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TRANSCRIPT OF PROCEEDINGS

ALABAMA ADVISORY COMMITTEE
TO THE
U. S. COMMISSION ON CIVIL RIGHTS

BIRMINGHAM-JEFFERSON CIVIC CENTER
MEDICAL FORUM MEETING ROOM C
950 22ND STREET, NORTH
BIRMINGHAM, ALABAMA

JUNE 18, 1992
9:00 A.M.

VOLUME II

APPEARANCES:

Advisory Committee Members:

Rodney Max

Charlena Bray

Michael Davis

Jerome Gray

Freddi Aronov-Heilpern

Rex Morthland

Anne Shumaker

Annie Wells

George Munchus

Staff:

Jo An Daniels, Administrative Assistant

Melvin L. Jenkins, Regional Director

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1 MR. MAX: Welcome everyone again to the second
2 day of hearings sponsored by the United States
3 Commission on Civil Rights and we are the state advisory
4 committee.

5 For the sake of those who weren't here
6 yesterday, I'd like to introduce our panel. On my far
7 right we have Nancy Carnley from New Brockton. Next to
8 her Annie Wells from Huntsville. Next to her Anne
9 Shumaker from Centre. Melvin Jenkins is our regional
10 director from Kansas.

11 On my far left is Mike Davis from Mobile. Next
12 to him Freddi Aronov-Heilpern from Birmingham. Shirley
13 Charlena Bray is due to be here. She's not here as yet.
14 She's from Birmingham. Rex Morthland from Selma and
15 George Munchus from Birmingham.

16 I'm Rodney Max and we had a very informative
17 meeting all day yesterday and we look forward to
18 concluding this at approximately 12 o'clock noon.

19 Our first speaker is going to be Jane Weeks,
20 who is the executive director of the Alabama Indian
21 Affairs Commission. Jane was with us all day yesterday
22 observing and, Jane, we appreciate your time and look
23 forward to your comments this morning.

24 MS. WEEKS: Thank you. First of all, I have a
25 little amenity and I will ask also your indulgence with

1 my voice. I've been sick. I caught my grandson's cold
2 and it makes me sound grouchy but I assure you I'm not.

3 You all know that one of your newest additions
4 to this panel is Ms. Nancy Carnley, who is a Creek
5 Indian. She's MaChis Creek and she is from Coffee
6 County, and we are very pleased about this, and I thank
7 Melvin so much.

8 The first time I ever addressed this group I
9 sort of chastised them a little bit for not having an
10 American Indian, and I want to now thank you for this.

11 Now, it is a custom in our culture that when we
12 visit with people that we expect to become our friends
13 we come and bring a gift, so Nancy made kind of a panic
14 call this week and instructed me to bring something that
15 I hope she will think is appropriate from our offices.
16 Nancy, I'm going to let you help me.

17 We have an attitude in Indian country about
18 Columbus. We were not lost and we have -- I want to
19 show you what we have, and this is a very inexpensive
20 item and I don't think it will abrogate the ethics of
21 this panel to have this. 1992 is not the year of
22 Columbus. It is the year of the American Indian, 500
23 years. And I would tell you that if you will notice the
24 gentleman in the ribbon shirt seated, his vision -- he's
25 have a vision quest and his vision is Indians taking

1 their full place in American society.

2 If you will notice, the Indians in the circle
3 in the vision have non-Indian attire. I don't know what
4 we've got -- we've got mostly extra larges because
5 that's what we prefer and if that's not suitable,
6 somebody can let me know and they should wash very well.

7 Now, Freddi, that's what I had in the -- she
8 thought I had papers for you all. She was a nervous
9 wreck.

10 MR. MAX: On behalf of the panel let me thank
11 you. We very much appreciate that kind gift. Nancy,
12 thank you for the thoughtfulness.

13 MS. CARNLEY: You're very welcome. That's the
14 reason I was worried about my time this morning.

15 MS. MORTHLAND: Has the director said whether
16 or not this violates the ethics law?

17 MS. WEEKS: The other thing is, let me assure
18 you too, Rex, that I live under the ethics laws too.
19 You know, I constitute what is a department head, albeit
20 the smallest department in state government. We are
21 probably the smallest piece of state government around.
22 But I do want to thank you for having us here this
23 morning.

24 I have brought some prepared remarks and I'd
25 like to give them out because you may want to reference

1 them as we speak.

2 But also as I listened yesterday, it made me
3 very much of the lack of knowledge and the lack of
4 accessibility about Indian country. Now, first of all,
5 I suppose I should tell you that the definition of
6 Indian country is anywhere Indians reside. That's the
7 definition of Indian country.

8 And we have in Alabama, we have seven tribal
9 governments that are recognized and have sovereign
10 relations with the sovereign state of Alabama. Since
11 the commission was formed in 1984, one tribe has
12 achieved federal recognition, and that is that they now
13 have sovereign relations with the United States
14 Government in Washington, and that is the Poarch Band of
15 Creek Indians in Escambia County, Florida.

16 Nancy's tribe petition was denied and will
17 probably petition again in the future. This is not
18 unusual in Indian country. You see, after 1830 it was
19 the official posture of the United States Government in
20 Washington that there would be no Indians east of the
21 Mississippi River.

22 That's the reason all the western territories
23 have western reservations, and you understand that
24 that's a term that is unique in Indian country. It's
25 reserved to be used with Indians.

1 I heard the gentleman from Nebraska yesterday
2 reference Indian homeland in his state. You understand
3 that the Indians whose homeland is in Alabama,
4 Louisiana, Mississippi, Georgia, the Carolinas and
5 Florida, have been removed largely to the state known as
6 Oklahoma, which was the original Indian territory.

7 Those of you who are African American descent
8 will understand that because you are familiar with
9 what's going on as we speak in South Africa and about
10 the dispossession of blacks of Africa homelands and how
11 they have been mistreated, so I would expect a certain
12 degree of understanding.

13 I would also tell you before I begin my
14 official remarks there are some things I want to tell
15 you. I have a question for you. Those of you who know
16 the answer, like Freddi, may not answer. You are exempt
17 from the answer to this question.

18 I'd like to just ask you, because we've talked
19 or we're going to talk a little bit about stereotyping
20 of Indians, what kind of an Indian do you think I am?
21 You want me to walk up real close and let you look? You
22 know when you go to pow-wows, that's what people who are
23 not Indian do. They get up in the face of an Indian
24 person and they say, "What kind of an Indian are you?"
25 They would not dare approach a black American and say

1 how much black are you, you know. We come in degrees of
2 color too. Okay. Well, the answer to that is I am not
3 an Indian person, although I do have some Indian
4 ancestry.

5 One of these days they're going to dig up my
6 bones maybe 300 years from now and discover that I have
7 two lateral incisors that are distinctly Indian, and an
8 anthropologist will look at me and have absolutely no
9 knowledge of that.

10 In this part of the world it is extremely
11 difficult to establish one's Indian ancestry, because of
12 the dilution of what is known as blood quantum.

13 Anybody ever have -- that's how much percentile
14 Indian you are, okay. I'm giving you some terms because
15 as we speak you're going to need to be empowered if
16 you're going to ever intelligently discuss our
17 community.

18 Now, let me tell you why the board wanted a
19 non-Indian person. They wanted somebody who could
20 equate what the non-Indian perspective about Indian
21 country was. You know that only 21 percent of all
22 Indians in the United States of America live on a
23 reservation? Did you know that? Most of our population
24 is urban and rural. Did you know that 89 percent of
25 American Indian children in the United States are taught

1 in public schools? See, we've all got that old John
2 Wayne mind that they wear beads and feathers and
3 pigtails, okay. They're dark-skinned people with dark
4 brown eyes, okay.

5 You know, even other Indians think I'm Cherokee
6 because the Cherokees had long interaction with white
7 settlers who came here. I mean, you know, if I don't
8 tell them -- of course, I feel honor bound to tell them.
9 I would not deliberately pass myself off as an Indian
10 except to fool folks like you for fun. You know,
11 understand that, you know.

12 But I'm saying we have a long interaction with
13 non-Indian culture, so therefore it's important to
14 understand if you're going to deal distinctly -- and I
15 have watched and admired how well you fathomed issues
16 that were presented to you yesterday. You know, you
17 were right on target.

18 I had a conversation with Ms. Wells at lunch
19 and Ms. Shumaker about this thing about being hung up
20 about what you call something. Let me just give you an
21 example.

22 Now, we have a program called a TERO program.
23 I got a lot of fun about that, you know, Indians are
24 supposed to be blood-thirsty savages, you know, TERO
25 okay.

1 But it's T-E-R-O and it's an acronym for Travel
2 Employment Rights Offices. Now, that's what it's called
3 in the federal area.

4 Alabama, I want to tell you, is the first and
5 to my knowledge at this time the only state in the Union
6 that runs that as a volunteer effort. The tribes, each
7 one, have an officer for placement of people who are out
8 of work, and it's coordinated through my office on a
9 largely volunteer basis.

10 We didn't want to call it Employment Rights
11 Office with what we have to put up down here in the
12 South and the already built-in biases for doing things.
13 So we decided to call it and got permission from the
14 national offices to call it a Tribal Economic Resource
15 Officer, and you'd be surprised how it sold. So I think
16 you're right on target to be very careful.

17 I will tell you at the outset that the draft
18 legislation is a good step. It has lots of flaws in it
19 that I could see from Indian country, but I'm not going
20 to place all of my remarks there this morning. But I
21 did want you to have some knowledge as we begin to speak
22 here.

23 Let me make one other further analogy. We
24 heard a lady yesterday who talked about the Jewish
25 communities. I'm very well aware of the Jewish people.

1 when I took this job and went to Montgomery, it didn't
2 pay as wonderful as one would have hoped it would, and I
3 still had some kids in college back eight years ago.
4 And the first person who befriended me was Mrs. Virginia
5 Durr, and we all know Mrs. Durr, how her husband was
6 highly involved in the Roosevelt administration and I
7 got lots of insight from her.

8 In Indian country Roosevelt was a very revered
9 man because he's the first person who made a definitive
10 effort to settle all the outstanding court cases that
11 were being brought by Indian people for reparation for
12 the taking of their lands and not honoring treaties. Do
13 you know that when this land was formed, we signed 432
14 treaties.

15 The Congress of the United States only ratified
16 about half of those. The others disappeared and were
17 never ratified by the United States. Did you know that
18 also the only treaty-making powers, the reference in the
19 United States Constitution that referenced this,
20 Commerce and Trade was put in there because they were
21 intended to trade and treaty with the American Indians
22 because they never intended to enter into any more
23 treaty arrangements with foreign powers. Now, you know,
24 that's history. I didn't make that up.

25 So what I'm saying to you is that as we speak

1 please understand that this is a very ancient, very
2 mistreated culture, and most of our people don't look
3 like Indians and they don't make any apology for that,
4 and that leads me into what I wanted to tell you about
5 the lady who spoke yesterday from the Jewish Federation.

6 The second person I stayed with -- I mean, I
7 bounced around a lot until I made enough money to get a
8 tiny little apartment. I had a little bitty apartment,
9 smaller than this room. And but the second lady who
10 befriended me was Ms. Jane Katz, who I knew from the
11 League of Women Voters, who was a Jewish lady. And the
12 Jewish community of Montgomery were wonderful to me.
13 Jane died very unexpectedly several years ago and I have
14 missed her great friendship, I will tell you that.

15 Yesterday the lady who spoke talked about and
16 was asked about the resettlement of the Jewish people in
17 this area. And it brought to my mind something that may
18 help you to understand the struggle that Indians east of
19 the Mississippi River have.

20 I remember seeing around several months ago,
21 about Passover time, a picture. I still try to pick up
22 the Birmingham paper, Birmingham is still home to me
23 after 42 years. It's a habit that's long in my mind and
24 in my soul. And it had a picture of the Jewish folks
25 that had come from Russia, and they were celebrating

1 their first Passover. And many of them did not speak
2 their language.

3 American Indians are like that in reclaiming
4 their heritage. The struggle for western culture and
5 Mississippi -- the Mississippi River is the division
6 line, okay. The struggle for western Indian culture is
7 to preserve that that they have, to keep the integrity
8 of their nations, to keep their languages and not lose
9 them. You see, our people are not language speakers.
10 They know a few words, a few phrases. We have no real
11 definitive language speakers.

12 In Mississippi there are some Choctaws, some
13 old people, but the youth are not interested in learning
14 this until they really become sensitized, and then they
15 reach for all that they can get. It gives them a
16 perspective and it makes them look like they don't know
17 how to be an Indian, you understand. And what it means
18 is that they're reclaiming a culture that was theirs.

19 One of the things that I find to be very -- I
20 wanted to give you a quote that Felix Cohen had written
21 in the NARF, which is the Native American Rights Fund,
22 and he's the father of Indian law. And I wanted to give
23 you that quote, and I didn't get a chance to contact my
24 office this morning. I was running a little bit late
25 from the traffic, and I wanted to give you that quote,

1 but I will send it to each of you if Melvin will suffer
2 me that. I would like for you to read it.

3 The gist of it is this, that since this nation
4 began the treatment of American Indians and how we
5 address their needs has been like the measure, the
6 thermometer, the monitor. In other words, what they did
7 to the Indians, they did to everybody else.

8 The first laws that kept people of color from
9 bringing suit in court were implemented against the
10 American Indians, you know. They were not without
11 friends, but the tighter the grip became on the need or
12 the greed and the want to have their lands and their
13 holdings. But that's true. And even western culture
14 Indians who are reservation-raised people sometimes hold
15 people from this area up to ridicule, you know, however,
16 I am happy to tell you that we now get many western
17 people like medicine people and stuff like that.

18 Let me just tell you that one of the first
19 things that flew up and hit me in the face -- and I'm
20 going to use -- if this offends somebody, I ask you to
21 suffer me this now because some of the things that I
22 have to tell you and share with you this morning, you
23 can't clean them up. They won't be perverse, ladies, I
24 don't mean that, and gentlemen. But I mean I'm just
25 saying some of it you just got to tell it in plane talk,

okay.

I had a letter from a guy that was in prison and I went to see him and he was an American Indian and he was telling me he wanted -- in his culture -- and understand that these are all nations that we deal with. What we have here, these tribes are pieces of nations, but they are still -- they still are entitled to that.

But this guy was from Oklahoma, the Creek Nation, Muscogee Nation. In Oklahoma they don't call themselves Creeks. That's something the whites stuck on Indians. Did you know that? Because they lived on the banks of creeks, what did they naturally call them, the Creeks. But their name is Muscogee.

Anyway, he wanted to let his hair grow and he was forbidden to do so. And, of course, there is a reason that the prison was justified for that. But I was concerned that they were prohibiting him from even the practice of his American Indian religion.

Incidentally, Indians are not heathens, you know all Alabama textbooks were all savages and heathens. That's not true. They always acknowledge the Supreme Being, the Creator, is what they call him, the God, okay.

But anyway, what I began is I tried to unravel the thing was, that if you were a Baptist and you were

1 reborn -- and you'll see now why I apologized for this -
2 - and if you were a Catholic and you wanted to go to
3 mass, you know, you were in pretty good shape. Or if
4 you were an Episcopalian and you wanted to go to church,
5 or Church of God, and had a profound experience, but you
6 by happy better not be an American Indian who wants to
7 reclaim his Indian, because let me tell you what the
8 test of being able to practice your Indian medicine is,
9 if you were allowed at all. And each case must be decided
10 by court ruling, each case, folks.

11 The test is if you practiced it before you came
12 into prison. Do you hear what I'm saying? In other
13 words, you could be the vilest person in the entire
14 whole world, a mass murderer, and Almighty God could
15 reach out and touch you and save your soul, and they
16 could minister you in prison. But if you're an American
17 Indian and you wish to claim that which is your
18 birthright from your forefathers, you're just out of
19 luck unless you can sue and win before you get damned or
20 killed. You understand what I'm saying to you? There's
21 something awful wrong with that.

22 We in this room do not have the power to fix
23 everything, but I want you to know because you're the
24 people that have been vested -- you're the people that
25 have been trusted to understand what is happening to

1 people that you have to deal with.

2 It is so cruel and so unkind to look at folks
3 like Nancy and say she can't possibly be an American
4 Indian, you know.

5 One of the cutest conversations I ever heard
6 was a member of my board who is a Creek gentleman, a
7 Creek businessman. He was sitting right here and I was
8 here and there was this great, huge Apache gentleman
9 over here with a kind of square hat, you know, I mean
10 hairdo and everything.

11 He sort of leaned across to Ron and he said,
12 "What tribe are you?" Incidentally that's the correct
13 way to inquire, you know, you don't say what kind of an
14 Indian are you. I hope for goodness you never leave
15 here and say that. I forgot to tell you that. Ron kind
16 of leaned back in his chair and he said, "I'm Creek."
17 The fellow looked at him and said, "You don't look like
18 no Creek I know." Ron sort of laid his fork and his
19 knife down very patiently -- these are patient people --
20 they had to be. Look at what they've suffered for 500
21 plus years. He looked over at him and he said, "Let me
22 tell you something, "Fellow, if Columbus had landed in
23 California instead of New England, you'd look like me
24 and I'd look like you."

25 All right. Now, the official remarks that I

1 have for you this morning -- I appreciate you suffering
2 me that little addendum there, because it was clear to
3 me -- I want to tell you that what you have are my
4 official remarks. You have a map of the State of
5 Alabama. And I apologize -- it's of the old district
6 lines because at the time I made up this map -- the
7 little tight numbers on the map itself are the official
8 1990 census numbers, and I've added them up for you down
9 here in the corner.

10 As we speak to you today, officially Alabama's
11 Indian population is 16,496. We are less, folks, than
12 one percent of the population of this state, less than a
13 half a percent, but we nevertheless are here and we are
14 persons of color.

15 Now, you will notice that to the right of that
16 there is something that says AIAC, that's Alabama Indian
17 Affairs Commission. Now, let me tell you how we got
18 that number. I thought 16,000, give me a break. I want
19 to tell you, as we go along here you're going to find
20 out that 13 systems in Alabama have 11,000 Indian
21 children enrolled in them now. Those of you who are
22 good in math, if you had a one child family with one
23 mother and one daddy and you multiplied three times
24 11,000 children -- see, I'm telling you I know where I
25 can put my hands on 11,000, you'd have 33,000 people

1 right, and we all know that Indians sometimes have very
2 large families. Nancy can tell you about that. And we
3 have quite a difference of figures there.

4 Now, this 27,700, and the numbers you see here,
5 and me calling the tribal registries, but let me tell
6 you what the problem with the tribal registry is. Not
7 all tribes enroll by individual person. Some role
8 numbers are held by families. Do we understand that
9 now?

10 In other words, a number might represent four
11 or five people. So I'm giving you still a best guess,
12 but this is still a 118 percent increase for the 1990
13 census documentation over what the 1980 census was.

14 I have already alluded to some of the problems
15 we have, and there is attached on the back of here,
16 because we won't have time to get into this business,
17 and I'm sure it puzzles everybody, about Indian
18 government, federal acknowledgement versus state
19 acknowledgement.

20 You see, we're still playing games with these
21 folks. We are still playing games with the American
22 Indians. We, the government entities in this nation.
23 And I have to say that because I'm technically paid by
24 the state.

25 Incidentally, I am not an appointee of the

1 governor, nor am I an appointee of any member of the
2 legislature. I serve at the complete pleasure of the
3 board, which is controlled entirely by the American
4 Indian vote on it. Each tribe has one nomination and
5 there is an at-large appointment on that board that the
6 board itself can make.

7 Indian communities are extremely egalitarian.
8 They are very conscious of a need and they don't operate
9 under the same kind of role -- they govern very much in
10 the old tribal tradition, and that is they govern by
11 consensus. They speak until everybody has sort of
12 arrived at a common understanding. It sometimes makes
13 commission meetings extremely long.

14 I have given you the charge under the
15 commission, and that is to bring local, state, federal
16 and other resources into focus for the implementation of
17 continuation of meaningful programming for Indian
18 citizens of the State of Alabama, to provide for aid for
19 Indians as needs demonstrate, to assist Indian
20 communities in social and economic development, to
21 promote recognition of the rights of Indians to pursue
22 cultural and religious traditions considered by them to
23 be sacred and meaningful to the American Indian, and to
24 establish a appropriate procedures to provide for legal
25 recognition of any future Indian organization who

1 desires state recognition. We've done that.

