

ORIGINAL

TRANSCRIPT OF PROCEEDINGS

UNITED STATES COMMISSION
ON CIVIL RIGHTS

WESTERN DIVISION
STATE ADVISORY CHAIRPERSONS MEETING

Los Angeles, California

Saturday, September 10, 1988

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STATE ADVISORY CHAIRPERSONS MEETING

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Corinthian Room
Biltmore Hotel
Los Angeles, California

Saturday, September 10, 1988

The meeting was convened at 9:25 a.m.,
Philip Montez, Regional Director, Western Regional Division,
presiding.

COMMISSIONERS PRESENT:

WILLIAM BARCLAY ALLEN, CHAIRMAN
ESTHER GONZALEZ-ARROYO BUCKLEY

REGIONAL DIRECTORS PRESENT:

JOHN BINKLEY, Eastern Regional Director
MELVIN JENKINS, Central Regional Director
PHILIP MONTEZ, Western Regional Director

SAC CHAIRPERSONS PRESENT:

ARIZONAJOHN P. WHITE
CALIFORNIADEBORAH HESSE
COLORADOGWENDOLYN THOMAS
HAWAII.....ALFRED LARIZABAL
IDAHO.....GLADYS EQUIBEL
MONTANABETTY LEE BABCOCK
NEW MEXICO.....VINCENT J. MONTOYA
NORTH DAKOTAMODESTO DEL BUSTO
OKLAHOMA.....CHARLES PURDY
OREGON.....VAUGHN D. BORNET
UTAH.....ROBERT E. RIGGS
WASHINGTON.....SHARON ANNE BUMALA
WYOMING.....DONALD L. TOLIN

(Continued)

STAFF MEMBERS PRESENT:

SUSAN J. PRADO, ACTING STAFF DIRECTOR
JOHN C. EASTMAN, DIRECTOR CONGRESSIONAL
AND PUBLIC AFFAIRS

NATHAN BRATTON
JAMES COREY
JOHN F. DULLES II
LAURIE GABRIEL
MARY MATTHEWS
SYDNEY NOVELL
ART PALACIOS
THOMAS PILLA

** ** *

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MR. MONTEZ: We would like to get started, only to minimize on the element of time. I know many of you have flights to try to make and so forth, so we would like to roll right along.

Most of you know me. I am Phil Montez, the Regional Director for the Western Regional Division, and those who don't know me probably don't want to know me anyway.

That was a joke.

(Laughter.)

My staff is falling down. They're supposed to know when I tell a joke and they're supposed to lead you in boisterous laughter. But I will note that on their evaluation next time.

(Laughter.)

But anyway I want to welcome you to the morning meeting. I hope your accommodations have been fine, and everything else. If not, see Tom Pilla and Art Palacios. They handle the inconvenience.

At this time, not to take up a whole lot of time, I'd just like to go around the room and have you introduce yourselves and tell us what state you're from, if you can remember. I know some of you don't want to go back to those states, but California is overcrowded

c.b.tepper 1 anyway.

2 And we can start over here with Senor Tolin.
3 You can stand up if you want, and then they can see you.

4 MR. TOLIN: I am standing.

5 (Laughter.)

6 MR. MONTEZ: The joke was he was standing.

7 (Laughter.)

8 MR. TOLIN: My name is Don Tolin and I'm the
9 SAC Chair from Wyoming.

10 MR. BINKLEY: I'm John Binkley. I'm Phil's
11 counterpart in the Eastern Regional Division, and I came
12 out here to see how he was going to have this conference,
13 and I'm not sure I'm going to learn a lot.

14 MR. MONTEZ: Just state your name.

15 (Laughter.)

16 MR. RIGGS: I'm Robert Riggs from Utah.

17 MR. BORNET: Vaughn Bornet, Oregon.

18 MR. LARIZABAL: I'm Al Larizabal, Hawaii.

19 MS. ERQUIBEL: I'm Gladys Equibel from Idaho.

20 MR. MONTOYA: I'm Vincent Montoya from New
21 Mexico.

22 MR. PURDY: I'm Charles Purdy from Oklahoma.

23 MR. DULLES: John Dulles, staff member.

24 MR. CANALES: John Canales (inaudible).

25 MR. EASTMAN: I'm John Eastman, press officer

c.b.tepper 1 from the Washington office.

2 MR. DEL BULSTO: Modesto Del Busto, North
3 Dakota.

4 MS. THOMAS: Gwendolyn Thomas, Colorado.

5 MS. BUMALA: I'm Sharon Bumala from Washington.

6 MS. BABCOCK: I'm Betty Babcock from Montana.

7 MS. HESSE: Deborah Hesse from California. You
8 can stay if you bring in jobs.

9 (Laughter.)

10 MR. WHITE: I'm John White from Arizona, and
11 I'll be glad to get back there.

12 (Laughter.)

13 MR. COREY: James Corey, staff.

14 MR. MONTEZ: At the conclusion of remarks by
15 the guests, the individual representatives of the states
16 will meet with you to go over the particular issues and
17 concerns you have in your states, so that we can report
18 back at our own staff meetings and we can be prepared to
19 deal with them, which will then expedite things --
20 meeting with your individual representatives. I know you
21 all know John Dulles, Tom Pilla -- will you stand,
22 please, or are you standing? I said stand.

23 (Laughter.)

24 And Arthur Palacios is also here. That's the
25 Western Regional staff with the exception of the two

c.b.tepper 1

secretaries that aren't here. One is at a wedding, and I
2 guess the other one's getting married.

3

(Laughter.)

4

But we'll be here to deal with the issues so
5 that we can expedite them.

6

If you have trouble with transportation to the
7 airport, see us, and one of the gentlemen owns a cab
8 company.

9

(Laughter.)

10

At this time I'd like to introduce our Staff
11 Director from Washington, D.C., who will then introduce
12 the Commissioners and the rest of the people.

13

Susan Prado, please.

14

MS. PRADO: Thank you.

15

I'm really pleased to see how many of you are
16 here today. It's very important to be able to have a
17 meeting like this, and it's been over a year since we did
18 have one. Many of you are different faces; some of you I
19 met last time. And I am looking forward to an
20 opportunity to talk with you more closely. But I want to
21 thank you very much for coming.

22

A couple of members of my staff have already
23 introduced themselves. John Eastman does press and
24 congressional relations.

25

One of the things I certainly want to take a

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2 few moments to do at the outset of the meeting is to make
3 myself and the staff available to answer any questions.
4 We can certainly do that throughout the morning. And as
5 you see us, be sure to call on us. John wears several
6 hats, but the two major hats are press and congressional
7 relations. That means he's a terribly important person,
8 and you may have specific questions of him about our
9 appropriations and various other things going on with the
10 Congress. As you know, they have controlled our fate
11 very closely and have had a major impact on how the
12 Commission has functioned the last few years. So that's
13 John Eastman.

14 And Jim Corey. As you know, Jim has been a
15 super righthand man for me in terms of dealing with many
16 of you in the regions. He works very hard on the
17 regional problems and is certainly there if you need to
18 speak to him at any time, or if you have any other
19 questions we can answer. Jim is right there to help.

20 Mary Matthews is the Deputy Staff Director.
21 She is new -- it's been three months now, actually. She
22 came right at a critical time. She started with us the
23 day after our Chairman Pendleton died. And it's been a
24 very critical time and a heck of a way to start a job.
25 Mary has pitched right in and has been a very valuable
member of the team in Washington.

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2 Sydney Novell is at the back of the room. Most
3 of you know Sydney, and certainly those of you who have
4 been here the last two days I'm sure know Sydney by now.
5 For those of you who don't know, Sydney was mainly
6 responsible for the success of the forums we've held the
7 last couple of days. I know some of you have been able
8 to attend. I'm very pleased to see that some of you were
9 able to participate in those forums. I think they turned
10 out remarkably well, in no small measure due to her
11 efforts. She will continue to organize the next two
12 forums in the other two regions. The next one is in
13 Nashville, and that is December 8 and 9.

14 Melvin Jenkins is also here with us today.
15 He's the Central Regional Director.

16 And Commissioner Buckley is here, whom many of
17 you know.

18 I am going to wait to introduce the Chairman,
19 and just make a few more remarks.

20 I've tried recently to make more of an effort
21 to get out into the regions, and many of you have had
22 questions about procedures. I don't know if you really
23 want to get into that in any great detail at this moment,
24 but I just wanted to say initially that we're working
25 very hard to streamline procedures and establish uniform
procedures at the outset of what it is you're trying to

c.b.tepper 1 do in the State Advisory Committees.

2 And I want to be very clear with you that we
3 first need your feedback on those procedures, but also
4 that we are trying to put things in place that help you
5 and not hinder you. I think with any kind of bureaucracy
6 in any national office of any organization it seems
7 sometimes that whatever comes out of, quotes,
8 "headquarters," sounds foreign, like it's something
9 that's in your way. Certainly that is the last thing we
10 intend. We are very appreciative of the work of all of
11 you at your state levels, what you try to accomplish in
12 your states, how much time and effort you put into your
13 work. And what we are trying to do is make sure you get
14 the maximum satisfaction for what it is you do, that you
15 are able to accomplish what it is you're setting out to
16 do.

