time we  
5 will recess again until tomorrow morning at 9:00 a.m.

6 We have a heavy schedule of speakers, and I  
7 would like to preface some of my opening remarks by  
8 introducing the Ohio Advisory Committee to the audience  
9 again. We have a member from the Columbus area who joined  
10 us, Melanie Mitchell, Martin Plax, Fred Baumann, Barbara.  
11 Virginia Ortega is with us, however, she is attending a  
12 small conference meeting in relation to what we're doing  
13 here today; and she will be rejoining us. We have Ray  
14 Leventhal, our Vice-chair, Mrs. Spencer and myself, Don  
15 Prock.

16 We will be having testimony brought forth. We  
17 realize that some of this testimony may be controversial,  
18 but we ask that every one of our presenters be judicious  
19 in their statements and that they do not defame or degrade  
20 any organization or individual.

21 We will afford an open period on December 13th,  
22 which is Tuesday, from 12:35 to 1:30 p.m. for anyone who  
23 wishes to provide additional testimony or has not been

invited to speak before us and feels that they have something that might enhance these hearings.

At this point I would like to call on our first presenter. If you would introduce yourself for the recorder, and we will be providing each presenter 15 minutes; and then there's approximately 10 minutes of question time which will be questioned by our Advisory Committee panelists here.

MS. EASON: My name is Conception Eason, and I am Mexican-American. I've lived in Toledo 17 years. I'm originally from Brownsville, Texas. I am founder of the Chicana Advocacy Resource Center. It's an organization that was founded for the purpose of advocating for Hispanics in general, but more in particular, the Chicana, the Mexican-American female, although, because Hispanics in general, both male and female, are normally not included in every facet of policy making at every level. As much as we like to concentrate on the Hispanic female, we find it almost impossible because the Hispanic male as well is also excluded.

But following patterns of hiring and the sexism that exists in this country, we know that males will be hired before females, consequently, for example, in the

City of Toledo, the ethnic minority female, probably --  
2 those employed with the City is probably less than half of  
3 a percent, so that the ethnic minority female will  
4 normally always be the last one hired at whatever level.

5 We felt that there was a need to do research and  
6 study of our cultural characteristics, things that are  
7 important so that we can educate people such as  
8 yourselves, people in government, because although we  
9 exist and although in Toledo, we comprise a large segment  
10 of the ethnic population, we find that, for the most part,  
11 we are not known. People do not know us or about us.  
12 They don't understand the roles that our language plays,  
13 our Spanish language. It is we feel -- and we can't get  
14 away from it because Spanish was our primary language,  
15 it's an affirmation of our culture even though we  
16 assimilate -- try to assimilate and learn the English  
17 language. It's something -- and may get away from  
18 speaking Spanish, it's something that cannot be taken away  
19 from us.

20 We are a part, as a Chicana Advocacy Resource  
21 Center, we want an organization doing advocacy civil  
22 rights, looking at local situations as well as state and  
23 national, working together with existing organizations,

and I would say in Toledo over the past year and a half,  
there have been at least half a dozen or more Hispanic  
organizations that have been started.

I've sensed that this generation of Hispanics,  
most of them, I guess the medium age for Hispanics, not  
just locally but nationally, is about 20.3 years of age.  
You will find that most, at least in the Midwest, those of  
us that are involved are first generation high school,  
college graduates; therefore, you're going to see more  
advocacy efforts being made; whereas, before it was  
basically preoccupying yourself with survival.

Although we're still preoccupied with that, too,  
we have moved up a notch in that we now have more time,  
perhaps, and with education are becoming more involved  
politically. In Toledo I sense a growing unity among us.  
In the 17 years I have lived here, I feel that over the  
past two years, we are now connecting with not just groups  
locally but statewide and nationally.

Last Friday we had our first Midwest Hispanic  
think tank, and there were participants from all over the  
Midwest. We are here in Toledo basically focusing on  
recommendations that we have made to the City of Toledo to  
begin our participation in policy making, and they're very



1 simple recommendations that we have made and hope to work  
2 with the City to start making those changes.

3 I appreciate the efforts that Floyd Rose has  
4 made. Someone earlier asked him the question about how  
5 avoiding confrontational ways in advocacy or whatever. I  
6 find that with us, we are -- as much as we try to avoid  
7 confrontation because we normally are reserved people, we  
8 are having to start to, perhaps, do some -- implementing  
9 some confrontational ways because, again, as he said, we  
10 are experiencing the same thing that unless we're there  
11 and confront, we are totally overlooked and we are  
12 constantly told when we approach someone whether it be a  
13 board or the City on something as to why no Hispanics were  
14 included. We're told, "Well, we just didn't think about  
15 it."

16 The Chicana Advocacy Center has been trying to  
17 collect testimony of discrimination towards Hispanics in  
18 the Toledo area. We did file a charge against the City  
19 through the Ohio Civil Rights Commission and pursued it  
20 legally. What we have experienced is, just in October in  
21 the Clerk of Court's office, policies that we find are  
22 racist and discriminatory, such as English only policies,  
23 that we as an organization and in conjunction with other

organizations had to deal with by talking to those persons responsible, writing letters, whatever we had to do. We see this as just the beginning. We've heard of many, many different situations where Hispanics are really totally overlooked and treated unfairly.

There's so much to do, and we find that, like I said, it's not just at our level here in local government; but we're here to stay, and we have to start in our own home ground. I find it very offensive that organizations such as the Ohio Civil Rights Commission, who is there to correct discrimination, also discriminates against individuals.

They only have, for the whole State of Ohio, five Hispanics employed, and that's supposed to take care of a population of over 200,000 Hispanics in the State of Ohio. I am an Ohio Civil Rights Investigator, and I see that within that organization, there's so much that needs to be done as well, I'm sure, in the federal level.

I understand with the current administration in Washington, Civil Rights has sort of taken a back seat, and I understand where you're at and the position you're in; but I would hope that you all as individuals would have the courage to stand up and commit yourself to civil

rights and restoring the respect that the civil rights movement so much deserves, otherwise we will never, ever move forward.

I find it offensive that aside from racism, the most critical thing and the most important point, I believe -- because I believe that sexism was a prototype to racism, that females are overlooked. We advocate, yes, for the black population, and I will always advocate for the black population; but I will advocate for the black females, the white females and the ethnic minority female who will always, always be the last to be considered for any position -- and services for that matter.

Ask me some questions.

MR. PROCK: Melanie Mitchell.

BY MS. MITCHELL:

Q You had said earlier that you made some three recommendations to the City.

A Yes.

Q Tell us what they are.

A We made, I believe, there are like seven recommendations. The first was -- is that the City of Toledo begin to work with an existing committee, which is a coalition of Hispanic organizations, to establish a

mechanism for the purpose of recruitment, hiring,  
2 promotion and retention of Hispanics at all levels of the  
3 City Administration including boards and research  
4 committees.

5 The second one, that the Affirmative Action <sup>Plan</sup> play  
6 scheduled to be presented in City Council in November be  
7 reviewed by a Committee already established to insure that  
8 Hispanic population is accurately represented.

9 We were told -- well it was never presented in  
10 November. It's supposed to be presented tomorrow, I  
11 believe, because you're in town, but we already had  
12 assorted calls to City Council not to approve this  
13 Affirmative Action Plan because the Hispanic community,  
14 even though the Mayor and City Manager were aware of our  
15 recommendations, and before election they said, "Yes, we  
16 go along with all this," we really had not been called to  
17 review that plan and have input.

18 I believe that it's important that this  
19 Affirmative Action Plan have a Hispanic statement, a  
20 Hispanic employment statement, addressing that exclusion,  
21 the exclusion of Hispanics. So I was glad to hear this  
22 morning that City Council is not going to be approving the  
23 plan, as though we will -- they will delay that, and we

will have time to hopefully participate in reviewing and  
seeing what is missing or what we should be able to insert  
in that plan.

The other recommendation that the City of Toledo  
appoint a Hispanic individual selected by the Hispanic  
Community to serve as a liaison to the administration to  
keep them abreast of needs and activities within the  
Hispanic community. We find that this position is so  
important. We need it to be a paid position with the same  
respect and compensation as that of any other cabinet  
member.

We don't have a Hispanic in City Council. We  
don't have any representation. That's why we feel that  
this position is critical if we're going to make any  
headway in the community and in local government.

Another recommendation that the City of Toledo  
recognize an advisory board created from officers of all  
local Hispanic groups to advise the Hispanic liaison.

We also recommended that compensation, financial  
compensation, be provided for bilingual skills of  
employees. We find over and over and over again,  
Hispanics are hired, many bilingual. They're called to  
work and do things beyond their call of duty, but yet are

not compensated. I think that helps set the tone, at least what many of us have felt, that our capabilities or ability to speak Spanish is not considered a skill even though it is; but it sets a tone that for when Hispanics come around to speak their native tongue, it's not a skill. It's just a given, but yet when other groups -- I have known of non-Hispanics who know a foreign language who are asked to interpret, translate, whatever, who then are compensated financially. There has to be some equity there, that ethnic sensitivity for training and for staff and management be provided as part of the orientating all City employees and representatives throughout the community they serve.

A special focus should be geared to enlightening these individuals on the different ethnic groups in the City including the issues of concerns and whatever, and that provided -- that think should provide brochures and literature from the various departments and services in both English and in Spanish. Part -- some -- we accept some of the responsibility. We accept some of the responsibility of not having been involved before. Many of us felt intimidated because of the fact that we had a problem communicating in English. We feel that if

1 governments are serious about including all its  
2 minorities, then like we have had to learn the English  
3 language, and love it dearly, that others also learn our  
4 language and learn about us and communicate with us.

5 MR. PROCK: Thank you. Martin Plax.

6 BY MR. PLAX:

7 Q You mentioned the Clerk of Court, and you talked  
8 about English only policies. Was there something specific  
9 that had happened? Was it an event? Would you mind  
10 describing that, and, also, was there a response either  
11 from your organization or from other Hispanic  
12 organizations?

13 A Right. Yeah. What happened, I was advised that  
14 the -- there's two Hispanic employees in the Clerk of  
15 Courts, and they were conversing back and forth in Spanish  
16 to one another. Apparently, the situation was that a  
17 supervisor was not comfortable or felt that she could not  
18 understand what these two women were saying to one another  
19 in their personal conversations, so she did approach her  
20 boss, who then turned around and issued an English only  
21 policy stating that from now on these employees were not  
22 to speak Spanish during work hours; and so I found out  
23 about it, started doing some calling, then a few days

1 later he amended the policy and said that they could speak  
2 Spanish during their lunch and breaktime.

3           At that time what I then did is composed a  
4 letter basically stating that I was offended and the  
5 implications of it all, the tones that had been set  
6 already. I did get a response from the Clerk of Courts  
7 who basically did agree to all the recommendations that I  
8 made to him, and I'll read them to you, what I had  
9 recommended.

10           I recommended that he immediately rescind the  
11 English only policy, and he has. I also recommended that  
12 he post bilingual signs in Municipal Court that read  
13 "Spanish spoken here," also, compensating those bilingual  
14 persons for the added responsibilities of interpreting and  
15 translating and encouraging and supporting employees who  
16 speak English only to enroll in foreign language classes  
17 to assist the public who need the services from the Clerk  
18 of Courts.

19           The sad situation of this, too, is that these  
20 two employees were often called to go and interpret in  
21 Court when Hispanics came in who could not speak or  
22 understand the English language, but yet they were being  
23 punished for speaking the language to one another only



1 because, again, someone did not understand and was so  
2 insensitive. The whole thing was insensitive, and racism,  
3 sexism, all those isms rest on each other's sensitivity,  
4 our sensitivity to one another; and I'm afraid they were  
5 not.

6 MR. PROCK: Thank you. Fred Baumann.

7 BY MR. BAUMANN:

8 Q You mentioned that you -- you mentioned that your  
9 organization had collected testimony of discrimination and  
10 filed a charge with the Ohio Civil Rights Commission, and  
11 the example you gave of that were these English only  
12 policies; and I'm curious, could you list some of the  
13 others, examples of discriminatory behavior.

14 A Right. Yeah. There's been situations, some  
15 individuals that we know of, that had worked in the  
16 maintenance departments or seasonal departments, seasonal  
17 workers, for a great number of years and have never been  
18 hired as permanent workers; therefore, they have no  
19 benefits or are -- they are compensated.

20 They are hired on a seasonal basis, but have  
21 been hired for 20 years. All right. We have situations  
22 where individuals have applied to the City of Toledo for  
23 jobs that they were fully qualified for, but yet were not

1 hired. We have situations where individuals have actually  
2 gone to the Civil Service Commission for an application  
3 and not given an application or told that there was no  
4 job.

5           We have an individual who furnished -- filled  
6 out an application for a job and was told that she needed  
7 to get her previous employer's -- a letter from them to  
8 substantiate that she did, in fact, work previously with  
9 these agencies or whatever; and that was highly unusual  
10 because she was just turning in an application.

11           I never heard of that happening to anyone at  
12 that level, and more and more as we talk with  
13 organizations and people in the Hispanic community, more  
14 people are calling us, so we're in the process of  
15 collecting as much as we can for whatever action we need  
16 to take.

17           MR. PROCK: Lynwood Battle.

18 BY MR. BATTLE:

19           A Miss Eason, can you tell me what effect you think  
20 the lack of emphasis on bilingual education here in Toledo  
21 is having on the employment prospects of Hispanics in the  
22 community. Do you feel that that is really kind of the  
23 top line, or is it -- is there something else?

A The bilingual effect, the dual language --

2 Q Yes.

3 A -- problem?

4 Q The failure to accept that.

5 A Failure to accept that there's a bilingual --  
6 yeah. I see that it's -- first of all, again, going back  
7 to the fact that we're at the point -- in this generation  
8 of Hispanics in this part of the Midwest, like I said  
9 before, are the first generation high school, college  
10 graduates; but you're still dealing with the Dad and the  
11 Momma and the grandparents and all these other cousins and  
12 that who may not be -- may lack a high school education,  
13 may lack a college education, and so that through the  
14 process, through coming to the point of this generation of  
15 educated Hispanics, Spanish is still an important part of  
16 their home life.

17 We speak Spanish fluently at home, and we have  
18 to shift gears when we are exposed to anybody else. We  
19 don't have a problem with that. We do it quite well, but  
20 we lack the confidence. Many times we don't speak up. We  
21 don't understand because of that language problem, the  
22 fact that we're having to learn the language that you  
23 speak so that you can give us jobs.

I feel that overall -- it's not just inherent in Toledo, it's elsewhere, the thought that, well, if the Hungarians learn to speak English, then you should also not expect that we give you the literature, and so on, in Spanish; and granted, that may be so. We are learning English, and we have learned English and will continue to learn English, but we also comprise a huge segment of the population in the United States and here in Toledo. We have an impact. We contribute to the economy of this country without taking anything back, without anything in return.

We need to -- the insensitivity does affect us, and in my mind, since when is less more? We know two languages. Why can't you know two languages? It seems like we would be a better country if we all practiced that, but somehow with these English only policies or English only legislation, it's that feeling that, oh, no, all of a sudden the population of Hispanics is growing, and, you know, Spanish is a second language in this country. They may want to take over. Well, it's not about taking over. It's about equality and justice and sharing because we don't want to take over. We just want some of what you have.

Q Does this global problem, so to speak, have a local solution in your mind?

A I think -- well, I think it has a solution, not just locally, but elsewhere, and I think we've started -- first of all, I think the same thing that the black movement did; whereas, the black movement reinforced that black was beautiful, we are also reinforcing that Spanish is beautiful and necessary; and working with our own population to feel confident and not intimidated so that they can start speaking up whether they have a heavy accent or not or they use the wrong word or not, but speak up because that's what we need to do if we're ever going to be even looked at or if we are ever to participate in government.

MR. BATTLE: Thank you.

MR. PROCK: Barbara Rodemeyer.

BY MS. RODEMEYER:

Q Is there any -- I notice that you're women's advocacy. Is there any special problems with women being hired in Toledo?

A Yeah. In the City of Toledo -- I don't know if you -- I don't know if you're all going to collect the statistics for Toledo. I thought you would have the

1 numbers. You should have them. You will find that  
2 women -- let's see. The caucasian female -- let me recall  
3 the numbers -- I believe comprises like 12 percent of  
4 those employed in the City of Toledo.

5 The black female is like 6 or 7 percent. The  
6 ethnic minority female is like way less than half of a  
7 percent. Most of them -- in fact, I believe there was 80  
8 percent of them are in this stereotypical position such as  
9 clerical, making coffee, all that, typing. So that, yeah,  
10 you know, the same thing that's happened nationally is  
11 happening here in Toledo.

12 Q Okay.

13 A As far as advocating for women, not just in  
14 employment, but elsewhere, the same -- we're experiencing  
15 the same things as far as women's right to choose and the  
16 equal rights amendment issue locally as well.

17 MR. PROCK: Ray Leventhal.

18 BY MR. LEVENTLAL:

19 Q Ms. Eason, I would like to ask several questions  
20 about your organization. First of all, are you a  
21 professional person or a volunteer?