2 Now, I know that you're sort of running short
3 on time and I want to stop. I do want to enter -- I
4 want you to know that I'm asking you that you enter all
5 of this into the record. I want to tell you, since you
6 have dealt very much with housing, I'll take just one
7 little second and on Page 3 of this testimony, reference
8 the housing needs of Indians.

9 I want to state to you flat out, straight up,
10 for all of us grown folks to understand, housing in
11 rural Alabama is a disgrace. Rural Indians, as well as
12 other citizens of Alabama, live in some of the worst
13 housing to be found, in isolated pockets on dirt roads,
14 in pine forests, they live in South Alabama.

15 You'll notice as you look at our numbers that
16 we have high concentration in deep South Alabama, but
17 the most of our people live above us here in North
18 Alabama.

19 You know, Alabama is still part of the
20 Appalachian region, and the uppermost counties in this
21 Alabama fall within that purview.

22 We are not eligible, most of us, for the Indian
23 set asides in housing and HUD. We are trying -- we
24 tried this year to pass a bill that would establish a
25 tribal consortium that would address housing needs.

1 Indian housing in HUD is a special set-aside.

2 I want to make something very clear to you
3 though, when you hear Indian housing, don't get your
4 back up. If Indian housing is built, and it is not
5 located on a federal reservation, its occupancy -- not
6 its board now, but its occupancy is not restricted to
7 occupation by Indians only. It would be Indian money
8 controlled by an Indian board, you know, housing board,
9 but its occupancy, as long as they fit the social and
10 economic measure, can have poor whites, poor blacks,
11 poor hispanics, poor Asians, anybody who fits that
12 economic base, as long it is not built on an Indian
13 reservation. And we only have one in this state.

14 I will stop now and entertain your questions in
15 the interest of your time and I appreciate your patience
16 with me.

17 MR. MAX: Thank you very much. Be assured that
18 your testimony, all of it, will be entered into the
19 record. Nancy, do you want to start the questioning?

20 MS. CARNLEY: Thank you for coming, Jane. I
21 know you have a very busy schedule. My main question
22 is, with having so many different tribes in the State of
23 Alabama and the housing situation as it is, and the
24 economic development programs that's available, do you
25 foresee any type of future plans that maybe the housing

1 bill that's being discussed would help American Indians,
2 the Fair Housing Act?

3 MS. WEEKS: Well, I will be very honest with
4 you. I was not aware that the Fair Housing Act had
5 passed until Melvin called me. I will also tell you
6 that you that I now believe, after my conversation with
7 Melvin, and we've talked about this -- when we put a
8 bill in this past time, it didn't move, it didn't move
9 at all. We were to form a consortium under that of the
10 five tribes who are unlanded entities, and because of
11 the HUD guidelines for the model legislation, it
12 contained a phrase that said "issuing bonds." And, of
13 course, this will be grant money. It has no bond
14 issuance in it.

15 That piece of legislation and another piece
16 restrict the bonding, and now I know what the senators
17 were telling me, that we couldn't have it that way.
18 However, I did work out a compromise with them.

19 But I think that that could help us enormously
20 because particularly in Jackson County, Etowah County
21 and DeKalb County I get complaints frequently from
22 Indian people who have gone in to be served and cannot -
23 - and they cannot seem to make the case, you know.

24 MS. SHUMAKER: May I interrupt right there?
25 You have mentioned three counties that surround mine.

1 Have you had that many complaints in Cherokee County?

2 MS. WEEKS: Not to my knowledge. That wouldn't
3 be how we handle them, because normally we catalog them
4 for -- by tribe. But I'll be glad to check, Anne, and
5 see. You know, we talked yesterday just a little bit
6 about the activity that has begun in Cherokee County for
7 the Cherokees of Northeast, and it is entirely possible
8 that I have had some and not catalogued them as a
9 geographical area. You know, Indians don't recognize
10 the line that the white man drew on the map, so
11 sometimes I have to say, "Honey, what are you close to?"
12 So when they call me so I know, you know.

13 MS. SHUMAKER: I'm sorry to interrupt. I was
14 just curious.

15 MS. WEEKS: That's right, you're exactly right.
16 You're right up there in the heartland of the Cherokee
17 people. You know, we have people -- I told Anne
18 yesterday, we have people in her area that have
19 extremely good blood ties to the Cherokee band up in
20 North Carolina, which in Indian country that's Qualla
21 boundary and I bet you all never heard that. Everybody
22 calls it them North Carolina Cherokees, but that's
23 Qualla boundary is what that is.

24 And they were left behind and his chief and his
25 two sons bought their land with their lives, because

1 they gave up their lives knowing that their people would
2 be left behind.

3 But anyway, they came down here. The jumped
4 lumber trains and came down here and went to work. And
5 the reason that they can't be enrolled in that tribe is
6 because the children were born off reservation. They
7 made a Cherokee law that said if they had children born
8 outside the reservation, they cannot be tribally
9 enrolled, so they have no roles and attachment to that
10 community.

11 MR. MAX: Nancy, do you have any other
12 questions?

13 MS. CARNLEY: The proposed draft for the human
14 rights commission, do you foresee any aid that this
15 would give to American Indians in Alabama?

16 MS. WEEKS: Not in the form that it is drafted.
17 There are two key things that bothered me. The governor
18 in that draft has too much power. He has too much
19 power. He has too many appointments. I see George
20 smiling at me. He has too many appointments.

21 MR. MUNCHUS: Which governor?

22 MS. WEEKS: Well, that's the point. I mean --
23 but you see, folks like us, George --

24 MR. MUNCHUS: I believe --

25 MS. WEEKS: Yeah, but the people out there who

1 vote are dumb, and you don't always get a good governor.
2 I understand that, you know.

3 MR. MUNCHUS: I believe one day we will --

4 MS. WEEKS: Our community has no suffered, but
5 I'm saying to you that you cannot establish something
6 like this and allow the power to fall in anybody's hands
7 to gut it, and that's what's in this law. I'm telling
8 you what I read.

9 I will tell you something else that distressed
10 me. There is no mandate in that legislation, Nancy,
11 that a person of color must serve on that board. Do you
12 understand what I'm saying? I said you're all going to
13 have to forgive me. I don't know how to clean this up.
14 We got to talk right here, okay? I mean, you know, just
15 forgive me. I'm not trying to be insulting, but I'm
16 saying we got good folks in this room of all colors, but
17 they were sort of picked to be here because of the
18 mandate of this body. You know, I'm not sure -- you
19 see, you've given a chief justice, who is an elected
20 official -- you've given a speaker of the house, who is
21 an elected official -- you understand where I'm coming
22 from?

23 MR. MUNCHUS: Sure.

24 MS. WEEKS: You've got too much vested power in
25 people who have a mandate.

1 Now, I'm going to tell you the other thing.
2 The governor gets to appoint the chair and the vice
3 chair, Nancy, in that thing. If he does that, do you
4 understand that he's got the major appointments, he has
5 the power to remove anybody that don't do what he wants
6 to do, and he's appointed the chair and the vice chair.

7 If it had a treasurer, you'd be in business,
8 because he'd control the whole smear, you know.

9 MR. MAX: Let me interrupt you. How would you
10 suggest that it be done? And I'm asking that as an open
11 question. I'm very much interested.

12 MS. WEEKS: I have not given that a lot of
13 thought because I critiqued this, you know, very
14 quickly. I would certainly -- you have to have an
15 appointment power and you have to have a removal power.
16 I think it's good to have a chief justice involved. I
17 don't know why you couldn't have the citizenry of, you
18 know, all governors, all bodies know about good people.
19 We have the NAACP. We've got the Jewish organization,
20 the Federation. We've got good Christian organizations.
21 We've got Church Women United We've got the Baptist
22 association.

23 What I'm saying, it would seem to me, and I
24 have to look at it again. I don't have it before me.
25 It would seem to me that a very important thing would be

1 that the people would be served by having somebody who
2 would represent someone else. If you're going to give
3 this thing money, you're going to have money for its
4 board members to serve. It already provides in there
5 that they're reimbursed their expenses when they travel
6 for the work of this thing.

7 I'm just saying it would seem to me that you
8 don't want to give politicians all the say. You know,
9 you've got enough civic organizations or governmental
10 entities.

11 You might even want to do it -- I know that the
12 Alabama Women's Commission does it from congressional
13 district nominees. In other words, the seven districts
14 that we have, each district gets to make a nomination.

15 Now, it's true that the governor chooses, but
16 at least you don't have him or it or her or whoever --
17 now, George has made me feel bad. I didn't want -- I'm
18 not mad at anybody. I'm just looking at this thing --
19 you know, when you set up something like this you have
20 to plan that it's going to last forever, and you would
21 hope that it would.

22 So is that any help to you? I mean, I haven't
23 given you a definitive answer.

24 MR. MAX: Jane, would it be correct to say what
25 you're trying to tell us if there was a mechanism

1 whereby the citizenry would create the pool from which
2 the public sector could pick from that pool?

3 MS. WEEKS: Let me tell you something. It's
4 smart, because I got three -- the government makes an
5 appointment to my board. The speaker of the house makes
6 an appointment to my board, and the lieutenant governor
7 makes an appointment to my board. Okay, we got a built-
8 in entre in the House and in the Senate for someone to
9 introduce legislation to address needs. That's smart.

10 But they don't have the controlling vote. You
11 understand --

12 MR. MAX: Sure.

13 MS. WEEKS: And you have to have a way to
14 remove commissioners who don't serve, because you may
15 get some -- you know, we had a little county down by
16 Montgomery that had a commissioner that didn't come to
17 meetings and they had to figure out how to get rid of
18 him and get somebody that could come, and he had such a
19 big job wherever he had gone, he didn't have any
20 intentions of coming back. And they went through a
21 whole thing there. Does that help?

22 MR. MAX: Sure. I appreciate that input. Any
23 other questions for Ms. -- Annie?

24 MS. WELLS: It seems like education is the key
25 to a lot of the problems associated with the Indian

1 issues, and there are mechanisms say through Regional
2 In-Service Education Centers for this to be promoted, to
3 teachers and hopefully to students.

4 MS. WEEKS: Ms. Wells, I want to share this.
5 My board chairman is Choctaw from Washington County. He
6 is -- I think Mr. Weaver is 61 or 60. He'll kill me if
7 I've made him too old because men, I want to tell you,
8 ladies, are sensitive about their age too. But he's
9 talking about retiring. He is the first member of his
10 tribe to get a university education. Wherein the old
11 days when we had segregated societies, there were
12 schools for blacks and schools for whites, there were no
13 schools for Indians, which is one of the ways that
14 Indians learned to pass themselves off so their children
15 could be educated. Those who refused to go to school
16 were taught by churches, Baptist Churches, Episcopal
17 Churches, the Catholic Church, but mostly Baptist went
18 down there.

19 We have established an Indian Children's
20 Scholarship Fund that we raise money -- it's not money
21 given to us. I didn't tell you how much my commission
22 is funded for, and we serve 28,000 families. I might
23 tell you this. We got \$191,000 this year. And that's
24 everything, 191,000. So I'm going to tell you, this
25 state is postured so that they just don't have any

1 money.

2 But the Indian Children's Scholarship Fund is a
3 fund raiser that we do with an annual pow-wow every year
4 in Montgomery. We've done that for four years, and we
5 try to raise money in between times and it has not -- it
6 has not built -- we just now have about \$27,000 after
7 trying for five years to put some money in it. We had a
8 checkoff on the state income tax form that in that tax
9 package everybody seemed to think was so wonderful -- I
10 wish you'd have had this on that tax reform, because I
11 could really give you a piece of my mind about that.

12 But anyway, they tried to remove that in that
13 deal, to drop all of those, including the aging
14 commission and everything, and we successfully fought
15 that off, all of us agencies did.

16 But Indians are in every single public school,
17 and where they occur in a high incidence -- they can --
18 the school system can get a federal grant called a Title
19 5 fund, and that's those 13 systems that I referenced.
20 And it's for special cultural enhancement. It isn't for
21 studies, but it can include a tutorial component. It
22 can have a tutorial component.

23 I want to tell you something too now. My
24 remarks have led you to think that Indians only married
25 with white people. They did not. They did not have a

1 color bias. I want to make it extremely clear to the
2 people in this room that we have American Indian people
3 who have African American ancestry as a dual ancestry.
4 Indian people -- we have some folk who are very dark and
5 who have black blood quantum, and I am very quick to
6 tell those people -- sometimes they call my office and
7 want to have some assistance, and I tell them they don't
8 have to be ashamed of that, there's nothing wrong with
9 that, you know, God made us not in -- it's in people's
10 mind set what we are.

11 MS. WELLS: One other quick though. You
12 mentioned some northern counties. What are they?

13 MS. WEEKS: If you will look at that map that's
14 on the back of there, it's right across -- I'll see if I
15 can name them. If you'll start over on the left --
16 let's start on the Mississippi River now. We're
17 thinking Indian country. You've got up there at
18 Colbert. You've got all those right across that top
19 tier. Then you see Madison County has gobs. You've got
20 a bunch in Lawrence County.

21 Now, those numbers that you're looking at, both
22 of the census numbers, and I may name one that doesn't
23 show up. Franklin County has a lot. They have a lot of
24 people up there with Cherokee and Chickasaw cross
25 bloods. We don't have any Chickasaw formalized

1 governments, but you know, that little top -- that
2 little northwest corner up there was part of the
3 Chickasaw homeland at one time.

4 And moving across you've got Jackson and you've
5 got DeKalb and you've got those counties there.
6 Jefferson County herself has quite a number of Indian
7 people here.

8 Now, when we're talking about numbers that
9 occur, we only have high concentrated populations in
10 several areas, and that means that I could put you in a
11 car and drive you from house to house and say what you
12 are looking at is what is considered an Indian
13 community. And that would be in Washington County,
14 Mobile County, DeKalb County, Jackson County, Lawrence
15 County, a few areas in Madison County.

16 Over by Sylacauga, Talladega County, there's
17 quite a concentration of them. Coffee County where
18 Nancy lives, and in Pike County.

19 Now, you know, there may be some few families,
20 large families, you know.

21 Does that kind of help you a little bit?

22 MR. DAVIS: Jane?

23 MS. WEEKS: Yes, sir.

24 MR. DAVIS: Not so terribly long ago I remember
25 seeing a news report on CBS which depicted American

1 Indians as being, quote, in my opinion, subhuman. Do
2 you think that the media has done enough to bring about
3 a mind change, a mind set change in American society or
4 what are your feelings about the media and what has it
5 done to I guess hopefully improve human rights as well
6 as --

7 MS. WEEKS: Michael, that's a wonderful
8 question. We have just recently tried -- we couldn't
9 get enough money from the state to fund it -- a program
10 that we're calling Indian Youth 2000. It was originally
11 our plan to train 200 Indian children a year in
12 leadership skills and in racial pride, ethnic pride
13 toward the year 2000 so that by the year 2000 we would
14 have 2,000 Indian leaders who were capable of stepping
15 into the steps of their elders.

16 We have done that very spottily. Where we have
17 done it, it has worked out excellently. And I had some
18 leftover money. We had a tiny, tiny, tiny -- I hope
19 you'll have time to read this because I haven't talked
20 about it -- it's a -- we have a tiny drug program and I
21 had like \$215 and I bought a tape. You know, kids love
22 videotapes. And it has a wonderful track on it about
23 the media, and it starts out with the old silent films
24 and the Indians doing this, you know, with their big
25 eyes, you know, and these funny looking braids and a

1 knife dripping blood, and a tomahawk in the other hand.
2 And then it brought it up to modern day and how they
3 have the drunk Indians, you know, on the reservation.

4 And the consensus has been that the media has
5 reinforced wrong things about Indians, very wrong
6 things, that they are drunkards, and it is true that
7 Indian people -- their bodies do not assimilate alcohol.
8 That's a health fact.

9 Well, okay, let's look at the recent fiasco --
10 you all have all been so sweet and so precious, you
11 haven't asked me about the Braves. I mean, you know,
12 but I'm saying they tried to make those people look
13 hokey and stupid and dumb.

14 Nobody is mad at the baseball team. Everybody
15 wants the Braves to win, you know. But, you know, that
16 tomahawk chop thing, you know, it does reinforce a
17 stereotype that's wrong.

18 Have you ever read an Alabama history, fourth
19 grade history book? I bet Annie has. Have you ever
20 looked at an Alabama fourth grade history book?

21 MS. WELLS: When I was in fourth grade.

22 MS. WEEKS: Get yourself one. See, we don't
23 have the resources in our community to monitor
24 textbooks, but I want to tell you, I'll bet you right
25 here with the exception of three that I know of that are

1 no longer used -- if they're used, I'm unaware of it --
2 one was written by a lady from around here, Virginia
3 Hamilton. In those fourth grade history texts every
4 time the Indians won it is without exception a massacre.
5 They were massacred at Fort Mims. I had an ancestor at
6 Fort Mims who died. He was dumb. They couldn't close
7 the door, okay, that was war. People die in wars.

8 Every time the Indians win it's a massacre and
9 every time the non-Indian -- the whites win, it's a
10 glorious victory. Well, those of us in Indian country
11 know that the people -- and those of us who know history
12 know -- that the people who win the wars write the
13 history. And you don't write about the things that you
14 don't want people to know about.

15 That's true about women's history too. You
16 know, we were always footnotes, you know. And Indians
17 are always the bad guys. You know, you never hear --
18 we're into an age of environment, okay. You know,
19 everybody's seen that commercial with Iron Eyes Cody and
20 the tear, but you've never heard the eloquent speech of
21 Chief Seattle -- he would have been a pacifist in
22 today's society. His people gave their land without
23 hardly a scrap. They seceded and he told them, he said,
24 you know, our day has passed. You know, our time -- we
25 don't know what the next generations that will come that

1 will come that will walk our ancestor's lands. It's
2 wonderful, but they don't use it.

3 It is true, we've taken a beaten from the media
4 and we'll continue to do so, because the only ones they
5 want to see are the crazies.

6 MR. MAX: We really appreciate your time this
7 morning. It's obvious that the Indian community -- your
8 commission needs a focal point in state government to be
9 able to communicate with, and hopefully with a good
10 human relations commission we can do that. Thank you
11 for your time.

12 MR. MUNCHUS: May I say one thing, Rod?

13 MR. MAX: Please.

14 MR. MUNCHUS: Certainly what Jane said has been
15 very informative to me and she's been a very good avenue
16 for the American Indian. I'm sure you remember the
17 situation and over our public apology, because some time
18 ago we were pushing for the people of color to get work
19 as contractors for the Birmingham school system, and of
20 course the Birmingham News came out with some editorial
21 about African Americans are minority. Of course, I
22 never use that word minorities. I think it's very
23 disrespectful. I always use the words "people of
24 color".

25 And an American Indian women had got a

1 \$10,000,000 contract, and she looked like -- she looked
2 just like you. She looked like a Caucasian woman. And
3 some of my buddies, you know, they just went wild. And
4 you called us on the carpet about it, rightfully so, and
5 sensitized some of us to this image that Indians don't
6 have blond hair, blue eyes, white skin, because I
7 remember early on in my earlier days when I was a youth,
8 a younger man, I guess, I dated a lady who I thought was
9 black. I just presumed she was a sister, as we say.
10 She was very dark, very attractive, and then one day she
11 said, you know, I think I need to tell you something. I
12 say uh-oh. She said I'm a Lumbee Indian. I said what
13 in the hell is a Lumbee Indian? And then she told me
14 she was from North Carolina.

15 And her brothers were coming down the next day,
16 and she said they won't like you. And I said why? And
17 she said because you're not an Indian.

18 So I think it is most important that you
19 continue to do whatever you're doing and work on us,
20 particularly African Americans, because we need to be
21 worked on, because we have the same prejudicial images
22 of American Indians, even though there's been a lot of
23 interaction with Africans and Indians, we need to be
24 educated, so don't ever -- and I know you won't do it --
25 always call us on the carpet. I mean Alvin Homes

1 included. An Alvin is a brother. But do call Alvin on
2 the carpet.

3 And here's Robert Avery who lives in Etowah
4 County. He's on the city council there, and he needs to
5 be sensitized. He probably already is. But I'm just
6 glad you came because I think that has been great.