17 So the proposal procedures and the other kinds
18 of things we've tried to institute are for that reason,
19 so at the outset, for anything you try to undertake, the
20 purpose is clear, the plan is clear, the outcome and the
21 goal you have in mind is clear, and we can move that and
22 get it to the Commissioners for their approval, so they
23 have a chance to review your work.

24 That being said, I think I'll leave it at that
25 at this point, and thank you again for coming.

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I would like now to introduce our Chairman.

2

As you know, this is the first gathering we've had since the death of Chairman Pendleton. I have been very pleased that Chairman Allen has assumed the Chair for a number of reasons, but certainly one of them, is that, as you all know I'm sure, Chairman Pendleton was very much interested in the work of the State Advisory Committees and traveled a great deal to the states and met with a great many of you and tried to participate as much as he could in many of your activities, and I'm very pleased to say that this is also a great interest of Chairman Allen. He also has made himself available. Many of you have met him previously. He is very interested in the work of the State Advisory Committees, and for that and many other reasons I'm very pleased that he is our Chairman.

17

I was asking him before we started out to speak this morning to remind me of the date of his assuming of the Chairmanship, and he reminded me it was that fateful day 8/8/88, which is a very good omen.

21

So without further ado, Chairman Allen.

22

(Applause.)

23

CHAIRMAN ALLEN: Good morning and thank you very much.

25

Thank you, Susan.

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2 I want first of all to acknowledge the very
3 important contribution you have all made in the last two
4 days to the conduct of the forums. I know we are here
5 for a SAC Chair meeting, but the forums were important,
6 and most of you were able to be here throughout the
7 entire time. It is very important to those of us on the
8 Commission, and especially valued by Commissioner Buckley
9 and the members of her subcommittee who organized the
10 forums and the upcoming forums in Nashville and
11 Washington in the approaching six months. We appreciate
12 that immensely.

13 And it is also a symbol of what we have
14 practiced in the past and wish to maintain in the future,
15 namely, a recognition that as we have come to you and
16 involved ourselves in the work that you're doing in the
17 respective states, that you, too, will involve yourself
18 in the work that we are doing from Washington.

19 We always hear the expression that the State
20 Advisory Committees are the eyes and ears of the
21 Commission. Well, you might reverse that just as
22 easily. There is a mutuality involved in this process of
23 seeing and hearing, and as you see and hear and report to
24 us, we, too, wish to be able to see and hear and report
25 to you, and thus, through that mutual exchange,
advanceour efforts, which I will say a word about in just

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a moment.

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But before I get to the substance of our ongoing labors in this vineyard, I want to mention a few administrative matters of immense importance.

There is, of course, at the present moment at the Commission, and in our government in general, the situation that we are in the process of change. We have elections approaching. Many people are unaware of what the eventualities of the election will be. I frequently receive questions, since the announcement of my appointment, about what it might mean after January 20. The short answer is, "I don't know." The long answer is, "Nobody knows."

(Laughter.)

So that we are not here with the attitude that this is an interim or short-term appointment. The Commission, as far as I'm concerned, is serious business, and every day I put in on it is meant by me to be a serious and permanent contribution to the discussion of civil rights in the United States.

So I am here, as I know my colleagues are, with the attitude that this day is part of forever, and we will keep working without regard to the question of what the eventualities will be on January 20, 1989.

In that respect the agency itself, of course,

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2 is changing. It must adapt itself to fulfill its
3 obligations and to accomplish the task which lies before
4 us. And we are going to experience in the coming week
5 changes in staffing at the Washington office, which are a
6 reflection of numerous things, but nothing so important
7 as the fact that we have come through a very difficult
8 period with able guidance in terms of our staff
9 directorship. You know that Susan Prado has served us in
10 the position of Acting Staff Director for practically two
11 years now, and they have been two of the most difficult
12 years in the Commission's entire history. I want to
13 express my great gratitude to her for staying at the helm
14 with a steady hand through this period.

15 There will be a change that will occur in the
16 coming week. There will be a new Staff Director coming
17 into office on Friday of the week approaching, and that
18 will be Melvin Jenkins, who is presently our Central
19 Region Division Director. Melvin Jenkins will assume
20 those duties. There will be a corollary team within the
21 agency, as you can expect. You can still talk to most of
22 the people you normally talk to.

23 What we will be doing, of course, is trying to
24 take advantage of every qualification we have in a staff
25 that has been rendered slight in the past year due to
cutbacks, and to take advantage of resources which are,

c.b.tepper 1 to be sure, meager as a result of those same cutbacks.
2 So, posturing ourselves to be able to operate most
3 effectively, all the changes you will hear about will be
4 a reflection of our determination to accomplish
5 something, no matter what, no matter how limited those
6 circumstances will be.

7 Now, regarding what needs to be accomplished, I
8 want to share something with you from my recent
9 experience.

10 I was in Des Moines, Iowa attending a SAC
11 meeting only two weeks ago. I guess it was two weeks ago
12 -- one week ago, three weeks ago -- I'm not always sure I
13 remember any more. But we've had a very special problem
14 in Iowa this year. We lost a SAC Chair in Iowa. The SAC
15 Chair resigned from office. This Chair resigned pursuant
16 to a campaign led by a newspaper, the Des Moines
17 Register, which impugned the SAC Chair's qualifications
18 for office.

19 Now, many allegations were made which were very
20 serious allegations, and we certainly considered them
21 seriously at the Commission. But they were, we must
22 remind ourselves, allegations throughout the process.
23 There was never any period in which anyone produced
24 findings, conclusions, or judgments that would have
25 impelled action on our part or someone else's part.

c.b.tepper 1 Nevertheless, the SAC Chair, under immense pressure
2 because of the continuing allegations and disruption of
3 family life, private life, professional life, said,
4 "Enough."

5 The reason I bring this up to you is that when
6 I went to Des Moines two weeks ago to sit with this SAC
7 which is trying to get itself going again and trying to
8 resume the pace of accomplishment it had experienced with
9 that SAC Chair -- the SAC Chair's commitment to civil
10 rights had been questioned by the newspaper, and yet this
11 SAC, for the period of years this Chair was in office,
12 had worked well and had been doing incredible things.

13 And now they wanted to reorganize. And it was
14 really depressing, I must tell you, to be with them there
15 and see them struggling to pull themselves back together,
16 and to find out that the Des Moines Register, which led
17 the campaign against the Chair, was nowhere in evidence
18 when the group of people without that Chair were trying
19 to pull things back together to do their work again.

20 And that small story is meant to say something
21 about the atmosphere in which we work. It's easy for
22 people to watch campaigns of destruction, "seek and
23 destroy" missions. They do it for any number of reasons,
24 some the most innocent, some not so innocent. We
25 nevertheless have to carry on, whether in the states or

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in Washington. We can't expect those who try to raise
2 the standards through missions such as that which the Des
3 Moines Register pursued to be on the other side when we
4 say, "All right, that's over; let's now engage in a
5 positive agenda and try to accomplish something."

6

We have to recognize that this task, as I think
7 the forums have shown in the last two days, will demand
8 of us that we be willing to forebear in the face of
9 adversity, and to persist because of the value of the
10 work we are engaged in.

11

What is the value of that work? We saw this
12 report, which you have in your packet, on the national
13 conference on "The Kerner Report Twenty Years Later."
14 You will find in that "Twenty Years Later" report a
15 statement from the original Kerner Commission Report,
16 namely:

17

"The American nation is beoming two societies,
18 one black, one white."

19

The "Twenty Year" update repeats that and says
20 it's gotten worse, and we've added Hispanics to that, so
21 I suppose we'll have to say three societies.

22

What is significant to me in looking at that
23 report is the same thing that was significant in the
24 original Kerner Commission report. The tendency to
25 simplify relations, racial and otherwise, in the United

c.b.tepper 1 States has been a trap for us, which the Commission on
2 Civil Rights has, for a long time, fought to escape, to
3 allow us to pose the question of the future of these
4 United States in terms that all people could relate to,
5 and anticipate a common life rather than a life based on
6 these distinctions, these separations.

7 The question is: If it's true, as this update
8 alleges, that America has gotten worse than in 1968, that
9 we're even more distinct societies than we were in 1968,
10 that we are fast becoming a Lebanon and a shame to those
11 human hopes that have always been associated with this
12 great country, why should that be? Where should we
13 look?

14 And one of the things I think the Civil Rights
15 Commission and the State Advisory Commissions have to be
16 most sensitive about is the need to look deeply and not
17 at the surface, the need to find the true causes, whether
18 it be the misperceptions or true perceptions, the true
19 causes of these perceptions and not the surface or
20 political appearances of these things.

21 There are not that many people who are willing
22 to speak seriously and candidly about our circumstances.
23 There are many people who want to speak shrilly, but not
24 many who want to speak candidly. That has to be our
25 job.

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2 I'm very honored to undertake that job in your
3 company, and I want to assure you that we mean it
4 seriously at the Commission, and we invite you to enter
5 into it with us with the utmost seriousness.