22 A Professional person in what respect?

23 Q I mean as far as being the founder of Chicana

1 Advocacy Resource Center. Is this your job? Do you do  
2 this for a living, or is this a voluntary --

3 A So far I am working on some funding so that I can  
4 hopefully be compensated for the expense because I pay for  
5 everything along with donations from the community. I do  
6 all this advocating on the side. I, like I said before,  
7 am currently an investigator with the Ohio Civil Rights  
8 Commission.

9 Q Oh, I see. Okay. Now, is this Chicana Advocacy  
10 Resource Center part of a national organization or just  
11 local?

12 A No. It is just local. It's an organization that  
13 we have founded locally.

14 Q Are there any national Hispanic organizations  
15 advocating the rights of Hispanics?

16 A Well, IMAGE is a national organization.  
17 Certainly MALDEF and LULAC and all the Hispanic  
18 organizations that are national, other -- well, locally we  
19 just have the IMAGE chapter connected that way.

20 Q What I'm leading up to really is this, other  
21 groups, black groups which have the NAACP, Jewish groups  
22 have the Anti-defamation League and Arab groups have Arab  
23 antidiscrimination all fighting for their causes, and we

1 realize that you have many problems, perhaps, one of the  
2 problems is that you don't have a central organization all  
3 over the country because this is a relatively small  
4 portion of the Hispanic people, most of them living in  
5 California or in Florida; but are there any plans that you  
6 can conceive of of a national organization trying to fight  
7 for the rights of Hispanics?

8 A You mean to come into Toledo and have that?

9 Q Well, national organizations can give  
10 information.

11 A Well, there are national organizations, but I  
12 guess in my mind I think that it's up to each individual  
13 one of a small organization or large organization to start  
14 making changes, and certainly we understand that national  
15 organizations have a better impact because you're more  
16 politically connected and have the resources and more --

17 Q More clout, so to speak.

18 A Granted -- yeah. Granted, we may not have an  
19 organization as wonderful and well-funded as the NAACP or  
20 whatever.

21 Q Believe me, I'm not criticizing you.

22 A No. But I guess that's a question that's asked  
23 often, and I find it offensive because if we're going to



1 deal with discrimination, why is it that we have to -- the  
2 question is always given that somehow you have to have a  
3 national organization to lead you.

4           What I'm talking about are things that we as a  
5 community just like in a family have to confront and deal  
6 with. When you do it individually, not connected with an  
7 organization or connected with an organization, it doesn't  
8 matter. When you're talking about injustices, I don't  
9 need anyone to lead me. We need to do it all.

10           Q    Thank you. I did not mean to be critical.

11           A    No.

12           Q    And I give you a lot of credit for the work that  
13 you're doing.

14           A    You're asking a question that is often asked, and  
15 I think it's totally insensitive, and I want -- and I get  
16 angry, but I want you to understand how insensitive it is.

17           MR. LEVENTHAL: Thank you.

18           MR. PROCK: Vice-chair, Marian Spencer.

19                   - - -

20 BY MS. SPENCER:

21           Q    Miss Eason, I heard you state in your earlier  
22 remarks that you had heard that the City's Affirmative  
23 Action Plan, which we saw this morning, as presented by

1 City Manager Hawkey that was to be presented tomorrow to  
2 City Council --

3 A That's what we were told last night.

4 Q -- is not going to be adopted.

5 A Was not going -- that's what I was told.

6 Q By whom? I mean --

7 A Just here in the room, and I forget who it was.  
8 I thought it was somebody from Affirmative Action. Oh,  
9 they're going review it? Maybe I misunderstood, but it  
10 will be reviewed but not adopted is what I understood. If  
11 not, I'm going to go make some more phone calls because  
12 we've got --

13 Q What are we being told, that there are not enough  
14 votes on City Council, five out of nine to adopt it, or  
15 what is required?

16 A It beats the hell out of me.

17 UNIDENTIFIED SPEAKER: It's only been held up so  
18 that further input from the community and from Council  
19 itself can -- or final adoption is requested.

20 A I know -- I know that last week we were -- again,  
21 in November we told -- we were told that if the plan would  
22 be presented to Council in November and it hadn't been,  
23 and we had been requesting to see it and have -- so we

could have input, and then last week when some of us went  
up to Affirmative Action to look at it to see where it  
was, we were told it was going to be presented tomorrow to  
Council. So then what we started doing is just making  
phone calls to Council just hoping to delay the  
Affirmative Action Plan so that we at least could have  
time to review it and make some recommendations. But I  
didn't know all -- I didn't have the scoop on what had  
happened this morning.

Q Well, I'm really interested because Affirmative  
Action Plans are a part of ongoing City structures today,  
and they have to do with employment practices --

A Absolutely.

Q -- that adhere to the legal posture of a  
community.

A Sure.

Q And if you know -- if you had known for a fact  
that this was not to be adopted, I think this is something  
that the Commission should also be aware of --

A Right.

Q -- because one of the major reasons we're here is  
because there have been disparities --

A Uh-huh.

Q -- in the employment practices and the concerns  
2 of this City.

3 A Right.

4 Q So administratively, if a document that has been  
5 worked on to bring this City into compliance --

6 A Right.

7 Q -- with that which is just, fair and honest --

8 A Uh-huh.

9 Q -- is going to be set on the shelf --

10 A Right.

11 Q -- I think we should know that.

12 A Right, and I would hope -- and certainly I'll  
13 advocate that that does not happen. What I'd like is a  
14 delay so that we can at least have some input and look at  
15 the plan. The various individuals I've talked to that  
16 have looked at the plan have stated that it does not  
17 address the Hispanic concerns, that there's no goals or  
18 timetables for making any changes.

19 It's proceeding business as usual, and I really  
20 feel that we do need to look at it, not for the purpose of  
21 delaying it forever because we feel that it's very, very  
22 important, and there's a group of us ready to sit down and  
23 look at it as quickly as possible and just to be able to

participate in making sure that we're not being  
2 overlooked.

3 Q That's important.

4 BY MR. PROCK:

5 Q Miss Eason, in your employment capacity --

6 A Uh-huh.

7 Q -- within the last six months since Toledo has  
8 been publicizing in the media various racial issues, has  
9 the complaints increased in the office you work out of  
10 or --

11 A Yes. The City of Toledo?

12 Q Yes.

13 A And again, it's information that I'm normally not  
14 privy to, but I have noticed a large number of charges  
15 come in, not just from the black community, but Hispanic  
16 community.

17 Q This is being --

18 A But it's being handled by the systemic group out  
19 of Columbus so that the staff -- I work in the Toledo  
20 office. I am not privy to a lot of that information.

21 Q I'd like to follow up with that.

22 A Sure.

23 Q If an individual would enter into the Ohio Civil

Rights office to file a complaint --

2 A Right.

3 Q -- correct me if I'm wrong, but normal procedure  
4 would be, there would be a compliance officer there to  
5 assist that individual with the complaint?

6 A Right, and we do that, yes.

7 Q Well, what I'm hearing now is there's been a  
8 different form set for --

9 A No. I'm sorry. Let me make it clear. We, I,  
10 the local staff, do take the charges that come in, and I  
11 have seen an increase of charges filed against the City,  
12 not just by the black community, but Hispanic community  
13 and others; but what had happened for a period of time,  
14 and I believe it may be continuing, I'm not sure, because  
15 again it's -- I'm not told everything. There was a  
16 systemic team put together in Columbus that actually came  
17 to Toledo and has been responsible for handling those  
18 charges. All right.

19 Q Okay. Fine.

20 MR. PROCK: Are there any other follow-up  
21 questions by the panelists? Well, I want to thank you for  
22 taking time out of your busy schedule to make a  
23 presentation to us.

MS. EASON: Thank you. Thank you.

2 MR. PROCK: Is Lynn Corlett present? Is there  
3 someone here from the Toledo Chamber of Commerce? Let  
4 me ask this question, is there anyone in the audience  
5 who's been scheduled to make a presentation to us this  
6 afternoon? We'll take a 10 minute recess here and  
7 reconvene in 10 minutes; and we are running ahead of our  
8 schedule. One of our presenters had called and said there  
9 was an emergency in the family, but I see we have a quite  
10 extensive agenda, and no one is here. We'll reconvene at  
11 2:30.

12 (A recess was taken at 2:19 p.m.)

13 MR. PROCK: We'll reconvene this afternoon's  
14 portion of the Ohio Advisory Committee's forum to the  
15 United States Civil Rights Commission, and if the speaker  
16 would identify himself for the court recorder. We have  
17 set forth a format where about 15 minutes of presentation,  
18 and then there will be questions from the Advisory  
19 Committee members from my far left to myself.

20 MR. PORTER: Thank you very much. Good  
21 afternoon. I'm Michael Porter, President of the Toledo  
22 Area Chamber of Commerce. We are located at 218 North  
23 Huron Street in Toledo. I don't believe my formal

1 presentation will go on for 15 minutes, but I'm certainly  
2 available for as many questions as you would like to ask.

3 I will confine my remarks today to mainly  
4 business issues as I am here representing the Chamber of  
5 Commerce.

6 The Toledo Area Chamber of Commerce is a  
7 nonprofit organization and is made up of 1,800 businesses  
8 with a total membership of over 3,400 individual members.  
9 Our mission is the advancement of economic, industrial,  
10 professional, cultural and civic interests in the Toledo  
11 metropolitan area, and contributing to that end, the  
12 establishment of friendly relations and incorporation  
13 among of the citizens of the area.

14 Additionally, the Chamber shall do whatever is  
15 necessary to keep Toledo's economic companies such that  
16 people will be willing to risk their resources here in the  
17 hope of making a profit.

18 Incidents of the past few months have strained  
19 racial relations in Toledo and have caused many built up  
20 frustrations to rise to the surface. These frustrations  
21 are real, and unless properly addressed, will have a  
22 significant effect on the business climate of Northwest  
23 Ohio. While I don't presume to have the answers to many



of these frustrations, there is one overriding business concern that seems obvious. In Northwestern Ohio there are not many minority owned and operated businesses, and where there are, they tend to be in the service area.

I do not feel that this is a purposeful attempt by the majority community to try to stifle minority business development, but rather a problem in the demographics of the community. While the percentage of minorities in Toledo is 22.9 percent, and that breakdown if you're not familiar with it is 17.4 percent black, 3 percent persons of Spanish language, and 2.5 percent other; and although that is a very significant part of the community in terms of numbers, from an economic access perspective, it makes it very difficult for a minority business to succeed unless access can be gained to the total market. Certainly some service-oriented businesses can succeed serving only the minority community, but other types of businesses must have access to the larger market.

There are many programs presently in place that will assist start-up businesses, whether they be minority or majority, the financing, writing business plans and solving day-to-day operating problems, but there is not a very good networking system for minorities, either within

the minority community or within the majority community.  
From a business perspective, access is the major problem,  
and it must be dealt with.

Presently the Toledo Area Chamber of Commerce is updating its strategic plan. One of the elements of that plan is to seek methods to fund a minority business relations and systems program. While we have yet to identify the resources to get the job done, we certainly recognize the need and will continue to seek a way to provide better access for minority entrepreneurs.

In summary, it is fair to conclude that our area has race relations problems. Not having lived my adult life in any other community, I really can't say whether our problems are the same as, worse than or equal to other communities. I really have no way of judging that having only lived here my adult life, but I can say, however, that minority entrepreneurs do not represent a portion of the business community which reflects our demographics, and that the access to a broader client base is a must.

While not promising miracles, the Toledo Area Chamber of Commerce stands ready to assist wherever possible.

I found my presentation today very difficult to

put together in that limiting my remarks to business kinds  
of issues is a difficult thing, but I think there were two  
overriding things as I prepared my testimony today that  
were obvious, and that is, just the raw numbers indicate  
that we are very under represented in Toledo as far as the  
minority community goes, and that is a problem. Whether  
that has broader significant overriding sociological  
implications, I'm not really -- I don't know whether  
that's the case or not, but obviously the numbers are  
real; and the minority community is under represented in  
the business community in general in the City of Toledo.

And I guess, specifically, if you talked about  
the Chamber, we probably have much less than half of 1  
percent of our membership, and we are a membership  
organization, who are minorities. That is not an  
attempt -- because it's strictly open access to membership  
in the Chamber, however, it's been that there aren't a lot  
of minority businesses, and those that are out there and  
available, either feel they probably don't have the money  
to join, or maybe even question whether or not they would  
be properly represented. I hope that's not the case, but  
that I'm sure might be a question in our own minds.

With that I'll conclude my part of the

1 presentation and ask if you might have any questions of  
2 me.

3 MR. PROCK: Mrs. Mitchell.

4 BY MS. MITCHELL:

5 Q What sort of specific plans does the Chamber have  
6 to reach out to minority businesses to facilitate access?

7 A Presently, right now, there's a couple things  
8 we're actually doing and one thing we want to do which we  
9 have yet to do. We have presently started a program  
10 through what we call a Small Business Development Center  
11 which is located in the Chamber of Commerce, and what we  
12 have attempted to do is we have sort of started an adopt a  
13 business program; and the idea is we have certain larger  
14 companies who have been willing to come up with half of  
15 the cost of a business planning program for minority  
16 businesses, and so we still want the business to pay part  
17 of the fee because if it's just free, it just doesn't have  
18 the significance as it does if you have to pay something.

19 So the business itself, if they pay half, then  
20 we have a business, a larger business that will pay the  
21 other half, and it will then allow those minority  
22 businesses to participate in a business planning or  
23 business plan update session so that they can begin to

1 look at those problems that might be obvious in their  
2 existing business, or if they're thinking of getting into  
3 business, it will identify those areas before they  
4 actually get into the business.

5           We started another program a couple years ago  
6 that has kind of a reverse trade fair, and rather than  
7 having the bunch of businesses where -- then the  
8 purchasing agents go in and talk with the businesses, we  
9 reversed that, and we said if there's a way that we can  
10 get all the purchasing agents to come together in a trade  
11 fair where business in -- and this wasn't only related to  
12 minority, it was small business in general, but so that we  
13 can get the smaller businesses to have contact with the  
14 larger business's purchase need and agents all in one  
15 place.

16           And we did that this year, and it really was a  
17 very successful way to try and get to the mainstream of  
18 the purchasing networks of those larger businesses. What  
19 ultimately we'd like to do, and understand again that  
20 being a membership organization you put the majority of  
21 your money into -- well, for example, legislative kinds of  
22 things, and so on, but we're trying to figure out if  
23 there's a way that we could get funded a minority

1 relations and assistance program that would do a couple  
2 things.

3 First of all, it would help develop a  
4 relationship between the minority community and the  
5 majority community from a business perspective, but also  
6 what we would hope we could do is deal with that access  
7 issue because you can make all the speeches in the world  
8 that you want, but from -- at least in my opinion, the  
9 real issue is access. There -- every business that I've  
10 talked to, especially the smaller ones and more especially  
11 minority small businesses, the whole access to the system  
12 and the networking is the real big issue that we seem to  
13 hear time and time again.

14 Q I just have one other question. This business  
15 plan, what does something like that cost?

16 A Total cost is \$400, and the big company pays  
17 \$200.

18 MR. PROCK: Marty Plax.

19 BY MR. PLAX:

20 Q Mr. Porter, the Chamber presumably gets involved  
21 in questions of economic development in the City, right?  
22 I mean, what areas would be developed and what programs?  
23 Would you comment on your sense about the allocation of

1 interest and development and funds. Does this tend --  
2 does the minority business community, small as it is, does  
3 it get its share? Do the minority neighborhoods get their  
4 share? Is that also a problem of access?

5 A In raw numbers that's hard to say, but I think  
6 there's always an issue of whether or not minorities get  
7 fair share of certain allocation of resource. I think a  
8 lot of times we tend to deal with those issues from almost  
9 an administrative convenience perspective rather than -- I  
10 guess what I'm saying is it's sometimes easier to find  
11 excuses why we don't do things than find reasons to do  
12 things, and so there's probably some of that.

13 I've never been convinced that it's been an  
14 issue that is -- that has been an overt attempt to do  
15 those types of things. I think, however, those things do  
16 occur, but I don't think it happens by purposeful  
17 conspiracy. I think it happens for all the reasons and  
18 all the excuses we've all heard for years and years.

19 MR. PROCK: Anyone?

20 BY MR. BATTLE:

21 Q Mr. Porter, I think you'd probably agree that  
22 attracting and retaining in any community talented  
23 employees of both genders and all races is pretty directly

1 dependent on the environment of the community and just  
2 what's going on for all of the interested segments.

3 With a cloud hanging over the head of any  
4 community that speaks to supposed racism, for example, the  
5 sequence of that is obviously one of a minority Hispanic,  
6 black, Asian, looking a second time about wanting to  
7 relocate here to any business.

8 I'm wondering if the Chamber organization or any  
9 of the individual businesses have confronted that issue  
10 head on with the City Administration and other  
11 organizations within the City to emphasize the importance  
12 of reaching some pretty quick conclusions because I  
13 imagine Toledo is as affected as any of us are with the  
14 shrinking work force. We're all getting to that point  
15 where we're all fishing in a smaller and smaller pond for  
16 the same people.

