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CAMPUS TENSIONS: IN SEARCH OF  
SOLUTIONS FOR THE '90s

Vol. III

AN OFFICE FOR CIVIL RIGHTS  
U.S. DEPARTMENT OF EDUCATION INFORMATIONAL WORKSHOP

held September 27, 1991  
UMass-Amherst Campus Center

CATUOGNO COURT REPORTING SERVICES, INC.

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PANELS:

Panel 1:

Mr. Thomas J. Hibino  
Ms. Emorcia Hill  
Mr. John I. Binkely

Panel 2:

Mr. Louis Meyi  
Mr. Hei Wai Chan  
Ms. Marion Metivier-Redd  
Mr. Ed McClure

Panel 3:

Robert Pierce  
Atty. Ozell Hudson  
Major Eugene Hall  
Mr. Paul Meade

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1 MR. HIBINO: Good afternoon and  
2 welcome to the afternoon session of our  
3 forum on campus tensions. My name is  
4 Thomas Hibino. I'm with the Office for  
5 Civil Rights in the United States  
6 Department of Education and it's our  
7 agency, a federal agency, that has  
8 coordinated the afternoon session.

9 By way of background, the Office  
10 for Civil Rights has as it's  
11 jurisdiction over educational  
12 institutions, including colleges and  
13 universities that receive federal funds,  
14 the U.S. Department of Education and  
15 essentially that is virtually all of the  
16 colleges and universities as well as  
17 local school districts and other  
18 educational institutions. Our  
19 responsibility is to enforce a number of  
20 civil rights statutes which prohibit  
21 discrimination on the basis of race,  
22 color, national origin, sex, handicap  
23 and age.

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1 Today we're here under the auspices  
2 of Title VI of the Civil Rights Act of  
3 1964 which addresses discrimination on  
4 the basis of race, color and national  
5 origin. Generally what our agency does  
6 is conduct investigations of complaints  
7 of discrimination filed primarily by  
8 students or on behalf of students in all  
9 aspects of the program, it could be  
10 different treatments. Basically under a  
11 Title VI, the jurisdiction is over  
12 allegations of different treatments. No  
13 person should be treated differently on  
14 the basis of race or national origin.  
15 Essentially we get complaints ranging  
16 from everything from, "I received a  
17 failing grade not because of my  
18 performance but because I was Black," to  
19 allegations of racial harassment on a  
20 college campus, et cetera. Generally,  
21 as I say, what we had is conduct  
22 investigations. However, what we're  
23 doing here today is a little bit

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1 different.

2 We joined with the Commission on  
3 Civil Rights to participate in this  
4 forum in which we hope to get  
5 information regarding concerns you have  
6 and the different perspectives that we  
7 will get from the various people we have  
8 brought together here today to share  
9 with you and with us. Also, a little  
10 differently from the morning session  
11 where there was more of a forum where  
12 the various individuals testified as to  
13 their own experiences, we do want to  
14 give you some different perspectives  
15 from the people on our panels, but we  
16 also look at it more as an opportunity  
17 to have interchange between the people  
18 on the panels as well as with you all.  
19 We encourage you to not stay in the back  
20 of the room. Come forward so you can  
21 fully participate.

22 What we have at the outset here are  
23 two general perspectives on the issues

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1 we're talking about today, campus  
2 tensions. The first one is from Emorcia  
3 Hill and she is with the New England  
4 Board of Higher Education, working  
5 specifically with a project that she  
6 will talk about having to do with equity  
7 and pluralism and she did a study on  
8 retention and recruitment at the higher  
9 ed. level in New England. So I will let  
10 her speak first and we can hear that  
11 prospective.

12 MS. HILL: The project that I work  
13 on is called Equity and Pluralism. It  
14 emerged out of a special report that the  
15 Board did which identified the fact,  
16 which we already knew, that minorities  
17 were significantly unrepresented in New  
18 England higher educational institutions.  
19 In that report one of the major findings  
20 was what we heard repeatedly today that  
21 racism does exist on campus. Out of  
22 that report we developed a series of  
23 actual steps, one of which was designed

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1 to increase the number of minorities on  
2 campus. Initially when the project  
3 started -- I should add, that we only  
4 focused on Blacks and Hispanics. That  
5 was the primary target group. But over  
6 the two years since the project started,  
7 we have expanded that to include Native  
8 Americans and, as our resources allow,  
9 will expand it to include some Asian  
10 groups. So the project is growing at a  
11 very slow pace.

12 The strategy for the project is to  
13 develop a situation of full  
14 participation of minorities in New  
15 England higher education institutions.  
16 We take what we call a preventative  
17 versus a reactive approach in trying to  
18 nip the problem in the bud and to  
19 develop strategies that will make the  
20 Office of Civil Rights' work a little  
21 easier so that they can move on to  
22 bigger and better things.

23 One of the things that we do is we

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1           like to think that we take a two prong  
2           approach to the problem. We work  
3           directly with the administration, so we  
4           work with the trustees and the college  
5           president and the Affirmative Action  
6           officers and the multicultural affairs  
7           offices, but we also work directly with  
8           the students.

9           The Equity Pluralism Project is one  
10          of what we call our storefront  
11          operation. It's the only thing that  
12          brings us directly in contact with the  
13          students and it gives us some  
14          sensitivity of what the students  
15          experience on campus. One of the things  
16          I should share with you is, out of our  
17          findings about the existence of racism  
18          on campus, our counterparts in the  
19          southern regional educational board also  
20          found a similar problem and an  
21          interesting twist to that problem was  
22          this it wasn't a Black, White, Hispanic  
23          Native American issue. It was a

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1 minority versus a majority issue. What  
2 the southern board said was that in any  
3 situation where there's a minority and  
4 majority, the minority always feels  
5 outnumbered. What we have chosen to do  
6 in recognition of that problem is to  
7 design strategies that will insure that  
8 the number of Blacks, Hispanics, Native  
9 Americans and Asians over time will be  
10 increased because, as we know, in higher  
11 education and in the totalitarian  
12 society, prejudice is a function of  
13 ignorance and the more -- as you  
14 increase familiarity and you become more  
15 familiar as people and coexist, then  
16 some of these prejudices, some of those  
17 myths and misunderstandings will  
18 decrease.

19 The other thing that we do, which  
20 is probably one of our biggest projects,  
21 is we're trying to develop a New England  
22 student support network and the purpose  
23 of that network is to make New England a

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1 more hospitable, welcoming place for  
2 minority students. There are only two  
3 of us in the office and sometimes when I  
4 look at the stacks and I look at the 260  
5 New England schools and I assess the  
6 reality and I see that schools are at  
7 different levels of awareness and some  
8 are light years ahead of others in terms  
9 of their understanding of diversity and  
10 even their willingness to take a lead in  
11 this, it seems like overly ambitious and  
12 at times an almost impossible task. One  
13 of our most pleasureable projects is our  
14 student project. What we do is once a  
15 year we bring in students from the six  
16 New England states, and the students  
17 range from -- we bring in around 350  
18 students overnight on a Saturday. It's  
19 coming on November 2nd. The students  
20 are from high school through graduate  
21 and professional. We try to build a  
22 role model network and educational  
23 pipeline, mentor pipeline. Depending on

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1 the day or the time of the day we call  
2 this, the creature different names.  
3 Today we're calling it our Mutual Aide  
4 Society because it is essentially a way  
5 of students coming together and sharing  
6 strategies about how do you survive in  
7 New England on predominantly White  
8 campuses.

9 In addition to that, what we do is  
10 link the student with the distinguished  
11 faculty role models who are minority and  
12 the rationale for that is that often  
13 times the students are in such isolated  
14 situations that they are not aware of  
15 the good role models, that there are  
16 minority faculty out there doing it and  
17 they can do it and they can do it as a  
18 student themselves. On that day there  
19 is a lot of energy created and what  
20 happens is the students get together and  
21 they share their experiences and it's a  
22 wonderful experience because the faculty  
23 is literally at the mercy of the student

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1 for that one day and they are available  
2 to the students. And the students  
3 basically ask, "How did you do it, what  
4 courses did you take, how did you  
5 survive emotionally, who mentored you,  
6 who supported you, how did you deal with  
7 your family?" It's basically a very,  
8 very informal setting but what it does  
9 for the student is that it restores hope  
10 and gives them a sense of perspective.  
11 And for the high school students, who  
12 are my favorites, I call them my little  
13 babies behind their backs and I'm sure  
14 they would gawk if they heard me, it  
15 seems the distance from being a high  
16 school student to being a professor in  
17 management, as one of our role models at  
18 Smith is or at UMass Boston, is such a  
19 quantum leap, but then for the high  
20 school students they can look at the  
21 undergraduate students who are making it  
22 and the undergraduate students can look  
23 at the graduate students who are making

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1           it and up along the pipeline. And  
2           that's what we're trying to do. And  
3           what we're trying to say to the student  
4           is that others have gone ahead of you,  
5           are faculty role models and they have  
6           succeeded. And that's, as I said, a one  
7           day event. And what the students would  
8           share with you, I had one student, a  
9           Black female, who, at the end of the day  
10          -- she was at a community college -- and  
11          her goal is to become a doctor. And at  
12          the end of the day she said to me, "I  
13          have never seen a Black female doctor  
14          before." We had one woman who was a  
15          female and she was a faculty role model,  
16          and this kid has to be at least nineteen  
17          and in her entire life she had never  
18          been exposed to a Black role model.

19                 It is the same for a Native  
20          American student. I struggle very hard  
21          to find good faculty role models who are  
22          Native American. The reality is they  
23          are out there, and that's what we're

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1           trying today. One of the students will  
2           say to you, "I have never seen so many  
3           minorities who had degrees, nevermind  
4           Ph.D.'s or Masters, just simply  
5           degrees."

6                    What we try to do after these MIT  
7           forums is that we ask each of the states  
8           to replicate this network on a tri-state  
9           level. So folks in Vermont, they got  
10          their students together. And our hidden  
11          agenda of our project is to introduce  
12          the students to consider teaching as a  
13          career in response to the lack of  
14          faculty on New England campuses. We're  
15          trying to encourage the students to do  
16          that. But the State supports it, State  
17          network and agenda that makes sense on a  
18          state by state level and in fact  
19          although our project primarily targets  
20          at quote, unquote, minorities, in states  
21          like Maine where poor indigenous Whites  
22          are considered unrepresented in their  
23          educational system, they are also

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1 included in the network.

2 One of the other things we're  
3 trying to do as a part of our project,  
4 and keep in mind always we're trying to  
5 deal with full participation, our  
6 rationale is the more minorities you  
7 have in the system, then that would  
8 increase the understanding of the quote,  
9 unquote, minority issue.

10 One other thing that we just  
11 released is a directory of all -- not  
12 all -- of a substantial portion of the  
13 minority doctoral students who are in  
14 New England educational institutions.  
15 The rationale is that you hear every  
16 time when you ask campuses, why is it  
17 that you only have one minority faculty  
18 or why is it you only have one Hispanic  
19 in the Spanish Department. They'll say  
20 to you, "We can't find good minorities."  
21 Our position at the Board is, okay, you  
22 can't find them, we know where they are  
23 we'll compile a directory and we'll make

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1           it available to you. So we now have  
2           available to campuses a directory that  
3           lists almost 400 doctoral students  
4           coming up through the pipeline. What we  
5           are going to say to the campuses is, if  
6           you are serious about recruiting  
7           faculty, these are people you can call,  
8           minority students who, despite the  
9           inhospitable climate, have succeeded.  
10          We have minority students pursuing  
11          medical degrees and joint Ph.D. degrees,  
12          they are in biochemistry, they are in  
13          humanities, in the social sciences.  
14          These kids are out there doing it and  
15          surviving against the odds.

16                 One of the things, and I think I  
17                 cannot regurgitate or stay off it  
18                 enough, is the depth and degree of  
19                 isolation that students feel,  
20                 particularly our students in the upper  
21                 states. Students will say, "I'm the  
22                 first in the department, I'm the only  
23                 one, I thought there was going to be

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1 more of us, they brought me here under a  
2 false pretext. I have nothing." What  
3 we're trying to do with the network is  
4 to eliminate some of these senses of  
5 isolation because we know quite well  
6 that it's almost impossible to survive  
7 if your emotional needs are not being  
8 taken care of and these students are  
9 working, are swimming, really, upstream.