6

7 And I'd be glad to answer any questions you
8 have at this point about operations, ideas, or anything
9 else.

10

11 MS. HESSE: Did I understand that Melvin is
12 going to take over Susan's job?

13

14 CHAIRMAN ALLEN: Yes.

15

16 MS. HESSE: Are you leaving?

17

18 MS. PRADO: No. I've been acting in this
19 position. My position of record with the Commission is
20 the position of Executive Assistant. That means I'm
21 resuming that position.

22

23 MR. BORNET: Is the magazine "New Perspectives"
24 to continue?

25

26 CHAIRMAN ALLEN: The magazine "New
27 Perspectives" is expected momentarily.

28

29 MS. PRADO: It's had a very long gestation
30 period.

31

32 (Laughter.)

33

34 CHAIRMAN ALLEN: There have been serious
35 efforts to reestablish the magazine. There have been
36 frustrations. I will not for the moment hide them from

c.b.tepper 1 you since I haven't shared them with the staff. In fact,
2 the new magazine, if it ever appears, will contain an
3 article by me, so naturally I'm frustrated.

4 (Laughter.)

5 But I am sure that we will do everything in
6 order to get this first issue of the revised "New
7 Perspectives" out, and to be sure that it then moves on a
8 regular basis.

9 MR. BORNET: May I have a thumbnail sketch of
10 the offices in Washington? Where are they? What do they
11 look like? What is the environment?

12 MS. PRADO: What is the environment? That's a
13 very amusing question. If you go out the front door it's
14 very dignified. If you go out the back door, it's
15 another scene, especially after 7:00 o'clock.

16 (Laughter.)

17 We're in a government building in Washington on
18 Thomas Circle, pretty much in the heart of town. We once
19 occupied about four or five floors in that building, but
20 following the RIF and the reorganization resulting from
21 the cutback, we now occupy basically two floors.

22 There are approximately 45 people in
23 headquarters. There are three regions, as you know, one
24 here, one in Kansas City where Melvin is at present, and
25 one in Washington, D.C. We've shrunk down from about six

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2 offices to basically three. We have the administrative
3 functions that are headed by Mary Matthews; we have the
4 Office of Programs and Policy, which is headed by Dr. Kim
5 Cunningham, who was here yesterday; and we have our
6 Office of General Counsel and Civil Rights Evaluation,
7 which is headed by Bill Howard, who was also here
8 yesterday.

9 John's staff, the congressional relations and
10 public affairs, the Solicitor's office, and the regional
11 programs currently are housed in a unit of the Staff
12 Director's office.

13 I can only say that for a very small amount of
14 people since the reorganization, the staff has still
15 mightily tried to put out the same kind of effort that
16 the previously 200 people put forward.

17 MS. BUMALA: How many do you have now?

18 MS. PRADO: A total of about 65, including the
19 regions.

20 MR. MONTROYA: I have three questions to ask,
21 Mr. Chairman.

22 Question number one is: Are you aware, or is
23 the Commission through the Administration aware, of any
24 act of legislation within Congress right now to either
25 change the authority of the Commission, or to broaden it
or to dilute it?

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2 And also, are we aware of any congressional
3 legislation being individually submitted by either the
4 Senate or the House to do either one of those? And I
5 know the battle that we fought or that the central office
6 started to fight on the earmarking for SAC activities,
7 regional activities -- and, of course, Congress
8 earmarked a million dollars or whatever it was for those
9 activities.

10 Is the attitude still -- I know we have a new
11 Chairman, but is the attitude still within Congress to
12 strengthen that regional or grassroots activity, or
13 dilute it so that the central office has that authority
14 in the appropriation?

15 Those are three questions, but can you answer
16 very basic, very brief, not go into detail?

17 CHAIRMAN ALLEN: I think in the end that all
18 three questions collapse into your final question.

19 There is no pending proposal from the
20 Administration to alter the Commission. I am aware of
21 some hints about notions for change in Congress. Those
22 are associated with the fact that 1989 is the year for
23 reauthorization of the Commission.

24 The Commission, as most federal agencies now,
25 only exists under sunset legislation, and the lease on
life was six years. That expires in 1989. Congress has

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to reauthorize the Commission in order for it to
2 continue.

3 In the process of debating the reauthorization,
4 as many of you saw in 1983, it is highly likely there
5 will be ideas on the table, some of which are sponsored
6 by the Leadership Conference in Washington, D.C., that
7 will seek to change the structural operations. To give
8 you one example, some people imagine that Congress is
9 going to turn the Commission into strictly a legislative
10 agency, something like the GAO.

11 My own best reading on this -- and this is
12 merely the hunch of a political scientist looking at the
13 facts -- is that that will not occur, that Congress will
14 not want to take on the problem of having such an agency
15 become its own creature, because even though those who
16 pass the legislation consider themselves the friends of
17 the constituencies who desire this, we also know that
18 these friends are like the viper in Aesop's Fables, that
19 when it was revived by the farmer who took it in from the
20 cold and pressed it to his breast, it revived
21 sufficiently to bite him.

22 Congress is going to be quite wary of that, so
23 I don't believe it will be turned into a legislative
24 agency.

25 There will, however, probably be changes made.

c.b.tepper 1 There will surely be enormous debate, debate which we all
2 will participate in in our official capacities in
3 communication to Congress what it is the Commission is
4 capable of, what it is the State Advisory Committees are
5 capable of, and are in fact doing.

6 With respect to the earmarks questions, they
7 still exist. The President has proposed legislation, at
8 least in one of the houses of Congress, and the
9 conference committee will in all probability retain it.
10 There has been, as you know, a period of strained
11 relations between the Commission and the oversight
12 committee in Congress, which is where the earmarks have
13 come from.

14 I cannot tell you with precision what the
15 opinions are in Congress today. And my opening remarks
16 effectively were addressed to part of those dynamics.
17 That is, we are here to do a job, and we are not going to
18 concern ourselves with any past difficulties; we're going
19 to try to do the job.

20 You can follow up, but I want to see if
21 Commissioner Buckley wants to add anything to this.

22 COMMISSIONER BUCKLEY: No.

23 CHAIRMAN ALLEN: All right.

24 MR. MONTOYA: What is the level of the
25 authorization that is going through the budget cycle

c.b.tepper 1 right now?

2 CHAIRMAN ALLEN: The appropriation at the
3 moment is effectively the same as this year. That is a
4 marginal improvement, only because there are certain
5 portions of the present year's budget which will not be
6 used in the next year's budget -- the severance pay,
7 retirement, and such things. So with the same budget we
8 get slightly more flexibility, but not very much.

9 We, of course, continue to ask for full
10 funding. We are making a presentation. The
11 Administration has always asked for full funding which
12 would place us now in the neighborhood of \$13.6 or \$13.8
13 million, and we have made the case that we want a build-
14 back budget. By "build-back" I mean the level of budget
15 that allows us to build the Commmission and its eight
16 regions back to the level of efficiency that existed
17 before this struggle began.

18 That's our official posture on the matter.

19 MR. MONTOYA: Thank you.

20 CHAIRMAN ALLEN: Mr. Tolin was first, and then
21 I'll call on you.

22 MR. TOLIN: Can you tell us the status of the
23 procedural handbook for the SAC Chairs? I know that's
24 been in progress.

25 CHAIRMAN ALLEN: Procedural handbook for the

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SAC Chairs?

2

MS. PRADO: I can answer that.

3

CHAIRMAN ALLEN: All right, would you answer that, please.

4

5

MS. PRADO: It is in its final draft for final review. We know it's been a long time in coming, and you've all been very patient.

6

7

8

As I was mentioning, we have been trying to revise procedures so that they're more responsive to the different State Advisory Committees, and we've taken time with the process in order to try to do the best possible job in putting it together. But we're only a week or two away from going to press with it. It should be final very soon.

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CHAIRMAN ALLEN: Next hand. Yes.

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MS. HESSE: My question was almost the same as his, but in the form of a recommendation. It would be most helpful, when the SACs are rechartered, if the new members would get a copy of whatever version of the handbook exists, along with the program proposal procedures, at the time you get a letter saying that you've been appointed, so that we can come to the first meeting and hit the ground running.

24

CHAIRMAN ALLEN: Yes.

25

MR. BORNAT: Would you call on your staff

c.b.tepper 1 members to give me some indication, through anecdotes, of
2 the readership, effectiveness, impact of publications of
3 the Commission. What do you know about what happens to
4 them when they leave your office?

5 I say this because I just finished reading the
6 Indian Reservation "Tribal Invasion of Civil Rights"
7 document with great interest, and I couldn't help
8 wondering if anybody else was reading it, and if so, who
9 and why.

10 CHAIRMAN ALLEN: Let me say that the evidence
11 of the dispersal of our publications is very strong
12 indeed. The most recent publication was "Economic Status
13 of Americans of Asian Descent," and we have received
14 numerous press clippings and reports of places where that
15 report has appeared and been commented on. And that's
16 fairly typical of reports from the Commission.

17 It is also the case that we find citations of
18 our reports in the State Advisory Committee reports from
19 time to time, or in administrative proceedings, or in
20 hearings on Capitol Hill. So we know for sure there is
21 all that.

22 For example, the transcript of the hearings you
23 refer to, I presume -- we know for sure those are being
24 read by the interested communities because they are
25 communicating to us most vigorously about their concerns

c.b.tepper 1 with that investigation. They follow every single word.

