

LIBRARY
U.S. COMMISSION ON CIVIL RIGHTS

CCR
3
1 meet.
354
v.1

UNITED STATES
COMMISSION ON CIVIL RIGHTS

Wednesday, January 29, 1992

Public Hearing

ORIGINAL

MOUNT PLEASANT HEARING

VOLUME I

Arthur A. Fletcher, Chairman
Charles Pei Wang, Vice Chairman

Commissioners:

William Barclay Allen
Carl A. Anderson
Mary Frances Berry
Esther Gonzalez-Arroyo Buckley
Blandina Cardenas Ramirez
Russell G. Redenbaugh

Staff:

Carol McCabe Booker
Wilfredo J. Gonzalez
Patricia Grow
Susan Muskett

Carlos Rosario Adult Education Center
34th Street & Wisconsin Avenue, N.W.
Auditorium
Washington, D.C.

CCR
3
Meet.
354
v.1

I N D E X

<u>PARTICIPANTS:</u>	<u>PAGE:</u>
OPENING REMARKS	
CHAIRMAN FLETCHER	5
COMMISSIONER ALLEN	13
STATEMENT OF THE MAYOR OF THE DISTRICT OF COLUMBIA	
HON. SHARON PRATT KELLY	18
STATEMENT OF THE CHAIRPERSON FOR THE DISTRICT OF COLUMBIA ADVISORY COMMITTEE TO THE UNITED STATES COMMISSION ON CIVIL RIGHTS	
MS. MARIA CHARITO KRUVANT	46
STAFF PANEL: STAFF REPORT "THE DISTRICT OF COLUMBIA: IN OVERVIEW"	51
MR. JEFFREY O'CONNELL, Assistant General Counsel, U.S. Civil Rights Commission	52
MS. NADJA ZALOKAR, Social Scientist U.S. Civil Rights Commission	54, 63
MS. EILEEN RUDERT, Statistician and Social Scientist, District of Columbia	55
OVERVIEW PANEL I:	76
MR. PEDRO AVILES, Chairman, D.C. Latino Rights Task Force and Executive Director of the Central American Refugee Center	77
MR. DAVID YNIGUEZ, Vice President, National Council of LaRaza	84
MS. DEBORAH SANDERS, Esq., Washington Lawyers Committee for Civil Rights	94
MS. SUSAN BENDA, Esq. Arnold and Porter	96
PROFESSOR ROBERT MANNING, Professor of Sociology at American University	107

I N D E X (Continued)

<u>PARTICIPANTS:</u>	<u>PAGE:</u>
COMMUNITY WITNESSES:	142
MS. AMY SYFES, Translator	142
MR. STAR RODRIGUEZ, Salvadoran National	143
MS. FRIEDLANDER, Esq.	151
MS. YVONNE VEGA, Executive Director True Latin, Inc.	152
MR. BORIS CANJURA, Salvadoran Refugee Committee	161
MS. SHARON O'DAY, Esq., Day Laborer Assistance Program	168
MR. SIMONE MENDEZ, El Salvador	174
MR. JOSE HONDURA, No Organization Offered	183
SOCIAL SERVICES PANEL I: Public Benefits	195
MS. SIMONE MENDEZ, El Salvador, Health Care for Child	195
MS. ANNA ROSARIO, Chairperson, Multicultural Health Rights Advocates Task Force	201
MR. WILLIAM NORBECK, Director, Medical Assistance Program for Central Health Care Services	208
SISTER MAUREEN FOLZ, Social Worker Columbia Road Health Services	215
MS. APRIL LAND, Staff Attorney, Neighborhood Services Program	222
SOCIAL SERVICES PANEL II: Child and Family Services, and Youth Programs	239
MS. CARLA BRANCH, Commission on Social Services	239
MS. MARIA ELENA ORREGO, City Director The Family Place	247

I N D E X(Continued)

<u>PARTICIPANTS:</u>	<u>PAGE:</u>
SOCIAL SERVICES PANEL II:(Continued)	
MS. LORI KAPLAN, Latin American Youth Center	269
SOCIAL SERVICES PANEL III: D.C. Government Officials	
MR. VINCENT GREY, Director, Department of Human Services	296
DR. RAYMOND PATTERSON, Commissioner on Mental Health	297
MR. REGINALD WELLS, Acting Commissioner of Social Services	299
MR. JAMES BUTTS, Income Maintenance Administration	301
HEALTH CARE PANEL I:	373
MS. SANDRA COLES-BELL, Director, Community Pediatric Health Care Program	373
DR. JANELL GOETCHEUS, Medical Director Columbia Road Health Service	388
MR. JUAN ROMAGOZA, Director, Clinic <i>LI PRUDIS</i>	393
DR. RICARDO GALBIS, Director, (Andromeda Transfaltro)	397
HEALTH CARE PANEL II:	419
DR. MOHAMMED AKHTER, Commissioner of Public Health	419
COMMUNITY WITNESSES:	
DAVID CHOU, SEIU	445
ELIAS MURILLO, SEIU	450
VERONICA WADE, SEIU	453
BATILLO del CASTILLE, SEIU	458
MOLOSES ORTIZ	462
FORZIN ILLICH	468
FREDDY MARZANO	470
MARTHA SALAS	475

P R O C E E D I N G S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN FLETCHER: Will the persons who are going to give testimony please stand and raise your right hands?

(The Witnesses were sworn.)

CHAIRMAN FLETCHER: Before proceeding any further, I will make the opening statement. We'll introduce ourselves, the members of the Commission, and we'll get this process underway.

Ladies and gentlemen, I'm Arthur A. Fletcher from the U.S. Commission on Civil Rights. I am Professor of Business Administration and the Director for the Center for Corporate Social Policy at the University of Denver, in Denver, Colorado

On behalf of my colleagues, I wish to welcome you to this hearing.

And I will also introduce the other members of this Public Commission.

On my right is Vice-Chairman Charles Pei Wang of New York, who is President of the Chinese Institute of America.

Seated third from Vice Chairman Wang is Commissioner Marian Frances Berry, Professor of American Social Thought and Professor of History at the University of Pennsylvania, in Philadelphia, Pennsylvania.

1 To her right is Commissioner Blandina Cardenas
2 Ramirez, Director of the Office of the Office of Minority
3 Concerns, American Council on Education, Washington, D.C.

4 And to her right is Commissioner Russell G.
5 Redenbaugh, Partner and Director of Cook and Bieler,
6 Inc., Philadelphia, Pennsylvania.

7 Second from my left is Commissioner William Barclay
8 Allen, Professor of Government at the Harvey Mudd
9 College, Claremont, California.

10 And on his left is Commissioner Esther Gonzalez-
11 Arroyo Buckley, Teacher, Cigarroa High School, Laredo,
12 Texas.

13 And to her left is Commissioner Paul Anderson, Vice
14 President for Public Policy, Knights of Columbus and
15 Dean, Vice President and Professor of Family Law at the
16 North American Campus of Pontifical John Paul II
17 Institute for Studies on Marriage and Family Law, in
18 Washington, D.C.

19 I will also introduce you to the Commission staff
20 participating here today. They are, on my immediate left
21 Mr. Wilfredo Gonzalez, Staff ^{Commissioner} Commission.

22 Next to Chairman Wang, on my right, is Ms. Carol
23 McCabe Booker, the General Counsel for the Commission.

24 Next to her is Susan Muskett, who is the Commission
25 Attorney. On her right is ~~Commissioner Redenbaugh~~, who

1 is ~~the Commission Attorney.~~

2 As for the notice of this hearing, was published in
3 the Federal Register on December 30, 1991. A copy of ^{± ± 1}
4 this notice will be introduced into the record as Exhibit
5 No. 1.

6 (Exhibit No. 1 received.)

7 CHAIRMAN FLETCHER: This hearing is being
8 interpreted in Spanish ^{for} use of simultaneous
9 translation equipment. Earphones are available for this
10 purpose in the front row of the auditorium on a first
11 come/^{first} served basis.

12 We ask that only persons requiring translation take
13 these seats.

14 The official purpose for this hearing will also be
15 translated into English when you testify in Spanish.

16 The United States Commission on Civil Rights is an
17 independent, bipartisan, federal agency of the United
18 States government. It was established by Congress in the
19 Civil Rights Act of 1957.

20 Among its duties are the duty to appraise the laws
21 and policies of the Federal Government and studying
22 information concerning discrimination or denials of equal
23 protection of the nation's laws because of race, color,
24 religion, sex, age, handicap, or national origin.

25 Under the law, the Commission is required to submit

1 its findings and recommendations to the President and the
2 Congress for legislation or Executive Action.

3 To enable the Commission to do this, the Congress
4 has empowered the Commission to hold hearings and issue
5 subpoenas for the opinions of witnesses. Most of the
6 witnesses here will freely testify at this hearing...

7 Perhaps I can best explain the function of this
8 Commission by quoting from a decision of the United
9 States Supreme Court:

10 "The Commission does not...it does not hold trial
11 for...it does not issue orders. Nor does it guide,
12 furnish or impose things. It does not make
13 determinations...not deprive anyone of life, liberty or
14 property."

15 In short, the Commission does not take any
16 affirmative action, which ~~it~~ will affect an individual's
17 legal rights.

18 The only purpose of its existence is to find facts
19 which may point to....as a basis for Legal or Executive
20 Action.

21 In carrying out this legislative mandate, the
22 Commission makes a detailed study of the areas
23 for...public education, housing, employment, and the
24 administration of justice.

25 In the process, the Commission has held hearings

1 across the nation-- California in the west and New York
2 in the east, Michigan in the north and Florida in the
3 south.

4 In doing so, the Commission's purpose is to...
5 city, people, group of people or individuals, but rather
6 to...but rather to attempt to explore...serious...

7 *****

8 The Commission on Civil Rights has not been...but
9 even as it...inherent in the area in which we operate.

10 The events that prompted this hearing are simple
11 enough to describe, although the issues they brought to
12 light are far more complex.

13 In May 1991, the neighborhood of Mount Pleasant and
14 Adams Morgan experienced three days of violence. The
15 disturbances were sparked by the shooting of a Salvadoran
16 man by a police officer.

17 Subsequent to the disturbance, the D.C. Latino Civil
18 Rights Task Force was created. This Task Force
19 attributed the disturbances to police abuse,
20 discriminatory hiring practices by the ^{District} D.C. Government,
21 and disproportionately few services and contracts
22 provided to the Latino community.

23 The Task Force warned that violence could explode in
24 the near future if these underlying problems, needs and
25 grievances are not addressed.

1 It then requested that the U.S. Commission on Civil
2 Rights initiate a hearing in the treatment of Latinos in
3 the District of Columbia, and it identified as the Task
4 Force primary areas of concern: police/community
5 relations, equal employment opportunity for Latinos in
6 the District Government and the delivery of services to
7 the Latino Community.

8 The District of Columbia Advisory Committee to the
9 U.S. Commission on Civil Rights held a briefing on May
10 15, 1991 to gather comments on the Civil Rights
11 complaints and community grievances emerging from the
12 disturbances in Mount Pleasant and neighboring areas.

13 Subsequently, the Commission authorized this
14 hearing. This hearing is part of a national study that
15 the Commission has begun on racial and ethnic tensions in
16 the United States.

17 Although it is the first in a series of hearings the
18 Commission is planning, it is different from those to
19 follow in that it is the only one in which we are
20 investigating specific allegations of discrimination and
21 unequal treatment at the request of a particular minority
22 community.

23 Nevertheless, we expect that this first hearing will
24 produce information of relevance and significance to the
25 nation as a whole.

1 After several months of field investigations by
2 Commission staff, it is apparent that the problems we are
3 examining here are representative of problems we are
4 seeing all across our nation.

5 At the conclusion of our scheduled testimony each
6 day, there will be an open session. The purpose of the
7 open session will be to receive testimony from
8 individuals wishing to make statements relative to the
9 subject matter of this hearing.

10 If there is anyone who wishes to speak during the
11 open sessions, please see a member of our staff in the
12 library across the hall from this auditorium to sign up.

13 The record of this hearing will remain open for 30
14 days for inclusion of material sent to the Commission
15 after the hearing ends on Friday.

16 If anyone wishes to submit information as part of
17 the record, he or she may do so during this time period
18 in accordance with Commission rules.

19 While securing information is the major purpose of
20 any Commission hearing, we are hopeful that this hearing,
21 like others over the Commission's 35-year history, will
22 have an important collateral effect.

23 Many times, the Commission's hearings have
24 stimulated discussion and increased understanding of
25 civil rights problems among responsible community leaders

1 and have encouraged the correcting of injustices.

2 At this point, I should like to explain that the
3 Commission's procedures require the presence of federal
4 marshals at its hearings.

5 Although the Commission and the marshals know that
6 the majority of the citizens would not wish to impede the
7 orderly process of this hearing, the marshals have
8 determined that the security measures they have
9 instituted will help to provide an atmosphere of dignity
10 and decorum in which our proceedings will be held.

11 Federal law protects all witnesses before this
12 Commission. A federal criminal statute, Section 1505 of
13 Title 18 of the United States ^{Code} makes it a crime punishable
14 by fine of up to \$5,000 and imprisonment up to five
15 years, or both, to interfere with a witness before this
16 Commission.

17 This morning's session will recess for lunch at 1
18 o'clock and reconvene at 3 p.m. The opening session for
19 individuals wishing to testify will be from 7:30 to 8:30
20 this evening.

21 Another open session for the same purpose will occur
22 tomorrow evening from 6:30 to 8:30, after a full day of
23 testimony scheduled similarly to today's schedule. @
24 Friday, we will recess the hearing for one hour at noon
25 for a regular monthly meeting of the Commission.

1 That meeting will be open to the public and will be
2 followed by an hour lunch break.

3 From 3:30 p.m. to 5:30 Friday there will be a third
4 opportunity for individuals who have signed up with our
5 staff to testify during the hearing.

6 I would now ask Commissioner Wang to read the rules.
7 But, since Mr. Wang is not here yet, Commissioner Allen
8 will do that for us.

9 Commissioner Allen, to my left.

10 COMMISSIONER ALLEN: Summary of Rules.

11 At the outset, I would like to emphasize that the
12 observations which are about to be made on the
13 Commission's rules constitute nothing more than brief
14 summaries of significant provisions.

15 The rules themselves should be consulted for a
16 fuller understanding. Staff members will also be
17 available to answer questions which arise during the
18 course of the hearing.

19 In outlining the procedures that will govern the
20 hearing, it is important to explain briefly the special
21 Commission procedure for testimony or evidence that may
22 tend to defame, degrade or incriminate any person.

23 Section 102(E) of our statute provides as follows:

24 If the Commission determines that evidence of
25 testimony at any hearing may tend to defame, degrade or

1 incriminate any person, it shall receive such ^{add. 12/12} testimony
2 or evidence in executive session.

3 The Commission shall afford any person defamed,
4 degraded or incriminated by such evidence or testimony an
5 opportunity to appear and be heard in executive session
6 with a reasonable number of additional witnesses
7 requested by him or her before deciding to use that
8 evidence or testimony.

9 The term "executive session" means a session in
10 which only the Commissioners are present in contrast with
11 sessions such as this one in which the public is invited
12 and present.

13 In providing for an executive or closed session
14 where testimony may tend to defame, degrade or
15 incriminate any person, Congress clearly intended to give
16 the fullest protection to individuals by affording them
17 an opportunity to show why testimony that might be
18 damaging to them should not be presented in public.

19 Congress also wished to minimize damage to
20 reputations as much as possible and to provide a person
21 to rebut unfounded charges before they were well-
22 publicized.

23 Therefore, the Commission, when appropriate,
24 convenes in executive session prior to the receipt of
25 anticipated, defamatory testimony.

1 The hearing which begins now is open to all and the
2 public is invited and urged to attend. Almost all
3 persons who are scheduled to appear have been subpoenaed
4 by the Commission.

5 All testimony at the public session will be under
6 oath and will be transcribed verbatim by the official
7 reporter.

8 Everyone who testifies or submits data or evidence
9 is entitled to obtain a copy of the transcript on payment
10 of costs.

11 In addition, within 60 days after the close of the
12 hearing, a person may ask the Commission to correct
13 errors in the transcript of the hearing of his or her
14 testimony.

15 Such requests will be granted only to make the
16 transcript conform to testimony as presented at the
17 hearing.

18 All witnesses are entitled to be accompanied and
19 advised by counsel.

20 After the witness has been questioned by the
21 Commission, counsel may subject his or her client to
22 reasonable examination within the scope of the questions
23 asked by the Commission.

24 He or she may also make objections of the record and
25 argue briefly the basis for such objections.

1 Should any witness fail or refuse to follow any
2 order made by the Chairman or the Commissioner presiding
3 in his absence, his or her behavior will be considered
4 disorderly, the matter will be referred to the U.S.
5 Attorney for enforcement pursuant to the Commission's
6 statutory power.

7 If the Commission determines that any witness'
8 testimony tends to defame, degrade or incriminate any
9 person, that person or his or her counsel may submit
10 written questions which, in the discretion of the
11 Commission, may be put to the witness.

12 Such person also has the right to request that
13 witnesses be subpoenaed on his or her behalf.

14 All witnesses have the right to submit statements
15 prepared by themselves or others for inclusion in the
16 record provided they are submitted within the time
17 required by the rules.

18 Any person who has not been subpoenaed may be
19 permitted ^{at} in the discretion of the Commission to submit
20 a written statement in this public hearing.

21 Such statement will be reviewed by members of the
22 Commission and made a part of the record.

23 Witnesses including those in the open session at
24 Commission hearings are protected by the provision of
25 Title 18 US Code, Section 1505, 1512 and 1513, which make

1 it a crime to threaten, intimidate or injure witnesses on
2 account of their attendance at government proceedings.

3 The Commission should be immediately informed of any
4 allegations relating to possible intimidation of
5 witnesses.

6 Let me emphasize that we consider this to be a very
7 serious matter and we will do all in our power to protect
8 witnesses who appear at the hearing.

9 Copies of the rules which govern this hearing may be
10 secured from a member of the Commission staff. Persons
11 who have been subpoenaed have already been given their
12 copy.

13 Finally, I should point out that these rules were
14 drafted with the intent of ensuring that Commission
15 hearings be conducted in a fair and impartial manner.

16 In many cases, the Commission has gone significantly
17 beyond congressional requirements in providing safeguards
18 for witnesses and other persons. We've done that in the
19 belief that useful facts can be developed best in an
20 atmosphere of calm and objectivity.

21 We hope that such an atmosphere will prevail at this
22 hearing.

23 With respect to the conduct of persons in this
24 hearing room, the Commission wants to make clear that all
25 orders by the Chairman must be obeyed. Failure by any

1 person to obey an order by Chairman Fletcher or the
2 Commissioner presiding in his absence will result in the
3 exclusion of the individual from this hearing room, and
4 criminal prosecution by the U.S. Attorney, when required.

5 As previously noted, each session of this hearing
6 over the next three days will be open to the public. The
7 hearing will resume each day at 9 a.m.

8 CHAIRMAN FLETCHER: Thank you very much,
9 Commissioner Allen.

10 Now, we will invite to the podium the Honorable
11 Sharon Pratt Kelly, Mayor of the District ^(of Columbia) for a
12 welcoming statement.

13 Good morning. Thanks for joining us this morning.

14 MAYOR KELLY: Good morning, Mr. Chairman.

15 Good morning, Members of the Commission.

16 I'm delighted, yes.

17 STATEMENT OF THE HONORABLE SHARON PRATT KELLY,
18 MAYOR OF THE DISTRICT OF COLUMBIA

19 MAYOR KELLY: I'm joined by my counsel, Vanessa
20 Ruez, who is Deputy Counsel of the Corporation Counsel;
21 and Amada Lopez, who is the acting Director of the Office
22 of Latino Affairs.

23 CHAIRMAN FLETCHER: Welcome.

24 MAYOR KELLY: Thank you, Mr. Chairman, members of
25 the Commission. I welcome the chance to share with you

1 the thoughts, the views of the people of the District of
2 Columbia in terms of how to come to grips with this
3 critical issue.

4 But, also to share with you, if I might suggest, our
5 own frustrations and consternation in terms of dealing
6 with a matter that, in many ways, I think the federal
7 government ought to have a hand in sharing, of dealing
8 with this issue.

9 This has been a problem, as I think we all
10 appreciate, that has been festering for easily a good 12
11 years, a problem and a dynamic that was essentially, in
12 my opinion, ignored at the local level, and at the
13 federal level.

14 As a consequence, we saw this problem explode, as it
15 were, across the landscape of Washington, D.C. last May
16 of 1991.

17 In large measure, it is a result of clearly-
18 established federal policies that encouraged many
19 immigrants to come into America and we in Washington,
20 D.C. were the happy recipients, and happily became a
21 major gateway to many here in the District of Columbia.

22 But, as the federal government established these
23 policies, there was not one program, not one dime to
24 accompany this new thrust. No dollars really directed
25 for education, no dollars really directed for job

1 opportunities, no dollars really directed for social
2 services.

3 So, what ultimately happened is that those of us at
4 the state and local levels ultimately were the repository
5 of many federal policies, but not in any way the
6 beneficiary of any federal program dollars.

7 And to be perfectly blunt, Mr. Chairman, as I'm apt
8 to be, there was really also a decade, an unprecedented
9 decade, when this country began to walk away from some
10 basic commitments to civil rights, a real commitment that
11 ultimately resulted in major retrenchment with those of
12 us in the African-American community as well as those in
13 the Latino community.

14 So, as if that were not bad enough, what ultimately
15 has resulted is that those of us, the African-American
16 and Latino community find ourselves scrambling for the
17 same crumbs, especially now as we're in the midst of a
18 national recession that is having a compounded impact for
19 those of us in Washington, D.C.

20 So, rather than direct our anger and frustration at
21 those who visited this pain upon us, too often that anger
22 and frustration gets directed to one another. And that,
23 I can assure you, we will not let happen in Washington,
24 D.C.

25 So, in spite of the fact that we have our, as it

1 were, hands tied behind our backs in terms of what we can
2 hope to achieve, in terms of the lack of a federal
3 partnership of this critical issue-- and, of course,
4 Washington, as you know, has a further problem because we
5 don't have the freedom even to achieve some of the basic
6 economic development that a lot of communities could
7 achieve, because a measure of civil rights has been
8 denied to all the people of the District of Columbia in
9 terms of not having the political powers that any other
10 state would have.

11 There are still things that we are doing and I
12 think, ultimately, will achieve some type of yield.

13 Number one, we are moving now to really have some
14 aggressive and effective affirmative action in our own
15 police department. When I looked at the profile of what
16 was there, I was not happy.

17 And we have begun a process of recruiting and
18 advancing officers so that we will have more Latinos at
19 the senior ranks within our own police department, as
20 well as the type of training so that we have a police
21 officer that better reflects the diversity of the
22 community that we're serving.

23 Further, we have as well whatever initiative that
24 goes along with whatever limited dollars, another dynamic
25 that has cleared²¹⁵ existed. The communities that have been

1 the hardest hit by all of the economic woes and the
2 communities hardest hit by drugs and crime are also the
3 communities that have been most poorly served by the
4 District of Columbia.

5 As a consequence of that, we now have established
6 officers in those ten communities, hard-hit, whereby we
7 bring services of the District of Columbia government to
8 those communities.

9 One such community is Adams Morgan-Mount Pleasant.

10 As well, what has not always been the order in the
11 past was whatever dollars we had in terms of even having
12 opportunities-- summer youth programs, an aggressive
13 effort established by our own Director of Employment
14 Services-- so that more of our Latino youth were a part
15 of that equation.

16 I might also add, too, though that, in terms of
17 every minority business initiative that is occurring now
18 in the District of Columbia, the significant profile of
19 that is in the Latino community-- and I might suggest
20 that the potential is even greater because we in the
21 District of Columbia struggle with financial deficits of
22 extraordinary proportions.

23 We find ourselves again having to look at possibly
24 unloading more of our work force, but the way to deal
25 with it is to work with more of the not for profits in

1 our community, as well as minority businesses helping us
2 solve some of these problems. So, that they will hire
3 the very people in the ~~very people in the~~ community that
4 most want the opportunity.

5 Because part of what has happened in the past with
6 the way people contract out, they contract out to the
7 traditional contractors who have the worst possible
8 record of affirmative action.

9 The policy and priority of this Kelly Administration
10 is to work with minority vendors-- African-Americans and
11 Latinos. And we have a significant, a potential in the
12 Latino community, particularly in our major public works
13 initiatives and, hopefully, with the new stadium as well,
14 with a clear understanding that the folks who will be
15 hired must come from Washington, D.C.

16 I might also add that there is the potential also of
17 forging a much stronger partnership with many of our
18 community-based organizations, such as the Latino Youth
19 Task Force, a community-based operation as we look to
20 not-for-profits to help us deal with many of the basic
21 services, which I might add we weren't doing such a
22 wonderful job of providing anyway.

23 Here we have the potential of using organizations
24 already in place, providing that service essentially
25 already. If we direct more of our dollars to them rather

1 than try to replicate it within the government at a time
2 we don't have the money, we can empower even more that
3 particular operation to be that much more effective and
4 reach that many more people.

5 We're not happy with whatever strides we've made.
6 We know that it's in no way adequate to the occasion. We
7 know that we have a lot to do to make up for a lot that
8 was visited upon us in years past.

9 I must say, however, it would help considerably if
10 there were a new tone and a new tenor and a new spirit of
11 cooperation by the federal government. There is no way
12 in a double recession that the District of Columbia, with
13 our hands tied behind our back, can work our way out of
14 this problem unless there is a sincere partnership from
15 the federal government, particularly since we are all
16 paying the price together for a lot of unfortunate
17 policies that commenced in 1980.

18 We in this community are bound and determined to
19 make good on our commitment. We in this community are
20 bound and determined to see that Washington, D.C.,
21 hopefully, even with the limited resources and the
22 struggles that we're up against, are ultimately going to
23 be a powerful, positive example for all of this country.

24 You have my commitment in that regard, Mr. Chairman.

25 CHAIRMAN FLETCHER: Thank you so very, very much.

1 My comment is going to be somewhat gratuitous. But,
2 I understand, to a limited degree anyway, what you are
3 speaking of when you make the point that the federal
4 government has fallen short.

5 If you will recall, Mayor Kelly, I ran for Mayor,
6 too. I studied the issue of the federal payment and a
7 number of other things and said then, back in '78, that
8 the federal government had kind of abandoned the District
9 by giving you all the responsibilities in this so-called
10 Home Rule charter that you have, but no financial means
11 adequate to the task.

12 And it seems then that the problem we're discussing
13 now is a case in which the cows or the chickens or
14 whatever have come home to roost.

15 MAYOR KELLY: Right.

16 CHAIRMAN FLETCHER: One of the reasons I, for
17 one-- I can't speak for the rest of the Commission-- but
18 one of the reasons I wanted to hold this hearing here is
19 that it's right under the Congress' nose. It's going to
20 be pretty hard for them to miss seeing what lack of
21 resources has been doing over the years, and the kind of
22 problems that it cultivated to here recently.

23 The District of Columbia is not so unique that it
24 couldn't happen elsewhere. I think the statistical
25 profiles are developing with respect to minorities as a

1 whole, and Latinos and Hispanics as a whole across this
2 country.

3 There are at least eight other, probably nine other
4 cities that are teetering right where you are.

5 So, we are holding this hearing in the belief that,
6 with the kind of press coverage, et cetera, that the
7 Congress cannot sit here and say they didn't know.

8 MAYOR KELLY: Right.

9 CHAIRMAN FLETCHER: And there's every reason to
10 believe that the information we gather here is of the
11 quantity and the quality that I think it will be, we
12 could get the legislative action you need to get the
13 handcuffs and the leg irons off and get the job you have
14 to get done.

15 Thank you so much for coming. We appreciate it.

16 Just a moment, please.

17 Commissioner Berry.

18 COMMISSIONER BERRY: I have a question for the
19 Mayor.

20 CHAIRMAN FLETCHER: Is your mike on?

21 COMMISSIONER BERRY: I don't think so.

22 CHAIRMAN FLETCHER: Get it on, please.

23 (Pause.)

24 COMMISSIONER BERRY: Is it on now?

25 CHAIRMAN FLETCHER: You've got it, yes.

1 COMMISSIONER BERRY: Mayor Kelly, thank you very
2 much.

3 CHAIRMAN FLETCHER: You have to turn your mike on.

4 COMMISSIONER BERRY: Is it on now?

5 CHAIRMAN FLETCHER: Yes.

6 COMMISSIONER BERRY: Good morning, Mayor Kelly.

7 Thank you very much for coming, and I appreciate
8 very much your remarks.

9 I just wanted to say that I, for one, was interested
10 in our having this hearing, not only because the riot
11 took place and because of the concerns expressed by
12 Latinos because we don't want people to believe that they
13 need to have a riot in order to have someone be concerned
14 about their problems, but I thought we ought to consider
15 these issues within the larger context of the population,
16 not only in Adams-Morgan and Mount Pleasant, but in the
17 District of Columbia, in general.

18 So, that is why I appreciated your remarks because
19 you did help to put this in context. But, I only wanted
20 to ask you, if I understand correctly, you are telling us
21 that, within the resource constraints that you have as
22 Mayor, you are making progress in trying to address some
23 of these issues.

24 But, that, clearly, if you had more in the way of
25 resources, you would be able to move more aggressively.

1 Would it be fair to characterize part of your
2 remarks in that way?

3 MAYOR KELLY: Oh, I think so. Very much so. For
4 example, we turned to a number of groups to help us, such
5 as Meridian House and others, to help us with some of the
6 educational concerns that are a matter of critical
7 importance.

8 But, indeed, if we had federal dollars federal
9 program dollars, federal resources, a real partnership
10 like this, then we could make great strides.

11 But, that has been very absent.

12 COMMISSIONER BERRY: And then I wanted to ask if you
13 would be a little more explicit about the relationship
14 between the District Government and the Federal
15 Government in terms of how it constrains your ability to
16 respond.

17 Do you believe that the absence of voter
18 representation in the Congress for the District has an
19 effect on our ability to achieve the objectives that you
20 have in mind?

21 MAYOR KELLY: I think that, ~~in~~ the absence of the
22 political power that I think we ought to have as a
23 political sovereign, we ought to operate that way.

24 It very much inhibits our ability to achieve basic
25 economic development. We ended up getting saddled with,

1 for example, recently, the Federal Bureau of Prisons. We
2 have limited land. What do they do? They want to put
3 the land in the State of Maryland. But, you see,
4 Maryland has folks in the Senate and the House of
5 Representatives and, ultimately, that dynamic then gets
6 visited upon the people of the District of Columbia at a
7 prime site that we could achieve economic development,
8 that could lead to jobs and more opportunities for the
9 people of our community.