10 One of the things that we say to  
11 institutions is that we, the Board  
12 itself, has no regulator of power. We  
13 have no clout, we cannot force people.  
14 My position with institutions is that  
15 I'll grovel, grab your legs, I'll  
16 coerce, I'll do whatever it takes to  
17 have an institution embrace the issue of  
18 diversity and multiculturalism. When I  
19 get really annoyed, I throw out the term  
20 "enlightened self-interest", "It's to  
21 your advantage you are going to survive  
22 through the nineties to look at those  
23 funny-looking people who look different

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1 from the main stream, they talk  
2 different," and I can articulate talking  
3 different because I'm Jamaican and I can  
4 tell you what it sounds like and how  
5 different we look and the different  
6 diversities of the world, but these are  
7 the funny-looking people who they are  
8 telling us that are making up the  
9 majority of the population, it is going  
10 to be women and minorities. And "It is  
11 to your distinct advantage to comply."  
12 And our position is that, we're helping  
13 because institutions are making strides,  
14 there are things that are being done.  
15 It's a slow process and with us,  
16 it's a two-woman show. It's me and my  
17 boss, as we say, and the task is much  
18 more than that and our Equity and  
19 Pluralism Report actually has about  
20 twenty mandates or twenty agenda items  
21 and there is no way we can even begin to  
22 address half of them, because now that  
23 PC and multiculturalism and diversity is

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1 the catch term for the nineties, our  
2 project is simply going to mushroom.  
3 And, as I said, we do work with 260  
4 institutions and we try to attack the  
5 problem both at the micro and the macro  
6 level. We work with the administration  
7 but we also try to do a little bit of  
8 handholding at the student level.

9 THE AUDIENCE: You are familiar  
10 with UMass/Boston campus. I was  
11 wondering, how would you rate  
12 UMass/Boston's level of tolerance  
13 considering the diversity of the  
14 students you have?

15 MS. HILL: How would I rate UMass's  
16 in terms of its diverse student body?

17 THE AUDIENCE: Yes.

18 MS. HILL: UMass is far ahead of  
19 the pack in the sense that they have now  
20 embraced a multicultural curriculum,  
21 they are moving in that direction. They  
22 got a fourth grant to support that and  
23 they are one of the few campuses who are

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1 beginning to take the issue very  
2 seriously and dealing with it in terms  
3 of the curriculum, which is very  
4 unusual. Brown has the the -- Brown  
5 Blueprint, Smith has the Smith Mandate.  
6 More and more institutions are beginning  
7 to embrace the whole diversity issue.

8 One of the things I should mention  
9 is that one of the big concerns in  
10 dealing with the inhospitable climate in  
11 New England and addressing the issue of  
12 racism and taking the preventative  
13 approach, a lot of those projects are on  
14 soft money. The money is not hard.  
15 Soft money means that money in times of  
16 tight economic situations is the first  
17 money that gets pulled away. UMass's  
18 money for their curriculum is a  
19 foundation grant which gives a little  
20 more buoyancy. I think they have done a  
21 good job in terms of identifying  
22 alternative resources because they are a  
23 State agency and the State has taken a

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1 beating in terms of their money.

2 MR. BINKLEY: In your presentation  
3 you said the minority versus the  
4 majority in the southern region was one  
5 of the problems. What would you call  
6 the northern region?

7 MS. HILL: No, no. One of the  
8 findings of the Southern Regional Board  
9 is that it is not necessarily as we  
10 perceive it, as a Black/White issue.  
11 Wherever there is a minority/majority  
12 relation, that the minority always feels  
13 isolated and alone and oppressed,  
14 whether that minority is Black, White,  
15 blue or whatever. It's the  
16 minority/majority issue that prevails,  
17 not necessarily the color.

18 MR. BINKLEY: Is it the same way in  
19 the north?

20 MS. HILL: It is, precisely.  
21 That's why our project takes the  
22 position that the way to overcome and  
23 deal with some of that issue is to

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1           increase the number of minorities in  
2           higher education and that's what we are  
3           about doing.

4           MR. BINKLEY: Is the Southern  
5           Regional Board you refer to part of your  
6           organization?

7           MS. HILL: It's our southern  
8           counterpart. We're the New England  
9           Board. There is the Western Board and  
10          the Southern Board. Their study -- they  
11          did a similar study, it's called -- I  
12          think I have it. It's called Black and  
13          White Students' Perceptions of Their  
14          College Campuses. Our project was  
15          called Equity and Pluralism and we  
16          identify racism as being a pervasive  
17          problem on New England campuses. They  
18          are saying it's not racism as much as it  
19          is a minority/majority issue because  
20          White students on predominantly Black  
21          campuses experienced what Black students  
22          experience on predominantly White  
23          campuses. Our position is what we need

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1 to do is increase the number of  
2 minorities on New England campuses,  
3 particularly given the change in  
4 demographics.

5 MR. BINKLEY: How can I get a copy  
6 of that report?

7 MS. HILL: Well, this is mine, so  
8 you can't have that.

9 MR. HIBINO: This morning the  
10 United States Commission on Civil Rights  
11 wanted to hear from all of you out  
12 there, the faculty and administrators  
13 and students other people from UMass and  
14 from Smith College. We thought you all  
15 would like to have the opportunity to  
16 hear from the Commission and essentially  
17 what it is is, as a result of briefings  
18 and forums of the type we had this  
19 morning they developed information with  
20 recommendations, et cetera, as a result,  
21 as I said, as a result of these kinds of  
22 events. So John Binkley, as you heard  
23 this morning, is the Director of the

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1 Eastern Regional Division of the  
2 Commission and is going to share with us  
3 some information that he has on bigotry  
4 and violence, which came with the  
5 briefing that the Commission did,  
6 bigotry and violence on American college  
7 campuses.

8 MR. BINKLEY: Thank you. As a lot  
9 of you were here this morning, I know  
10 this may be a lot of demand on your  
11 time, and on other parts of your  
12 anatomy, we appreciate your bearing with  
13 us for what what we think is very  
14 important. The Commission, as Tom says,  
15 makes studies and does reports. I  
16 should tell you a little bit about it,  
17 based on some of the questions that came  
18 from people in the audience and  
19 individuals who talked to me this  
20 morning.

21 The Commission of Civil Rights is a  
22 government agency. We call ourselves an  
23 independent agency, although, of course,

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1 four of the members are appointed by the  
2 President and four are appointed by  
3 Congress, and we are depending on  
4 Congress for our appropriation, which we  
5 are having trouble with right now. So  
6 although we would characterize ourselves  
7 as independent, that means independent  
8 thinking, not independent of the Federal  
9 government. And of course, we operate  
10 under a body of laws that restricts what  
11 we can and can't do.

12 The eight Commissioners that are  
13 appointed with the assistance of staff,  
14 hold hearings and they have the  
15 authority to subpoena witnesses and  
16 swear their testimony, and based on the  
17 transcripts from those reports or  
18 activities, they produce reports. To  
19 assist the Commission, and sometimes  
20 called its eyes and ears around the  
21 country, we have State Advisory  
22 Committees in each state and the  
23 District of Columbia. They are made up

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1 of volunteer citizens like you saw here  
2 this morning who are appointed formally  
3 and officially by the Commission. They  
4 serve without pay or remuneration and  
5 they are the eyes and ears around the  
6 country on the issues and problems that  
7 occur. As you understand, there are  
8 certainly many in the area of civil  
9 rights. That's how we got here this  
10 morning. The Committee was concerned  
11 and interested in some of the problems  
12 stemming from the incident took place  
13 here a couple of years ago. This was  
14 not an isolated case, as you well know  
15 from what you heard this morning and  
16 what you have read and know from what's  
17 going on around the United States the  
18 last couple of years.

19 The Commission has had some history  
20 in bigotry and violence going back  
21 eight, ten, twelve years now. When  
22 there appears to be an increase in the  
23 types of incidents around the country

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1 based on religious bigotry, violence and  
2 racism, the Advisory Committees around  
3 the country, one in each of the ten  
4 Federal regions, held a forum similar to  
5 what we had this morning, fed the  
6 information into the headquarters staff  
7 and they prepared a report. It was  
8 issued in 1983, as a matter of fact, and  
9 some of you may have seen or heard about  
10 it. It was called Intimidation and  
11 Violence, Racial and Religious Bigotry  
12 in America. Now because the reports we  
13 issue and the recommendations they  
14 contain unfortunately do not solve all  
15 other racial issues in the United  
16 States, we have to keep working at this  
17 and in the interim there have been  
18 several advisory committees continuing  
19 to hold meetings of this nature and  
20 issue individual reports on the subject,  
21 one in Connecticut in 1987, one in  
22 Illinois and New Jersey, both in 1988.  
23 Georgia, Massachusetts and Michigan all

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1 issued reports on the subject in 1989,  
2 Pennsylvania had one in '88 and again in  
3 '90, and Rhode Island in 1990, not to  
4 mention the Pennsylvania report  
5 especially because the recommendations  
6 that came from the State Advisory  
7 Committee in Pennsylvania to the State  
8 legislature there recommended that  
9 statistics be kept, a system to  
10 establish and to keep statistics on  
11 these incidents.

12 If you are familiar with the  
13 subject, you know that there is always  
14 this issue of how many incidents occur  
15 and whether there is an increase or not  
16 and how they are reported and maybe  
17 there is more interest now and more  
18 people are reporting them than there  
19 used to be. And some of people that  
20 say, "We don't have much of a problem,  
21 there are just being more reported, it  
22 is not a big increase." So a push by a  
23 lot of agencies around United States,

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1 Anti-Defamation League, NAACP, were to  
2 get a system of reporting these  
3 instances and the first one which was  
4 established through legislation was in  
5 Pennsylvania with clear support and  
6 influence by the Pennsylvania Advisory  
7 Committee.

8 Now, about that same time  
9 legislation was being introduced in the  
10 Federal government and the Commission  
11 went on record. They sent a resolution  
12 to Congress supporting the passage of  
13 the Hate Crime Statistics Bill which was  
14 passed, if you are familiar with the  
15 subject and I don't know when. We do  
16 have that law though, and the Department  
17 of Justice is responsible for checking  
18 that information.

19 As this issue on bigotry and  
20 violence came to the forefront, along  
21 with it came the issues of campus  
22 tension and similar instances on  
23 campuses. So some of our committees got

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1 more interested in that specifically,  
2 such as the one you saw illustrated here  
3 today, and we have projects under way  
4 now that are planned in California, as  
5 you saw today, Connecticut, Vermont,  
6 Missouri and I'm sure there are others  
7 being discussed by the staff of Advisory  
8 Committees I'm not even aware of. I  
9 didn't make a survey. I just knew of  
10 these in the process.

11 And in the meantime, the Commission  
12 issued a report a year ago. This is the  
13 one that Tom alluded to. A year ago  
14 next month they issued this report  
15 called Bigoty and Violence on American  
16 College Campuses. Do we have this here,  
17 Tino?

18 MR. CALABIA: There are only a few  
19 copies in the office.

20 MR. BINKLEY: See Mr. Tino Calabria  
21 in the back. We'll get a copy sent.  
22 It's a substantial little book. I keep  
23 reading the reports of other agencies,

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1 articles in newspapers, conferences we  
2 attend, and the gist of a lot of the  
3 issues were well identified in that  
4 report a year ago, as well as some of  
5 the solutions, and that's why we should  
6 be pushing our efforts and having our  
7 interests and resources go into solving  
8 the problem and not to keep identifying  
9 it.

10 The summary of this little report  
11 has -- I'll go over it briefly. You  
12 heard a lot of the issues, as I said  
13 here this morning, and I don't want to  
14 become repetitious. I would like to  
15 review it. This report confirms that  
16 there is a problem and offers the cause  
17 and possible solutions. It also  
18 describes and interprets ways that  
19 bigotry on American college campuses is  
20 expressed. The causes of campus bigotry  
21 fall into four categories, deficiencies  
22 on college campuses that exacerbate  
23 existing tensions, society's failure to

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1 keep up with the change, competition for  
2 limited resources and extremist  
3 speakers. The document also points out  
4 that competition for limited resources  
5 is a factor contributing to the increase  
6 of racial bigotry on the campuses.

7 In the 1960's the Federal  
8 government programs increased resources  
9 for programs aiding minority access to  
10 higher education and, as you know, since  
11 then that is no longer happening. The  
12 report recommends using existing  
13 resources, both on or off the campus,  
14 multicultural training and Federal  
15 support and involvement when devising  
16 plans to address racial tension. It  
17 also addresses the dilemma of  
18 reconciling one individual's right to  
19 free speech with another individual's  
20 liberties, free from discrimination.  
21 These are the summaries. You heard  
22 these mentioned this morning and  
23 reiterated by the various panels and

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1 individuals.