17 Could you comment on that. It was a kind of a  
18 rambling way of getting around to it, but the gist of the  
19 question is, you know, what is the business community  
20 doing to influence the overall image of the community so  
21 that it ends up in your enlightened self-interest, if you  
22 would, to operate in a better climate here in Toledo?

23 A. I wish I could sit here and say there's a



grand program put together to address that issue. There  
2 is not. I think that the recent incidents around local  
3 government have brought that whole issue back to the  
4 surface. I don't think those issues ever have gone away.  
5 I think they tend to lay under the surface and emerge  
6 every now and then, and a certain set of incidents have  
7 caused those things to emerge again.

8 I think it's as large a problem is not only the  
9 attracting of other companies to the area, but keeping not  
10 only our -- just keeping all of our youth, whether it's  
11 minority or not, in the area. I think that's a real  
12 issue, and if the minority community especially feels that  
13 there is an opportunity for gainful employment and good  
14 employment in this area, then I think the problem begins  
15 to get worse and worse and worse because then all of a  
16 sudden those that you need to actively support a good,  
17 vibrant work force tend to go other places, and then you  
18 don't have the skills base that you need to provide the  
19 surfacing of those jobs that need to be taken care of.

20 And I think that is really right now, in my  
21 opinion, in Toledo the bigger issue. How do we convince  
22 our youth in this community that there is opportunity,  
23 that we are not a community that is prejudice and goes out

of its way to make the plight of the disadvantaged or of a  
2 minority community or whatever such that they don't have  
3 an opportunity, and I don't think we have an awful lot of  
4 very good programs yet. I think we're -- I think there is  
5 a self-enlightenment is beginning to happen, but  
6 unfortunately sometimes it takes certain incidents to get  
7 those issues in the forefront.

8 I think rightfully or wrongfully the whole issue  
9 of community relations -- I think that there's a lot of  
10 people in town that have assumed for a long time that  
11 everything was just wonderful, and obviously everything  
12 wasn't wonderful; and so I think there is now that  
13 reawakening again to see what can be done.

14 Q Are you aware -- excuse me. Are you aware  
15 whether any of your member companies are affiliated? Are  
16 you familiar with that?

17 A Yes, yes, and some do. I'm not familiar enough  
18 to cite chapter and verse. There are also companies,  
19 especially some of the larger ones, that actively try and  
20 deal with purchasing from minority vendors, and those  
21 types of things, but in terms of an overall community  
22 business strategy, right now I would say there is not one;  
23 and I wish I could answer differently, but there isn't.

MR. PROCK: Barbara.

2 BY MS. RODEMEYER:

3 Q Very often Chambers of Commerce, having access to  
4 special expertise, will do oversight committees looking at  
5 City Government for delivery of service, efficiency, et  
6 cetera. Has the Toledo Chamber undertaken any studies at  
7 this time?

8 A We do. We have two organizations in Toledo that  
9 deal with that issue. A group called TAGRA deals with  
10 day-to-day operational kinds of things where they'll go in  
11 and audit a department to see whether or not they're doing  
12 things efficiently, and so on.

13 The Chamber does more things on issue oriented  
14 things for the community. For example, in the City right  
15 now, we're working with them on solid waste disposal  
16 issues, sewer and water rates, those types of things, so  
17 very issue oriented types where we will put a group of  
18 business people together to help them with a particular  
19 problem that they're dealing with; so, yes, we do do that,  
20 and it's kind of an open field. Well, any area that they  
21 might bring to our attention or comes to our attention, we  
22 will try and put together a group to help them with a  
23 particular issue.

1 Q Well, then it might be possible then for the  
2 Chamber to work on community relations as well?

3 A Certainly. Certainly.

4 MR. PROCK: Ray Leventhal.

5 BY MR. LEVENTHAL:

6 Q Well, this might be a little far afield from the  
7 work of the Chamber, but I'd like to ask a question about  
8 fund-raising in the community for indigent people. Does  
9 the Chamber get involved? Do you have a United Way here,  
10 for example, Community Chest fund-raising, and if so,  
11 generally speaking, what is the business community of  
12 Toledo like? Are they generous, or the opposite? Have  
13 they become involved in remedial -- trying to help these  
14 problems from an economic point of view?

15 Q I would say that we shine very well in that  
16 regard. We have a very strong United Way. We have a very  
17 strong business involvement in that whole process; and  
18 generally the businesses in Toledo, given a task, will  
19 respond. I would say that any set of circumstances that  
20 would arise where they were asked -- and they don't do  
21 these things -- they won't normally step in unless they're  
22 asked, but when asked, they respond really well.

23 MR. PROCK: Vice-chair.

BY MS. SPENCER:

2 Q I am concerned, Mr. Porter, about how many  
3 members do you count in the Chamber locally?

4 A Of actual individual members, 3,400, of actual  
5 individual companies, it's 1,800.

6 Q 3,400. What is the Chamber membership, cost of  
7 membership. Is it --

8 A Minimum membership is \$200.

9 Q \$200. Do you have any black members?

10 A Yes.

11 Q Approximately how many?

12 A Oh, I think you could count them on both your  
13 hands and feet. I think there's probably less than 20.

14 Q Fewer than 20?

15 A Yes.

16 Q The problems which Mr. Battle referred to that  
17 have surfaced in the community recently will probably have  
18 some effect overall on the business community. To what  
19 extent do you think that they will affect business in the  
20 business community?

21 A. Well, I think the issue is kind of a broad  
22 one in that as you begin to attract or retain businesses,  
23 general climate of a community, which includes ability to

get along with each other, which includes all the quality  
of life types of things that we think are very important,  
if you have a community that has a reputation of being  
fraught with internal strife, be it racial or whatever, it  
certainly has a very negative effect, so that I think in  
the long run it's very important that whatever problems  
there are in a community that you not run from them, that  
you hit them on straightforward and see if you can't  
resolve them some way.

So I can't point to you and say we'll lose X  
number of businesses or fail to get X number of  
businesses, but certainly from a general economic climate,  
quality of life climate, it certainly has to be a factor.  
It can't do us any good if we're hitting the papers all  
over the country saying we have racial problems.

Q Apparently the City has had an Affirmative Action  
program on the books since 1976. There -- the problems  
surfaced, though, relative to the police and fire  
departments in that interim. Was the Chamber aware of  
this as a major problem hiring-wise and the consent  
decrees that were developed to relate to them, and did  
they in turn see them as relating to their business  
operations?

1           A    No.  I wish I could answer that differently, but  
2 no.  One thing that you'll find is that business people  
3 unless asked to intercede, aren't out looking to solve  
4 other people's problems.  They didn't -- at least at the  
5 time of those consent decrees, and so on, did not see the  
6 two as being bound to their everyday business; and unless,  
7 again, asked to help or whatever, they just would choose  
8 not to get involved, same with any -- especially things  
9 that relate to personnel matters.  They are very reluctant  
10 to become involved in issues that relate to personnel  
11 matters or direct people matters, one party versus  
12 another.  Now, a group -- an affected group versus another  
13 is a whole different issue, but they very seldom want to  
14 get involved with party A versus party B and who's right  
15 and who's wrong.

16           Q    In the Cincinatti area there is a great deal of  
17 assistance on the part of the business community with the  
18 educational community in the sense that the business  
19 community has adopted certain schools, and they seem to do  
20 a lot with those schools.  One of the ways that businesses  
21 recently have been asked to address the business needs of  
22 minority communities has been through the development of  
23 incubators.  Have you -- have you any of those?

1 A We have had -- there is a facility in town  
2 called -- it was developed by Controlled Data which was  
3 put together initially to serve as a business incubator  
4 met with medium success, is still in Toledo and still  
5 trying to operate.

6 There is another incubator that was less formal  
7 in structure that is going on over in East Toledo, run by  
8 River East Associates that is doing reasonably well in  
9 fostering small business development. The one in East  
10 Toledo isn't necessarily targeted toward minorities. It's  
11 targeted to small business of any kind, minority or not,  
12 so we are aware of the concept and have tried to over the  
13 years develop that concept, sometimes successfully,  
14 sometimes not very successfully at all.

15 Q If your president had been asked to appear today,  
16 would he have been able to come in your estimation?

17 A Given -- working with a schedule, yes, yes.

18 MS. SPENCER: Thank you.

19 BY MR. PROCK:

20 Q Mr. Porter, we're here to gather information, and  
21 not to draw any conclusions, but I want to give you a  
22 challenge in a position you hold. Every January every CEO  
23 of a company goes through an -- what I call an



1 administrative task, and they sign multiple letters; and  
2 one of their staff prepares it for them, and it's posted  
3 within their company. It's a firm commitment that they  
4 will not discriminate against race, color, creed,  
5 handicap, veterans, the whole gamut. January is coming  
6 upon us, and I would like to see the Chamber take the meat  
7 of those letters and hold a forum for the CEOs, your  
8 1,800.

9 A. Okay. I don't -- I'm not so sure I quite  
10 understand what you want us to do, but I think I'm  
11 supportive of that.

12 Q Okay. Your CEOs, your 1,800 CEOs, make a  
13 commitment to the government and to their population that  
14 within their realm of employment they will not  
15 discriminate Affirmative Action because of race, color,  
16 creed, sex, handicap; and a leadership role from the  
17 Chamber of Commerce could really take the meat of what's  
18 said in that form letter that's prepared by an underling,  
19 and the CEO's signature is on it, I think we could see a  
20 change in Toledo.

21 A And I would be willing to do that. I think that  
22 that is not that unreasonable of an assignment.

23 MR. PROCK: Well, I thank you for sharing your

time with us. Mr. Baumann.

2 MR. BAUMANN: Yeah. It's on the lines of some of  
3 your questions and also my own.

4 BY MR. BAUMANN:

5 Q You've described a business community that is  
6 willing to do things that have been asked, but otherwise  
7 not, and in addition to the suggestion that Mr. Prock has  
8 made, I wonder if in the area of allocation of development  
9 it is totally unreasonable to think that the Chamber might  
10 take positive steps to pay more attention to that  
11 allocation and to do so precisely because it understands  
12 that racial tensions are bad for the business of the City.  
13 Is there anything that you could suggest that you could  
14 outline as a way of dealing with that problem?

15 A Well, I think one thing that we have made --  
16 tried to make clear to the community, that if it was in  
17 the best interest of any parties who might have an  
18 interest that we would be willing to put whatever --  
19 together whatever would help a situation. For example, if  
20 a special task force needed to be put together to begin to  
21 increase some communications, which you can't -- and I  
22 didn't want to get into the social side of it, but I think  
23 that is a real issue. I think we do have a communications

1 problem and an inability to talk with each other about  
2 issues that are -- that are before us.

3 I think that you would see the Chamber more than  
4 willing to convene some sort of task force or forums or  
5 whatever to try and help that situation out, and whether  
6 or not that needed to be public or private, I don't think  
7 it really matters to us as long as it's effective.

8 MR. PROCK: Marty, did you have a follow-up?  
9 All right. Thank you for your time, Mr. Porter. I  
10 appreciate it. Is Dale Stormer present? Jack Ford? Is  
11 there any other person or organization scheduled to speak  
12 this afternoon in the audience at this time? Okay. We  
13 will take another break then. We'll recess for another 10  
14 minutes.

15 (A recess was taken at 3:05 p.m.)

16 MR. PROCK: I would like to reconvene this  
17 session of the Ohio Advisory Committee to the United  
18 States Civil Rights Commission, and we have more or less  
19 changed the format at this point in time to an open  
20 session; and we do have a gentleman in the audience, James  
21 Mitchell, who is, as I understand, a bricklayer, and I  
22 understand a member of the bricklayers' union who has a  
23 class action suit pending; and he'd like to share it with

us.

2           If you would come forward to the mike. If you  
3 would kind of limit your remarks to about a five-minute  
4 session. You must understand we're not a regulatory body,  
5 but a fact finding body.

6           MR. MITCHELL: My name is James A. Mitchell,  
7 Jr., and I've been in Toledo ever since '63. I'm a  
8 bricklayer, and I am here somewhat on behalf of other  
9 black bricklayers in the City of Toledo. My father filed  
10 a class action suit in '83 which is still pending and is  
11 now before the 6th Circuit.

12           But what my problem is here, there has been a  
13 lot of federal jobs in the City of Toledo that black  
14 bricklayers have a problem getting on. Although we have a  
15 union, it doesn't seem to help any. Now, we've been  
16 fighting this problem for quite some time. The black  
17 bricklayers are declining in this area. There is not a --  
18 I would say a broad enough basis for -- put an apprentice  
19 into the program. There should be some guidelines set up  
20 so that they can get black apprentices into the  
21 construction industry in all avenues of the construction  
22 industry, not only bricklayers, but all of it.

23           We do have a major problem in all of those

fields, but mainly I'm here for black bricklayers. Now, this problem somewhat started at the Bowling Green job site, which was federally funded, and I couldn't understand why, here it was, this big job going on in Bowling Green, and no black bricklayers there; so I would go back in a couple of days, go back, and I would always end up seeing white bricklayers there, so no black ones.

So I brought this to my union representative's attention. He said, "Jim, we'll do what we can do," and so I would say about that Thursday I got a phone call. Now, what the problem I see in that is that they can call us when you put the pressure on them. Then they should call us when there is no pressure.

Now, we all are paying union dues, but we are not getting fair representation from the union or from the various contractors in this City. There are 17 major contractors, the small and great. And there are about two black contractors, one just started up here lately; but there's one major black general contractor who can do work on a broad scale as well as those major white contractors who very seldom are getting a chance to get some of these contracts, and that is one of the problems why the black bricklayers doesn't have no access into the work force.

If you can look into that problem, I would appreciate it.

2 Thank you.

3 MR. PROCK: Melanie Mitchell, do you have a  
4 question?

5 MS. MITCHELL: No.

6 MR. PROCK: Marty?

7 BY MR. PLAX:

8 Q Could you explain how hiring works. You said you  
9 got a phone call. It's not a hiring call? Is it up to  
10 the union, up to the contractor? How is it supposed to  
11 work?

12 A Now, from what I understand, our union doesn't  
13 want any hiring calls for the simple reason the white  
14 bricklayers would find themselves sometimes out in the  
15 cold, so to speak, so they would rather do it word of  
16 mouth.

17 If a contractor knows a bricklayer, then they  
18 just go down the line, your friend gets your friend; but  
19 when there's 90 percent of the whites out there in the  
20 work force, out in the construction trade, that  
21 automatically leaves the blacks out because there are no  
22 blacks there to even get a word of mouth around to each  
23 other, you understand, so that is one of the problems.

As far as the hiring is concerned, if you get  
2 hired, you may work on one job, but when that job is over,  
3 you're no longer called back; and that's the problem.  
4 Now, what they're trying to say here is that we call back  
5 our regular work force. If they call back the regular  
6 work force, then they're all basically white, where if  
7 they would hire the blacks, then they would become a part  
8 of their regular work force; and they'd also be called  
9 back, but that doesn't happen.

10 I've been in the trade for almost 20 some years,  
11 and I've seen it from the labels work force right on up to  
12 the journeymen where I am today, and we have a  
13 predominantly black label work force, which is Local 500;  
14 and if they wanted to pull any blacks from that labels  
15 union, they're there. I can't understand why there is no  
16 other blacks in the trade, no more than what I see right  
17 now, and that's very few, very few, and the apprentices  
18 that they're putting in -- and when I came into the  
19 program, you either had to work around the trade, or  
20 either your uncle was in the trade, you knew someone.

21 Now they're only pulling the kids off the street  
22 that don't have no formal background whatsoever or what  
23 they're getting into or getting involved in, and it

1 doesn't stay too long. So all they're doing now is just  
2 putting them in, to pacify just for a short period of time  
3 and say, "Well, we tried it." But they're not getting  
4 qualified kids to stay there, see, and bricklaying, it's a  
5 hard trade, true enough, but you've got to have some basic  
6 background in that work force to even want to stay out  
7 there for a day.

8           So now I feel like if they're going to set up  
9 any kind of program, it should go back to the way they did  
10 it, the old way, but at least have the kids work around  
11 the trade, not just some kid just want to get in because  
12 they figure they can make a big buck and that's it, and  
13 they don't stay in it after that, you know.

14           Q    So is the problem, from your point of view, the  
15 local union, national union, the contractors or all three?

16           A    Well, I mean, to put it broadly, it's just a  
17 conspiracy, period. Because -- I don't want to go into  
18 the legality of this issue, but what we done found at this  
19 particular time is major, and the reason why it's major is  
20 because they've been fighting me for 8 years, and -- since  
21 '83, 6 years. I'm just not going to let it go just like  
22 that because I'm going to call the EOC in Cleveland, and  
23 I've been trying to understand. I've been trying to



wonder why they haven't even came in, you know, and as far  
as fighting this system, you know, these guys that I'm  
referring to, are pillars of society, you know; but the  
thing that's going on behind the scene, it would make you  
shake.