10 But, we have no say. We just have to have that
11 saddled upon us. With limitations in terms of areas
12 where we can really develop, invite more manufacturers
13 into the community, achieve more job opportunities in the
14 community, but because of the, quote/unquote, "federal
15 interest," we are limited in our ability to do that.

16 The District of Columbia desperately needs to become
17 a sovereign so that we can make good on a lot of true
18 commitments. And this little question that the real
19 future of this City lies really in the private sector,
20 all of the business, all of the job opportunities now and
21 in the future are going to come from the private sector.

22 And this government can play a major role in using
23 whatever dollars we have so that we strategically spend
24 those dollars and put pressure upon these businesses to
25 begin to hire, promote minorities in the Latino

1 community, the African-American community and we,
2 ourselves, to force more contracting in these
3 communities.

4 But, in large measure, because of many of the
5 barriers that we're up against now and having to answer
6 to a Congress now, I think the District of Columbia has
7 not been able to flower in a way that would be towards
8 everyone's benefit.

9 COMMISSIONER BERRY: Thank you.

10 Thank you, Mr. Chairman.

11 COMMISSIONER RAMIREZ: Mayor Kelly ~~---,~~ hi

12 (Microphones correctly placed.)

13 MAYOR KELLY: Hi.

14 COMMISSIONER RAMIREZ: Mayor Kelly, we thank you for
15 being with us and I would venture to say that there is
16 not a one among us who would not sympathize with the
17 perspective that you have brought to this hearing.

18 But, I would also like for you to take the
19 opportunity to share with the Commission any alternatives
20 that you have considered in order to deal with the very
21 pressing lack of political representation, if you would,
22 of the Latino community within the District of Columbia.

23 The same parallel that you have pointed out in
24 relationship to-- the political relationship between the
25 District and the Federal Government-- may be said to

1 exist within a community that has relatively little
2 political power.

3 And I've noticed just recently a ~~unity~~ in Maryland
4 provided the vote to resident non-citizens in areas
5 having to do with City elections, and I believe it was
6 school elections.

7 And you and I both know that the ability to
8 participate in a political process is a very important
9 part of feeling ownership and feeling like you're making
10 a contribution to that system.

11 Do you see any possibility for the District to
12 formulate extraordinary measures, either through
13 different configurations of committees or different
14 perspectives on focused ad hoc decisions to include
15 Hispanics in political policy discussions?

16 Have you thought about that at all as a possible
17 response to the situation?

18 MAYOR KELLY: I'm not sure all of what you're
19 asking. I think that in every policy discussion, I guess
20 my own personal view is that you have to move beyond one
21 office, however ably represented someone may be in that
22 particular office, ^{Marra does a} and tremendous job.

23 But, you've got to have a fuller reflection of the
24 community and many other strategic decisions within
25 government because, as my own experience as an African-

1 American, unless you have a continuing presence at the
2 table, then that perspective often gets lost.

3 We have made some strides in that direction, which
4 is also another reason, for example, we are focusing
5 vigorously^{1.4.00} for example, our own police department. It's
6 very much reflected in our economic development cluster,
7 which is going to be in many ways the new direction for
8 the District of Columbia.

9 I think, as well, and I intend to be a part of this,
10 to encourage and be supportive of individuals who seek
11 office from the Latino community.

12 And I think the more I can be helpful in
13 facilitating an empowerment that is inevitably happening
14 anyway, is the direction in which to go.

15 We have a lot of potential political figures right
16 out there in this audience today. And I think it would
17 be helpful to everybody in the District of Columbia,
18 because we have become a...we have a new profile. We've
19 become a major international city and that needs to be
20 reflected more in the people we elect to major political
21 offices in the District of Columbia.

22 I'd like to have a big role in helping to make that
23 happen.

24 COMMISSIONER RAMIREZ: Mr. Chairman, if I could just
25 make one other comment.

1 I won't ask this in the form of a question because
2 I don't think there's an answer to it. But, I would say
3 that, from my perspective-- and I am a resident of the
4 District of Columbia-- I think that there is a store of
5 human capital in the Latino community of people with some
6 training and certainly many people with aspirations and
7 expectations for training that are present in every
8 community, but that I think are having difficulty in
9 finding outlets in the District.

10 At some point, I would like to see, perhaps through
11 your leadership-- either the University of the District
12 of Columbia or maybe even this institution-- think about
13 ways in which we could accelerate the level and the
14 efficiency of manpower development training programs or
15 opportunities for education for the Latino community.

16 I would particularly be interested in what you might
17 have to say about the possibility of a junior college
18 approach to that kind of training.

19 You don't have to respond.

20 MAYOR KELLY: No, no, no. I think they're good
21 ideas. My thinking, too, though is that, also, even with
22 our limited dollars in our deficit situation, that we
23 begin to direct dollars into more community-based groups.

24 That can begin to have a mushrooming impact, I
25 think, because the groups that are already poised to

1 provide the service already have a legitimacy in the
2 community. It's not as if government is offering it.

3 And that's part of the tension that exists-- an
4 automatic distrust of government for a variety of good
5 reasons in terms of other previous experiences.

6 And I think it might be very helpful and a major
7 catalyst if we can begin to direct critical dollars to
8 already-established, already respected community-based
9 groups.

10 But, I welcome any ideas in this regard. I know
11 that it's tough with limited dollars. It's tough, the
12 same people scramble for those dollars.

13 And I realize the tension that exists right now n
14 the District of Columbia and it's a source of great
15 concern. And I don't want in any way, as I say, at least
16 all of us who are struggling for the same, to direct
17 hostility to one another, but to find ways to close ranks
18 with one another.

19 And I welcome these ideas. Very much so.

20 CHAIRMAN FLETCHER: Mr. Anderson.

21 COMMISSIONER ANDERSON: Thank you, Mr. Chairman.

22 Mayor Kelly, thank you for being with us. I
23 appreciated your comments.

24 And I appreciate especially your comments regarding
25 the police and what you have stated as your priorities in

1 that regard.

2 We are going to be looking in the next several days,
3 obviously, at the variety of other issues. And I think
4 it would be helpful for us to hear it directly from you
5 your priorities in terms of housing, perhaps education
6 and the types of services from the Office of Latino
7 Affairs. If you could perhaps address those topics for
8 us for several minutes, I think that would be helpful.

9 MAYOR KELLY: Well, actually, I'll be happy to give
10 you a sense of it.

11 But, the intention was that we're going to have a
12 variety of people in this Administration, all of whom are
13 lined up with well-prepared texts that could be, I think,
14 more helpful than just me offering you my stream of
15 consciousness. But, let me just share with you some of
16 that.

17 With respect to housing, I might add again, I think
18 our greatest opportunity here exists through a lot of
19 community-based groups. I'm not suggesting community-
20 based groups are the be all and end all. When you're
21 strapped and particularly when you're trying to
22 dramatically improve upon a service that has not been
23 there in the past in critical offices of government, that
24 this is one way to go.

25 And I think that we can direct dollars to community-

1 based groups with a clear commitment to the Latino
2 community. I think we can make strides there.

3 But, you know, for example, again, when we had that
4 devastating fire, the City government moved in and tried
5 to intercede to get Section 8 dollars available to a
6 community in distress. But, in that one instance, there
7 happened to be some kind of federal program dollars
8 available.

9 Too often, there are no federal program dollars
10 available. So, we've got to rely upon limited resources
11 and just try to direct those resources more effectively.

12 Education is a big point. As you know, we have a
13 separate board of education. I have talked to, quite
14 frankly, the leadership at the Board of Education. I am
15 very troubled by the lack of facilities for the Latino
16 community-- the lack of a gymnasium, the lack of an
17 auditorium.

18 And I, like everyone, grow impatient with a failure
19 to address that basic issue. But, we need to do more of
20 education and for folks who are coming into the City.
21 And we have nothing to work with other than, you know,
22 some volunteers who will help us. We have nothing to
23 work with.

24 I mean, it's been a dramatic and profound change
25 even for the existing Latino community. That profile has

1 changed dramatically. The people that we have hired are
2 not reflective of many folks who come from El Salvador.
3 You know, it's not reflective of a new community that's
4 coming in here.

5 And so we're trying to catch up with nothing. I
6 mean, so what do we do? We scramble and go to the
7 Meridian House. I've gone to every organization there
8 is, every-- the embassies and everyone else-- please help
9 us, or help us to provide some of the training and
10 support that we all desperately need. But, that should
11 be done by a federal level.

12 There is no way the District of Columbia is going to
13 be able to catch up in the way that it needs to. That's
14 got to be addressed at the federal level.

15 With respect to services in the community, again, I
16 think the key here again is not only dialogue but to have
17 a better reflection beyond the basic services. I guess
18 my bottom line is the bottom line.

19 What we've got to do is provide jobs. We've got to
20 do a better job of health services. We are trying to
21 improve in that area. And I think we've made in-roads in
22 that area in terms of improvements in health services.
23 Make certain that the little basic things, the signage in
24 the District of Columbia is reflective of the community
25 we have.

1 And we've made strides in that area. But, I think
2 it's got to be some bottom line issues-- education, jobs,
3 health care. Education, jobs, health care. And to make
4 certain we all remain faithful to it, we can do whatever
5 we can, as I say, to be a catalyst, provide strategic
6 dollars of support to groups that already exist, that
7 already have the legitimacy, that already have the
8 credibility, that will help to achieve that empowerment.

9 As you know, that empowerment is going to have to
10 come from within the community. There is no other way.
11 And to make certain, therefore, that we have a fuller
12 reflection at decision-making levels throughout the
13 government.

14 And we need that. We need it in the District of
15 Columbia. We need more folks in elective office. I will
16 claim my part but I think, again, the biggest way I can
17 play a part is to direct critical dollars to already
18 established groups.

19 COMMISSIONER ALLEN: Mayor Kelly, I'd like to ask
20 you two questions, rather more general and hypothetical
21 and specific but which I think, nevertheless, I think
22 properly addressed to you.

23 The first question has to do with the D.C. Latino
24 Civil Rights Task Force, the October report. October is
25 not very long ago so I don't expect those recommendations

1 to have been implemented necessarily. But, I did want to
2 know, from your seat, what is the status of those
3 recommendations and particularly the first of the
4 principal recommendations that a general policy be
5 adopted to target 10 percent of the District's resources,
6 however meager, to the Latino community.

7 MAYOR KELLY: Well, I had that task force so much on
8 my mind, I said it in my remarks about the Latin American
9 Youth Center. Clearly, I think we've got a stated policy
10 that will incorporate many of the concerns of the task
11 force. And a part of that will clearly be a greater
12 commitment of fair share in terms of distribution of
13 jobs, contracts in the District of Columbia.

14 There are others who are about to speak that can
15 speak with greater detail to that point.

16 COMMISSIONER ALLEN: But, the general policy in some
17 shape you do see evolving?

18 MAYOR KELLY: Yes, we do. Very much so.

19 COMMISSIONER ALLEN: The second question is the
20 hypothetical question.

21 You are concerned about the federal government's
22 level of support for the District of Columbia. I have
23 not taken the time to assess the degree of support and
24 its--

25 MAYOR KELLY: Not just for the District of Columbia.

1 The federal government support for anybody who is
2 African-American or Latino.

3 COMMISSIONER ALLEN: Granted. But, particularly
4 with relationship to the-- the special relationship-- of
5 the District, the District receives federal monies that
6 other jurisdictions do not receive.

7 And I wondered if you would speculate--

8 MAYOR KELLY: The District of Columbia does what?

9 COMMISSIONER ALLEN: Receives federal monies that
10 other jurisdictions do not receive.

11 MAYOR KELLY: The District of Columbia is denied \$2
12 billion each and every year because of this peculiar
13 arrangement called Home Rule.

14 We, our taxpayers, put up the dollars to have all of
15 the construction that occurs on New York Avenue,
16 Pennsylvania Avenue and K Street. And then, because we
17 cannot tax the people who actually are the beneficiaries
18 of all that office space and all of the jobs that go with
19 it, and because the District of Columbia is significantly
20 a minority community, African-Americans and Latinos,
21 we're never the ones hired and we're never the ones
22 contracted with.

23 The District of Columbia loses \$2 billion a year
24 and, in exchange for having our hands tied behind our
25 back, we get \$600 million.

1 Now, if you call that equitable and more dollars,
2 you have a different kind of arithmetic than I have.

3 COMMISSIONER ALLEN: No. No, you weren't hearing
4 me. That's basically what I wanted you to answer, but I
5 wanted you to answer the question in a particular form.

6 If, in fact, the extensive government holdings in
7 the District were private businesses and the District
8 were free to tax them, I want to hear your specific
9 response to the question whether you thought the return
10 in revenues to the District would be more or less than
11 the District presently receives from the federal
12 government.

13 MAYOR KELLY: If we had...if we were a State, we
14 would have, as far as I'm concerned, I'd happily do a
15 quid pro quo. The federal government could keep the
16 federal employment of payment. We could operate as a
17 sovereign power. And we would do far better financially
18 and otherwise.

19 I think the real key is that this government, this
20 Administration, which the Kelly Administration intends to
21 do, must leverage whatever power we have to control the
22 private sector in coming to the table with greater good
23 faith in terms of hiring and contracting.

24 And whenever we contract, we've got to make certain
25 that it leads to real jobs and business opportunities in

1 these two particular communities; because the way of the
2 future is in that private sector. We're part of a global
3 marketplace.

4 The District of Columbia has now become a major
5 gateway. And what is frightening to watch is to what
6 extent there are communities just being totally left out
7 of it.

8 And what did you say? I couldn't hear all of what
9 you said?

10 COMMISSIONER REDENBAUGH: Oh, I'm sorry. In--

11 MAYOR KELLY: In affirmative action and--

12 COMMISSIONER ALLEN: Affirmative action for hiring
13 in other parts of the City government you mentioned is
14 one now in place, and the police.

15 MAYOR KELLY: Yes, I do. I think it is appropriate.
16 And if the truth be told, I think we've got to make
17 certain and one of the things we're discussing now is
18 partly an outgrowth of some of our concerns with both the
19 youth and violence piece as well as, quite frankly,
20 economic development.

21 Actually, we should begin to hold department heads
22 and managers of the government accountable in their own
23 personnel evaluations if they don't make good on these
24 basic commitments.

25 We, ourselves, should be the strictest example of

1 the very thing we're suggesting ought to be the order of
2 the day throughout the community.

3 COMMISSIONER BERRY: Mr. Chairman, I want to ask
4 that something be put in the record.

5 CHAIRMAN FLETCHER: All right.

6 COMMISSIONER BERRY: Mr. Chairman, I would like to
7 ask that, at this point in the record, I'd like to get
8 the agreement of my colleagues that I would ask the Mayor
9 to provide for us before the record is closed an
* 10 explanation of the financial relationship between the
11 District of Columbia and the federal government.

12 This is in response to Mr. Allen's question.

13 So that the Commissioners can understand the
14 financial aspects of this relationship and its
15 consequences, including such things as unfunded pension
16 liabilities and the other matters that you discussed,
17 because I don't think they're aware of the details of
18 this.

19 And it would be helpful in our discussion when we
20 come to the time to make recommendations. And I wonder
21 if the Mayor would be willing to have someone provide
22 this to us for the record?

23 MAYOR KELLY: I certainly will do it, and I
24 appreciate the chance.

25 COMMISSIONER BERRY: The only other thing that I

1 would ask the Mayor provide for the record before it is
2 closed is whatever information she can have put together
3 without too much trouble on the population mix in the
4 Adams Morgan-Mount Pleasant area.

5 And to the extent that other groups that live in
6 that area are represented in the police department and in
7 the other areas in which we have expressed concerns about
8 Latinos, because my understanding is that there is a wide
9 population mix in the Adams Morgan-Mount Pleasant area.

10 So I just wanted to get some idea of how we make
11 comparison.

12 MAYOR KELLY: Okay.

13 COMMISSIONER BERRY: Does the Mayor believe she will
14 be able to provide that for the record?

15 MAYOR KELLY: Certainly.

16 COMMISSIONER BERRY: Okay. Mr. Chairman, I would
17 like unanimous consent that the record will remain open
18 until this information is included.

19 CHAIRMAN FLETCHER: So ruled.

20 COMMISSIONER BERRY: Thank you.

21 (Information to be furnished:)

22 COMMISSIONER BERRY: And, could I make one more
23 comment, Mr. Chairman?

24 I would also, to the extent that, hopefully, we'll
25 have the attention of others within the federal

1 government, I also urge that they look with dispatch at
2 some serious concerns, legitimate concerns regarding the
3 immigration status of many folks from El Salvador.

4 There's great uncertainty in the community. We, in
5 government, will be put in an untenable situation, a
6 situation we want no part of. And we would urge Congress
7 and others to look at this issue with dispatch and with
8 sensitivity and with concern of the many people who are
9 now a part of our community.

10 COMMISSIONER ALLEN: Mr. Chairman.

11 Since budgetary matters seem to be taking so much of
12 the focus here and since we're augmenting the record with
13 additional material, perhaps the staff could work with
14 the staff at the Mayor's Office to provide the Commission
15 with a list of how many of the relevant Commission
16 recommendations for cost-cutting have been implemented
17 and enacted.

18 Could I ask that be provided, if there's no
19 objection?

20 CHAIRMAN FLETCHER: There being no objection, so
21 ruled.

22 MAYOR KELLY: I'd be delighted to do it and I would
23 be delighted for you also to turn in to the variety of
24 talk shows that are on as we speak who are exercised
25 about some of those cost-cutting measures that we have

1 had, unfortunately, visited upon us.

2 And in an era of time when you get no support from
3 the federal government only in some way just adds to the
4 anxiety and anguish out in the community, which is why
5 we're bound and determined to try to figure out how to
6 deal with this crisis in a more humane way, whatever help
7 we get-- which doesn't look very forthcoming right now.

8 CHAIRMAN FLETCHER: Thank you very, very much, Mayor
9 Kelly. You've been very helpful.

10 MAYOR KELLY: Thank you. I appreciate the chance.

11 (The Mayor was excused.)

12 CHAIRMAN FLETCHER: Our next witness will be
13 Ms. Maria Charito Kruvant. Is she here, please?

14 Ms. Kruvant is the Chairperson for the District of
15 Columbia Advisory Committee to the U.S. Commission on
16 Civil Rights.

17 Ms. Charito Kruvant, please. Please proceed.

18 STATEMENT OF MS. MARIA CHARITO KRUVANT,
19 CHAIRPERSON, DISTRICT OF COLUMBIA
20 ADVISORY COMMITTEE,
21 U.S. COMMISSION ON CIVIL RIGHTS

22 MS. KRUVANT: Good morning. My name is Maria
23 Charito Cresario...Kruvant. And I am a resident of the
24 District of Columbia for the last 25 years.

25 It's a real honor and a pleasure for me to have this

1 special task. I have been given the greatest task for
2 these activities. I am here to host, to welcome you.

3 So, Mr. Chairman, Members of the Commission, Mr.
4 Gonzalez, in my behalf and in behalf of the other members
5 of the State Advisory Committee, I'm here to welcome you.

6 And we welcome you with joy. I am Hispanic but,
7 above all, I'm a Washingtonian. And we want you to look
8 at Washington. We want you to help us grow. We want you
9 to help us learn from each other.

10 We have a lot to share, a lot to give. We, in
11 Washington come in different colors, different shades,
12 different... not only ethnic but also cultural
13 backgrounds.

14 Some of us have been blessed with lots of education.
15 Some of us need a lot of education.

16 I, myself, am a person with special needs. Some of
17 us-- many of us-- in this community need special help.
18 We don't want you to look at the horrors that sometimes
19 happen when civil rights have been broken.

20 But, more than anything, we want you to remember
21 this City that has gone through pain, this is the City
22 that needs healing.

23 We need you to come and help us heal. We do need
24 you to be open, to be clear in your mission. Yes, we do
25 know you are here to look at the issues of the Latino

1 community. But, it seems to me that it would be
2 impossible to look at the issues in the Latino community
3 within the District of Columbia without addressing the
4 larger needs, our partners in Congress, our partners in
5 the federal government.

6 The City is attempting to do as much as it can for
7 all members of this community, but as you heard Mayor
8 Kelly, it is not something that could be done at once.

9 We do need more funding, but we also do need a
10 certain change of attitude, the attitude in which we all
11 count:

12 We as citizens of this future State.

13 We need you to help us to become a State.

14 Do you hear that? I'm counting on you.

15 (Laughter.)

16 As you probably know, we are winners. We are
17 winners not only in sports, but our minds in Washington
18 are the minds of winners.

19 And we are winners because both Blacks and Hispanics
20 are trying to hold hands and resolve and come up with
21 solutions.

22 We're also good learners. So, if you show us where
23 we might not be doing our best, I'm sure we're going to
24 come up with good solutions.

25 I would like to be sure that not only you meet me

1 but you also meet some of the members of the Advisory
2 Committee who are here present.

3 Will you please stand up, those who are here?

4 (The members stood.)

5 MS. KRUVANT: Cliff Smith.

6 I'm sorry. I didn't bring a very long prepared
7 speech because I knew you were going to be taking the
8 time with Mrs. Kelly, as you should.

9 However, I do want to be sure that you do know some
10 of the things that we're looking forward from you.

11 Not only as Hispanics but we members of the City, we
12 want you to give us the chance to get in power. We want
13 you to help us to support the equity. We want you to
14 help us to look at innovation.

15 We also want you to really consolidate our
16 leadership, to help us work as team members, all the
17 members of our different races, different groups in the
18 City.

19 We want you to help us define a new mission in which
20 not only the District of Columbia will be able to resolve
21 some of the tremendous temptations that do exist among
22 races, but also we want to be able to be leaders in the
23 larger community in this nation because we do know this
24 is not exclusively a problem of the District.

25 We do know it happens in other places. And if you

1 don't address it in the right way, it will probably
2 happen more and more. And it will not be Hispanics and
3 Blacks, it will be Blacks and Blacks. It will be Latinos
4 and Hispanics. It will be Salvadorans and Nicaraguans.

5 Please do help us to look at this issue with
6 integrity, with candor and honesty.

7 Thank you very much.

8 CHAIRMAN FLETCHER: Thank you very much for your
9 statement.

10 Commissioner Booker, please?

11 MS. BOOKER: I personally want to thank you for
12 being here, and all the members, who do so much work.

13 I especially want to thank you for so eloquently and
14 so well stating the purpose of our being here today. We
15 are here to do the best we can. And I promise that,
16 especially on my part and all the Commission, that we
17 will work very hard in trying to help you.

18 Thank you for being here.

19 MS. KRUVANT: Thank you.

20 CHAIRMAN FLETCHER: Thank you very much.

21 MS. KRUVANT: Thank you. You're welcome, again.

22 CHAIRMAN FLETCHER: All right.

23 MS. BOOKER: Mr. Chairman, I'd like to call Jeffrey
24 P. O'Connell, Nadja Zalokar and Irene Rudert.

25 CHAIRMAN FLETCHER: Before sitting, would you stand

1 so you can be sworn, please?

2

3

4 Whereupon,

5

JEFFREY O'CONNELL

6

NADJA ZALOKAR

7

EILEEN RUDERT

8

were called as a Panel and duly sworn.

9

STAFF REPORT: "THE DISTRICT OF COLUMBIA:

10

AN OVERVIEW"

11

CHAIRMAN FLETCHER: You may proceed.

12

MS. BOOKER: Would each of you please identify

13

yourself for the record?

14

MR. O'CONNELL: I am Jeffrey O'Connell, Assistant

15

General Counsel of the Commission.

16

MS. RUDERT: I am Eileen Rudert, Statistician and

17

Social Scientist of the U.S. District of Columbia.

18

MS. ZALOKAR: My name is Nadja Zalokar. I'm a

19

Social Scientist at the U.S. Civil Rights Commission.

20

MS. BOOKER: Have the three of you prepared for this

21

hearing a staff report entitled District of Columbia, an

22

Overview?

23

MR. O'CONNELL: Yes. We did.

24

MS. BOOKER: Is this a copy of that report?

25

MR. O'CONNELL: Yes, it is.

1 MS. BOOKER: Mr. Chairman, with your permission, I
2 would like to submit a copy of that staff report for the
3 record.

4 CHAIRMAN FLETCHER: There being no objection, so be
5 it.

6 (Exhibit 2 received.)

7 MS. BOOKER: Would the Panel please provide the
8 Commission with a summary of that staff report?

9 MR. O'CONNELL: The staff report prepared for this
10 hearing, of which this is a summary, provides an overview
11 of data on areas related to the subject matter of the
12 hearing against a backdrop of recent national and local
13 socioeconomic trends.

14 Included are data on social services, housing,
15 police protection, the criminal justice system and the
16 District's public schools.

17 The report, however, begins by summarizing the
18 history of the District's unique political status. The
19 United States Constitution established the authority to
20 form the District of Columbia. It did not grant District
21 residents any authority to participate in the election of
22 members of Congress or the Executive, or even the
23 election of District leadership.

24 For many years of its existence, the District had
25 appointed, not elected, Mayors, Councils or other

1 governing bodies.

2 In 1973, the District of Columbia Self-Government
3 and Governmental Reorganization Act, commonly known as
4 the Home Rule Act, established a popularly-elected Mayor
5 and a 13-member Council.

6 Congress, however, reserved the legislative powers,
7 including final approval over the District's annual
8 budget and the power to prevent local legislation from
9 going into effect.

10 In terms of national representation, in 1961, the
11 23rd Amendment to the Constitution authorized the
12 District's participation in Presidential Elections.

13 In 1978, a proposed Constitutional Amendment to give
14 District representation in the House and Senate was
15 passed by Congress, but failed to win approval by the
16 States.

17 The District is currently represented by a non-
18 voting Delegate in the House of Representatives.
19 Although the District's Delegate cannot vote on the floor
20 of the House under current House rules, the Delegate may
21 hold Committee office and vote in committees.

22 In 1990, the District also elected shadow
23 representatives to both Houses for the purpose of
24 lobbying for Statehood for the District.

25 To further the representation of District residents,

1 two separate and very different bills have been submitted
2 to Congress.

3 One bill would create a new State, the State of New
4 Columbia, while the other would return most of the
5 District to Maryland.

6 Both proposals would retain under federal control a
7 federal enclave, allowing major federal buildings and
8 memorials to remain in federal territory.

9 MS. ZALOKAR: Several recent socioeconomic trends in
10 the United States also form an important backdrop for
11 understanding recent events for the District of Columbia.

12 First, a rise in immigration, particularly from
13 Latin America and Asia, has led to the increasing ethnic
14 and racial diversity of the United States population with
15 the immigrants becoming a more visible segment of the
16 population.

17 Second, the past several decades have witnessed both
18 stagnating real wages and growing income inequality in
19 the United States population.

20 As a result, Americans at the bottom of the economic
21 ladder, those with little education and low labor market
22 skills, have grown poorer while their high-income
23 counterparts grow richer.

24 Recently, the economic livelihood of low-income
25 Americans has been further threatened by a lengthy

1 economic recession.

2 In particular, Hispanic Americans, who have lower
3 education levels than either blacks or whites and many of
4 whom are immigrants, have followed behind other
5 population groups over the past several decades.

6 And because they often work in cyclically- sensitive
7 occupations and industries, they may have been
8 particularly hard-hit by the current recession.

9 MS. RUDERT: The District of Columbia is home to
10 more than 600,000 people. Its population has been
11 culturally diverse from its inception with blacks early
12 constituting a large proportion of City residents.

13 Blacks became a majority of District residents by
14 the late 1950s and, by 1970, they comprised nearly three-
15 fourths of the District population.

16 According to the 1990 Census, Washington's
17 population is now over 65 percent Black and about 30
18 percent White.

19 The District's Hispanic population increased by 85
20 percent in the last decade, while the Black and White
21 populations were decreasing.

22 In 1990, the Census counted 32,710 Hispanics in the
23 District of Columbia, or 5.4 percent of the population,
24 but the actual number of Hispanics in the District may be
25 much higher.

1 Some have estimated it to be as much as 65,000-
2 85,000, and the Hispanic share of the District's
3 population to be at least 10 percent.

4 The number of undocumented Hispanics has been
5 estimated to be 35-40 percent of the total Hispanic
6 population.

7 Immigrants from El Salvador, most of whom are not
8 U.S. citizens, are responsible for much of the growth in
9 the Hispanic population in the District of Columbia in
10 recent years. And a large number of Hispanic residents
11 in the District of Columbia in Ward One are Salvadorans.

12 The Mount Pleasant and Adams-Morgan neighborhoods
13 are located in Ward One. In 1990, this Ward had at least
14 14,000 Hispanics, about two and a half times as many as
15 any other Ward in the District.

16 Although the population of the District of Columbia
17 is shrinking, that of Ward One is growing and its
18 Hispanic population increased by 131 percent over the
19 last decade.

20 The population density in Ward One is three times
21 that of the District, and Ward One is more than twice as
22 dense as the next most densely-populated Ward.

23 The District of Columbia is the largest employment
24 center in the Washington Metropolitan region. Although
25 employment in the District has been increasing since

1 1983, the rate of increase is slow in recent years.

2 In 1989 and 1990, the employment growth was less
3 than half what it had been in the two preceding years.

4 The District's unemployment rate increased in 1990
5 to 6.6 percent, up from 5 percent in the previous two
6 years.

7 Three industries stand out as having high employment
8 growth rates in the early 1980s and slow growth or even
9 declines at the end of the decade-- District Government,
10 Services, and Construction and Manufacturing.

11 Nationwide, Hispanics are over-represented in these
12 industries and occupations relative to other population
13 groups, including Blacks.

14 The economic recession hit Washington, D.C. worse
15 than in the United States as a whole. In 1990, per
16 capita personal income increased in the District of
17 Columbia by only 3.2 percent after several years in which
18 income had grown by double this amount.

19 At the same time, the Washington area inflation rate
20 was 5.9 percent, nearly twice as high as the growth in
21 per capita personal income.

22 Thus, real per capita income for purchasing power
23 fell for the District of Columbia between 1989-1990.

24 District of Columbia residents, and particularly
25 Ward One residents, are older than the general population

1 and much older than the U.S. Hispanic population. Ward
2 One residents live in smaller households than the typical
3 District residents and the Hispanics throughout the
4 United States, averaging only 2.14 persons per household.

5 Thus, one researcher suggests that many Hispanic
6 households in the District are composed of solitary males
7 supporting the families they left in El Salvador.

8 The District of Columbia and Ward One have a high
9 proportion of renter-occupied housing.

10 The 1990 unemployment rate for Ward One, 7.3
11 percent, is higher than for the District as a whole,
12 higher than the 1989 nationwide rate for Hispanics and
13 matches the 1989 nationwide rate for Blacks.