2 To add to what the Commission has  
3 been doing and its Advisory Committees  
4 in recent years, the Commission has an  
5 annual program planning retreat in which  
6 the Commissioners and staff go away for  
7 a few days and talk about what the  
8 issues are and where to place the  
9 limited resources in the future and they  
10 voted unanimously this past year to  
11 develop a national project, or place  
12 focus on a national project, to address  
13 the increasing racial tensions that  
14 we're all aware of in the United States.  
15 The staff is now working on projects of  
16 that nature and will present some to the  
17 Commissioners this month in October in  
18 connection with these issues.

19 My own personal view -- I'm going  
20 to get a little away from the  
21 Commission. My own personal view is  
22 that campuses are a microcosm of society  
23 and recently it's been a retrogressively

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1 increasing racist society that we live  
2 in. We have not become the great  
3 American melting pot, rather we are a  
4 grand mixture of very strong racial and  
5 ethnic cultures; diverse, different and  
6 very good. We must accept this fact and  
7 all it's positive values as we deal with  
8 some of the more negative  
9 manifestations. We need and are sadly  
10 absent of top national, moral leadership  
11 for equal rights and tolerance of  
12 others. We all have an obligation to  
13 provide that leadership in the absence  
14 of it coming from the top of the United  
15 States.

16 This summer I and the other U.S.  
17 Commission of Civil Rights regional  
18 directors were privileged to attend the  
19 Fourth Annual Conference on Civil Rights  
20 in Higher Education sponsored by the  
21 University of Oklahoma's Human Relations  
22 Center. Maybe many of you know of this  
23 and some of you may have even been

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1           there. Over 750 people from the U.S.,  
2           Canada, Mexico and seven foreign  
3           countries came. There were some  
4           individuals from companies too, by the  
5           way. They weren't all educators. They  
6           came to that conference and they had  
7           over 150 workshops. Of course a lot of  
8           them were simultaneous and the  
9           institutions, I forget how many  
10          institutions, they were mentioned and I  
11          kind of forget how many institutiona  
12          were present. All the schools you hear  
13          about around here, everybody went to  
14          that conference. And they have been  
15          going for apparently some years. I was  
16          amazed.

17                 I was very impressed with the  
18          conference, by the way. I might stop  
19          briefly to tell you, your Assistant  
20          Secretary for Civil Rights was there and  
21          he gave a speech and people -- maybe  
22          this is an inside story. The Assistant  
23          Secretary for the Department of

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1 Education is a man named Michael  
2 Williams, correct?

3 MR. HIBINO: Correct.

4 MR. BINKLEY: Last fall about this  
5 time Michael Williams issued an addition  
6 to the United States college campuses  
7 restricting the use of scholarship funds  
8 to minorities, saying that this was  
9 discriminatory and inappropriate and  
10 unfair. You probably read about it.

11 MR. HIBINO: You weren't supposed  
12 to bring that up, John.

13 MR. BINKLEY: He decided that  
14 wasn't appropriate and he was the one  
15 that, before that incident occurred, had  
16 been invited to come and address this  
17 conference but the reason I mention it,  
18 Tom, is to tell you that when he got up,  
19 gave his speech -- he was from Texas, by  
20 the way, and he was proud of that -- and  
21 after he gave his speech, there was a  
22 lineup of twenty people, this was the  
23 only major speech of the conference

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1 where they had a lineup, and thirty  
2 people lined up behind that mike to  
3 start to respond to his comments and  
4 they did, and very thoroughly. But they  
5 didn't take him to task so much for the  
6 scholarship issue as they did for him  
7 and the Secretary of Education, or the  
8 previous one, at that time it was  
9 between two secretaries, for a failure  
10 to deal with the accrediting of  
11 institutions and some of the problems  
12 that were existing in that. Let me tell  
13 you, the institutions of higher  
14 education in the United States are  
15 outspoken people and they don't pull any  
16 punches when they decide they want to  
17 criticize somebody.

18 As I started to say, I see  
19 amusement at the interest in this subject. There  
20 were a lot of people there representing  
21 the campuses and telling about what they  
22 were doing in dealing with this issue,  
23 setting up student groups, crisis

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1 intervention and prevention groups and  
2 that sort of thing. But then I was also  
3 appalled at the lack of coordination  
4 between campuses. I would ask, "Are  
5 there associations or organizations of  
6 people from campuses?"

7 And they said, "No, there isn't."

8 I said, "Does the U.S. Department of  
9 Education, Office for Civil Rights  
10 provide any coordination or assistance?"

11 They said, "No, we never see them."

12 I said, "Who helps you?"

13 "We have to help ourselves." The  
14 American Association of University  
15 Professors, there seems to a lot of  
16 interest in this subject and effort and  
17 activities, as you heard here today.  
18 But on the other hand, there are people  
19 who are re-inventing the wheel from the  
20 University of Michigan to the University  
21 of Colorado to the University of  
22 Massachusetts. So I don't know how we  
23 might get into that system to try to

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1 provide coordination, that sort of  
2 thing.

3 We meet with student groups from  
4 around the nation that come to  
5 Washington to get the word. To come to  
6 Washington's a popular thing and we give  
7 them an explanation of what we do and  
8 talk to them about civil rights. Again,  
9 I'm amazed and appalled at the lack of  
10 knowledge of recent civil rights history  
11 in the United States among today's  
12 college students. When we talk to them  
13 we find out they do not have courses in  
14 history that make any significant impact  
15 on them about what happened in the  
16 1960s. There are a lot of courses on  
17 Black history, Afro-American history, on  
18 Hispanic history and things like that  
19 that evolved and that's very good, but  
20 the typical college student, unless he's  
21 got parents or friends or takes a  
22 special course, they do not learn what  
23 took place in the 1960s like we did when

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1 we saw night after night on TV somebody  
2 beaten up by the police or dogs or fire  
3 hoses knocking him down. And it's our  
4 job to get built into that history, some  
5 way or another, either formally in  
6 school or some other way, that all the  
7 people in the United States have an  
8 understanding and a perception and  
9 eventually a sympathy for the need to  
10 have equal opportunity in the United  
11 States, for people to understand that if  
12 they are minorities and they think they  
13 are set aside or affirmative action that  
14 they are not too happy about, there is a  
15 reason for that and they need to  
16 understand that. And until we get that  
17 across to our students in the United  
18 States and our population, we're going  
19 to continue to have an uphill fight. I  
20 don't want to sound like I am lecturing  
21 or preaching, but this is a very serious  
22 subject and I know from some of the  
23 people I talked with this morning and

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1           some of the things I heard them say  
2           earlier today, they agree with me. We  
3           have to get this built back into our  
4           school systems from an early age so  
5           people grow up with an understanding, A,  
6           that there are different people, B,  
7           there's nothing to be afraid of, and, C,  
8           there's a lot to learn from those people  
9           in what I now call, and that's not novel  
10          to me, our salad society. We don't have  
11          a melting pot. We've made a salad out  
12          of all these different people and the  
13          vegetables and fruits that go into that  
14          salad, when they are mixed up, taste  
15          better than they did individually but  
16          they keep their individuality. Thank  
17          you.

18                 MR. HIBINO: Thank you, John. The  
19                 Office for Civil Rights, since you  
20                 mentioned Michael Williams, he is the  
21                 Assistant Secretary for the Office for  
22                 Civil Rights. He's Assistant Secretary  
23                 in the Department of Education. It was

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1 his interest in trying to help the  
2 Office for Civil Rights expand beyond  
3 somewhat of a reactive agency -- as I  
4 said before we conduct investigations  
5 essentially because people file  
6 complaints that it is our responsibility  
7 to investigate. He wanted to go beyond  
8 that and to identify other issues that  
9 people had brought to his attention,  
10 groups had brought to his attention that  
11 were out there that would fall into the  
12 Department of Education Office for Civil  
13 Rights' purview, but were necessarily  
14 being addressed through people filing  
15 complaints. Essentially he developed  
16 the National Enforcement Strategy in  
17 which were identified a number of  
18 different issues where the agency feels  
19 it is important to try to address,  
20 regardless of whether people file  
21 individual complaints or class  
22 complaints in those areas. One of those  
23 issues was the whole area of racial

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1 harassment here on the college campuses.  
2 And through that enforcement strategy,  
3 not only is the genesis for meetings and  
4 workshops such as this where we can go  
5 out and tell people that we're there and  
6 what we're about, as well as to solicit  
7 information from all of you and our  
8 panelists so that we would be able to  
9 more carefully tailor our enforcement  
10 strategies which, in addition to  
11 investigations that are a result from  
12 complaints being filed, we have some  
13 ability to initiate our own  
14 investigation simply because we believe  
15 there's a potentially discriminatory  
16 situation at a particular institution or  
17 school district.

18 With that I want to move on to our  
19 two panels. They will be handled, the  
20 first panel, by Lou Mei, who is a  
21 Technical Assistant Director for our  
22 Boston Regional Office.

23 The second panel will be moderated

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1 by Robert Pierce who is one of the  
2 Division Directors in our office  
3 responsible for essentially half of the  
4 region. So with that I'll turn it over  
5 to Lou.

6  
7 (Panel steps down)

8  
9 THE AUDIENCE: Can I ask a  
10 question?

11 MR. HIBINO: Yes.

12 THE AUDIENCE: How do people know  
13 about the list that you came up with of  
14 the doctoral students; how do  
15 institutions find out where you are and  
16 how to get that information and stuff  
17 like that?

18 MS. HILL: I could give you my  
19 business card. We're still strategizing  
20 on what to do with the directory.

21 THE AUDIENCE: So it's not out yet?

22 MS. HILL: Our initial plan is to  
23 mail it to the academic vice presidents

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1 or the presidents of college campuses,  
2 most likely. We're trying to do a press  
3 release. I can give you my business  
4 card.

5 MR. MEYI: Good afternoon and thank  
6 you for your interest. Again, I'm Louis  
7 Meyi of the United States Department of  
8 Education/Office for Civil Rights.

9 Today in our session, as John Binkley so  
10 aptly pointed out, we have spent a good  
11 bit of time exploring what the realities  
12 as perceived by people living are and we  
13 have heard in the opening remarks of the  
14 afternoon session the findings of some  
15 more elaborate published studies, two of  
16 them anyway. We then wished to have a  
17 number of people who we felt had insight  
18 that was particularly useful and  
19 valuable, to share those insights with  
20 the audience and to interact among  
21 themselves with a lofty goal of  
22 actually, as we put in the title of  
23 this, analyzing the problems, and we

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1 used the term "New England perspective"  
2 in there only to say that all these  
3 people are experienced with issues in  
4 New England, but as well, some have  
5 leadership roles that go beyond that  
6 region.

7 So we hope to hear the assessments  
8 of both the morning and afternoon from  
9 these panelists and hear of their  
10 successes and frustrations as they have  
11 gone about involving themselves in what  
12 certainly is a problem of magnitude.

13 So, without further ado, let me get  
14 into this and each panelist will make a  
15 brief introductory statement, a maximum  
16 of ten minutes or so, and then we'll  
17 have some interaction among them and  
18 certainly hope to include you in the  
19 audience as well when we get to the  
20 interaction time. So if we would let  
21 them go and make their statements first,  
22 that would be preferable.

23 We have on our panel, and these are

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1 individuals a bit different from what is  
2 on the published report. On the far  
3 left is an individual who is named in  
4 the report, Mr. Hei Wai Chan of the  
5 Massachusetts Institute of Technology  
6 where he is enrolled in graduate school.  
7 To Mr. Chan's left is Ms. Marion  
8 Metivier-Redd, the Executive Director of  
9 AA, EO and Diversity Programs at the  
10 University of Vermont. To her right is  
11 Ms. Allison Hurd, an student at the  
12 University of Vermont and to Ms. Hurd's  
13 right is Mr. Ed McClure of the United  
14 States Department of Justice, Community  
15 Relations Service, Boston Office, a  
16 Federal agency, the third Federal agency  
17 to be represented here today, which has  
18 a particular role and experiences in  
19 handling resolution of racial incidents,  
20 Mr. McClure's office particularly for  
21 the New England region.