2 So I can tell you from my own experience that
3 these publications are paid heed to.

4 And that is an important fact to remember. It
5 is easy for us to think that these things are being
6 produced, thrown out there, only to lie fallow. But the
7 fact of the matter is that this Commission has an impact
8 when it speaks. That's the truth.

9 Do you want to add anything to that, Susan?

10 MS. PRADO: No.

11 CHAIRMAN ALLEN: John Eastman.

12 MR. EASTMAN: Yes.

13 CHAIRMAN ALLEN: Would you describe that for
14 us, please.

15 MR. EASTMAN: I will add from my dealings with
16 Congress some of the impact the State Advisory Committee
17 reports have, with a particular example, the Hate Crime
18 Statistics Act. And other State Advisory Committees
19 around the country in the last five years have held
20 forums on the gathering of statistics on hate crimes.

21 Senator Simon in the hearing when they were
22 addressing this particular piece of legislation, said
23 that the summary from your Idaho Advisory Committee was
24 the best description and summary of the intended purpose
25 of that legislation that he had seen anywhere. And they

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had all of that stuff as background information on
2 producing this particular piece of legislation.

3 So that's just one example. The work of all
4 the State Advisory Committees went into that effort. And
5 it does have an impact. The staff members of our
6 oversight committee are constantly reacting to our
7 committee reports. Any time one is published I send it
8 to all the members of our oversight committee as well as
9 the members of that particular state's delegation. So
10 they all have access to that information -- and use it.

11 CHAIRMAN ALLEN: Let me add one other thing,
12 that you SAC Chairs certainly receive the Staff
13 Director's Report each month, and at the end of that
14 report you will see a tally of publication requests,
15 giving you some idea of the volume of business that we
16 carry on in Commission staff.

17 MR. MONTOYA: Since you were discussing the
18 eyes and ears of the Commission in your opening
19 statement, the Commission on Civil Rights has caused a
20 sort of friction in New Mexico over the Indian issue.

21 Number one, the SAC has three Indian members in
22 its composition. When the Commission decided to hold
23 hearings in New Mexico, we were not notified or we
24 weren't even asked for help from the SAC members. You
25 had a staff member that went into Gallup, and he set

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2 things up. I was in Washington. The Chairman told me
3 that they were going in there. They were not able to
4 hold their hearings in Gallup. They went over
5 toArizona. Chairman McDonald threw them out because of
6 the sovereignty question. And they finally had their
7 hearings in Flagstaff, I understand, or one of those
8 areas.

9 It caused friction because the Gallup
10 newspapers then had some articles on it.

11 It causes some friction among the SAC basically
12 because we are supposed to help you. We have Navajo,
13 Pueblo, and so on and so forth in the SAC, and they can
14 at least, even if they don't let us in, sort of start
15 that ball rolling for the staff. Now they are putting
16 out new fires because our primary element right now is
17 sort of a gerrymandering elective representation of
18 Indians among any elective office, and we have to go back
19 in now, and I am going to hold a meeting in Farmington
20 and Gallup and Flagstaff, and those people are kind of
21 riled right now.

22 CHAIRMAN ALLEN: This is a very important
23 question and I hope you will keep me informed of the
24 meeting dates.

25 I am a member of the Indian Subcommittee which
conducted the hearing you're talking about, and the

c.b.tepper 1 chairman of that subcommittee, and I am aware of the
2 events surrounding the discussion of Gallup as a possible
3 site, and hearing at Flagstaff. It had a lot to do with
4 the availability of hotel facilities, by the way, I want
5 you to understand.

6 But there is a sensitive question in general
7 involved here that I want you to really try very hard to
8 understand, because we are put in a very difficult
9 position. We say that we turn to you as eyes and ears.
10 There is always a question of your independence: What's
11 going on? Is the Commission using State Advisory
12 Committees as rubber stamps, imposing agendas on them?
13 Or is the Commission permitting those State Advisory
14 Committees to operate independently to establish their
15 own agendas and tell us what's important?

16 When we have projects such as the Indian Civil
17 Rights Act Project, we have to be very careful. We have
18 to bend over backwards, in the current climate
19 especially, not to seem to impose those agendas on the
20 State Advisory Committees. So that if we call you up and
21 we say, "We have a project and this is what we want you
22 to work on," given your limited resources, and knowing it
23 will mean you can't work on something else, we end up
24 violating what is at least an unwritten understanding of
25 the way we're supposed to work today.

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2 And so that may seem sometimes as if we're
3 neglecting you or ignoring you, but all we're really
4 trying to do is to avoid crossing that line where people
5 in Congress will come to us and say, "You're not letting
6 the State Advisory Committees operate independently."

7 MR. MONTROYA: I don't think I was getting to
8 that point. I said I had three members, Mr. Chairman, in
9 there, and the staff member, whoever it might be from
10 Washington, calling one of the members -- I'm not talking
11 about the Chairman -- "Hey, we need some help. We're
12 going into Gallup for the Commission hearing. Do you
13 have any contacts?" Because these are leaders and
14 they're appointed to that SAC. And that's what I was
15 getting at.

16 CHAIRMAN ALLEN: No, I'm not disagreeing that
17 we can talk and say, "Can you put me into your network."
18 That can be done informally. I trust we will do it. We
19 have tried to do that in the past.

20 I just want you to understand that if we make
21 formal demands of the SACs with regard to specific
22 projects, that creates a problem.

23 Let me ask the Staff Director to speak to the
24 question momentarily.

25 MS. PRADO: Mr. Purdy is here. I asked if the
Oklahoma SAC Chair was here. I understand you are not

c.b.tepper 1 the SAC Chair, is that right, Mr. Purdy?

2 MR. PURDY: I am not the Chair.

3 MS. PRADO: But I was just going to speak to
4 the point which the Chairman is speaking about in another
5 way, about how we can work together.

6 The Oklahoma State Advisory Committee just
7 conducted a forum on Indian civil rights, and in the
8 formulation when that proposal came forward -- I know I
9 worked with Phil to remind the regional staff that the
10 larger Commission was, in fact, conducting hearings on
11 this general topic, and to try to see how that proposal
12 for the State Advisory Committee could work with or be a
13 part of that overall project, how they could work
14 together.

15 Without going into the details of that, that's
16 certainly an idea of the way we could and should act.

17 And certainly, Mr. Montoya, I recognize what it
18 is you are referring to. I can only say that we don't
19 always coordinate as well as we would like from our end,
20 because you're quite right that when we go into a state
21 for a hearing it obviously would facilitate things if we
22 worked closely with the State Advisory Committees.

23 I'm saying sometimes we do our job well, and
24 sometimes we fall down, too, and we need you to remind us
25 of that, and please feel free to come forward at other

c.b.tepper 1 times than now, because we need that kind of feedback
2 from you all the time.

3 CHAIRMAN ALLEN: Commissioner Buckley.

4 MR. BORNAT: May I say something about that
5 when you finish.

6 COMMISSIONER BUCKLEY: I recognize what you're
7 saying and I understand what you're saying. I am going
8 to speak to you about the Regional Forums Subcommittee
9 which is the one that I'm working with at this time, and
10 I will tell you we did make an effort to come to
11 California and we came to the California SAC meeting
12 specifically to tell them about this particular two days
13 of hearings.

14 Now, I was just talking to Mr. Jenkins, and
15 Tennessee does not have a SAC meeting between the time we
16 said it's going to be and the time it's going to be, so I
17 don't know what we're going to have to do there to make
18 peace with them and have them understand it's not
19 effrontery on our part, but very often the cycling
20 between the time we decide to go there and the time we
21 actually go there may be such that there may not be a SAC
22 meeting in between.

23 Now, I hear what you're saying, but I also
24 would have to remind you we don't always have all the
25 staff we should have to be able to monitor all this

c.b.tepper 1 stuff. And I would ask your indulgence and that you tell
2 us, "If you're coming here, we want you to communicate
3 with us."

4 CHAIRMAN ALLEN: Let me add that one of the
5 reasons I travel so widely to my SACs and encourage my
6 colleagues to do so is because it allows us to begin to
7 develop those internal networks that we talked about,
8 that would permit us to pick up the 'phone and say,
9 "Vincent, this is Bill. We're going to be doing
10 something in Dallas, and I wanted you to know about
11 it."

12 And I fully concur that that is how we should
13 be operating. We have to, therefore, get these networks
14 well oiled and move them that way we can have confidence
15 in what we're doing. Because the point is fully
16 conceded.

17 Mr. Bornet.

18 Pardon me. We're skipping one question that
19 was prior.

20 MS. BUMALA: I would concur about the previous
21 situation in Portland when you had hearings. I live
22 right across the --

23 CHAIRMAN ALLEN: The Indian hearings?

24 MS. BUMALA: We read about it in the paper
25 afterwards. It wasn't the issue we were studying, but we

c.b.tepper 1 would have liked to have met the Commissioner's, and so
2 on.

3 But my concern is in another area. I guess it
4 would be a procedural thing, and I know we have to go
5 through certain steps, but in our state we have become
6 motivated, for probably the first time, to sink our teeth
7 into something, to look at something, and we are kind of
8 running into some kind of tiny red tape problems.