7 MR. MAX: George, thank you. Jane, thank you
8 very much. We really appreciate it.

9 MS. WEEKS: Thank you. Thank you, George.
10 Thank you, ladies and gentlemen.

11 MR. MAX: I don't believe that Reverend Rembert
12 is with us this morning. Is that correct? He was asked
13 to come but I don't think he was able to make it. So
14 we're going to skip Reverend Rembert and move on to
15 Elise Penfield, who has been with us since early this
16 morning who is the executive director of the Partnership
17 Assistance to the Homeless. He may not be very visible
18 in the community, but the issue of homelessness is very
19 visible in the community, and we appreciate your
20 contribution and your being here this morning.

21 MS. PENFIELD: Thank you. Is it all right if I
22 stand?

23 MR. MAX: Sure.

24 MS. PENFIELD: I'm glad I can speak before Jane
25 is leaving if she isn't following George's comments,

1 because next Monday there will be 30 Lumbee youth
2 participating in a week long work camp in Birmingham
3 with youth from First United Methodist Church in
4 downtown Birmingham and Youth Community Church, which is
5 a new black church in Ensley and if anyone wants to
6 connect with some Lumbee youth, I will be glad to
7 provide names and telephone numbers immediately
8 following this.

9 I also would like to say I wish I had been able
10 to drop in yesterday so that I had a bit of a sense -- I
11 could have gone home last night and edited my comments
12 more in keeping with what you may have wanted, and I'm
13 not sure that I have done that but I'm going to talk to
14 you a little bit. And I'm going to talk to you as a
15 speaker and as a supporter of the establishment of an
16 Alabama human relations commission.

17 I'm doing so as a citizen of the state but also
18 as an individual who knows that discrimination exists
19 today and that civil rights are regularly denied. I
20 believe that the establishment of a civil rights
21 commission would be a symbol of our state's commitment
22 to address the harms of the past and the residual
23 settlement of racism which exists in our society.

24 I understand that Alabama is one of four states
25 which does not have a civil rights commission. The

1 others, Arkansas, Louisiana and Mississippi, as I have
2 been informed, are all southern states and just as
3 Alabama they are states with a history of systematic
4 discrimination through the law, based on racial
5 discrimination.

6 Alabama as a state needs to develop those
7 symbols which clearly communicate commitment to justice
8 and fair treatment.

9 There are several other reasons that I support
10 the establishment of a state commission and the first
11 relates to my employment with the program serving the
12 homeless.

13 Several months ago a homeless African American
14 man was killed in Birmingham. Three Skinheads have been
15 charged with his murder. His death brought to the
16 forefront the most extreme violation of civil rights,
17 the loss of life, a man that many may say was mentally
18 unstable and which has absolutely no significance. It's
19 made our community aware of the harassment of homeless
20 individuals, individuals who lack a home and choose not
21 to come into shelters, but to remain outside.

22 As a community in response to that we learned
23 that regular harassment had occurred since last fall,
24 that there had been beatings and one shelter staff
25 member suggested to me, as I was attempting to gather

1 information, that her entire shelter staff believed
2 there had been two other deaths last fall related to the
3 Skinhead movement in our community.

4 Certainly this past weekend allowed Birmingham
5 citizens and perhaps some of you across the state -- I
6 was out of the state and don't know of the coverage --
7 to observe the growing reality of the movement of hate
8 groups. And I think that that reality indicates our
9 state's need and our community's need for a human
10 relations commission.

11 I would assume that many of you have been aware
12 of other issues relating to homeless individuals,
13 because of the media's attention to the issue of
14 homelessness in the last decade.

15 I was informed this morning that last week in
16 response to the rights of the homeless being able to
17 sleep in public parks, there was an article in the local
18 paper on the rights of the homeless.

19 In the Birmingham -- throughout national and
20 local press coverage one of the most popular issues to
21 focus on has been the denial of public education. I
22 must say to you that in the Birmingham area that has not
23 been my experience or the experience of other shelters
24 serving women, that children residing in shelters have
25 had no difficulty in immediately enrolling in shelters.

1 But I would also say to you that I wonder if
2 that has been the case throughout this state. All
3 homeless individuals do not reside in Birmingham,
4 Alabama, which does have a shelter program and
5 systematic system that has received some national
6 recognition and compliments in the past.

7 And I do believe that if there are children
8 being denied access to public education that the
9 existence of a human relations commission would be the
10 place that such concerns would be raised.

11 The other issues relating to the homeless
12 community that most often are talked about are in the
13 area of housing and employment. It is for the reason of
14 potential discrimination that the word "day shelter" is
15 used by the -- "day center" is used by the PATH program
16 rather than the word "shelter". I cannot tell you how
17 many times in the last seven years I have personally had
18 telephone conversations from potential employers or
19 landlords in which the question would be, "What is this
20 place?" And never is the word "shelter" used, because
21 we know the immediate stigmatism that is assigned to
22 homeless individuals.

23 Although it has not been my personal experience
24 in gathering -- and in gathering the information, as I
25 have talked to some homeless women who are my friends --

1 I have not discovered it in the last week. I did
2 inquire of another shelter who stated that there is no
3 question among their entire staff that homeless men have
4 informed them regularly that when they give the address
5 of a shelter during a job interview, the interview will
6 end immediately.

7 I can tell you personally that I have talked to
8 many women who have visited government and social
9 service agencies in our community who report to me and
10 to the other staff members that when they identify
11 themselves as homeless, their treatment is immediately
12 affected.

13 Racism discrimination in justice is often
14 difficult to identify, but I understand from those who
15 have experienced it, it is not difficult to know when
16 you are experiencing it.

17 I personally believe that violation of civil
18 rights and discrimination may be more traumatic when it
19 is being experienced and being expressed and
20 communicated by someone that that homeless individual or
21 disadvantaged and poor person knows is drawing a salary
22 is supposed to help them. That occurs in food stamp
23 offices, welfare offices, social service agencies which
24 function with major government funding.

25 Alabama and local communities need a place in

1 an agency that individuals can turn to. Until my
2 involvement in the recently established anti-hate
3 coalition, which Rodney Max can give you much more
4 information about than I could speak to this morning, I
5 can assure you that individuals in this community were
6 not aware of your existence. And there is a need for
7 your existence to be known, but more importantly there
8 is the need for the establishment of a civil rights,
9 human relations commission that could act in ways that
10 you may be limited.

11 As one who works with the homeless in our
12 community, I am keenly aware that individual civil
13 rights are denied and that discrimination is practiced,
14 and I am keenly aware that the vast majority are not
15 aware of any recourse that they have or that there might
16 be someplace they could ask the state about.

17 I also am aware in the homeless community that
18 shelter staff members operate in very limited budgets,
19 do not have people to do research, do not have people to
20 make referrals except to get food and clothing and
21 shelter, and that they are not aware of how to advise
22 clients to act. And I think that is another reason for
23 the Alabama human relations commission -- another reason
24 to establish one.

25 I am aware that individuals have two places

1 that the federal government provides that they can go in
2 the areas of employment and housing, the EEOC and the
3 HUD regional office.

4 I am also aware that Alabama has a fair housing
5 law. But let me tell you that I do not believe that
6 poor homeless individuals are aware of the EEOC office
7 or the HUD regional office, which is located not on a
8 bus line any longer, and that the Alabama fair housing
9 law means nothing to them.

10 This state needs to establish a human relations
11 commission primarily for the reason that it will enable
12 a local commission to be established, which is what I
13 believe that we need.

14 Although I support all federal and state
15 legislation which will address civil rights and
16 discrimination, I truly believe that those issues are
17 best addressed at the local level. And I know that
18 homeless individuals who are already ashamed of their
19 situation and obviously may lack the ability to pursue a
20 claim in a regional office of the federal government,
21 may be willing to walk through a claimant's process in
22 their local community, particularly if they are joined
23 with shelter staff members and volunteers whom they
24 trust.

25 Your proposed act contains both references to

1 housing and employment discrimination. And I want to
2 move and make a few brief comments on your proposed act,
3 but let me say that these are the result of a quick
4 skimming rather than a careful reading.

5 My first concern about the act is that it
6 refers to the state agency's ability to investigate and
7 process claims and in my reading of the Nebraska and
8 Missouri quick skimming of those provided by Mr.
9 Jenkins, I think we got a serious problem of financial
10 limitations.

11 It is clear that in order for a state human
12 relations commission to function and to function as an
13 investigatory and claimant assistance, there has got to
14 be adequate funding. I truly do not believe that
15 adequate funding will be awarded for a state human
16 relations commission, and I would assume that most of
17 you sitting there are right now feeling the same way
18 that I am in response to the recent tax and educational
19 award that was proposed.

20 I think that you need to be aware that
21 lobbyists stopped our recent reform and that if a human
22 relations commission is going to function against
23 employers and landowners and property owners that there
24 are lobbyists down there that are going to not allow it
25 to go through.

1 Nevertheless, I am extremely supportive of the
2 establishment of a state human relations commission.

3 My second concern of the act seems to be that
4 there is not enough reference and connection to what
5 exists in the EEOC office and HUD and our own fair
6 housing law. And I would suggest to you that one of the
7 roles of a state commission might be to assure that
8 those already charged with addressing discrimination and
9 housing and employment do so and are given additional
10 funds, if that's their problem, given education funds if
11 that's their problem, or that the commission might take
12 on the task of educating properly how to go through
13 those existing offices.

14 As the Alabama Fair Housing Act -- my trusted
15 resources -- and I feel sure in making the quotes of
16 this -- tell me, and these are people that have worked
17 in housing for most of their life -- that our current
18 law has too many exemptions, that is generally weak
19 legislation, that the enforcement powers are weak and
20 that a primary concern is that the state agency, ADECA
21 is the one that is to carry that out. My personal
22 experience is that it has been placed in the wrong
23 office.

24 Finally, I want to say that your act as it is
25 proposed contains -- or the state act -- no, it's your

1 act -- contains no references to public accommodations,
2 and that since 1986 that has been one area that I have
3 had more information given to me by homeless individuals
4 in which they have been discriminated against, primarily
5 restaurants, eating establishments, fast food places, in
6 the downtown area, that homeless individuals known as
7 such, although they may have the money to purchase food,
8 are requested regularly to leave and are hustled out
9 after they finish that cup of coffee.

10 I don't believe that a state act should be as
11 rigorous and tight as the federal legislation of Title
12 7. I would hope that you would seek ways to relate to
13 employment practices of companies that have few
14 employees than 15. That's based on the experience of
15 many of the homeless women that I know oftentimes get
16 hired by small -- much smaller operations than 15. I
17 believe that we're a rural state and I think by your
18 limiting employment addresses of 15 and above, you'll be
19 making a mistake.

20 Finally, I don't think that the act as proposed
21 has enough information on community relations in
22 education, and I think that's very, very significant,
23 and a role that an Alabama state human relations
24 commission could make major contributions.

25 If we had a state commission and if we had a

1 local entity, there would have been someplace that
2 citizens could have gone when we were tragically
3 informed of the death of Vennie Rembert two and a half
4 months ago. State and local commissioners and
5 commissions should not only be where citizens can go to
6 request assistance, but they should have a commitment to
7 educate the public and to be available to assist, for
8 example, in anti-hate legislation, which obviously the
9 Birmingham community needs and I believe would certainly
10 be beneficial for the state.

11 Finally, although not many of you know me well
12 but a few do, I will say that those that know me well
13 might anticipate that my final comment on your proposed
14 act does not adequately address the issue of women in my
15 mind. And I do not believe in the 1990's that a human
16 relations act can exist without your addressing the
17 issue of sexual harassment and severe penalties related
18 to that.

19 Now, in summary let me say that even with the
20 concerns that I have with the proposed act, I am very
21 supportive of the establishment of a state commission,
22 first because of the significance of a symbol. I
23 believe symbols are good and important and I think that
24 that would serve as a symbol to say that justice and
25 fairness are our goals and that we are doing what is

1 necessary to accomplish those goals.

2 Second, I think that a state commission -- this
3 act will enable local commissions to be established, of
4 which I am extremely committed to regional federal
5 offices in the state legislature are not the best ways
6 to monitor what is going on locally. I do believe that
7 monitoring will best be done by a local commission.

8 Unfortunately, I think that many individuals
9 have given up on the federal government. I know that
10 since the end of the legislature there are many that are
11 flocking around that are seriously saying they've given
12 up on the state.

13 I am committed to federal and state
14 government's role in civil rights violation and
15 discrimination and my hope is that one day people can go
16 back and view those entities as I did as I was forming
17 my views on civil rights in the 50's and the 60's, which
18 because of some of all of our experiences age-wise, I
19 think we may have benefitted. I want that trust and
20 faith rekindled.

21 But I think it is important that we admit the
22 reality of where we are today. No longer do many
23 individuals look to the federal government to solve
24 their problems or to respond to civil rights violations.
25 I think that there is still some trust in local entities

1 and I think that if local commissions are established
2 and that the state and local commissions take seriously
3 educating what their purpose is, that individuals who
4 are experiencing discrimination and violation of civil
5 rights will benefit.

6 Thank you.

7 MR. MAX: Elise, thank you very much. Your
8 comments are very instructive. Freddi?

9 MS. ARONOV-HEILPERN: Elise, have you any way
10 of knowing whether these violations of civil rights in
11 the areas of housing and employment that you described
12 are going on in Birmingham, have you any way of knowing
13 how that is going in other parts of the state?

14 MS. PENFIELD: We've been trying to form a
15 state coalition for the homeless and we just don't have
16 that documentation. I think that that ADECA may have
17 some information on statistics and I mean we're having
18 trouble even counting the homeless. But so is the
19 census staff. They said that we had half as many
20 homeless individuals as I served in one year, so I
21 really don't --

22 MS. ARONOV-HEILPERN: But in terms of the
23 incidences of people being turned out of restaurants and
24 their interviews coming to a stop, are those numbers
25 being tracked in any way?

1 MS. PENFIELD: No. I think that if there was a
2 local or a state entity that put together and requested
3 in a formal way that that might occur. The reality is
4 that the homeless is a new phenomenon and most of those
5 agencies serving the homeless are extremely -- probably
6 the one that I'm associated with is the most -- is the
7 best -- our being able to provide some documentation.

8 MS. ARONOV-HEILPERN: The other question was,
9 you emphasized your feeling that you'd like to see the
10 work done locally. How do you foresee that each town
11 would actually within the purview of a human relations
12 commission mandated by the state would then --

13 MS. PENFIELD: Did your act mandate the local
14 commission or approve?

15 MR. JENKINS: Permission.

16 MS. PENFIELD: Permission. I think for a local
17 commission to be effective it is going to have to come
18 from the local communities, the grass root commitment.
19 I look around here and see some Birmingham folks and
20 think, you know, we've got an advantage in establishing
21 one. I would be concerned for rural Alabama, although I
22 think agencies such as Jane and the American Indians, if
23 the state wanted -- we'd certainly know how to access
24 that and probably make it more effective.

25 As I understand in housing discrimination,

1 there's no way to identify when a renter, a landlord, a
2 home seller, just either puts a price on there, says I
3 rented it an hour earlier. And that occurs regularly.
4 And there are many, I think, nonprofits in the city that
5 could probably document that if there was a place to
6 take it that would do something.

7 MS. ARONOV-HEILPERN: So your vision is that
8 within the human relations commission that if we could
9 get this passed in the legislature, that there would be
10 offices in as many towns as possible?

11 MS. PENFIELD: As many towns and communities as
12 felt the need. I really am, you know, a self-
13 development nut.

14 MR. MAX: Thank you, Freddi. Any other
15 questions?

16 MR. MUNCHUS: One thing. I'm sure you've heard
17 of the fair employment center or fair housing center
18 that is now established. Emily Eberhardt was here
19 yesterday and talked about that, and they completed a
20 research study where they did document discrimination
21 against people of color in seeking housing. So I'm sure
22 that if you were to network with her --

23 MS. PENFIELD: I've networked with her.

24 MR. MUNCHUS: I'm sure if this happens to the
25 homeless people, more so probably than known.

1 MS. PENFIELD: The reality is that most of the
2 homeless women and children who are served by shelter
3 programs for women are making referrals to housing
4 authorities, which probably would have less
5 discrimination than the private market. Yes, ma'am?

6 MS. WELLS: Those constructive points to
7 include in our existing draft, are you going to leave
8 them with us?

9 MS. PENFIELD: I don't have an extremely clean
10 copy but I would be glad to get one and --

11 MR. MAX: We've got them. The record here now
12 has them and they'll be available to us.

13 MS. PENFIELD: I will leave my rough draft.

14 MR. MAX: Any other questions?

15 MS. PENFIELD: It's not that rough. It's typed
16 in double spaced.

17 MR. MAX: Let me ask you this. At this time
18 whenever you have an issue that you need some assistance
19 from some governmental agency, do you just have to go
20 one on one yourself to representatives? You don't have
21 a networking -- I understand there's no networking of
22 homeless communities -- around Alabama, but you don't
23 really have any one entity at the state level or the
24 local level?

25 MS. PENFIELD: There's not an entity to go to

1 state-wide. There really isn't. You know, because
2 Birmingham is the largest urban city -- there's a very
3 good shelter coalition in this community in which we do
4 raise issues that occur periodically. And our
5 experience has been fairly successful. I know that a
6 couple of years ago there was some real harassment of
7 women at the bus station and another fast foods place,
8 and we as a staff just went down and talked and said
9 what's the problem, you know, these folks got a dollar,
10 why can't they buy a cup of coffee? But it's simply
11 dependent on whose working the shift.

12 MR. MUNCHUS: So in other words, you believe in
13 direct action?

14 MS. ARONOV-HEILPERN: I was going to say
15 without anything else or any other assistance, that's
16 what you're left with.

17 MR. MAX: Thank you very much. We really
18 appreciate it. At this time I think we have with us Dr.
19 Julius Brown. Is that right? Dr. Brown, thank you for
20 joining us today. Dr. Brown is the president of Wallace
21 Community College in Selma, and Melvin, if I'm correct,
22 isn't that where we had our meetings in Selma last year?

23 MR. JENKINS: That's right.

24 MR. MAX: We appreciate you accommodating us at
25 that time and we look forward to your comments today.

1 DR. BROWN: Let me say that I am fighting a
2 summer cold and I will try not to project that to any of
3 the members of the advisory committee of the state nor
4 to the U. S. Commission staff. Let me also say that
5 just in the short time that I've been here, hearing two
6 speakers, my sense or understanding of human relations
7 problems in the state have been enhanced, and I commend
8 the advisory committee for holding these hearings for
9 perhaps providing a focus for all of these concerns to
10 be placed in perspective.

11 I also want to say that I've been back in the
12 state just three years. I am located in Selma. I was
13 not on the bridge nor did I dig the Alabama River, as
14 some of my colleagues claim in Selma.

15 But having said that, I think there are at
16 least six reasons why I wanted to come and speak on
17 behalf of the development of a human relations
18 commission in the state. And let me preface this by
19 saying in the three years that I've been back in the
20 state working as a community college president, I've
21 been probably to every corner of the state.

22 What impresses me most is that there are many
23 very fine positive relationships between people of color
24 and white people. It always amazes me that you can go
25 to a little town and you can go to rural communities and

1 people of color and whites tend to live in close
2 proximity. That is very different from the experience
3 I've had living in the north and in the east. And in
4 some ways it's my feeling that this community, this
5 state, can move forward very rapidly because there isn't
6 that distance that you normally find in other parts of
7 the country.

8 With that said, let me express those six points
9 as quickly as I can. I think there is a great need for
10 a deliberate, conscious and systematic way of handling
11 human relation problems within the state. Up to this
12 date I think we've muddled through, we have depended on
13 happenstance and when you do that, you really can't
14 predict the outcome of attempting to resolve the
15 problem. We do need a systematic way of providing input
16 and organizing solutions to human relation problems, and
17 I think the human relations commission can set that kind
18 of standard and develop that kind of problem solving
19 solution.

20 There is a need for an agency that is pro-
21 active and positive as it relates to good human
22 relations in the state. And I think that Dr. Martin
23 Luther King said it best when he said, "Time is
24 neutral." Nothing or very few things are solved just by
25 time itself. Unless we can be pro-active and positive

1 and a state say that good human relations are important
2 and fulfill our highest ideals and goals in terms of
3 humanitarian relationship, then we leave a vacuum for
4 others to define humanitarian or human relations in this
5 state. And I don't think we can afford to do that.