22 So let's hope that we can really  
23 make some strides in the next forty-five

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1 minutes and then turn it over to the  
2 panel which will come after, where we  
3 have yet additional insights for you,  
4 just to give you a hook there to keep  
5 you going, where we have an attorney who  
6 is experienced in dealing with using the  
7 law adding to the points that were made  
8 by the DA reps this morning or at the  
9 end of that session. We have a  
10 representative of the Department of  
11 Defence, Equal Opportunity Management  
12 Institute, who can give an insight in  
13 terms of how the military, which has had  
14 some success with this, goes about  
15 dealing with this, and an individual who  
16 has as his job the position of campus  
17 police officer at the University of  
18 Vermont and can bring experiences that  
19 way. That's going to be the follow up  
20 panel. Mr. Chan?

21 MR. CHAN: I would like to start  
22 by` thanking the Office of Civil Rights,  
23 the Department of Education for inviting

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1 me here to share with you a student  
2 perspective and to start by telling you  
3 a little bit about myself. I am a  
4 student at MIT. I have been a student  
5 there for ten years. I got my BA and  
6 Bachelor's BS and MS there in 1987 and  
7 am in the process of writing my  
8 dissertation. I guess I started off, in  
9 some sense, you know with a strong focus  
10 in engineering and I think with every  
11 intention of getting involved in  
12 politics or social issues, but I think  
13 the same political themes that they  
14 teach me in my graduate school, I think  
15 also started to, I guess, force me to  
16 look critically in terms of a lot of  
17 social issues that affect us and I think  
18 I left my involvement with a number of  
19 organizations and coalitions, such as  
20 Chinese Student Organization, which was  
21 a coalition of minority students called  
22 Students of Color, People against  
23 Racism, as well as community activities

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1 in Asian resource workshops. I have  
2 served on the board of Quincy Community  
3 School Counsel and that kind of -- it  
4 give me an opportunity, both in time as  
5 well as involvement in issues, to really  
6 kind of summarize what I think are  
7 interesting lessons I hope.

8 One thing is that one  
9 characteristic, I think about students,  
10 is certainly the level of idealism. I  
11 mean it in a positive way. I think that  
12 in the attempt to realize the ideals of  
13 society such as democracy, freedom and  
14 justice and so forth, a lot of students  
15 are compelled to be part of an effort to  
16 make change and in some things they are  
17 also the cutting edge of change. I  
18 think the conflict of life is what is  
19 argued as what is the realistic time  
20 frame that these changes will take  
21 place. I think that's going to be a  
22 point I'm going to come back to.

23 The other thing that students

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1 recognize as individuals on campus or as  
2 a member of society is that they have  
3 very little power or influence unless  
4 they organize. So I think the thing  
5 about organizing and being part of a  
6 coalition effort and actually seeing  
7 other students of color as national  
8 allies was a natural output.

9 The third thing, is actually all  
10 these different issues, which I'm not  
11 going to repeat. I think it was the  
12 testimony of this morning have asserted  
13 that there has been a lot of things that  
14 happen and there has been a lot. The  
15 only thing I would add, there are more  
16 incidents that go unreported and which  
17 then highlights the question in terms of  
18 how do we now create methodology for  
19 measuring it, in reporting it and  
20 tracking it. Okay. With that I want to  
21 nail down a couple comments on the Asian  
22 America student experiences that I feel  
23 needs emphasis.

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1           One, I think the modern minority  
2 myth. It's been said over and over  
3 again. I think what it does is that it  
4 basically, like all stereotypes don't  
5 types, it has some basis but they try to  
6 characterize Asian as a very homogenous  
7 group. It's not. If you look at the  
8 Asian picture, the immigration patterns,  
9 you know, in terms of the ethnic  
10 origins, the generations between first  
11 generation and second generation as well  
12 as some immigrants and so forth, as well  
13 as socially, economic background, it is  
14 a whole list of issues that lead to a  
15 lot of intra-Asian tension as well as  
16 between Asians and other groups.

17           The second thing, I wouldn't call  
18 it a trend, this thing about Asians  
19 being the most visible, invisible  
20 minority in the sense there is a large  
21 number of us on campus. I don't have  
22 hard data. At this time like MIT is  
23 twenty-five percent, my suspicion is --

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1 Asian is about three percent of the  
2 population. I think in higher  
3 education it's less than that. So in  
4 terms of percentage of representation,  
5 higher education is actually a little  
6 less. In some of these private schools  
7 there seem to be a higher number and I  
8 think it will be interesting for a study  
9 to go into that area.

10 So what does that mean? In some  
11 sense the way school, you know, deal  
12 with it is bascially to re-characterize  
13 Asians as a not under-represented  
14 minority. Also another term that's  
15 going around is "not disadvantaged  
16 minority" but yet it's whatever is  
17 convenient so we're a minority when it  
18 comes to applying for certain things and  
19 we're not when it comes to in terms of  
20 certain policies of admission or  
21 qualifications or certain kinds of  
22 scholarships, like the medical and  
23 things.

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1                   The second thing is, which connects  
2 back to the modern minority myth, is  
3 that we are successful which then really  
4 hides the problem that Asians have to  
5 struggle in terms of identity, and  
6 pressures to actually realize or to live  
7 up to that image and, you know, I think  
8 other students have pointed out, I  
9 think, that more and more Asians are now  
10 trying to break into other areas other  
11 than sciences and math. I think --  
12 okay. I come back to that later. To  
13 highlight that, I don't want to  
14 sensationalize it, but, I came across a  
15 Wall Street Journal article that studied  
16 the suicide rate among Asians, I mean  
17 just to emphasize this thing from the  
18 psychological and emotional aspect, I  
19 could call it harassment or whatever it  
20 is, that the suicide rate for Asians is  
21 about thirty-five percent higher than  
22 average and for Japanese Americans it's  
23 about fifty percent. So it definitely

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1 points to a certain amount of  
2 internalization of the problem and with  
3 really no lack of access to counseling  
4 and stuff, that kind of thing, which  
5 basically means if you have no problem  
6 then there is no need for counseling and  
7 support services on campus, which is  
8 very little. That's all I want to say  
9 about the Asian experience.

10 Then I want to come back and, by  
11 setting the context, I know everybody's  
12 been saying the campus is a microcosm of  
13 society and I think that's the bottom  
14 line. The reason I said that is that,  
15 you know, the university does not  
16 operate in a vacuum to the extent that  
17 there is an influx of people, the  
18 students as well as staff, faculty.  
19 They have contact in terms of daily  
20 happenings that impact their world and,  
21 you know, their values and so forth and  
22 -- this could be running off. In some  
23 sense it's interesting. Given these

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1 racial tensions under certain  
2 circumstances they are going to manifest  
3 itself. It goes without saying, it's  
4 going to happen. The question is how  
5 frequently. And then the more critical  
6 is how it is going to be resolved.  
7 People have pointed out that students  
8 and administrators and students on  
9 campus actually operating on two  
10 different time scales, you know. The  
11 cycle for students is about four years  
12 and then actually the cycle for students  
13 being active is only two years because  
14 by the time they get on campus and they  
15 get active it is into their junior year.  
16 I think that gives the sense of urgency  
17 that they feel like what they are doing  
18 has to translate into some kind of  
19 impact, so, you know, but administration  
20 has been there for -- they could be  
21 there for ten years or more. So they  
22 see how change is going to happen. They  
23 are on a longer time scale. There is a

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1 consensus about what is a realistic time  
2 scale for to see results. That's where  
3 the tension in terms of difference and  
4 tactics and approach and so forth, which  
5 I want to go into a bit more.

6 So once I establish this thing  
7 about contact, to find the problem is  
8 the more critical question. It is going  
9 to happen. It's going to happen more  
10 frequently on campus and how do we  
11 resolve it? I think there is a student  
12 perspective in terms of what is the  
13 administration doing about this? One is  
14 the attempt, and I'm generalizing this  
15 to portray it as an isolated incident,  
16 you know. It's one student in one bad  
17 battle, kind of thing. I think it gives  
18 a student a sense of a certain act in a  
19 way, subtlelym it did generalize that  
20 it's more than just an individual, it's  
21 actually the lack of institutional  
22 ability to deal with it. In some sense  
23 I think that's why a student always

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1 targets the administration, what is your  
2 response to it?

3 The second approach by the  
4 administration to study the problem, I  
5 think other people brought up is to  
6 place the burden on the student. The  
7 student is going to equate what their  
8 worth by saying are they going to  
9 results from these different studies or  
10 is going to be bureaucratic red tape to  
11 keep students off the picket line and  
12 into the back room, too many  
13 negotiations.

14 The third thing is basically pray  
15 for summer and graduation, just wait it  
16 out until you graduate. There's a whole  
17 list. In response the student has  
18 basically -- I'm summarizing -- two  
19 areas, cooperative and confrontational.  
20 Cooperative, part of the committees and  
21 you go through different negotiations to  
22 accomplish some changes. And that's  
23 kind of ideal because it's a very

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1 civilized way to resolve conflict.

2 I think confrontation takes place  
3 when students feel like those channels  
4 are not effective and in this raises a  
5 different question which I want to  
6 finish. Confrontational in a sense that  
7 because they feel like from what they  
8 feel in terms of past and forward and as  
9 well as a sense of urgency. They feel  
10 they have to rush and have to make it  
11 public so it tends to take the form of  
12 organizing.

13 What the problem is, is it is  
14 basically, you know, a perception an  
15 attitude and an approach problem which  
16 manifests itself in terms of a level of  
17 trust. I'm not going to go into it too  
18 much because I'm running out of time.

19 The last thing I want to say is  
20 that I think the morning session really  
21 raised a good question, that there is  
22 not a lack of uniformity among the  
23 universities in dealing with this issue,

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1           you know, that they have a lot of  
2           different approaches given and I think  
3           part of it is a reflection that one of  
4           the common problems are that actually  
5           some the solutions that's offered, we  
6           give you a certificate or we give you  
7           this, one of the problems is that this  
8           only provides solution for half the  
9           problem, the student's half of it and as  
10          people in the morning session have said,  
11          what is the other half in terms of  
12          looking more critically into themselves  
13          as far as like, you know, the policies,  
14          the attitudes and that kind of stuff.  
15          Your solution is only as good as -- the  
16          solution is as good as you are able to  
17          understand the entire problem.

18                 The second thing is this thing  
19          about having some kind of national  
20          leadership. I really feel like that,  
21          you know, what people were saying before  
22          is true in terms of sexual harassment  
23          and so forth. I think racial harassment

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1 has to be taken seriously on that level  
2 as well. I think that there has to be a  
3 way, a student has to be informed about  
4 the basic procedures to file a  
5 grievance, where do you go, and,  
6 actually, I would go as far as to say  
7 that when they file complaints it  
8 doesn't just disappear into a file in  
9 administration but the administration.  
10 The university must send forward these  
11 complaints into a clearing house, you  
12 know, by, you know, the Department of  
13 Education or whatever. And then that is  
14 made public, like, so there is some  
15 incentive for you, you know, that would  
16 then affect funding or other kind of  
17 things in the University which then  
18 makes administration sensitive to timely  
19 action to increase the problem. I stop  
20 here.

21 MR. HIBINO: University of Vermont  
22 representative?

23 MS. METIVIER-REDD: The first thing

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1 I want to make clear, and we agreed on  
2 this, I'm not speaking for the  
3 University of Vermont. I was asked to  
4 speak to analyze the problem from the  
5 New England perspective and I am more  
6 than qualified to do that. I am  
7 something people don't think exists.  
8 I'm a seventh generation Yankee and this  
9 is the second institution of higher  
10 education I have worked in in New  
11 England and I have been doing  
12 Affirmative Action for twenty years in  
13 higher education.

14 In terms of analyzing the problem  
15 from a New England perspective, the most  
16 important thing I think you need to  
17 understand that makes this problem  
18 peculiar in New England and to New  
19 England is that historically what  
20 emerged from the Civil War is that  
21 "north" meant freedom and liberty. You  
22 need to understand that Blacks came to  
23 New England, landed in Boston Harbor in

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1 1638 aboard a slave ship that had just  
2 returned from leaving off in the West  
3 Indies. Slavery had its home and its  
4 headquarters in New England. There were  
5 even slaves in Maine. Blacks have been  
6 in New England forever and somehow  
7 people seem to forget that. You don't  
8 read in your history books that Blacks  
9 were slaves in New England, but all you  
10 ever hear about is that New England or  
11 "north" was the place people of color  
12 came to be free. That particular lie,  
13 that "the north" means free, that  
14 particular erasure of the history of  
15 people of color in New England has  
16 somehow managed to lull governments,  
17 institutions of higher education and a  
18 whole lot of other people in New England  
19 into a kind of complacency that says,  
20 "We don't have a problem." You can't  
21 address a problem that you deny exists.