And we're talking about on a broad scale, we're  
talking about pension money that's involved where blacks  
could have gotten their fair share of the work force that  
they didn't when federal dollars came in. They come right  
in your neighborhood in your back door and won't even give  
you a job, and they take the money out of the community  
and never bring it back.

MR. PROCK: Lynwood.

BY MR. BATTLE:

Q Help me understand how you prepared yourself for  
what you're doing, and give me a little bit of a better  
picture of what's preventing others like you from doing it  
the same way.

A. Well, first of all, I'm from North Carolina  
originally. I'm from Wilmington, North Carolina, and down  
South they had trade schools in the schools as we was  
coming up the ladder; and I graduated, also. My uncle was  
a contractor in North Carolina, so when I got here in '63,

1 I went down before the Building Congress downtown, asked  
2 them to put me into the apprenticeship program because I  
3 was working for a contractor at this particular time as a  
4 mason tender which is a lowly paying job in the  
5 construction industry, but --

6 Q What does a mason tender do?

7 A All he does is build scaffle, make sure that the  
8 bricklayers get their material, and -- mostly a handyman  
9 for the bricklayer.

10 Okay. I went down. I went to the unemployment  
11 office. I took a test. I passed the test. I went to the  
12 Secor Hotel. I took a physical. See, all these things  
13 have been outdated today, but they came through the  
14 strenuous fact finding procedures. At that particular  
15 time they didn't even pertain to what was really taking  
16 place, but that was their goals and their concepts at that  
17 particular time. I took a physical. I passed the test.  
18 The contractor I was working for at that particular time  
19 as a mason tender went before the board just like this  
20 right here, this body here, and told them that he had a  
21 young man that wanted to be an apprentice, but it didn't  
22 happen.

23 So, I worked with him for three years after

that. Then I went and worked with another contractor, and I told him I wanted to be an apprentice bricklayer. He was also a white contractor, both of them were; and on this particular job site, three white kids came there as apprentices while I was a mason tender, so I quit because my skills was a bricklayer; but I had heard in order to get into that trade, you had to work around and get your expertise into the field, and then they would advance you on up.

So I went that route, but it didn't happen. So then I quit this particular white contractor because I wanted to be a bricklayer and I saw three white kids coming in under me and asked them to put me on.

Now, to make a long story short, I quit them. Then I went to work for a black contractor. I won't call no names today, but anyway, I told him what I wanted to do. He said, you get some tools. Meet me on a certain job site tomorrow morning. You're going to work. I went to work. I was indentured to him as an apprentice. All right. As I got to be an apprentice, I served my time. I graduated.

Then, I found myself out into the work force having a problem finding a job. Then I would talk to my

1 other black brothers. They had the same problem, but I  
2 couldn't understand it because basically the white  
3 bricklayer and the black bricklayer, their skills are  
4 basically the same. There is no difference in the trade  
5 nor the field. So I just couldn't understand this.

6 So then I would go to a job site and see a  
7 bricklayer that I knew wasn't half as sharp as me and  
8 couldn't put as much material in the wall as I could  
9 working. Then I'm going to go to the union, and say,  
10 "Now, look, man, I'm paying my dues, but no  
11 representation. What's going on?"

12 I did this from the time that I got out of  
13 apprentice school up to where I am right today, and I'm  
14 still saying that same thing. "What's the problem?" So  
15 then they would put me on a little nickel and dime job  
16 just to keep me quiet for a while, but it didn't work  
17 because when that job was over, I had the same problem.

18 And then I found out it wasn't my skills. It  
19 was the color of my skin. It was just that simple, and so  
20 I just had to get mad enough and put my life and  
21 livelihood on the line; and that's what I did up to this  
22 point in time, and have nothing been done to this day.

23 Now, there are other blacks behind me that have

1 the same problem. They got some little apprentice program  
2 set up today that I referred to earlier where the kids  
3 doesn't even have no background with the trade at all, so  
4 they're having problems.

5 So then they're put before a conference like  
6 this, and they can't understand why the kid wants to drop  
7 out because the foremen are not taking time out with them,  
8 plus there are no black foremen out there whatsoever,  
9 none.

10 You can't find a black foreman in this trade in  
11 the City of Toledo in the construction industry, not in a  
12 skilled trade. Now, pushing some broom or something, you  
13 might have some old, you know, a couple of men pushing a  
14 broom, but as far as a skilled trade is concerned, there's  
15 not one black foreman.

16 We have problems with the stewards. There are  
17 no black stewards because the whites get the job first, so  
18 that leaves the black ones out. Now, I could go on and on  
19 and on and on because, you know --

20 MR. BATTLE: Thank you.

21 MR. PROCK: Barbara.

22 BY MS. RODEMEYER:

23 Q I just want to make sure you're saying this is

through the construction trade, plumbers, carpenters,  
2 bricklayers, the skilled --

3 A The skilled trade, yes, and basically I'm here on  
4 behalf of the bricklayers.

5 MR. PROCK: Ray.

6 BY MR. LEVENTHAL:

7 Q I'd just like to ask you, who's handling the  
8 class action suit? How long has this been in existence?

9 A Can I put my attorney's name on the record?

10 Q No, no. I mean, do you have proper  
11 representation?

12 A Yes.

13 Q How long has this suit been in litigation?

14 A Well, I filed in '83, and when I filed in '83, I  
15 had all the major contractors in the City of Toledo  
16 involved, didn't miss one, right on down from the  
17 apprenticeship committee to the union; but I filed in '83  
18 and went all through the trial procedures and everything.  
19 I prevailed with a jury. Then they came back on the  
20 appeal. Then they prevailed.

21 Now we're sitting before the 6th Circuit, at  
22 least I am right now because they haven't responded as of  
23 yet. But now, since I filed that, I've been working in

Michigan, and, see, everytime I go down 75, you know, that  
2 makes me want to pursue it the more, you know. But the  
3 problem I found out is that if they're not going to do  
4 anything about it, then I don't want the kids to keep  
5 taking my money. I don't spend \$10,000 in legal fees  
6 alone since '83. I've got a \$1,239 cashier's statement in  
7 my pocket right now that I had to pay the Clerk of Court  
8 November 28th about a transcript.

9 Q In other words, you're doing this all alone.

10 Well, that is paying --

11 A Financially, I am.

12 Q Yeah, financially.

13 A But now, see, the trouble with these suits here,  
14 sir, is, as long as you've got an individual out front,  
15 those behind you will sit back and relax until they see  
16 the final analysis of the case. Well, that's the way we  
17 are right now.

18 Well, I have a few brothers out there that were  
19 with me when -- as soon as I went to the Supreme Court,  
20 but that's a small scale. This thing is on a broader  
21 scale than you can dream of.

22 We're talking about black bricklayers that are  
23 retiring on social security that have been in the trade

and don't ever know whether they'll ever receive a pension  
check from the construction industry.

I'm 45 years old. I've got to look out for my  
retirement, but if I've got to keep running to Michigan to  
get work, and then pay my union dues in this City, hey,  
I'm fighting a dead horse.

Then I talked with Mayor Donna Owens when she  
was running for her reelection and came to our church to  
get some votes. I talked to her personally, myself, in  
the hopes she was doing something about this issue. You  
know what she told me? "Young man, I feel like you're  
being blackballed." Well, she didn't have to tell me that  
because I knew that when I first filed, you know, the end  
result. That wasn't no problem.

What I'm talking about, the blacks are going to  
come behind me. That's all I'm concerned about. I could  
care less about James Mitchell, you know, because I've got  
six boys, and I told them all not to get into the trade at  
all because one dying horse is enough out there.

So now what I'm saying is, if I had to file a  
suit in order to get some attention, then where is the  
federal government because it's been there? They know  
about it.



Q. Some of these jobs were with federal contracts?

2 A Oh, yes, yes, and somebody -- and the contractor  
3 that's really fighting me the most is one of the pillars  
4 of society. Now, I don't want to call his name.

5 MS. SPENCER: Call it.

6 A Rudolph-Libbe, and he is working everywhere over  
7 this town that you can spot from the North to the East to  
8 the South to the West, in my back door, a block from my  
9 house, you know, seeing things of this nature, but he is  
10 the scapegoat for the rest of the dirt that's going on  
11 because those other 16 is paying him when they're having  
12 their little meeting. Let's keep it up there, brother.  
13 You're all going to break pretty soon. And that's what I  
14 feel is what they're trying to do.

15 So now, like I've said time and time again, I  
16 mean, it's a black and white issue here as far as the  
17 construction trade is concerned, and the major contractors  
18 are getting these lucrative contracts, while the poor  
19 little black contractor is getting these shanty houses;  
20 and they've got the same expertise. They're all pulling  
21 them in from the union hall. So what's the problem?  
22 That's their work force. I don't understand what the  
23 problem is.

MR. PROCK: Marian.

2 BY MS. SPENCER:

3 Q What you're really telling us, Mr. Mitchell, is  
4 that unless you pursue your case as an individual with  
5 money out of your own pocket to get work on federal  
6 projects in the Toledo area, even in that pursuit, which  
7 has now gone on since 1983 --

8 A Yes.

9 Q -- you have not been able to work although you  
10 are qualified?

11 A Oh, yes, definitely.

12 Q Now, when you say "working around the trade," I  
13 assume you're saying that there are various steps that one  
14 should go through in order to be qualified as a  
15 bricklayer, and that's what you say "working around the  
16 trade"? You start out --

17 A Yes.

18 Q -- at one level. Then you move to another level,  
19 and then you move to another level; and those people who  
20 have done that, you are saying still cannot get work on  
21 federal contracts in the Toledo area?

22 A That is correct.

23 Q I think that's a very strong statement, and I

hope that your suit is successful in the 6th Circuit  
2 Court. I think that it's a very big burden on every  
3 individual who seeks to work, though, as a bricklayer who  
4 happens to be black in this community to have to go this  
5 route; and I think something should be done about it.

6 A Thank you.

7 BY MR. MULDROW:

8 Q We're running out of time here, but just in your  
9 mind does the problem lie with the union or the  
10 contractors or both?

11 A Well, see, I don't want to get into the legality  
12 of this, but the problem that I have noticed so far is,  
13 there are individuals, that is, on the contractor's  
14 payroll that's supposed to oversee the Affirmative Action.  
15 Now, that's a conflict of interest. This has done been  
16 brought out. This is part of the scandal that they don't  
17 want to hit the street, and I couldn't even speak on that  
18 in the Federal Court because it's so deep; and we're  
19 talking about pension money involved, see, because if they  
20 would check my record today from the last -- from '69 to  
21 '88, I want to see my dollars there; but by them thinking  
22 that blacks get in the trade and they fall by the wayside,  
23 well then, all those years that is accounted for when they

1 was there, then where's the money? See, it's broader than  
2 we see, but, you know, me personally, I've been fighting  
3 it for quite some time, and I don't intend to give up.  
4 But now there is a great conspiracy, a very great  
5 conspiracy, and it pertains to the union and the  
6 contractors.

7           And when you got a contractor telling the union  
8 what to do, you got problems, major problems; and when I  
9 sit on that union floor and get threatened and harassed  
10 and taunted and no one to see my back, it's getting real  
11 deep, see, and nobody has come forward to this day, not  
12 even the union, see; and all they're trying to do right  
13 now is prolong this issue and hope the young man gets  
14 tired or he fades away, but no way.

15           I wasn't born that way. I won't fade away.  
16 They're going to have to kill me off, and I've told them  
17 that time and time again. I've been threatened on the  
18 union hall floor, but I won't turn my back and walk away  
19 from this issue. I'm going to stand in front of it all  
20 the way. And I thank you for your time and patience.

21           MR. PROCK: Thank you. Larry Clark? Is he  
22 present?

23           MR. CLARK: Good afternoon. I'm Larry Clark.

I'm here because I thought I'd like to say a few words  
about the Interracial Religious Coalition. The  
Interracial Religious Coalition has been referred to  
earlier in Chester Chamber's presentation this morning. I  
believe you have probably one or two statements that were  
released by Interracial Religious Coalition earlier in the  
year.

Interracial Religious Coalition was formed  
several years ago after some of the public RRE incidents  
in the City. It was an attempt to get together religious  
leaders from the black and white community.

One of the things we realized was that we, even  
in a religious community, didn't always communicate across  
racial lines, and since we have formed, we have been an  
ongoing group for a couple years now; and we have  
representation from the Christian, Jewish and Islamic  
communities. We've involved a number of different levels  
over the last several years.

One of the major promises involved in this, the  
persons who are victims of RRE incidents are referred to  
the Interracial Religious Coalition, and clergy teams, one  
black and one white, go out and make visits to the victims  
of RRE incidents.

1 We've also tried to be active -- to be a  
2 proactive organization over the last couple of years. We  
3 have been involved in a couple things. We are involved  
4 with the Fair Housing Center, and the situation with  
5 Huntington Bank. We supported a march for racial equality  
6 which took place this spring.

7 Also this year we had a meeting with the Mayor,  
8 the police chief, the safety director Ray Norris, pushing  
9 to have greater sensitivity and training for the police  
10 department and the City.

11 We feel very strongly, based upon our visits to  
12 victims of RRE incidents that very often the police are  
13 very insensitive when they are talking to those persons.  
14 We have tried to give specifics when we are aware of them  
15 to the City.

16 The response from the Mayor and the police chief  
17 was that they didn't feel or couldn't afford or whatever,  
18 additional sensitivity training and that all the police  
19 officers -- yet sensitivity training by what they're  
20 speaking to is sort of a global sensitivity training, and  
21 we were advocating for something that would be very  
22 specific, the racial considerations.

23 I would also note that this took place just

1 prior to Felker's order in relation to the old West End  
2 where the police were to stop and identify black youth.  
3 I think it's been a significant group in the City because  
4 the religious community has been able to get involved in a  
5 lot of the things that has taken place, and probably  
6 because of my involvement, I was asked by the black clergy  
7 that sat in at City Council to be there. I was one of  
8 those persons who was involved in the City and at City  
9 Council.

10 So I just wanted to share a little bit about what  
11 the Interracial Religious Coalition has been doing and  
12 what it has been involved with.

13 MR. PROCK: Thank you. Ms. Mitchell, did you  
14 have a question?

15 BY MS. MITCHELL:

16 Q I just have one question. It pertains to your  
17 meeting with the Mayor and the police chief. Were you  
18 proposing some specific practices for sensitivity  
19 training? Were there some specific areas that you felt  
20 that needed to be addressed or just overall cultural  
21 awareness kinds of things?

22 A There had been a gentleman who came from the  
23 Baltimore County workshop sponsored by the Board of

Community Relations who talked about the plan that was involved in Baltimore County. I believe he was -- I don't know if he was police chief there or whatever at Baltimore County, and he talked about the elaborate sensitivity training around racial relations that they had been involved in.

So that was kind of our thought that the City of Toledo ought to implement something similar to that. We were very specific. We wanted it around racial sensitivity, and the Mayor came back with sexual sensitivity, and a whole bunch -- a broad basketful of things, but we were very specific around racial relations and sensitivity.

Q Based on your observation, can you give us specific situations or incidents that led you to believe that it was needed?

A Well, there have been a number of times where we've heard feedback from individuals that either the police did not take seriously what they were saying, or that they would use language that would be inflammatory. There would be a number of different things, and right now I'm at a loss to give you a specific incident.

I have been one of the persons that have gone out



1 on some of these individual incidents. We've got a number  
2 of folks that are involved, and in the cases I have been  
3 involved, there hasn't been that problem; but it seems  
4 like in a lot of cases, the police can inflame the  
5 situation rather than help it, and that's kind of been  
6 repeated a number of times.

7 MR. PROCK: Marty.

8 Q You've just heard Mr. Mitchell give a fairly  
9 extended discussion of his individual case. I guess what  
10 I've been wondering about while listening to him is  
11 whether anybody else in the community has been paying any  
12 attention to his individual situation, and I guess the  
13 question is, is your coalition able to respond to offer  
14 assistance, either in raising money or trying to branch  
15 out to try to help him?

16 Now, he's been in the situation since 1983, and  
17 this, you know -- are you prepared? Can you do it, and if  
18 not, why not? I mean, is it beyond the boundaries of the  
19 coalition or --

20 A Well, one of the difficulties of the coalition is  
21 we're all basically clergy, and the amount of time that  
22 I've spent this summer just on racial issues is quite  
23 extensive; and for many folks in the group, that's been

1 the case. So it becomes -- it's difficult to follow up on  
2 everything, and I don't think we've got the expertise. We  
3 have other needs.

4 We can maybe sway public opinion. I think many  
5 of us are aware of the problems in construction trades. I  
6 was not aware of his specific situation, and if those  
7 kinds of things come to our group, we do attempt to deal  
8 with them.

9 The one thing I forgot, a private program for  
10 the old West End in the City of Toledo along with the  
11 Board of Community Relations to put together a program  
12 that we hope will be a private program to try to bring  
13 together residents in that community to deal with issues  
14 around racial sensitivity and try to break some of the  
15 tensions that are in that community.