6 Again, I feel that we cannot be neutral. We
7 cannot let human relations solve themselves. There's a
8 great tendency for those relations to go sour and be
9 negative. So I think an agency which is active and
10 positive and says to our citizens that we can live
11 together positively and we can grow and develop as a
12 united people, respecting the rights and the individual
13 differences that exist, but yet we're all Alabamians,
14 we're all Americans, and we have certain basic rights
15 and the ability to live together, is one of those things
16 that's important in the state.

17 I think the establishment of a human relations
18 commission would send two messages, one within the state
19 and one to the outside. The inside message is that you
20 don't have to leave Alabama to live a good and
21 productive life, that you will have a chance to develop
22 your skills and abilities, that you will have a chance
23 to live in peace and have the quality of life that some
24 right now seek in other parts of the country. We need
25 to send a message to our own citizens saying that.

1 The outside message is that Alabama is a place
2 or should be or can become a place of fairness, a place
3 where corporations, business and organizations can come
4 to us and not only experience the growth of their
5 companies and organizations but can take advantage of
6 the many resources and opportunities that exist in
7 Alabama. That's very important for all of our citizens,
8 and I would say to you that most people tend to think of
9 the Chamber of Commerce or other types of organizations
10 who would have those kind of concerns.

11 But as an African American and as a citizen of
12 Alabama, I'm very concerned that we have a great and
13 positive business climate because that way my son and
14 daughter can get a job. That way the youngster who was
15 in difficulty can get a job. That way young people will
16 feel that they have a future. It's so important as an
17 educator to have young people feel that they can make
18 it, that they can achieve. That's the way we get them
19 to go to school and that's the way we get them to do
20 homework and et cetera, et cetera, et cetera.

21 So that message to the outside is extremely
22 important, just as important as the message to the
23 inside. And the human relations commission can send
24 that message.

25 Four, in spite of Alabama's spotty record on

1 race relations, there exists in this state many fine and
2 genuine positive relations between blacks and whites,
3 and I indicate blacks and whites because those are the
4 major categories.

5 And again, as I travel around the state, and as
6 I talk to Alabamians, it is always amazing to me how
7 families of different races have known each other, have
8 worked together, who have supported each other. We tend
9 to hear the negatives and the positives are not often
10 shared.

11 I have relatives who have gone on to school and
12 sometimes we would ask, well, how did that happen 30
13 years ago, 40 years ago, when things were so bad? Well,
14 it happened because there was a family who happened to
15 have been white had more resources, gave some assistance
16 to a black family, and wanted that family to do well.

17 We have a lot of that happening and it doesn't
18 make the newspapers. But we have a basis for good
19 relations. We're not all negative. That's what I found
20 as I've gone around the state.

21 Five, the proposed commission would help the
22 state to better focus on its most valuable resource, its
23 people.

24 As an educator I've seen so many of our
25 brightest and most educated citizens and students leave

1 for greener pastures and for more friendly environments.
2 We are losing a major resource.

3 When youngsters feel that life can be better
4 and they can achieve better somewhere else, we lose a
5 tremendous resource. We lose some of that ability to
6 solve our problems. We lose some of that ability to
7 make us the kind of state we want to be.

8 One of the most painful things for me in coming
9 to Alabama is to have two young adults who fortunately
10 are college educated but they basically are going to
11 have to find jobs and pursue their careers in other
12 parts of the country. And that's very painful to me as
13 a parent.

14 Increasingly the race relation aspect of it is
15 not as difficult but we still have the problem with this
16 not being a state where new industry, new jobs, new
17 opportunities are being developed. A lot of it goes
18 back to race relations but we also are in a position
19 where we lose our best assets because of lack of
20 opportunity.

21 Six, by taking forward looking measures such as
22 establishing a human relations commission, Alabama can
23 become a leader in human relations and enhance the
24 quality of life for all of its citizens. We can begin
25 to reverse the trend to see Alabama as a problem state,

1 but rather see it as a place which is truly, truly open
2 for business and human development.

3 Those are just my comments. I want to say that
4 I'm really privileged to be able to come and speak on
5 behalf of a human relations commission. I again commend
6 all of you who work in Alabama for positive human
7 relations and if I can answer any questions or respond
8 to any comments, I'd be glad to do that.

9 MR. MAX: Dr. Brown, we very much appreciate
10 your comments. Anne, do you have some questions?

11 MS. SHUMAKER: Yes, if you don't mind. I again
12 say thank you for coming. We appreciate your support on
13 the establishment of an HRC, and I'm very glad to note
14 your optimism. It's good to hear that. We don't always
15 hear that so much, particularly in terms of the
16 possibility of progress in human rights. I'm glad to
17 see some light at the end of the tunnel in the views of
18 a lot of people.

19 Do you think that Selma with the recent
20 problems that have been investigated there could have
21 benefitted from an HRC if one had been in place?

22 DR. BROWN: Yeah. No question about it. And
23 I'd like to support the previous speaker who talked
24 about local human relation organizations. My
25 impression, having lived through that situation, is that

1 a human relations committee, council, whatever the local
2 term would be, would have been very helpful because it
3 would have constituted a third party where mediation,
4 discussion, and the solving of some of those problems
5 could have occurred.

6 Having worked on a number of committees to try
7 to solve the problems in Selma, at some points it just
8 simply got to ego, I will not change my position. There
9 had to be an awful lot of pressure to bring about change
10 in very hard taken positions.

11 I think a human relations commission could
12 provide a third party, a kind of neutral ground where
13 discussion can occur, and even more importantly, where
14 communication can be maintained, because I think many of
15 the problems grew out of the lack of communication.
16 Some things have happened in Selma which will help in
17 the future, but I think as that problem emerged there
18 was no communication vehicle. There was no advocate for
19 good relations in that community, and I think that hurt
20 Selma.

21 MS. SHUMAKER: On that line, perhaps a little
22 deviation from our topic here today, for my own benefit,
23 how do you think the situation in Selma a couple of
24 years ago has affected your specific community college?

25 DR. BROWN: Well, I don't think it's had much

1 of an effect for the following reasons. The senior
2 staff of the college and myself, we talked about the
3 situation as it emerged, and we were determined that
4 Community College would be an open, fair, positive place
5 in terms of race relations in Selma. And with that
6 commitment we feel that that actually happened.

7 We have grown by about 500 students over the
8 last three years. We have gotten fairly substantial
9 gifts from the community. We had a foundation of about
10 \$500 and we now have about \$130,000. So in many ways
11 our activities were not hurt. But it was because we
12 took a fairly positive pro-active position that our
13 institution would be one of fairness, and we receive
14 students from the public schools, the private schools
15 and in Selma they're all white, but as students come to
16 us they're first and foremost a student and we want them
17 to succeed, and hopefully that is a good formula.

18 MS. SHUMAKER: Again for my own benefit, how
19 was your cooperative situation with Judson College in
20 Marion going or is that still underway?

21 DR. BROWN: Yeah. We established an
22 articulation agreement with Judson about a year ago. A
23 fine institution. Some people in the community said how
24 can you establish an articulation agreement with a
25 women's college, doesn't that discrimination against

1 men? And my response was that over 55 percent of my
2 students are women and I think I have to do something
3 for my women students, and other colleges will receive
4 men.

5 So it's worked well. They are -- you probably
6 know they're in a fund-raising campaign and it's a
7 positive relationship.

8 MS. SHUMAKER: I'm glad to hear that. Again,
9 thank you for your positive statements and thanks for
10 looking on the bright side.

11 DR. BROWN: Well, let me say this. Unless we
12 have a vision for Alabama, unless we can look into the
13 eyes of our young people and say that somehow it's going
14 to be better and we work toward it, I guess we should
15 just close shop. And as an educator we just have to
16 have that kind of vision for them. And it pays. It
17 does pay. We're very proud that three of our students
18 in our technical program won at the state competition.
19 They're going on to national competition in Louisville,
20 Kentucky, and that's the first time that's happened in
21 the State of Alabama for the VICA competition. So we
22 keep dreaming and hoping and sometimes it happens.

23 MR. MAX: George?

24 MR. MUNCHUS: Well, Dr. Brown, I appreciate
25 your coming here. I think it's great, particularly

1 given the history of college presidents in this state.
2 A very few have been strong advocates of human rights.
3 In fact, many of them violate human rights on their
4 campuses daily.

5 One thing I wanted to ask you, what role do you
6 see, if any, the education community, the two-year
7 colleges and the four-year colleges playing in this,
8 because universities tend to do little or nothing in
9 this area, and I think your college has come out front,
10 at least you're here -- I'm sure the others support it
11 but do you see a role for the universities, two-year or
12 four-year, in anything with human relations outside of
13 the classroom?

14 DR. BROWN: Well, I would certainly think so
15 because the two-year system exists in 32 locations
16 throughout the state. So I think they're critical
17 institutions. I think most are involved in economic
18 development, most are involved in community affairs. I
19 think wise college administration will be active and
20 supportive because in almost every case there is some
21 diversity on their campus, so the university or the
22 college cannot close its door and be oblivious to what
23 happens in the community. And I think it's important
24 for college presidents, college personnel to be involved
25 in a positive supportive way in all aspects of the

1 community. We certainly do that in Selma.

2 MR. MUNCHUS: I commend you.

3 MR. MAX: Very good. Any other questions?

4 MR. MORTHLAND: I'd like to say many things
5 about Dr. Brown, but the discussion this morning has
6 been on racial issues. I'd like to say that in the
7 community college field he is a true educator and is not
8 a political appointee, which is in my inexperience in it
9 but some observation from the time they were
10 established, many of the presidents of these
11 institutions were selected on bases other than their
12 educational background. He and I spent a very, very
13 interesting hour out in the parking lot one time when he
14 was looking for something and I had been working on the
15 weekend and ran out and we started to compare notes.
16 And he's done a great deal in the college and Wallace
17 Community College is truly a collegiate institution. It
18 is not a parking place for people who want to spend
19 another two years in something and stay at home before
20 they have to go to work.

21 MR. MAX: Very good.

22 DR. BROWN: Thank you.

23 MR. MAX: Charlena, did you have any questions?

24 MS. BRAY: Yes. We've heard some comments that
25 -- well, first, knowing that with the formation of a

1 human relations commission -- I mean there's money, it's
2 going to cost money to do it. And we've had comments
3 that certainly in this state education is very, very
4 important and what we need is money for education and
5 that should come first and maybe if that's done, then we
6 can think about a human relations commission or
7 something along that line. How do we respond to that?

8 DR. BROWN: All right. I think the need for
9 additional funds at the elementary and secondary level
10 is very real. I also feel that even as an educator I
11 have to recognize that there are some problems over and
12 above education. For example, if children are not
13 nourished or fed, it's going to be very difficult for
14 educators to teach. If students have significant
15 medical problems, it's going to be very difficult for
16 educators to teach.

17 They're interrelated. If you have a community
18 which is divided, an adversarial, the quality of your
19 education is probably going to be less than in that
20 community where people are working together, where they
21 take pride in their school, where they want it to be
22 successful.

23 And let me give just another quick example. I
24 have seen two Boy Scout troops in the Selma area, one
25 where parents are not involved and don't take interest

1 and very few things happen. I saw a corresponding troop
2 where the parents got involved, they did all kinds of
3 things, they had all kinds of resources. But it wasn't
4 because of the Boy Scout organization giving one more
5 than the other. It was because of the parental
6 participation, the feeling by the people in the second
7 troop that it was worthwhile, and they made
8 contributions. They made it important.

9 Now, the reason I think human relations is so
10 important is that with that kind of unity and common
11 goal, I think you will see more school millages passed.
12 I think it will have a direct impact on local education.
13 I think you will see more people feeling that schooling
14 is important as a state resource.

15 So certainly education needs to be funded at a
16 higher level but people getting along with people I
17 think is just as important, and I suspect that the
18 funding for human relations will not be significant when
19 you compare it to the funding for education.

20 MR. MAX: Freddi or Mike, any other questions?
21 I have one question. Dr. Brown, you work with students
22 every day and in your community college I realize
23 there's various associations. Is there any entity, any
24 association where by students at the college level have
25 an opportunity of communicating, dialogueing? Now, I

1 realize within a school system there's a student
2 government association. An example, right now at the
3 high school level we have an Any Town going on we've
4 been told of where blacks and whites and Christians and
5 Jews get together for a week's period of time. Now,
6 that's a camp. But is there at the higher education
7 level a means for blacks and whites and Christians and
8 Jews to get together state-wide?

9 DR. BROWN: Yeah. There are a number of
10 organizations which are related to education and career
11 development. For instance, VICA is Vocational
12 Industrial Clubs of America. What it does is celebrate
13 success and achievement in those technical fields. And
14 they will have state competition, national competition.
15 They will have meetings and so on. And what we do at
16 the college is try to get all of our students who are in
17 a particular field involved with the organization, and
18 thereby you create not only career awareness but some
19 human relations experience.

20 We have Phi Beta Kapa which is the honor
21 society, and our institution happens to be 65 percent
22 white, but the young lady who is the head of Phi Beta
23 Kapa this coming year happens to be black. She is an
24 outstanding student. She had the interest and we
25 attempt to create those kind of opportunities, so that

1 not expanded that to the community college. My own
2 feeling is that you can achieve a lot of that through
3 your existing organizations if you work to make sure
4 that everybody feels welcome and can be a part of it.

5 MR. MORTHLAND: One last question. In your
6 curriculum itself is there a human relations course?

7 DR. BROWN: We at the present time do not have
8 a human relations course. However, if you had a human
9 relations commission and developed a curriculum or a
10 course, we would certainly consider it.

11 MR. MAX: Thank you very much.

12 MR. MORTHLAND: One more question before we
13 leave that. I'm not aware of the need for a special
14 organization at the school because it's my observation,
15 and I don't get out there as often as I'd like, but it's
16 my observation that this is practiced throughout your
17 entire curriculum all day long. When I'm out there I
18 see whites and blacks getting along very well, and I
19 don't get the repercussions or the rumors of your --
20 we've heard some of them --

21 DR. BROWN: Let me respond to that. I spoke a
22 little bit about it before. If you remember that I work
23 at a college called Wallace Community College in Selma,
24 Alabama, and I happen to be an Afro American, we have to
25 work diligently to make sure that people are included,

1 youngsters of various faith and races have an
2 opportunity to grow together. That's another part of
3 what's important about their education. And that really
4 isn't written on the board but it's embedded in the
5 organizations and student development, which helps them
6 to not only learn their skill but be able to work with a
7 variety of people.

8 One of the things that we get back from
9 employers often is that a person cannot get along. They
10 have the technical skill but they can't get along with
11 other people.

12 MR. MAX: Let me ask you -- and that sounds
13 like a great program. The primary purpose of that
14 program is vocational orientation. Is there an
15 association or organization that's put together among
16 students for purposes of human relations or promoting
17 human relations or race relations?

18 DR. BROWN: We don't have one exclusively for
19 that purpose at the college, and I'd probably have some
20 difficulty with that at the college. I will say that in
21 Selma there is an organization called One Selma Youth
22 and it's an outgrowth of the adult One Selma.

23 MR. MAX: Is that the high school level or --

24 DR. BROWN: That's the high school level and we
25 provide facilities for them to meet and so on. We have

1 and we don't have anything that's all black or all
2 white. We just agree among ourselves and set that as an
3 institutional goal that we never have anything that's
4 totally one race or the other, because that tends to
5 feed into exclusiveness and so on.

6 Now, we're having some difficulty with
7 basketball but we keep trying.

8 MS. WELLS: I just wanted to comment, it's just
9 been my observation over a number of years that when the
10 ratio between say black and white, if it's a small
11 percentage of whites and a larger percentage of blacks,
12 there usually -- there are few problems and vice versa.
13 But when the percentage increases, almost 50-50 or like
14 you said, 35-65, it appears that there is more -- there
15 are more problems, more competition for the same kinds
16 of things and that sort of thing. I don't want to be
17 negative but that is something that appears to be the
18 problem, when the percentages are almost equal or
19 nearing that.

20 DR. BROWN: Well, as an administrator I think
21 the philosophy of your administration is extremely
22 important and if I were at a school where it was let's
23 say 90 percent African American and ten percent white, I
24 would have an obligation to serve that majority well but
25 also make sure that my ten percent white students have a

1 fair and a decent opportunity that they can exist in
2 peace and they be included.

3 MS. WELLS: And that's what is usually found,
4 exactly that. And vice versa.

5 DR. BROWN: So again, I think the
6 administration sets the tone. And I don't think it has
7 much to do with buildings or even the amount of
8 resources, it's how the administration sets the tone and
9 go from there.

10 MR. MAX: Thanks very much. We really
11 appreciate it.

12 Before we take our break, Ms. Weeks, did you
13 have an additional comment to make?

14 MS. WEEKS: Yes.

15 MR. MAX: We wanted to give you that
16 opportunity.

17 MS. WEEKS: I want to mention one thing to you
18 all. When you cut short testimony, you leave out
19 something important and I want to make one comment.

20 MR. MAX: Go right ahead.

21 MS. WEEKS: We almost got to it and then we
22 digressed and I'm sorry. There was included in your
23 mail-out packet a bill that was passed this past
24 legislative session about the status of minorities about
25 Indians and the scheme of minority status in the State

1 of Alabama, and I wanted to tell you that I have two
2 concerns.

3 One is that in your draft legislation if you
4 use the word "minority", please Lord, define it. Let me
5 tell you what has happened and why that bill was
6 necessary that it be passed, because I am sure that you
7 are all innately curious about it.

8 MR. MAX: Yes.

9 MS. WEEKS: In Alabama, because of the lawsuits
10 in the past that were to remedy situations that were
11 brought to the floor by the black community -- we are
12 very beholdng to black people for sensitizing this area
13 for the need for this kind of legislation. But when
14 those suits were brought, the court remedies that were
15 issued were issued for black only remedies, which has
16 caused the following to occur:

17 In the State of Alabama's hiring practices when
18 the lawsuits were brought and the remedy was sought for
19 state hiring practices, it is true now that blacks get
20 preferential treatment, not minorities. It doesn't do
21 anybody any good to put American Indian, although it is
22 clearly shown on a state hiring employment application.
23 It is also true and it may have been remedied -- I have
24 not checked it this year -- because they promised me
25 they would do it -- they used to only count in the

1 secretary of state's office -- you remember I testified
2 to that once before this body -- that the only people of
3 color they tracked on the voter registrations in Alabama
4 because again of court orders that they kept them -- and
5 they only counted black citizens to see how many people
6 of color were registered. All others were presumed
7 white.

8 Okay. I once sat in a courtroom in Montgomery,
9 Alabama, three years ago and saw a federal judge lean
10 across a table because Indians had co-joined in a black
11 lawsuit about a school board problem and he said, "Where
12 have you Indians been?" And the chairman -- the Choctaw
13 chairman said, "Sir, we've always been there, we've
14 always lived there." I mean, you know, he didn't know
15 why this man didn't know, you know. I mean, it was
16 really strange.

17 But the other thing is that we find -- let me
18 just tell you one other thing that has started.
19 Recently I get complaints now from -- and if we had such
20 a commission as you are addressing, even unto the local
21 extensions we would have this remedy -- I get -- there
22 is a thing around called majority to minority transfer,
23 and it has to do with schools. And it means that in a
24 significantly majority, say an all white school, if a
25 child of color wished to transfer, she would be allowed

1 to transfer into the white system.

2 What happens then is that when an Indian
3 transfers, what we have found out is, that the schools
4 have taken this because even though it calls it a
5 minority transfer right, it is implemented black only.

6 See, to me that's wrongful even for black
7 people. I mean, that makes you all that tries, you
8 know, make you all seem like you're going for something
9 that you're not. I mean, you all just want the system
10 cleaned up, unless I'm badly misinformed. Okay.

11 So what I am saying is that what we had to do
12 was -- and I will tell you that the first bill we
13 drafted at the commission and the intertribal council
14 for this bill that you saw that has been passed and
15 signed into law, we were -- I don't want to use the word
16 threatened -- we were advised by the state personnel
17 director that if we put that bill in, they would fight
18 us, because it would disturb their already in-place
19 planning -- we're talking about quotas here, okay.
20 We're back to that again. And I understand -- but I did
21 want you to understand the necessity for that and that
22 in this time frame, you know, we've come a long way but
23 we haven't come as far as we need to be. And in order
24 to try to help our folks, we felt like this was an
25 appropriate remedy, and I asked for this extra time, and

1 I thank you.

2 I have another appointment and I was trying to
3 rearrange it when she came and got me, but I did that
4 want that entered into the record so that you would
5 understand about that and understand that there was a
6 significant need for that.