9 We want to have just a public forum on the
10 issue of discrimination in promoting (inaudible) in the
11 State of Washington. We had voted on this basically at
12 our meeting in June. We had laid out certain steps. We
13 wanted to meet privately to discuss with the Governor its
14 direction, and if we felt there was a need to continue on
15 and have a public forum and air the issues. We know we
16 are short on finances to do any in-depth study. We are
17 trying to be as effective as we can within our
18 constraints. I am sure all the SACs are in the same
19 situation.

20 But the consensus of the committee -- and it
21 was unanimous -- was that the timing was going to be
22 critical for the effectiveness of the committee. So we
23 wanted to have the meetings scheduled as open meetings in
24 September, and now we realize, after I got my letter last
25 week saying we simply could have a meeting -- and I was

c.b.tepper 1 going to report on this meeting -- and then we had a
2 vote and I'm going, "Wait a minute, I thought I voted two
3 months ago on this," and it's being held in the Capitol
4 and yet we can't have anyone come in and say anything
5 because we apparently have to go through a procedure that
6 the national office approves.

7 And it's kind of frustrating at our end. We're
8 not trying to do an in-depth study. We would just like a
9 public forum. I've talked with Philip Montez about this,
10 and he feels that there's a way that we can change the
11 way we have to go through a lot of red tape prolonging it
12 every time we put a request in to do something.

13 CHAIRMAN ALLEN: Well, I can't give you an
14 answer in administrative terms to the question you
15 asked. I can assure you that you will have an answer to
16 your question shortly.

17 But I want to speak about the general problem
18 and a sort of attitude toward it. And I think, having
19 served on the California State Advisory Committee myself
20 in prior years, and therefore both being sensitive to
21 your frustrations about red tape, which all of us who for
22 the first time -- or any time -- come into contact with
23 the Federal Government are going to have, but also about
24 the ways in which we came to learn finally how we could
25 get things done.

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2 There are many procedures which do not seem
3 intuitive, to say the best, that we confront when we join
4 the State Advisory Committees. And we can have an
5 attitude about them that we're going to simply fight them
6 and be frustrated, or we can take the attitude that we
7 are going to find out where and how we can operate in
8 spite of them.

9 I encourage you to take the attitude, "Well,
10 you have the procedures, Mr. Montez, Ms. Prado, Mr.
11 Jenkins; that's fine. All we want to know is we want to
12 get something done and so we're going to bring this to
13 you and want to get it done as expeditiously as
14 possible."

15 Ultimately that's what we came to with the
16 California SAC, and I believe that you can succeed simply
17 with that attitude, and not having to take on the burden
18 of mastering the procedures yourself. Because once you
19 start getting wound up in all those procedures, believe
20 me it's endless frustration, and it should not have to be
21 your burden.

22 MS. BUMALA: I guess my statement is we will be
23 patient, and we will pursue the project.

24 CHAIRMAN ALLEN: Be only mildly patient --
25 only mildly patient.

26 MS. BUMALA: Only mildly patient, yes.

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CHAIRMAN ALLEN: Be a little irritated, a
2 little demanding. I'm giving you this advice as a former
3 SAC member.

4 (Laughter)

5 MS. PRADO: Thanks for your help; thanks, Mr.
6 Chairman.

7 (Laughter)

8 MR. MONTEZ: And there are 16 more like you.

9 (Laughter)

10 But the only thing was that I questioned the
11 parameters. We are trying to limit the parameters on the
12 proposal so it doesn't become an all-encompassing thing
13 that is an impossibility. And later on I was going to
14 talk to you about that. But the proposal should be ready
15 in the next two weeks.

16 MS. BUMALA: Great.

17 CHAIRMAN ALLEN: Susan.

18 MS. PRADO: Just very quickly, I was being very
19 general when I mentioned something in the beginning, and
20 I think that's really the crux of something I've heard
21 complaints about from SAC Chair that I can speak to very
22 quickly.

23 There has always been a procedure for a
24 proposal for what the State Advisory Committee is trying
25 to do. We are trying to be a little more careful with it

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2 and look at it more closely now than I think has been
3 done in the past. But the point is that when you start
4 down a road you want that definition specific at the
5 point of starting your project. Otherwise you're going
6 to have problems with it later, and then it's much worse,
7 because then you'll have done all the work and then I'm
8 coming back to you and saying, "Sorry, guys, this isn't
9 right some way." And it creates a whole different kind
10 of problem.

11 So all we're trying to do is at the very start
12 of a project make sure your parameters are clearly
13 outlined so you know where you're going with it, and it's
14 going to smooth the resulting steps all along the way,
15 with any luck -- and it has to if you work at it -- and
16 make everything go much quicker down the line. So it
17 would ensure the success of your project is all I am
18 trying to say.

19 CHAIRMAN ALLEN: Just bear in mind that the
20 operative judgment in these activities is yours, you and
21 your respective SAC members. It is yours to decide what
22 projects are to be pursued. The staff can help frame
23 your proposals, guide you through the process, carry out
24 those aspects of the assignment that are necessary to get
25 it done. But the operative judgment is yours.

And starting with that frame of mind and being

c.b.tepper 1 always friendly and genial, to be sure, but only slightly
2 irritated as well, I find usually works.

3 (Laughter.)

4 Now Mr. Bornet.

5 MR. BORNET: I wanted to congratulate the
6 Commission for carrying through the Flagstaff hearings.
7 It was perfectly evident to me that this was carried
8 through under -- well, there were great problems to say
9 the least. Your Navajo Nation quite frankly boycotted
10 you. You had others that thought you should not be
11 there. You weren't even sure you had a legal right to be
12 there. They seemed to think they had a sovereignty
13 situation and you were invading it.

14 All in all I found it a very revealing document
15 on the invasions of civil rights by the tribes. It was
16 quite clearcut as far as I was concerned, and a prima
17 facie case was made, in spite of the fact that so many
18 people refused to testify and that there was a general
19 air of tension throughout the meeting. But it was very
20 clear that Mr. Pendleton had to explain over and over
21 what the parameters of this thing were.

22 And what I wanted to ask in that connection was
23 whether in this recent hearing you just held so well and
24 so ably, and so completely, I thought, did you have
25 people refuse to testify? Is the Commission still

c.b.tepper 1 suffering under the odium of being the enemy of
2 established pressure groups among minorities -- and
3 there's also a political aspect, too, which I think I
4 will skip in this connection.

5 CHAIRMAN ALLEN: The answer to your question
6 is yes. We continue to experience resistances, and we
7 have issued subpoenas and we are presently involved in a
8 struggle to determine whether we should be able to
9 enforce those subpoenas. The people to whom subpoenas
10 were issued -- and, by the way, let me just say
11 parenthetically we have no doubt about the legal
12 propriety of what we are doing, or the jurisdiction.
13 We're prepared to defend that in any court. We have the
14 statements we've made and elaborated again and again.

15 But this is more than just a legal question, as
16 you know, and it is a political question. And there has
17 been introduced in the Congress in the present
18 appropriation legislation an amendment which purports to
19 prohibit the Commission from spending any funds to
20 enforce its subpoenas. That was introduced at the
21 request of the Navajo Nation through one of the members
22 of the United States Senate.

23 Now, I would ask you, when you read about or
24 think about these things, to put them in the broadest
25 possible context. Remind yourself why it was that the

c.b.tepper 1 Commission was granted subpoena powers in the first
2 place. Remember the Commission was established in 1957.
3 The chief objects of its inquiries in that era were, of
4 course, systems of segregation in the South of the United
5 States. The people who had often to be called were
6 governmental officials, and they often were recalcitrant,
7 whether sheriffs, school superintendents, governors,
8 mayors, you name it. They would not come without
9 subpoenas.

10 There was another class of people who would not
11 come without subpoenas -- people who were disposed to
12 cooperate, people who were embarrassed by the regime of
13 racism that they had to live with and render tacit
14 support to because they, in fact, would suffer
15 recriminations if they came forward to speak. These
16 people were given the courage to speak by subpoenas
17 because they could go home and say, "I was compelled
18 under force of law to talk, to cooperate, so don't blame
19 me."

20 Congress wisely gave the agency that power
21 originally in order to get through those kinds of
22 problems so that officialdom and those who take out
23 reprisals on people who would speak honestly about
24 problems could be kept in check. This is what is now
25 being resisted by the Navajos and by the amendment that

c.b.tepper 1 has been introduced in the same Congress which originally
2 gave the Commission those powers.

3 So it is not just a question of the Indian
4 Civil Rights Act. It is a question of whether this
5 Commission, which is vitally necessary in this country,
6 will continue to serve the purposes that are still
7 needed. And when we fight we are fighting to save the
8 Commission, not to save the study.

9 MR. WHITE: Mr. Chairman, I am less happy about
10 the Flagstaff meeting than the previous speaker. To
11 refresh your memory, I am the Arizona SAC Chairman. I
12 read about that meeting in the newspaper, the first I
13 heard of it, and that's the second time that that's
14 happened. The previous Commission meeting was in Window
15 Rock, which is widely reputed to be in the State of
16 Arizona.