16 Q Can I just follow up? I guess I'm just -- I  
17 guess I've been moved by Mr. Mitchell. Now that you know  
18 about it, is there -- do you think that it's worthwhile?  
19 You're raising the question about if you're able to  
20 mobilize, I assume, some people in the community, you  
21 know, maybe spend a little bit of time trying to mobilize,  
22 as much as I can tell to be going alone.

23 A Yeah. I think several folks in the room here, if

1 we sit down and brainstorm a little bit that we might be  
2 able to get something. I think if I came to the group,  
3 the group would. It sounds like he needs a broader  
4 spectrum of help maybe Advocates for Basic Legal Equality  
5 with his class action suit.

6 MR. PROCK: Fred.

7 BY MR. BAUMANN:

8 Q Well, I guess I'll put this as a question. Like  
9 Marty, I guess I'm struck by what would seem to be clear  
10 in Mr. Mitchell's case, old fashioned, raw discrimination,  
11 and I guess I wonder where you look at issues in your  
12 group, and I think they're all worthy issues, why the  
13 continuation of old fashioned illegal job discrimination  
14 doesn't rank very, very high, or does it?

15 A. I think we're interested in discrimination  
16 taking place at all levels. We dealt with that which has  
17 been presented to us or brought to us, and if you think  
18 about the areas of housing, city policies, victims of RRE  
19 incidents, you know we're already dealing with a broad  
20 scope, and that's certainly his situation and something we  
21 had been interested in, too. Again, we have no paid  
22 staff. We have no budget, you know, the whole thing.

23 MR. PROCK: Lynwood? Barbara?

MS. RODEMEYER: No.

MR. PROCK: Ray.

BY MR. LEVENTHAL:

Q I realize that with the lack of funds it's hard to do anything, but since the Interracial Coalition consists basically of ministers, and, perhaps, rabbis, it seems to me that there are things that could be done certainly on to your respective congregations sensitizing people to the problems here.

We're sitting here hearing about racial incidents and alleged racial problems here in Toledo, and it seems to me that one of the duties of any pastor is to address both international and local problems by letting their congregation see that there is a problem. Have any of the ministers taken steps in this fashion?

A. My guess is the folks that are primarily involved in the RRE, and we know there are 50, I would guess are persons that are already -- probably were doing those kinds of things prior to their involvement. The trick is reaching the rest of the religious community and trying to get them to adopt that.

Q Have you written letters to the editor, for example, to the newspaper?

1           A    We've got letters all over the place to that,  
2 particularly at the old West End. I would guess that  
3 there was a flood of letters from the members of the RRE  
4 to the Mayor protesting that action. One thing we've been  
5 real good at is sending out letters.

6           Q    Have they done any good? Do you have any  
7 results, any answers at least to the letters?

8           A    Well -- and I'm probably reflecting very  
9 personally -- I can't speak for the whole group, but it's  
10 been frustrating. It seems like you think things are bad  
11 enough, and something else comes along, like we were  
12 trying sensitivity training for the police officers, and  
13 the police chief makes a directive relating to stopping  
14 black youth which seems to us to be clearly a violation of  
15 civil rights and all the rest which exists with the police  
16 chief himself.. Sensitivity has to begin with him. It's  
17 just been one thing after another.

18           MR. PROCK: Thank you. Ms. Spencer.

19 BY MS. SPENCER:

20           Q    I happen to know that Reverend Clark was one of  
21 the ministers arrested, and I -- you know, I don't feel  
22 like I want to beat up on him. I want to say thank you.  
23 Also, how precipitous was the action of the Mayor in

arresting the ministers. I mean, was there any  
2 opportunity for dialogue, or was it just done as --

3 A Well -- and I was asked to participate by the  
4 black clergy to take the lead on this. Their feeling was  
5 that they had tried very hard to get some straightforward  
6 kind of response to questions that they had raised over a  
7 period of several weeks, and they felt that there was no  
8 real attempt by the Mayor, City Manager or whoever to  
9 respond to concerns they raised; and, basically, I think  
10 many issues that were out there still have been  
11 unaddressed, and many of them are related, of course, to  
12 community development.

13 So it was out of that I felt that it just needed  
14 dramatized, how deeply the feelings were and the feeling  
15 that they were getting nowhere, and this is the way to do  
16 it; and it really -- it was their action, and I felt I  
17 wanted to see at least somebody in the white community --  
18 and since I was asked, was willing to stand with them and  
19 say, "I hear what you're saying. I believe what you're  
20 saying and the way you're feeling, and I'm glad to be a  
21 supporter with you."

22 Q Well, I think we're here today because of much of  
23 that action and the concern in the total community about

1 that which precipitated that action, and whatever this  
2 hearing does, if it does anything, it should broaden the  
3 base of the educational arm that was initiated by your  
4 action; but if the entire building trade is facing this  
5 kind of a stone wall in terms of hiring minorities, your  
6 agitation comes as a result of maybe many years of  
7 frustration and the breaking out of that frustration in  
8 terms of open demonstration.

9 A When you hear the -- hear so many folks of the  
10 black community speak, it's just like the stories can be  
11 told over and over again of similar or greater or lesser  
12 degree, but the frustration is clearly built up over a  
13 long period of time, and it's bad, you know. It's hard to  
14 say this is -- it's a whole range of things on all kinds  
15 of levels.

16 Q What would be your response to a lack of  
17 commitment to a substantive Affirmative Action program  
18 that apparently is being presented tomorrow by Council?  
19 What would be your response to a lack of commitment to  
20 that effort on the part of City Council?

21 A Are you asking my perception of City Council and  
22 how they would feel about an Affirmative Action policy?

23 Q I'm asking you, the presumption is that the

Affirmative Action policy is submitted tomorrow. If --

2           A    Uh-huh.

3           Q    -- Council doesn't adopt it or postpones it or  
4 delays it, decides that they aren't happy with certain  
5 phases of it, is there -- would this be a contributor to  
6 additional frustration?

7           A    What would be contributory?

8           Q    We saw the book down --

9           A    If that policy doesn't have the input of the  
10 community, then you'll have greater frustrations, and so  
11 forth, I think, and my understanding is that policy is to  
12 be presented and to get community feedback; and I think  
13 that's the process that's going forth. I think it's very  
14 important that the community has a say into what that  
15 policy looks like.

16                   One of the problems is too often things --  
17 either two things happen in the City. One is people said  
18 that you're going to be a part of this. You put it  
19 together, but then what their input doesn't give you  
20 something else happens which is happening with the  
21 housing, the situation of housing. This is a committee in  
22 the community put together to come up with some plans  
23 around housing and the City Manager has basically said,



2 "Fine. You're done with your work," and now is going to  
3 hire his -- or the other thing is just to hand it down  
4 from on --

5 Q I think what we're trying to get at is at what  
6 point in moving forward you get cooperative programming,  
7 and apparently communication is still not here.

8 A. Well, that's one of them. I think a major  
9 underlying thing that underlies everything is that there's  
10 just no trust. There's no trust of certain folks in the  
11 City by many individuals, I think, in the black -- and  
12 some of us in the white community that what's being said  
13 can be believed or that it will be followed through, and  
14 so forth.

15 And so you can have the best communication in  
16 the world, but if you don't have trust, then what's  
17 happening is -- that what is said is going to be followed  
18 through on, then what's the point of even sitting down and  
19 talking, you know; and it seems to me the underlying thing  
20 is going on is just a trust between the community and the  
21 City, or lack of it.

22 Q Thank you.

23 MR. PROCK: Thank you, Mr. Clark. Our agenda  
has Councilman Jack Ford scheduled next. Mr. Williams, I

1 have a note here that you'd like to respond, and we will  
2 provide you that time. I just want to put it on the  
3 record regarding in this case.

4 MR. FORD: Good afternoon, members of the  
5 committee and staff. My name is Jack Ford. I reside at  
6 76 Birckhead Place, Toledo, Ohio. I've been a member of  
7 Toledo City Council since December 1987. In addition, I  
8 previously was the director of affirmative action at the  
9 Toledo Mental Health Center, which is a 400 bed, 600  
10 employee state facility located in Toledo during the  
11 years '79 through '80.

12 I studied EEO law and practices while I was a  
13 student at the School of Law at the University of Toledo,  
14 and I also teach political science, one of which -- one of  
15 the courses is a course entitled, "Black Politics" which  
16 deals with equal employment law and practices.

17 My testimony will contradict some of the  
18 prepared comments which I had received previously from the  
19 City Manager's office, and I'm not trying to put the  
20 manager in a box. I just wanted to make sure that at this  
21 stage of your review, you have both sides of the story as  
22 to what has brought us to this point.

23 I'm going to focus pretty much on some of the

1 City's hiring practices and traditions as I have seen  
2 them. There are many other issues in the City that I'm  
3 sure that the speakers have been raising to you.

4           The Manager's presentation speaks to a City that  
5 is on the move now toward substantially solving a long  
6 standing problem in fair employment practices. There is  
7 repeated reference to the fact that the number of both  
8 minorities and women in management positions has doubled  
9 or tripled, respectively.

10           It should be clarified by pointing out that  
11 minorities and women have not been selected for permanent  
12 director level positions in Toledo City Government under  
13 City Manager format. The real power and policy  
14 implementing power in our City rests with the Manager and  
15 his or her directors, not with the Council, and not with  
16 the Mayor, but with those directors -- and they are at the  
17 top of the chain.

18           And there has not been any permanent  
19 appointments to the director level in several years;  
20 although, the manager has had the opportunity in the past  
21 two years to appoint at least seven directors. All were  
22 filled by white males. It is true that at the second,  
23 third and fourth level management roles that there has

2 been movement in the past few months, however, in  
3 beginning numbers in 1986 and '87, and before that were  
4 very few or almost absent, so any increase will now look  
5 substantial. When you take four or five, move it to eight  
6 or so, you have a substantial increase as far as  
7 percentage, but it really doesn't deal with what the story  
8 has been.

9           The movement that has occurred in the past four  
10 months has been brought on because of intense public  
11 scrutiny in a media barrage over the lack of fair  
12 employment practices, and there have been voices coming  
13 from Council requiring a better explanation as to why  
14 Toledo City Council has not been on the affirmative in  
15 hiring women and minorities; and I believe the real test  
16 or inquiry should be how many qualified minorities and  
17 women lost top, excellent directory level job  
18 opportunities in the past two years.

19           One of the questions I asked at least every  
20 other week on Council is, "How well are we using EEO flow  
21 data sheets?" Up until very recently that seemed to be an  
22 obscure term within our personnel department even with  
23 some recent hirings where there was some question as to  
pay, and so forth. Flow data sheets continued not to be

1 used. There's no way that individuals could go back and  
2 check and see the subjective or arbitrary decisions were  
3 made to the point of recruitment, and that's just a very  
4 basic feature that should be in any Affirmative Action  
5 process that we have not had.

6 The recent appointments of assigning Mr. Reames,  
7 as far as I know, are interim and not permanent, and  
8 that's based on information that's been given to Toledo  
9 City Council.

10 One issue that I'm sure you've heard or will  
11 hear is that even whereby there has been appointments of  
12 black men to top levels in City Government, it's been  
13 pretty much a case of stacking in the Department of  
14 Community Development, and up until very recently  
15 Community Development was considered to be akin to a  
16 federal agency that somehow or another the dollars passed  
17 through City Council, but it was not a true City  
18 department.

19 So from that traditional perspective, there has  
20 been no appointments even in the past of blacks to top  
21 department level positions. In reviewing the  
22 documentation that you've received by the City, I call  
23 your attention to a couple other areas. First, under

recruitment and promotion, most of the action step items  
2 that have been identified to you, they were identified  
3 earlier as far back as 1976. I think one would ask, "Why  
4 did it take 14 years for these recommendations to receive  
5 the currency that they seem to have today?"

6 Secondly, entry level employment in certain  
7 divisions is still open to word of mouth, father to son,  
8 friend to friend and based on a walk-in opportunity; and  
9 there's even some procedures where if one walks in and  
10 doesn't fill out an application form just so, then their  
11 inquiry is tossed away, but if someone has been educated  
12 as to how to indicate what particular position one is  
13 interested in, then it can move up the chain, and,  
14 perhaps, ultimately be heard for the hiring opportunity.

15 A close review of these sections and divisions  
16 would show still in place a strong good old boy network  
17 which parallels that which occurred too long in the  
18 feeling of director level jobs.

19 Another section, it's under education, training,  
20 and career <sup>development</sup> department, I think you should consider  
21 approximately four months ago there was an extensive  
22 report in the media that over \$1,000,000 had been  
23 programmed into the 1988 budget dealing with training,

education, memberships, subscriptions and other career advancement opportunities. Upon review, you'll see very clearly that it was true in '88, and it is historically that very few of these opportunities for advancement went to minorities or women.

Under Affirmative Action, as a statement in the documentation you received, the statement is made that a plan was first developed in 1976. It's also presented as though we have an Affirmative Action plan even though it was developed half a generation ago.

It doesn't seem to have dawned on folks that that needs to be updated annually. There seems to be a -- with the exception of a few staff members, a complete absence of understanding of what an Affirmative Action process is all about.

It's a comment about the cutbacks in 1981 which forced the merger of BCR and Affirmative Action, and I think that's inaccurate. I think it was a conscious decision to eliminate one of those roles, and there were many within City Administration, blacks, who spoke against it at that time.

The report you have received indicates that a comprehensive Affirmative Action Plan was developed in

1 March of this year. It appears as though it was accepted  
2 by Council. That documentation report does not tell you  
3 that this plan was not accepted and that there was  
4 actually a turf fight between the City Manager's office  
5 and the Board of Community Relations; and it was openly  
6 rejected as being inadequate by the City Manager's office.

7 Toledo City Council is still waiting to  
8 officially receive an acceptable Affirmative Action plan.  
9 Just this morning, I reviewed a draft Affirmative Action  
10 plan, which is beyond the deadline that was promised to  
11 Council I might add. I find this plan to be inadequate.  
12 Given that it's a draft, perhaps there will be additional  
13 changes.

14 As it stands right now, it is, in large part, a  
15 compilation of previous reports, some a year old, that  
16 includes controlling data, and yet for '89, '90 and in the  
17 future. Some of the planning would be based on our work  
18 force analysis that was first put down on paper in January  
19 of '88.

20 If Council -- and if it's presented tomorrow,  
21 I'm going to vote not to accept it. If Council is given  
22 an Affirmative Action Plan, then the data that we're going  
23 to work on is that which is current in the work force as



1 of the day it's presented to Council, or however  
2 reasonable we can get to it, but we should not accept, and  
3 I will not vote for data that's 11 months old.

4           You also received information speaking to a  
5 renewed active Board of Community Relations. This also is  
6 not true. Until very recently the Board has been  
7 bankrupt, in my estimation, in its responsibility speaking  
8 out on unfair hiring practices. Its past chairman  
9 resigned several months ago and blast the City, from his  
10 perspective, for its failure to be serious about  
11 Affirmative Action. Even today there remains, in my view,  
12 a turf dispute between BCR and the Board of Affirmative  
13 Action and Contract Compliance.

14           I would leave with these recommendations: The  
15 Board of Community Relations should complete its  
16 restructuring immediately and publish various specific and  
17 identifiable changes that will enhance that entity to be  
18 in aggressive community form to speak on community  
19 problems including fair employment practices in the City  
20 of Toledo.

21           Secondly, we need to have technical assistance  
22 in developing a competent, timely Affirmative Action Plan.  
23 I plan to say tomorrow on the floor of Council that my

1 patience is over, and I don't plan to wait or continue  
2 yin-yang from staff as to what has to go in the plan; and  
3 I might -- I might talk political for a minute. Some of  
4 the Councilmen took a little heat in I guess it was either  
5 March or April in voting to set up what is viewed in the  
6 minds of many a separate Affirmative Action component, and  
7 in many instances, we now have two, Board of Community  
8 Relations Affirmative Action and the Office of Contract  
9 Compliance, and there are some in the media and others  
10 that say we only need one; and it may be questionable if  
11 we need that one if they're not doing the job, but Council  
12 went ahead and voted it, but there still needs to be a  
13 delay in getting the plan out and getting an accurate  
14 plan. But we're probably at the point that we don't need  
15 to wait any further.

16 Thirdly, the serious underutilization of  
17 Hispanics in both leadership and non-leadership positions  
18 must receive special focus. The numbers are so low in  
19 Toledo City work force of 3,000 as to be nonexistent. I  
20 think prior to the elevation of Miss Santiago, there might  
21 have only been one other manager, and I think that was  
22 either at a second or third level role, that being Mr.  
23 Ramirez. Other than that, it's zip in the City of Toledo.

2 Fourth, the manager must demonstrate the will  
3 and follow through in pointing -- appointing qualified  
4 minorities and women to the director level class.

5 Fifth, an audit system must both routinely  
6 inform -- which both routinely informs and specifies the  
7 necessary changes should it be put in place for the use of  
8 City Council. City Council has not received much  
9 information, and quite honestly, Affirmative Action has  
10 not been a welcome thing with Toledo City Council. It has  
11 not been debated. It has not been subjected to press  
12 reports, and it's only emerged, I would guess, since March  
13 of '88 as an issue that's in the air, so to speak.