14 However, three Districts, Wards Five, Seven and
15 Eight, all of which have 90 percent or more Blacks, have
16 unemployment rates as high or higher than that for Ward
17 One.

18 The D.C. Latino Civil Rights Task Force is concerned
19 that the Latino community is not receiving an equitable
20 share of District services.

21 Federal laws and regulations require proof of
22 citizenship for U.S. residency status as a condition for
23 eligibility for many social services.

24 Although federally-funded programs rule undocumented
25 immigrants as ineligible, many locally-funded programs

1 are not subject to such regulations. However, the D.C.
2 Latino Civil Rights Task Force contends that the District
3 of Columbia government personnel who administer these
4 programs are sometimes confused about the required
5 Immigration and Naturalization Service documentation.

6 Consequently, they may discriminate against
7 undocumented immigrants.

8 Recent Hispanic immigrants may also lack access to
9 social services because they lack familiarity with the
10 social service system or because of a dearth of Spanish
11 literature on social services, outreach programs to the
12 Hispanic community and bilingual program personnel to
13 communicate with the applicants.

14 The Mayor's Office on Latino Affairs, established in
15 1976, is an advocacy office to help other agencies become
16 more responsive to the needs of Latino residents. Among
17 other services, it translates application forms and
18 produces television programs to educate the Spanish-
19 speaking community.

20 A total of 26.9 percent of appropriated District
21 spending is directed toward human support services.
22 Clients in human services programs may participate in one
23 or more of eleven programs-- Medicaid, Food Stamps, Aid
24 to Families with Dependent Children or AFDC, Health
25 Services, Supplementary Security Income or SSI, Medical

1 Charities, General Public Assistance, Rehabilitation
2 Services, Social Services block grants, mental health
3 services, foster care and emergency assistance.

4 In 1990, nearly 30 percent of the District's
5 population received at least one such service.

6 There are many signs that the need for human
7 services has been rising in recent months after a period
8 of decline. The number of participants in human services
9 programs decreased between 1986 and 1988, but then
10 increased in 1989 and 1990.

11 Many of the social programs are wholly or partly
12 funded by federal monies. AFDC, the largest income
13 assistance program, emergency assistance, SSI,
14 unemployment insurance, many of the job training
15 programs, Medicaid and the Food Stamp Program and
16 services provided through the Office of Refugee
17 Resettlement are supported by federal funds.

18 Therefore, the recipients must have proof of
19 citizenship or U.S. residency status.

20 Children who are born in the United States are
21 citizens and they qualify for benefits even though their
22 parents or guardians may not. Thus, for example, an
23 undocumented parent or guardian may be a payee on AFDC
24 for a child who is a citizen.

25 Some federally-funded programs, such as AFDC and the

1 Food Stamp program, have fewer recipients in Ward One
2 than in other Wards with disadvantaged populations.

3 Other programs, such as General Public Assistance,
4 which is another income-assistance program, and some
5 health services, are District funded. The District has
6 expanded some services and fallen short on others.

7 Some examples follow:

8 Since 1987, the District government has expanded
9 health services to cover segments of the population not
10 eligible for Medicaid. For example, undocumented aliens
11 are eligible for coverage of emergency in-patient
12 hospitalization, including maternity care.

13 The number of persons qualified under the expanded
14 eligibility criteria has grown each year from 1,222 in
15 1988 to 4,824 in 1990.

16 Although long-term care nursing beds may be
17 supported by federal or District government or operated
18 by non-profit organizations or proprietary private
19 institutions, the number of beds supported by the
20 District fell by 300 between 1989 and 1990.

21 Although it is the most densely-populated Ward, in
22 1990, Ward One had only a single licensed long-term care
23 facility with 164 beds. Fewer than any other Ward.

24 Finally, the Commission on Budget and Financial
25 Priorities of the District of Columbia concluded that the

1 District was not helping nonprofit community health
2 centers apply for federal funds for infant mortality
3 programs.

4 The supply of affordable housing in the District of
5 Columbia decreased between 1977-1985. The District of
6 Columbia prepared a comprehensive housing affordability
7 strategy to obtain federal funds for housing programs.

8 In assessing the needs of low-income families, this
9 document found that 63 percent of those with very low
10 incomes were paying more than 30 percent of their income
11 for housing.

12 Although some of the low-income households had
13 applied for housing assistance, the waiting list
14 contained over 15,000 applicants as of June 30, 1991.
15 Only one and a half percent of the households on the
16 waiting list were Latinos. About 6 percent of the Ward
17 One applicants were Latinos.

18 The 1990 Census data showed significant increase in
19 the severe over-crowding in rental housing. The general
20 decline in the number of cheaper apartments, the large
21 increase in the Latino population and the tendency of
22 low-income families-- but particularly Latino families--
23 to double up in apartments in order to afford housing are
24 possible explanations for the over-crowding.

25 Programs designed to increase the supply of

1 affordable housing are funded through District Government
2 appropriations, the Federal Community Development Block
3 Grant Program, the Federal Housing Subsidy Programs.

4 Some provide mortgage financing or insurance for
5 construction or rehabilitation of housing and reduce
6 interest loans to developers. Others assist individuals
7 in becoming homeowners.

8 Rental assistance programs include the District-
9 funded Tenant Assistance Program, or TAP, the federally-
10 funded Section 8 rental assistance program and the low
11 rent public housing program.

12 In January 1991, 11 percent of District of Columbia
13 housing units received subsidies. Only 8 percent of the
14 housing units in Ward One received subsidies.

15 In January 1991, Ward One had perhaps half as many
16 subsidized housing units as some other Wards in each of
17 these three programs.

18 The complementary Energy Assistance Program, which
19 provides monthly grants to low and moderate income
20 families, also provided assistance to perhaps half as
21 many households in Ward One in 1990 as in other Wards.

22 MS. ZALOKAR: In the District of Columbia, poor
23 police/community relations may be an important force
24 shaping the Hispanic community's perception of
25 responsiveness of government to their needs.

1 While the metropolitan police department has some
2 outreach programs to the Latino community, there are few
3 Hispanic officers, and none at ranks above lieutenant.

4 Furthermore, language and cultural barriers hamper
5 Latinos' access both to police protection and to fair
6 treatment within the criminal justice system as a whole.

7 Since the Mount Pleasant incident, the Metropolitan
8 Police Department has made some efforts to improve its
9 relationship with the Latino community.

10 The District of Columbia public school system, which
11 serves a student population that is largely minority,
12 compares poorly in per student expenditures on
13 instructional services and in student achievement with
14 other districts in the region, and the nation as a whole.

15 The system serves roughly 7,000 language minority
16 students, two-thirds of whom are Spanish-speaking. But,
17 until very recently, the District did not have a
18 comprehensive plan for educating limited English-
19 proficient students.

20 Moreover, the District has a severe shortage of
21 bilingual or English as a Second Language personnel to
22 meet the needs of these students.

23 CHAIRMAN FLETCHER: Thank you very much for your
24 report.

25 We will now call on the next Panel, please.

1 COMMISSIONER ANDERSON: Mr. Chairman, I wonder if I
2 could...

3 CHAIRMAN FLETCHER: Yes, you might if you'd like.
4 We're going to run over if you do (laughing).

5 All right.

6 COMMISSIONER ALLEN: Mr. Chairman, I wonder if
7 Chapter 4 of the report could be amended to provide us
8 with dollar amounts of federal matching funds for the
9 social services programs discussed in that chapter.

10 It appears that the federal commitment to the
11 District is going to be a central aspect of our
12 deliberations. And, therefore, I think, to establish a
13 benchmark, we ought to have that provided as part of
14 this.

15 And also if we could see perhaps over the past
16 decade the growth or decline of federal funding for
17 District programs.

18 CHAIRMAN FLETCHER: Would there be any problem with
19 you complying with that? I guess not.

20 MS. RUDERT: We will provide what we have available
21 and what we can attain from the Mayor's, yes.

22 CHAIRMAN FLETCHER: Thank you very much.
23 Ms. Buckley.

24 (Information to be furnished:)

25 CHAIRMAN FLETCHER: Commissioner Buckley.

1 COMMISSIONER BUCKLEY: I have two comments in some
2 of the background information. You used the Latino task
3 force language report. And, there, they talk about how
4 a lot of the Latinos work, rather than in permanent and
5 full-time positions, they are in part-time positions.

6 Would it be possible for you, in working with the
7 Mayor's office and going back to them, if you could give
8 us information as part-time versus full-time, what the
9 distribution there would be of the ethnicity, how they
10 classify these positions and how they distribute them?

11 MS. RUDERT: I'm not sure any data on that is
12 available, but we will inquire.

13 COMMISSIONER BUCKLEY: Well, because at a time where
14 you have the recession problem and you have layoffs, they
15 will be the first ones affected, and I'd be interested in
16 seeing what that does?

17 Then, the other one is, if you give us an update
18 right before we close the record as to whether or not any
19 Hispanic police officer or Latino police officers have
20 been indeed recruited and hired and then if any of them
21 have gone up the ranks at all?

22 In the report, we can see "none". I would like to
23 see that by the time we close this record that we could
24 report gladly that there had been some movement up the
25 ladder.

1 And that's it, sir.

2 MS. ZALOKAR: We would include that, but the staff
3 report is the information as of this date. We could
4 include that information at that time in the record.

5 (Information to be furnished:)

6 COMMISSIONER BUCKLEY: As I understood the
7 instructions earlier, the staff is going to be working
8 with the Mayor's Office and, since they're going to be
9 working in the Mayor's Office, maybe some of this is what
10 they could also glean from those conversations.

11 MS. RUDERT: Definitely.

12 COMMISSIONER BUCKLEY: Thank you.

13 COMMISSIONER RAMIREZ: Mr. Chairman.

14 CHAIRMAN FLETCHER: Yes, please.

15 COMMISSIONER RAMIREZ: You're going to have to look
16 this way, Mr. Chairman, because, from time to time, we
17 have some questions.

18 CHAIRMAN FLETCHER: All right. I'll be happy to do
19 that.

20 COMMISSIONER BUCKLEY: We're not potted plants down
21 here.

22 (Laughter.)

23 CHAIRMAN FLETCHER: I was sure of that.

24 COMMISSIONER REDENBAUGH: I have one also.

25 CHAIRMAN FLETCHER: Commissioner Berry-- I mean.

1 Sorry-- Redenbaugh. Please?

2 COMMISSIONER REDENBAUGH: Thank you.

3 Let me first commend the staff on what I consider a
4 well-written and readable document. I'm very pleased
5 with that. I have one particular and specific question
6 about the section on Economics.

7 The point is made that, over the last two decades,
8 real incomes of certain income categories have fallen
9 compared to others.

10 Two questions with respect to that.

11 To what extent does your interpretation about the
12 D.C. community rest on that?

13 What's the importance of that point, if one of the
14 staff could respond, please?

15 MS. RUDERT: I didn't hear what it was that you
16 needed a comment on.

17 What was falling over the last two decades that you
18 wanted?

19 COMMISSIONER REDENBAUGH: Real incomes.

20 MS. RUDERT: Real incomes for Americans, in general?

21 COMMISSIONER REDENBAUGH: Certain income classes, I
22 think.

23 MS. RUDERT: Okay. Well, actually, I mean, the
24 median real income has been rather flat or slightly
25 falling. And what the relevance might or might not be

1 for the District of Columbia, I think, is maybe a little
2 far for me to go, but I think what it basically says is
3 that this is a period in which people-- the economy is
4 not really growing in a way that people may have hoped
5 that it would.

6 And it is a period of time particularly for people
7 at the bottom of the economic ladder where they are
8 getting pushed down and it causes-- it could conceivably
9 cause tensions within the people at the bottom of the
10 economic ladder, the bottom half of the economic ladder.

11 COMMISSIONER REDENBAUGH: Are you and other staff
12 aware of the recent work done by Richard McKenzie at UC-
13 Irvine that challenges that data and reinterprets the
14 data?

15 MS. RUDERT: No, I am not.

16 COMMISSIONER REDENBAUGH: I would ask then that we
17 keep the record open to include some of this recent
18 economic work which can be provided, so that we can look
19 at it later.

20 MS. BOOKER: Okay.

21 COMMISSIONER REDENBAUGH: If I could have the
22 consent of my colleagues for inclusion of this other
23 material?

24 CHAIRMAN FLETCHER: There being no objections, so be
25 it.

1 COMMISSIONER REDENBAUGH: Okay. Thank you.

2 CHAIRMAN FLETCHER: Commissioner Berry.

3 COMMISSIONER BERRY: Yes. I, too, want to commend
4 the staff. I think this is a wonderful staff report.
5 You did a great job.

6 But, I do have two or three questions.

7 First of all, on the population statistics on pages
8 18 and 19, if it is the case that there are about 14,000
9 Latinos in Ward One, then, even if there are 32,000 or
10 sixty-five or 85,000, most of them are not in Ward One.

11 So, I'm wondering where the rest of them.

12 And, also-- you don't need to tell me that now, but
13 I think we need to know. And, to the extent that there
14 is data, put it in the report because I think it has some
15 relevance.

16 Also-- unless you do know. Do you know already
17 where they are?

18 MS. RUDERT: They're scattered through the other
19 wards. I think there's a table at the back that gives a
20 breakdown.

21 COMMISSIONER BERRY: There's no concentration
22 anywhere?

23 MS. RUDERT: No. I think it's about 2 percent in
24 each of the other Wards, something like that.

25 COMMISSIONER BERRY: And is it, by looking at the

1 data and those tables-- I guess I looked at the report we
2 got before. I guess it's the same one as the ones in the
3 book.

4 Is that right?

5 MR. O'CONNELL: That's correct, yes.

6 COMMISSIONER BERRY: Same thing, right.

7 That one could argue that the problem with Latinos
8 in Ward One is that many of them are immigrants. And one
9 might argue that it's an immigration problem,
10 contextually, instead of simply a problem of Latinos. If
11 more Latinos live outside Ward One than live in Ward One,
12 is it the case that more immigrants in the Latino
13 community-- recent
14 immigrants-- live in Ward One than in the other Wards?

15 I mean, is that one of the issues or not?

16 MS. RUDERT: I think that's fair. Now, I don't have
17 a breakout from how many immigrants live in each Ward.
18 And part of the reason of focusing on Ward One is because
19 I could get some specific information for that Ward and
20 try to characterize what the Latinos in that Ward were
21 like with the characteristics of Ward One.

22 I don't have any information specifically on Latinos
23 in Ward One.

24 COMMISSIONER BERRY: But, my point is that it's
25 going to be a crucial issue for us when we come to

1 recommendations.

2 MS. RUDERT: Yes.

3 COMMISSIONER BERRY: And in the questions throughout
4 the hearing-- to try to elicit how much of what we're
5 seeing is a problem that occurs with recent immigrants
6 coming into certain kinds of situations and how much of
7 it is a particular problem for Latino immigrants, or
8 Latinos who are not immigrants, and how much is a
9 particular problem of particular groups of Latinos.

10 And so that that sort of teasing out of the data, I
11 think you do understand what I mean, is going to be
12 absolutely necessary.

13 MS. RUPERT: Yes. And you're going to have to tease
14 that out with your other witnesses because I didn't have
15 specific enough data to do that in the staff report.

16 COMMISSIONER BERRY: To tell us that. Okay.

17 But, to the extent that you find anything else on
18 those two population issues, it would be very much
19 appreciated.

20 Then, the last one is-- the bilingual education, the
21 LEP issue that you raised in your last comments from the
22 report.

23 Do you have any data that you can compare what D.C.
24 is doing on that issue with nationwide data in terms of
25 responsiveness?

1 And it has a second part. Also, comparing what the
2 schools do about Latinos or Spanish-speaking students
3 with how they meet the needs of other students who speak
4 other languages, even in the District? So we have some
5 comparison points?

6 MS. RUPERT: I don't have any currently, easily-
7 available comparisons made between D.C. and nationwide.
8 I'm sure such comparisons could be developed.

9 And, similarly, with other language minority groups.
10 I don't have the data now, but it could be developed.

11 COMMISSIONER BERRY: Yes. I think we'll need that,
12 too, you'll understand, so that we can see how responsive
13 the system is being and compare that in terms of effort,
14 in terms of all the things that we'd like to see.

15 And we need to know how it's meeting the needs of
16 people who speak-- I don't know what languages, but other
17 languages, kids, the other one-third there. To the
18 extent that you have any data.

19 MS. RUPERT: Yes.

20 COMMISSIONER BERRY: Mr. Chairman, could I have
21 agreement that information to the staff may develop on
22 these points would be included at this point on the part
23 of my colleagues?

24 CHAIRMAN FLETCHER: There being no objection, so be
25 it.

1 COMMISSIONER BERRY: Thank you.

2 (Information to be furnished:)

3 COMMISSIONER RAMIREZ: If my other colleagues do not
4 have a question, I have an additional question.

5 CHAIRMAN FLETCHER: Please proceed.

6 COMMISSIONER RAMIREZ: In examining the data over
7 time, in terms of Ward One and perhaps looking at the
8 metropolitan area, did you get any sense as to the in-
9 city migration trends of the Ward for this population?

10 That is, how long has the population, the Hispanic
11 population, in Ward One been there and what is the length
12 of stay, if you would, of a permanency of a Ward One
13 resident?

14 MS. RUPERT: I had nothing that specific for Ward
15 One. I did have some indication that immigrants from El
16 Salvador had immigrated in the past five years. I had
17 some very clear indication that the tremendous increase
18 in El Salvadoran immigrants began in 1989 and 1990.

19 But, I had nothing specific toward One in D.C. on
20 that.

21 COMMISSIONER RAMIREZ: Thank you.

22 Mr. Chairman, I would just like to point out that it
23 was not my technical incompetence. The microphone simply
24 did not work.

25 CHAIRMAN FLETCHER: I see. I see. I understood you

1 broke it when you sat down there.

2 (Laughter.)

3 CHAIRMAN FLETCHER: Any further questions, please.

4 Commissioner Allen?

5 COMMISSIONER ALLEN: No.

6 CHAIRMAN FLETCHER: All right. Thank you very much
7 for an outstanding job.

8 Counsel, will you call the next panel, please?

9 MS. BOOKER: The next panel will please come to the
10 stage: Mr. Aviles Yniguez, Ms. Benda, Ms. Sanders,
11 Professor Manning.

12 CHAIRMAN FLETCHER: Please come up.

13 MS. BOOKER: Mr. Chairman, while they are
14 approaching, counsel for the Mayor has requested that the
15 Mayor's written statement be entered into the record.

16 CHAIRMAN FLETCHER: All right. There being no
17 objections, so be it.

18 (The complete statement follows:)

19

1 CHAIRMAN FLETCHER: If you'll remain standing, I'll
2 swear each of you in.

3 Whereupon,

4 PEDRO AVILES

5 DEBORAH SANDERS

6 SUSAN BENDA

7 BOB MANNING

8 DAVID YNIQUEZ

9 were duly sworn as witnesses.

10 MS. BOOKER: Would each of you please identify
11 yourself for the record.

12 MR. AVILES: My name is Pedro Aviles, the Chairman
13 of the D.C. Latino Civil Rights Task Force and the
14 Executive Director of the Central American Refugee
15 Center.

16 CHAIRMAN FLETCHER: Welcome.

17 MS. BOOKER: Here in Washington, D.C.?

18 MR. AVILES: Yes, in Washington, D.C.

19 CHAIRMAN FLETCHER: Next?

20 MS. SANDERS: I'm Deborah Sanders. I'm an attorney
21 with the Washington Lawyers Committee for Civil Rights
22 under law.

23 CHAIRMAN FLETCHER: Thank you so much for being
24 here.

25 MS. BENDA: Susan Benda, an attorney with Arnold and

1 Porter, a law firm here in Washington.

2 CHAIRMAN FLETCHER: Thank you for being here.

3 MR. MANNING: I'm Bob Manning. I'm a Professor of
4 Sociology at American University.

5 CHAIRMAN FLETCHER: Welcome.

6 MR. YNIGUEZ: My name is David Yniguez and I'm a
7 Vice President with the National Council of LaRaza, here
8 in Washington, D.C.

9 CHAIRMAN FLETCHER: Thank you so much for being
10 here. You may proceed.

11 MR. AVILES: Good morning, Mr. Chairman, members of
12 the U.S. Commission on Civil Rights. I'm pleased to
13 provide testimony before this Commission.

14 I would like to begin by giving you a little, brief
15 description as to I, a Latino resident and a member of--
16 a resident of the District of Columbia think of this
17 Latino community in the District of Columbia.

18 As has been mentioned, the D.C. Latino community
19 numbers 65,000-85,000 in the District of Columbia, even
20 though the Census of the United States claims that there
21 are 32,710 persons of Hispanic descent. It has been
22 estimated there are between 65,000 and 85,000 Hispanics,
23 given that most of the Latino population is undocumented.

24 Most of them refuse to talk to federal agents, such
25 as members from the U.S. Census Bureau.

1 Many Latinos who live in the District of Columbia
2 are documented. However, there is a large number of
3 Latinos who are undocumented. Most of them are Central
4 American refugees who fled the region because of the
5 political instability that is, to a certain degree, still
6 going on in that area.

7 Most of the undocumented immigrants perform jobs
8 that many people refuse to accept. They receive wages
9 that fall below the minimum wage laws. They rent homes,
10 they purchase goods and they contribute to the economy of
11 this City.

12 In terms of the Mount Pleasant disturbances that
13 took place this past May, I believe, and most of the
14 members of the members of the D.C. Latino Task Force
15 believe that they were both predictable and they were
16 predicted. In 1985, I had the opportunity to be a
17 member of what was then called the New Agenda for the
18 Latino Community.

19 We then presented a set of recommendations to the
20 District of Columbia government. And I have to say that,
21 after so many years, we still have not seen any
22 substantial changes.

23 That agenda that was presented to the District of
24 Columbia government in 1985 sought to rectify
25 longstanding, systemic imbalances in socioeconomic

1 problems.

2 However, after so many years, we still haven't seen
3 any substantial changes.

4 The practice that took place in Mount Pleasant was
5 a manifestation of frustration that has stemmed from
6 years of harassment, resentment and rejection.

7 Many residents of Latino residences of the District
8 of Columbia, because of their immigration status,
9 sometimes do not come forward and complain to the
10 authorities.

11 And it is my own personal experience that members of
12 the police department and members of other agencies have
13 discriminated against Latinos, primarily because they
14 know that most of us are here undocumented and will not
15 dare to come and complain.

16 I, myself, was a victim of police brutality. And,
17 even though I am a permanent resident and I speak the
18 language, I was treated as though I were a criminal. I
19 was beat up by D.C. officers. I complained and I did
20 follow up in the process. Unfortunately, nothing...no
21 justice was done to correct that police brutality case.

22 I would say that the Latino community is also very
23 disadvantaged. According to a report that was published
24 by the District of Columbia in 1988, they concluded that
25 Hispanics, and I'm quoting here, "...are at a higher risk

1 of being poor than is any other racial or ethnic group in
2 the City."

3 In fact, the Office on Latino Affairs estimates that
4 the poverty rate for District Latinos is 35 percent.

5 At the national level, I think that Hispanics are
6 also more likely to be poor than many other ethnic
7 groups.

8 Now, we have a problem that has been in existence
9 for I would say 15 years and we don't want to put the
10 blame on the present Administration.

11 I think that the systemic imbalances in terms of
12 providing services to the Latino community has been in
13 existence for many years. And even though this morning
14 we did hear Mayor Kelly speak to the fact that Congress
15 is somewhat to blame, I believe that part of that
16 responsibility also falls in the District of Columbia
17 government.

18 They do have some political power. Minimal economic
19 power to a certain degree. And I think that they can do
20 many things in order to rectify the systemic imbalances.

21 In order to do that, I would like to just briefly
22 mention some of the things that the District of Columbia
23 government can do in order to rectify it.

24 And these I believe are major policy changes that
25 the government can do in order to rectify the systemic

1 imbalances that we have been talking about for the past
2 15 years.

3 First of all, I think that the government should
4 adopt as a general policy the principle that every
5 community should receive its proportional share of City
6 services.

7 If Hispanics make up 10 or 15 percent of the City's
8 population, then we should receive the same proportional
9 percentage in services and jobs of the City.

10 We also believe that the District of Columbia should
11 use Latino community-based organizations to provide
12 services to the Latino community and, in that way, cut
13 government spending.

14 The Latino community agencies know the community.
15 A lot of the people working in those community-based
16 organizations are committed, and they're doing it because
17 they want to help the community.

18 I think that those tax dollars will be better spent
19 if they are given out to community-based organizations to
20 provide the direct services.

21 I believe that also it should be the policy of the
22 District of Columbia government to ensure equal
23 employment opportunity for Latinos at all levels of
24 government at the fine time line.

25 In 1985, I mentioned to you, we made the same

1 request: we need additional bilingual personnel in the
2 District of Columbia government. After seven years, the
3 situation still remains the same.

4 Another recommendation that we believe should be
5 made to the government is to take into account the unique
6 characteristics of the Latino community. Many members of
7 the District of Columbia government, many employees of
8 the government, are not conscious of the cultural
9 characteristics of our community. And, in many cases,
10 they have treated us with disrespect and even with
11 neglect.

12 Not too long ago, some of you asked-- one of the
13 Commissioners asked-- whether we have any statistics on
14 the numbers of Latinos that are receiving services.

15 Virtually, we don't have, I guess, with the
16 exception of a couple of agencies, we're able to tell how
17 many Hispanics have come through the doors of the
18 District of Columbia.

19 One specific policy recommendation that I think you
20 could formulate is to include a Latino-Hispanic
21 identifier in every District data collection system,
22 which includes a racial or ethnic identifier, and make
23 the data available to the public.

24 That would help the District of Columbia government
25 allocate funds and services to the Latino community.

1 And, also, it will help the Latino community also
2 identify how many people are actually receiving services,
3 and how many people are not receiving them.

4 And one last specific recommendation that I give the
5 U.S. Commission on Civil Rights is that the District of
6 Columbia should address the needs of these residents
7 irrespective of immigration status.

8 The City passed what is called Non-appropriated
9 Monies, monies that are not subject to the regulations of
10 the federal government.

11 Those monies could be used to provide services to
12 the Latino community. At this moment, I don't think it's
13 being done in a comprehensive fashion.

14 I would like to also, just to finish my remarks, to
15 say that we're encouraged by the statements that have
16 been made by Mayor Kelly, by the Chairman of the City
17 Council, Mr. John Wilson, in regards to the set of
18 recommendations that were presented to the City the 11th
19 of October last year.

20 However, good words are not what is going to end the
21 frustration for that feeling of powerlessness in our
22 community. We need actions. We need deeds. And even
23 though I understand that the Congress is partly
24 responsible for some of the situation that's going on in
25 this City, we are not asking for crumbs. We're not

1 asking for a larger piece of the pie. We are asking to
2 get what is our share, and we haven't been getting it for
3 the past 15-20 years.

4 I'm going to stop my remarks here and answer
5 any questions that you may have.

6 CHAIRMAN FLETCHER: Thank you.

7 MS. BOOKER: Before we do that, Mr. Aviles, I would
8 like to address some questions to the other members of
9 the panel.

10 Mr. Yniguez, in your capacity as vice-president for
11 Technical Assistance and Constituency Support for the
12 National Council of Laraza, have you had an opportunity
13 to assess the extent to which the concerns of the D.C.
14 Latino Civil Rights Task Force are unique to this City,
15 as opposed to being prevalent in other communities across
16 the country?

17 MR. YNIGUEZ: I was going to address that in my
18 remarks.

19 MS. BOOKER: Would you like to do that now?

20 MR. YNIGUEZ: Okay. One of the things we see is
21 that this is not an isolated incident. In fact, we've
22 had similar incidents in law enforcement and community
23 tensions as well as strained relations between the police
24 and Hispanics. And they have occurred in places such as
25 Albuquerque, New Mexico; El Paso, Texas; Sacramento,

1 California; Houston, Texas. And, more recently, in
2 Lansing, Michigan.

3 For example, in Lansing recently, on November 4,
4 1991, there was an incident which involved a young
5 Hispanic male, who, this male had been causing a domestic
6 disturbance was confronted by local police.

7 And then he was shot between 25-30 times with .9
8 millimeter weapons and once with a .12 gauge shotgun.

9 And, later, it was disclosed that the handgun that
10 this individual had displayed was a BB gun.

11 Witnesses have also reported that the victim's
12 stepmother tried to go to the victim's side just after
13 the victim had been shot, but was forcibly and rudely
14 shoved into a police vehicle.

15 And, so, predictably, that Hispanic community was
16 outraged and accused the police of over-reacting. So,
17 yes, there have been others. This was just an isolated
18 incident.

19 MS. BOOKER: Did you have further remarks that you
20 would like to add at this time?

21 MR. YNIGUEZ: Well, I have a prepared text.

22 Mr. Chairman and Members of the Commission, my name
23 is David Yniguez and I'm a vice president of the National
24 Council of LaRaza. We are the largest Hispanic
25 constituency-based organization in the country. And I

1 want to thank the Commission for allowing me to test
2 about the recent events, such as the disturbance which
3 occurred last May in the Mount Pleasant area of our
4 nation's capital.

5 The president of our organization, Raol (y'zegere)
6 and myself were witness to the activities on May 6th. We
7 were part of the crowd who were acting as mediators, and
8 we were also part of the crowd who bolted and then had to
9 dodge tear gas canisters after the police seemingly over-
10 reacted.

11 We watched helplessly as the community expressed its
12 frustration on that night.

13 The issue involving confrontation between the
14 Hispanic and the police is becoming more and more
15 significant. And I thank the Commission for allowing me
16 to express some of our concerns from a national
17 perspective.

18 And I just wanted to reiterate that it's not just an
19 isolated incident.

20 While these individual incidents are a mixture of
21 some local problems and difficulties that have
22 accumulated over time, they really need to be understood
23 in deeper and more profound ways.

24 We need to understand them from a civil rights point
25 of view as part of a larger crusade that is gathering

1 some strength in this country which says that:

2 People who speak a different language and whose
3 immigration status is somehow in question are less
4 deserving of rights, are less deserving of respect and
5 are less deserving of privileges than other Americans.

6 We also need to understand this from an Hispanic
7 point of view. The Hispanic experience is an immigrant
8 experience. Many of us were here long before most
9 Americans. Some of our families were here in the early
10 1500s. Yet, no matter what our lineage is, where we came
11 from or how long we've been here or whether, in fact,
12 this country came to us and we didn't come to this
13 country, we're made to feel like aliens in our own land.