22 There have been racial tensions and  
23 problems in New England since and before

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1 1638. What do we have today or what  
2 does it mean? The complacency allows  
3 governments, administrations,  
4 administrators, faculty good New England  
5 citizens, whatever, to say, "We have  
6 good intentions and that is enough.  
7 After all, look what we did? This is  
8 where the abolitionist movement  
9 started." Well, the abolitionist  
10 movement started before there was a  
11 United States. It didn't start with the  
12 Civil War. As a matter of fact, slavery  
13 was not abolished in New England until  
14 the 1800s and, unfortunately, my home  
15 state of Connecticut was the last one to  
16 abolish it. My new home state of  
17 Vermont was the first.

18 The other thing is that we say to  
19 ourselves in New England is we never had  
20 any we never included the facts or  
21 excluded the facts in history that the  
22 first immigration of Asian Americans,  
23 Japanese, did not settle in California,

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1 but in fact settled in New Bedford,  
2 Massachusetts. That also negates a  
3 whole other factor of people, Cape  
4 Verdean who came to this country, in  
5 fact, people of color, and came to New  
6 England where they were subject to all  
7 the horrors of prejudice and  
8 discrimination. But again, we do not  
9 have this information in our history  
10 books and we in New England have been  
11 lulled into the belief and complacency  
12 that we do not have problems here. The  
13 fact that we do not have problems here  
14 belies what happens when we tried to  
15 integrate Boston. What a surprise. We  
16 don't have problems here. What do we do  
17 and what does this do to us, especially  
18 in higher education?

19 The complacency allows us to avoid  
20 honest introspection. We do not take  
21 the time to look behind our eyes, behind  
22 our words, behind our good intentions  
23 and see the big, ugly "ism", being

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1 racism, sexism, no matter what you want  
2 to call it, ethnocentric, we won't talk  
3 about the facts. We need to stop, be  
4 real. We need to make sure if we're  
5 going to talk about changing curriculum  
6 to improve issues and to improve life on  
7 the multiculturalism of people on  
8 campus, we need to make sure that, first  
9 of all, that the truth is told as well.  
10 If the truth is not told, we can  
11 continue to be complacent. We can  
12 continue to be lulled and satisfied by  
13 saying, "We had good intentions."  
14 Curriculum reform just needs to include  
15 the truths.

16 The other thing that needs to  
17 happen, and I know many of you have seen  
18 this, we often believe that since we  
19 don't have these kinds of problems in  
20 New England, that they are imagining  
21 there is a problem, they need to fix the  
22 problem, or they are the problem. We,  
23 whoever "we" may be, and I am using "we"

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1 and "me" being an administration, always  
2 seem to manage to exempt ourselves when  
3 it is time for doing such introspection.

4 I do not need to enumerate the  
5 numbers of institutions and  
6 organizations and places I have worked  
7 where it has been required that staff  
8 attend multicultural education programs,  
9 students attend multicultural education  
10 programs. Faculty may attend, if they  
11 desire, but administration has to go  
12 attend them. Until we administrators,  
13 those in charge, those who did make the  
14 policies, those who make the decision to  
15 stop accepting the lie, stop being  
16 comfortable with our good intentions and  
17 move away from our complacency, take a  
18 good, long, hard look in the mirror and  
19 seek to change ourselves, we cannot  
20 expect and should not expect that any  
21 other kind of change will or ever can  
22 come about. Thank you.

23 MS. HURD: I would just like to

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1 talk about my approach to dealing with  
2 racial insensitivity and actions and  
3 responses in regard to that taken at the  
4 University of Vermont. I'm a second  
5 year student at the University of  
6 Vermont. I'm not from New England. I'm  
7 from Chicopee, Illinois, so my coming to  
8 UVM was a major change for me, first of  
9 all. I'm currently Vice President of  
10 our Black Student Union and a member of  
11 MSO, which is the Multicultural Students  
12 Organization, which works directly with  
13 the Admissions Office to recruit  
14 students of color to come to campus.  
15 Two of the things I wanted to talk about  
16 today were the recent takeover we had of  
17 the presidential wing in Waterman and at  
18 UCN and also a sit-in we just had this  
19 past week in conjunction with that.

20 The Waterman takeover. First of  
21 all, I would like to start with the '69  
22 agreements, 1969 agreements we had drawn  
23 up in regards to cultural diversity that

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1 were not implemented and then in 1988,  
2 if you had heard about it, there was a  
3 takeover in the Waterman in which  
4 President Latticore [phonetic] signed  
5 agreements to implement cultural  
6 diversity, which meant curriculum,  
7 faculty and staff and student  
8 recruitment at UVM. President Latticore  
9 did leave and or we did get another  
10 president, George Davis, and he looked  
11 over the agreements and he said he was  
12 committed to those things and that he  
13 would re-sign those agreements and  
14 implement them.

15 Coming back from Christmas vacation  
16 we had a panel which worked directly  
17 with the president and he told them that  
18 he could not sign those agreements and  
19 that he was advised by the Board of  
20 Trustees not to sign, re-sign those  
21 agreementss, and that what he initially  
22 wanted to do was draw up his own  
23 agreements, which were nothing like the

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1 agreement that we wanted him to  
2 implement.

3 First of all, we were talking about  
4 institutional racism, in which the  
5 racism was structured from the top on  
6 down and what we really initially wanted  
7 was in the line of studies programs.  
8 This one of our demands that we had that  
9 the curriculum encompass studies on  
10 African descent, Native American, Latino  
11 and Asian American studies. One of the  
12 courses that we really wanted to get  
13 implemented was a race and culture  
14 course to be made as a requirement for  
15 all students, later to find that faculty  
16 had voted this idea down and that it  
17 wasn't made as a requirement but as an  
18 elective, an option for only first year  
19 students, which was a two credit course  
20 and that only lasted for five weeks.  
21 Then we found that this course was  
22 inadequately embodied with by those  
23 professors who knew nothing about race

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1 and culture, not even about their own  
2 culture but that would want to teach  
3 other students about things that they  
4 had falsely learned in history books  
5 from the past.

6 Also, as far as faculty is  
7 concerned, many times we don't have  
8 faculty, a large number of faculty at  
9 the University of Vermont comprised of  
10 people of color. In the past two years,  
11 fourteen faculty of color have been  
12 hired and people say, "Fourteen, you  
13 should be glad, that's a good number."  
14 They don't realize that nine had been  
15 fired within the same period of time so  
16 you only have five new faculty of color.

17 As far as staff is concerned,  
18 people say, "You should be happy, you do  
19 have people of color working on the  
20 staff," and those staff positions are  
21 accompanied by people who work in Food  
22 Services and people of color, that is  
23 not their position to serve food and

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1 that does not constitute for a good  
2 position on the university level.

3 Also, faculty voted down this idea  
4 of race and culture because they thought  
5 that there were more important things  
6 that should be addressed on the agenda  
7 of the University, such as homophobia  
8 and sexism and environmental problems.  
9 But if you look at me today, you don't  
10 see female first, you see Black first.  
11 And it's important that we conquer those  
12 problems of racism education head-on  
13 before we can deal with any other  
14 problems.

15 As far as student recruitment goes,  
16 this was another one of the demands that  
17 we had, to get more students of color on  
18 the campus. And what the Admissions  
19 Office would do is they would pick out a  
20 number of schools in the New England  
21 area where a small, very small  
22 percentage of the students of color  
23 would go off to college any way and they

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1 would recruit at the worst schools and  
2 then they would come back and say, "We  
3 did recruit, it's not our fault they  
4 didn't come to school." And then you  
5 would see they would offer students a  
6 very generous financial aid package  
7 their first year and then for the  
8 sophomore year, nothing has changed in  
9 this family income, but they wouldn't  
10 get the same financial aid package they  
11 had been offered the first year, which  
12 would not allow them to come back to  
13 school.

14 I think that we have had no  
15 improvement at the University of Vermont  
16 since the takeover, since the 1988  
17 takeover and since the '69 agreements.  
18 We have communication, we have had  
19 different panels, but this communication  
20 has only led to miscommunication and I  
21 think that initially one of the -- in  
22 order to solve these problems, that we  
23 must first re-educate and re-evaluate

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1 administration as a whole.

2 MR. MEYI: Thank you. Mr. Ed  
3 McClure of the United States Department  
4 of Justice.

5 MR. McCLURE: Thank you, and I have  
6 a greeting from my illustrious director,  
7 Martin Walsh and I was asked to fill in  
8 for him yesterday afternoon about 4:00,  
9 and basically what I was instructed to  
10 do is to try to give you a little bit of  
11 what the Community Relations Services  
12 is, what it does and what are the  
13 conditions for using their services  
14 basically and then maybe try to focus on  
15 a few examples, but I think between the  
16 short time to prepare, I'll be on time.

17 First of all, I would like to say  
18 that the Community Relations Services  
19 was an agency set up under Title X of  
20 the 1964 Civil Rights Act and it states  
21 in the mandate that, "It is the function  
22 of this service to provide assistance to  
23 communities and person therein resolving

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1           disputes, disagreements or difficulties  
2           relating to discriminatory practices  
3           based on race, color, national origin."  
4           That is the scope of our mandate. That  
5           is the framework in which we work. So  
6           that, secondly -- in other words, the  
7           Agency is obligated to provide direct  
8           conciliation and mediation assistance to  
9           communities to facilitate peaceful,  
10          voluntary resolution of racial problems,  
11          race, et cetera.

12                 Now, the types of problems that we  
13                 focus on -- what I would like to add is  
14                 also we -- we go in on some of these  
15                 problems based on a request or of our  
16                 own volition and we also -- we don't  
17                 have any problem as to really  
18                 investigating. We call it doing an  
19                 assessment. So we have to get the  
20                 information on the problem in order to  
21                 try to respond to it. Some of the types  
22                 of problems we get involved in are hate  
23                 activity issues, immigrant issues,

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1           prison problems, educational problems,  
2           and sometimes the cumulative effect of  
3           that involvement is it goes into  
4           publications that we put together on  
5           schools or what have you. But there is  
6           a recent one we did, a new publication,  
7           and it's Avoiding Racial Conflict, A  
8           Guide to Municipalities. But the  
9           concept is a similar kind of concept  
10          that I used when I was called by some  
11          students at Smith College to help them  
12          to try to address this conflict that  
13          they were facing with the  
14          administration.

15                 Now, some of the other places we  
16          have worked as far as education is  
17          concerned, we have been involved in  
18          Brandeis, Brown University, that was a  
19          freedom of speech issue a little bit,  
20          University of Connecticut, University of  
21          Massachusetts, Holyoke College, Southern  
22          Maine, Wesleyan and a number of others,  
23          where we have been involved. Basically

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1           what we do is that usually there are a  
2           number of incidents that have not been  
3           addressed on college campuses or in the  
4           city or in the lodging business, and  
5           usually there is a triggering event,  
6           something that, you know, that's like, I  
7           guess, a volcano erupting and all of a  
8           sudden there is -- the whole thing comes  
9           out. So that what happens is while  
10          we're not involved in investigation,  
11          litigation, it might be an issue of free  
12          speech, we are involved in the fall-out  
13          of that. In other words, the  
14          consequences of somebody even raising  
15          the issue or it might be some litigation  
16          where it begins to develop tension and  
17          resistance on different sides and  
18          sometimes that escalates to violence.  
19          So that's basically how we get in on  
20          these issues. We don't try to be court,  
21          jury or anything else. What we do is  
22          community relations, community relations  
23          and basically the thesis is that the

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1 community -- it's a community problem, I  
2 don't care if it starts over here or  
3 over there because what I'm finding is,  
4 a lot of times, "It's not my problem,  
5 it's their problem," or it's her problem  
6 or something else. It's like in a  
7 family sometimes, the children do  
8 something bad, one may say, they take  
9 after my wife's or my husband's parents.  
10 The thing is, there is always trying to  
11 get this issue away from the initial  
12 source.

13 So basically what I think that  
14 seems to be -- one of the themes is how  
15 do you balance rights and  
16 responsibilityess? How do you deal with  
17 this business of the "them and us" or  
18 the "I and the we"? I think that this  
19 usually provides some framework in  
20 analyzing the conflict and as well, we  
21 we have to try to conciliate or mediate  
22 some kind of a bridge, a bridge  
23 connecting these two pieces. But let me

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1 just give you an example quickly because  
2 I know I've got about two minutes.