7 So my comment then further from that is on the
8 draft bill. If you use the word and verbiage
9 "minority", please Lord, please define it to include all
10 persons that need to be under that banner and do not
11 allow people to segment us further and punish us further
12 and penalize us further than what we've already been.

13 Thank you, ladies and gentlemen.

14 MR. MAX: Thank you very much for your
15 additional comments. All right, we're -- yes, Dr.
16 Brown?

17 DR. BROWN: It seems to be a morning for
18 additional comments but I think it will take me about 60
19 seconds.

20 I understand the necessity of a compliance
21 organization. What I would hope though is that as you
22 develop a human relations commission that you also
23 develop the advocacy part of human relations, and this
24 is the example I'd like to cite.

25 I believe there are many presidents -- I

1 believe there are many heads or superintendents who
2 would like to have some assistance in trying to deal
3 with human relations problems. Right now they don't
4 have anywhere to turn to.

5 I would hope the human relations commission
6 perhaps in a year could set up workshops or
7 opportunities to deal with typical problems at the
8 university setting and bring in presidents, bring in
9 university administrators so that there could be some
10 insight.

11 And it's like medicine, I think prevention is
12 much more important than cure. So as you think about
13 the human relations commission, I hope it will have that
14 kind of advocacy function also.

15 Thank you.

16 MR. MAX: Very good. Thank you for the
17 additional comments.

18 At this time we're going to take a quick break
19 and then we'll go into our second phase of the morning.

20 (Break.)

21 MR. MAX: Next is Mary Jones from the City of
22 Birmingham. Mary, we're glad to have you with us this
23 morning. I want to say this about Mary, I've been
24 working with Mary for the past six or seven years now.
25 She has made us very cognizant of the place of women in

1 our society. Just the nuances that we don't normally
2 think about, Mary makes you think about, and I
3 appreciate that, Mary, I really do.

4 MS. JONES: Thank you, Rod.

5 MR. MAX: Mary is here representing the City of
6 Birmingham, who happens to have a commission on the
7 status of women, and Mary heads that up and we look
8 forward to your comments this morning.

9 MS. SHUMAKER: And she has a beautiful
10 collection of buttons that I just had fun reading.

11 MR. MAX: Every time we see her -- she has new
12 buttons every day.

13 MS. JONES: But now you didn't tell them what
14 you guys did on was it last Saturday, of the men in
15 blue? Can you believe they stood there and looked at
16 all those women out there with blue uniforms on and said
17 we are so proud of the men in blue.

18 MS. SHUMAKER: So these men in blue --

19 MS. JONES: The police. Thank you very much
20 for inviting us and for convening this group and your
21 efforts to bring a human rights commission to the State
22 of Alabama.

23 America's future will depend in part on how
24 well we as a people seek ways to better understand,
25 communicate and respect each other's culture and

1 heritages. We have reached a point in history where we
2 cannot continue to deny the problems of racial hatred.

3 According to one writer, true harmony and peace
4 comes from clear, open, honest and shared
5 responsibilities. At no time in our history has there
6 been a more appropriate time than now to seek to
7 establish a human rights commission for this state.

8 In the wake of Los Angeles, thoughtful and
9 fair-minded Americans demonstrated a willingness to
10 revisit their whole concept of equal opportunity of fair
11 employment and promotion, color-blind justice, equal
12 access to resources and the whole kit and caboodle of
13 what it means to be an un-hyphenated American in this
14 land of the free and home of the brave.

15 As dark and tragic as Los Angeles was, it
16 carried with it the potential for this nation to achieve
17 what it has never been successful at doing, putting its
18 sorted past behind it and to bring its deeds into proper
19 conformity with its theories of fair play and equal
20 opportunity.

21 This awareness is lost evidence in Alabama,
22 perhaps even more so Alabama's painful history of race
23 relations.

24 The State of Alabama is yet burdened by a
25 disturbing history as a place where certain segments of

1 its population have never been heiress to the great
2 constitutional guarantees set forth over 200 years ago.
3 The image of the Scottsboro boy still lingers in the
4 minds and idle in the psyche of too many people
5 nationwide and here in our state.

6 The strutting and deviant utterance of George
7 Wallace nearly four decades ago are still a burden of
8 current Alabamians to shoulder.

9 Despite the success of Birmingham
10 demonstration, the Montgomery bus boycott, and the
11 voters' rights march from Selma to Montgomery, too many
12 Alabamians are still viewed as the last bastion of
13 racial insensitivity. The Shoal Creek controversy of a
14 few years back served to add to our reputation as an
15 unyielded people to the realities of our national
16 concept of one nation under God.

17 Fairness demands that I point out that our
18 state has made enormous strides towards meeting its
19 obligation under the Constitution of this land in the
20 area of equal opportunity and basic fairness. Much has
21 changed since the days when our state and its people
22 were painted with the broad brush as being backward,
23 ugly Americans.

24 While the City of Birmingham by any fair
25 measuring instrument would have to be a city that has

1 experienced some progressive growth, ironically much of
2 the negative finger pointing being done by those who
3 live outside of our state comes from sources that are in
4 many cases without themselves enjoying a silent, pure
5 reputation for having scaled the awesome mountain of
6 fair play.

7 Gender, race, religion, age and other forms of
8 discrimination are rampant in many of these rather self-
9 righteous places. Put another way, our critics
10 frequently live in glass houses. But this reality
11 cannot be a reason for us in Alabama to ignore our
12 responsibility for making progress in the realm of human
13 rights. We must now be affirmative. We must set about
14 the business of setting upright longstanding wrongs and
15 under achievements of the sort that an Alabama human
16 relations commission will systematically address for the
17 common good of all people.

18 After all, when equal opportunity is denied,
19 all Alabamians suffer. We don't enjoy the fruits of
20 human resources from all segments of this state's
21 population.

22 Such a condition dashes hope, breeds
23 discontent, dampens the human spirit and invites poverty
24 and reduced quality of life for all of us.

25 A human relations commission makes sense. The

1 time is now. I call upon the governor of this state,
2 legislators, various business interest groups, and the
3 people of Alabama to get behind this idea and propel it
4 to completion by adopting such a vehicle now. It would
5 not be very costly. It is the fair thing to do. Such
6 an agency, when established, would be a progressive step
7 for our people. It will express our collective intent
8 to come to terms with out past even if we take steps
9 that will ensure a more productive future for all
10 Alabamians. This commission's greatest asset would be
11 its attempt to bring to bear the common might of
12 goodwill on problems that have long held us back, that
13 have long startled our economy and made life unbearable
14 for a number of persons who call this special place in
15 our country home.

16 The basic tool of conciliation is a powerful
17 one. We are a religious people. Surely we can reason
18 together. A human relations commission will address
19 many of the historic problems that beset us all. We
20 care and we must bring ourselves to the point where we
21 are willing to do the right thing at the right time for
22 all of the right reasons. It is our responsibility to
23 seize this opportunity to do justice for our children
24 and their children. We must stand shoulder to shoulder
25 with each other. We must make the turn and face each

1 other and when we do, remember that we are heart to
2 heart and head to head. We can bring about the changes
3 that are needed to put in place a human relations
4 commission for the people of the State of Alabama.

5 And just to make some passing notes, in some of
6 my work I just recently had an opportunity to meet with
7 some people that I think we need -- or hope that this
8 commission would be able to help us to focus on when
9 there's money that come into this state, that we be
10 concerned and conscious about how it is distributed.

11 For example, just recently we got a grant -- a
12 large grant with some 50 jobs and people in our
13 community in the intercity are not a part of that, got
14 no jobs out of it, and I think we really got to
15 seriously look at that. We got to make people conscious
16 that when you go out and study people, they are fully
17 aware or educated enough at this point, if they do
18 nothing but read the paper or watch television, that
19 they know what's happening to them and that they expect
20 something -- some return on that. They expect something
21 out of that. They expect some input into that.

22 And it's just really got me at a point where --
23 and I've told the mayor about this and I hope he will do
24 something -- but you who are looking at this problem
25 hopefully will help those people who will be in the

1 position to do something about it and it's something --
2 I'm very concerned about it because when you study --
3 that is very serious.

4 MR. MUNCHUS: Can you give us specifics on the
5 incident? I know what you're talking about but I think
6 it's important for that to be on the record

7 MS. JONES: The State of Alabama through I
8 think the health department got a rotor grant on Healthy
9 Start Initiative. There are some \$5.5 million that come
10 into this state. I'm not sure how much Jefferson County
11 will get out of that, but we did get 50 jobs out of it
12 in addition to the funding.

13 There were a number of people at the meeting
14 yesterday from the various neighborhoods who were saying
15 that if we do nothing at this point but cut off where
16 that money is coming from, and I think that would be
17 even worse to have that happen, but that is the kind of
18 information that we got in the meeting yesterday.

19 When you look at violence and address it to the
20 intercity and not realizing that is a serious problem
21 for this community, for our people who have been without
22 jobs, have been -- see their uncles and aunts without
23 jobs, who have degrees of all kinds, many kinds, and
24 just address that to us, the black community. And then
25 we get into the meetings and some of that money's got to

1 go to other places. We need to know that. We need to
2 talk about this in the particular meetings when we are
3 making these decisions. We got to do that because not
4 to continue to separate us, even when you want to
5 address the hurt that comes to us, is indifferent in my
6 opinion.

7 MR. MAX: Mary, we appreciate your comments.
8 Let me ask you this, you have a unique position that we
9 haven't heard before by this panel. There's not one
10 state agency, not one county agency, not one city agency
11 that I know of other than the City of Birmingham that
12 has a commission on the status of women. Now, we're
13 talking about a human relations commission here, and
14 isn't it interesting that the City of Birmingham has
15 chosen as to one section -- that is women -- to
16 establish a commission so that the rights of gender are
17 -- Mary is a great spokesperson for that, but I guess,
18 Mary, let me ask you this. Do you find around the
19 state, is there any similar type agency in any other
20 city, local, county government to yours?

21 MS. JONES: No, there isn't, not to be funded.
22 There is a state commission which was set up back in the
23 Kennedy era in the 60's. As most of us know, some of
24 those state commissions, when the Reagan administration
25 came into office, were disbanded. Some of them have

1 gone back and done some fund raising and put themselves
2 back in position.

3 Here in Alabama we do have a state commission.
4 but it does not function as such as the Birmingham one.
5 It is funded in terms of I think office space and a
6 telephone. I don't know -- and we have attempted to do
7 some work with them, but it's hard to get people whose
8 ideology is different in terms of how you look at issues
9 that affect women in their families. And the women are
10 stationed in terms of say cities like Gadsden across the
11 state, and when they get together -- so they have to
12 come to Montgomery or one position.

13 At least here in Birmingham we as a group are
14 funded through the mayor's office to address those
15 issues and to try to bring about changes as they exist
16 and focus on them.

17 There is a women's commission in Tuscaloosa,
18 but they are not funded so thereby they have no monies
19 to do what it is that we have attempted to do. At
20 least, you know, the mayor puts so much money there and
21 yet if we go over that in terms of trying to do
22 programs, we can go back to him and say we need more
23 funds and he's been generous enough to do that.

24 MR. MAX: Freddi?

25 MS. ARONOV-HEILPERN: What is the name of the

1 state group that you referred to?

2 MS. JONES: It's the Alabama State Women's
3 Commission. You have to know that those positions are
4 appointed by the governor so when there was a change,
5 there was a change -- I mean, a change. The last annual
6 conference, the National Association of Commission Women
7 -- this year they will meet in Indiana -- there were two
8 people from that commission and I attempted again at
9 that time to say that when you do programs or if you do
10 programs, it is possible for us to not just lend
11 resources or in kind contributions, but we could do some
12 monies in terms of helping you with that. But that was
13 just to say okay, we will get in touch with you and
14 nothing from that point.

15 And I think the only thing that they do each
16 year is they do a public hearing where they invite women
17 to come in and testify and that's all I know. I don't
18 know if there's anything that ever come out of that
19 information.

20 MR. MAX: Any questions from the panel?

21 MR. MUNCHUS: I had one, Mary. From the
22 position of being a women and being both an African
23 American, does that cut twice as bad or twice as good?

24 MS. JONES: Even at City Hall it cuts twice.

25 MR. MUNCHUS: Because I wonder, when we set up

1 this commission, there's been some discussion of the use
2 of the word gender versus the word sex. Do you see
3 where either of the two would make any difference or is
4 there one that you think some women are more comfortable
5 with than others, since there certainly needs to be some
6 voice --

7 MS. JONES: I think that it depends on who it
8 is that's using the term and how it's used and some
9 people are more comfortable with one or the other. I
10 don't get so wrapped up in the terminology as I would in
11 terms of getting the work done. I do, as Rodney said,
12 when blatantly or unconsciously the term is being used,
13 and I've had people to say to me that I maybe shouldn't
14 be so assertive or intent on that. But I think that is
15 part of my job to do that, to remind persons when those
16 kinds of things are incorrectly done.

17 MR. MAX: Very good. Mary, thank you very much
18 for taking the time to join us. We now have with us
19 Reverend Abraham Woods. I'd like to invite him to
20 approach the podium and I want to say this as he -- I'm
21 sorry, Charlena?

22 MS. BRAY: I'm sorry, George Perdue was here.
23 Did you --

24 MR. MAX: Yes, I did. As a matter of fact, let
25 me just give you the agenda. I will be Reverend Woods,

1 Representative Perdue, then Leslie Proll. The
2 governor's office has also been invited as the last
3 position but -- and if they appear, then we'll hear from
4 them. And Robert Avery has mentioned that he'd like to
5 -- and we have opened up the agenda for him, as well.

6 Before you begin, Reverend Woods, I'd like to
7 say this on the record. Reverend Woods has worked in
8 the area of civil rights going back to the early 60's
9 and probably before. He stood with Martin Luther King.
10 He stood with thousand of blacks as they went through
11 the 60's, leading the black community not only in
12 Birmingham but throughout Alabama. He's taken a lot of
13 heat for his leadership and been by himself at that
14 podium and other podiums many times in the past.

15 The events of recent weeks has brought Reverend
16 Woods to that podium again, but due to his leadership,
17 and I will say it again, due to his leadership there
18 were with him at the podium a lot of other people that
19 joined him over the last six weeks as we head to fight
20 the incident of the homeless black individual who was
21 killed by the hate -- by some hate group or allegedly by
22 some hate group.

23 And it was through his diplomacy, through his
24 community involvement that he was able to help bring
25 that coalition together, and I want to thank you

1 personally not only on my own behalf and on behalf of
2 CAC but on behalf of the City of Birmingham for your
3 leadership in that effort.

4 And with that, I'll turn the program over to
5 you.

6 MR. WOODS: Thank you so much, Brother Max,
7 Honorable Chairperson, this advisory board of the
8 commission, civil rights commission, all of the
9 honorable members.

10 I think maybe I should say this at this point,
11 that it was worth my while coming to hear Rod say that
12 about me.

13 Let me say this, that I think our city and our
14 state and our nation has a right to be proud of the
15 stance that Rodney Max has taken in this city. For a
16 long time I've looked for some white citizen to come
17 forward and who is willing to take the heat. He's
18 already gotten some threats. Welcome to him to the
19 family.

20 That's just the beginning, and I've said to him
21 who knoweth that he has come to the -- well, he has come
22 to the kingdom for such a time as this. And I certainly
23 have to credit him with certainly doing a whole lot of
24 the work to help pull the white community together,
25 persons in the white community, organizations in the

1 white community, that have not had a reputation for
2 marching or demonstrating. They've been good at
3 dialogueing and that sort of thing, but it's sort of a
4 revolution for some of the groups that have come out to
5 march and to demonstrate. And I'm excited about it and
6 I want you to know that you have on this commission,
7 this advisory commission a man who is trying to make a
8 difference here in the City of Birmingham and in the
9 state, and I want you to know that because it must be
10 done in black and white, as we've sing our civil rights
11 anthem, our civil rights marching song, "We Shall
12 Overcome".

13 And one very important part of that song is
14 black and white together. So I'm now happy to have a
15 black brother, a white brother, who can stand and who
16 gets some of the threats and get talked about. Maybe I
17 won't be talked about as grand.

18 It is true that I have been in the civil rights
19 struggle for a number of years, goes back to the 1950's.
20 And I'm sure you're well aware of what has transpired in
21 the City of Birmingham.

22 You know that Birmingham has come a long ways
23 from Bombingham to Birmingham and from what we might say
24 a tragic city to having a great potential now to be
25 indeed a magic city. And, of course, during the 60's

1 Birmingham experienced birth pains and the agony and all
2 of the suffering that went with it, but out of all of
3 that struggle I think that a new Birmingham was being
4 born.

5 Birmingham is a long ways from being what it
6 ought to be. I don't want anybody to get the impression
7 that I'm satisfied with it but we have the great
8 potential. And, of course, some of the old problems are
9 still with us. Racism is still with us and certain of
10 the symptoms of that terrible condition that's been
11 called an American dilemma. And, of course, we still
12 see expressions of it.

13 When we look at police brutality, police
14 brutality used to be rampant in the City of Birmingham.
15 And my voice was one which was raised against it,
16 against the mistreatment of citizens by law enforcement
17 offices who hit behind the suit and the badge and took
18 advantage of citizens, brutality and also needless and
19 senseless shootings of citizens. Many citizens died in
20 Birmingham, Alabama.

21 But, of course, with the coming of our new
22 mayor and you must know that the first African American
23 mayor got to be mayor because African American people
24 were galvanized together in this community by an act, a
25 senseless act of a policeman shooting an innocent girl

1 in the back, Bonita Carter. Bonita Carter's situation
2 is well known, I'm sure.

3 And, of course, we have a police shooting
4 policy here, and of course we have had the kind of
5 leadership now that has gone far in dealing with police
6 brutality. All of it has not been wiped out but we're
7 happy that we've come this far.

8 We're still having incidents in various places.
9 Not too long ago on the highway a young man who had
10 mental problems was shot down by the police on the
11 highway. I understand that nothing was done about that
12 officer. The grand jury did not indict him. I
13 understand now that he's gotten into some more trouble
14 and that they have taken him off the force in order to
15 investigate the latest situation. I'm not sure what
16 that's all about.

17 And I say that for this reason, because when I
18 go back to the Bonita Carter situation, I know I must
19 hurry -- you have other people here -- that Officer
20 Sands, who shot Bonita Carter, we couldn't get him off
21 the force until he got into something else. And he beat
22 up a police officer and beat up his ex-wife, and they
23 finally kicked him off the force, but we tried to get
24 him off.

25 I think that Los Angeles has certainly put this

1 situation of police brutality and brought it to the
2 public consciousness. And when I was talking about it,
3 people were calling me a loud mouth and saying that I
4 didn't know what I was talking about and that I ought to
5 shut my mouth.

6 But police brutality is a real thing and it is
7 not altogether been wiped out. In fact, it's sad that
8 the song that the governor is concerned about -- I
9 forget the fellow's name -- what's the fellow's name --

10 MR. MUNCHUS: Iced Tea.

11 MR. WOODS: Iced Tea, that wrote this thing.
12 And that sort of things if regrettable but that kind of
13 attitude has been engendered because of the kind of
14 treatment that some policemen who are misfits on the
15 force have certainly created, you see. It's reality.
16 It's certainly reality. I told somebody, that's not the
17 first time I heard that. A lot of people think that.
18 Some decent folk, well-meaning people think that. I'm
19 not saying Iced Tea is not decent. I feel sure they
20 are, but sometimes when we come to instances of police
21 brutality, people become outraged and they express
22 thoughts and their ideas and personally, but what Iced
23 Tea is talking about is not original with Iced Tea. But
24 it comes from people who sees no hope, people who are
25 desperate on the verge of despair and come from people

1 where black rage has really escalated and it's sort of
2 like what happens when a dream is deferred, you see, and
3 that sort of thing.