14 One of the problems that we, as Hispanics, have is
15 that there's simply no understanding of our own civil
16 rights struggle. And because there is no understanding
17 of the civil rights struggles the Hispanics have
18 encountered, or if there is no understanding of the
19 underlying basis for those claims, it is very difficult
20 to us people to buy into our claims in this society.

21 The media has portrayed Hispanics as a new immigrant
22 group that is making claims on this society. And a new
23 immigrant group should not have any claims in any
24 society.

25 We need to understand that what has happened in

1 recent events is a failure of the system. And I'm not
2 just talking about the police system and I'm not just
3 talking about the civil rights enforcement infrastructure
4 of this country, which has decidedly not been
5 particularly responsive to Hispanics for a long period of
6 time, but I'm also talking about I want to call your
7 attention to the lack of what we call mediating
8 institutions.

9 We have a theory in the framework in this nation
10 that says that:

11 Every individual, every resident in this society has
12 a right to air grievances, has a right to redress.

13 In fact, that really doesn't work at a practical
14 level unless there is something in between the individual
15 and the government and decision-makers.

16 And we look at what's happening in the Hispanic
17 community. We just don't have those institutions. We
18 don't have the mediating institutions. We don't have
19 them not because we don't want to. We don't have not
20 because we don't think they are important.

21 We don't have them for a variety of reasons.

22 Let me give you some examples.

23 Forty percent of all Catholics in the country are
24 Hispanic. Yet, since we have very little representation
25 at the decision-making levels of this institution, this

1 institution cannot and does not mediate our issues.

2 Regarding labor, we don't have a single member who
3 is Hispanic within the governing board of the AFL-CIO.
4 We simply do not have major institutions of power with
5 roots that have had the support of government and private
6 industry or labor that can be the mediating factors which
7 can make government responsive to our needs, or that can
8 address grievances before they turn into what we've seen
9 in different communities.

10 This is so important because when people are hurting
11 and have nowhere to turn, they're going to find ways to
12 express that hurt.

13 And we would like that expression to be done in a
14 kind of civilized, orderly, lawful way that is part of
15 our heritage. But, the only way that this will happen is
16 if there are those kinds of institutions or local
17 community organizations or national organizations, such
18 as ourselves, can be those mediating institutions.

19 One of the issues which seems to be at the core of
20 so many, if not all, of the incidents across the country
21 is the issue of cultural sensitivity, or just inability
22 to communicate properly.

23 In business today, most employers are exposed to
24 rigorous cultural sensitivity orientation to make sure
25 that employees, customers and the general public are

1 treated without insult, and with dignity.

2 It seems to me that our law enforcement community
3 must expose its work force to the same orientation and
4 training, the do's and the don't's and the language and
5 other cultural issues relative to a particular community.

6 There are many examples of where law enforcement
7 types from one culture or ethnicity approach a citizen on
8 the street in a way that he or she believes is perfectly
9 normal, but, in fact, is enormously insulting to the
10 person being approach. This then tends to ignite
11 potential confrontations.

12 Sometimes, the use of language, the use of how you
13 translate instructions or inquiries, gestures or how
14 close you speak to a person can make a great deal of
15 difference and can lead to dark consequences.

16 I'm also a member of the National Crime Prevention
17 Coalition. And we recently commissioned a study on
18 Hispanic awareness of and attitudes toward crime
19 prevention.

20 The study revealed some interesting findings about
21 how Hispanics view the law enforcement system.

22 For example, one, Hispanics, by and large, think
23 that the police are not effective in protecting the
24 community at large, and particularly not Hispanics.

25 Number two, quote, "real criminals" were out on the

1 streets in no time while most decent citizens many times
2 were harassed simply because they spoke differently or
3 they looked like they weren't from around here.

4 Three, police reacted to incidents after they were
5 committed, not before, especially after the community had
6 communicated to police such activities.

7 And then, finally, the Hispanic community feels that
8 police officers really do want to do a good job, but the
9 legal system doesn't support them. "Bad apples",
10 quote/unquote, have more rights than law-abiding
11 citizens.

12 There's also a perception in our community that
13 other structures that are in place to protect the rights
14 of our community do not work. Many of the Commissions,
15 Boards and other bodies that were set up to address civil
16 rights issues are felt to be impotent and/or unresponsive
17 when dealing with the Hispanic community.

18 I urge you to look at issues of language and
19 citizenship as major priorities for your work. And I ask
20 you to invoke the moral power of this Commission, the
21 moral power that, hopefully, will not be diminished, and
22 a moral power that we need now more than ever because we
23 need to ascribe to the higher road.

24 We can easily degenerate into groups and individuals
25 fighting for their own piece of the pie. And that is a

1 formula for disaster for all of us.

2 In the sixties, we had rhetoric that appealed to the
3 higher instincts of American society. We had ascribed to
4 a higher ideal, to a shared vision of what this society
5 ought to be about.

6 I urge you to look at that rhetoric, that sense of
7 equality and justice, not just for one particular segment
8 of our community. The reason we were able to make that
9 dream so real and so viable was because we said to
10 everyone:

11 It belongs to everybody. It is a dream that
12 belongs, it is a right that belongs to every American.

13 And we need to get it back to that.

14 I believe that there are ways that local communities
15 can address issues of confrontation, cultural sensitivity
16 and respect.

17 Most of what we are talking about is attitude. Most
18 of what we are talking about is willingness to do
19 something about these problems.

20 Most of what we're talking about is political will
21 that can make the kinds of changes necessary to bring
22 communities together.

23 Some of the obvious things involve training of
24 police officers. But, maybe not so obvious is the
25 forming of meaningful relationships with the Hispanic

1 community.

2 By this, I mean that the leadership of the
3 communities-- the Mayors, the Chiefs of Police, the
4 Hispanic leadership-- must make it a part of their
5 regular routine to consult not across a negotiating
6 table, not across a bargaining table, not after problems
7 occur, but on a personal basis.

8 This takes a willingness and a sensitivity. These
9 kinds of relationships make a significant difference. If
10 it is possible to pick up a phone, for example, and deal
11 with the whole range of individuals, such as the office
12 of the Mayor, etc., etc., I think that they can and will
13 make a significant difference.

14 Finally, our Hispanic community must have political
15 representation. We must continue to strive toward
16 carving out district through districting, which gives
17 Hispanics seats on councils, commissions, school boards
18 and other boards.

19 Thank you.

20 MS. BOOKER: Thank you.

21 CHAIRMAN FLETCHER: Thank you very much.

22 MS. BOOKER: I'd next like to ask Ms. Benda and Ms.
23 Sanders:

24 Have you prepared for the D.C. Latino Civil Rights
25 Task Force a report entitled Immigration Law: A Civil

1 Rights Issue, subtitled The Human Impact of Immigration
2 and Refugee Law on the District of Columbia's Latino
3 Population?

4 MS. SANDERS: Yes. I not only confess it, it's the
5 report I've been wanting to write my whole life.

6 (Laughter.)

7 MS. BOOKER: Is this a copy of that report?

8 MS. SANDERS: Yes, it is.

9 MS. BOOKER: Would you provide for the Commission an
10 overview of your findings?

11 MS. SANDERS: Okay. As I said, it's entitled
12 Immigration Law: A Civil Rights Issue. And there are
13 two major parts to the report.

14 The first part is a legal analysis to which Susan
15 will speak in a bit more detail of how the inter-play of
16 U.S. laws have a discriminatory impact on tens of
17 thousands of people living here in the District of
18 Columbia.

19 Some of the immigration laws are intentionally
20 discriminatory on their face, or discriminatorily
21 applied. Some are just accidentally discriminatory.

22 So, that we have a large group of people living here
23 in Washington, D.C. who have no permanent legal status
24 and no way to get permanent legal status.

25 At the same time, we have an employer sanctions law,

1 of which the Commission is well aware, which does two
2 things. It makes it hard for people to get work. It
3 means, when they do get work, they work under abusive
4 situations. And it means that the word out in the
5 community is one of fear and you'll find that government
6 officials and private individuals, all of a sudden, think
7 that they must check people's right to be here before
8 they provide other kinds of services.

9 We have individual witnesses who will speak to what
10 that actually means to them. The second half of the
11 report is affidavits from heads of several community
12 service organizations, Day Labor Assistance Project, who
13 will speak to the abusive conditions under which people
14 work, from AYUDA.

15 Legal Aid will speak of the problems of a partial
16 solution that Congress came up with, a program called
17 Temporary Protected Status; Forest Concoda from Crescent,
18 the Salvadoran Refugee Committee, will speak of what that
19 means when that program expires.

20 And then we have three individual witnesses and the
21 abuse that they will speak of is not just low pay or
22 uncomfortable working situations, but no pay. Being
23 beaten when asked for pay, being told to remove asbestos
24 and told to wear a paper mask to do it, being given legal
25 status and then having that taken away and continuing to

1 live, to put flesh on the words, underground and
2 indiscrimination.

3 The Mayor spoke earlier of a great need for more
4 money to come to the City. And I would certainly affirm
5 that. Fortunately, the laws that need to be changed in
6 terms of people's legal status and discrimination results
7 don't cost anybody any money.

8 Sanctions can be repealed. People can get legal
9 status. Then they can work and they can support their
10 own families.

11 MS. BENDA: Debbie's given you the brief outline and
12 I'd like to fill in a little bit more of the detail.

13 When we began this study, we looked first at who was
14 the Latino population in the District of Columbia. And
15 there's been speakers before me today that have addressed
16 that question several ways.

17 The most startling statistic that we found was that
18 80 percent of the District's Latino population is
19 Salvadoran. And the figures we use-- and for the Greater
20 Washington area, we found that their quotes are as high
21 as 200,000 Latinos. Within the District, 60-80 and
22 within the Greater Washington Area, 200,000. And, 80
23 percent of that population is Salvadoran.

24 We next looked at why they came here. Why did they
25 come to the United States?

1 And we found that Salvadoran migration was the
2 result of flight from persecution and war. Salvadorans
3 fled en masse. That migration started in force in 1980
4 with the killing of Archbishop Romero and, again, in late
5 1989, the more recent wave of migration and that was
6 responsive to the November 1989 offensive.

7 This report attempts to answer the question of why
8 the vast majority of the Salvadoran, of the Latino
9 population in the City, are not permanent residents.

10 And, as Debbie said, there are a couple of different
11 explanations for that.

12 One is simply that the majority of Salvadorans
13 arrived in the United States too late to benefit from the
14 legalization program that was included in the Immigration
15 Reform and Control Act of 1986. The cutoff date for that
16 was 1982 and we found that most or rather the majority of
17 the Salvadorans arrived after that date.

18 I think that is the accident or the unintentional
19 discrimination to which Debbie referred.

20 But, the second reason isn't an accident at all. It
21 is the consequence of the fact that Salvadorans were
22 discriminatorily denied asylum and refugee status under
23 the Refugee Act of 1980. We've already mentioned that
24 these people came here not with an intention-- not with
25 a way of looking to better their lives and the intention

1 to make it their home. They came here in flight.

2 The Refugee Act provides-- should provide-- that
3 those individuals who have a well-founded fear of
4 persecution are granted asylum or refugee status. That
5 makes them permanent residents.

6 In the case of Salvadorans, there were two forms of
7 discrimination. First, there was procedural
8 discrimination. That is, Salvadorans detained in the
9 United States were coerced-- and that's the words of the
10 court-- coerced into leaving.

11 They were not told of their right to apply for
12 asylum. They were told, if they applied for asylum, they
13 would be detained, that they would never go back to El
14 Salvador or, ultimately, that they would have to go back.

15 That decision resulted in-- it was a class action
16 suit. It resulted in a decision that enjoined the INS
17 from these practices and required that they advise
18 Salvadorans of their rights and attempted to ensure--
19 this was the 1991 decision-- ensure that people who
20 wanted to apply for asylum in deportation proceedings
21 would have that opportunity.

22 The other problem came though when those people did
23 get the opportunity to have their claims heard. On
24 merit, Salvadorans' claims were overwhelmingly denied.

25 Between 1980-91, the United States admitted 1.2

1 million refugees worldwide. They admitted in the same
2 time period 153 Salvadorans.

3 The other way to obtain refugee status is, if you
4 are in the United States, to apply for asylum.

5 What happened to Salvadorans there?

6 Well, between 1983-1991, 2.6 Salvadorans were
7 granted asylum. In the same time period, 33.6 Poles were
8 found to have had a well-founded fear of persecution.

9 Sixty-one percent of the Iranians who applied for
10 asylum were found to have a well-founded fear of
11 persecution.

12 2.6 percent of Salvadorans.

13 This spewed record was the basis for a class action
14 suit that resulted in an unprecedented settlement. The
15 American Baptist Church's case was settled in 1991. This
16 is 11 years after the Refugee Act became our law.

17 And in it, the INS, in effect, acknowledged this
18 discrimination because the unprecedented nature of the
19 settlement was that they agreed to redo every single,
20 solitary Salvadoran asylum claim that they had denied.

21 They reheard them all under the settlement, and
22 Guatemalan claims, as well.

23 The next issue our report looked at was:

24 What happens to a community that has a large number
25 of people who don't have permanent status, such as the

1 District of Columbia, such as the Salvadoran community?

2 And as Debbie mentioned, the employer sanctions
3 provisions of the Immigration Reform and Control Act,
4 which made it illegal for employers to hire those who
5 were not authorized to work in the United States has had
6 the result that employers are afraid.

7 And their fear translates into the fact that they
8 don't hire people who are foreign looking and people who
9 have foreign accents.

10 As your Commission report on the effect of employer
11 sanctions found-- you're very familiar with this issue--
12 that there was a pattern of discrimination. And the
13 General Accounting Office report that followed it in 1990
14 found a widespread pattern of discrimination.

15 Under ERCA, under the Employer Sanctions Provision,
16 we also wanted to look at people who didn't have
17 employment authorization.

18 What happens to people who are not authorized to
19 work in the United States?

20 Well, to an extent, Congress was successful.
21 They're having a harder time finding work. But, Congress
22 is wrong in thinking that they would return to their
23 homes or not come here. Certainly, for Salvadorans,
24 Salvadorans didn't come here because they were attracted
25 by the magnet of work, and they ain't going to leave if

1 it's illegal for them to work here.

2 When they do find work, people without employment
3 authorization find as well that they're exploited, that
4 they are not paid, that they work in unsafe conditions.
5 And I think their stories should be told by themselves
6 and their statements are in our report, and some of them
7 are here today to testify.

8 Their stories I think represent kind of a working
9 situation that we all I think would have thought was that
10 of a by-gone era.

11 Employer sanctions, as Debbie mentioned also, have
12 resulted in discrimination off-the-job. Pedro mentioned
13 it as well. All of a sudden, you go to the district
14 government office for some inquiry or some service and
15 they want to see your green card.

16 And you want to get a driver's license. People want
17 to see it. They won't give it to you unless you have a
18 social security, and you can't get a social security if
19 you're not a permanent resident.

20 You can't even get a banking, checking account if
21 you don't have a social security number. And that's why
22 so many Salvadorans in the District of Columbia put their
23 money in the non-bank bank, the...Investment Corporation.

24 Their hard-earned dollars amounting to millions were
25 all lost.

1 A Salvadoran woman applied for admission to a
2 university here. She is an honor graduate of high
3 school. They told her they wanted to see her green card.

4 A landlord in the Adams Morgan area posted a notice
5 on the board saying that:

6 If his tenants didn't show their green cards,
7 they're going to be evicted.

8 In addition to all these problems-- and some of
9 these problems affect documented and undocumented
10 Salvadorans-- in addition to this problem, undocumented
11 Salvadorans, and of course they're the majority of the
12 population, live with the constant threat of deportation.

13 And as has already been mentioned, they, therefore,
14 don't go to government offices when they're abused by an
15 employer or a landlord and they don't go to the police
16 when they are victims of a crime.

17 The solution to these problems I would suggest in
18 the first part is to repeal employer sanctions.

19 At the same time, the problem of thousands of
20 Salvadorans residing in the United States who have
21 suffered this history of discriminatorial treatment in
22 the asylum process and were overwhelmingly denied asylum,
23 their situation could best be addressed by granting of
24 permanent legal status.

25 Congress looked at the situation and the situation

1 was that a lot of Salvadorans were in the United States.
2 The situation was that they lived in fear of deportation.
3 The situation was they were they weren't authorized to
4 work.

5 And the Congress had over the eighties urged the
6 Executive Branch to grant to Salvadorans what foreign
7 nationals from other countries similarly situated had
8 had:

9 A status called extended voluntary departure.

10 It's kind of hard to find in the code, but the
11 Attorney General has the discretion to withhold
12 deportation when he deems it appropriate.

13 After urging the Administration to do that for the
14 Salvadoran population for 10 years, they finally went and
15 did it themselves. The Congress passed a statute in an
16 attempt to codify the standards. It is called Temporary
17 Protected Status.

18 And, in part, the statute provides that:

19 If the Attorney General finds that it is unsafe,
20 that people would fear for their safety if returned to
21 their home country, they should not be for a temporary
22 period and be sent home. And while they're here, they
23 should be authorized to work.

24 Now, it's an interesting statute. The Congress set
25 it up so that the Executive Branch gets to decide-- that

1 is, the Attorney General gets to decide who gets to fit
2 that description. But, then I think they might have
3 gotten a bit nervous, although I am editorializing here.
4 It's not in the legislative history.

5 But, they wrote the statute so that it applies to
6 Salvadorans. I must say it seemed to me that once you
7 write a standard and you tell the Attorney General to
8 apply it, then you say:

9 Well, we'll leave it to you in the future but, right
10 now, we're going to write a separate section that says
11 that Salvadorans do get temporary protected status.

12 That's what happened a year ago. And through the
13 work of the community-based organizations in Washington,
14 D.C., who really stretched their resources and worked
15 themselves to the bone, 35,000 Salvadorans in the
16 Washington, D.C. area are now protected by temporary
17 protected status.

18 That's the good news.

19 And the bad news is that it's set to expire on June
20 30, 1992. So, as we sit here and speak today,
21 Salvadorans who are registering for the third and last
22 part of that program are receiving the official INS
23 document that initiates deportation proceedings, the
24 order to show cause.

25 Now, we all know that the Peace Accord was signed in

1 El Salvador, that it was agreed to at the end of December
2 and signed in the beginning of January in Mexico City.
3 And it is cause for great celebration. And there has
4 been celebration in this City.

5 It is also cause for some caution, however. It is
6 not yet safe to go back to El Salvador.

7 The situation today is tense and unstable. Experts
8 predict that the transition will not be smooth. The fear
9 is that there will be random violence. The concern is
10 that there will be targeted political killings.

11 The Salvadorans in the District of Columbia, and you
12 will hear from them today, do not feel that it is safe to
13 return. And they have said and they will tell you that
14 until and unless it is safe to return, they're not going.

15 That means that if TPS, temporary protected status,
16 is allowed to expire in June, the 35,000 area Salvadorans
17 will join the ranks of the undocumented.

18 The solution to that is self-evident.

19 The Bush Administration should extend temporary
20 protected status for Salvadorans because it is still not
21 safe for them to go home.

22 The disturbances in Mount Pleasant last May, as the
23 Mayor has recognized, was a strong statement of a
24 community. It was a statement that the community feels
25 itself to have been left out and excluded.

1 It was a statement of frustration because people in
2 the Salvadoran community and the District of Columbia
3 feel that they have no power to control their own lives.

4 A large part of that is because of their immigration
5 status.

6 No U.S. resident should be faced with a choice of
7 being mistreated here or being sent home to their country
8 to fear for their lives.

9 And it is now time for the United States government
10 to change those laws. We hope you'll help us.

11 Thank you very much.

12 CHAIRMAN FLETCHER: Thank you.

13 MS. BOOKER: Mr. Vice Chairman, before we go on, I'd
14 like to ask permission to submit the entire report that
15 Ms. Benda and Ms. Sanders just summarized into the
16 record.

17 CHAIRMAN FLETCHER: Hearing no objection, so
18 ordered.

19 (The complete statements follow;)

20 MS. BOOKER: Thank you very much.

21 MS. SANDERS: It is a wonderful report and, although
22 I hope you'll read every single word, it also begins with
23 an executive summary, too.

24 MS. BOOKER: Dr. Manning, I wonder if you would help
25 us to augment this overview.

1 Your research background is in the area of race and
2 ethnicity, including immigration and employment issues.
3 And you have studied both the Hispanic and the African-
4 American communities in the United States.

5 I understand you have a certain familiarity with the
6 Washington area's Hispanic community.

7 Is that correct?

8 DR. MANNING: Yes, it is.

9 MS. BOOKER: Can you give us a general description
10 of the socioeconomic characteristics of the Washington
11 area Hispanic community, especially of recent immigrants
12 to the area?

13 DR. MANNING: Well, let me say at the outset that I
14 say that myself as a sociologist, that I am here to help
15 members of the Commission to wade through the tremendous
16 amount of descriptive material that's going to be
17 presented here.

18 And what I think is most important is the critical
19 framework to help you organize both your inquiry and your
20 final recommendations.

21 And also, given the relative short notice and the
22 fact that we are, indeed, organizing a conference at the
23 end of the month that deals explicitly with these issues
24 and the fact that we haven't completed conducting our
25 research and that we will, indeed, be presenting the

1 results of our summary of research I don't want to
2 venture into the empirical domain but, rather, I'd prefer
3 to restrict my comments to the general contours of the
4 Washington experience.

5 I think the key and most salient feature that needs
6 to be discussed and that all of us become familiar with
7 has been briefly introduced. It is the heterogeneity of
8 the community.

9 We know, as a fact, that the origins of the
10 community in Washington D.C. have deep and long-lasting
11 roots. Unlike the Southwest border area, the Latino
12 population does not date back to the 1500s, but certainly
13 it's a product of this century.

14 Indeed, one of the key issues that we see is the
15 difference in the social background and the national
16 origins. And as we mentioned today, the most important
17 change demographically is the introduction of Central
18 American immigrants.

19 Unlike their predecessors from South America, many
20 of the Central American Latinos came in at point of
21 entry, which I think is important to emphasize, in
22 undocumented status. And a lot of this is also due to
23 their social background.

24 That is, we have a very important transition from
25 the influx of middle class, highly-educated or moderately

1 educated Central Americans and, indeed, in our empirical
2 studies, we note that there's a significantly higher
3 educated component from Central America, say, in
4 comparison to their counterparts from Mexico.

5 Probably, the most important distinguishing feature
6 that the Commission needs to address is English
7 proficiency. Access to social services certainly is a
8 starting point and it requires the ability for basic
9 comprehension of American society.

10 Also, this community is no longer very well
11 concentrated. We know that the barrio, which had a
12 center point in Adams Morgan and has moved further on to
13 Mount Pleasant, is now encompassing a much wider range in
14 the suburbs.

15 As Washington, D.C. has become suburbanized, so,
16 too, has the Latino population, particularly the new
17 entrants, which I would say is largely due to the
18 dramatic expansion of the construction and development
19 industries.

20 Let me note again that I think the framework of
21 analysis is very important. No doubt your query will
22 delve into issues of assimilation and adaption. And as
23 the persistent poverty of the African-American experience
24 here in Washington and throughout demonstrates,
25 assimilation is part of the mythology of the American

1 experience.

2 And, instead, what we should be speaking towards is
3 how to assist the adaptation of our most disadvantaged
4 members of American society to attain their share of the
5 American dream.

6 MS. BOOKER: Dr. Manning, what particular facets of
7 the Washington Metropolitan area in general, and the
8 Mount Pleasant neighborhood in particular would you say
9 influenced the ability of recent immigrants to adapt to
10 American society?

11 DR. MANNING: Well, clearly, the issue of housing is
12 going to be a major fulcrum of debate. Not only is
13 housing in the metropolitan area extremely expensive, but
14 it is the cornerstone for establishment of political and
15 social institutions in the Latino community, as in any
16 community.

17 One of the key features that I don't have time to go
18 into is the dynamism of the population of Latinos-- not
19 only by de facto presence in Washington, where
20 particularly Salvadorans have traveled well over 1,000
21 miles to come here, whether it's through Mexico or East
22 Los Angeles, this is a population on the move,
23 particularly due to their incorporation into a low-wage
24 manual construction industry that is, of course, in
25 disarray at this point in time.

1 Without control over housing, and most of us are
2 familiar with the process of gentrification, where in a
3 brief period of time, Dupont Circle-- certainly, when I
4 arrived here in 1977-- was an area where the poorest or
5 the poor college students and undocumented could find
6 some form of modest housing.

7 Today, needless to say, that affordability is no
8 longer evident. The tensions within the multi-cultural
9 and multi-class community of Mount Pleasant are
10 particularly exacerbated in the patterns of housing-- not
11 only in terms of subdividing of older houses to provide
12 an opportunity at least for new immigrants to find some
13 place for their abodes, but also the tensions between
14 expensive housing where the older residents don't want to
15 see the incursion of these new immigrant groups. What
16 they see is a downgrading of their property values.

17 Also, the whole conversion process of co-ops and
18 condominiums has had a tremendous impact on reducing the
19 limited stock of affordable housing.

20 This is certainly contributing to the disbursement of
21 Latinos into the wider ring of suburbs and, of course,
22 exacerbated with the recession, we're certainly hiring in
23 certainly higher-wage skilled construction activities in
24 the
25 District are slowing down.

1 What I want to emphasize at this point as a
2 sociologist is the key issue of the declining integrity
3 or the stability of concentrated community structures.

4 That is, we find in our own research that those
5 members of the Latino community that experience the most
6 discrimination are those that are compelled to leave
7 their communities and seek employment elsewhere.

8 Given the current economic climate, this suggests
9 that those Latinos who are least able to cope or adapt to
10 the larger society in terms of their English proficiency,
11 their educational background, their experience and
12 information with the United States, are going to be
13 forced to compete with other Native Americans.

14 And many of them are Minorities outside of the
15 barrio itself. And this I see is going to be a
16 particularly important flashpoint in terms of inter-
17 ethnic and inter-racial tensions.

18 MS. BOOKER: Thank you, Dr. Manning.

19 I have no further questions, Mr. Chairman, but I
20 would like to request that we enter into the record a
21 letter from Mr. Aviles on behalf of the D.C. Latino Civil
22 Rights Task Force dated May 14, 1991, inn which the Task
23 Force requested the Commission to conduct this hearing.

24 MR. WANG: If there's no objection, it is so entered
25 into the record.

1 I'm sure we have lots of questions for you, so I
2 will recognize Commissioner Berry first.

3 COMMISSIONER BERRY: Thank you very much, Mr. Vice
4 Chairman, Mr. Chairman.

5 I appreciate very much the testimony and the reports
6 that were prepared. I do have a few questions for the
7 panelists.

8 First, I would like to ask Mr. Aviles would he agree
9 that community persons who are poor and who are
10 unemployed are much more likely to be in need of city
11 services, social services, than people who have jobs and
12 are not poor?

13 MR. AVILES: Yes, I certainly agree with that
14 statement.

15 COMMISSIONER BERRY: Okay. The reason why I asked
16 you that question is because the staff report that was
17 prepared for us does discuss the employment status and
18 wages, which are low wage jobs disproportionately, of the
19 Latino community and the problems that exist in that
20 regard. But the staff report also tells us that four
21 other Wards in D.C., if I have that right, have higher
22 unemployment rates and more people who are of low wage
23 status, even when they work, than the people who live in
24 Ward One, which means that, if the statement is correct
25 that people who do not have resources are much more

1 likely to be in need of social services, one would assume
2 that those people would be just as much in need, or
3 perhaps more in need of social services.

4 And I only ask that because, if we have a figure for
5 what percentage of the social services budget should go
6 to certain people, I would assume that one thing we
7 should take into account is where the needs are in the
8 City in a time of limited budget.

9 So, I just wondered if you had any comment on those
10 figures.

11 MR. AVILES: Certainly. I'm not familiar with the
12 report that was just presented. However, I would say
13 that because Latinos are not only low-income, but also
14 have other cultural adaptation problems, I would say that
15 Latinos would need to a certain degree some type of-- not
16 a special treatment, but some type of sensibility in
17 terms of addressing their needs.

18 Again, I'm not familiar with the report so I
19 wouldn't dare to make any comments as to the assumptions
20 that you have made.

21 COMMISSIONER BERRY: Oh, well, I'm not making
22 assumptions. It is a matter of fact that Wards Five,
23 Seven and Eight, according to this data, Census data, do
24 have more unemployment than Ward One. I mean, that's
25 just a fact. They have higher unemployment rates.

1 And so my only query, and we don't have to answer it
2 here-- it's one of the things we'll have to think about
3 as we try to come up with recommendations-- is whether
4 this has some relationship or is it the immigrant status
5 that is a variable, or what other variables are there
6 aside from who's out of work and who doesn't have a job,
7 and that sort of thing.

8 That's all I'm trying to get at for purposes of
9 recommendations.

10 Did you want to comment?

11 MS. BENDA: Yes. Can I suggest a possible answer to
12 that I think apparent discrepancy. It may well be-- and
13 I'm not a statistician on the District of Columbia. I
14 just had to spend a bit of time a time looking at how you
15 count and found it's very difficult.

16 But, there is a general, I mean, everyone that tries
17 to says that people who are not documented are generally
18 not counted, or vastly under-counted.

19 And I think that may be part of the puzzle there, is
20 that to the extent that that area of the City looks like
21 it's employed, it's because they're not counting the
22 people who are not documented and unemployed.

23 So I'm not sure that, I mean, the District doesn't
24 rely on the Census figures and has higher numbers. But,
25 again, it's very hard to count people who aren't

1 documented for purposes of distributing resources.

2 COMMISSIONER WANG: Maybe I can help on this.

3 Most times, undocumented aliens would not want to be
4 counted. The Bureau would count them, but they would not
5 fill out the form. So, in that respect, you will have a
6 gap between those who are here and those who are actually
7 not being counted.

8 I'm sorry.

9 COMMISSIONER BERRY: Well, I'm not...perhaps I
10 wasn't making myself clear. I wasn't arguing that the
11 data is absolutely correct, that the numbers are
12 absolutely correct.

13 All I was saying was that, when we come to try to
14 analyze how social services are delivered and which
15 communities receive what kind and what the answer should
16 be if we come up with an answer.

17 One of the things we will have to take into account
18 is the social service needs of different communities in
19 the District.

20 For example, if you have a community where there's
21 a high rate of drug abuse and use, you may have a greater
22 need for drug treatment facilities. I mean, it depends
23 on what's going on in the community.

24 And that it's not simply a matter of saying, well,
25 you know, there are this many people and the unemployment

1 rate for them is this and, therefore, the wage rates are
2 that and, therefore, we ought to have this percentage of
3 social services.