14 Six, City Council has to make a decision that  
15 fair employment practices including every condition of  
16 employment, such as training and memberships, which often  
17 are ignored, but is crucial when we speak of women and  
18 career ladder development will be afforded to each City  
19 employee.

20 That concludes my prepared remarks. I'll  
21 entertain any questions you might have.

22 MR. PROCK: Thank you, Council. Melanie  
23 Mitchell.

BY MS. MITCHELL:

Q My only question is, you mentioned if the  
2 Affirmative Action Plan were presented to you tomorrow,  
3 that you would reject it based on numbers, population  
4 numbers.

Q Based on my review today, I was looking for a  
5 plan that was going to be very timely, very accurate,  
6 specific. This plan -- I don't know how many pages was in  
7 the plan. I see in the new account it was like 150 pages,  
8 but much of it was just copies of materials that had been  
9 gathered a year before, and a couple of the sheets were  
10 just recapitulation of comments that had been gathered 14  
11 years before.  
12

I want something that is real and workable as we  
13 go into 1989. I'm willing, I guess, to forget some of the  
14 things that have happened in the past, even in the past  
15 year if we're going to go forward very quickly, but just  
16 to rehash old figures -- our work force has changed  
17 dramatically since January 1. As a matter of fact, it  
18 would have been to the Manager's office, to their benefit,  
19 because they have hired a few more in the past few months,  
20 and yet some of those figures are a year old. I don't  
21 understand that, and I'm not going to accept it. Other  
22 Councilmen may, but I'm not.  
23

1 Q I guess I understand what you're saying in terms  
2 of the figures. If you were going to offer some other  
3 recommendations that would make at deal to it and  
4 credibility to it --

5 A Mrs. Griffin would have that if she's still in  
6 the audience. I would get a current printout on where  
7 we're at as far as hiring. That's one of the first things  
8 I would do as far as trying to have an accurate staffing  
9 pattern.

10 Secondly, there was some comments in there that  
11 talked about the utilization analysis based on the 1980  
12 census; however, just simply going to the Ohio Bureau of  
13 Employment Services here in Toledo, you can get up-to-date  
14 utilization availability within the past month.

15 So I don't know why we'd be looking at  
16 utilization analysis that's 9 years old when we can get  
17 some that is 30 days current. So it's those kind of  
18 technical problems that I have great problems with, and I  
19 would not vote for it.

20 MR. PROCK: Marty.

21 BY MR. PLAX:

22 Q I have a factual question and then a theoretical  
23 political science question.

A I may not answer that one.

2 Q Who's functionally responsible for the  
3 restructuring of the BCR?

4 A That would fall with the Board of Directors.  
5 After their chairman left, their Vice-chairman moved up to  
6 that role. I understand there was some concerns about  
7 that. The Mayor has appointed two individuals recently  
8 that have pretty strong background in management, one of  
9 whom was a former City Councilman, Mr. Scotland, a black  
10 man. The other individual is the manager with one of the  
11 local utility companies, Toledo Edison, I believe.

12 I know both of those individuals. They're  
13 pretty strong, no nonsense types. I would think that they  
14 would move aggressively in trying to have a functional  
15 Board of Community Relations, but this issue has been  
16 against the background of everything else that's occurred  
17 in Toledo, and it's like BCR. It's just kind of like  
18 floated along for a year, and at some point in time, you  
19 know, a firm match would be put off the table.

20 Q Let me ask the other question, which is, you  
21 suggested tonight -- which we've heard this time and time  
22 again that there's a turf battle between BCR and the  
23 Office of Contract Compliance. How do you solve a turf

problem?

2           A    Well, I made a lot of mistakes since I've been on  
3 City Council; although, this is the first time I've ever  
4 admitted it.

5           Q    I'm glad that I forced the question, I guess.

6           A    One mistake, in retrospect, is that I thought  
7 both entities could compliment each other, and one could  
8 be kind of the advising force, the Managers, and the other  
9 one could be a monitoring force for the City and kind of  
10 be outside City Government; but I don't think it's been  
11 the direction there to bring them both together from the  
12 Manager's office, and if the proof is in the pudding,  
13 there still has not been what I consider to be a credible  
14 Affirmative Action Plan put on the desk of City Council.

15                   If it -- had there been one, then I would be of  
16 a little different mind, but based on what I saw today --  
17 and I looked through every page of that plan, and I was  
18 very concerned -- and also I'm aware that Mr. Hancock from  
19 the Board of Community Relations sent Miss Griffin a  
20 two-page memo indicating eight points that were, from his  
21 prospective, deficiencies in the -- it might have been the  
22 prior draft that they had given him, but the figures have  
23 to be accurate, and it has to be a very clear-cut

blueprint as to how the City is going to go; and I didn't see that in the plan already today.

Q But even if there were a plan, though -- it sounds to me that -- the plan is one thing, and the other -- I mean, I guess I'm -- what I'm a little fuzzy about is, if there is this turf problem, are you suggesting that within the plan itself that there would be kind of a functionally different defining the lines?

Q That's something that Council will have to deal with. The Board of Community Relations ultimately -- it's -- we have a lot of unusual approaches in Toledo, but the Mayor appoints the board members with the consent of Council. Council really puts it to the appointee, then that board appoints the director, perhaps, with some informal direction or consent from the Mayor, but the language of the cold speaks to that board reporting to Council.

It has never really been an agenda item with Council. It's been, you know, something that you had within City Government, and as long as everybody was happy, you know, it's cool; but folks are not happy anymore, and this is an issue you that's not going to go away; and Council, I think, is probably going to take a



1 very close look and probably come back in the spring and  
2 look at some tighter mechanism.

3 MR. PLAX: Thank you.

4 MR. PROCK: Fred.

5 BY MR. BAUMANN:

6 Q We've heard different assessments of that plan.  
7 Some people are very positive about it. Reverend Rose is  
8 very negative about it, and I'm trying to assess what to  
9 make of this agreement. Is it a question -- it's sort of  
10 a technical question. Are they using the right figures,  
11 or is it a question, in general, of attitude towards  
12 Affirmative Action here in Toledo, or are there -- or is  
13 the reason for this form being called -- is there an  
14 underlying problem in Toledo?

15 Would you like to comment? Or maybe it could  
16 be -- is it the form of government? Is it communication?  
17 Is it motivation? Some people have alleged that there are  
18 bad motivations in people in government. You've addressed  
19 yourself pretty much to the questions of that plan. Is  
20 there something underlying that we should know about that  
21 you should speak to us about?

22 A Well, you know, the voters recently made their  
23 views known with respect to the form of government, so I'm

not going to speak any further on that. I heard them loud and clear. As far as motivation or good faith, a good faith backdrop, you can move outside of the City Hall and look at other institutions in this town and find that blacks and Hispanics are not in positions of leadership; and the disparity is so steep that it goes beyond just mere figures, and one just has to ask why is that.

It's true to some extent in the health care industry even though we have, I believe, five or six large hospitals with hundreds of millions of dollars of product going through there. It's true with respect to some of our professional institutions. In law, we have some very large firms in this town. We have many firms in this town, but the number of black partners in Toledo probably -- probably no more than two if that many. I can only think of one. I'm guessing there's one other. In the banking industry, most of the leadership, as far as black representation, is in positions such as community relations or training, and so forth.

In the University of Toledo, the last I checked, when you talk about tenured structures of professors is less than 20, even though there's -- that's a very large work base out there. So what's going on in the City Hall

1 is not unique, but it does mirror what you see in other  
2 institutions in this town.

3 MR. BAUMANN: Thank you very much.

4 BY MR. BATTLE:

5 Q Councilman Ford, although the law provides a  
6 certain amount of latitude in constructing an Affirmative  
7 Action Plan or doing Affirmative Action planning, you  
8 mention in your paper, in your speech, there are several  
9 essential ingredients that constitute an AAP in order to  
10 be called a legal AAP, and that's one adjective that I  
11 didn't hear you use to describe the plan that you reviewed  
12 this morning.

13 I heard you use "credible," "good," most  
14 recently a "clear-cut blueprint," but not one time did I  
15 hear you say it's a legal Affirmative Action Plan; and  
16 with your experience and expertise in Affirmative Action  
17 planning, is it a legal plan?

18 A I hesitate it to answer that, only -- I recall  
19 that there was some seven or eight elements that you would  
20 find in any Affirmative Action Plan, a policy statement,  
21 certain analysis, goal, projection, other things, and I  
22 did not go through and take an inventory, nor did I have  
23 one with me when I went in as to make it up point by point

1 of testimony available. Even on the policy statement, it  
2 looked to me that that was one that had been pulled from  
3 several years ago. There was even something in there that  
4 spoke to Reiser who was someone that was Acting City  
5 Manager several years ago; so I didn't understand what  
6 that was there for.

7 I'm going to duck that one. I suspect it was not  
8 meeting all the requirements there. I was just looking at  
9 whether the data that was presented was current, whether  
10 or not it made sense; and when I saw some of it was just  
11 essentially photocopied material from a year ago, and  
12 prior to that, three-whole-punched and put into the plan  
13 at the right place as far as the tab, it was at that point  
14 that I became disenchanted with what I was looking at.

15 I can't give you an answer as to whether or not  
16 every point that was supposed to be there was there  
17 because I wasn't taking inventory on the necessary items.

18 Q Well, I'm not speaking so much of form over  
19 substance. There's the additional piece, of course, the  
20 legal structure and how technically correct it is, but in  
21 addition to that, there's the substance of it that Council  
22 will be looking at in greater detail, but I don't believe  
23 that you can have one without the other there.

One of the considerations that I would submit that Council needs to consider when it's looking at it would be whether or not it is legal, whether it does fit into the framework for the kind of blueprint that you're describing here in a working functional document, because if it's really to provide the kind of monitoring and reporting vehicle that good Affirmative Action planning can provide for both the Manager and the Council, then it's going to have to have all of those features that -- some of which you've just outlined, and the bedrock, of course, is going to be a work force analysis that's factual; and I agree with you wholeheartedly. If it's 11 months old, it's certainly not going to give you the kind of contemporary information that you need in order to base decisions on it.

Another element of it that you mentioned but didn't elaborate on is the applicant flow, the flow statistics, the flow data of people coming in, not only the entry level positions, but the positions above that, an excellent tool for monitoring the movement of people through an organization, any organization. So I think that the Council would be losing an opportunity if you don't nail that down very early in your investigation, and

1 I'd encourage you, if you aren't already in the process of  
2 doing that, to have someone, yourself or someone who's  
3 knowledgeable at the plant to look at it in those terms.

4 A Well, thank you, and I'll take that  
5 recommendation back tomorrow. Either our staff internally  
6 will have to address some of the deficiencies, or someone  
7 from the outside will have to come in and kind of work  
8 with the staff on that. What I looked at this morning  
9 almost struck me as being more of a philosophy rather than  
10 a typed document.

11 MR. BAUMANN: Thank you.

12 MR. PROCK: Barbara Rodemeyer.

13 BY MS. RODEMEYER:

14 Q You're suggesting then that Toledo Council really  
15 doesn't know what a good Affirmative Action program would  
16 be, and neither does your City Manager?

17 A I'm not suggesting that. I'm saying that, and  
18 I'm not -- I'm not -- I came back to you too sharply. I  
19 didn't mean that, but now honestly, that's very accurate.

20 Q Thank you.

21 A But that does -- that is not to say that he does  
22 not have staff on hand to be able identify and put one  
23 together that's accurate and timely because I think he

1 does have that staff. I think, between Mrs. Griffin and  
2 Mr. Hancock and their supporting staff, they could put  
3 together a timely accurate Affirmative Action Plan  
4 including the elements that are necessary for it to be a  
5 legal plan.

6 They have a lot of staff power, a lot of money,  
7 so he could -- it can be done, and it will have to be  
8 done; but the plan that we've seen so far is not ready for  
9 Council approval, not -- at least from my point.

10 MR. PROCK: Virginia.

11 BY MS. ORTEGA:

12 Q Councilman Ford, you mentioned what you viewed as  
13 one of the deficiencies of the Affirmative Action draft  
14 that's being submitted in that underutilization of  
15 Hispanic employees employed within the work force, and you  
16 mentioned Miss Santiago as being one of the exceptions or  
17 one of the few top bosses in the City, and that's --  
18 that's really -- I mean, she was with the City Law  
19 Department before being named one of the Assistance City  
20 Managers, so that's really not bringing someone new or new  
21 Hispanic interests. That's more of a transfer, so you're  
22 not really increasing numbers of Hispanic employees within  
23 the City work force. I'm wondering, what direction or

1  
2 what advice will you be proposing to address that  
3 utilization?

4 A If Affirmative Action becomes a serious agenda  
5 item of Council, and if they elect to let the manager know  
6 in unequivocal terms -- and I don't mean just announced on  
7 the floor of Council -- I believe in Affirmative Action,  
8 but I mean the unofficial, informal, in the office kind of  
9 thing, you know. Let's get this going right if he gets  
10 that kind of direction, and if I was the manager, I would  
11 make up my mind that I'm going to go out and recruit even  
12 if I have to steal from other jurisdictions or from other  
13 sectors, such as the private sector, the education or  
14 whatever. I'm going to go out and get some top flight  
15 qualified votes, Hispanic and otherwise and bring them  
16 into the City.

17 It's always an issue of how hard you recruit, how  
18 much money you're willing to put to that task. That's  
19 not -- money is not a problem in Toledo City Government  
20 because we pay our employees higher than any other  
21 jurisdiction of our size in Ohio and probably in the  
22 Midwest; so we're very competitive when it comes to the  
23 money side of it. We just have to be aggressive on the  
recruitment side, so that would not deter me. The answer



1 is always given, "Well, there's so few professional  
2 director level Hispanics or blacks that they can write  
3 their own ticket." Well, our directors now make 5 grand  
4 plus a lot of fringes and other things, and you can  
5 recruit a lot of folks at that price.

6 Q Would you -- getting back to that, the  
7 underutilization of Hispanics in the Toledo City work  
8 force, would you be open to asking that within that  
9 Affirmative Action -- I briefly went over the Affirmative  
10 Action draft, also, and noticed that there wasn't any  
11 language specific to Hispanics. I noticed that you all --  
12 in minorities are going to treat them all as such, but  
13 given the history and the lack and the absence of  
14 Hispanics within the work force, are you open to or would  
15 you recommend that they specifically identify Hispanics at  
16 least as one of the affected classes?

17 A Well, it's within one of the affected areas, but  
18 I would do -- perhaps, in large part now and because it's  
19 right -- because it didn't -- it wouldn't be good  
20 political business whenever some degree of housing, drugs,  
21 low employment, unemployment problems that emanate very  
22 strongly out of our older neighborhoods, some of which are  
23 Hispanic areas, as far as who lives there; and what we

1 have failed to understand is that when you appoint someone  
2 to high directly level position in the City of Toledo, you  
3 not only hopefully are getting a very qualified person,  
4 but if that person is a minority, you almost instantly  
5 build that particular community up because it's not just a  
6 role model but just the role that person can play if he or  
7 she so chooses to reach out back to their home community,  
8 and we ignore that in Toledo.

9           Quite honestly, I wouldn't be on City Council  
10 today having run as a first time candidate had I not ran a  
11 county wide drug treatment program. When I went to the  
12 voters, whether I was a good manager or not, that gave me  
13 a certain amount of credibility with those voters. It got  
14 my foot in the door. The same thing is true with our  
15 directors. We've got to allow high, visible public policy  
16 positions to go to minorities so they cannot only help the  
17 City as a whole, but then their home community.

18           MS. ORTEGA: Thank you.

19           MR. PROCK: Ray Leventhal.

20           MR. LEVENTHAL: No questions.

21           MR. PROCK: Marian Spencer.

22           MS. SPENCER: Yes.

23 BY MS. SPENCER:

Q Councilman Ford, you run for office next  
November?

A Yes. The primary is in September, and the  
general is in November.

Q I guess I have a little problem with the vote no  
position knowing that the 1980 census is way behind us,  
and the 1990 is not yet completed, so we would not have  
access to those figures anyway, but we do have access,  
apparently, to figures that you say are more current than  
those you have found in this Affirmative Action booklet;  
but you have addressed systemic racism throughout your  
community. You went outside City Hall to address it in  
the medical facilities and throughout the City.

I'm concerned, to what do you attribute such a  
document that is so poorly constructed when we're looking  
for -- for heading the problem that is of such great  
standing and such long standing in this community? What  
do you attribute this to? I could -- I see you asking for  
supplemental materials and continuance on the vote until  
such time as those materials are made available, but to  
vote no seems to me that you're putting a damper on the  
philosophy because the philosophy comes before the  
crossing of the t's and the dotting of the i's.