4 And though we do not condone the violence that
5 they're talking about, I can understand -- I can
6 understand the situation out of which it comes. That
7 sort of thing and Sister Souljan doing that sort of
8 thing -- it's all important that we get on with the
9 business of dealing with racism and discrimination and
10 all of these things that a human rights commission can
11 deal with.

12 But I want to tell you that I'm in favor of a
13 human rights commission. But I have some -- I have some
14 hesitations. I have some reluctance about it.

15 And, of course, maybe I am not enlightened
16 enough about all of the success stories that have
17 happened throughout the nation. My concerns, of course
18 -- I read some information that I was sent relative to
19 the Missouri Human Relations Commission and the Nebraska
20 Human Relations Commission.

21 Of course, we note that in Missouri their
22 population -- black population is about I believe ten
23 percent. And, of course, in Nebraska I guess somewhere
24 around four or five percent. And of course, I had hoped
25 that I could check on some civil rights commission where

1 the minority population was much larger to see how
2 things had worked there.

3 But I imagine that they go just about in the
4 same trend. The thing that bothers me is there a will
5 in the State of Alabama to make a human relations
6 commission work? And that's very serious because we can
7 establish a human relations commission and yet if the
8 will is not there, then it's going to be another
9 organization and instead of being a part of the
10 solution, it is going to become a part of the problem,
11 because people look to it for hope. When they look to
12 it for solutions and remedies and there are none.-- and
13 I was very concerned about what my civil rights peers
14 said about a human relations commission.

15 And I took note of what was said about the
16 human relations commission in Missouri. Clever, who is
17 the mayor, Honorable Clever now is a national board
18 member of the Southern Christian Leadership Conference,
19 and we served on that board for a number of years
20 together. And he's a man whose opinion I respect and
21 certainly he's a man who is committed to do what he can
22 and to help his state and his city prosper.

23 Now, I'm very disturbed. I'm very disturbed
24 about some of the things that I read there,
25 notwithstanding the funding. And, of course, in the

1 State of Alabama you know the sad condition of funding
2 that we're in now. Our schools in proration and all of
3 that kind of thing, and if we had a human rights
4 commission and that was not a will and, of course,
5 they're going to be these opposing forces with our state
6 being what it is.

7 And this thing will get caught in the
8 legislature and that sort of thing. And it's not going
9 to have adequate funding, you see. And that's a real
10 concern is will Alabama commit itself to funding
11 adequately a human rights commission. Now that is very,
12 very important.

13 I would not like to see us just have it in
14 name, have it ceremoniously so to say that we no longer
15 are part of the other states that don't have it, we got
16 it too. And yet it is without substance, you see. We
17 don't need a human rights commission like that.

18 I think there must be a commitment that the
19 state is going to adequately fund. And then when we
20 talk about the will, we talk about staff -- it has to be
21 adequately staffed and of course that comes from
22 funding. And it has to be a staff by people who are
23 committed and no organization, no body, no group is
24 going to be in any better than the people who make up --
25 and that's a concern of mine too, you see.

1 There's a lot of talk about state's rights and
2 I guess the new federalism and I guess that's a part of
3 the new federalism, but I'm sort of frightened by that
4 because when you talk about state's rights for a long
5 time -- well, all the time, state's rights for minority
6 people have been state wrongs. And I have some fear
7 about that, you see.

8 And, of course, the other concern I have here
9 is of course if you've got adequate funding, you've got
10 staff. I noted that it took so long to process cases,
11 you see. We see that -- we're not too satisfied that
12 with the EEOC, and that's one criticism I have to make
13 of the EEOC. It just takes so long to process cases so
14 often. I think they're doing better now than they used
15 to do.

16 And, of course, the fact that when the remedies
17 are forthcoming, will this human rights commission have
18 the necessary clout? We don't need anything that's not
19 going to have clout in that realm. And I certainly
20 could not support anything that's not going to have
21 clout, that sort of advisory and recommending, this and
22 that and the other. We'd be better off not having it
23 and just take the routes that we've taken already, you
24 see.

25 So we need a civil rights, a human rights

1 commission, but we need one that is going to be viable.
2 And I guess that's what I'm saying. Having the other
3 kind, it frightens me and I think it would add to the
4 problem instead of being a part of the solution.

5 So I hope the time is right in the State of
6 Alabama, and sometimes -- I know we need it but yet with
7 the insurgence of hate groups, Skinheads and the
8 conservative climate in our state as we find throughout
9 our country, I sometimes wonder can those kind of bodies
10 really work? They get tied up in politics and that sort
11 of thing.

12 And so I want it but I have mixed feelings
13 about it. I guess I shouldn't tell this joke though.
14 Is it all right to tell the commission a joke?

15 MR. MUNCHUS: Oh, yeah.

16 MR. WOODS: This fellow had bought him a new
17 Cadillac car and his mother-in-law wanted to drive it.
18 So he reluctantly let his mother-in-law drive his new
19 Cadillac car. And unfortunately she had an accident and
20 tragically the mother-in-law was laid up in the
21 hospital. And when they told the son-in-law he had
22 mixed feelings about it. He was glad that his mother-
23 in-law didn't get killed, but he was upset that his new
24 Cadillac was wrecked.

25 So knowing that you have other persons to come

1 -- I think maybe I should end this and maybe that was no
2 in good taste and these ladies are going to get me.

3 Gentlemen, I guess I'll just close since you
4 have other people but I could say a whole lot more, but
5 basically those are my concerns. If you have any
6 questions?

7 MR. MAX: Go ahead, Annie.

8 MS. WELLS: I have a question. You mentioned
9 it must have clout, the agency or the commission. And I
10 was wondering if good law, a good piece of legislation
11 with enforcement clauses in it, would that give the
12 agency the kind of clout that you're talking about?

13 MR. WOODS: Yeah. It must have legislative
14 sanction of that kind of clout and, of course, if that
15 can be forthcoming from the Alabama legislature, frankly
16 to tell you the truth that indeed would be a revolution.
17 And I hope that that would happen, I hope that would
18 happen.

19 The very fact that if the state legislature
20 establishes a human rights commission, that's a step in
21 the right direction, in the direction that we ought to
22 go. And if they go far enough to make it viable, then a
23 revolution will have taken place in the State of
24 Alabama, you see, and certainly if it is supported and
25 backed up, you see, it can become a step-child. You

1 see, a step-child kind of situation, you see.

2 MS. WELLS: One person yesterday mentioned that
3 their commission was sort of -- well, we work for the
4 state kind of thing, and with that ownership --
5 including, they feel like they own it in some respect,
6 that might also give it the clout that we want?

7 MR. WOODS: Okay. That it's owned by the
8 state?

9 MS. WELLS: In a sense that it is endorsed --

10 MR. WOODS: Yes, it has to be endorsed. That's
11 what I'm talking about, the will, you know, the will
12 here. And that concerns me too, you see, whether there
13 is the will, you see. And, of course, we can establish
14 something with half-heartily, you see. And you know
15 what happens when that takes place. And maybe you say
16 that's a step in the right direction, we must get in the
17 door, and we must get this thing established and then we
18 must work on it over a period of time. I can understand
19 that.

20 But what I'm saying to you is that we're at a
21 point in our time when there's a lot of rage out there.
22 People are not going to wait forever.

23 MR. MUNCHUS: Could I ask one little question?

24 MR. MAX: Sure, and then Charlena.

25 MR. MUNCHUS: Reverend Woods, I know that this

1 current governor says he's a minister, and I don't want
2 to pass judgment on what someone says they are. He says
3 he's a minister -- now Revered John Nettles, who is a
4 man of the cloth, was appointed to the pardon and
5 paroles board -- this is a black man, a SCLC man, a real
6 human rights activist -- by this governor. So
7 apparently there is some relationship between Guy Hunt,
8 John Nettles and Abraham Woods.

9 Now, this is a real important issue and I know
10 a lot of people contend religion and politics don't mix,
11 but we're going to need some real help with this
12 governor. I'm talking about some real help and I'm not
13 going to get into a no leviticus and exodus in the --
14 I'm not going to get into that. But for some reason
15 John Nettles and Guy Hunt seem to have some kind of
16 special relationship.

17 I have my own ideas as to what it is, but what
18 I want to know, what can we do -- what can you do to
19 help us on this incident, because a lot of people have
20 written Guy Hunt off? And Guy's going to write some
21 people -- what can you do help us, because it's going to
22 be a real political battle? And I know a lot of folks
23 say if the governor pushes it, it's dead. And I know if
24 Albert Holmes pushes it, it's dead.

25 But can you give us some little insights

1 briefly on how you see what the religious community, the
2 SCLC can do with this governor, since you have had some
3 dealings with him, I know? You may not want to talk
4 about it but I believe you know Guy Hunt.

5 MR. WOODS: Well, Brother Munchus, a lot of
6 people call me with a lot of problems and some of the
7 folks think I can perform miracles, and I see that
8 you're one of those.

9 Let me say this, that John Nettles is a close
10 friend of mine. We work together for a long time in the
11 civil rights struggle. And I have the greatest respect
12 for John. John has had some influence with the
13 governor.

14 Frankly, to tell you the truth, I had never
15 been invited to the governor's mansion to eat until
16 Governor Guy Hunt became governor. And I know that was
17 because of the influence of John Nettles. And, of
18 course, for several times I was invited to the
19 governor's mansion for some activity. Never was invited
20 during other administrations, invited to the capital and
21 that sort of thing.

22 And frankly, to tell you the truth, when
23 Governor Guy Hunt became governor, the first republican
24 governor since just after reconstruction, I believe, I
25 was sort of up in arms like a whole lot of other people

1 were.

2 But frankly, to tell you the truth, as
3 governors of Alabama go, I decided at some point that he
4 had not been so bad, you see. Now, getting him to go
5 along with this -- I'm sure that John Nettles would
6 support and does support a human rights commission.
7 And, of course, I'll talk with John and see whether
8 John's got any more influence left with the governor.
9 He had such a time about his preaching flights, you
10 know, what not. So I don't know just what kind of mood
11 he would be in, but I certainly will do what I can in
12 talking with John, who is certainly -- and the governor
13 appreciates John, you know, because I have to give the
14 governor credit. John Nettles is the state president of
15 the Southern Christian Leadership Conference, and he is
16 also a regional vice president of the national.

17 And the governor was told by some other people
18 around him, don't appoint John Nettles. And it took
19 some courage on the part of the governor to do that.
20 And I respect the governor for doing that, and I'll do
21 what I can to get John -- if John still has some
22 influence in reserve with the governor. And whatever he
23 can do -- and I'm sure that I'll be happy to do that.

24 MR. MAX: Charlena?

25 MS. BRAY: Yes. My question, Reverend Woods,

1 was along the same lines, except I wasn't going to
2 personalize it, even though I certainly respect and
3 understand that the Reverend Nettles is president of the
4 state organization. I would also recognize that you're
5 president of the local organization, so my question was
6 what can or would SCLC do to ensure that a state-wide
7 human relations commission is, you know, is
8 legislatively implemented, the kind that you talk about,
9 that it would be a real travesty of justice if we did
10 not have it? Whatever it is is going to be a result of
11 what the citizens of this community decide and demand
12 and so I too am interested in just what role you would
13 envision SCLC assuming in the process of making it
14 happen?

15 MR. WOODS: Well, certainly SCLC will take the
16 position of it must be a viable human rights commission.
17 And, of course, it's going to be a struggle to just get
18 a human rights commission. And frankly, to tell you the
19 truth, I don't know just how to think about what's going
20 to be the outcome, because it's going to be a struggle
21 just to get a human rights commission here in the State
22 of Alabama.

23 There are going to be those who want to make
24 all kinds of compromises with it and this sort of thing,
25 and in the final analysis, what we might get might not

1 be anything that we want. And that's another
2 frightening thing too, but SCLC is going to be pushing
3 to try to get it and try to get a viable one.

4 And, of course, I don't know what will happen
5 in the struggle. We might get to the point where forces
6 which dominate want one which will not be the kind that
7 will have clout, and then we'll have to, you know, we
8 probably will oppose that, that sort of situation. But
9 trying to get this baby born, you see, that is going to
10 be the real problem. And getting him born where, with
11 all of his faculties and that sort of thing, you see.

12 So we have a struggle, and I don't think any of
13 you are naive enough to think that given the state
14 legislature that we have and the kinds of minds and the
15 political kinds of games that's played and the feelings
16 that are in some parts of the state and all around, even
17 in Birmingham, you see -- I mean, I didn't mention the
18 fact that even in Birmingham I'm happy that Rod is doing
19 what he's doing now.

20 And I just must mention this because it's
21 always on my heart -- to see elected black officials
22 saying aloud, you know. By the federal government, for
23 selective prosecution, you see, and we still have this
24 thing going on with the mayor. They're looking
25 everywhere. They're still searching, seeming that they

1 don't have anything, but they're still searching and
2 calling everybody with any kind of little business
3 contact they had with the mayor, asking them this and
4 that and about it, you see.

5 So that kind of travesty of justice and that
6 sort of thing -- I don't know whether civil rights, a
7 human rights commission would be doing about that.
8 Maybe they won't even be involved in that sort of thing.
9 I don't know. But there's a great -- that's a great
10 need for it and I guess we're going to have to get to
11 the battle and if we can't get one that's going to have
12 clout, then I don't think we ought to have one at all.
13 I imagine that I would be taking a stand if it's not
14 going to be one that can get the job done.

15 Don't tease us, don't play with us, you see,
16 because young blacks, they think I'm an awful thing now,
17 you know.

18 MR. MUNCHUS: That's true, that's very true.

19 MR. WOODS: Up in Los Angeles, you know, they
20 spoke out -- these preachers are not our leaders, we're
21 our own leaders.

22 And I remember the time when the bunch said
23 burn, baby, burn, black power, call Dr. King a chicken-
24 eating preacher, you see, and that sort of thing.

25 So things are getting tighter. The rages --

1 and we've got to do something and we've got to do
2 something in a hurry. And it's no time for teasing
3 people because they're not going to fall for that, you
4 know. And let's not have something that's going to be a
5 part of the problem and help slow up the wheels, you
6 see, and this sort of thing. We've got to be sincere,
7 committed, sort of human rights commission we get has
8 got to be able to do the business.

9 MR. MAX: Reverend Woods, thank you very, very
10 much.

11 MR. WOODS: Thank you so much for caring.

12 MR. MAX: Next we have on our agenda
13 Representative George Perdue. George has served in the
14 legislature for many years and has risen in the
15 leadership and hopefully he'll be able to give us some
16 guidance as to how to wrestle this animal. George, good
17 seeing you this morning.

18 MR. PERDUE: Thank you. Honorable Chairman,
19 Mr. Melvin Jenkins, and to the members of the advisory
20 committee on the U. S. Commission of Civil Rights, to my
21 friends who I recognize, my cohorts, George Munchus and
22 Charlena, it's a pleasure for me to be here I thought.

23 I wish I had had the opportunity to hear more
24 persons testify, as I have heard Dr. Reverend Abraham
25 Woods and Ms. Mary Jones.

1 It has given me some perspective in terms of
2 what I should say as opposed to what I had planned to
3 say, and so consequently I have made a few changes. I
4 want to be brief because I now brevity is generally not
5 a long suit of mine, and most legislators have a problem
6 with brevity. But I'll try to be brief.

7 I do share some of the concerns that were
8 raised by Reverend Woods. As I read the documentation
9 that was sent to me by Mr. Jenkins and had an
10 opportunity to reflect on what's going on in the other
11 areas of the country in regards to their commissions on
12 civil rights, I had mixed emotions too, because I've
13 been in the Alabama legislature now for nine years.
14 That's three terms. I'm in my third term now.

15 And I've seen the legislative process. I still
16 remain as cynical today as I was nine years ago about
17 that process because it's neither logical or timely or
18 efficient or productive. None of those apply to the
19 Alabama legislature.

20 I say that not tongue in cheek. I say that
21 because it's really a problem. I'm a mathematician and
22 with an advanced degree in math, work with computers. I
23 have over the years with IBM and I'm in my 20th year at
24 UAB, and I work with computers and systems. And they're
25 very logical.

1 What works in the Alabama legislature is not so
2 much logic, not so much the merit of a bill, but who's
3 behind it. I think that probably is true of most
4 legislatures, be they local or national or
5 international. It's not the merit of an issue. It's
6 the timing and the will and the commitment of people.

7 And I happen to believe because of my training
8 that most of the real work that moves organizations
9 forward are top down in nature as opposed to bottom up.
10 And in this state where we have lacked for so many years
11 and as we lack today is leadership, leadership from the
12 top.

13 And that leadership and, of course, I'm sure
14 that most people will say I'm governor bashing, but I
15 mean leadership across the board. I don't think we have
16 effective leadership in either chamber. And I'm
17 probably on tape, but that's all right too because I've
18 said this before in the Alabama House of
19 Representatives.

20 We need leadership in the legislative branch,
21 in the House and in the Senate, along with the governor.
22 So don't put all the blame on the governor, because
23 there's enough blame to go around.

24 I've thought for example with a lame duck
25 governor who cannot run again, that this would be his

1 finest hour, that he would be the statesman that he
2 ought to be, that he could not be if he were running for
3 re-election. Special interests would have no hold on
4 him if he could not run again.

5 Just recently, and I'm putting this in
6 perspective in terms of what we have to do in regards to
7 establishing this human rights commission in this state
8 -- just recently when we tried to pass tax reform and
9 education reform in this state, which we need to
10 terribly bad, because we need additional revenues to
11 fund our school systems. And we need to have some
12 flexibility in the way we handle our finances and
13 especially in economic downturn periods like we're
14 having now.

15 We need to be able to have flexibility to do
16 more for those agencies that need more. Yet over 90
17 percent of our money is earmarked, which gives no
18 flexibility to state government.

19 We are in proration in education. We are in
20 proration. It's predicted that we'll be in proration in
21 the state general fund to the tune of maybe two and a
22 half percent.

23 So the governor who knows all of this is still
24 protecting the land barons and those persons who have
25 raped this state in terms of ad valorem taxes for so

1 many years which fund our educational system -- did not
2 step forward with that kind of statesmanship that we
3 thought we needed.

4 There again, we have what we call a state-wide
5 committee or state-wide task force trying to deal with
6 those issues of tax reform, equity in taxes, fairness in
7 taxes, and how we're going to deal with our school
8 system. That was a bottom up. That was a grass root
9 type effort. That was a bottoms up approach.

10 It almost worked. We got further along in tax
11 reform than even the tax reform members dreamed that we
12 would have gotten, and we still failed. We failed at
13 the eleventh hour on an issue having to do with
14 apartment rental tax, whether or not we were going to
15 tax the apartment people the same rate that we taxed
16 other real estate people.

17 But that was not the reason it failed. That
18 was only the last reason they gave that it failed,
19 because they were last up to bat. That killed it, but
20 prior to that, before the bills even came to the
21 legislature, most of the other persons who wanted to be
22 out of the system had talked themselves out of the tax
23 package and they all said this is a good package.

24 \$50,000,000 here, \$50,000,000 there, taken off
25 the table, different special interests, that's what

1 killed the tax reform. The tax reform was supposed to
2 be somewhat tax neutral, but it could not be tax neutral
3 in a poor state. We need money. It was supposed to
4 have fairness, it did not have fairness.

5 I say all that to say that we need leadership
6 in this state. We need commitment as Reverend Woods has
7 said. And I have my doubts about that. And I also
8 believe that not just a commission to say we have one,
9 as he has said before, because if we have a commission
10 that has no clout, that does not have the right members
11 on the commission in terms of representation, fairness,
12 then we're going to have the fox guarding the henhouse,
13 and you know what happens in that situation.

14 So I too share his concerns in regards to that.
15 I also share concerns that were spoken earlier in
16 regards to the new federalism that Ronald Reagan started
17 that has been continued. It's like dumping -- it's
18 really like dumping the burden on the states that were
19 previously allotted to the federal government.

20 And then it does not -- with the funding, then
21 you really have a problem, because if you're dumping
22 those kinds of responsibilities at the state level
23 without any money, and the state's already struggling to
24 provide necessary and needed services, then you're
25 really going to have an agency that has no clout, that

1 has no funding, that has no commitment, and it obviously
2 would not work. That's the negative side.

3 In addition to that, I have served on various
4 advisory councils for the governor. I've served on his
5 task force for infant mortality, his task force dealing
6 with child welfare, and also on the attorney general's
7 task force having to do with AIDS and drug abuse.