4 It may end up that one does conclude that this
5 should be the case.

6 I'm just saying that these are variables that I
7 believe have to be taken into account.

8 The only other-- and if anyone has any information
9 on that, if staff can find any other information, I would
10 appreciate having it, although I won't ask absolutely
11 that it be included in the record at this point.

12 The other question I had is to Mr. Aviles. I asked
13 this question of the other panel and the staff.

14 How much of the problems that exist in the Latino
15 community that you well-documented in your task force
16 report do you believe exist among people who are
17 primarily recent immigrants.

18 In other words, can it be defined as a Latino recent
19 immigrant problem in most of its dimensions?

20 Or, is it simply a Latino problem?

21 Or, is it a Salvadoran problem?

22 And also keeping in mind that most of the Latinos do
23 not live in Ward One. Most of them, according to the
24 numbers, exist outside Ward One. There are 14,000 and
25 some living in Ward One and there's sixty-five or eighty-

1 five thousand-- I'll accept that number-- in the area.

2 So, what do you think?

3 Is it a recent immigrant problem, or a recent Latino
4 immigrant problem? Or, is it just simply-- what do you
5 think?

6 MR. AVILES: Well, I think it's probably a mixture.
7 As was mentioned before, there is a large growing
8 Hispanic community all over the United States. By the
9 year 2000, it will be 30 million Hispanics.

10 So, in the particular case of Washington, D.C., I
11 would say it is because of the higher levels of
12 immigration that we're beginning to see an increase in
13 the problems of Latinos.

14 However, back in the early seventies and mid-
15 seventies, Latinos were already airing some of the things
16 that we're talking about at this moment. So, I wouldn't
17 particular characterize it as an immigrant Salvadoran
18 problem.

19 I think that it is a Latino-Hispanic problem at
20 large that is not only particular to the District of
21 Columbia but is also particular to other areas across the
22 United States where there is a large concentration of
23 Hispanics.

24 COMMISSIONER BERRY: Okay. And then I had two more
25 questions, Mr. Chairman.

1 My other-- first question is to Professor Manning.

2 Do you know what percentages of various other
3 immigrant groups live in Mount Pleasant? And do you know
4 anything at all about how well they are-- well or
5 inadequately, I don't know the answer-- they are served
6 by social services?

7 How are they treated in immigration? Refugee
8 status? Are they on the police force?

9 Does anybody know anything about the rest of the
10 folks who live in Mount Pleasant?

11 Do you, Professor Manning?

12 DR. MANNING: Well, I'll just venture a couple of
13 quick guesses. My understanding is the only direct
14 recruitment in terms of diversifying the police work,
15 police force in terms of national status was a few years
16 ago in terms of recruitment of Puerto Rican officers.

17 In terms of servicing of the Mount Pleasant area,
18 we're talking about a relatively small community in terms
19 of total aggregate numbers.

20 So, if we were going to start picking in terms of,
21 say, immigrants from the Caribbean, immigrants from West
22 Africa, when we're speaking about Asian immigrants, most
23 new Asian immigrants go to the suburbs.

24 It's not an issue among Asians. Their refugee
25 resettlement tends to be outside of the District.

1 The access to social services in an era of scarcity
2 of resources, there's been a tendency to demand
3 documentation to spread the dollar among the Native
4 population, which, of course, votes, which the
5 undocumented status population tends not to.

6 COMMISSIONER BERRY: And do you know how well the
7 African-American population in Ward One feels that it is
8 served? Or, the white population? Both of which live in
9 Ward One, too, in Mount Pleasant.

10 DR. MANNING: I would certainly like to look at the
11 data to give you some precise estimates. I don't think
12 that I would contribute to your body of knowledge at this
13 time.

14 COMMISSIONER BERRY: Okay. I just wondered if you
15 knew.

16 And my last question, Mr. Chairman, is to Ms.
17 Franklin. And I can't see your name, so I...

18 MS. BENDA: Susan Benda.

19 COMMISSIONER BERRY: Susan Benda, from Arnold and
20 Porter, on the report, which I think is very well done
21 and it's wonderful.

22 I take without even any questioning the data that
23 you include. I accept it absolutely. And I think it's
24 horrendous and an awful problem.

25 But, again, in order for us to come up with some

1 recommendations, we have to make comparisons.

2 You pointed out that Poles and Iranians have a very
3 high rate of gaining refugee status, and the Salvadorans
4 have a low rate.

5 Do you know what the rate of gaining refugee status
6 is for Haitians?

7 MS. BENDA: Yes. We discussed this situation for
8 Haitians in our report as well because Cubans and
9 Haitians have special status. The Haitian special status
10 seems to be a special form of discrimination.

11 I don't have the numbers. They're in the report.
12 I can look for them and give them to you later. It's
13 very, very low for Haitian admissions of refugees since
14 I think it was President Reagan issued an Executive Order
15 that said that, if Haitians are interdicted, it allows
16 for the interdiction and limits the Haitians' access to
17 this country.

18 But, I don't believe-- I think that's the refugee
19 status from coming from abroad. I don't believe-- and we
20 have to look it further.

21 COMMISSIONER BERRY: I only ask because it's an
22 obvious problem that this Commission has been dealing
23 with for years. And it's become worse.

24 And I know from looking at your report and from
25 other data that we have that it is very low, indeed.

1 MS. BENDA: Okay. I'll find it.

2 COMMISSIONER BERRY: I just wondered if, well, I
3 mean I know what's in the report. What I'm asking is,
4 for purposes of comparison, since you cited these groups,
5 are you saying that Salvadorans are treated worse than
6 anyone else in gaining refugee status?

7 MS. BENDA: No. The test-- well, the test under the
8 Refugee Act is supposed to be well-founded...persecution,
9 and non-ideologically applied. Salvadorans make the
10 charts.

11 I mean, we're not saying that other people don't
12 have fears, well-founded fears of persecution. What
13 we've done in a couple of instances is try to compare the
14 context based on what the State Department says is going
15 on in those countries.

16 They're taking the State Department's description of
17 the human rights situations in the countries. We found
18 that the denial rates don't mesh with that, if you will.

19 For instance, Poland, they don't talk about people
20 being murdered by the government. They don't talk about
21 people being disappeared. They don't talk about-- they
22 say that things are on the mend.

23 And we turn to the asylum statistics and yet 50-- or
24 what is it? Lower than that at this point-- percent of
25 Poles are getting asylum.

1 So, the question is:

2 To what extent do the asylum statistics reflect the
3 country's situations?

4 And, of course, that's only the background because
5 the real question is:

6 Does an individual have a well-founded fear of
7 persecution?

8 You will find yourself, if you read the Salvadoran
9 claims that are just hard to believe, it is just even
10 harder to believe than anyone could deny. For instance,
11 the one that we have included here, which is the claim of
12 Omar Centurion. It's included in the introduction.

13 This is a man who was tortured. This is a man who
14 was told he was on a hit list. This is a man who they
15 denied asylum to and he only turned it around because 30
16 members of Congress came to his side.

17 I'd like to mention actually that, in our search in
18 the community's effort to find witnesses to testify, we
19 could not find anyone who had been denied asylum who
20 wanted to testify.

21 So we have for you the very rare witnesses. We have
22 for you in the report-- I'm sorry-- statements from
23 people who were granted asylum.

24 People who are denied asylum are living here and
25 they don't want to talk about it, the reasons I've

1 identified.

2 So we have the unusual stories. And their stories
3 are based on their affidavits.

4 So, all I want to say in conclusion is that the
5 claims of Salvadorans, they're very persuasive. And
6 there's no explanation for the low numbers. And we're
7 not saying that they should have all been admitted and
8 that we shouldn't admit Poles.

9 We're just saying the standard doesn't seem to have
10 been non-ideologically applied, even when based on the
11 State Department's assessment of the human rights
12 problems in the country.

13 COMMISSIONER BERRY: Yes. I was only trying to find
14 out for purposes of recommendations and analysis how
15 unusual what happened to Salvadorans is compared to what
16 happens to other people who come from non, quote,
17 "communist countries" or some country with which we have
18 some kind of, you know, closer relationship, and whether
19 it was similar or different.

20 And it was my impression that they get treated about
21 the same as people who come from those kinds of countries
22 as well as the others.

23 And all I was doing, I was not trying to diminish
24 the intensity of their claims.

25 MS. BENDA: Right.

1 COMMISSIONER BERRY: I was simply trying to point
2 out that this may be a problem, again, of immigration and
3 refugee policy toward people and trying to tease out
4 whether it was simply something that happened only to
5 Salvadorans or whether it happened to people who were
6 categorized in that way.

7 And that was the purpose of my questions.

8 COMMISSIONER WANG: Thank you very much,
9 Commissioner.

10 Any other on this side? Commissioner Allen?

11 COMMISSIONER ALLEN: I'll just make an observation.
12 I won't ask a question, an observation inspired by
13 Commissioner Berry's questions.

14 I think, ultimately, it would be much easier for
15 this Commission to have a positive impact on policy-
16 making when you make suggestions which are general in
17 their scope and focus. And it would likely be very
18 difficult for us to make specific recommendations about
19 dealing with Salvadoran refugees without taking up the
20 question of the numerous Haitians quarantined at
21 Guantanamo, and similar questions all together.

22 I think that's the spirit of her questions, just as
23 her earlier question. I happened to agree, rather than
24 emphasizing proportionate shares of anything, I'm much
25 more inclined to want to respond to need than to numbers.

1 COMMISSIONER WANG: Okay. Thank you very much...did
2 you want to say something?

3 MS. SANDERS: Yes. I wanted to say a couple of
4 things. That the Lawyers Committee for Civil Rights 12
5 years ago did bring a nationwide class action lawsuit
6 alleging that Haitians were discriminatorily treated.

7 And we were successful.

8 The Justice Department responded to that though by
9 instituting their interdiction programs. So there are
10 very few Haitians here in Washington.

11 As you're well aware, there's a very important
12 lawsuit going on for the people down in Guantonamo Bay.
13 And many of those people who are being interviewed now
14 are getting higher rates.

15 We'd be delighted to give you a breakdown of the
16 rates. And, you're right. The rates are very much a
17 reflection of the foreign policy despite the fact that
18 the U.S. refugee laws specifically say it's an individual
19 determination based on that person's status.

20 The reason we focus in this report on Salvadorans is
21 because it's a focus on the D.C. community. And the
22 Commission initially began its focus on the hearings when
23 people came to our neighborhood after our riots in May.
24 And because the timeliness of these hearings that are
25 being done now and the report that the staff will make

1 with you all in a few months will coincide with a year
2 after our riots and what will happen at that time results
3 in large part from what's happened in the last 12 months.

4 When we had the riots in May, we had reports of
5 immigration officials on the street making random checks
6 of people. And many people thought that that could be a
7 spark that could set something off again.

8 When we have the one-year anniversary for the riots
9 this year, two things will happen.

10 One, 35,000 Salvadoran residents are going to lose
11 the right to work at about that time. At the same time,
12 the Immigration Service now knows where every single one
13 of those people lives and where every single one of them
14 works.

15 DR. MANNING: I'd like to make a brief comparative
16 point to illustrate that. In 1984, I did field work in
17 Haiti. And I want to caution you in terms of
18 interpretation of numbers.

19 The State Department official that I accompanied in
20 her interviews of repatriated Haitians did not speak
21 Creole or French. She was accompanied by an interpreter.
22 I can assure you that if Tont Tont McCoo were not
23 present, they were closely associated with those members
24 of the community.

25 And, lo and behold, over the several hundred

1 interviews that were conducted while I was there, they
2 came to the conclusion that there was one well-founded
3 case of persecution.

4 COMMISSIONER WANG: Thank you.

5 Mr. Aviles, if I could just ask you one more
6 question.

7 You mentioned earlier about your personal experience
8 of being abused by the police department.

9 From the community standpoint, we can help to
10 explain the recruitment effort on your part to increase
11 the number of Latin, particularly Salvadorans, into the
12 police force.

13 Have you actually initiated any effort on that part?
14 And how successful you have been? If you could kind of
15 enlighten us.

16 MR. AVILES: No. We have not begun recruiting
17 Salvadorans yet. However, the police community relations
18 committee of the task force has had a series of meetings
19 with officials from the D.C. Police Department
20 specifically to look into the area of recruitment.

21 I'm not aware of any steps taken by the police
22 department.

23 We are waiting to see how it is that the D.C. Police
24 Department plans to implement several of the
25 recommendations that we forwarded to the Mayor this past

1 October, including the issue of recruitment, including
2 the issue of cultural sensitivity training.

3 But, at this moment, I'm not aware of any
4 recruitment effort on the part of the D.C. Police
5 Department to bring in Salvadorans or other Hispanics,
6 bilingual officers, into the work force.

7 COMMISSIONER WANG: Then, from the community
8 standpoint, have you as a leader or other groups
9 initiated an effort to make it possible for more
10 bilingual staff members?

11 MR. AVILES: No. We have not yet taken any
12 initiatives on our part to recruit officers, primarily
13 because we want to do any recruitment efforts in
14 conjunction with the City.

15 And also because, at this moment, we are also
16 looking into the areas of empowering our community and
17 the basic first step that we believe needs to take place
18 is to educate our community about its rights and to
19 educate about the community about the basic political
20 processes going on in the City.

21 And as was mentioned before, many of the Latinos who
22 live in the District of Columbia recently arrived and
23 they are not familiar with basic political decision-
24 making processes that go on in the City.

25 COMMISSIONER WANG: Let's shift to the services

1 here. You mentioned earlier about the proportion of
2 fairness. With many of the department cutting
3 back...with the high unemployment rate, our Labor
4 Department is actually providing more money for training.

5 Are you taking advantage at this very moment of the
6 community really organized to really seek funding from
7 the Department of Employment of the District government
8 to provide training to your community?

9 MR. AVILES: Yes. And I'm sure that the witnesses
10 that will testify from the Employment panel will be able
11 to give you more detailed information.

12 I know that several of the community-based
13 organizations that serve the Latino residents have
14 initiated a process to increase the number of training
15 programs for Latinos.

16 Still, we have not-- at least, personally, I have
17 not heard of any victory in terms of increasing the
18 number of slats for Hispanics or increasing the number of
19 funds in order to train Hispanics and improve their
20 employability.

21 COMMISSIONER WANG: Thank you very much. Any other?
22 Yes, Commissioner

23 COMMISSIONER RAMIREZ: Yes. Mr. Yniguez,
24 Commissioner Berry, my dear friend, Commissioner Berry,
25 has raised one very important contextual question which

1 has to do with whether the problems that we are
2 discussing today are a function of a community with
3 recent immigrant status,
4 and perhaps with immigrant status that makes them
5 particularly vulnerable.

6 As she was asking the question, I was reminded of
7 the reports that look very much like the D.C. Latino task
8 force report that the Hispanic community prepared as
9 early as 1857, 1929, 1932 throughout the United States.

10 I was interested in your perspective on whether you
11 think the institutional-- the historical institutional
12 discrimination that is a very strong part of the history
13 of Hispanics, Latinos, Mexican-Americans, whatever, in
14 this country, particularly in the Southwest, has an
15 impact on the, if you would, the current practices of
16 institutions in other parts of the country that may not
17 have had, historically may not have had, Hispanic
18 populations in their midst.

19 I think this is a very important legal point because
20 we had case law that has tried to define discrimination
21 as needing a remedy only when it is based on historical
22 information.

23 I just wondered if you had any thoughts around those
24 issues.

25 MR. YNIGUEZ: Are you talking specifically about,

1 well, let me understand.

2 The problem that we see is happening in both recent
3 immigrant communities such as Washington, but, for
4 example, in Lansing, the community there is a pretty
5 well-established community, although that community is
6 experiencing a little bit different problem. It's more
7 so a lack of access to the system, lack of
8 representation, lack of resources.

9 So, yes, I think it is strictly a Hispanic-Latino
10 issue. It's not any more or less, you know, more
11 prevalent in the recent immigrant population.

12 One thing that's been interesting is that some of
13 the work that we've done with other communities, you
14 know, we've taken the blueprint recently, the task force
15 blueprint that you all have, and we've shared that with
16 some other communities.

17 So, if anything, I think one of the things that at
18 least the National Council of LaRaza has been able to do
19 is to, you know, take some of that information, like you
20 say, so that institution will start with information and
21 being able to share it with some of those communities
22 that are having some of these problems.

23 COMMISSIONER RAMIREZ: Let me maybe ask you from the
24 point of view of your national experience.

25 We had a situation where this Commission has

1 appeared in Miami, now, in different incarnations, three
2 times, where you have a large Hispanic community that has
3 over time been able to incorporate themselves into some
4 important vestiges of the power system.

5 But, you have a black population that was a small
6 percentage of the population.

7 And what we basically found after the 1980 riots in
8 Miami was that you had an alienated, powerless black
9 community that was very vulnerable to the kind of
10 disturbance that erupted in riots there.

11 We can look across the country and see where the
12 different shifts, the groups with historical-- with
13 similar histories of discrimination-- suddenly find
14 themselves where the balance between groups-- which one
15 group at least perceived as having a lot of power and
16 another group having little power.

17 And I would venture to say that, in many large
18 cities, that is a situation where the Hispanics are the
19 group that does not have power.

20 But, it is a group that is growing.

21 Can you inform us in any way from your national
22 perspective about that dynamic? Have you all done any
23 thinking about that and what it should mean to this
24 Commission as we think about our national
25 responsibilities?

1 MR. YNIGUEZ: Yes. We've talked about some of those
2 dynamics, although in some of the information that I saw
3 in relation to crime prevention council and coalition
4 that I sit on, the feeling amongst the-- and let me talk
5 about the Hispanic community-- was that, you know, it
6 didn't really make a difference.

7 It wasn't necessarily that they felt another group
8 was being discriminatory. They felt more the system was
9 being discriminatory.

10 And, you know, obviously, we've had discussions with
11 other groups about that issue. And, you know, there's an
12 ongoing discussion about that.

13 We've tried to focus in on, you know, the issues,
14 the systemic things with issues.

15 And, in Miami, for example, some of the information
16 that I saw in terms of the Commission, the abuses of the
17 police force, for example, what was interesting, most of
18 these were the police force down there continuing to
19 work-- most Hispanics down there were Central American,
20 or at least the folks that we were talking with. And,
21 you know, their view of the police force was completely
22 different from, say, the views of the folks from San
23 Antonio and Los Angeles, you know, the difference of them
24 being there a lot longer.

25 COMMISSIONER RAMIREZ: One more question of Dr.

1 Manning. I'm still interested in having some sense as to
2 the mobility of the Latino community within the District
3 of Columbia Metropolitan Area and the relationship of
4 that mobility to the recency of immigration.

5 Just last night, we were in Arlington and we went
6 into a bar where the shoe store had a sign that said,
7 "Sale, Benda."

8 So, clearly, there is bilingual adaptation when
9 there are market issues involved. But, can you share
10 with us your perspective on what the circumstances are
11 that would bring an immigrant to the Mount Pleasant-Adams
12 Morgan area, how long will they stay there? How much of
13 that population has been there for more than 10-15 years?

14 That general picture. Can you share some of your
15 insights?

16 DR. MANNING: Well, what I've tried to emphasize
17 before is that there are several components of the Latino
18 population and certainly the post-1980 population and
19 especially the most recent populations dominated by
20 Central American refugees, whatever political
21 characterization you would like to offer them.

22 In the program that we'll be doing at the end of
23 February, I'd like to stress that we are looking at the
24 links in the transition to a service-based economy. As
25 the President finally announced in his Address last

1 night, the economy is facing some rather turbulent times.

2 We are indeed in a recession. But, that doesn't
3 talk to the question of what kinds of occupations are
4 going to emerge after we do start to send some stability
5 both at a national and a local level.

6 What I want to call attention to is certainly to the
7 leadership of the Latino community here is some planning.
8 I mean, we don't want to expect either African-Americans
9 or Latinos or the new African immigrants to either be
10 taxi drivers or manual construction workers in the second
11 and third generation.

12 One of the key issues here is what are the
13 occupations that the young participants in their
14 disturbances arising in Mount Pleasant will have when
15 they complete their English as a Second Language Program
16 or their high school program-- what are the central
17 growth occupations that will prepare this new population
18 not only for adapting in the United States but in terms
19 of the 21st century service occupation.

20 And that's a key issue if we are going to, indeed,
21 discuss mobility. African-Americans have been in
22 Washington, D.C. for over 200 years and certainly these
23 issues have been brought to bear to that community, and
24 there's large components of that population that still to
25 this day demonstrate consistent poverty.

1 So I think the key here is not only the link with
2 poverty but a much wider context in saying:

3 What do we want these members of the community to be
4 prepared for?

5 Let's not prepare them for occupations that are now
6 dying sources. We're going through a major period of
7 industrial restructuring and I'd like to argue, if not
8 advocate, that Washington offers us kind of a prototype
9 of what is a service-based economy.

10 One of the problems, of course, is, as Mayor Kelly
11 was emphasizing, is one of the fastest growth industries
12 sector is the public bureaucracy.

13 And given resource constraints, it's clear that that
14 avenue of white collar or mobility is certainly going to
15 be constrained in the immediate years.

16 The Latino population faces a very difficult period
17 in terms of historical circumstances. That does not mean
18 that the circumstances are unchangeable nor does it mean
19 that, if a community is prepared, such as the experience
20 of African-Americans, that all will participate.

21 So what I think we need is a far more comprehensive
22 program which calls attention to education, not merely
23 English as a second language.

24 But, what kind of occupations do we want the most
25 recent members of our community to be participating in

1 and that will hold a future for their children.

2 COMMISSIONER WANG: Thank you very much. If there's
3 no further questions, I'd like to thank the panel for
4 your insight and your patience. We appreciate so much
5 that you shared with us your study, which we will look at
6 and on which we will base our recommendations.

7 Thank you again.

8 Before we call on the next panel, our general
9 counsel has several comments.

10 MS. BOOKER: Mr. Chairman, the witnesses in the next
11 panel have requested that the Commission invoke Section
12 702.16 of its Rules, to wit, no witnesses shall be
13 televised, filmed or photographed during the session, nor
14 shall the testimony of any witness be broadcast or
15 recorded for broadcasting if the witness objects.

16 Therefore, Mr. Chairman, we would ask that you ask
17 all the television cameras to stop rolling. And anyone
18 who is recording, other than the official court reporter,
19 to please turn off the equipment. And that you would
20 also request Commission staff, security guards and the
21 marshals to monitor to be sure that this request of the
22 next witnesses is respected, and that anyone entering the
23 hall during this testimony with recording or camera
24 equipment be advised that we have invoked the rule.

25 COMMISSIONER WANG: So ruled. And, hopefully, our

1 press will be able to cooperate and refrain from filming
2 during this particular panel.

3 We need your cooperation and we hope that you would
4 respect the wishes of the individuals who will testify.

5 (Pause.)

6 COMMISSIONER RAMIREZ: I am very disturbed, sir,
7 that the television cameras are still filming the
8 audience at a moment when you have just asked that they
9 honor our ruling.

10 MS. [?]BENDA: What about the marshals? Can they stop
11 them?

12 COMMISSIONER WANG: Can we ask our camera people to
13 at this very moment turn off your cameras? And, after
14 this panel, you can certainly turn them back on again.

15 Thank you very much.

16 If I can ask our General Counsel to invite the
17 individuals who will be testifying to come up.

18 MS. ^{BOOKER}BENDA: I'd like to call the second Overview
19 Panel-- Mr. Boris Canjura, Ms. Yvonne Vega, Ms. Sharon
20 O'Day and the other witnesses.

21 (Pause.)

22 MS. BOOKER: Thank you.

23 Your testimony will be presented in Spanish. For
24 the benefit of those in the audience who would require
25 translation, so that they will not have to move to where

1 we have the simultaneous translation equipment,
2 Commissioner Ramirez has agreed to translate the Spanish
3 testimony as it proceeds.

4 COMMISSIONER RAMIREZ: It may be that we might ask
5 for a show of hands. If the number of people who need
6 translation to English is so small that it can be handled
7 in some other way, then I would not have to interrupt the
8 witnesses.

9 MS. ^{BOOKER} ~~BENDA~~: How many people in the audience will
10 require translation from Spanish to English?

11 (Show of hands.)

12 This is quite a number. They're spread throughout
13 the auditorium. Would you mind?

14 COMMISSIONER RAMIREZ: I will translate. I will
15 attempt to translate.

16 MS. ^{BOOKER} ~~BENDA~~: Thank you.

17 COMMISSIONER RAMIREZ: If Commissioner Buckley will
18 help me out when I get stuck.

19 COMMISSIONER BUCKLEY: I'll try.

20 VOICE: Do we have all the witnesses?

21 (Pause.)

22 MS. ^{BOOKER} ~~BENDA~~: The witnesses have informed us that
23 since they are wearing bandannas they do not mind that
24 the cameras roll.

25 COMMISSIONER RAMIREZ: So, you may turn on the

1 cameras.

2 MS. ^{BOOKER} BENDA: Am I to understand that...

3 (Pause.)

4 MR. AVILES: Would you inform some of the camera men
5 who are outside so they can have the benefit of this
6 change of information?

7 (Pause.)

8 CHAIRMAN FLETCHER: Again, we are delaying a couple
9 of minutes to allow our camera men folks to set up again,
10 so then we'll start the proceedings.

11 (Pause.)

12 CHAIRMAN FLETCHER: The translation will be done
13 through the corner on your left and through the public
14 address system, and we can all hear it.

15 Are the camera people ready? Not yet? Okay.

16 (Pause.)

17 MS. ^{BOOKER} BENDA: I would appreciate now if the members of
18 the panel who feel free to give their names will please
19 state their names for the record.

20 And, please stand to be sworn first.

1 Whereupon,

2 BORIS CANJURA

3 YVONNE VEGA

4 STAR RODRIGUEZ

5 TRACY FRIELANDER

6 SIMON MENDEZ

7 SHARON O'DAY

8 AMY SYFES

9 were duly sworn and testified in Spanish, with
10 Interpreter, as follows:

11 CHAIRMAN FLETCHER: We'll start the testimony with
12 our General Counsel questioning.

13 MS. BOOKER: Thank you, Mr. Chairman.

14 We will not follow the order that I had planned to
15 follow because I understand one of the witnesses must
16 leave to go to work.

17 Ms. Vega, could you identify yourself for us?

18 MS. VEGA: I am going to identify...

19 MS. BOOKER: Maybe you should all give us your names
20 first. Beginning with...?

21 MS. SYFES: I'm Amy Sykes. I'm with...I represent
22 the witness...and I will also translate your portion.

23 MS. BOOKER: Okay. Mr. Rodriguez.

24 MR. RODRIGUEZ: I am here. I am here and relate
25 some of my testimony. When I came to the United States--

1 I am a Salvadoran by nationality. I was born in the town
2 of Catona Catozalamonte, where there were-- there were a
3 lot of guerrillas, around 50 guerilla members were living
4 in the area, the community being where I was living.

5 In the year 1981, I had to join the Army of El
6 Salvador because the guerrillas came through my village
7 where I lived. I had to join the Army. The reason that
8 the guerilla was trying to recruit me, and they were
9 saying I should join them. I was never in agreement with
10 the proposals that they made to me.

11 Then, I decided it would be better to join the Army
12 of the Salvadoran government because I believed that that
13 was better.

14 Then I was for two years in compulsory conditions
15 which is for the code and the political Constitution of
16 our country two years military service.

17 I was discharged in 1983. I concluded my two years
18 of compulsory military service. But, the guerrillas,
19 after I complied with my compulsory time in the Army,
20 they used to go to my house and used to say to my parents
21 that if I realized what I was doing in the Army I would
22 not be there.

23 And they said to my parents that they should tell me
24 to get out of there. Then, after the years '83, I began
25 to have problems with the guerrillas.

1 Then, after the guerilla there in that town and that
2 village-where I had been born, they were all friends,
3 colleagues, companions-- we had grown up together-- we
4 had studied together. And for that reason, they already
5 knew me.

6 Years later, I went to an exercise, a military
7 exercise. I was exposed to command of a section. I was
8 given a section of soldiers. When the guerrillas said
9 that I had already been given a position as an officer,
10 but that was not true.

11 Because I was certain that I was just a simple
12 soldier. And then this news reached the ears of
13 Commander Soco. Commander Soco then ordered they search
14 me as an individual, that I should be taken before him--
15 dead or alive.

16 Moments afterwards, in the years '87, July, my
17 parents began to have problems with the guerrillas in the
18 same village of Cantone San Carlos de Lemante.

19 I told them that I could not help them personally.
20 I came before the brigade commander. I asked him to give
21 me some help so that I could evacuate my parents
22 immediately from San Carlos de Lemante, Cantone, because
23 the guerrillas were giving an average of 24 hours--
24 excuse me. For them to be able to abandon the village
25 since they could not give any information about my person

1 to the guerrillas.

2 A few moments after that, my wife was arrested on a
3 bus. Two unknown individuals arrested her. When she was
4 getting off the bus, they told her, "You are the wife of
5 Mr. Xavier Rodriguez."

6 When she said, "I don't know him. I am not married.
7 I am single." She gave another name to the two unknown
8 individuals. They insisted in saying that they did know
9 her and they were sure of who they were arresting.

10 Then, she always denied this constantly. I told
11 her, "Tell your husband to be very careful because,
12 otherwise, he's in danger." My wife, full of fear, went
13 home. When she arrived home, she told me about the
14 problem she had had.

15 Then, immediately, we had to leave our house and go
16 to a friend's house to spend the evening. From that
17 moment on, I was not able to live in peace in my country.

18 A few months afterwards, they found out where I
19 lived in the city and they came, some unknown
20 individuals, with machines and dressed as civilians.

21 And they asked about me. They inquired about me.
22 Fortunately, I wasn't at home and my friends said that
23 they did not know my whereabouts.

24 A few moments later, or a few days later, at 9 p.m.,
25 I was headed towards some friends where my wife was

1 staying. She was practically in hiding when some
2 individuals, unknown individuals, started to walk, one in
3 front of me and some others behind me.

4 While we were walking, I noticed that they were very
5 suspicious. They said, "Now." When they said "Now",
6 they pointed some Uzi machine guns at me.

7 They said, "Don't move. If you move, we will kill
8 you." So then I froze. I put my hands above my head.
9 They tied my thumbs. They loaded me on the vehicle.
10 Once on the vehicle, they left and they said finally,
11 from to where the vehicle ran for approximately three
12 hours.

13 After this, we went down some stairs where they
14 disposed of the prisoners. Six days later, after being
15 arrested, they began the questioning.

16 And they asked me, "Who do you work for?" I said
17 that I was working for myself, devoting my free time.
18 And I did not say anything about my being in the army
19 because I was fearful that they would annihilate.