3 For example, one of the things that  
4 I was called in to work with at Smith,  
5 by the students, the students called me  
6 there. I first told them that first of  
7 all, I think that when they asked what  
8 could they do, what rights did they  
9 have, et cetera, et cetera, I told them  
10 they could go to civil rights. I said  
11 we could try to sit down and try to  
12 conciliate or mediate this kind of  
13 issue. But one part of the thinking at  
14 that time seemed to me that because of  
15 the threats of liability and suits and  
16 et cetera, et cetera, et cetera, that we  
17 were not getting what I considered as  
18 cost effective management of education.  
19 In other words, cost effective  
20 management, and I thought that that  
21 means that we need to have some kind of  
22 policy or something, some kind of  
23 standard so we can determine what all

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1                   these individual units are doing. And  
2                   so what I did was talk with the school  
3                   and the students about coming up with  
4                   some kind of policy which would give us  
5                   a standard, whether it was a hard  
6                   standard or a soft one, whether it was  
7                   civility or whether it was some sort of  
8                   statutory relations, it would be some  
9                   standard because everybody was doing  
10                  different things and everybody thought  
11                  it was good, like we here today. I  
12                  think we've heard today a lot of good  
13                  ideas but they also have to be connected  
14                  so they are going together in the same  
15                  direction. It's the impact, the coming  
16                  together, the sense of community, it's  
17                  the unity. And so when I think of it,  
18                  this is what I said to the school and  
19                  it's because they had a lot of things  
20                  they were doing, and subsequently this  
21                  is how we became involved in trying to  
22                  help them develop some kind of civil  
23                  rights policy. And that policy meant

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1                   that every department, if it was, you  
2                   know, dishwashing or whatever it was,  
3                   had a responsibility to carry out the  
4                   mission of the institution. While they  
5                   had individual things that this is the  
6                   way they did it, but somehow it didn't  
7                   register. So it supports the policy of  
8                   the institution just like in business.  
9                   I'm saying a business has a policy.  
10                  Everybody's accounted for in it. You  
11                  might have a specialty, but you are  
12                  still responsible for, within the  
13                  context of your specialty, for carrying  
14                  out the policies of that institution and  
15                  we also felt that in the experiences,  
16                  some experiences we had, we felt there  
17                  were people that were getting in trouble  
18                  with the court or something about their  
19                  practices, about their behavior, but  
20                  they expected the institution to back  
21                  them, to pay for it. And that wasn't  
22                  possible unless they were following the  
23                  standards of delivery of educational

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1 services that the institution had  
2 developed a policy for and felt they  
3 were obligated to carry out.

4 Listen, I don't want to go too far  
5 with this because then I might be giving  
6 away trade secrets, but I thank you for  
7 the opportunity to -- if there is  
8 anything else that you want to talk  
9 about, our office, you can give us a  
10 call or I'm sure there is a lot of  
11 people that know us anyway. There is a  
12 lot of people here I see that I have had  
13 tea and coffee with and we've talked  
14 about strategies and we've modified  
15 them, negotiated them. I want to thank  
16 you for being here and I think that the  
17 students, to me, ought to be commended  
18 and think they are beautiful people but  
19 I think symbolically the political past,  
20 the economic past, needs to do more to  
21 support their students. Thank you.

22 MR. MEYI: We heard quite a bit  
23 here in the last half hour from the

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1 beginning where we saw some frameworks  
2 for how college students look at things  
3 in attempting to get action in their  
4 time in school to the more deepseated,  
5 historical perspective that still  
6 affects the way life goes on into the  
7 nineties into two very recent kinds of  
8 experience-based things.

9 Is there anything the four of you  
10 want to pull out of each other's  
11 presentations that link up to make any  
12 comments?

13 MR. McCLURE: I want to make one  
14 comment, if I may, that I was looking  
15 today for somebody who was from  
16 leadership. In other words, I heard  
17 what was different about all of us but I  
18 didn't hear anything about what was a  
19 common denominator. What do we have in  
20 common? I was hoping that somebody  
21 would help me because I know that's  
22 needed. I'm an expert at talking about  
23 what's wrong or how bad you are or

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1                   whatever, but I'm trying to figure out  
2                   some way to connect up all these pieces.  
3                   In other words, I know I can't do it all  
4                   by myself but it's the complement, the  
5                   sum total of whatever you want to call  
6                   it, force of the impact greater than its  
7                   parts. That's one thing I hope we can  
8                   concentrate on in looking at all these  
9                   differences, because basically I believe  
10                  that -- all I know is that it is in  
11                  certain situations, tornadoes and this  
12                  and in all kinds of storms, I'm looking  
13                  for somebody and somebody's looking for  
14                  me. There is an interdependence, a  
15                  thing that we have, but why does it  
16                  always have to be a crisis?

17                  MR. MEYI: How provocative.

18                  Anybody what to touch, to react from,  
19                  the panel?

20                  MR. ALDRICH: I have a couple of  
21                  questions of the first gentleman. You  
22                  mentioned the student's attitude as  
23                  being presuicidal and which you felt

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1 while it was a student he wasn't part of  
2 society. I never felt that way when I  
3 was a student. I realize that I was not  
4 there in the work program except the  
5 jobs I had while as a student, but I  
6 never felt I was on the fringe of  
7 society. Does a student feel that way  
8 today?

9 MR. CHAN: I didn't say that. I  
10 said, I think, what has happened in  
11 society has impacted the students  
12 substantially. I feel like from  
13 minority students sometimes they do feel  
14 marginal, particularly for Asian  
15 students who basically say it has to do  
16 with vision on campus. We are a visible  
17 minority in terms of numbers but they  
18 are not considered minorities in terms  
19 of treatment. So when you do have a  
20 problem, you are not sure what category  
21 you fit in and to turn to. I was  
22 talking in particular about the Asian  
23 American student's appearance on campus.

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1 So I think that's the thing that's quite  
2 different than White students and in  
3 that sense is that a lot of things are  
4 taken for granted and certain things are  
5 not necessarily the case for minority  
6 students. And there is a lot of  
7 different examples because I think,  
8 like, for the thing about the need to  
9 hang out together. That's always been  
10 criticized by Whites, minority students  
11 want to congregate instead of trying to  
12 integrate but that is a point of  
13 perspective because you can argue that  
14 White students have been hanging out  
15 together all this time. What's the big  
16 deal about it? So the thing about  
17 integration goes both ways. That's a  
18 physical law, like fusion.

19 So, I mean, I feel there is a  
20 matter of perception and if you feel  
21 problems, you have to identify what  
22 point of reference is one approaching.

23 Actually, the main thing I want to

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1 convey to people, students of color, is  
2 actually the starting premise should be,  
3 nobody should be defensive. I think we  
4 make valuable contributions to this  
5 country, even though it's not in a text  
6 book a lot of times. I think we make  
7 valuable contributions. We have every  
8 claim. And then actually if you look at  
9 these kinds of programs, special  
10 programs, I say again, I'm not an  
11 accountant, if you add up all these  
12 things, that's quote, unquote, special  
13 programs for people of color compared to  
14 the money going in to support just the  
15 standard student activity, it's about  
16 comparably less. In some sense I think  
17 the amount of money directed to students  
18 activities for minority programs is  
19 acutally not quite comparable to the  
20 mechanism that's on the program in place  
21 to support, you know, the White student.  
22 That's what I meant.

23 MR. ALDRICH: One other question,

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1 if I may. You used the percentage fifty  
2 percent of Japanese students commit  
3 suicide?

4 MR. CHAN: Fifty percent higher  
5 than the average, actually.

6 MR. ALDRICH: What was the  
7 thirty-five percent for?

8 MR. CHAN: Asian Americans. To be  
9 more precise it's in the age group of  
10 fifteen to twenty years old. So it is  
11 this kind of late high school or college  
12 and that kind of stuff, and it's  
13 thirty-six percent for Chinese which is  
14 a higher national average and for  
15 Japanese Americans fifty-four percent,  
16 and actually that is a problem about  
17 Japanese Americans in terms of the  
18 mental health.

19 THE AUDIENCE:: I wanted to comment  
20 on your first question. It is difficult  
21 for those of us who haven't had to deal  
22 with external factors of prejudice to  
23 totally understand the experience of

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1 people of color. I have experienced  
2 prejudice, but based on religion, and I  
3 know that's why I am sympathetic to all  
4 kinds of prejudice, because I have been  
5 hurt. However, I'm only hurt, or the  
6 potential of me being hurt is only as I  
7 expose those elements of my identity,  
8 when I tell people what religion I am or  
9 what nationality. When I have -- I'm an  
10 Affirmative Action officer of a city  
11 near Boston, and when people say, "I  
12 don't understand why the Blacks are  
13 having such a hard time, my ancestors  
14 came from Italy or mine came from  
15 Ireland and we fit in and we had to  
16 learn English, and I don't know why they  
17 can't." And I hear that a lot. And the  
18 one thing I can say to them is that, "No  
19 one knows your nationality unless you  
20 let them know. You can change your  
21 name, you can change your religion or  
22 you can just not tell me those things if  
23 you want to blend in." As a White person

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1           you can blend in but when you are a  
2           person of color, you will never blend in  
3           and people see you and this whole idea  
4           of melting pot, I think it is a falacy  
5           and it's not. Where we're a beef stew,  
6           let's say, and people want to pick out  
7           the carrots, they don't eat the carrots,  
8           they go for the meat and potatoes.  
9           That's what it's like in this country  
10          and the sooner we get off that myth -- I  
11          really appreciate your comments about  
12          the historical lies that we have and I  
13          think that melting pot, that only works  
14          for the White folks. The melting pot  
15          theory does not work in this country and  
16          it's a myth we have to deal in.

17                 MR. MEYI: An observation. Thank  
18                 you. And may we now move on? We have  
19                 some very intriguing points coming up  
20                 still so take a short stretch.

21  
22                                 (Panel steps down)  
23

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1 MR. PIERCE: Welcome to the second  
2 panel of the afternoon session. We call  
3 this panel Reaction -- Other  
4 Perspectives. What we really meant by  
5 that was in looking at the issues of  
6 racial harassment on the campuses, we  
7 discovered that quite a bit was being  
8 done. When you look from institution to  
9 institution we found there were a wide  
10 variety of efforts taking place from  
11 reading studies such as the Equity and  
12 Pluralism study from two years ago, we  
13 found in that report that there were a  
14 wide variety of ideas being tried in a  
15 variety of places and one different  
16 aspect of that particular report that  
17 struck me was that it included not only  
18 what was happening among the colleges  
19 and universities but it also talked  
20 about what New England corporations were  
21 doing. It talked about programs at  
22 companies such as Digital, Aetna,  
23 Hewlet-Packard, New England Telephone,

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1 and with the idea that what business had  
2 learned, colleges and universities could  
3 employ as well, as a means of addressing  
4 the problem of racial harassment.

5 We have tried to bring together  
6 some different perspectives to talk  
7 about other approaches, other remedies  
8 for the problem. And in this session  
9 this is what we will be exploring this  
10 afternoon. The way we will go about it  
11 is each panel member will make some  
12 prepared remarks. At the conclusion of  
13 that we will open it up for audience  
14 participation where you will have a  
15 chance to ask questions of panelist and  
16 further discuss these other perspectives  
17 about what can be done about the problem  
18 of racial harassment on the campuses.

19 The panelists, to my far left is  
20 Mr. Ozell Hudson who is the Executive  
21 Director of the Lawyer's Committee for  
22 Civil Rights Under Law of the Boston Bar  
23 Association. Our next panelist is Mr.

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1 Paul Meade who is a campus security  
2 officer at the University of Vermont,  
3 and to my right is Major Eugene Hall,  
4 who is Director of External Training at  
5 the Department of Defense Equal  
6 Opportunity Management Institute.

7 We will begin with Paul Meade from  
8 the University of Vermont.

9 MR. MEADE: thank you. I'm a  
10 captain at the University of Vermont  
11 Police Services Agency. I think in  
12 dealing with issues of diversity or  
13 crimes that are committed against people  
14 of color in the college environment,  
15 administratively, the first task is to  
16 assign that responsibility for  
17 investigation of these incidents to a  
18 particular person and at the University  
19 of Vermont, I'm that person. This last  
20 year I've also been involved directly  
21 with a number of police actions dealing  
22 with diversity and dissent and issues of  
23 disruption. I have also had occasion to

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1           arrest students involved in dissent and,  
2           in some peoples' opinion, disruption at  
3           the University.