8 We have made some very good recommendations in
9 all of those task forces, and I've had the -- I guess I
10 was really shocked and stunned on the child welfare
11 advisory committee, we made such beautiful
12 recommendations, talked about reducing the caseload. We
13 talked about everything was scientifically done. And
14 the governor, who presents a budget to the legislature,
15 recommended none of those that we had worked on for more
16 than a year and a half, 18 months or more. We had to
17 struggle through the legislative process to get maybe a
18 quarter of those recommendations or half of those
19 recommendations, because with those recommendations came
20 a need for funding.

21 If we talked about hiring some more people and
22 training more people, we had to have the funds to do it.
23 So the governor looked at the money part, not what the
24 recommendations were in terms of how he was going to
25 solve the problem, and had no recommendation in his

1 budget. We eventually got money but we didn't get it
2 from the governor. And the governor was the one that
3 had commissioned the task force.

4 On the other hand, in terms of infant
5 mortality, we were able to get some monies and we were
6 able to move forward and we have moved forward in that
7 area, notwithstanding the governor, who we had to take
8 to court. I was one of a few who sued the governor to
9 implement the programs that he said needed to be done.
10 He was dragging his feet and every day he was dragging
11 his feet another baby was dying in this state. And, of
12 course, black babies twice as fast in this state to
13 infant mortality than does the white population.

14 So I had a vested interest in that and I also
15 had a preemie baby that was two pounds, two and a half
16 ounces, about 15 years ago, and she was -- she could
17 have been a statistic. She was not. She was fortunate.
18 It wasn't due to poverty. It wasn't due to a lack of
19 prenatal care, due to a lack of her early wanting to
20 come into this world -- tried to reverse contractions
21 through experimental procedures, which failed. And that
22 little small baby just wanted to come anyway. But she
23 survived that. But I was thinking about all the other
24 babies in this state who didn't have the adequate
25 prenatal care and the adequate resources to deal with

1 the medical environment.

2 I say all this to say and to put it in
3 perspective that regardless of the motivation,
4 regardless of the need, regardless of the logic, unless
5 you have good people in key places, those who are
6 responsible for example, committee chairs, to get the
7 bill out of committee. Those who are on the rules
8 committee, to make sure that that bill gets before the
9 House for debate. And then those persons who would
10 lobby their representatives and their senators to make
11 sure that their representative will vote for it. All of
12 that has to work together and then leadership from the
13 governor to the speaker to the lieutenant governor.

14 That's how you get bills passed. There are
15 times when certain organizations can be very effective
16 and there are other times when other organizations would
17 only complicate the issue.

18 In trying to wrap this up, because I know I
19 don't have all the time I need, I want to respond to my
20 fears, but I also want you to know that I have optimism.
21 I do have optimism in regards to the possibility of
22 passing such a statute.

23 For example, last year Senate Bill 93 by
24 Senator Corbett was passed, having to do with
25 affirmative action programs. I don't know if you have a

1 copy of that. You probably do. And when you read it,
2 it does speak to the kinds of things that we are
3 concerned about in terms of discrimination in employment
4 and recruitment, selection of people, appointment,
5 promotions, all those things that we look for in
6 affirmative action programs. It was passed and it was
7 signed by the governor.

8 Here again, whether or not it's just there, and
9 whether or not it's implemented, is where we come in
10 because we have to first of all get it on the books. We
11 have to get it statutorily on the books. Then you can
12 exhaust the judicial process to make sure that those
13 laws are implemented. If you never get those laws on
14 the books, you have no standing. You have no court or
15 precedence or whatever to try to make that effective.

16 So the first step is to get it on the books.
17 That had to do with minorities and, of course, they went
18 ahead and defined minorities differently -- not
19 differently but they wanted to be more inclusive, and I
20 think the real amendment there had to do with adding
21 American Indians and that type of thing into the law.

22 But parts of that affirmative action statement
23 was already on the books. It's a matter of whether or
24 not we enforced it.

25 Also we had the Alabama Fair Housing law which

1 you probably have seen in the documentation that was
2 sent to me. It was passed in 1991. There's a statement
3 on the policy of the state. It's in ADECA, the Alabama
4 Department of Economic and Community Affairs. I
5 personally feel that's the wrong place for it to be.

6 I don't know if anybody else has come before
7 you and said that but that's the wrong place for it to
8 be. It's political. The guy that chairs ADECA is an
9 appointee of the governor, okay. I personally believe
10 that if you're going to have a human relations act or
11 commission or whatever in the state that it needs to be
12 sound in terms of where it's placed. It needs to be
13 non-political.

14 There's no way you're going to get politics out
15 of it entirely, because for example, I would think that
16 something like this should be -- there should be an act
17 or some statutes that have to do with the attorney
18 general's office. He needs an office of civil rights
19 enforcement.

20 I talked to him this morning, and he said
21 regardless of what you think and what is said, there is
22 no office of civil rights enforcement in his office.
23 There is no office of enforcement dealing with
24 environmental protection in his office, in the attorney
25 general's office. There is no comprehensive kind of

1 state plan for human relations in the attorney general's
2 office.

3 He told me some two months ago, two and a half
4 months ago, in a caucus meeting while he was trying to
5 lobby for some bills that the governor was trying to
6 defeat that he was going to do this kind of thing. I
7 called him to find out is this your document. Well, I
8 found out -- he says hell, no, I don't think so unless
9 some of my people have put something together I don't
10 know anything about. He said but that's what we need,
11 give me a copy of it. I thought he already had a copy.

12 I don't know the origination of this, Mr.
13 Jenkins.

14 MR. JENKINS: It's from us.

15 MR. PERDUE: As I read the document, it does
16 purport to have the kinds of things that parallel the
17 federal government stipulations and what they want to do
18 and how they want to enforce things, and I think that's
19 the way it should be done, to provide for continuity,
20 clarity. People are already familiar somewhat with what
21 that's all about. We have to do education, you know,
22 whatever we do in this commission, we have to educate
23 people. It's no good to have something on the books and
24 nobody knows anything about it. That's the way to keep
25 people really down-trodden. You give them an act and

1 nobody knows about it.

2 The same thing happened with the food stamp
3 program, the welfare program, Medicaid program, you
4 know, infant mortality program dealing with the waivers
5 and all. Nobody knew about it. Until we put some clout
6 and some teeth in those amendments -- and I did have
7 something to do with it -- as a matter of fact, I was
8 the original writer of the amendment that put us on the
9 map as far as infant mortality and providing for
10 pregnant women and children.

11 And in that act we put in some programmatic
12 type things, intent of the legislature, which was
13 illegal to do in the budget, put it in the budget. And
14 they said it was unconstitutional. We put it in anyway.
15 It stayed in for two years and as soon as we got a new
16 commissioner of medicaid and we got the state health
17 officer working together with the medicaid commissioner
18 and also working together with mental health and mental
19 retardation, after we put that language in to make them
20 work together, once they started working together, we
21 took the language out. If need be, we will put it back
22 in, because it really and truly was a question of
23 constitutionality as to how you can legislate stuff in
24 the budget. But we limelighted them and we made sure
25 that the money went to the right place.

1 That's the kind of thing that you need to do.
2 You need to have much writing about legislative intent.
3 There needs to be joint resolutions, along with
4 statutory type things, to make sure that it's the intent
5 of the legislature with the concurrence of the governor
6 that all these things be done and all that kind of
7 legislature stuff being done in order to make this work.

8 And then, as I talked to some people earlier
9 about another issue, you have got to stay on the case.
10 Just because you win the battle today doesn't mean
11 you're going to be at the same place tomorrow.

12 So don't blame the legislature when we put acts
13 in there and they're not implemented. The people have
14 to make sure. It works hand in hand. And in every
15 instance where there's a statute that's not being
16 enforced, we need the general population to test it, to
17 work with the various organizations to make sure that we
18 are ever vigilant, to make sure that these things do
19 happen.

20 We are seeing the effects of the civil rights
21 movement today, 20, 30 years later, 25, 30 years later.
22 We're seeing things eroded but we have got to stay on
23 the case. It doesn't do any good to put an act on the
24 book and then let it just deteriorate to a point where
25 you have to start all over again.

1 There's a lot more I can say. There's a lot
2 more I want to say, but I have a one o'clock meeting,
3 first of all, across town and I haven't had lunch.
4 That's probably the only reason I won't talk any more.
5 But I feel very encouraged.

6 I want to thank each of you for taking time out
7 in your busy activities, daily activities, to do this.

8 MR. MUNCHUS: Could you just answer one
9 question before you go, George?

10 MR. PERDUE: Yes.

11 MR. MAX: Two or three, but in any event, go
12 ahead.

13 MR. MUNCHUS: Do we need to stay away from
14 these lobbyists? How do you honestly feel about these
15 lobbyists? I mean, I'm talking about the money people,
16 the bag people?

17 MR. PERDUE: Well, you're talking about in
18 general. Now, let me just say this to you. You've got
19 to understand the makeup of the Alabama legislature.
20 Now, I don't know about the other legislatures. We have
21 no administrative assistance. We have no help.

22 If you listen to both sides, you listen to a
23 lobby on the issue on this side of the issue, on that
24 side of the issue, you've probably got the best
25 information you can get.

1 The problem is when you listen to only one
2 side, and that person is paid to know all there is to
3 know about that issue. You need to look at both.
4 That's our administrative assistance, because we are not
5 willing -- the people, they're not willing to put the
6 resource and the money into making better law makers.
7 And as long as we do that, as long as we take a person
8 that doesn't have any other way of making a living,
9 unless it's a business person or lawyer, whatever,
10 that's already got it made at home, and you send a guy
11 down there and you pay him -- they were paying 20,000,
12 now I think it's 30,000 -- 30,600 or something like that
13 -- whatever the amount is, when you take his expenses,
14 his or her expenses, and all the things attending to
15 their office, that person is going down there for 14,000
16 and \$15,000 a year.

17 Now, you're going to send somebody in that
18 environment and you turn them loose to a lobbyist whose
19 got deep pockets, okay. You've got a problem. So do
20 you listen to a lobbyist? Yes. If you're going to be a
21 good legislator, you have to listen to everybody. You
22 don't close anybody out, because that guy over here that
23 you think is your friend telling you the merits of the
24 bill, he's not going to tell you about the demerits of
25 the bill.

1 And how am I going to look at two or three
2 thousand bills a session without legislative help? It's
3 impossible.

4 MR. MAX: Great.

5 MR. PERDUE: I hope I answered your question.

6 MS. ARONOV-HEILPERN: Is your suggestion at the
7 point when it's appropriate to ask for it to be aligned
8 or that it should be introduced and the intent that it
9 would be funded as a line item?

10 MR. PERDUE: We create commissions all the time
11 in the Alabama House. If you would just look at the
12 budget, you know, we create commissions all the time,
13 200,000 here, 500,000 there, 800,000 here. You know,
14 for all of the work that they need to do. But we need
15 people that are merit people. We need good people. We
16 need training for those people. We need an outreach
17 type effort as far as education. We need the entire
18 commission that is not just an ad hoc, okay.

19 And it's got to be a line. It's got to be a
20 line in the budget. I think it needs to be put in the
21 attorney general's enforcement area, attorney general's
22 office. That's political because you have different
23 attorney generals and they have different agendas, but
24 if you put it in statutorily that he must do this, and
25 then you put the people in there who are trained to do

1 it, then it would survive whatever attorney general you
2 have. But if you put it in there under the governor's
3 cabinet personally, then it can just do away with that.

4 MR. MAX: Charlena, did you have a question?

5 MS. BRAY: I think I hear you. I will make
6 sure though. The whole issue of money, I mean that's
7 just a -- it's the other side of it. You get it and
8 then you've got to have the support for it. But am I
9 correct I'm hearing you say that -- we as a state formed
10 commission, we form whatever, and provide those dollars,
11 and as we try to seek dollars just for a startup, you
12 know, we are not talking about a lot of money, you know,
13 in the scheme of things, a half million dollars or so is
14 not a lot of money.

15 MR. PERDUE: That's correct and that's why I'm
16 a bit more optimistic as I look at it, as I look at the
17 good side and the bad side, and the commitment and the
18 way this state has been historically, you know, that
19 gives me -- I'm really discouraged when I look at what
20 the state has been and what it is now. It doesn't look
21 good.

22 But I think with the right combination of work
23 and of people that we can do it. And I'm encouraged
24 when I talk to the attorney general, for example. I'm
25 encouraged when I talk to the black caucus that would

1 say this is an issue that we need to be working on.
2 There are 19 of us in the House and there's five in the
3 Senate, and what we can do -- what we have been able to
4 do recently -- incidentally, I've been on the chair for
5 two years -- but I have some goals and some measurable
6 goals and I think the membership is beginning to realize
7 that we can zero in on some things and we can have some
8 measurable goals and we can accomplish some things if we
9 leverage.

10 Now, we're going to know what they want. When
11 I say they and when I mean they, I mean the leadership.
12 And the leadership knows it's looking at 19 members
13 here, which we can leverage with some other members who
14 want something else. And it may not be our fight, but
15 we did it recently. We were in a fight that was not our
16 fight. And we said okay, we'll stick with you if you
17 stick with us.

18 There are all kinds of issues that have to do
19 with constitutionality, which means you've got to get 63
20 out of 105 constitutional votes. All you have to do on
21 an issue like that, that everybody wants, is to make
22 sure that it does not get those 63 votes, keep it from
23 coming up. You've got to suspend the rules. Don't
24 suspend the rules. You've got something over here you
25 want, well it's not our fight but we'll -- you know, but

1 this has to come first, in this order. If it doesn't
2 come in that order, then no deal. It's no longer you do
3 yours first and I do mine second, because we've been had
4 that way.

5 So every once in a while in a session there are
6 times and you look at the ebb and the flow of
7 legislation, how things are going, you find those
8 opportunities, and you leverage.

9 Somebody says well, why did you kill that bill?
10 It's all right with me, I mean I don't have a problem
11 with the bill. But it's not on the right position on
12 the calendar. It's down in Number 61, and you know
13 we're not going to get to that. We want it up here on
14 Number 1, Number 2. Now, you change it and you put it
15 up there and you help me with this bill, and I'll help
16 you with that bill. We're learning how to do that,
17 we're doing it more effectively, and as chairman of the
18 caucus I will see to it that things that we really need
19 will be leveraged against what somebody else needs.
20 And, of course, it may mean we don't pass a budget.

21 MS. BRAY: This isn't a question so much, just
22 to make an acknowledgement, and I feel encouraged, you
23 know, just because of the encouraging remarks that
24 you've made to us, and I share with the group, that I've
25 certainly been involved and see Representative Perdue as

1 he's taken on issues that he's shared some of them with
2 us. It's just because of his own hard work and his
3 commitment, if he says he's going to do something, then
4 it happens. And so when I hear you make this kind of
5 remarks to us, I'm certainly encouraged by that.

6 MR. PERDUE: And that's tempered with what
7 Reverend Woods is saying. I just want to put it in
8 perspective, you know, I've got some disclaimers too.
9 But at the same time there's an opportunity. There's a
10 window of opportunity all the time during the
11 legislature, but the problem we've had -- and I'll be
12 very candid about it -- the problem we've had is that we
13 have not been able to get 19 strong vote in the same
14 way. We'll get a few picked off over here and as long
15 as you get five or six picked off over there, that's the
16 number you need to pass it. Then the heck with the
17 other 14.

18 MR. MAX: George, let me ask you this and let
19 me say to you, yesterday we heard some what I would
20 consider expert testimony from executive directors of
21 other commissions, human relations commissions, who seem
22 to indicate to us that for under a million dollars this
23 thing could be funded. As a matter of fact, we even
24 heard some around half a million dollars it could be
25 funded.

1 MR. PERDUE: If you're talking about a half
2 million dollars to a million dollars, that is within the
3 realm of possibility within the Alabama legislature.
4 Even in times of proration -- it's that much pork in
5 there. I mean, you know --

6 MR. MAX: I have a question to ask you. From
7 the standpoint of the statute that we have drafted now,
8 and I want to get your input on this because we're going
9 to be discussing how to put this thing together -- we
10 already have this fair housing act that nobody seems to
11 have known about and I think unanimously everyone says
12 that ADECA is not the one to enforce it. Now --

13 MR. PERDUE: I didn't even know they had one.

14 MR. MAX: Now --

15 MR. PERDUE: I mean, that's my fault.

16 MR. MAX: One consideration was looking at the
17 Tennessee Human Relations Act, that they brought
18 everything within one act to take care of housing,
19 public accommodations and employment, to put it all
20 under one roof, and for it to be enforced through a
21 human relations commission. I don't know if they used
22 the attorney general's office or not. I don't think
23 they used the attorney general's office, but our thought
24 was to use the attorney general's office as you're
25 suggesting.

1 If we were to try to put this statute together
2 the way -- the same thing, put it all under one roof, in
3 effect repeal the existing new act that's been created,
4 bring it under this human relations things, put it all
5 under the human relations commission, do you think -- do
6 you see a problem -- and one of the concerns we had was
7 they've already invented this one wheel, why re-invent
8 it? But our concern was, and what I've heard from
9 everybody talking, there's not been one person satisfied
10 with that wheel that was invented. Do you see that it
11 would be a reasonable approach of ours to repeal that
12 old act -- not old act, that new act -- and bring it
13 under this one act?

14 MR. PERDUE: I think it all should be under one
15 roof. I really do. And if course, in repealing it, you
16 are also enacting one at the same time, so one leg is
17 not going to go -- in other words, you're not going to
18 have a real problem because we can't enact something --
19 the repeal is not going to take effect. You can work a
20 language such that if one doesn't work, the other one
21 will remain.

22 MR. MAX: Got you. Thank you very much. We
23 really appreciate your time.

24 MR. PERDUE: Thank you.

25 MR. MAX: We're running a little short of time

1 but we have two valuable speakers we want to give an
2 opportunity. Leslie Proll will be our speakers. Leslie
3 has been involved in many of these issues we've been
4 talking about from a legal standpoint. We wanted to
5 hear from that legal standpoint before we closed out our
6 hearing. Thank you so much, Leslie, for being here.

7 MS. PROLL: I am very pleased to be able to
8 share with you my comments on this legislation. As a
9 civil rights lawyer practicing in Birmingham, I along
10 with my clients are almost on a daily basis frustrated
11 at the lack of state law prohibiting discrimination in
12 both housing and employment. And I want to touch on
13 something first that I don't know if it has come out or
14 not in the past couple days.

15 But these statutes are very important for the
16 reason that they provide jurisdiction in circuit court
17 rather than federal court, and that is extremely
18 important in the days that we are in right now in
19 Alabama.

20 First of all, the federal courts are staffed
21 with Reagan and Bush judicial nominees who are usually
22 picked on the basis of their conservative etiology.
23 Moreover, these judges are usually older white males who
24 have not had the benefit of any life experience about
25 discrimination and the various forms it can take and its

1 pernicious effects.

2 Giving jurisdiction in state court would allow
3 state court judges to hear these cases. State court
4 judges in Alabama are elected and while most of them are
5 still white males, you at least have the prospect of
6 holding them accountable to the people who elect them
7 and who will be asking them to enforce the laws fairly.

8 Second, the federal juries that are now
9 available in federal discrimination cases are not much
10 more sympathetic than the federal judges. We got all
11 excited when the Civil Rights Act of 1991 passed and
12 allowed the case to go to jury, and in the Northern
13 District that's basically meaningless. We still go
14 predominantly white juries, even though the black
15 population in the Northern District is about 21 percent.
16 The Supreme Court rulings that now prohibit defendant's
17 lawyers from striking black jurors on the basis of only
18 race -- they now have to give legitimate reasons for why
19 they don't want them on the jury -- really don't address
20 the problem.

21 The problem is in the venire, the pool of
22 jurors that you select from. And for whatever reason,
23 and I'm not going to say this on the record -- but the
24 Northern District is not getting sufficient numbers of
25 black jurors in the pool. So once you get there, if

1 there are all white jurors in the pool, you don't have
2 the striking problems that are now protected by the
3 Supreme Court.