20 After 14 days approximately, the arrest, they told
21 me-- they brought me out again to the major decorations.
22 They tortured me. They struck me. They burned me with
23 cigarette butts. They wanted to get the truth out of me.

24 I was never opposed to saying the truth. I always
25 told them everything in a negative fashion. A few

1 moments afterwards, they blindfolded me again. They took
2 me to the vehicle once again when someone said, "Today,
3 we are going to kill you."

4 I said to them, "If you're going to kill me, it's
5 going to be an unjust killing because I have done
6 nothing."

7 A few moments, we ran down a road where they dropped
8 me off in a woods, where they told me, "We're going to
9 leave you here." And they threw me on the ground face
10 down. And they said, "Don't remove the blindfold for
11 five minutes. And you're not going to tell anybody about
12 anything that's happened to you because we know your
13 addresses, where you live, where you go off to.
14 Furthermore, we know your wife.

15 I said, "Yes, that's okay. Whatever you say is
16 okay."

17 Shortly thereafter, I came out on a road. I asked
18 help from a gentleman who was driving down the road in
19 his car. And he took me to the city. And there I said
20 to my wife what had happened to me those 14 days.

21 And she then said to me-- I had to recover for a
22 month's time in order to be able to see what decisions I
23 would make. I've decided to come to the United States.

24 After talking to my wife, I said, "I'm going to have
25 to go because I have many problems and I have to do it.

1 Once I got to Mexico, the Mexican police arrested
2 me. And they returned me to my country once again.

3 Then I arrived a second time shortly thereafter. I
4 made an attempt again to travel. When I got to the
5 United States, I came through the Tucson, Arizona border.
6 There I was arrested by Immigration agents. They took me
7 to a detention office.

8 They checked me out. And 48 hours later, I was
9 free. I was able to come to some friends here in
10 Washington.

11 Afterwards, on 16 May 1990, I went to court with the
12 Immigration Judge. I presented my problem to him, the
13 problem that I had in my country. And he approved a
14 political asylum for me.

15 Then, later, now I've realized that the Judge
16 appealed to the court and my asylum has been cancelled.

17 Now, then, I don't know what to do because I am
18 fearful, even though peace has been signed in El
19 Salvador, but many soldiers, many guerrillas perhaps are
20 not in agreement with this peace.

21 We, in order to be able to return to El Salvador,
22 people who are in the United States, in order to be
23 returned to El Salvador, must be certain that peace does
24 exist. And to check this out takes a great deal of time.

25 So, from all the statements I have to give, thank

1 you to each and every one of you. And may you have a
2 good day.

3 Thank you.

4 MS. BOOKER: Do you have a preference for who would
5 speak next?

6 Or, shall we go in the...

7 (Pause.)

8 I'd like for the rest of the panel to identify
9 yourselves. And perhaps, since Mr. Rodriguez has to
10 leave, perhaps the Commissioners would like an
11 opportunity to ask him anything before he goes?

12 And then we could do the rest of the panel.

13 CHAIRMAN FLETCHER: Commissioner Anderson.

14 COMMISSIONER ANDERSON: Perhaps the witness could
15 describe his living conditions here in Washington.

16 That is, matters of housing or...?

17 MR. RODRIGUEZ: I'm going to answer the question
18 that you asked. You would like to know where I live, how
19 do I live. I currently am living here in Washington, at
20 this time.

21 I pay for an apartment that I share with my sister
22 and some friends. In the area it's somewhat peaceful and
23 so we are able to live there, even though we don't have
24 all the necessary comforts.

25 I work in a restaurant. They don't pay me all that

1 well. But, with the little bit of wages that I am able
2 to earn, I'm covering my food, my rent because,
3 fortunately, even though we're not really all that well
4 off because the qualities of the companies that would
5 rent those buildings where we live, well, they're not
6 very responsible companies.

7 The windows might not be in good order and perhaps
8 that's why we're able to get somewhat intense a grant.
9 But, we're not here in the United States because we want
10 to live here but because of the question of war.

11 Here we don't see any war. At least we can sleep
12 somewhat at ease. We have no fear that someone is going
13 to come and put a bomb in your house or shoot machines
14 through the door of your apartment.

15 That's why, even though it's somewhat uncomfortable,
16 we accept, end up conforming to the situation.

17 COMMISSIONER RAMIREZ (Speaking in Spanish): If my
18 colleagues were around me, I'd like to thank you. I'd
19 like to thank you for coming here and for having
20 testified as to your situation.

21 Welcome.

22 COMMISSIONER WANG: I think Commissioner Ramirez
23 speaks on all our behalf. We want to thank you again.

24 MS. BOOKER: Ms. Vega, would you identify yourself
25 for the record?

1 MS. VEGA: Sure. My name is Yvonne Martinez Vega.

2 MS. BOOKER: Yes, would the other witnesses please
3 identify yourselves?

4 MS. O'DAY: My name is Sharon O'Day. I'm an
5 attorney with Kostler...

6 FOR JOSE HONDORA: I'm giving testimony on behalf of
7 Jose Hondora, who is not able to be here today.

8 MS. BOOKER: And your name is?

9 FOR JOSE HONDORA: Under advise of counsel, I'm not
10 giving my name.

11 MS. BOOKER: Thank you.

12 Mr. Canjura, would you identify yourself for the
13 record?

14 MR. CANJURA: Boris Canjura...

15 MR. MENDEZ: Simon Mendez...

16 MS. FRIELANDER: I'm Tracy Frieland. I'm an
17 attorney with...

18 MS. BOOKER: Thank you.

19 Ms. Vega, if I may, how typical of the clients that
20 come to IOTA would be testimony that we just heard from
21 Mr. Rodriguez be? How typical is their experience?

22 MS. VEGA: It's very typical. Eighty-five percent
23 of our clients are from El Salvador. And that 85 percent
24 does come in from fear of returning home. One of their
25 main reasons for migrating to this country is to seek

1 political refuge.

2 And what I'm hearing them talk about today is the
3 temporary protected status program and how it affected
4 the Salvadoran community, how it affects the Salvadoran
5 community.

6 MS. BOOKER: Do you have a statement that you would
7 like to offer?

8 MS. VEGA: I do.

9 MS. BOOKER: Please proceed.

10 MS. VEGA: Okay. My name is Yvonne Martinez Vega
11 and I am the executive director of True Latin
12 Incorporated, a legal service clinic located on Columbia
13 Road in Adams Morgan.

14 I do primarily handle immigration cases, domestic
15 relations, domestic violence. The majority of our
16 clients are from Central America, whereby 85 percent of
17 our client community comes from El Salvador.

18 Most of our clients as of the current moment are
19 documented in the sense that many of our Salvadoran
20 clients have applied for Temporary Protected Status.

21 AYUDA as had a presence in the Latino community for
22 the past 21 years. Most of the clients learn about our
23 organization through the grapevine and they learn about
24 it through friends, through organizations, through
25 referrals.

1 Primarily, most of the cases that come in,
2 individuals come in seeking assistance, legal assistance,
3 and many times we're forced to have to refer them.

4 And, unfortunately, there are no places to refer
5 them. There are a limited number of attorneys that do
6 respond to the legal needs of this community. And, in
7 many instances, with legal services having a ban on
8 providing services to the undocumented community, we see
9 a large number of individuals asking for assistance in
10 different areas of the law.

11 At the current moment, we have six attorneys. We're
12 the only ones handling the type of cases that AYUDA
13 handles.

14 There are a limited number of Spanish-speaking
15 attorneys serving the poor Latino population.

16 Despite our efforts, we're finding that we have to
17 turn people away every day.

18 We are one of the agencies that the Immigration and
19 Naturalization Service uses as a referral base. When a
20 client is detained and that detainee is given a list of
21 agencies that can represent them, and we're one of the
22 first on the list, so we receive an inordinate number of
23 telephone calls from individuals who are coming in and
24 seeking assistance for our services.

25 Many of our clients come through Mexico by foot.

1 Many of them come here not understanding what the
2 consequences are or what the immediate legal need is to
3 obtain legal documentation in coming to the country.

4 Many of them are willing to separate from their
5 families, as you'll hear, because of trying to seek some
6 type of legal status and eventually bringing in and
7 securing a safe place and a safe haven for their family
8 members.

9 Most of the clients that come to the D.C. area come
10 to the D.C. area because it is the capital. It is the
11 nation's capital. And, in Latin America, that's
12 perceived as one of the areas where there are means of
13 opportunity.

14 Migrating to the capital here, you have a large
15 Salvadoran community. There are jobs and many of them
16 seek employment within the hotel and restaurant industry,
17 and construction.

18 They come not understanding what the importance of
19 what type of legal papers, and many do come seeking some
20 type of a legal status.

21 Many of our clients fear government agencies because
22 of the political reprisals that they experience in their
23 home countries. Government agencies here, unfortunately,
24 have not been responsive to their needs and, therefore,
25 they are made to feel that they might as well lay low

1 because no justice will be done.

2 Most of our clients-- as a result of clients that do
3 come here that do fear, many of those that are
4 undocumented, as I said, do not believe that there will
5 be any pursuit of any claims that they bring forward.
6 So, why bother?

7 Many of our Salvadoran clients who apply for
8 temporary protected status here in the country apply
9 because they wanted to get some type of a legal status
10 for work permit because of the employer sanctions and
11 because of the difficulty in them having to try to find
12 employment.

13 Most of the clients who did apply did not come
14 forward because of the differences in the fees that were
15 actually charged. During the process, AYUDA processed
16 2,315 people who applied for temporary protected status.

17 That was using the number, the carrot number of
18 staff that we have on the board, and with a number, a
19 large number, of volunteers in trying to meet the demands
20 of the community.

21 AYUDA made substantial effort in trying to reach out
22 to the community, to try to get individuals from other
23 organizations to assist in the process, as well as
24 getting volunteers to come in.

25 We encountered a lot of problems. The problems we

1 encountered, TPS, the cost for temporary protected
2 status, was outrageous. It was outrageous that there was
3 differential treatment in terms of fees requested from
4 Latinos, which was \$75 registration and \$60 work
5 authorization fee versus other groups that were eligible
6 to obtain TPS, such as the Kuwaitians and Liberians;
7 whereas, \$50, which included the cost of the registration
8 and work authorization fee.

9 The fact that the fees were outrageous and it took
10 a long time for Immigration and Naturalization Service to
11 acknowledge that there would be waivers available for
12 those who were eligible.

13 A lot of the Salvadorans could not afford to pay for
14 temporary protected status and only 32 percent of the
15 applicants were women.

16 One of the majority-- most of the clients that we
17 encountered were that they preferred to let the head of
18 the household apply for that status because they could
19 not afford the \$135 that was requested for them to apply.

20 As an effort, toward the end of the temporary
21 protected status, we developed a video to try to get more
22 women to come out and apply.

23 The INS, the Immigration and Naturalization Service,
24 should not have been permitted implementing the TPS plan
25 to insist that not for profit community agencies assist

1 the Immigration and Naturalization in implementing the
2 TPS program.

3 These community-based organizations do not receive
4 financial support; yet, the Immigration had Latinos going
5 to agencies, such as AYUDA and other community agencies,
6 to pick up forms.

7 Many of our clients went to the Immigration Service
8 at Arlington and were asked to return to AYUDA in D.C.,
9 so that they could pick up the forms required to apply
10 for the temporary protected status.

11 Many of our clients were confused and did not
12 remember their entry dates, did not remember the
13 documentation or finding the documentation just to try to
14 apply for the stipulated period.

15 As I said, 2,341 clients were assisted by AYUDA and
16 many of those clients, once temporary protected status is
17 submitted, they will have to apply for some type of other
18 measure, whether it be political asylum, or any other
19 status.

20 The Immigration Service status affects every aspect
21 of Latinos lives. In Washington, Latinos experience
22 difficulty in obtaining public services in order to apply
23 for many types of public services, with particular
24 government agencies. The Latino has to prove his legal
25 status.

1 Most District Government workers do not understand
2 what a green card is. When I personally went to apply
3 for a social security number for my child, who is a
4 citizen and whom I am a citizen, I was asked to produce
5 a green card-- because I have an accent.

6 The Latino is often told by government agencies that
7 because they're not considered legal residents and do not
8 produce a green card-- the green card is red, white and
9 blue.

10 Unfortunately, because many people are not familiar
11 with the green card, people expect a green card.

12 So, if you cannot produce them, although the
13 Immigration Services gives a green card of red, white and
14 blue, people are still looking for green cards to provide
15 services to this community.

16 The Latino is expected to walk around with some type
17 of identification. The government employees' whole
18 mentality of the card, of the legal document, it's a
19 green document and nothing else would be accepted.

20 We are faced with it on a daily basis. Yesterday,
21 we had an elderly gentleman who had a legal status come
22 to our office and he had been sent back and forth four
23 times by someone from the Immigration Service because his
24 work authorization was not accepted by his employer.

25 Although he fell under the...law, he was sent

1 several times and an Immigration officer kept noting on
2 his legal document, writing little notes to the employer.
3 And the employer refused to accept it because it was not
4 a green card.

5 There is a lot of animosity toward the Latino
6 community here in the District of Columbia. We're not
7 asking for preferential treatment. We're asking for a
8 fair share of the pie. We're asking that people refrain
9 from using the terms "these people".

10 The Latino community is here to stay. Even though
11 the Peace Accord is mentioned, there has been some
12 accord, the people are not leaving.

13 What happens to the Latino population and the
14 decisions that you make today and recommendations is
15 going to also affect immigrant populations.

16 We right now are the scapegoats. And your
17 recommendations are real crucial to those that come after
18 the Latino population because there will be another
19 group.

20 I want to thank you for allowing me the opportunity
21 to express our experiences at AYUDA.

22 I also have to highlight some of the other areas
23 encountered because I do chair another committee, which
24 is the employment committee.

25 When you focus on the employment aspect of Latinos

1 and the representation of Latinos within the District of
2 Columbia, there is 1.5 percent of the total 48,000
3 employees in the District of Columbia that are Latino.

4 Bilingual services are crucial, are important. When
5 there is a language difficulty, there is a lack of
6 provision of services and a frustration.

7 One of the questions earlier that was asked was
8 regarding the unemployment statistics. Unfortunately,
9 many of the Latinos do not bother applying for
10 unemployment because of the difficulty in accessing that
11 aspect of the service.

12 The form to apply for unemployment in the District
13 of Columbia is five pages. Of those five pages, you have
14 to document the past previous years rather than
15 simplifying the form.

16 Many times, we have clients that come into our
17 offices seeking assistance in trying to fill out the form
18 and just do not bother because of the bureaucratic
19 process.

20 I can go on and on and on in terms of
21 representation. The other is just the whole issue of
22 employment and training, the services that are available,
23 and their criteria eligibility and attitudes towards
24 individuals.

25 I mean, I think it's real crucial because you all,

1 as a Commission, have an important job to do. And that
2 is to make recommendation that policy changes be
3 implemented in the District of Columbia because those
4 policy changes will affect.

5 As we look at the Latino community, the following
6 immigrant community, we are seeing at my office a large
7 number of Africans coming in to the office that are
8 experiencing the very same thing.

9 And I think that you all play a major role in
10 preventing this from continuing.

11 Thank you very much.

12 (Applause.)

13 MS. BOOKER: Mr. Canjura, I wonder if you could tell
14 the Commission to what extent the experience of the
15 Salvadoran Refugee Committee reflects the concerns that
16 Ms. Vega has just outlined for us? And if there are any
17 others that you would like to share with us?

18 MR. CANJURA: Yes, a lot of them.

19 First, I would like to read my statement.

20 MS. BOOKER: Certainly.

21 MR. CANJURA: I won't go through the whole thing.

22 But, before I do that, I would like to thank you
23 that you didn't ask me for a green card because then I
24 will be in trouble, you know, because my card's pink, you
25 know.

1 (Laughter.)

2 So, it's very true what she was saying in those
3 terms. You know, very hard to do with immigration policy
4 in this country.

5 But, as you all know now, my name is Boris Canjura.
6 And I work with the Salvadoran Refugee Committee in
7 Washington.

8 The Salvadoran Refugee Committee was created in 1982
9 to assist the Salvadoran community in Washington, D.C.,
10 learning their rights as individuals in the United
11 States, and to educate North Americans about the
12 situation in El Salvador and about the problems, the
13 exploitation of the Salvadorans in the United States due
14 to their immigration status.

15 I am also the National Coordinator of the Salvadoran
16 National Network, a nationwide organization of Salvadoran
17 refugees.

18 El Salvador, especially in the 1980s, of substantial
19 persecution of its citizens, including...in Cuban
20 massacres.

21 Salvadorans were fleeing from the...masses to
22 Central American countries, as well as to the United
23 States. By the late 1980s, there was a continual flight
24 of Salvadorans coming to the United States because the
25 war had ruined their towns, killed many friends and

1 families and destroyed their economy.

2 Ninety percent of the Latinos who work with people
3 from El Salvador, the...at this point are temporarily
4 documented with temporary protected status, or TPS.

5 Many Central Americans do not understand the basis
6 of how the United States legal government system works.
7 We all come to the United States very naive. I came to
8 the United States back in 1980.

9 I believe that many Salvadorans as well as
10 Guatemalans did not apply for political asylum because
11 there is a misunderstanding of what it is to be a
12 resident. And such a small percentage of them actually
13 receive political asylum because the percentage of
14 Salvadorans who receive asylum is so low, the Salvadoran
15 would rather not risk the chance of...applying for
16 political asylum for fear that such application would
17 give the INS a record on them.

18 And once asylum was denied, the INS will deport
19 them.

20 For this reason, the Salvadoran Refugee Committee
21 tries to educate our own people to understand refugee
22 status, the asylum process and the U.S. government
23 assistance programs.

24 This task has proven very difficult. The Salvadoran
25 community still does not trust the District of Columbia

1 government agency officials. They believe that, if they
2 go to a government agency to ask for assistance, the
3 agency will report their names to INS.

4 However, in the beginning, Salvadorans thought that
5 the TPS program was an asylum application process. Once
6 they understood that TPS gave them temporary status for
7 18 months, they began to ask what was going to happen to
8 them after 18 months, whether or not they were going to
9 be able to stay here.

10 Once they realized we did not have an answer for
11 them, our clients started to doubt the program itself.
12 They knew they were going to have to deal with INS after
13 their TPS expired, and they did not have a lot of
14 confidence in the INS protecting them.

15 Once TPS is over, it is my feeling that Salvadorans
16 will not go home for a long time.

17 Many came to the U.S. because of persecution,
18 physical and emotional, and because of other things that
19 the war caused, such as destroying their economy.

20 It is going to take a while, at least a year, before
21 they feel that the situation in El Salvador is... and
22 safe enough for them to return.

23 They will not return to El Salvador until the
24 country demonstrates that, at least in terms of human
25 rights, the situation there has changed. Despite the

1 Peace Accord, there is no guarantee that the war will not
2 continue.

3 It is important to remember that there still exists
4 two armies in El Salvador-- the guerrillas and the army.
5 There is a feeling in the Salvadoran community that this
6 accord has been signed solely because of the
7 international pressure that is placed on the Salvadoran
8 army and the guerrillas.

9 Now that the accord has been signed there is an
10 obvious worry among my people. They are already worried
11 about being deported. They do not believe that they can
12 go back to El Salvador at this point.

13 It is an emotional thing that people say, "I'm going
14 to go home tomorrow. I'm going home next week." Or,
15 "I'm going home."

16 Actually, they still fear returning. When TPS
17 expires, if the U.S. government decides that the
18 Salvadorans should go home because there is a beautiful
19 situation, I do not think the Salvadorans will go. They
20 will stay.

21 They may lost their document status, as TPS will
22 have expired. But, they will learn to survive in the
23 U.S. without documents. They will just change their
24 address and change their jobs.

25 But, if they do not want to go home, and they cannot

1 be forced to go home if they fear returning home, they
2 will stay in the United States, no matter what, whether
3 TPS is extended or not.

4 After all, I was here eight years as an undocumented
5 person and I realize that, if someone does not want to go
6 back home to their country, they cannot be forced to go
7 back.

8 Unfortunately, going back to being undocumented when
9 TPS expires means that we will have no protection at all.
10 Perhaps one of the worst results will be that
11 exploitation, especially in terms of employment
12 situations, will increase.

13 In other words, even though an undocumented person
14 will be able to find jobs, they will have to take
15 whatever they are offered and will have to receive
16 whatever the employer wants to pay them, because they
17 will fear being deported.

18 To be an undocumented Latino is frightening in terms
19 of housing. The fear is that the only house who rents an
20 apartment to you will threaten to call the police if you
21 complain about heating problems or window-breaking.

22 Perhaps more important, however, I fear that one of
23 the main problems that will occur will be crime. Crime
24 is already a problem.

25 Latinos will not call the police when they are

1 robbed, or if they see a crime occur they fear calling
2 the police because they are undocumented.

3 They do not trust the police, not only because the
4 police have generally not treated the Latinos in the
5 community well, but also because the police sometimes
6 involve the INS.

7 In fact, if the police are abusive, they are afraid
8 to stand up to them. And an undocumented person fears
9 taking someone to court because he or she is worried that
10 the accused will take advantage of the fact that the
11 Latino isn't documented.

12 I know of cases where the accused has threatened to
13 call the INS and notify the INS of where the Latino
14 "trouble-maker", end quote, lives.

15 So, I think that crime is one of the most dangerous
16 problems that the undocumented person will be forced to
17 face.

18 The Salvadoran community believes that peace will
19 not be based solely on the signing of a piece of paper.
20 The Salvadoran community still fears the pockets of
21 radical... forces who are unwilling to conform to the
22 provision of the accords.

23 The fragmenting of the current situation is
24 reflected in the voices of Salvadorans who believe that
25 a coup by these forces, like the one that recently took

1 place in Haiti-- it is possible.

2 Thank you.

3 MS. BOOKER: Thank you.

4 Ms. O'Day, I wonder if you would tell the Commission
5 what Day Laborer Assistance Project is and how it relates
6 to the subject matter of this panel.

7 MS. O'DAY: Thank you very much.

8 And, thank you for having us here today to talk
9 about some of these issues that affect the Latino
10 community for whom I work.

11 My name is Sharon O'Day. And, I'm an attorney with
12 the Day Laborer Assistance Project. It is one of the
13 very few projects that provides the Latino community,
14 which is predominantly refugees, helps them in finding
15 employment and also protecting their rights as workers.

16 The community that we serve are predominantly who
17 have gathered on the parking lot for the last seven years
18 seeking employment. The parking lot is about a mile over
19 the Washington, D.C. line and the men come from both
20 Washington, D.C. and the Maryland suburbs.

21 These men are working in the construction trade, as
22 well as in skilled and unskilled labor. We're also doing
23 outreach to the community to assist them in defending
24 their rights in the restaurant and working trade and
25 protect the women who are doing domestic work-- cleaning

1 houses and raising children of the Washington, D.C. area.

2 The problem with the community base that I work for
3 is the exploitation and discrimination of the work force
4 of Latinos.

5 The exploitation is manifested in ways that many of
6 you are probably already familiar with. A person will go
7 out to work for a day or a week or a month. At the end
8 of that time, they are told that they will not be paid.

9 Sometimes, they're strung along with very minimal
10 amounts of monies paid for their food for the day or
11 their bus fare, but do not receive anywhere near the
12 minimum wage.

13 And when they go to the employer and say that they
14 must, in fact, be paid, they have rent to pay, they have
15 a family to feed-- they have responsibilities-- they're
16 told that it's just too bad. And if they try to make any
17 trouble, of course they will be turned into the INS.

18 They also are not protected by workers compensation
19 or health care or any of the other opportunities that
20 most people who hold jobs are familiar with.

21 Many of the times I've seen people injured severely
22 on the job and not had any form of workman's
23 compensation. They are merely dropped off at the
24 hospital and the employer rides away.

25 What we intend to do is educate the community as to

1 their rights, that they, in fact, do have a right to a
2 fair wage, that the employment contract is separate from
3 the contract of-- separate from the ERCA responsibility
4 that says that they do not hire undocumented persons.

5 The person who violates that law is the employer,
6 not the employee. And that law does not say anything
7 about being able to take someone's work and not pay them
8 for that work.

9 Often though the employee is afraid to go to any
10 form of report system or government assistance. Luckily,
11 in the District of Columbia, there is a Wage an Hour
12 Board which does assist us in making sure that employees
13 receive wages. And they actually do have some Spanish-
14 speaking staff.

15 That is not true in the surrounding area of Maryland
16 or Virginia, where both of those offices have been
17 severely limited, and Maryland has actually cut down.

18 Also, the Federal Department of Labor, which is
19 given a mandate to investigate these problems, has no
20 Spanish-speaking staff in the area and actually has been
21 known to turn people into the Immigration Service, their
22 brother part of the federal government, when they have
23 received complaints of undocumented workers.

24 Therefore, the fear that is prevalent in the
25 community is, in some cases, quite justified.

1 Often in the work that I do, I see 150 men standing
2 on this parking lot on any given day. Usually, 10-20 of
3 them will receive work that day. The rest of them will
4 go home, again, without money in their pocket.

5 Sometimes, it happens where someone will drive up in
6 the parking lot who has picked up someone in the past and
7 not paid them. And they'll come back with somebody else.

8 The level of frustration is manifested when the
9 whole group of men are gathered around the car and they
10 try to force that person to pay the employee who did not
11 receive his salary.

12 This is a very frustrating situation and we try to
13 calm it down and try to bring in a level of calm to the
14 situation and negotiate that they must, in fact, pay
15 their employees. And we inform them that they have a
16 responsibility to pay.

17 But, often, when the police are brought in, if they
18 don't speak Spanish, the level of frustration will
19 continue to escalate.

20 Also regarding the issue of unemployment, I'd like
21 to say that very few men out there receive any
22 unemployment compensation at all, although all of them
23 are obviously unemployed by the mere fact that they're
24 there.

25 The reason that they do not receive unemployment is

1 both because the requirements or documentation that was
2 alluded to earlier is very high. The forms are not in
3 Spanish. There is no Spanish assistance to help them
4 with those forms.

5 And also the communities often pay under the table,
6 not simply because they're undocumented, which is
7 sometimes the case, but also because they cannot have
8 bank accounts to cash checks and, therefore, they have to
9 be paid in cash.

10 And also because the employers who are hiring them
11 want to pay them in cash in order to avoid other taxes
12 and avoid having them on workman's compensation rolls.

13 Therefore, they do not receive unemployment even if
14 they are entitled to it.

15 Finally, I'd like to talk about the fact that there
16 are differences that I have seen in the community that is
17 documented from that which is undocumented.

18 There are very few people who are on the parking lot
19 or that I see in employment discrimination claims who are
20 documented. The large majority are either undocumented
21 or in a tenuous documented situation, such as TPS.

22 Employers often say that they do not want to hire
23 somebody and train them only to have them deported within
24 six or nine months. The employment documentation for
25 Salvadorans, temporary protected status, has a six-month

1 limit on it.

2 When the employer sees that, he thinks this person
3 might be forced to leave in six months. Why should I
4 hire them when I can hire somebody else who wants
5 training and will be around for quite a long time?

6 When I inform employers that it's illegal for them
7 to discriminate simply because the person has what's
8 called a policy or work authorization document, they
9 inform me they are not going to be faced with the ERCA
10 violations that are under the documentation requirements,
11 and they also do not want to have to go through this
12 strenuous training process only to have the person forced
13 to leave by the INS.

14 However, the people that I do see on the parking lot
15 that have temporary protected status have the problems of
16 not being able to get on with their lives. They cannot
17 buy homes. They cannot provide education to their
18 children, often. They cannot get driver's licenses.

19 And these are all factors that go back to the fact
20 that many people think that they're there to enforce
21 immigration laws as opposed to providing services to the
22 community.

23 And because the community doesn't know whether
24 they're going to be allowed to stay here by the
25 Immigration Service, they feel very, very constrained in

1 being able to go about living lives in the way that the
2 person who is assured of their situation here is not
3 threatened.

4 Those people can go out and start to look for
5 permanent employment, start investing in the community by
6 buying houses and investing in their children's future
7 because they know the children will be allowed to stay
8 here.

9 Thank you very much for allowing me to provide this
10 testimony. I would be very happy to answer any
11 questions.

12 MS. BOOKER: I understand that another witness, Mr.
13 Simone Mendez, has testimony from personal experience
14 that's related to some of the abuses that Ms. O'Day just
15 described.

16 You may, Mr. Mendez...I think we need one moment for
17 the translator. We would ask that this be translated
18 over the PA system.

19 THE INTERPRETER: It's going to be interpreted over
20 the PA system.

21 (Mr. Mendez spoke in Spanish and was interpreted in
22 English.)

23 MR. MENDEZ: My name is Simone Mendez. I'm from El
24 Salvador. In 1989, I left El Salvador because of the
25 war. The war had destroyed my country and its economy,

1 and I cannot continue with my work.

2 In order to provide you with...my family. I left my
3 family, including my wife under the...and two small
4 children in El Salvador.

5 I came to the United States in April 1989. Several
6 months later, in December of 1989, I came through to
7 Washington where I had some relatives from El Salvador.
8 My friends and my relatives only-- to find work so that
9 I could feed myself and find ways to live.

10 I sent home the money that I could to my family in
11 El Salvador so that they did survive.

12 From December of 1989 to April of 1991, I worked
13 without having any type of documents from the INS.

14 In April of 1991, I was given my TPS, thanks to the
15 help of AYUDA, and a community service agency located in
16 Adams-Morgan. With the TPS I understand the INS can
17 deport me to El Salvador, when the TPS expires. But, I
18 don't think I will leave the United States of my own free
19 will.

20 When I recently arrived in Washington in 1989, it
21 was very difficult finding work without work permits or
22 without the green card.

23 Almost a month after my arrival, a friend took me to
24 the marble company, the company where he told me they
25 were contracting people.

1 The manager did not ask me for my work permit so
2 that my friend and I were hired as marble workers.

3 The manager gave a card to each person where we had
4 to write our name. The hours worked were recorded every
5 day for each worker. Approximately, half the workers in
6 the plant were Italians-- Italians and Mexicans.

7 The other half were permanently resident. They were
8 living in the United States. But, most of the others,
9 mainly Latins, were undocumented.

10 At the beginning, the manager told me that I would
11 begin, I would get \$8 an hour. And then it would be
12 weekly. I worked for 11 hours a day, six days a week,
13 but they paid me only \$350 cash every week.

14 Instead of every week, this meant that my employer
15 was paying me only approximately \$5.30 per hour. At \$8
16 an hour, he would have had to pay me approximately \$528
17 for a week. However, I did not complain about my payment
18 because I had no work permit and I feared that, if I
19 complained, I would lose my job.