17 CHAIRMAN ALLEN: Window Rock?

18 MR. WHITE: Yes, that's where the tribal
19 headquarters was.

20 CHAIRMAN ALLEN: But that Commission meeting
21 was many, many years ago.

22 MR. WHITE: Yes, but as has been alluded to,
23 there are severe internal problems in the Navajo Tribe.
24 There are two factions. And, as it happens, the leader
25 of one of the factions, a former tribal chairman, is a

c.b.tepper 1 member of the Arizona SAC. That complicates things right
2 off the bat.

3 But I submit, Mr. Chairman, that it is not good
4 policy for the Commission to conduct an important
5 hearing in the State of Arizona and never to inform any
6 member except that one Navajo of what was going on. I
7 don't think that's the proper way to operate.

8 CHAIRMAN ALLEN: I must say, as a matter of
9 record -- you're referring to Mr. Zah?

10 MR. WHITE: Yes.

11 CHAIRMAN ALLEN: -- that the Commission did
12 not personally employ Mr. Zah.

13 MR. WHITE: He knew what was going on.

14 CHAIRMAN ALLEN: Mr. Zah was subpoenaed as a
15 witness for this hearing, this most recent hearing, which
16 is why he knew what was going on. His testimony was
17 desired because of his involvement in certain activities
18 which the Commission was directly investigating. He was
19 therefore contacted for that role, and not as a member of
20 the SAC.

21 I must point out to you something else. I know
22 that we make mistakes. I am not going to stand here and
23 say to you we never err, we never fail to inform, we
24 never overlook proper respect and honor. Of course we
25 make mistakes. But there are certain other things that

c.b.tepper 1 we do that we have to do or we can't function, which are
2 designed to safeguard you against our mistakes, and
3 therefore we also have to impose responsibility on you.
4 We cannot hold a hearing without legally posting it and
5 announcing it well in advance. It is out there. We are
6 not hiding anything.

7 We ought to call you. I'm not saying legal
8 notice is sufficient for SAC Chairs and SAC members. I
9 do not maintain that. But I do want you to know it is
10 always out there. Whenever we come to your states you
11 have had the opportunity to see that well before we've
12 gotten there, through legal notice at a minimum.

13 And so I hope that we will bear in mind again
14 the procedural question, that these things serve a
15 purpose. They mean that you are never completely
16 overlooked, even though we owe you a lot more than that.

17 MR. BORNET: Mr. Allen, may I say I would not
18 like the record to hint that there's any division between
19 Oregon and Arizona on this matter.

20 (Laughter.)

21 I'm very sympathetic with his point of view. I
22 endorse it one hundred percent. I don't know whether Mr.
23 Hoffman or other chairmen were asked to nominate people
24 to speak to this recent forum -- maybe they were and
25 maybe they weren't -- but I didn't hear anyone from the

c.b.tepper 1 Northwest, the great Pacific Northwest, as politicians
2 would speak, and it would have been refreshing to hear a
3 few words about the problems of Washington, Oregon,
4 Alaska, Idaho, and the rest in this forum, which is the
5 only western forum, I might point out.

6 CHAIRMAN ALLEN: I cannot speak to the long
7 list of people who were invited, but Commissioner Buckley
8 can certainly tell you about it.

9 COMMISSIONER BUCKLEY: This whole concept of
10 regional forums has been a tremendous amount of work, and
11 we have done a lot of soul-searching and a lot of
12 talking, and we have talked to several of the SACs to try
13 to get information.

14 It becomes very difficult, with the diversity
15 that is there in all the 50 states -- 51 if we include
16 the Washington, D.C. area -- the 51 areas that we are
17 involved with, to be able to include everybody's problems
18 in this one particular forum.

19 We were aware, and we did talk, as a matter of
20 fact, with staff, with Mr. Corey, and with Dr. Cunningham
21 as well, about some of the problems in the Washington-
22 Oregon area. We did discuss it. The problem was to try
23 and get the more global problems that definitely affect
24 the whole nation, and that is why we narrowed it down to
25 what we did. As it is, I have gotten many complaints

c.b.tepper 1 from many of the Commissioners that we had too many
2 people on the panels. It was very difficult to narrow it
3 down, and they were on my case.

4 (Laughter.)

5 But it is important. The areas are very
6 complex and it is very difficult to be able to just say,
7 "Four people will handle it adequately."

8 We are aware of the situations up here in this
9 part of the country that we did not deal with, and that
10 is why we ask that in your SAC activities hopefully you
11 can pick them up. If there are enough of you that are
12 seeing these particular problems, then maybe we can have
13 a regional forum, which we've talked about, having more
14 regional forums initiated by SACs, and, if necessary,
15 national forums if we need to do it.

16 It's very difficult. It gets more complex. As
17 it grows and changes in its characterization it makes it
18 very difficult for us to take care of all the problems in
19 one fell swoop.

20 MR. BORNET: I'm very happy to hear the
21 explanation, but I remain depressed a little bit by the
22 fact that there were a dozen speakers or more on
23 California and our region seemed to be missing.

24 CHAIRMAN ALLEN: I do want to emphasize one
25 thing, that the final array of speakers reflects less the

c.b.tepper 1 choices of the planners than fate itself. That is, there
2 were any number of people who accepted and later had to
3 back out, and a number of people who simply had to
4 decline. It's far longer than the list of people you saw
5 here. And when that happens, all kinds of things happen,
6 and you don't have control over it. You can't seed the
7 groups neatly by all the other kinds of interests people
8 talk about.

9 COMMISSIONER BUCKLEY: We invited at least
10 twice as many, if not three times as many, to participate
11 as actually were here. In the Media Panel, for example,
12 we invited 17 people and came down to four. And we did
13 extensive calling. Sydney Novell in the Western Office
14 did a lot of this work.

15 It's very difficult. They had summer plans and
16 summer activities. We could not get hold of them. Some
17 of these people want six months' lead time and we are
18 not that fortunate.

19 CHAIRMAN ALLEN: Yes, Ms. Hesse.

20 MS. HESSE: In my remarks I want to assure the
21 gentleman from Oregon that the California SAC did not
22 choose the speakers for the forum, that the speakers were
23 chosen by the Commission because it is the Commission's
24 forum.

25 But I recognize, Chairman Allen, the

c.b.tepper 1 independence that the SACs have, and the status that
2 they've maintained. But I want to remind everyone that
3 in fact we are creatures of the Commission -- no
4 Commission, no SAC.

5 And I think what I hear everybody saying today
6 is: When you come in our states, use us informally, even
7 if there isn't a meeting between the time you're going to
8 come. Call us. We can get on the 'phone and call each
9 other and do the best we can to assist you in
10 accomplishing your mission.

11 We were particularly appreciative of
12 Commissioners Buckley and Destro meeting with us in San
13 Francisco last month to tell us about this forum. We
14 wish we had had more lead time to insure a bigger turnout
15 for them, and a lot more things to truly show the rest of
16 our colleagues California hospitality.

17 But that's all I think I hear us saying, is
18 just use us. We may or may not agree with your agenda,
19 but we certainly know people in our states, and we know
20 things about our states that can be helpful to you.

21 CHAIRMAN ALLEN: Well, I certainly am happy to
22 second that. That's exactly what I'm saying this
23 morning. And we'll get the network working.

24 Yes, Ms. Bumala.

25 MS. BUMALA: An issue that was touched on a

c.b.tepper 1 little bit in the forum the past couple of days that is
2 becoming increasingly more of a problem is the inclusion
3 within the minority definitions of sexual orientation.
4 And I was interested by a reaction we got on that out of
5 our state, because we have an executive order concerning
6 state employees on that issue. And when we inquired of
7 the Affirmative Action Director, who is a minority, about
8 the inclusion of that within the affirmative action
9 statute, he said well that didn't affect the affirmative
10 action. But he felt very negatively about it. He said
11 he wished it were not in there.

12 And I talked with other members of the SAC
13 committee because I was surprised he was so candid that
14 he came out and said, "I wish that wasn't in there. It
15 doesn't belong in there." And we're seeing increasing
16 desire to include that definition within the minority
17 definitions.

18 How do you foresee that affecting our work on
19 the Commission? Do you see that included in our '89
20 work? The attempt certainly will be made to expand that.

21 CHAIRMAN ALLEN: We are limited by law in
22 terms of our jurisdiction. Sexual orientation is not at
23 the moment among the listed items. You are certainly
24 correct that there is a large-scale political effort to
25 add the language of sexual orientation to the list of

c.b.tepper 1

such classifications. And that is resisted. And I'm one
2 who has argued against it, I must tell you.

3

When we passed a resolution last February to
4 request Congress to provide for the collection of hate
5 crime statistics, we specifically moved to eliminate the
6 sexual orientation language. And the legislation
7 eventually passed without that language.

8

My own reaction to it has been that "sexual
9 orientation" does not say what the people fighting for it
10 want it to say. If they wanted to say "homosexuals," I
11 would support it. "Sexual orientation" is wide open. It
12 means anything from pederasty to bestiality. I don't see
13 it as a meaningful classification for a discussion on
14 civil rights.