1 A I believe you were formerly a councilperson  
2 yourself in Cincinnati.

3 Q Yes.

4 A One can vote no on a Tuesday, and if things  
5 change can vote yes the following Tuesday, and so all I'm  
6 saying is that I'm unwilling to support the document as  
7 presented. If it's presented tomorrow, for example, I'm  
8 not going to support it. If in the interim, within a  
9 week, two weeks, if the data is collected -- and we are  
10 computerized in many ways, so I think if they just format  
11 it properly, it could be submitted, and if that was added  
12 in at the right place. If there are some other technical  
13 things that need to be corrected as well as the discussion  
14 that Mr. Battle and I had, then I'd be willing to support  
15 it.

16 I just don't want to support a document this  
17 important and one -- I might add it was in March of this  
18 year that I -- I was a Councilman deciding if BCR was  
19 doing their job. It seems to me six months before that,  
20 then Councilman Scotland then raised an issue of whether  
21 or not the City was serious on Affirmative Action, but I'm  
22 pretty closely aligned with this issue, and when I  
23 campaigned, I campaigned on drugs, housing and fair -- and

1 fair hiring; so those are pretty much the things that I've  
2 been in.

3 If it can be corrected within a week or two, I  
4 would go ahead and support that, and I would support other  
5 Councilmen to support it at that time; but I don't think  
6 any of them are in support it if the data is outdated.

7 MR. PROCK: Follow-up, Mary?

8 MS. SPENCER: No. I think I was interested in  
9 that kind of a commitment to the the philosophy and the  
10 technical aspect of it.

11 A I'm very committed to Affirmative Action.

12 Q Do you feel -- one follow-up. Do you feel that  
13 the same commitment is fair for other Council members?  
14 That's a really tough question.

15 A It's clearly not. It's not a tough question.  
16 Some of the Council members went on record and said, "I'm  
17 against Affirmative Action." Mr. Hawkey would not share  
18 it with you, but I would imagine, just as he has been  
19 buffeted by myself and others to be more aggressive in  
20 hiring qualified minorities, at the same time there's been  
21 some Councilmen that have told him, "You're going too  
22 fast. Slow down," and so, you know, he lives with that  
23 rule of five, to have five Councilmen happy on most of the

1 issues, so I have some sympathy for him; but he also is in  
2 the role where he ultimately makes the decision who gets  
3 the top jobs, and he -- his role is to implement the  
4 policies of the City, so he has to make that decision. I  
5 think he's getting it from both sides.

6 MS. SPENCER: Thank you.

7 MR. PROCK: Councilman for -- on behalf of  
8 Commissioner Destro who just joined us, he would like to  
9 ask you a question, but before he does, Mr. Williams,  
10 would you come forward, and I'll provide you -- and, yes,  
11 Mr. Reames, you're next. We will. We'll make this quick.  
12 We are not going to question -- go ahead. You can sit up  
13 there.

14 BY MR. DESTRO:

15 Q Actually one question and just a short follow-up  
16 to Mrs. Spencer's question. First the follow-up to Mrs.  
17 Spencer's question. To what extent do you feel that the  
18 problems that the City has been experiencing are  
19 attributable to kind of an overt racism or alternatively  
20 to a -- to just a failure to take cognizance the  
21 relevant presence of another group of people in town? Is  
22 there -- are they just ignoring it, or are they actively  
23 hostile?

A I think the latter characterization by you is probably more on line. It just hasn't been a very strong agenda item in this community as far as developing broad leadership among minorities and women.

This is a town like many towns in America where you've always had one, two, maybe three blacks appointed by other folks to speak for the black community, and you would often find those individuals being on all the boards in town and leading all the drives and being the go-to person as far as jobs, and so forth.

I know one individual that I -- I later was chairman of a senior citizens' center named in his behalf. At the time he died he was on 56 boards in this town and in this region, Mr. Frank Troy. He was a great man, and he was a great leader in our community; but he was on 56 boards, and that's a lot of boards.

The other side it has been raised as a question to me, and I didn't really comment on it, that the black community has not been aggressive in a -- in an active sense of making their needs on leadership known. This has not been that kind of town. I suspect that it's beginning to change a little bit. There seems to be a resolving of the -- of the old guard a little bit, and there's some, I

guess -- I guess I'm part of that make of the old guard  
2 since I'm 41. There's some younger folks that are  
3 demanding a little bit more. They're vocal. They're not  
4 afraid, and they're standing up; and that's good. It's  
5 uncomfortable, even for me sometimes, but it's good for  
6 the community. That has not been the case in the past.  
7 It has -- it was always kind of a set pattern.

8 Q And then my other question really was -- and this  
9 you could answer briefly. Is there any -- is there any  
10 provision in the draft of Affirmative Action Plan for  
11 persons with disabilities?

12 A There is. There is a section, and there were two  
13 areas -- and I'm going to be brief. That section  
14 heartened me, and there also was a section which showed  
15 that the City's compliance with minority contractors was,  
16 on average, at 28 percent even though the goal by  
17 percentage was only 12.3, so they had actually doubled in  
18 that area, and that was two areas that I thought were  
19 outstanding in the plan that I reviewed. Thank you.

20 MR. PROCK: Thank you, Councilman Ford. Will Mr.  
21 Williams -- do you want a chance to --

22 MR. <sup>he says</sup> WILLIAMS: Yes.

23 MR. PROCK: -- have additional --



MR. WILLIAMS: Just -- I am just indicating that  
2 Jim Mitchell brought me for you. I had occasion to talk  
3 to Jim on many occasions about his problem as it related  
4 to the work force involvement where federal or public  
5 dollars were involved, and I would say that his testimony  
6 is not a fabrication and not something that is an illusion  
7 in Jim's mind.

8 We met with him, the NAACP -- I'm also the  
9 secretary of Minority Contractors' Association -- about  
10 three years ago to call together a group of black masons  
11 or bricklayers to try to give it at least a sense of moral  
12 support to the problem that the group was having.

13 The difficulty that we ran into, of course, is  
14 Jim had tried all avenues available to him, and when we  
15 met with him, his action was in the courts; so the moral  
16 support we've been able to provide, but community groups  
17 get sort of whipsawed into being involved in so many  
18 different actions that you spread pretty thin.

19 At that time we were working with the minority  
20 contractors that had litigation against the set aside  
21 review board because they were feeling that there wasn't a  
22 real legitimate effort exerted by prime contractors,  
23 predominantly majority companies, to incorporate into what

was set aside for minority business. Enterprise  
2 involvement was not being done in good faith.

3           There was more effort to circumvent the process  
4 to include individuals in that, and all the problems that  
5 Jim talks about in work force and only being able to  
6 primarily work for a black contractor who happens to be  
7 President of the Toledo Minority Contractors' is one.  
8 That's true. If there were more opportunity for minority  
9 businesses, there would be more opportunity to involve  
10 more blacks in the work force. Who's more likely to hire  
11 a substantial amount of minority employees than a minority  
12 employer?

13           And I think in the City's effort to address all  
14 the problems that we're talking about, there needs to be a  
15 concentrated effort in assisting and creating more  
16 minority business opportunities and making sure that  
17 existing minority businesses don't flounder. I know that  
18 one of the individuals that Jim worked for has had to go  
19 into bankruptcy and reincorporate several times just to  
20 keep his head above water and had to fight for each  
21 opportunity. Now the City Manager, and other public  
22 officials in the county and in state government are  
23 controlling the purse strings and also the compliance

factor as it relates to involvement of minority  
2 contractors.

3           Mr. Ford talked about the 28 percent that the  
4 City has been able to use with their goals and to achieve,  
5 and I don't think that those figures are -- are  
6 fallacious; however, the effort put forth by pressure  
7 groups like ours, NAACP, minority contractors and people  
8 that have courage like Jim Mitchell makes that come about,  
9 rather than the committment by the people that are  
10 supposed to be proactive by it.

11           We'll continue to apply the pressure, but  
12 sometimes it will be much easier for us to lend more  
13 assistance to the people like Jim if the people who are  
14 elected or the people who are on the City pay roles,  
15 particularly the leadership level as high as a Manager,  
16 would make sure that every amount of public dollars that  
17 are expended in the community, that a fair share of  
18 opportunities are provided to minority businesses, that  
19 those incidents are -- would find to compliment one  
20 another.

21           There would be more opportunities for skilled  
22 trade people to work if there were more minority  
23 businesses. Of course, those that received dollars,

whether they be minority or majority, have an obligation  
2 to put money back into the community and that means hiring  
3 with the demography of the City and what's offered in the  
4 work force, so I was just wanting to say that his remarks  
5 are truthful.

6 MR. PROCK: Thank you, Mr. Williams. Because of  
7 the hour and our agenda, would you be available tomorrow  
8 during our open session?

9 MR. WILLIAMS: I understand. I'm coming out a  
10 little bit before lunch.

11 MR. PROCK: Tony Reames.

12 MR. REAMES: I apologize for being so late. My  
13 name is Tony Reames, and I live at 1968 Richmond Road; and  
14 for the record, I'd like to say I'm black. I'm  
15 overweight, so I know I'm not invisible. But I was Mr.  
16 Hawkey's first recruitee. He started with the City in  
17 May, 1986, started recruiting me at the end of June, and  
18 my permanent position is assistant City Manager.  
19 Everybody says, "Laura Santiago holds that position, but  
20 it's only interim."

21 Well, that's my permanent position, and there is  
22 another young lady who is the number two person in the law  
23 department, we have a joke that we tell each other all the

time. "We're invisible" because everybody throws out  
2 numbers. There's no recruitment. There's no appointing.  
3 None of this goes on. Who can't see us? There are a  
4 whole lot of directors out there who would have loved to  
5 tell me, as I've given them instructions that they've had  
6 to follow unwillingly sometimes, that my position isn't  
7 high enough in the organization.

8 I'm here to tell you that I believe it is. I'd  
9 also like to address the issue of having income levels and  
10 being able to recruit since it just came up. By the way,  
11 I came in here with almost nothing to say, but in  
12 listening to some of these things and hearing what went on  
13 earlier -- we attempted to do some recruiting since I came  
14 to the City.

15 One of the reasons that City Manager Hawkey  
16 wanted to recruit me was to assist him in the additional  
17 recruitment of minorities for positions within the City,  
18 and we don't have at the upper level such high pay that  
19 it's easy to go out and get people. You look at \$58,000.  
20 We had a position. We had a vacancy that I headed up the  
21 committee for to fill, and that was the personnel  
22 director's position. We played hell trying to get that  
23 position filled.

2 We have one personnel director for the City of  
3 Toledo. The Toledo schools, in essence, has divided those  
4 in two positions. They each make over \$60,000, and that  
5 was a year ago. How are we going to attract somebody in  
6 at a salary that was then \$55,000 or \$58,000? We're  
7 making inquiries now about a permanent head of the  
8 Department of Community Development. I'm the Acting  
9 Director down there. That's correct. It's an interim  
10 position, and I'd love to get back to my permanent  
11 position.

12 In trying to find qualified minorities, Hispanics  
13 especially for that position, they're going to have to  
14 make \$70,000, \$75,000 to attract them from jobs where  
15 they're already running departments of equal size or  
16 efforts.

17 It is not that simple of a process. That doesn't  
18 mean it's impossible. It also doesn't mean we aren't  
19 trying. In selecting the chief of police, which is  
20 another position that is always thrown into the center, we  
21 have an assessment center process, very objectively run,  
22 five individuals, four of which were from out of town, two  
23 of which were black, were the assessors in that process to  
keep it as objective as possible.

When we go through looking, particularly for high positions, we have a rule, and I've ended up chairing those, not because it's my role, but because I have a personal interest in making sure that we're trying to recruit women and minorities. We have a rule. Absolutely no one, no woman that we can identify by resume or application, no minority that can be identified as such is ever rejected in the first round. They all get through to the next round. We make every effort to look at them.

We use a process for recruiting senior officials, instead of having them all come into Toledo because we do recruit nationwide, of having a video service, videotape, structured interviews of these individuals so we can take a look, and we have spent -- we have ordered interviews to be taped to take a look at individuals that we normally wouldn't have looked at based on their resumes; but what we also figured was, well, perhaps the resume doesn't show everything.

We want to take a look, go out and make an affirmative effort to go out, and before anyone is rejected make sure that we go through a full process, they have every opportunity. I haven't been involved in all of them, but I've been involved in three of those searches;

and I can assure you that that's the process that took  
2 place.

3           With respect to coming into the City, I'm a new  
4 employee. As I said, I started on August 1st of 1986 from  
5 15 years in the banking business, and when you're in the  
6 banking business, you get to see a lot of other  
7 industries. I was in branches for a while. I was in the  
8 trust department for a while as a portfolio manager. I  
9 also become a bit of a counselor in trust portfolios. I  
10 was in the loan department making commercial loans, and in  
11 those roles you get to see an awful lot of businesses,  
12 small and large; and I had clients as small as three  
13 employees, and my account was Owens-Illinois.

14           So what I manage, what I dealt with ran the gamut  
15 in the City of Toledo, and from my observation, the City  
16 Government is no different than what occurs throughout  
17 Toledo in businesses, and I think if we have a hearing  
18 that focuses strictly on City Government, we're missing  
19 because City Government is represented. It's not in a  
20 leadership role in Affirmative Action, and that's  
21 unfortunate, perhaps it should be; but there is no  
22 leadership role in Affirmative Action in Toledo, public or  
23 private.



Councilman Ford and Councilman Scotland before him made great efforts to make the City face the issue. I for one appreciate it. The problem we went through with BCR was a long, agonizing process in trying to determine and recommend what should happen with Affirmative Action. Once again, I had an interest, but once again I chaired the committee to review the process.

The process occurred because when Mr. Scotland raised the issue of Affirmative Action and where's the plan, no action came from BCR. The Administration, the City Manager's office was the one that took the brunt for no action coming from BCR. When we pulled together all of those issues and reviewed who was responsible for what, the recommendation was the City Manager needed to have a tool to do that, needed to have an office to address Affirmative Action; and a lot of the things that were mentioned did not exist.

This committee, which came out of several departments within the City, all of us holding full-time jobs on a regular basis, meeting sometimes from 3:00 to 8:00 in the evening, getting together on weekends if necessary to draft it because there was dedication in that committee, designed many of the programs, many of the

2 computer tracking data that is available, that is ready to  
3 be keyed into building the program. It's brand new, but  
4 it is there. There was no interest for the 10 years  
5 before. It had not been followed up.

6 These are the kinds of things that the City has  
7 to begin doing, should have begun 10 years ago. That's  
8 when the idea came up, but it didn't. We are now working  
9 towards those kinds of ends, and it's going to be  
10 difficult.

11 The Affirmative Action Plan that has been  
12 submitted that has been left on deposit with the Clerk of  
13 Council is a plan that's been delivered there for  
14 discussion to invite input, to invite the kind of  
15 criticism that we're getting now. It was not submitted to  
16 be a final document, please bless this City Council.

17 It's a process for us to get the comments that  
18 are necessary, and it's a process that I acknowledge is  
19 late. It took us a while to hire Miss Griffin for the  
20 position, and I've had other assigned duties for the last  
21 five months and have -- and that's more than full time; so  
22 I've had less than sufficient time to address this issue  
23 myself as have several other members of the  
Administration, not by way of apology, just by way of

perspective here; and I'm sorry I'm getting off on this  
2 loud, forceful -- but I sat here resenting, as I have for  
3 the period of two years, of everybody talking about no  
4 blacks being appointed when I was the very first one they  
5 appointed. I'm either not black enough, or I'm not tall  
6 enough or something, but that is not the case, folks.

7 One of the areas that the Administration over at  
8 least the two years that I have been involved in has been  
9 not just the response to the black community or the  
10 Hispanic community, although that has been a problem,  
11 Administration -- previous administrations have been very  
12 lax at responding to many segments of the community, not  
13 just those.

14 So it is a -- and by that I mean, we've had over  
15 time perspective of this as the way we do it. We've  
16 always done it that way. I call it, personally, the  
17 engineer's mentality. It comes from the banking business.  
18 I'm more in tune to a marketing mood. Let's go out and  
19 see what the constituency wants. We attempt to do those  
20 kinds of things, but it takes a while to turn people in  
21 that particular area.

22 I think we're making some progress. Don't get me  
23 wrong, we've got a long way to go, and as long as I'm

there, I'm going to be one of these folks pushing it; and I don't mind being blamed or taking the heat for where we blow it, but I also want those people behind us assisting us. How do we get it fixed? How do we go forward? That's what we're looking for. That's what I'm looking for, and I've received nothing but encouragement from the Administration, from the City Manager, as well as from City Council, even though, as Councilman Ford says, I don't see that there's an active, forceful support for Affirmative Action in Council. When we have come to Council with Affirmative Action issues, we have not been held back or put aside. They have been supportive in those areas. They haven't been leaders in that area, but at the same time, they haven't held us back.

MR. PROCK: Melanie Mitchell.

BY MS. MITCHELL:

Q I have two questions -- or three questions actually. One is, Mr. Ford said just a minute ago that he felt that there were several inadequacies. Do you agree with his assessment, the task force that was --

A The task force that put together to address the Affirmative Action Plan has not recommended this plan. We are still reviewing this plan, and there are changes and

1 additions that we also have in mind for the plan; so it is  
2 a discussion draft at this point.