20 After working in the company for six months, the
21 manager told me that my salary would be increased to \$400
22 per week, which was still not the original amount that he
23 had promised me. And he continued to pay me every other
24 week.

25 At that time, I was still working 11 hours a day,

1 six days a week. In October, 1990, the manager told me
2 that he would pay me only once a month.

3 In June 1991, the manager told me that he was
4 promoting me to a marble worker and that he would pay me
5 \$500 a week. However, he paid me only \$450 a week, and
6 he did it once a month. He paid me at the end of June
7 for the work for that month. I worked the entire month
8 of July, but at the end of that month, the manager
9 refused to pay me the \$2,000 that he owed me for the
10 month of July.

11 The first week in August, I went to ask the manager
12 for my July wages but he continued to refuse to pay me.
13 He promised to pay me my July salary on 5 August 1991.

14 However, on 5 August, once again, he refused to pay
15 me. Therefore, two other friends of mine, fellow
16 workers-- they also were Latins and undocumented-- the
17 three of us left the work because the company was not
18 paying us for the work that we had performed in July.

19 Fifteen days later, I went back to the factory to
20 speak with the manager on my payment. But, he was very
21 angry and told me to get away from the plant. He told me
22 to never return to the marble shop.

23 The manager said that he preferred to take the wages
24 that he owed me and buy a gun with which to shoot me.

25 Approximately, a week later, however, my room-mate

1 told me that the manager had called me to go home, to say
2 that he had changed his mind.

3 He assured me that the manager would pay me all the
4 money, all the money that he owed me. And that he would
5 do it at the end of the week.

6 The manager also asked me to return to work for him.
7 I thought that the only reason he wanted me to return was
8 because he could not find anybody who could do the work
9 for so little money.

10 On 21 August, I went back to work in the plant and
11 the manager paid me \$500. However, at the end of the
12 week, they didn't give me the money for my July work, or
13 for my last week in August.

14 Waiting for the manager eventually to pay me as he
15 had promised me, I continued working until October. In
16 October, he refused to pay me my back wages-- four months
17 back wages. Now, he says four weeks work.

18 In July, one week's work, in August and four weeks
19 work in September.

20 I estimated that the company owed me more than
21 \$4,500. Formally, I stopped working for the company on
22 8 November 1991. The manager began to accuse me
23 constantly, to harass me daily. He called people from
24 the factory to call me, harass me, to ask me to return to
25 work.

1 He also sent workers from the shop to my apartment
2 to request that I go back to work. They told me that the
3 manager was sorry and that he promised to pay me if I
4 returned.

5 One day, when I wasn't home, a friend with whom I
6 shared the apartment received a phone call from the
7 manager.

8 The manager's message said that he was going to come
9 to my apartment to cut off my head. During the first two
10 weeks in November, I continued to receive threats on the
11 phone, at home. And messengers coming to my apartment.

12 They told me that the manager was ready to pay me.
13 And that I should go and talk with him.

14 On the morning of 18 November 1991, I went to the
15 marble plant to speak with him. I went to speak with
16 him, but he told me that I was there to work, to work and
17 not to talk.

18 This discussion took place in Spanish. When I asked
19 him for the money that he owed me in wages, in past
20 wages, he said that he would pay me \$3,500 on 30
21 November.

22 I followed to the office which is on the second
23 floor over the shop and I told him that he had to pay me.
24 But, he said that he would not pay me until the end of
25 November.

1 He left the office and began to go down the steps to
2 the work area. I followed him, trying still to speak
3 with him. We walked toward another room in the shop,
4 which is like a garage. There were five other people in
5 the
6 room-- two Italian workers, a Nicaraguan and another
7 person whom I did not recognize.

8 The manager closed the door, the large door. He
9 grabbed me by the collar, the coat, and threw me against
10 the table.

11 My back was struck by the surface of the table.
12 Then, he pressed his fist on my head several times. He
13 cut my mouth, the inside of my mouth. When I was on the
14 floor, he threw a tool box at me.

15 The manager was going to jump on top of me once
16 again when one of the workers held him back. Up to that
17 moment, none of the other workers did anything to
18 intervene or to help me.

19 I don't know how I was able to stand up and run, but
20 I did so. The manager then ran after me for more than a
21 block. Then I went to the emergency room of Holy Cross
22 Hospital and I was treated for concussions, multiple
23 contusions.

24 The record of the emergency room indicates that I
25 had been struck several times by unspecified means.

1 While I was in the hospital, I told my story to a
2 bilingual official of the hospital.

3 This officer of the hospital accompanied me to the
4 police station to denounce the incident. He helped me to
5 fill out the complaint. We sent the complaint to an
6 officer, but the officer said that my report was not in
7 proper English, that it was not coherent.

8 The officers did not accept the complaint. The
9 police would not help me. I went to speak with Sharon
10 O'Day, an attorney who works for a nonprofit
11 organization.

12 I showed him the complaint that the police officer
13 refused to accept. She told me that the complaint could
14 be understood easily and that they would have to accept
15 it by the police officer.

16 After she made some changes and additions to the
17 complaint, she attached her card and said I should send
18 it to the police once again.

19 She said that, if the police asked any more
20 questions, that they should contact her. I presented it
21 to the police once again. This time, it was accepted
22 without comment or questions.

23 The police officer told me to have no contact with
24 the company, and especially with the manager. The police
25 sent the complaint to the employer. It was dated 30

1 December 1991.

2 It has been postponed until February of 1992 at the
3 request of the employer. Shortly after I received the
4 complaint, the manager sent a worker to my house to give
5 me a message.

6 The worker told me that the manager would pay me
7 money if I would withdraw the complaint. He also told me
8 that he was afraid of the manager and that he did not
9 want to become involved.

10 I decided not to withdraw the complaint. And,
11 shortly thereafter, the manager sent me an invitation
12 through some other workers to dine with him at the El
13 Torrito Restaurant, in Maryland.

14 He told me that the manager wanted to discuss the
15 withdrawal of the complaint and that he would pay me the
16 total amount he owed me.

17 I didn't answer the message at that time. I was
18 upset over having been beaten up. Then, I was concerned
19 at obtaining my back wages.

20 That's all. Thank you.

21 MS. BOOKER: Thank you.

22 I understand the final witness on the panel is here
23 to represent Jose Hondora.

24 Is it your intention to read his statement, which we
25 have in the....report?

1 THE INTERPRETER: Yes, I was planning to do that.

2 MS. BOOKER: Okay. That's A-1 of the...report.

3 STATEMENT OF MR. JOSE HONDORA THROUGH THE
4 INTERPRETER:

5 MR. HONDORA: Good afternoon. Thanks for the
6 opportunity to be here on behalf of Jose Hondora.

7 My organization offers assistance to the Washington,
8 D.C. community, principally, Afro-Americans and Latinos,
9 in the areas of worker health and safety.

10 Under the advise of counsel, I will not give my name
11 or the name of the nonprofit organization where I work.

12 Mr. Hondora sought help from my organization and,
13 for that reason, I am familiar with his case and I am
14 able to present this testimony.

15 Mr. Hondora is not able to be us today because he is
16 desperately looking for work. On January 24, 1991, when
17 Mr. Hondora went to sign this statement and present it to
18 the Commission, he was fired because he's undocumented.

19 His employer told him that he could return to work
20 when he had legal documents to work.

21 Mr. Hondora was told by his employer that, if he
22 didn't fire him, he would have to pay \$10,000 in fines.

23 Now I'd like to read his statement:

24 I am appearing today under the pseudonym of Jose
25 Hondora. I am a 41-year Honduran old man. I do not feel

1 comfortable revealing my identity because I fear that I
2 will be deported or that my employer will seek revenge
3 for my testimony.

4 I arrived in the United States in 1988. I came to
5 Washington, D.C. principally to earn money to support my
6 family in Honduras.

7 Currently, I do not have any type of permanent or
8 temporary immigration status, nor do I have working
9 authorization.

10 Because I do not have any documentation, my present
11 employer pays me three to five dollars less than my
12 documented, those with temporary or permanent status,
13 earn.

14 I have the same amount of job experience as the
15 documented workers and we all work the same number of
16 hours. Yet, I earn \$7 per hour and the others receive
17 between \$10-12 per hour.

18 Because some of my Latino counterparts and I are
19 undocumented, we cannot complain about our unequal pay.
20 I know from personal experience that those Latinos who
21 complain to their employers run the risk of being fired
22 from their jobs.

23 In addition to receiving unequal pay, undocumented
24 Latinos, such as myself, are usually assigned to the task
25 which requires the most strenuous work and the most

1 unsafe working conditions.

2 When I first arrived in the United States, I took a
3 three-day course approved by the Occupational Safety and
4 Health Administration, OSHA, and the Environmental
5 Protection Agency, EPA, to learn about the safe removal
6 of asbestos. At the end of the course, I earned a
7 certificate for my participation.

8 In the last two and one-half years, I have been
9 employed as a remover of asbestos.

10 I was recently fired from my last job for my refusal
11 to remove my protective respirator with filter while
12 performing asbestos removal.

13 The following events eventually led to my dismissal:

14 Three of my co-workers and I, who are all
15 undocumented Latinos-- were assigned to remove asbestos
16 from buildings. The supervisor always ordered us to work
17 quickly and, as a consequence, appropriate safety
18 measures were not complied with.

19 Because we removed asbestos wrapped around pipes and
20 pulled asbestos off of ceiling without observing
21 appropriate safety measures, dirt and asbestos dust
22 filled the job site building and the surrounding area
23 outside.

24 My co-workers and I were instructed to take asbestos
25 outside and to throw it into a truck into the alley that

1 was not protected according to EPA regulations.

2 Police cars often passed by the alley and my
3 supervisor started to worry that the police officers
4 would suspect that we were removing asbestos from the
5 building because we had respirators on with filters.

6 In addition, my supervisor had recently been warned
7 that OSHA and EPA inspectors were scheduled to come in
8 and inspect the job site. One day, prior to the
9 inspectors arriving at the job site, the supervisor
10 ordered me and my three co-workers to remove our
11 protective respirators and filters and to replace this
12 gear with paper masks.

13 The supervisor hoped to camouflage the fact that
14 removal of asbestos was occurring on the job site.

15 The supervisor then ordered us to work quickly
16 throughout our job.

17 I refused to comply with the supervisor's demand
18 that I remove my respirator, and I was fired as a result.

19 I noted, however, that my co-workers followed by
20 supervisor's orders despite the fact that this seriously
21 endangered their health.

22 I believe that the only reason my co-workers
23 followed the supervisor's orders and put their lives in
24 danger was because they felt that they were undocumented
25 Latinos and they did not have any other choice.

1 I am currently in the process of filing a claim
2 against this employer.

3 And his final comment was:

4 Why, in this country, does the government protect
5 the rights of employers and not the rights of workers?

6 MS. BOOKER: Thank you very much.

7 COMMISSIONER BUCKLEY: First of all, I thank you all
8 for coming here. I know that it is a tremendous burden.
9 Also, to take time from your busy schedule.

10 But, I wanted to show you that I have to carry birth
11 certificates for me and my children because if, at the
12 bridge, I don't have them with me, I have to prove I'm an
13 American citizen.

14 So, even though I was born in this country, I still
15 have to prove that I am a citizen, or else I'm in trouble
16 and I'm detained.

17 And I don't know what the answer to that is.

18 I was going to ask Mr. Canjura if he wanted to talk
19 to us about some of the services that the refugees
20 receive.

21 One of the comments he has to make is that this is
22 a refugee problem, rather than a Latino problem. And
23 we're trying to tell the difference between the two.

24 In some cases, we have seen that it is a national
25 problem of the Latino.

1 Can you also tell us what you might consider to be
2 a unique problem with the refugees?

3 MR. CANJURA: Well, I've seen-- I was just thinking
4 that one of the main problems that we confront here in
5 the District of Columbia, there are services in the
6 community. But, sometimes, those services are not
7 allowed to be given for those who are undocumented, or
8 for those who are just under TPS, for the simple reason
9 that these programs receive federal money.

10 And I think that maybe as a suggestion, it would
11 help, because...document. But, I pay federal taxes and
12 I don't see anything back of that.

13 We're not here to take jobs from Americans. As
14 everybody says, we are hard workers. And one of the main
15 things, again, the main programs in the City don't go to
16 the people who pay their own taxes because it's their own
17 money, mainly.

18 I don't understand that, in a sense, you know. I
19 think that it would be good to review that kind of law
20 and maybe it's possible to change it. It will be good.

21 MS. VEGA: I kind of wanted to answer part of that
22 because the whole issue of whether it's a Latino problem
23 or a refugee problem-- it's both.

24 First of all, the Salvadoran community are not
25 considered refugees, according to the Immigration

1 Nationality Act.

2 So, the perceptions of who a refugee really is
3 cannot apply to the Central American community because
4 the essence is they are not defined as refugees.

5 So, when you talk about programs and services that
6 are offered to refugees, many of the community are not
7 eligible for that because of the whole definition of
8 "refugee".

9 So, it is a dual problem. I mean, refugees in the
10 District of Columbia do experience that. However,
11 Latinos, because of their status, receive it more but do
12 not get those services because of that status.

13 So, I mean, you know, it is a dual problem so when
14 you try to divide which line, you really can't, not with
15 this...in D.C.

16 COMMISSIONER BERRY: I just have one question. And
17 the one question I had is that I don't, again, I am not
18 controverting anything anyone testified to. I thank you
19 very much for coming and I was very much informed by the
20 testimony.

21 But, I thought, Mr Canjura, when you were talking
22 about the Salvadoran refugees, that if I were a person
23 who was opposed to giving-- to letting people enter the
24 United States who come from countries where there is the
25 kind of crisis that has existed in El Salvador, I could

1 use the same argument you made to argue that they
2 shouldn't be permitted to come.

3 Let me tell you what I bet. If I were all those
4 people who argue for particular groups of people to come
5 to this country, argue that once peace comes to their
6 country, they will go home, of course, and they're only
7 coming because they have a well-founded fear of
8 persecution and that the crisis is so great and there is
9 all this fear-- which does exist. I don't mean just in
10 El Salvador but other places-- and that what we should do
11 as a matter of foreign policy is to try to help alleviate
12 the crisis at home as well as attend to the needs of the
13 people who are here.

14 And I have been a long supporter of such arguments
15 in the case of everybody, including El Salvadorans.

16 But, if you argue that, even though there are peace²
17 accords, some people do not want to go home yet, which I
18 can understand, but then even argue that some are not
19 interested in going home at all, and then, if one moves
20 to arguments about the social disorganization, the crime
21 which doesn't get reported because of their fears and all
22 the other problems that exist in this country, then that
23 is an argument that can be turned around in terms of
24 saying that we should be very careful about who we let
25 into the country, when we let them in, what expectations

1 we have.

2 And it raises all kinds of policy concerns.

3 And I just wondered if you were aware that these
4 implications do exist in the kind of argument that you
5 made.

6 And we have to take this into account when we come
7 to recommendations.

8 These hearings are not just about listening to
9 people and then going away and doing nothing. What we're
10 supposed to do is come up with recommendations.

11 And so these are the arguments we would hear from
12 another side. And that's why I'm pointing them out to
13 you. That's all I had, Mr. Chairman.

14 If he has any comment, fine. If not...?

15 MR. CANJURA: I would just make a comment.
16 Particularly for Salvadorans and it applies to other
17 countries in Latin America, I wouldn't be here-- since
18 1980 I was forced to leave because there was a war.

19 COMMISSIONER BERRY: Yes.

20 MR. CANJURA: Unfortunately, the U.S. policy has
21 invested \$4 billion to destroy my country.

22 COMMISSIONER BERRY: Right.

23 MR. CANJURA: So I do believe that the U.S. has a
24 moral obligation now, you know, to help us to rebuild our
25 country, as we called it in Central America, the

1 Lost...of Central America.

2 Those \$4 billion maybe would be used here at home
3 for the homeless instead of, you know, maintaining a war.

4 So we do feel kind of anti-U.S. sometimes because we
5 feel that the U.S. has destroyed our country by
6 supporting the war.

7 And also you have to see the psychological problem
8 that most people have. Nobody talks-- few people talk of
9 their psychological problems. But, that's the worst
10 wound that we have.

11 You know, I was tortured also in El Salvador, and my
12 friends were killed for not necessary reasons.

13 So...now that we're here, we would say, well, I
14 think that they should allow us to be here.

15 In this case, it's a problem in particular. Again,
16 it's the same for other countries.

17 COMMISSIONER WANG: Ms. Vega, would you just clarify
18 again, among the Latino community right now, what is the
19 percentage of undocumented?

20 You mentioned earlier about 80 percent? Is that
21 the...

22 MS. VEGA: When I mentioned the 80 percent, I mean,
23 I was mentioning the 85 percent of clients that we serve
24 are from Central America.

25 In terms of the document, on documented versus

1 undocumented, if you're considering those Salvadorans
2 that have applied for temporary protective status as
3 documented, then, you know, when you look at the overall
4 percentage of that population, of course, it increases
5 because of that temporary status that has been awarded to
6 them.

7 The undocumented, the numbers, I mean, I really
8 don't have a figure, but if I look at the numbers, the 85
9 percent of the clients that we serve in our office and of
10 that 85 percent, what percent is undocumented, I'd say
11 50.

12 COMMISSIONER WANG: Thank you.

13 COMMISSIONER BUCKLEY: One quick question, if I can.

14 I haven't had time to read some of these reports.

15 If you are a TPS, if you're under the TPS program,
16 what services can you qualify for in D.C.? Can you
17 qualify for anything at all as far as housing or anything
18 like that?

19 MS. VEGA: I'd refer to one of the...I see them
20 shaking their heads.

21 Federal services, you're not eligible for any
22 federal programs, no.

23 COMMISSIONER BUCKLEY: None. None at all.

24 MS. VEGA: No. No.

25 COMMISSIONER BUCKLEY: So, for that, it doesn't make

1 any difference if you're documented or undocumented.

2 MS. VEGA: No.

3 COMMISSIONER BUCKLEY: Thank you.

4 COMMISSIONER WANG: I want to thank the panel very,
5 very much for taking the time and patience to testify.
6 And your testimony is going to be well-documented here,
7 I can say, and is being reported. We will consider it
8 seriously.

9 So, thank you very, very much.

10 (Panel excused.)

11 MS. BOOKER: Will the next panel please come
12 forward?

13 Anna Rosario, William Norbeck, Sister Marie Foltz,
14 Milagros Cassiano, April Land, and one additional
15 witness.

16 Whereupon,

17 SISTER MAUREEN FOLTZ

18 ANNA ROSARIO

19 WILLIAM NORBECK

20 APRIL LAND

21 were called as witnesses and duly sworn.

22 (Pause.)

23 MS. BOOKER: Sorry for the delay, Mr. Chairman.

24 We have been asked that one of the witnesses go
25 first. And she has requested under the rule which we

1 cited earlier that there be no cameras, stills or
2 television or video cameras during her testimony, and
3 that there be no recording or broadcast during this
4 testimony.

5 We will put her on first and, when she leaves, the
6 Chairman will allow you to turn the cameras and
7 broadcasting equipment on again.

8 COMMISSIONER WANG: Thank you very much for your
9 cooperation. So, at this very moment, refrain from
10 taping or recording and we will have our witness to come
11 forward at this time.

12 MS. BOOKER: We also noticed a witness is missing
13 from the panel. It is Milagros Cassiano. Is he in the
14 auditorium?

15 (No response.)

16 SOCIAL SERVICES PANEL I: PUBLIC BENEFITS

17 COMMISSIONER MUSKETT: Good afternoon. I understand
18 that, on November 15, 1991, you applied for Medicaid for
19 your teenage son.

20 Is that correct?

21 MS. MENDEZ: Si.

22 COMMISSIONER MUSKETT: And I understand that he
23 needs the Medicaid as soon as possible for an operation.

24 Is that correct?

25 What is the operation? Why does it need to be done

1 right away?

2 MS.-MENDEZ: Because he is growing up. If spends
3 eight more months, it's going to be impossible to have
4 him operated on. That's what I was told at Children's
5 Hospital.

6 They gave me a document for me to show to Medicaid
7 Services and to show that he needs that, because they
8 can't operate on him without the insurance.

9 I am a single mother. I have two children and I
10 can't pay for insurance. I am working. My problem is
11 that I don't have insurance. This is why I went to ask
12 Medicaid. And I was not treated properly there.

13 I went there with the girls that I take care of and
14 the security policeman said what do I have in the bag.
15 He pulled the bag and he searched me.

16 I told him to be careful, that I was carrying baby
17 food there. It was glass. And he said that no one was
18 allowed to eat there.

19 But I saw that there were people that were born
20 here. The policeman thought my daughter was healthy, why
21 was I going to ask for health if my children are well-
22 dressed and I can pay for a good stroller for him.

23 And they gave me this treatment. I stood in line,
24 more than 15 people. When I got to the table, I was told
25 that they hadn't seen me in the line, to go back. And,

1 prior to that, I said why couldn't I feed the girls on
2 that place because it was cold. It was cold. I couldn't
3 feed the girls out in the street.

4 Then, I went again. They didn't take care of me.
5 They said that I needed an appointment. But, before I
6 got the Medicaid, I forgot something. He said to bring
7 all the required papers. And I took them and then, that
8 day, they didn't take care of me.

9 They said they were going to send me by mail the
10 appointment time and everything.

11 They told me the same thing on the phone. The same
12 thing happened by mail. And I went back again.

13 I had an appointment for 9:45 a.m. I got there
14 before. And I wasn't taken care of until about 1--
15 later. After 1 p.m.

16 And I was asking, I said I had an appointment with
17 a certain person, why didn't they take care of me. And
18 they said they didn't know her. But, I said, "But, her
19 name is here."

20 And I asked, well, who is so-and-so? They told me,
21 "We don't know. We don't know." And the woman had gone
22 past me more than 10 times accompanying people.

23 And, I said, "Lady, I've been here since 9:45
24 waiting. I need to be taken care of. I'll complain to
25 your supervisors." They said, You're looking for this

1 person?" She's been following you. I don't know what
2 the reason was, why they caused me to wait.

3 I'm calling all the time, calling constantly, to
4 know if my son qualifies for that Medicaid. And, up to
5 now, I called the supervisor and the assistant who took
6 care of me. Neither one of them takes care of me up
7 until today. They haven't paid any attention to me.

8 And they told me that, if I had been born here in
9 the United States, we would know. Then you're a resident
10 and that I work to support my children. But, the thing
11 is I cannot pay for medical insurance. If you're not
12 born here, they're not going to give you the insurance.

13 And I asked other people and they said, yes, I can
14 have that service. And I know that I have been
15 discriminated against because my son needs that
16 operation.

17 COMMISSIONER MUSKETT: What is the operation that he
18 needs?

19 MS. MENDEZ: The operation in his pallet. The
20 doctor said when he grew up, it was going to be a tougher
21 bone, a harder bone in the pallet.

22 COMMISSIONER MUSKETT: And have you received written
23 notice on your applications?

24 MS. MENDEZ: No. Up to now, I have not received
25 anything nor have they told me whether I qualified or

1 not. I'm trying to call all the time and they tell me,
2 "Well, she'll be here at 3." I call at 3, they say,
3 "She's busy. Call tomorrow." I call at 8:30 in the
4 morning, they say, "She's not there. Leave a message on
5 the machine. She's not there. She's very busy."

6 "I applied. How much longer am I going to wait?"

7 "When did you apply?"

8 "I went in October the first time. Then, the
9 appointment was in November, the first week in November.

10 "If the August people have not been taken care of
11 yet, you're not going to have an answer quickly. And
12 this is the end of January and, as of this moment, I know
13 nothing."

14 MS. BOOKER: When you gave the case worker your
15 application and documentation on November 14th, did she
16 indicate whether you had to provide anything else?

17 MS. MENDEZ: Yes. I took everything, complete. She
18 gave me a budget of expenditures for food, my child's
19 schooling, school tests. I took the green card also,
20 passport, birth certificate.

21 And then, on the phone, they said they hadn't been
22 born here, that he was born over there. Yes, he was born
23 in his country and he's not going to get that help here.

24 And I asked myself why I'm working and they don't
25 support me.

1 (Pause.)

2 MS. BOOKER: And about how many times have you
3 called your case worker?

4 MS. MENDEZ: Excuse me?

5 MS. BOOKER: About how many times have you called
6 your case worker?

7 MS. MENDEZ: I have called more than 30 times.
8 Perhaps, more than 30 times. I don't remember.

9 MS. BOOKER: And does she speak Spanish? Or, he
10 speak Spanish?

11 MS. MENDEZ: There's a woman there who speaks
12 Spanish. And she told me, I think she told me, they say,
13 "If he wasn't born here, they're not going to take care
14 of you."

15 I said, "Why not?" The same, why she treat me in
16 that fashion. "Because I have so many Hispanics who seek
17 assistance without having been born here."

18 But I think that as if she knew something about my
19 son's case, I don't know. But, that's what she told me.
20 And once she hung up the phone on me. She hung up on me.
21 And some other Hispanic people also hung up on me.

22 She's here. I really don't know. I can't say for
23 sure.

24 MS. BOOKER: But, she's not your case worker.
25 Right?

1 MS. MENDEZ: No.

2 MS. BOOKER: Does your case worker speak Spanish?

3 MS. MENDEZ: No. Only English. No, she speaks
4 English.

5 MS. BOOKER: Okay. No further questions.

6 COMMISSIONER MUSKETT: I understand the witness has
7 to leave. Can you stay for a few more questions?

8 If there are no further questions?

9 (No response.)

10 At the beginning of the panel, I don't think they'll
11 be sworn statements.

12 So, the Chairman would ask the witness to swear that
13 what she has testified to has been the truth.

14 (The Witness, Ms. Simon Mendez, was sworn and spoke
15 through an interpreter for her testimony.)

16 COMMISSIONER MUSKETT: Ms. Rosario, you are the
17 chairperson of the Multicultural Health Rights Advocates
18 Task Force.

19 Is that right?

20 MS. ROSARIO: Yes.

21 COMMISSIONER MUSKETT: Would you please explain when
22 the task force was formed and what its purpose is?

23 MS. ROSARIO: Yes. The task force was formed in
24 October 1990. And it was formed, composed of social
25 workers in the community, service providers and directors

1 of agency.

2 We saw a need to come together and look at the
3 problem that we were seeing among our families. And the
4 problem was the inability to obtain Medicaid.

5 COMMISSIONER MUSKETT: Would you please summarize
6 what you see as the most prevalent concerns identified by
7 the task force?

8 MS. ROSARIO: Yes. What we've seen, what I've seen
9 in the clinic is that most of the clients are eligible
10 for Medicaid, the children, but they're unable to obtain
11 the assistance because of administrative barriers.

12 For example, they recently dismantled the bilingual
13 unit and now the clients have to go to...maintenance and
14 they're often faced with an English-speaking worker.

15 When they go there, some of the workers are asking
16 them to bring translators. Of course, these people do
17 not have translators because most of their relatives and
18 friends do not speak English.

19 And the few who speak English are usually working.
20 So, they're not able to take translators. So a lot of
21 them are turned away or they'll tell them, "You have to
22 call for an appointment." When they call, they get an
23 English-speaking person.

24 So what we're seeing is that these families are in
25 a no win situation.

1 Especially I am concerned about the children, and I
2 work at a clinic for children. And especially
3 handicapped children who are in need of essential
4 equipment and medicine and have to wait up to nine months
5 in order to obtain the medicaid.

6 And I have children needing wheelchairs and are
7 unable to get the wheelchairs and have to wait up to six
8 months.

9 Another problem we're seeing is that they're not
10 sending out recertification notices. The Medicaid is
11 approved after waiting probably six months. It's
12 approved. And they get the letters when the expiration
13 period has expired and then they don't receive
14 recertification notices.

15 What I find is that most of these families are
16 working. These are the working poor, but they don't have
17 any medical insurance. And these are some of the issues.

18 But, I really want to bring to your attention the
19 children, the Latino children, and especially the
20 handicapped children.

21 I, for example, have a child now who is four years
22 and she needs a wheel chair and we've been waiting for
23 the Medicaid for four months.

24 And this little girl needs this wheel chair so that
25 she can sit down and enjoy just the other things that

1 children enjoy, like watching TV, playing with toys.
2 She's not able to sit on her own.

3 And it concerns me that a child here in Washington,
4 D.C. cannot play. And like I heard a woman say one day,
5 a child that cannot play is a dying child. And I think
6 we have many dying children in the Latino community and
7 they should be of concern to us.

8 What I also see as a social worker day in and out is
9 the struggle of these families, the human suffering that
10 this woman was explaining, describing. We see mothers
11 who are struggling to obtain just the basic needs and
12 they're unable to find jobs. They're unable to find
13 proper housing.

14 A study that was recently conducted at the clinic
15 showed that 60 percent of these women had witnessed a
16 killing. That, in itself, is real stressful. And on top
17 of that, all the stresses that they have to go through
18 here in D.C.

19 And what the study found was that 9 percent of the
20 women interviewed had suicidal ideas, and that's a high
21 number. To have 9 percent of a population thinking about
22 killing themselves.

23 But, we see a lot of depression because they're in
24 a no win situation.

25 And what we're also seeing is a high number of

1 children with developmental delays as a consequence of
2 the psychological unavailability of the woman.

3 And I think that should be our concern, too. The
4 children.

5 Are we going to do something or are we going to wait
6 until it's too late?

7 COMMISSIONER MUSKETT: What percentage of your
8 clients, when they go apply for benefits, come back to
9 you with problems?

10 I mean, you indicate there's a problem of bilingual
11 workers or what not.

12 MS. ROSARIO: The clinic we serve are mostly low-
13 income Hispanics. And, yet, we find that only 5 percent
14 of that population has Medicaid.

15 The average income of these families is \$6,000 or
16 \$10,000 a year for a family of four. So, we know they
17 are eligible but they are unable to obtain the services.

18 I see a big number of people with problems. And 80
19 percent of the people.

20 COMMISSIONER MUSKETT: And what is the general
21 nature of their complaints?

22 MS. ROSARIO: The complaint is I'm getting a lot of
23 people for me to call because the most simple thing is
24 calling and accessing the agency-- it's not possible
25 because they don't have-- they only have six case workers

1 to serve the entire population.

2 They don't have any bilingual receptionists when you
3 go to the Income Maintenance Administration.

4 COMMISSIONER MUSKETT: Have you or other members of
5 your task force shared these concerns with the
6 appropriate D.C. government officials?