15

We are nevertheless going to continue to see
16 this struggle. For whatever reason, the people fighting
17 for it fastened on that particular expression. And I
18 can't tell you how it's going to come out, but yes, when
19 the reauthorization comes I guarantee there will be a
20 move to amend our statute to include the language of
21 "sexual orientation."

22

MS. BUMALA: What about the AIDS issue and
23 discrimination?

24

CHAIRMAN ALLEN: The AIDS issue comes to our
25 attention not under the guise of sexual orientation,

c.b.tepper 1 although some people have imagined that would be the
2 case. It only comes to our attention in one of two
3 ways. Indirectly, at least concerning some things I've
4 heard, is the administration of justice question. That
5 is a very small part of it.

6 The other way in which it comes is through the
7 Rehabilitation Act, Section 504, the non-discrimination
8 against the handicapped. Following a decision in 1987 in
9 Nassau County v. Arlene -- and Nassau County is my home
10 county, by the way -- where someone with tuberculosis was
11 effectively determined by the Supreme Court to have a
12 handicap, the question was raised whether any
13 debilitating illnesses therefore are handicaps,
14 particularly one so seriously debilitating as is AIDS.
15 So that if we have to deal with AIDS on a civil rights
16 basis, it is because of the Handicapped Act, not because
17 of sexual orientation.

18 MS. BUMALA: How about the perception of AIDS,
19 not actually a person who has AIDS, but the HIV virus.
20 That's been the other way it's been coming up, the
21 perception that they could possibly get it, a
22 hemophiliac, a drug user, or a homosexual.

23 It tends to be looked at as just a homosexual
24 issue as far as that goes, but the question has been
25 raised that if we define the perception that a person

c.b.tepper 1 might be likely to have AIDS, or HIV, we could be charged
2 by people that are using intravenous drugs. They can
3 say, "You didn't hire me. You are discriminating against
4 a drug user."

5 CHAIRMAN ALLEN: You know there's a specific
6 exception in the statute relating to the court case I
7 mentioned to you, and similar cases. There's a specific
8 exception there for alcoholism. And the likelihood is
9 very high that that exception will also apply to drug
10 abuse. It will be very hard for someone who is a drug
11 abuser to make the case that they've been discriminated
12 against because of the perception that they might have
13 AIDS and not because of the evidence that they're drug
14 abusers.

15 So that it seems to me that will not become a
16 serious matter in itself.

17 I will say to you, however, that the Non-
18 Discrimination against the Handicapped Act and the court
19 opinions include in that definition of the handicapped
20 the appearance of a handicap. So perceptions are already
21 a part of that universe.

22 COMMISSIONER BUCKLEY: If they are serum
23 positive, whether they are hemophiliacs or drug addicts
24 or anything else, serum positivity is included. And if
25 they are, they can go into court with that and then claim

c.b.tepper 1 discrimination because of AIDS. They may not have known
2 that they were serum positive at the time that the action
3 took place, but if, after this discriminatory act took
4 place, they go back and check and they are serum
5 positive, they could go back to the court and the court
6 could then decide the issue. If you are serum positive,
7 you can go into court under the Arlene case.

8 MS. BUMALA: If a person, because of their
9 activity, has exposed themselves, even though the
10 employer is aware -- that really gets to be complicated.

11 CHAIRMAN ALLEN: Very complicated, and we are
12 very far from having resolved those questions. And
13 you'll notice that when the President acted on the report
14 of his own commission, he forebore acting on the rights
15 part of that commission report. He accepted most of the
16 recommendations. He did not accept the recommendations
17 in the civil rights part of the report. He didn't reject
18 them, but he didn't accept them; he put them aside.

19 And the commission will itself perhaps be
20 issuing a report, before the President acts finally on
21 this, that may have some influence.

22 So that's where we stand now. I can't make it
23 more precise than that.

24 You've all been very kind this morning.

25 Thank you.

c.b.tepper 1

(Applause.)

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MS. PRADO: I have one question. Last year we did do these meetings, one in each region, and it was a tremendous help to me. The major thing I heard from every region last year was a lack of information, "Please keep us informed." That's what we're talking about today, but it was in a slightly different form then.

And at that point it was agreed that we would try sending you every month the meeting packet following the Commission meeting, with a little synopsis about what had taken place. We also -- I don't remember now, but there were a couple of other things we tried to do -- to make sure you got press releases. John, I must say -- while there's been a major struggle trying to get Perspectives, a major accomplishment has been that Update has been revived, the newsletter, and I trust all of you have gotten that.

I'd just like to ask you quickly: Are you getting those things? Does it help? Is there anything else that you would like to get from us on a more regular basis?

MS. BUMALA: I've been receiving mine, but it seems to be about three months after the fact.

MS. PRADO: Three months?

MS. BUMALA: Yes. I received the April one in

c.b.tepper 1 June.

2 MS. PRADO: The Update?

3 MS. BUMALA: Yes.

4 MS. PRADO: Oh, we've turned that around. We
5 had a lag time getting it started up, just like this
6 first magazine is taking extraordinarily long to get
7 out. But John has been quite proud that actually during
8 the month of the newsletter it has come out. So you
9 should see it.

10 MS. BUMALA: It seems that if we could get it
11 in a more timely fashion the problems would be eased.
12 We're not knowing something's going on now. But if we
13 had the newsletter and had it right there, you could then
14 inquire about these things.

15 CHAIRMAN ALLEN: Precisely.

16 MS. HESSE: I think you should keep sending
17 it. It's a stack of material, but it's worthwhile
18 reading, because that's where I first picked up about the
19 Los Angeles Forum, was a note in the Staff Director's
20 Report, and inquired of Mr. Montez and then, you know,
21 the Commissioners.

22 But it's very, very helpful. It takes us a lot
23 of time to read it, but when we've finished reading it we
24 know what's going on in the rest of the country.

25 MR. RIGGS: Well, my appointment is only a

c.b.tepper 1 month old but I haven't received any of that. Am I on
2 the list?

3 (Laughter)

4 MR. MONTEZ: You're on the list and your first
5 official meeting is this month.

6 COMMISSIONER BUCKLEY: The problem now is we
7 have not had a meeting of the Commission since July.

8 MR. MONTEZ: You're now probably going to get
9 yourself off the list.

10 (Laughter)

11 MR. BORNET: I have a question. Since I'm not
12 the chairman and since the chairman lives 350 miles from
13 me, I'm mildly curious: Is there any provision for the
14 providing of envelopes, whether franked or otherwise, for
15 chairmen to make mailings to their members? In short,
16 when you send something to the chairman and he says,
17 "What ho!, I think I should tell the troops," does he
18 have to spend \$5 of his own money in order to send us a
19 xeroxed copy of this? How is this provided?

20 I get so little mail from this Commission I
21 sometimes wonder if I'm a member, and I'm just kind of
22 curious about this.

23 MR. JENKINS: All chairs have a supply of
24 envelopes and stationery to communicate. They have
25 franking privileges. They have envelopes and

c.b.tepper 1 stationery in the regional offices and usually when they
2 run out they let us know.

3 But what we're trying to establish is to get as
4 much information as we're sending to the chairs -- to try
5 to get it to the members also, which is 11 times 17. But
6 we're trying to get that established so that everybody is
7 getting the same amount of information.

8 So you will be getting it. And after you start
9 getting it, you're going to say, "Lordy, stop sending all
10 of that stuff."

11 MS. PRADO: I might say, too, that what Debbie
12 Hesse was saying is very important, because we don't want
13 to overload you with information, but we hope that by
14 providing that basic information about what goes on at
15 every meeting it will also show you other things you
16 might be interested in getting, and then you should
17 certainly feel free to turn around and make those
18 requests.

19 MR. MONTROYA: First of all, let me congratulate
20 the Commission on having regional forums instead of one
21 mass meeting. If you think that the regional forum is
22 confusion, you should have seen the one in Washington.

23 (Laughter.)

24 But the fact is that I think the regional
25 forums, even though we are looking nationally -- I think

c.b.tepper 1 we have more in conjunction with the region of what's
2 developing in that area as far as our concern.

3 So, number one, I highly recommend the
4 continuation of regional forums instead of one mass
5 meeting in Washington or wherever.

6 Secondly, Phil, I think that the dissemination
7 of the Chair information to all ten other members of the
8 SAC is almost like impossible. I have no problem with
9 your Focus. We have access to xeroxes and so on and so
10 forth. But the information I get is about yea thick,
11 you know (indicating), and to make that many copies would
12 be very expensive for the chairman, number one.

13 You know, even though we might get envelopes
14 from the regional office -- in fact, I even have problems
15 calling the regional office because you have to call, and
16 you have to call collect, and now with the new
17 receptionist, she doesn't accept calls and before she'd
18 say, "He's out of the office. I'll call you back."

19 So consequently -- you know, I'm not penny-
20 pinching, but, like I said, if you do that maybe at some
21 point we can develop a system or something where at least
22 the important information can be disseminated, but as far
23 as the chairman disseminating that volume of work to
24 every member, it's almost impossible.

25 CHAIRMAN ALLEN: Let me say, too, that one of

c.b.tepper 1 the things I will recommend is that we consider sending a
2 minimal packet to every advisory committee member, a
3 Civil Rights Update and one or two other things -- not
4 the full packet the chairman gets, because it seems to me
5 the chairman is only likely to select one or two things
6 out of there anyway, and they'll probably be the things
7 we choose to send. But I don't see any reason why we
8 can't do that.