4 Cases in circuit court would clearly have more
5 representative sampling of the local population. A lot
6 of personal injury lawyers who bring cases in Jefferson
7 County, for instance, have a number of black jurors on
8 the jury and this makes a difference. I mean, the
9 Rodney King incident was very unfortunate in the lives
10 that it cost and the injuries, but it really brought to
11 public consciousness the fact that the devastation and
12 effects that white juries can have on our justice
13 system.

14 State laws providing for a streamline
15 investigatory and conciliation procedures would go a
16 long way toward reducing the back load at the federal
17 agencies such as HUD and EEOC. Right now filing a
18 complaint with both of these agencies on behalf of a
19 discrimination complainant really is just jumping
20 through a procedural hoop to get into federal court.
21 Rarely do the complaints get investigated or come to a
22 conclusion that is reasonable for the discrimination
23 complainant.

24 I have to tell you I'm encouraged by the
25 passage of the Fair Housing Act in Alabama last year and

1 while it was adopted with little fanfare, obviously, its
2 passage indicates that the state is capable of passing a
3 civil rights law and from what I understand, Michael
4 Figures from Mobile was the person who introduced it and
5 I suggest that he be contacted to find out just how it
6 was he got it through there.

7 MR. MUNCHUS: He may not know.

8 MS. PROLL: Its passage makes me a little
9 cynical. I hope that -- and a lot of people have
10 commented on this before, that -- I hate to think that
11 the only way to get an act through protecting civil
12 rights is by undercover, but that may be what we have to
13 do.

14 Along those lines, I hope that in trying to
15 enact a human relations commission act that it's made
16 clear to everybody at the outset that it does include
17 fair employment provisions and that we're not actually
18 doing this for kind of acceding to the white legislators
19 who are going to give us some resistance that oh, no,
20 this really isn't a fair employment law, because I think
21 we can get much more support in terms of the local
22 constituency if it is known and maybe even called some
23 sort of comprehensive fair employment and fair housing
24 act.

25 George made the comment that the facet is

1 called the human relations act and maybe a confession
2 that we don't want to call it a human rights act, which
3 might scare everybody off. But I mean, those are
4 problems that are going to have to be worked out by the
5 people considering the proposal.

6 Certainly there's a need for a strong fair
7 housing law in Alabama. A USA Today study calls
8 Birmingham one of the top six segregated cities in the
9 country and the most segregated city in the south. And
10 as you heard from Emily Eberhardt yesterday, studies
11 based on testing in Birmingham show that blacks
12 encounter discrimination in one of every two attempts to
13 buy or rent property.

14 And there are also some recent reports issued
15 pursuant to a new home mortgage disclosure act that show
16 high incidents in discrimination among black loan
17 seekers in Alabama, and this report revealed that
18 Central Bank, for instance, rejected black applicants
19 for home loans at eight times the rate of whites. Am
20 South rejected black applicants for home loans at three
21 times the rate of whites.

22 And both the state fair housing law and the
23 federal fair housing law can address this problem.
24 Discrimination in lending is prohibited and there's a
25 lot to be done in that area, a lot. In fact, I'd like

1 to see if there is a new fair housing law, those
2 provisions even strengthened because even the national
3 civil rights groups are finding that this is really an
4 untapped area. So that would be something to consider.

5 There are also pragmatic reasons for adopting a
6 stronger fair housing law in Alabama. As Ms. Eberhardt
7 again probably told you, we're getting a fair housing
8 organization. There is money that is available if
9 people apply for it from other cities. And so we could
10 conceivably have one in every major city in Alabama.

11 And then I don't know if you've had anybody
12 from HUD testify here, but there are also legal reasons
13 for having a strong fair housing law, in that the
14 federal statute provides that if there is a local fair
15 housing law that meets certification requirements, all
16 complaints that are filed with HUD must be referred to
17 the local agency first. And this is what they call
18 certification. And this statutory scheme underscores
19 the importance of the enactment and enforcement of state
20 fair housing laws, and it ensures that state and local
21 agencies play a strong role in the enforcement process.

22 Now, I don't know if you want me to get into
23 this but in order to get this certification HUD must
24 evaluate a number of factors of the law, and it relies
25 on current practices and prior performance.

1 There is a way to get around this though. We
2 could immediately pass a new fair housing law that met
3 the certification requirements and all of a sudden get
4 certified right away. They accept this prior
5 performance requirement if you're putting up a good
6 faith effort to receive complaints, so that's something
7 to think about.

8 As I was looking over the fair housing law that
9 we have, there were several provisions, mainly in the
10 enforcement part of it that bothered me, and I'm not
11 going to go through all those, although I'd like to get
12 those in the record.

13 But I noticed that the problems that I had with
14 it actually were some of the criticisms I had of your
15 fair housing section in your human relations commission.
16 And mainly those concerns deal with statutes of
17 limitations. I really urge that longer statutes of
18 limitations be adopted.

19 A lot of times people don't know that
20 discrimination has occurred, especially in housing, and
21 also employment. They may not talk to a lawyer or
22 somebody who knows a lawyer for a long time. I always
23 have people coming in and it's too late to file a
24 lawsuit. So I mean to the extent that we can provide
25 long statutes of limitations for filing complaints and

1 also for filing complaints in court, that would be I
2 think a benefit to the state.

3 There's also no provision in the current fair
4 housing law that provides that reports be issued base
5 don the effectiveness of the law, and I think at least
6 in the initial stages of enforcing these anti-
7 discrimination laws, it's important that they be
8 accountable to the people who are enforcing them. And I
9 think we need reviews of how many complaints were filed
10 and what the resolution was and all this information
11 should be very public, so that a group like this could
12 go to the agency and ask them what were your results
13 last year. And right now the fair housing law does not
14 have anything like that and there may be a good reason
15 for that.

16 It obviously hasn't been enforced yet, so they
17 don't have any statistics, but I think that the idea
18 would be well, we're not going to make it very
19 accountable, and I think statistics would go a long way
20 toward that accountability.

21 One rather humorous provision in the fair
22 housing law that I saw that I don't know where it came
23 from was the provision that nothing in this act shall be
24 provided to outlaw discrimination against persons who
25 pose threat of harm to themselves or others. Now, I'd

1 bet my bottom dollar that if this act were enforced I
2 would get a white apartment owner that basically told me
3 he wasn't going to rent to somebody because the renter
4 was a black male and this was going to pose a threat to
5 his white females who lived alone.

6 Language like that should not be in there.
7 That gives a pretext to end all pretexts, and a I'm sure
8 a lot of people would be hinging their defenses on that.

9 Again, we need some real clear guidelines as to
10 how quickly the local agencies have to investigate and
11 issue decisions. There's nothing either in your fair
12 employment statute or the housing statute that says an
13 investigation has to be completed by a certain amount of
14 time.

15 It's also important that evidence that is
16 discovered and collected in these agency investigations
17 be available to persons who ultimately end up filing
18 suit in court. Some of the early statements by
19 apartment managers and so forth that are fairly
20 malicious in terms of proving discrimination need to be
21 available to a plaintiff and the local law as I see it
22 now doesn't make any of that information public.

23 In fact, there's no requirement for an
24 investigative report whatsoever. All the agency has to
25 do is just tell you what conclusion it was they reached.

1 They don't give the person who filed the complaint any
2 information about what witnesses said or what answers
3 were offered in response to interrogatories. So I think
4 that's an important thing that needs to be in there.

5 I'm trying to skip over my notes in an effort
6 to be brief. I know you're probably hungry.

7 It's also I think important to include
8 representatives of a lot of different constituencies.
9 I've heard that in terms of trying to enforce this new
10 act -- the fair housing act I'm talking about now -- the
11 National Association of Realtors' local affiliate was
12 contacted and some other groups, and it really disturbs
13 me that at least nobody in Birmingham who has been
14 concerned with fair housing over the past couple years
15 was contacted. I mean, not only did we not know there
16 was an act but we weren't being contacted at all about
17 its enforcement. And I think it's important to have the
18 input of those groups.

19 As far as the human relations act is concerned,
20 I wholeheartedly agree with Mr. Max's proposal to put
21 everything under one umbrella. I think it makes for
22 effective enforcement. I also think that it sends a
23 signal to people that their complaints are going to be
24 taken seriously.

25 I called up the Office of Economic -- and I

1 can't even remember the name of it -- ADECA -- I called
2 them up to find out what had been done and I mean it was
3 what, what kind of subject are you calling about. And I
4 was put through to about five people and somebody said,
5 oh, we haven't started that yet.

6 And I mean, I've got a lot of education and I'm
7 familiar with this area. Think of the poor soul who
8 feels he was discriminated against and is trying to get
9 some answers. I mean, that is really disgraceful.

10 I also agree with Abraham Woods and others who
11 have said that the acts are going to be only as powerful
12 as the enforcement that they're given and also the
13 people who are responsible for enforcing them. We have
14 got to have a say over who gets in these positions.
15 They have got to be good people. They have got to have
16 experience in this area and also as we've stated, a
17 commitment to enforcing these statutes.

18 And I think that's about it.

19 MR. MAX: Thank you very much. I appreciate
20 your constructive comments. Are there any questions?
21 George, do you have any?

22 MR. MUNCHUS: Well, of course. Leslie is just
23 one of my lawyers. I have many. I had to go to San
24 Francisco and import her to represent us against the
25 state. Certainly she's done an excellent job and hasn't

1 been paid a penny and worked on this thing for ten
2 years.

3 Leslie, when you said moving it out of ADECA,
4 and we have a feeling ADECA doesn't want it anyway and
5 probably didn't even know about it -- do you think that
6 that will cause some problems for the sponsor? Have you
7 had any discussions with ADECA?

8 MS. PROLL: I have been trying to reach him to
9 ask him how the heck he got this through, and I haven't
10 been able to talk to him. I don't think that would be a
11 problem. I think that might have been the likely place
12 for someone who was -- I mean, they were probably
13 searching for a place to put it.

14 It certainly doesn't seem like a reasonable
15 location. I mean, the word -- the fact that the word
16 economic is in the title of the office really scares me,
17 I mean, even though there are some very good things
18 about economic development. I really -- it has nothing
19 to do with discrimination and I think the name of the
20 agency where it's located should send a message, both to
21 people who are reading the code and also people who hear
22 of its existence, that this is a place that means
23 business.

24 MR. MUNCHUS: Well, after your discussion with
25 Michael Figures, would you send Mr. Jenkins something if

1 you can talk with him about it, because what I found out
2 in some of these legislators, they have big, big egos
3 and they take real personal offense when somebody guts
4 their bill or repeals their bill, so talk to him, you
5 know, and see what he really did, you know. I am just
6 as shocked as everybody else that something with Michael
7 Figures' name went through, I mean, because he's almost
8 a little like Albert Holmes, but maybe not, maybe not.
9 There's strange things go on down there, very strange
10 things.

11 MR. MAX: Freddi?

12 MS. ARONOV-HEILPERN: Leslie, did you say that
13 there is language in the proposed act that you think
14 would give landlords a defense around this person -- I
15 didn't rent because this person could cause bodily harm
16 to himself or to other people? You said there is
17 language or don't put --

18 MS. PROLL: No, there is. That's -- I mean,
19 that should be taken out. It says something like poses
20 a threat to himself or others, and I don't even know if
21 it says bodily harm. I mean, it's very pernicious.

22 MS. ARONOV-HEILPERN: And the other --

23 MR. MAX: For the record, that's not the draft
24 that we put together. That's that fair housing act
25 you're talking about?

1 MS. PROLL: Right.

2 MS. ARONOV-HEILPERN: I see. So you're just
3 saying avoid anything like that, similar to that?

4 MS. PROLL: Right.

5 MS. ARONOV-HEILPERN: And then the other thing
6 was, you mentioned that with the fair housing law that
7 like grouped -- I wasn't clear about what you meant when
8 you said groups weren't contacted. You're saying like
9 National Association of Realtors or Alabama Association
10 of Realtors were or were not contacted?

11 MS. PROLL: As I understand it, the local
12 affiliate of the National Association of Realtors was
13 contacted and was included in the process, which when
14 enforcement was discussed. What I was saying, the
15 groups who weren't included were kind of the sampling of
16 groups in Birmingham that have been working to get the
17 fair housing organization started, like Emily and
18 Greater Birmingham Ministries. I mean, nobody knew this
19 was going on.

20 MS. ARONOV-HEILPERN: Okay, I've got you. So
21 it's sort of the business community wasn't --

22 MS. PROLL: Right. It was very one-sided and
23 that concerns me.

24 MR. MAX: Any other questions of Leslie? Yes,
25 Nancy?

1 MS. CARNLEY: I have one. When you did the
2 study on the financing or the funding from the banks and
3 their discrimination practices, did that include any
4 other minorities such as hispanics or Native Americans
5 in Alabama?

6 MS. PROLL: I'm not sure. These are national
7 statistics so they probably did have that breakdown.
8 What I was referring to was actually newspaper articles
9 reporting on the study and the only information I have
10 available was only broken down in black and white. But
11 I'd be interested to see those.

12 MR. MAX: Very good. Any other questions?
13 Thank you very much, Leslie. We really appreciate it.

14 All right. Come on up. This is Robert Avery.
15 Robert is with the City Council of Gadsden; is that
16 correct?

17 MR. AVERY: Yes.

18 MR. MAX: In addition to that he's also a
19 member of a group, and you can explain it to us, of
20 black elected officials. If you could explain it to us
21 and then go into your comments?

22 MR. AVERY: First of all, I would like to take
23 this opportunity to thank you for giving me this
24 opportunity to speak to you briefly. I'm Robert Avery.
25 As you stated earlier, I'm a member of the Gadsden City

1 Council. I'm also president of the Alabama Black Caucus
2 of Local Elected Officials.

3 As you know, the State of Alabama have the
4 greatest number of black elected officials throughout
5 this United States. We have more black elected
6 officials than any other state in the Union. And, of
7 course, I wanted to go on record as supporting this
8 commission from the standpoint of black elected
9 officials. You would think that as an elected official
10 things would be a little bit better and things would be
11 a lot greater, but we too have a fight.

12 We just finished fighting with the Alabama
13 League of Municipalities, which most of you cities in
14 the State of Alabama are members of, in order to get
15 blacks within the mainstream of that organization that
16 make policies for this state, that takes policies to the
17 legislation and this type thing that deal with local
18 cities.

19 Again, we realize that without the network or
20 without the networking within ourselves and, of course,
21 the togetherness, that we couldn't accomplish a lot of
22 things.

23 So we feel that this commission would be a
24 great advantage for the people of this state,
25 particularly the minority people of this state. So we

1 just wanted to go on record as supporting it.

2 What I did want to do also is jump on George
3 Munchus and a few others for not telling me about this
4 ahead of time, and I apologize for not being able to
5 make comments on the actual legislation itself. But, of
6 course, I'm pretty sure Mr. Jenkins is going to send me
7 a copy now and I'll be able to go over it and look at
8 it.

9 But I try to keep all of our black elected
10 officials throughout the state up to date as to what's
11 happening around the state. I kind of pride myself in
12 being on the know and of course they're going to rip me
13 with this one thanks to Mr. Munchus.

14 But again, we talked about -- earlier I talked
15 with Leslie about the fact that we already have a fair
16 housing committee in the City of Gadsden. We also have
17 a human relations council in the City of Gadsden.

18 So we do kind of pride ourselves in being ahead
19 of the state in a lot of areas because we try to keep up
20 with things and try to get these things going in our
21 communities.

22 So again, I just wanted to just briefly say
23 that we were in support of that and I think I can speak
24 for all the black elected officials throughout this
25 state as going on record as in support of the

1 commission, and whatever we can do to help, by all means
2 give us a call. We will be glad to.

3 MR. MAX: Robert, let me say to you this, that
4 the record will remain open until July 17th and that you
5 or any representative of your organization would like to
6 submit something in writing to Melvin, then we welcome
7 that and that will be a part of the record of this
8 proceeding.

9 I would also like to have a moment to just ask
10 you about this human relations council in Gadsden. Can
11 you tell us something about that?

12 MR. AVERY: The human relations council was
13 devised mainly because of some of the problems -- racial
14 problems that we had in our city. It's a seven-member
15 council. Each council members has the opportunity to
16 appoint two people from his district, so we have a
17 committee of 14 serving on this human relations council.

18 And basically when we have problems dealing
19 with race relations and any other community problem,
20 this human relations council has the powers to
21 investigate and, of course, come back with some
22 recommendation to the City Council or the mayor as to
23 their findings and what they think might happen.

24 For instance, right offhand I can think of an
25 example where we had a police officer, a charge of

1 police brutality. And, of course, this committee was
2 called together and then investigated the situation and
3 then came back with a recommendation.

4 Again, we're making the citizens of Gadsden a
5 little bit more at ease with the decision that was made
6 because of the fact that we have internal affairs who
7 investigated and came up with one thing and then, of
8 course, the human relations council investigated and
9 came up with something totally different. And then the
10 city, of course, supported the human relations council.

11 I mean, it would be crazy for us to appoint
12 people and not support their recommendations after they
13 make them.

14 MR. MAX: How was this created? You didn't
15 have to go to the legislature to get --

16 MR. AVERY: We created it as a legislative act,
17 local act by the city.

18 MR. MAX: So it did pass through the
19 legislature as a local act?

20 MR. AVERY: Just a local --

21 MR. MAX: When was that created?

22 MR. AVERY: Within the last six years. I've
23 been in office six years, so since I've been in office
24 we've enacted this.

25 MR. MAX: I would ask you, as part of what you

1 would submit to us, number one, if you could provide us
2 with a copy of the act that created you and a copy of
3 your fair housing --

4 MR. AVERY: The fair housing group, okay, be
5 glad to. We just funded them through our community
6 development block grant monies. Not only did we put one
7 in place but we also gave them funding, so you know,
8 again, we're hoping that the state will also see fit to
9 do the same thing here.

10 MR. MAX: Sure. That's three things -- the act
11 that created you, the local ordinance that creates it,
12 and sets up this council, and then the fair housing
13 implementations you've got.

14 MR. MUNCHUS: And a mailing list of your
15 membership on the black elected officials.

16 MR. AVERY: I'd be glad to supply that.

17 MR. MAX: Any other questions?

18 MS. ARONOV-HEILPERN: Are you related -- I
19 mean, is your group part of the black political caucus -
20 -

21 MR. AVERY: We are a part of the National Black
22 Caucus of Local Elected Officials, which is a part of
23 the National League of Cities. We're an affiliate.

24 MR. MUNCHUS: This housing committee, does it
25 have the same authority that the human relations

1 council? I mean, is it two people from each district or
2 what does it do?

3 MR. AVERY: At present we're in the process of
4 changing the makeup of it. They investigate -- they
5 have investigative powers for complaints of housing
6 discrimination and those type things. It's been in
7 place prior to the law in '91. It's just that we have
8 made them official after the Alabama law was passed and,
9 of course, funded them to that extent.

10 I served on that committee before I was in
11 office, so it had to be seven or eight years ago. As a
12 matter of fact, when I was elected to office I resigned
13 as a result of it. We've been in place for a number of
14 years. It was just a local -- the realtors and some
15 local blacks in the community and some other people came
16 together to form a committee to investigate complaints
17 on discrimination with housing, and then of course from
18 that point.

19 MR. MAX: We appreciate your coming forward
20 because without it we wouldn't have heard the last few
21 things, and I'm sure that will add to the record. Thank
22 you very much, Robert.

23 MR. AVERY: Thank you for giving me the
24 opportunity.

25 MR. MAX: Sure. With that we will close the

1 record now and this is at 1:10 p.m. and I appreciate
2 everybody's input and assistance and we will be getting
3 a report together from the commission and looking at a
4 draft and publishing something shortly.

(Proceedings concluded at 1:10 p.m.)

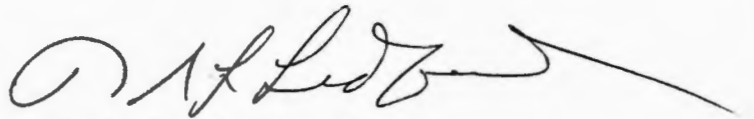
C E R T I F I C A T E

STATE OF GEORGIA)

COUNTY OF GWINNETT)

I hereby certify that the foregoing transcript is a true, correct, and complete record of the said proceedings; that I am not a relative, attorney, or counsel of any of the parties; am not a relative of attorney or counsel for any of the parties; nor am I financially interested in the action.

This, the 6th day of July, 1992.



Ralph L. Ledford