4           I think the role of campus police,  
5           or smaller institutions, campus  
6           security, is different from that of  
7           municipal or state police. I think in  
8           our agency we need to be in the  
9           educational process and our function, an  
10          important goal is to assist in achieving  
11          those goals articulated by the  
12          university community, which includes now  
13          an expansion of diversity issues, of  
14          people of color feeling comfortable in  
15          the university environment. And us  
16          being the agency that guarantees and  
17          insures everybody's rights and  
18          everybody's safety and everybody's  
19          comfort level in that environment.

20          A few basic issues, before I go  
21          into specifics, I want to talk about  
22          recruitment and taking issues and how  
23          they impacted this last year and/or

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1 interactions with two students.

2 Some of the realities about  
3 northern Vermont, we're very much out  
4 the main stream from the rest of New  
5 England in many ways. I grew up in  
6 Boston, in Brocton, Mass., went to  
7 school at Northeastern in Boston. Since  
8 1977 I have been a police officer in  
9 Vermont, most of that time in municipal  
10 police agencies. Vermont has the lowest  
11 percentage non-White population, it's 99  
12 and a fraction percent White European.  
13 There's a significant number of Native  
14 Americans in Vermont, mostly Abnaki  
15 nation, that the exact number has not  
16 been determined. There's a whole lot of  
17 reason for that. By memory I think the  
18 United States Census figures indicate  
19 there are probably two to three thousand  
20 residents of African descent in Vermont.  
21 And one thing I want to point out, that  
22 most police officers that we hire are  
23 from Vermont, are male, White male

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1 European background, who have had very  
2 little contact with people of color,  
3 unless they have been in the military or  
4 have gone off to school. And they also  
5 don't have a sense of history. Those of  
6 us that grew up during the fifties and  
7 sixties and experienced the lesson we  
8 all learned from Dr. Martin Luther King  
9 and other people, forget. There's a  
10 whole generation of police officers that  
11 didn't live through that. Now people in  
12 their early twenties somehow don't get  
13 that experience in public education,  
14 often times not in higher education. I  
15 think it's a selection and training  
16 issue for police administrators.

17 Knowing that we're going to deal  
18 with some dissent and disruption issues  
19 and knowing we would have to call in  
20 outside police agencies to deal with the  
21 numbers and to ensure the safety of all  
22 the parties involved, not having a lot  
23 of funds for sophisticated in-service

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1 training on these issues, we went to the  
2 public library and took out a couple of  
3 tapes and one was entitled From  
4 Montgomery to Memphis, which essentially  
5 traced the civil rights movement and Dr.  
6 Martin Luther King's efforts in the  
7 south. And I watched that a couple of  
8 times and was struck by the police  
9 actions, the Alabama State Police, the  
10 Birmingham City Police, and had the  
11 training officer of the City Police,  
12 which is our main back-up, view this and  
13 he then had the supervisors that would  
14 command police in any operation on  
15 campus view this. And there was a lot  
16 of discussion. And then we had the  
17 police officers that would actually be  
18 on the teams, the crowd control teams,  
19 view this.

20 We made a committment early on that  
21 we would not look and act as those  
22 police in that videotape. And for many  
23 of these young police officers, this was

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1 the first time they had ever seen this  
2 videotape. They had never seen this  
3 type of police behavior before and even  
4 though we all saw on TV the LAPD  
5 beating, we feel somewhat distant and  
6 isolated from Los Angeles up in Vermont  
7 and I think a lot of people figure it  
8 couldn't happen here. But the power of  
9 scenes in the south like that had an  
10 impact, I think, on the officers.

11 We also had a day of training on  
12 civil rights issues and Ed McClure from  
13 the the Justice Department was an  
14 important facilitator in that process.  
15 I think we communicated to the officers  
16 involved what our role was and what our  
17 role wasn't. We were not going to take  
18 sides, it was not our role to punish  
19 students. If arrests were necessary, if  
20 arrests were a necessary last resort,  
21 our role was simply to bring these  
22 individuals before the Court where the  
23 Court could then determine what the

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1 outcome would be.

2 And it was also important that I  
3 communicate exactly what was going on on  
4 campus accurately to the outside police  
5 agency, the City of Bernardston Police  
6 and the State Police as to what was  
7 really involved so they did not come to  
8 campus and act upon information they had  
9 received only in the news media.  
10 Occasionally the media tends to dwell on  
11 what excites people and often times  
12 reinforces stereotypes.

13 I think we also made a point with  
14 the officers that we did not want to  
15 play into stereotypes about the police.  
16 That the police in many ways are a  
17 visible minority in this country and as  
18 there are different cultures throughout  
19 this country, there are different police  
20 cultures. And I think we try really  
21 hard to maintain a police culture in  
22 northern Vermont that de-emphasizes  
23 violence, de-emphasizes what commonly

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1 are images of police around the country.

2 I think the time to prepare for a  
3 crisis on campus is not five minutes or  
4 ten minutes before you have to take  
5 people into custody. I think the way we  
6 interface with students generally can be  
7 broken down to three years. That would  
8 be the delivery of general police  
9 services, whether medical assistance or  
10 a jump start of somebody's vehicle who  
11 has stalled. Is the quality of that  
12 assistance equal for all people on the  
13 campus, if students of color feel that  
14 they can call on us for assistance as  
15 any other student would on campus.

16 Another important area is when a  
17 student is victimized, what is the  
18 quality of that response, what empathy  
19 do we show, what does your body language  
20 and tone of voice communicate to people,  
21 does a person of color on the campus,  
22 faculty, student or staff, feel when  
23 they are victimized by a crime that they

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1 are going to receive the same level of  
2 service that anybody else would on  
3 campus?

4 And the third area I talked about  
5 initially would be when dissent becomes  
6 disruption and often times the  
7 definition of what disruption is is not  
8 defined by the police. If the event is  
9 taking place within the campus  
10 community, within a building on the  
11 campus, it may well have been the  
12 decision of an administrator that the  
13 event the students are involved in is  
14 now disruption. They call the police  
15 and we comply with unlawful trespassing  
16 statutes. Just this Monday seven  
17 students were arrested in the Waterman  
18 Administrative building as a result of a  
19 sit-in that the administration  
20 considered to be disruptive to the  
21 normal function of that office.

22 It's difficult to share the goals  
23 of the students but have to at times

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1           confront them on their methods. I think  
2           in those kinds of situations there is no  
3           room for police error, there is no room  
4           for an improper comment or excessive  
5           force and all the time that you have  
6           spent on selections and training, I  
7           think, pays off when you can get through  
8           a situation like that with no injuries.  
9           But a failure to train, a failure to  
10          select proper people, you know, results  
11          in a tremendous liability for the agency  
12          and the university.

13                 I appreciate people still being  
14          here. The Vermont delegation got up at  
15          4:00 this morning to be here today and I  
16          know a lot of you got up early too. I'm  
17          not going to go on. I suspect people  
18          may have questions about our role and  
19          the problems on the campus are  
20          continuing and they may continue this  
21          evening when we get back there. But I  
22          think it's the feeling of the police  
23          officers that, in the long run, a

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1 catharsis we're going through, the  
2 emotional and physical struggle will be  
3 very good for the university and for the  
4 State of Vermont but in the short run,  
5 it's a the challenge to make sure nobody  
6 gets hurt. And, you know, if anyone has  
7 any suggestions or resources they might  
8 suggest, I'll certainly be interested  
9 afterwards to talk to anybody.

10 That's essentially my opening.

11 Thank you.

12 MR. PIERCE: Thank you, Paul. We  
13 will go next to Mr. Ozell Hudson,  
14 Executive Director fo the Lawyers'  
15 Committee for Civil Rights Under the Law  
16 of the Boston Bar Association.

17 MR. HUDSON: Good afternoon. Thank  
18 you for persevering and I want to also  
19 thank the United States Commission on  
20 Civil Rights for allowing me to  
21 participate.

22 I'm somewhat disturbed by some of  
23 the presentations I have heard here,

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1 primarily because of the egregious  
2 nature of some of the specifics that  
3 have been spoken of, but I'm mostly  
4 concerned about where do we go from here  
5 in terms of, after all the talk is gone  
6 and all the data has been collected, or  
7 the data that will be collected, what  
8 will result from it? Will it result in  
9 just another study? Will there actually  
10 be some action to back up the words and  
11 the good faith that may have been  
12 expressed here today? In any event I  
13 certainly am not in a position to say  
14 exactly what each college or university  
15 should do, but I do have some  
16 recommendations to not only the  
17 administrators but also the people who  
18 are associated with various government  
19 entities. A little bit about myself.

20 I used to work here a few years ago  
21 as a lawyer for the students and since  
22 that time I have spent quite a bit of  
23 time working with various legal services

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1 programs in the south and the Carolinas  
2 and Georgia, mostly poverty law areas  
3 and also concentrating heavily on civil  
4 rights issues and criminal law matters.  
5 For those who often question the  
6 qualifications of some of the people who  
7 represent the various ethnicity, let me  
8 just say that I have been practicing law  
9 since 1974 and I am licensed in Georgia,  
10 South Carolina, Wisconsin and  
11 Massachusetts and I never failed a bar  
12 exam and I'm one of the products of  
13 Affirmative Action and I'm proud of it.  
14 Without it I would not have had the  
15 funds to leave Jeff Davis County,  
16 Georgia and get an education and  
17 practice in the area of civil rights.  
18 So, if you know your history, you know  
19 who Jeff Davis is or was and you would  
20 understand any county that was entitled  
21 after Jeff Davis, what kinds of problems  
22 one would have to deal with, especially  
23 as I understand I'm a product of a

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1 completely segregated public education.

2 In any event, speaking of the civil  
3 rights era, the Lawyers Committee on  
4 Civil Rights, the national office, was  
5 founded in 1963 at the impetus of  
6 President John F. Kennedy anticipating  
7 that even with the passage, the hopeful  
8 passage of the Civil Rights Act of 1964,  
9 they would be meaningless, unless there  
10 was a cadre of lawyers willing to  
11 represent the victims of discrimination  
12 without charging them a fee. So the  
13 Lawyers' Committee came into existence,  
14 at that time, supported by  
15 representatives of the private bar. In  
16 1968 the Boston Lawyers Committee came  
17 into existence and has been functioning  
18 as a pro bono civil rights organization  
19 since that time. In 1973 the Boston  
20 Lawyers Committee became an affiliate of  
21 the Boston Bar Association and by that,  
22 we are independent of the Boston Bar.  
23 We basically benefit from being

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1 associated with them and they benefit  
2 from being associated with us. We have  
3 our own budgets and our own governing  
4 board.

5 Now, in terms of some of the  
6 projects the Lawyers' Committee focuses  
7 on, we have special projects that  
8 primarily deal with the issues of the  
9 race and national origin discrimination.  
10 We recognize that other issues of  
11 discrimination are extremely important  
12 but we also recognize that there are  
13 other available resources within the  
14 greater Boston area to address issues,  
15 some of the issues involving gender  
16 discrimination, sexual orientation,  
17 people with disabilities, et cetera.  
18 But we've come together over the last  
19 twenty years focusing primarily on race  
20 and national origin discrimination  
21 because if you really know Boston, you  
22 know that that is a very, very high  
23 priority area. It is a high priority

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1 within the area of fair housing.

2 Boston, the greater Boston area, tends  
3 to be one of the most segregated areas  
4 in the entire country, if not the most,  
5 when it comes to housing. With regard  
6 to employment discrimination, and  
7 education, the Boston Lawyers Committee  
8 filed the 1974 Boston School  
9 Desegregation Case and we currently have  
10 a lawsuit pending against the State  
11 dealing with equity and school funding,  
12 dealing with the issue of how the State  
13 has a disparate impact upon the poor  
14 communities because of the basis of the  
15 funding.

16 The fair housing project has  
17 associated with it a moving violence  
18 project because we actually sued the  
19 Boston Housing Authority to get them to  
20 desegregate. The Housing Authority in  
21 Boston was refusing to place people of  
22 color in areas like Charlestown and  
23 South Boston because they were concerned

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1 about the violence that would be  
2 perpetrated upon those people. So when  
3 there were approximately 5,000 or more  
4 people of color on the waiting list,  
5 they actively advertised for White  
6 applicants for public housing in the  
7 newspapers. We sued on behalf of the  
8 NAACP and received millions of dollars  
9 worth of damages and made them house  
10 folks and provide for their safety.