9 MS. PRADO: And remember, you should be getting
10 the Update.

11 I just want to say, then, one last thing, and
12 that is, as you know, Melvin was introduced -- we just
13 asked if he wanted to say anything -- as the Central
14 Regional Director at present. And I think you'll all be
15 quite assured, therefore, that the new Staff Director
16 therefore has firsthand interest in what the concerns are
17 of the State Advisory Committees and their chairmen, and
18 you interests should be well protected.

19 MR. MONTEZ: Again I would like to say to you
20 that the staff will be here for those of you who are
21 not rushing to the airport, to discuss anything you want
22 with them.

23 Mr. Tolin has a two-minute tape that he's going
24 to show on the video; right? Do you still have the tape?

25 MR. TOLIN: Yes.

c.b.tepper 1

MR. MONTEZ: He hasn't told me what it's about
-- no family pictures or any of those funny movies you go
see late at night.

(Laughter.)

But I want to tell you that we're very happy to
have the Commissioners and the Washington staff, and
we're keeping them informed as to all the meetings that
are being held, and so we hope that they will be able to
make more of your meetings so that they will be more
involved with the kinds of things the Advisory Committees
are doing.

I've been working with Advisory Committees for
22 years, and I still think that it's probably the most
exciting part. I don't understand all Advisory
Committees, and obviously they don't understand me, but
it's probably the most exciting part of the Commission's
work as far as I'm concerned. Because you're all
different, and different in funny ways -- and people
think the same thing about me.

(Laughter.)

But we're here to try to assist you in doing
all the work that has to be done so that we can continue
to be the eyes and ears of the Commission.

So thank you very much for being here. Thank
you Commissioner Allen and Commissioner Buckley, and we

c.b.tepper 1 hope to see you at one of our next meetings. As we say
2 in my house, even though my wife doesn't understand it,
3 muchas gracias.

4 Go ahead, Mr. Tolin, and everybody else is sort
5 of adjourned.

6 MR. TOLIN: Just briefly to let you know a
7 little bit about this tape, California seems to be in the
8 forefront of many of the activities and things that are
9 happening, as we've heard for the last several days.
10 Wyoming tends to be on the back burner, and that's not
11 just because of Yellowstone.

12 Wyoming has a population of less than 500,000
13 people, and we have some very diverse groups. But
14 there's an activity that is happening that we find even
15 in Wyoming that is scary, and ought to be brought to the
16 attention of at least the people in the Western Region.
17 It ties into some of the things in Oregon and
18 Washington. Betsy Rosenthal from the ADL spoke about it
19 the other day in one of the sessions in her presentation.

20 One of the things we're finding is that there
21 needs to be communication of these things, not just
22 amongst ourselves and not just from Washington, but I
23 think we all need to interact.

24 In Casper I was able to get the ADL office in
25 Los Angeles together with the Western Regional Office, so

c.b.tepper 1 that the staff now has -- and I'm not sure but I think
2 we'll be able to get a copy of this book,
3 (indicating) "Hate Groups in America" that was published,
4 I think, within the last month, that might give you an
5 idea of some of the things that are happening. And
6 they're not theoretical things; they're things that are
7 actually happening here in this area.

8 This tape has to do with an Identity Church
9 group that has just purchased a 1,200-acre ranch in
10 Wyoming. It wouldn't necessarily have a lot of
11 significance, except that this Identity Church minister
12 from La Porte, Colorado was implicated in The Order and
13 The Aryan Nations cases in the murder of radio talk show
14 host Allen Berg in Denver, Colorado.

15 And this group has taken action to the point
16 that there have been bank robberies, there have been
17 murders, there's an attempted movement to secede from the
18 Union, in which they are attempting to have a country of
19 their own.

20 Because of that, the Northwest Coalition
21 Against Malicious Harassment was just recently formed.
22 Mr. Castro from Mayor Pena's office in Denver made an
23 allusion to the fact that there was an attempt to put
24 that kind of group together in the Rocky Mountains. They
25 don't know if they're going to call it the Rocky

c.b.tepper 1 Mountains or the Mountain States Group because of the
2 connections.

3 And somebody during the forum made the comment
4 that, "Well, we have a lot of Asians in California
5 because Asians tend to stay with Asians, and people tend
6 to go amongst their groups." Well, with these hate
7 groups what we find with this commonality is that a
8 person such as David Lane in Washington or in Oregon or
9 in Portland County, Idaho, has connections even in
10 Wyoming. Gene Craig, who was one of the co-conspirators
11 in the indictments in the Allen Berg murder, came from
12 Laramie, Wyoming. There is an attorney in Cheyenne,
13 Wyoming, Roger Ellison, who speaks at many of these
14 separatist meetings, who has written a book on the
15 international Jewish banking conspiracy and the Federal
16 Reserve system.

17 And we find that this handful of people tend to
18 be showing up in communities throughout the western part
19 of the United States, and not limiting themselves to the
20 Western United States, but there seems to be a sprinkling
21 throughout the country. There seems to be the movements
22 of the KKK even in Wyoming, where we've heard people --
23 and, you know, you have to realize that in Wyoming most
24 of the issues seem to be a little more subtle, so when
25 one thing happens it seems to make big publicity.

c.b.tepper 1

2 Just recently two prison guards were dismissed
3 from the state penitentiary because as a joke they walked
4 into a black inmate's cell wearing KKK hoods. And they
5 later dismissed it as, "We were just joking with him, we
6 were just jiving with him."

7 The State of Wyoming has taken the position
8 that they aren't going to tolerate those things. But
9 those kinds of things didn't come about because of a
10 major investigation. The man who was frightened wrote a
11 letter to the editor of the newspaper and then there was
12 some activity that happened.

13 So this little tape is something that you need
14 to be aware of, some of the things that appear to be
15 happening as paramilitary training. You're not just
16 talking about people who have differing philosophies
17 espousing them. And, you know, we may be agreed to
18 disagree; they have actually taken action. They have
19 large sums of money available to them; they have weapons
20 available to them. And it's a scary situation.

21 This particular ranch situation -- we don't
22 know if it's a money laundering operation, we don't know
23 if they hope to have a paramilitary base, but it's
24 something that I think every one of us needs to be aware
25 of and to be able to watch.

MS. BABCOCK: May I say something?

c.b.tepper 1

MR. TOLIN: Yes.

2

MS. BABCOCK: Before you start, may I say that this (indicating) came out in our paper in Helena Montana right before I came here. It's the White Supremacist Helena office.

6

(Inaudible)

7

I think it refers to everything you're talking about, and this came out just before I came to this meeting.

9

10

Our city commission said they didn't want to have this group coming to Helena, but in response to that the group took out a full-page ad saying that they are coming to Helena and they want to do away with part of our Constitution.

11

12

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15

It's really, like you say, very scary and we all ought to look at it.

16

17

MR. MONTEZ: Run the tape, only because I have people waiting to go to the airport, so they won't miss the tape. And then those individuals who want to talk can remain after that.

18

19

20

21

I'm going to try to get this xeroxed and mail it to you, what Mrs. Babcock has on the Helena situation.

22

23

(Whereupon, Mr. Tolin played the video tape.)

24

25

MR. TOLIN: Ms. Babcock mentioned something about Montana. Before I came to the meeting on Wednesday

c.b.tepper 1 I received a document from the Secretary of State that he
2 had got from Laramie, Wyoming, where the University of
3 Wyoming is, in case any of you are not familiar with
4 where Laramie, Wyoming and Albany County are.

5 This (indicating) was found around the Albany
6 County courthouse, in the cars if the windows were open,
7 and it's regarding the Peace Amendment to the
8 Constitution. And apparently, like I said, in 1986 this
9 Peace Amendment started to show up in California. It has
10 an address for sending money to Sunland, California. The
11 man from California who is apparently doing this,
12 according to the ADL, is apparently trying to move into
13 Montana, and that's why.

14 This advocates the abolition of the 14th
15 Amendment to the U.S. Constitution, and also indicates
16 that a person can only be a citizen of the United States
17 if he's a non-Hispanic white of the European race, in
18 which there is no ascertainable trace of Negro blood or
19 more than one-eighth Mongolian, Asian, Asian Minor,
20 Middle Eastern Semitic, Near Eastern, or American Indian.

21 And it's very distressing. But apparently this
22 has been out for two years. We just saw it last week for
23 the first time in Wyoming.

24 And coupled with this movement and the church
25 purchasing that ranch land, we are very concerned. The

c.b.tepper 1 Northwest Coalition Against Malicious Harassment is
2 monitoring it, and I would suggest that any of you that
3 have similar incidents please report them to the Western
4 Regional Office.

5 Thank you.

6 MR. MONTEZ: Thank you, Mr. Tolin.

7 Don't forget if you have any other questions
8 pertaining to anything, Western Regional staff
9 representatives are here to assist you.

10 Thank you, and we are officially adjourned.

11 Muchas gracias.

12 (Whereupon, at 11:00 a.m., the meeting was
13 adjourned.)

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