3 Q I guess is there some formal mechanism for  
4 community involvement? I agree that focused a lot on City  
5 Government and City Manager both. Is the ministerial  
6 groups, the NAACP, how are they involved in this process,  
7 or are they --

8 A The plan is at first submitted to City Council.  
9 The recommendation is then that it be distributed and the  
10 hearings take place on the plan.

11 Q Okay.

12 A Those are public hearings that would take place.

13 MR. PROCK: Marty.

14 MR. PLAX: Pass.

15 MR. PROCK: Fred.

16 BY MR. BAUMANN:

17 Q One of the hard things entirely to understand is  
18 that we get a picture from City Manager, from you, of the  
19 City Government that's beginning to move in certain areas  
20 such as recruitment of minorities, Affirmative Action, but  
21 at the same time we get a picture from the critics, for  
22 instance, that have used like zero level of trust in the  
23 City Government and all the rest of it; and I understand a

number of problems seem to be a product of a long history  
2 of frustration that's going back and forth from the  
3 present City Manager, but nonetheless, that's the  
4 situation we deal with.

5 I wanted to ask you, what kinds of things -- like  
6 you say, when you blow one, you admit it, what kinds of  
7 things have you done that you think you should change?  
8 What kind of new things can you do to create more trust  
9 and sense of your own true faith, which you obviously very  
10 strongly feel?

11 A One of the problems that the City's had over the  
12 years has been a lot of citizens' committees, Commissions,  
13 task forces are set up, and then they're given a broad  
14 objective. You go over here in the corner and do this..  
15 Come back in six months and tell us what you've done. I  
16 think if this is going to succeed, it's going to have to be  
17 more of a participative effort. It's going to have to  
18 involve the City Administrators, particularly those who  
19 may have an interest because of their departments or  
20 divisions or those that may be able to assist in the  
21 process and put some of the perspective or provide some of  
22 the perspective of the incredible bureaucracy that exists  
23 in City Government because most of these committees or

many of these committees are organized given this charge  
2 and don't understand that you can't do that in 30 days.

3 I mean, it fails me. I had people in the  
4 audience tell me, you can't warn me when I came to the  
5 City. You can't hire anybody as quickly as I have done  
6 it. I keep saying four to six weeks, and he just chuckles  
7 and tells me to double that amount of time, and do you  
8 know what? He's been right.

9 That's the kind of bureaucracy that when you're  
10 pulling these kinds of things together, people need to  
11 understand, people who are working, and, perhaps, they can  
12 give us the suggestions as to how to get over those  
13 hurdles instead of making recommendations that assume they  
14 aren't fair; and that's been a frustration of mine.

15 Q Would you agree, for example, that the decision  
16 of the police to stop and question blacks only in the West  
17 End that that was a mistake, that that delivered a bad  
18 sense, that that's not solution you ought to do?

19 A If I had known about it before it went out, I  
20 would have screamed very loudly against it.

21 MR. PROCK: Lynwood.

22 Q Just one question, Mr. Reames, and a comment, the  
23 comment first.

2 A If I may go back to Mr. Baumann's -- the other  
3 point then about the discrepancy between the points of  
4 view. I addressed a little bit of that when I started out  
5 by saying, "Hey, what about me?" There is a bit of  
6 perspective, and people are saying that nothing has been  
7 done, I resent being part of that nothing because I am not  
8 an appointee. I think there is a little bit -- there is a  
9 problem with communication. There is a problem with a lot  
10 of perspective, but it's a matter of convenience also for  
11 some people to start counting maybe the year after I  
12 started.

13 Q The comment first. I do appreciate your  
14 forthrightness with your presentation.

15 A That's why I gave me personal address.

16 Q You picked that up from the private sector and  
17 brought it into the City. The opportunity here, of  
18 course, is to use you, perhaps, more than you've been used  
19 in the minority affairs area in the City, in the  
20 working -- working with the Manager, and, perhaps, the  
21 level of trust can be increased quite a bit by having you  
22 be more interactive with the executive levels of the City  
23 Administration because I sense just by you not knowing  
what the decision was going to be was to be as contra --



1 or potentially as controversially an issue as did develop  
2 from that issue, that you're not as connected as possibly  
3 you might be with a little more --

4 A I was on a temporary -- I was temporarily  
5 assigned at the time, and that was -- I would have been  
6 more involved in the process, although, I still don't know  
7 whether or not I would have been involved before the order  
8 was actually given, but what -- I would have been involved  
9 more in the process. One of the areas of my  
10 responsibility as Assistant City Manager is the Department  
11 of Public Safety.

12 Q That puts you right in the middle of things.

13 A Yes, and as far as being involved in more things,  
14 my wife tells me, "We've got to draw the line somewhere,  
15 70, 80 hour weeks is just --

16 MR. BATTLE: Okay. Thank you.

17 MR. PROCK: Barbara.

18 BY MS. RODEMEYER:

19 Q Do you handle public safety?

20 A No. The structure is, as staff manager, which is  
21 the Assistant City Manager position that I hold on a  
22 permanent basis, is that the directors actually report in  
23 all areas directly to the City Manager. The Assistant

City Manager has fears of responsibility. Staff Manager includes those -- traditionally those nonline functions.

I have public safety because within the City of Toledo the Department of Public Safety and the Department of Public Utilities are so large and encompass such a wide variety of challenges, and there are only two of us that in addition to data processing and financial issues and personnel issues and legal issues, I picked up public safety.

Q Well, now you've left me completely -- what do you do, I mean with that -- with that responsibility?

A Responsibility for dealing, as the Manager, with each of the departments that I named. For instance, if that department needs a decision in funding, if that department needs a decision on an objective -- on any sort of a problem, then they would come to the Staff Manager. They would come to me, and then that's the decision that would be made. I guess, in essence, it becomes then appealable to the City Manager.

Q You don't do policy --

A Pardon?

Q You don't do policy or personnel; is that what you're saying?

1 A I don't understand. Policy is set by the  
2 director in each department. Okay. Other than setting  
3 policies --

4 Q You don't speak on that at all then?

5 A Not their department policies. Okay. Various  
6 policies that are reviewed by the City Manager's office at  
7 all are reviewed by the Assistant City Manager.

8 Q Thank you.

9 A But the actual setting of that policy rests with  
10 the director.

11 MR. PROCK: Virginia.

12 MS. ORTEGA: Thank you.

13 BY MS. ORTEGA:

14 Q Mr. Reames, given the fact that the public  
15 perception is that the City of Toledo does not employ  
16 adequate numbers of minorities, mainly women, Hispanics  
17 and blacks and the fact that the City's position has been  
18 in the past the Board of Community Relations office, it  
19 has been somewhat lacking and providing that leadership or  
20 that Affirmative Action Plan, that the City needs to  
21 address these issues.

22 Now, you've had the Affirmative Action, and you  
23 have a draft; and you've already heard and seen the

inadequacies in that. In your own opinion, in your  
22 position, why would you say that that draft is so -- that  
33 it's been presented as so inadequate?

44 A Again, I've been assigned temporarily to  
55 Community Development, and I've only received a draft for  
66 review late last week, and I can't address that.

77 Normally it would have been the task force that  
88 began the process, should have continued through the  
99 process of completing the policy.

110 MR. PROCK: Ray Leventhal.

111 BY MR. LEVENTHAL:

112 Q Well, I'm a little confused about the pay scales  
113 that you mention. We were told before that the City of  
114 Toledo pays a higher wage scale than City Government and  
115 any other one, and then on the other hand you said it is  
116 hard to recruit minorities because you don't pay enough,  
117 \$58,000 or more above is not enough; and I don't know, but  
118 it just seems a little unrealistic to me that we can't get  
119 enough qualified minority people at \$58,000 a year or  
220 more.

221 A We can get all kinds of applicants at \$58,000 a  
222 year. Believe me. I sort through the resumes. We can  
223 get all kinds at \$58,000 a year, but the perspective is

1 the relative income; and the people that we're looking at  
2 are people that -- the qualified people, those with  
3 experience that are in very high demand, and they're  
4 demanding larger than that. As I said, in the City of  
5 Toledo itself, the City school board has two City people  
6 addressing personnel issues, one teaching, one  
7 non-teaching, and they both make in excess of 12 percent  
8 above what their single City counterpart makes.

9           That kind of comparison makes it difficult in  
10 reviewing someone to replace me in the Community  
11 Development Department. We have all numbers of  
12 applicants, but with the experience -- and, perhaps, what  
13 we have to do is look for less experience, but with the  
14 experience we're getting, they have to come in at \$65,000,  
15 \$70,000 a year.

16           There are those that say, "Fine," except we've  
17 got a lot of other directors at \$58,000 a year, and  
18 whenever one of them gets a .22 cent increase, it's  
19 plastered across the front page of the local paper, and we  
20 all take abuse about it, so it's not likely that's going  
21 to be raised anytime soon.

22           Q    It seems to me that part of an Affirmative Action  
23 program is in training people to be able to reach certain

1 job levels. Now, , I'm not talking City Council or anyone  
2 in particular, but it seems that this situation does exist  
3 that all these groups that we've heard from today should  
4 take some sort of part in Affirmative Action and training  
5 people because they're are many, I assume, who would love  
6 to make that kind of money if they were trained properly;  
7 so my suggestion is, if you can't get them properly  
8 trained, let's try to train them.

9 A And that, in essence, is what we are doing. The  
10 numbers that I believe City Manager showed you this  
11 morning showed that the numbers of minorities and women  
12 are on the increase. The cry is, yeah, but it's at the  
13 lower levels, but that's where I put them to train them,  
14 and if you couldn't go out and find them and attract them  
15 at these salary levels, I totally agree with you. You  
16 have to begin to train them. Well, you don't train them  
17 by making them directors. You training them by putting  
18 them at that next level providing them the experience and  
19 the tools so that they can develop and be the next  
20 director on this course.

21 Q And then you are on this course, you tell us?

22 A I think we're on this course.

23 MR. PROCKK: Mrs. Spencer.

BY MS. SPENCER:

2 Q Mr. Reames, I think if you've come from the  
3 banking business, let's assess the fact that we're looking  
4 at a 3 trillion dollar debt in the nation. Aren't the  
5 salaries which you suggest with the dollar worth about a  
6 quarter, aren't they great?? That's what I mean. I'm  
7 just --

8 A Well, I'm not saying that.

9 Q I'm saying that. I'm saying that because I think  
10 there are many factors here in society today that are --  
11 we're having to deal with, and they have often to do with  
12 the value of money in today's market; and it's not where  
13 it once was. I want to pose a hypothetical situation and  
14 in which the Community Development Department has had its  
15 director hired, and you're back in your original role.  
16 What do you see in terms of the next two years in Toledo  
17 as compared with the last two?

18 A In what perspective, in the Community Relations  
19 Affirmative Action?

20 Q Community Relations Affirmative Action movement  
21 of this community, forward??

22 A Quite honestly, what I see as being the next big  
23 crush within the City is the aspect of the Affirmative

1 Action Plan which drives home the plan, which makes the  
2 plan a personal issue of every Manager within the City.  
3 We have directors. Below the directors, we have  
4 Commissioners. Below that we have various Administrators,  
5 superintendants, and such.

6 The City goes through a veryy painful painstaking  
7 process every year of putting together the next year's  
8 budget. What has been proposed is that part of that  
9 budget process as it deals with personnel staffing  
10 requirements include and incorporate an Affirmative Action  
11 statement from the part of each Budget Manager, each head  
12 at the additional level, and that that be incorporated  
13 into that division, Commissioners, that directors  
14 performance evaluation whereby that person sits down with  
15 a City Manager and has to answer the specific question.  
16 You had this many vacancies. These were your  
17 opportunities. This was what you did. What happened?  
18 Was it good? Was it bad?

19 I think that's going to be painful because in  
20 some of those areas where through the City Manager's  
21 office I injected that kind of responsiveness into the  
22 search, perhaps, the search efforts that they were taking  
23 to the lower level administrative positions.



1 There's going to be a lot of resistance there, an  
2 awful lot of resistance, particularly because in many  
3 cases it's going require recruitment. There have been  
4 throughout the City for years, as near as I can tell,  
5 there's been the attitude of, if I stay here long enough,  
6 I'm going to the next job. I'm going to move up.

7 What we're attempting to do now is make sure that  
8 the qualified people are the ones that move up. There is  
9 more testing. There is more -- there are more procedures  
10 that you have to go through now, and we're bending over  
11 backwards -- I take that back. It's not backwards. We're  
12 doing what we should have done before in the process in  
13 making sure that women and minorities are on the selection  
14 groups.

15 We're now -- because we don't have, for instance,  
16 a lot of police, we're now taking them from other sections  
17 of the City; and for the police captain, an interview  
18 process in order to evaluate who was even going to make it  
19 to the next step, we had six people involved, four of them  
20 were black. We had women involved in the process, even  
21 though there were very few women on the force that had to  
22 do with those kinds of issues, and we asked very specific  
23 questions that would give us an idea of how the

1 leadership, the people that are coming up next with this  
2 training, how are they responding to these issues of  
3 racism or sexism; and we asked those very specific  
4 questions.

5           The difficulty, I think, is when it takes the  
6 force of administrative policy. This is the way you're  
7 going to do it, and you're going to be called to account  
8 for it when we -- when we review you, not just your  
9 budget, but when we review you. We've never done that  
10 before.

11           Q    In Cincinnati in the Affirmative Action program,  
12 each department selects its own EEO Council, and they come  
13 together then and work with their departments. Now,  
14 initially, some departments would not hold elections  
15 within those departments in order to determine that  
16 leadership. I think what you're saying is if the head of  
17 the City says, this is what we do. This is what we do,  
18 and we do it that way because it's better for the whole  
19 City. So I thank you.

20           A    And I agree. We also have as part of the  
21 proposal that each division have a representative to the  
22 Affirmative Action Council or Committee. I'm not sure  
23 what the title is, but that each section has a

representative and a responsibility to report back --

2 Q Back.

3 A -- to that Councilman.

4 MR. PROCK: Mr. Reames, I promised the staff we'd  
5 vacate the room by 6:00, but I do have a few follow-up.

6 Q Your predecessor in the disciplinary action taken  
7 upon the individual, were you consulted prior to that  
8 action being taken?

9 A The issues -- those issues are subject to  
10 litigation.

11 Q So ask -- I understand that. You may respond to  
12 it with the same answer, but there's something that we  
13 have discussed among us during our break that isn't clear  
14 to us. There was some discussion this morning about a  
15 severance pay being due and that not being paid out. Is  
16 that also tied up in litigation?

17 A To my knowledge, those are all issues that are  
18 subject to litigation.

19 MR. PROCK: I thank you, and again I apologize  
20 for the --

21 MR. REAMES: Well, I sat here long enough to get  
22 fired up. I apologize for --

23 Q Were you suggesting that the above -- way above

1 entry level, you're going to have lateral entry? Are you  
2 saying that?

3 A Are we going to recruit above entry level?

4 Q Yes. You're going to have lateral entry at above  
5 middle or --

6 A We do now. As a matter of fact, in my  
7 department, we had -- we had a situation where we used a  
8 selection process for promotion that, in essence, showed  
9 us that --

10 Q Nobody could --

11 A -- we didn't have anybody who was promoteable.  
12 We are now in a recruitment process to fill that from  
13 outside.

14 Q And you don't have negotiated contracts with  
15 unions that would --

16 A As a matter of fact, because of the contracts  
17 with the union, that's about the only way we can -- we can  
18 do at the time and we give the tests there was quite an  
19 objective test that was drafted by members of the  
20 engineering department at the University, and administered  
21 very objectively, and as it turned out, it was an  
22 opportunity for Affirmative Action; but as it turned out  
23 we're going to have to solicit outside just based on the

level of knowledge that the applicants --

2           Q    But it will be below director, but in here  
3 somewhere?

4           A    That's right it will be a person who is  
5 responsible for programs and personnel.

6                    Thank you.

7           MR. PROCK:   Thank you, Mr. Reames. We will  
8 recess this session of the Ohio Advisory Committee to the  
9 Federal Civil Rights Commission and reconvene in this room  
10 tomorrow morning at 9:00 a.m.

11                           (Hearing adjourned at 5:50 p.m.)

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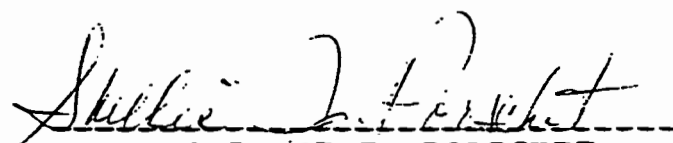
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## C E R T I F I C A T E

I, Shellie J. Porschet, a Notary Public in and for the State of Ohio, do hereby certify that the above and foregoing is a true and accurate transcription of the aforementioned matter.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Toledo, Ohio, on this 31st day of December, 1988.

  
SHELLIE J. PORSCHE  
Notary Public  
in and for the State of Ohio

My Commission expires August 23, 1993.

- - -