11 We also have a Newcomer Civil  
12 Rights, Education and Advocacy Project,  
13 a project where we reach out to all of  
14 the diverse ethnic groups in the Greater  
15 Boston area to educate them about their  
16 civil rights and to give them the  
17 benefits of free attorneys to represent  
18 them when they are discriminated  
19 against. We are also involved in voting  
20 rights and redistricting. Currently we  
21 have a map to redistrict the entire  
22 state. Both the Senate and the House of  
23 Representatives are working on the

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1 Congressional redistricting and we  
2 anticipate we will be suing the State to  
3 force them to re-district so we can  
4 double the numbers of elected people of  
5 color in both the Senate and the House  
6 of Representatives and perhaps add one  
7 more district that we can influence as  
8 far as electing a Congress person.

9 However, those are not the projects  
10 I'm here to really speak about. I'm  
11 here to speak about the project to  
12 combat racial violence. That project  
13 has been in existence for over ten  
14 years. The project has an educational  
15 component. We go into the schools and  
16 the colleges, to basically work with  
17 administration and students regarding  
18 issues of racial and ethnic violence,  
19 national origin discrimination. We also  
20 train police agencies and work with the  
21 Attorney General and the various  
22 District Attorneys throughout the  
23 Commonwealth. The project also has a

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1 legislative component. We were one of  
2 the principal drafters of the Hate  
3 Crimes Reporting Act that is the State  
4 equivalent of this act which was  
5 previously enacted into law at the  
6 Federal level to record the incidents of  
7 hate crimes. Included amongst those are  
8 the crimes of racial violence. More  
9 importantly, I think, we have an  
10 advocacy project connected with the  
11 racial violence. And that advocacy  
12 project basically deals with two levels  
13 of perpetrators of racial violence. We  
14 have the racial violence committed by  
15 those who are in the private sector.  
16 They may be individuals but they also  
17 may be representatives of groups like  
18 the Klu Klux Klan, the skin heads,  
19 Aryans and other superiority type  
20 groups.

21 We also deal with the governmental  
22 sector. Over one half of our cases  
23 involve either State Police or local law

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1 enforcement officials who have harassed  
2 or actually used deadly force on persons  
3 of color and then filed trumped up  
4 charges, criminal charges. So we  
5 actually go into the Court and defend  
6 the people from the criminal violations,  
7 the criminal charges and then turn  
8 around and sue them under civil rights  
9 statutes for various monetary damages.

10 It is my personal belief that we  
11 may not be able to change people's  
12 attitudes about discrimination but we  
13 can change their behavior. And one of  
14 the ways we intend to change folks'  
15 behavior is to make them pay. So if a  
16 city or local agency wants to hire  
17 people who will abuse other people, then  
18 they will pay for that.

19 Most recently we settled a case  
20 which resulted in six figures for the  
21 damages for the Plaintiff, a Hispanic  
22 individual who was shot in the face by  
23 law enforcement officials who claim he

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1 was trying to run them over in his  
2 vehicle, although his car was parked  
3 between two other cars, one in the front  
4 and one in the back, and plus we got six  
5 figures in attorneys' fees also. Just  
6 one example of the kinds of issues that  
7 we deal with.

8 Now, speaking of the response to  
9 the issues of hate crimes or racial  
10 violence, one of our biggest problems  
11 has been to educate the people in the  
12 law enforcement community about the  
13 importance of racial violence and hate  
14 crimes. That is not just simply an  
15 assault and battery, just a battery or a  
16 misunderstanding, but when there are  
17 certain specific elements that  
18 accompanies the misconduct and when it  
19 escalates into violence, it becomes a  
20 hate crime. It is a crime of racial  
21 violence in many instances and that they  
22 need to make the appropriate response.  
23 We are glad to say that at least in some

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1 of the areas around Middlesex and  
2 Suffolk County, law enforcement offices  
3 have become more responsive and  
4 certainly the Attorney General, who is a  
5 predecessor of mine in that Hosbager was  
6 formerly the Executive Director of the  
7 Lawyers' Committee, was responsive to  
8 the issue. We're very much concerned  
9 about the issue of police harassment,  
10 deadly force and the search on site that  
11 is taking people of color and stripping  
12 them, strip searching them simply  
13 because they are young, they are not  
14 dressed in a suit and tie and they are  
15 simply persons of color. And that is a  
16 common occurrence, and we have been  
17 actively involved in that issue.

18 Now, wanting to emphasize and not  
19 really paying close attention to the  
20 time, I want to emphasize another thing  
21 that is, I think we can be rational, we  
22 can educate, and develop a sense of  
23 understanding, but I don't approach

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1                   these issues unemotionally because in my  
2                   own lifetime I know I have been stopped  
3                   by law enforcement people people on at  
4                   least four occasions and had guns held  
5                   to my head on at least two of those  
6                   occasions and I have never been  
7                   convicted of a crime but I may have  
8                   been, according to them, in the wrong  
9                   place. One occasion I actually had a  
10                  friend of mine who was a lawyer in the  
11                  US Justice Department, and although they  
12                  held a gun to my head, when he  
13                  identified himself, they put the guns in  
14                  their holsters and they backed up, they  
15                  walked away. That's what happens most  
16                  of the time to people. Most of the time  
17                  it's those incidents. They don't result  
18                  in arrest. You are not physically  
19                  harmed. There is very little you can do  
20                  about it. At least if you are arrested  
21                  and charged with a crime, you can bring  
22                  the issue up before a Court. If you  
23                  have ever been seriously injured, you

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1 can sue for damages but when you are  
2 just harassed by law enforcement people,  
3 there's almost very little you can do  
4 about it. The one thing which we are  
5 trying to do in the Greater Boston area  
6 is bring attention to the fact that  
7 there needs to be an external review  
8 over law enforcement, not only within  
9 the city but also there are certain  
10 college campuses when there needs to be  
11 an external review over law enforcement.  
12 Not picking on just law enforcement  
13 across the state, racial violence occurs  
14 not only by law enforcement but also  
15 governmental officials and also by  
16 private citizens but it is especially  
17 horrendous when you have people who are  
18 sworn to abide by the law and to  
19 guarantee to uphold the United States  
20 Constitution and to protect other  
21 citizens, who are actually the  
22 perpetrators of this racial violence and  
23 in many instances these hate crimes.

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1                   Now, in terms of judicial remedies.  
2                   Fortunately in the Commonwealth there is  
3                   the Massachusetts Civil Rights Act and  
4                   under this act basically you can contact  
5                   the Attorney General's office and try to  
6                   convince the Attorney General to persue  
7                   an injustice or actually bring criminal  
8                   charges by injunction that is to  
9                   prohibit certain people from doing  
10                  certain things or coming within a  
11                  certain distance of a house that has  
12                  been vandalized or et cetera. You also  
13                  have a private right of relief that is  
14                  you can, on your own initiative,  
15                  hopefully you can get a lawyer, and if  
16                  you contact the Lawyer's Committee, we  
17                  provide free lawyers in these types of  
18                  cases, to actually pursue a civil  
19                  injunctive relief as well as filing a  
20                  criminal complaint. Now, sometimes you  
21                  have to take the private course because  
22                  it's also very difficult to get  
23                  governmental agencies, sometimes, to

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1 pursue action because they don't think  
2 the conduct deserves or merits  
3 attention. I remember several years ago  
4 when I was here on this campus a young  
5 black woman was found dead in a motel  
6 room. I represented the Coalition of  
7 Women, they were not necessarily Black,  
8 Asians, people of Indian descent, et  
9 cetera, Hispanics, and we actually had  
10 to more or less lead a protest, lead a  
11 protest at the District Attorney's  
12 Office at that time to get him to hold  
13 an inquest into the proceedings of the  
14 death of that young woman. And  
15 basically you can't completely rely upon  
16 these types of proceedings because the  
17 DA at that time, under the existing law,  
18 as far as inquests go, the District  
19 Attorney is the only one that can ask  
20 questions and no one else has the right  
21 to make an appearance or put on  
22 witnesses and no one has the right to  
23 cross-examine unless the judge permits

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1 and basically it ended up being somewhat  
2 of a sham, to be frank with you. And  
3 there was a long article, I believe  
4 about eight or nine pages, in the  
5 Hampshire Gazette detailing the  
6 inadequacies in that investigation and  
7 raising many questions about the death  
8 of that young woman who was a person of  
9 color. And that happened right here in  
10 this area. A student right here at  
11 UMass. So we can't completely depend  
12 upon the law enforcement. However,  
13 there is another point I wanted to  
14 raise.

15 In spite of all of these  
16 limitations, we have to understand that  
17 they are not the only limitations. The  
18 Federal government is limited. The  
19 Federal government does not have  
20 jurisdiction in these cases most of the  
21 time unless there is some type of a  
22 conspiracy to deprive people of their  
23 constitutional rights or rights

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1                   guaranteed and protected under Federal  
2                   law or there actually has to be some  
3                   physical abuse by a person acting under  
4                   the cloak of officialdom, under color of  
5                   law. In most instances you really can't  
6                   even get the FBI to investigate.

7                   There are also limitations on the  
8                   state under existing state criminal  
9                   laws. They just don't reach these acts  
10                  of racial violence and hate crimes and  
11                  so we have to look and continue to try  
12                  to create certain standards.

13                  Now, one of the things that  
14                  concerned me is that at the university  
15                  level there is this debate going on  
16                  about how far can the university go in  
17                  regulating hate crimes or racial  
18                  violence. And the debate is based upon  
19                  the First Amendment right. Well, let me  
20                  say something on that. What do we all  
21                  have in common? I heard that asked.  
22                  What we all have in common is that we're  
23                  all human beings. Now, the one reason

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1 we need a civil rights legislation and  
2 law to protect people from hate crimes  
3 it that everyone is not recognized as a  
4 human being and I specifically say that  
5 for African Americans. One of the  
6 reasons is that African Americans  
7 historically were recognized as child  
8 slaves and even though the law was  
9 changed with regard to the Thirteenth  
10 Amendment to prohibit slavery, the  
11 institutions in this country that  
12 control the perceptions and the  
13 distribution of information and the  
14 education of folks still perceive of  
15 African Americans and other persons that  
16 are not White to be inhuman, to be  
17 nonhuman, and that allows the majority  
18 to go forward and continue to  
19 discriminate and to dehumanize and to  
20 attack and to victimize people simply  
21 because of the color of their skin.

22 Now, I raise that question because  
23 it is imperative that universities and

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1 colleges develop certain standards in  
2 writing to legislate against certain  
3 conduct and this conduct can include  
4 speech. I make the distinction between  
5 prohibiting pure speech. It is unlawful  
6 to prohibit pure speech because it is  
7 clear in the constitution that the  
8 Supreme Court has not prohibited the  
9 State from enacting laws to regulate  
10 speech. That is combined with conduct,  
11 especially conduct that is injurious to  
12 people, conduct that amounts to racial  
13 violence or hate crimes that can be  
14 regulated and it does not violate the  
15 First Amendment.

16 So I want to close and simply say  
17 that, yes, there not only needs to be  
18 regulations and standards enacted and  
19 that people need to commit themselves to  
20 eradicating this blight of a so-called  
21 democratic system within this country,  
22 but we need to take affirmative steps to  
23 see that these laws, once enacted, are

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1           enforced and the administrators do their  
2           job. And on the policy side of it,  
3           government, if there is a university  
4           that receives Federal funds and it is  
5           allowing hate crimes and racial violence  
6           to occur on these campuses, then you  
7           should cut off their money and when you  
8           do that, they'll get the message that  
9           they'll have to do something and it's  
10          not two years or ten years from now.  
11          Thank you.

12                 MR. PEIRCE: Thank you. We will go  
13                 next to our final panelist and at the  
14                 conclusion you will have an opportunity  
15                 to participate in some dialogue with the  
16                 panelists and our panelists can dialogue  
17                 with themselves.

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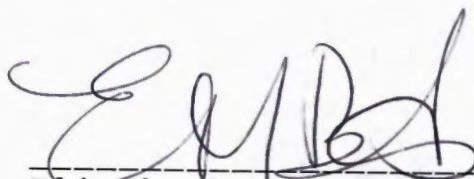
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## COMMONWEALTH OF MASSACHUSETTS

I, ELIZABETH M. BROOKS, Court Reporter,  
do hereby certify that the foregoing testimony is  
true and accurate, to the best of my knowledge and  
ability.

WITNESS MY HAND, this 17th day of  
October, 1991.



Elizabeth M. Brooks

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