7 Have you or other members of your task force shared
8 some of these concerns with members of the D.C.
9 government?

10 MS. ROSARIO: Yes. Yes. We have met with the
11 Director of the Income Maintenance, Mr. Butz. We met
12 with him in December 1990. And we met with him in May
13 1991.

14 At the time, we met with him, the first time, they
15 had a backlog of 900 cases of Medicaid.

16 What they were doing were interviewing people and
17 they were just piling these cases because they didn't
18 have the staff to process these applications, so they
19 were just piling up.

20 They were able to reduce the backlog. That's what
21 he told us-- in May to 200 cases. But, the way they did
22 it was denying most of the cases.

23 COMMISSIONER MUSKETT: What were some of the
24 concerns you expressed to him at that time? Were they
25 just the delay in processing the cases?

1 What were some of the concerns you expressed?

2 MS.-ROSARIO: That we expressed?

3 COMMISSIONER MUSKETT: Right. As a task force.

4 MS. ROSARIO: Yes. The inability of the people to
5 obtain the Medicaid and how they were denying-- illegally
6 denying-- these cases. We saw a lot of cases that were
7 being denied because of failure to provide information
8 when the person had provided all the information.

9 Something we're seeing a lot, too, is requests of
10 excessive documentation. And all the forms they provide
11 are in English. So, the people don't have the
12 information to really realize that they're asking for
13 excessive documentation or that they're being denied
14 illegally.

15 So, there's lots of information from the public
16 about their rights and about the eligibility factors. If
17 they don't have a social worker that would intervene or
18 help, then I know there are many people that have been
19 unable to obtain the Medicaid because they weren't
20 eligible.

21 COMMISSIONER MUSKETT: And there are no forms sent
22 out in Spanish?

23 MS. ROSARIO: The Office of Latino Affairs
24 translated a number of forms, but they have not been
25 distributed.

1 The information on fair hearing is in English.

2 COMMISSIONER MUSKETT: Mr. Norbeck, would you please
3 state your name and occupation and position for the
4 record?

5 MR. NORBECK: My name is William Norbeck.

6 I'm the Director of the Medical Assistance Program
7 for Central Health Care Services. We are a diversified
8 hospital receivables management corporation.

9 In the past, I was the former supervisor of the
10 Multi-National Eligibility Unit for the Income
11 Maintenance Administration.

12 COMMISSIONER MUSKETT: And as Director of Medical
13 Assistance Certification for Central Health Care, what
14 are your duties?

15 MR. NORBECK: We contract with hospitals in this
16 particular area, in the District, to accept self-paid
17 patients and take them through the eligibility process
18 for medical assistance.

19 COMMISSIONER MUSKETT: And how long have you been in
20 this position?

21 MR. NORBECK: Two and a half years.

22 COMMISSIONER MUSKETT: And in your prior position at
23 the Income Maintenance Administration?

24 MR. NORBECK: Fifteen.

25 COMMISSIONER MUSKETT: And were you Director of the

1 Multi-Cultural Unit for all those years?

2 MR. NORBECK: No, I wasn't director. I was a first
3 line supervisor. And for that time period of six years.

4 COMMISSIONER MUSKETT: I your current position, what
5 percent of the patients that you assist Latino?

6 MR. NORBECK: That would depend on the particular
7 hospital we were contracted with. The hospitals that we
8 currently do in the District of Columbia are Providence
9 Hospital, Children's Hospital, Greater Southeast,
10 Georgetown. And we do National Rehab Hospital as well.

11 Of those particular patients, self-paid patient
12 populations have received 75 percent of the counsel we
13 give from those hospitals are primarily Hispanic.

14 COMMISSIONER MUSKETT: And from your perspective,
15 are there problems in accessing benefits which are unique
16 to the Latino community?

17 MR. NORBECK: Some of the problems that we are
18 experiencing that I experienced as a supervisor of the
19 unit primarily is an increase in applications for
20 services of the District of Columbia.

21 That is a problem that has existed since the
22 inception of the unit, I believe, in 1983.

23 COMMISSIONER MUSKETT: Are there any other problems
24 that would be unique to the Latino community?

25 MR. NORBECK: I think most of the problems have been

1 expressed up to this point-- they're some of the ones
2 that we currently have-- as far as accessing these case
3 workers, providing the additional documentation that is
4 requested by that individual in-take worker, and having
5 the ability for the worker to be able to converse with
6 the individual applicant in their languages is a very
7 difficult factor.

8 COMMISSIONER MUSKETT: And how often would you say
9 the patients receive an English-speaking case worker?

10 MR. NORBECK: Presently, I'm not aware of what the
11 ratio is between the English-speaking workers and
12 bilingual workers in the unit as it is now or, as I
13 understand, it's been dissolved.

14 Prior to that, as a tenured supervisor, all
15 individual workers save one was bilingual, excepting
16 myself. COMMISSIONER MUSKETT: But, in terms of your
17 current clients, can you give us a rough estimate as to
18 how often they're assigned to a Spanish-speaking case
19 worker versus an English-speaking case worker?

20 MR. NORBECK: It's probably a 50 percent ratio.

21 COMMISSIONER MUSKETT: Have you seen any difference
22 in the length of time it takes Latino applicants to be
23 processed versus non-Latino applicants?

24 MR. NORBECK: Obviously, the language barrier is a
25 difficulty. And people have a tendency to stretch out

1 the eligibility process at times, yes.

2 COMMISSIONER MUSKETT: And do you have a rough
3 estimate as to how much longer it would make the process?

4 MR. NORBECK: The District is governed by a 45-day
5 application processing period of which many variables
6 impact that period. Some of the backlog they have
7 expressed in nine months is fairly accurate.

8 As far as particular to the Latinos, if I were here
9 just to...our problem, it would be 30-60 days.

10 COMMISSIONER MUSKETT: Thirty to sixty days on top
11 of the nine months?

12 MR. NORBECK: No, that's beyond 45 days we were
13 going on an average. There are specific cases that may
14 go that far, have gone that far in the past. I know that
15 INA has addressed the backlog problem. Well, the
16 applications that we have that were in that backlog were
17 adequately addressed due to the inability of workers to
18 be able to get the necessary information that was needed
19 by the workers, and also to access the system; wherein,
20 the individual would not be able to apply themselves.

21 COMMISSIONER MUSKETT: I'm sorry? The individual
22 would not be able to?

23 MR. NORBECK: Access the system as adequately as the
24 operation that I currently direct.

25 COMMISSIONER MUSKETT: So, if I follow you, it's

1 because of your company's assistance to your clients? Is
2 that what you're saying?

3 MR. NORBECK: That's correct.

4 COMMISSIONER MUSKETT: That they were able to access
5 the benefits?

6 MR. NORBECK: Exactly.

7 COMMISSIONER MUSKETT: I understand that the nearest
8 Income Maintenance Administration Office to the Mount
9 Pleasant community is at 645 H. Street, Northeast.

10 Is that correct?

11 MR. NORBECK: If you look at the geographic map of
12 the District, I'm not sure you're talking about mien
13 mileage to a decentralized center. It would be 508
14 Kennedy Street or it would be 645 H Street.

15 However, the unit at 645 H Street is the centralized
16 unit, primarily covering AFDC and Medicaid.

17 COMMISSIONER MUSKETT: And so the Kennedy Street
18 Center would not cover those benefits?

19 Is that correct?

20 MR. NORBECK: An individual applicant may go to any
21 decentralized center they wish in order to make an
22 application. That is, I would say not necessarily a...on
23 paper.

24 However, because of the nature of the multi-national
25 unit, the reason for it being there, most Latino

1 applicants are directed to 645 H Street.

2 COMMISSIONER MUSKETT: And when you were employed at
3 the INA's multi-national unit, did you ever recommend
4 establishing an INA unit in the Mount Pleasant-Adams
5 Morgan community?

6 MR. NORBECK: Yes, I did.

7 COMMISSIONER MUSKETT: And what were the results of
8 those discussions?

9 MR. NORBECK: In conjunction with the Office of
10 Latino Affairs and the Administration in INA, they were
11 attempting to locate a facility that would fall under the
12 criteria necessary to have-- easily accessible to
13 handicapped applicants, as well as the general public.

14 There was a difficulty with getting those things.

15 COMMISSIONER MUSKETT: And when was this?

16 MR. NORBECK: This was primarily my entire ten
17 years.

18 COMMISSIONER MUSKETT: That they looked around for
19 the other building?

20 MR. NORBECK: Yes. There were a couple of buildings
21 that-- we used a building at-- I want to say 1808 Adams
22 Mill Road. We utilized a building there primarily just
23 as an output center just to accept applications and also
24 assist individuals complete applications.

25 But, that building was closed...due to accessibility

1 to handicapped clients.

2 COMMISSIONER MUSKETT: Did you ever hear complaints
3 about the lack of a bilingual receptionist?

4 MR. NORBECK: Yes, ma'am.

5 COMMISSIONER MUSKETT: And what were the results of
6 those complaints?

7 MR. NORBECK: Well, they still want to have them.

8 COMMISSIONER MUSKETT: Okay. I mean, was any effort
9 made to try to recruit one?

10 MR. NORBECK: That I'm not aware of.

11 COMMISSIONER MUSKETT: At the time that they looked
12 around for a separate office in the Mount Pleasant
13 community, did your case load... to separate office?

14 MR. NORBECK: The case load was primarily composed
15 of 90 percent Hispanic. And the other 10 percent
16 primarily came from the Adams Morgan area that were
17 possibly Ethiopian, African descent. And we had a
18 Chinese population, as well, that was in the H Street
19 area...

20 COMMISSIONER MUSKETT: But, was your case load large
21 enough from that area, the Mount Pleasant community, to
22 warrant a separate office there?

23 MR. NORBECK: I would say yes. In my estimation,
24 yes.

25 COMMISSIONER MUSKETT: And, for instance, in your

1 current position, are you in a position to recruit and
2 hire bilingual personnel to help accessing public
3 benefits?

4 MR. NORBECK: Absolutely.

5 COMMISSIONER MUSKETT: And do you find that
6 difficult here in the City?

7 MR. NORBECK: Fifty percent of our staff currently
8 are Latino in this particular area. We've had no
9 difficulty whatsoever.

10 COMMISSIONER MUSKETT: Sister Maureen Foltz, if you
11 could state you name and occupation for the record,
12 please.

13 SISTER MAUREEN FOLTZ: My name is Sister Maureen
14 Foltz. I'm a social worker at the Columbia Road Health
15 Services, in Washington, D.C.

16 COMMISSIONER MUSKETT: And how long have you worked
17 at Columbia Road Health Services?

18 SISTER MAUREEN FOLTZ: About two years.

19 COMMISSIONER MUSKETT: And how frequently do you
20 assist patients in obtaining benefits?

21 SISTER MAUREEN FOLTZ: Probably, at least five times
22 a week. Usually, between five and ten.

23 COMMISSIONER MUSKETT: And how often do you
24 accompany the patients to the INA Center?

25 SISTER MAUREEN FOLTZ: Just about an even number of

1 times. Usually, if it's a first attempt to initiate a
2 case, I'll accompany the client, because of the language
3 barriers and all the other difficulties.

4 And, during that same time, try to assist them to
5 learn how to function in the system so that they can
6 gradually become advocates.

7 COMMISSIONER MUSKETT: In your experience, have you
8 encountered problems similar to those encountered by the
9 other witnesses, such as Ms. Rosario identified?

10 SISTER MAUREEN FOLTZ: Yes. We have been sharing
11 horror stories this morning. And the thing is that some
12 of it's almost humorous because it seems so absurd.

13 I think that, for me, the most important factor in
14 a lot of this and the factor that really seems to me to
15 be a cause for a lot of the sense of violence in the
16 community and the answer comes from the fact that, you
17 know, the messengers with the message of, you know, we
18 need to kind of associate status of Hispanics in the
19 community, are really creating a sense of antagonism, I
20 think.

21 Just one example would be that I accompanied an
22 elderly Salvadoran woman to 645 H Street to begin a
23 process for Medicaid. She had an appointment and she had
24 a need.

25 So, we went to the desk of the woman that was at the

1 receptionist at that time and asked her to call this
2 worker. And she got on the phone and dialed the number
3 and told us to sit down and that she would let us know
4 when the worker came downstairs. So, we sat down.

5 This was 8:30 in the morning. At about a quarter to
6 ten, I got back up and went back to the desk and asked
7 her if she could please call again. And she said, "Yes,
8 okay. Oh, sure. Sit down now. You know, as soon as the
9 worker comes out." And I saw her pick up the phone and
10 dial.

11 As it got close to lunch time, I knew that I was
12 going to be there for the long haul if we didn't do
13 something. So, I went back and asked her again to please
14 call. And she smiled and agreed and started to dial.

15 And, at that time, one of the Hispanic workers came
16 through the reception area, so we approached him and
17 asked him about this particular worker and if he could
18 perhaps send her so that we could leave.

19 And he said, "She's on vacation until next week."

20 So, I went back to the receptionist and I said,
21 "Would it be possible for you to call this worker so that
22 I could talk to her and just tell her what I'm here for?"

23 "Oh, sure." She dials the number. "She's not at
24 her desk right now. Maybe, she's at lunch. Would you
25 like to wait?"

1 And I said, "Well, then maybe I could talk to her
2 supervisor." Got somebody on the phone. I'm not sure if
3 it was her supervisor or not, asked for the woman again
4 by name and was told that the woman was on vacation.

5 I hung up the phone and I said to the receptionist,
6 "I can't imagine who it was that you were talking to
7 because the woman that we're waiting for is gone until
8 next week, on vacation."

9 And her response was, "Well, you know, they don't
10 speak English very well, some of them, and I think that
11 maybe things get confused."

12 There was no sense of responsibility for the fact
13 that I could have sat there until 5 o'clock and never
14 accomplished anything.

15 And I know from past experiences and experiences
16 since that, really, there was a certain tone of respect
17 for me as a case worker with this particular
18 receptionist. If I had been an Hispanic woman, that
19 altercation would have been much more serious, and
20 probably more insulting.

21 COMMISSIONER MUSKETT: What other problems have you
22 experienced in working with your clients?

23 SISTER MAUREEN FOLTZ: I think that, because I work
24 for a health clinic that really attempts to-- we have 71
25 percent of our patient population right now is Hispanic

1 and numbers about 2,000 individuals.

2 In this population, we usually charge our patients
3 according to sliding scale fee because most of them do
4 come from the Adams Morgan area, the Adams Morgan
5 community and they're all either unemployed or under-
6 employed.

7 1,308 of those Hispanic patients fall into an annual
8 income level of less than \$14,000 a year. That's a four-
9 person family.

10 Added to that number of 1,308, only 68 of the
11 persons of that population have any kind of medicaid
12 coverage.

13 Now, although we don't ask our patients whether or
14 not they're documented, my guess would be that,
15 obviously, the great majority of our Hispanic clients are
16 eligible in some degree for benefits. But, they don't
17 have them.

18 And I know that I would be willing to say that 75
19 percent of my case load never goes through. You can
20 start the process. There's the question of
21 documentation, constant obstacles and confusion.

22 Those of us who work in the nonprofit sector who are
23 here because we want to do this for the community have no
24 problem with the fact that, you know, three times the
25 case load work with our clients just doing follow-up that

1 shouldn't even have to be done. Constant phone calls.
2 In one particular case, over a period of up to six months
3 just to get what should have been obtained in the very
4 first visit to that office.

5 But, in addition to that, I think that, for me, the
6 thing that seems to be the most difficult question right
7 now is we try in our own limited manner as nonprofit to
8 do preventive health care in the community.

9 And I just would like to offer an example of how
10 difficult that can be in that, for example, the woman
11 that was here with her son or some of the examples that
12 we've heard about-- six-month waiting periods-- if it's
13 a woman who has been tested and has precancerous cell
14 development on her surveys and needs medical intervention
15 cannot get into a hospital because she doesn't have any
16 kind of coverage.

17 And she'll sit in my office and cry and say, "I'll
18 pay \$5 a month. I'll pay \$10 a month out of the money
19 that I make if they'll just--". In that three or six-
20 month waiting period, she can become cancerous, which
21 creates a bigger economic problem in the long-run for
22 health care providers, and it creates a bigger problem
23 for her and the family unit.

24 And the question of, for example, nutrition and the
25 fact that many, many, many hundreds of the families that

1 we deal with have poor nutrition, that is a pre-- I mean,
2 you need good food to have good health.

3 So that any kind of preventive intervention to that
4 level is almost impossible because there's no stable
5 income in the households to have good nutrition for the
6 kids. And some of the, like some of the food assistance
7 programs that are non-governmental, again, nonprofit
8 sectors, Bread For the City, will give two food bags a
9 month to a family unit. And they don't have to provide
10 documentation.

11 But, two bags of food isn't going to last for three
12 days. That's a problem for us. The statistics are
13 beginning to show that AIDS is going to become a very
14 serious problem among Hispanic women in the future. That
15 is a serious problem.

16 The cost for preventative care in AIDS patients, you
17 know, and where's that money going to come from?

18 COMMISSIONER MUSKETT: Ms. Land, will you please
19 state your name and occupation and position for the
20 record?

21 MS. LAND: My name is April Land and I'm a staff
22 attorney with Neighborhood Services Program. And I work
23 in our field office on 14th and... which serves the Mount
24 Pleasant area.

25 COMMISSIONER MUSKETT: And how long have you held

1 this position?

2 MS. LAND: I've been there a little over a year now.

3 COMMISSIONER MUSKETT: And what involvement have you
4 had in the area of social services?

5 MS. LAND: Well, I represent low-income individuals
6 in various areas of law, including their efforts to get
7 public benefits. And I have come across several
8 problems.

9 My clients' biggest problems are getting benefits
10 from the Department of Human Services, Aid to Families
11 with Dependent Children, Medicaid and other benefits.

12 COMMISSIONER MUSKETT: I understand you've brought
13 class action suits against the City with regards to
14 public benefits.

15 Is that right?

16 MS. LAND: That's true.

17 COMMISSIONER MUSKETT: Well, in light of this, what
18 problems would you say are unique to the Latino community
19 in accessing benefits?

20 MS. LAND: Well, I think, in addition to the severe
21 problems that all low-income people face trying to get
22 benefits in this City-- and I don't want to minimize
23 those-- there are substantial additional barriers that
24 Latinos face. Language is a very basic barrier.

25 Not only are there not case workers that speak

1 Spanish, but all of the notices, all of the forms, all of
2 the tape-recorded messages at the Department of Human
3 Services are in English, so that, for example, yesterday,
4 people come in with their monthly reporting forms for the
5 AFDC.

6 In order to receive their monthly check, they have
7 to fill out the monthly report form. Well, the form is
8 in English. And I have people coming to me to fill out
9 these monthly report forms.

10 Now, it does say about halfway down through the
11 first paragraph of the form in Spanish, "If you don't
12 understand this form, call your case worker."

13 Well, yesterday, I did a little experiment. And
14 while there's no number on that particular form, I do
15 have the numbers of case workers for my clients.

16 And I called the Department of Human Services and I
17 said in Spanish, "I'd like to speak to my case worker
18 because I can't fill out my monthly report form." And I
19 was told that I have the wrong number.

20 And then I said, "Is this the Department of Human
21 Services?" And the person on the phone said, "Yes." I
22 had said that in English-- "Is this the Department of
23 Human Services."

24 Then, I changed back to Spanish and I said, "I've
25 received my monthly report form and I need assistance

1 filling out my form." And what I got was, "I don't
2 understand a thing you're saying, lady." Click.

3 So... and that's just yesterday. Every day, the
4 problem, the case that this woman was talking about,
5 these are the kind of problems that we're seeing every
6 day.

7 People are in dire need of medical care. People
8 with children who can't speak. People with children who
9 need medical care. And they have no access to medical
10 care.

11 They called me up and they said, "I went to the
12 clinic. And they said I can't bring my child here any
13 more because I don't have insurance. And what am I going
14 to do?"

15 And it's not just medical care. It's also food
16 stamps. We have hungry children in this City who are
17 eligible for benefits, but, again, there are problems
18 that we face across the City. It's much more difficult
19 for the clients to correct themselves; whereas, an
20 English-speaking client can go down when they don't
21 receive their food stamps. And, sure, they have to wait
22 a day or two days to talk to somebody.

23 At least they can speak to somebody in their own
24 language once they're seen. And, with the Spanish-
25 speaking people, they don't have that opportunity.

1 And so they are forced to rely on interpreters. As
2 a matter of fact, some of the case workers are telling
3 the Latinos who go down there to apply that they have to
4 bring their own translators for them.

5 They are shifting the burden of translation from the
6 people, from themselves, on to the people.

7 As a matter of fact, I think that we even have a
8 documented case in writing where the case worker had
9 required the person to bring in the full checklist. You
10 can see the checklist. They're a legal sheet of paper--
11 in English.

12 And the case worker had checked off every single
13 thing on the checklist and added down at the bottom, "We
14 also want letters from everybody that has helped you over
15 the past two years."

16 Now, I might be mixing up cases here, and I want to
17 separate the points because, as long as I'm talking about
18 excessive documentation, I think that the language
19 problem compounds the problem of excessive documentation
20 because it is difficult.

21 I mean, when I get involved in a case, I will try to
22 help my clients get proof of their employment. And I
23 send out a letter on Legal Service's stationary to, you
24 know, the Marriott Corporation or whatever-- whoever
25 their employer is. And it still takes me a week and four

1 follow-up phone calls to get the proof that's necessary.

2 And they expect the clients who don't speak English,
3 who can't, you know, by no means write English or call
4 these people on the telephone, they expect them to
5 provide that kind of documentation within the time
6 periods that they're providing is unrealistic.

7 And it causes real severe problems. I mean, it
8 basically becomes impossible, which gets me back to a
9 point which, as long as I'm talking about employment
10 verification, I'd like to point out that as far as my
11 clients are concerned, my clients, by definition--
12 because I am paid by Legal Services Corporation. The
13 program in which I work is funded by the Legal Services
14 Corporation-- my clients have papers.

15 My clients are not undocumented illegal aliens or
16 undocumented citizens. These people either have
17 permanent residency or they are citizens, their children
18 are citizens of the United States. They're large working
19 people or people who were recently unemployed, which not
20 only gives you an idea what kind of people they are, but
21 it also makes it more difficult for them to go through
22 with their applications because they have to provide
23 these employment verifications.

24 COMMISSIONER MUSKETT: Ms. Rosario, have you seen
25 any progress since the task force was formed, on the part

1 of the D.C. Government?

2 MS. ROSARIO: No. Just to the contrary because at
3 least before they had a multi-national unit with a few
4 bilingual workers. But, since they have dismantled that
5 unit. So, now there is-- and they have lost a couple of
6 bilingual workers.

7 We spoke with Mr. Butz and he said that he could not
8 hire. There was a freeze and they could not hire any
9 more workers.

10 COMMISSIONER MUSKETT: When did the community first
11 start asking for a bilingual receptionist?

12 MS. ROSARIO: It's got to be 10 years at least, when
13 I used to work there.

14 COMMISSIONER MUSKETT: Mr. Chairman, I have no
15 further questions.

16 COMMISSIONER BUCKLEY: I'm very confused. I'm very
17 confused. I don't quite understand. If I may ask Ms.
18 Land, first of all, you're a lawyer and you get these
19 complaints.

20 What legal avenues are there for these people to
21 complain? Where can they go to complain about all this?
22 You know, if they don't come to you, what is their
23 resource? Or, you? Where can you go and complain about
24 these abuses?

25 MS. LAND: Well, we have been talking and writing to

1 the people at the Department of Human Services. But, you
2 know, I mean, I'm here. And I'm doing what I can to try
3 to correct the situation.

4 Basically, there is nowhere to go. And I have
5 hungry people in my office day after day who are being
6 denied access to health care, people with stories-- this
7 is sad-- we're coming to her house every week with
8 nowhere to go.

9 And I add to that that, if they don't have papers,
10 there is nowhere to go. I can't even help them. Even
11 the people with temporary protected status, the people
12 who are undocumented, there is nowhere to go.

13 COMMISSIONER BUCKLEY: So, you're addressing the
14 document person that has them running to these services.
15 And, regardless of who they are or their ethnicity or
16 their race, they get treated this way.

17 MS. LAND: And that is my point. I mean...and you
18 hit the nail on the head. That is, where do you go?
19 Eventually, you go to the streets. And that's why you
20 all are here.

21 And if we don't do something, you're going to be
22 back and the riots are going to be back, because problems
23 are not going away.

24 COMMISSIONER BUCKLEY: And, Sister Foltz, in dealing
25 with this lady-- I won't mention numbers-- do you

1 complain to anybody there? Do you complain to...writing
2 and all that? Have you done that?

3 SISTER FOLTZ: Yes, I did. The first year that I
4 was in the clinic, I came from working with the homeless
5 population and the Hispanics in another capacity for ten
6 years before that.

7 And I think I was a little bit naive and had quite
8 a bit of first fervor. So, what I used to do is document
9 everything, all of my phone calls. I'd pull the file for
10 each case I was dealing with and I'd write down who I
11 spoke to and when and what day and how many times.

12 And so I did that for about the first year that I
13 was there. And I really tried to use that information to
14 push. But, I started to realize, and I mentioned it's
15 really the idea of the message and the messenger. I
16 mean, I started to realize that the best way to get what
17 you need in the City of Washington, D.C. in terms of
18 human services, particularly with the Hispanics, but
19 generally with the poorer population of the City, is to
20 personalize as much as you can your connections within
21 the infrastructure.

22 Know people and get names and be nice, you know. I
23 mean, when I get put on hold, I wait because that's a
24 technique. Okay. That's like, okay, well, just a
25 minute. Let me check. We'll put you on hold.

1 If it's 20 minutes, I'll be there when they come
2 back. And I won't be angry. But, I'll make it very
3 clear to them that the next time they get a call from me,
4 there's no point in putting me on hold because I'm not
5 going anywhere.

6 And once those kinds of in-roads are made and people
7 kind of know a little bit more about that-- you know,
8 they may be able to push other people around but, you
9 know, it's better to just deal with me.

10 In a way, I think that's kind of a selfish way to
11 deal with the structure, but if you personalize what you
12 do with individual people that you're working with, it's
13 a way to kind of wade through.

14 There was a time when I used to really send
15 documentation of stuff to Legal Aid for all these. I
16 mean, the City in a sling of lawsuits for in court right
17 now and they've got stuff for a lot of the indigent
18 clients that were laid off from the last budget cuts that
19 they made. And all sorts of things.

20 You know, you can spend a lot of energy in that
21 capacity. You know, or you can spend your whole day
22 documenting and writing and sending it and making calls,
23 and stuff like that. But, I made the choice to be...
24 because the inter-personal dimension of what's happened
25 is what I want to do. And so I've really localized it a

1 lot, you know.

2 And I think it's a significant point only in that I
3 think a lot of the anger in the community-- and the whole
4 point of this Commission, from what I understand, is the
5 issue of the violence in the community and that that may
6 be happening in other places soon.

7 And, you know, where is it coming from. And I
8 really think that, from all the years that I've been in
9 Washington and lived in poor communities, there's that
10 inter-personal sense of respect that can be shared in the
11 community and through services, even though there's no
12 money.

13 You know, there's a way for me to tell you I can't
14 do this for you. I can either say, you know, I don't
15 speak your language. I can't do this for you, get out of
16 my face. Or, I can say to you:

17 No, I am so sorry. I'll help you in any other way
18 that I can.

19 Just the choice of words makes all the difference in
20 the world.

21 I'm also not so naive to think you can legislate
22 polite behavior patterns in the society. However, I
23 think that it certainly would be very easy to have a
24 reorientation program for the eight women that are the
25 receptionists at 645 H Street. That would take one day.

1 They could stay on the payroll and you could simply let
2 them know that: "Policies are changing now. And what
3 we need to do is communicate better with our clients, no
4 matter who they are.

5 "So, be polite, you know, because there's new
6 graduates coming out of Howard University and they would
7 love to have your job. And they know how to treat
8 people."

9 I mean, not get threatening, but be clear, you know.
10 "We don't want riots next summer and we have to do some
11 little stuff like that all over in the bases if we're
12 going to be able to..." you know.

13 COMMISSIONER BUCKLEY: But, what you're saying is
14 that they treat people poorly?

15 SISTER FOLTZ: Yes, and I don't--

16 COMMISSIONER BUCKLEY: Anyway, no matter what they
17 look like? No matter who they are?

18 SISTER FOLTZ: Yes. I think one of the points that
19 I think I would like to make, and I'm not sure if this is
20 going to be appreciated by everybody but, you know, I
21 worked in the black community in Northeast as well. And
22 I think there's just as an antagonistic sense towards the
23 poor in general and minorities in particular.

24 And what happens in the infrastructure of the human
25 service system in a City like Washington is that there

1 can become a tone that's set. And it doesn't matter who
2 you are. There's a way of behaving now. It's a mindset
3 and a way of interacting with the public.

4 And it's just-- it exists. It permeates. Now,
5 Taylor Street is somewhat different in that sense, and
6 I'm not sure who's right. But, Taylor Street is one of
7 the branch offices.

8 But, most of the places that do human service work
9 as representations of the City, there's a real sense
10 of...and that doesn't cost money to change that. It
11 doesn't cost anything.

12 MS. ROSARIO: I want to add something. I think that
13 there is a need also for a partnership collaboration
14 between the Hispanic community organizations and the
15 government. And see how we can work out and complement
16 each other. That doesn't exist.

17 And I have seen-- right after the riot, there was a
18 program on the Spanish channel and our Mayor was there to
19 talk. And I was really impressed by all the people that
20 went to testify. And I didn't see any social workers
21 testifying.

22 The social workers that are seeing the suffering and
23 who are working these families in and out-- because we
24 were not invited. I was not invited. And so there is a
25 need for a partnership, relationship with the government.

1 COMMISSIONER BUCKLEY: But, what is the cost, for
2 example, for Sister Foltz to be here and to come out.
3 She's tolerated some of these ladies for a long time but,
4 you know, what is the cost to you when you come out and
5 you testify and you say things about them-- and when you
6 go back to these people, how are they going to greet you?

7 SISTER FOLTZ: You know, one of the things that I
8 can say about the human element in all this is the fact
9 that I've had some really good conversations with some of
10 the workers at H Street because, you know, they're caught
11 up in the same dehumanizing system. They don't like
12 being nasty, but it's a survival issue sometimes.

13 And so, if I spend time saying-- if I go, for
14 example, to this reception as to who sent me out three
15 times and all that kind of stuff, you go back to her and
16 I look at her right in her face and I say, "I know you
17 really must be sick and tired of me coming back here.
18 And it's obvious you're having a hard time connecting
19 with this woman. But, it's really important to me
20 because I have to be back at my office by three." You
21 know, "Would you do it? Would you try to bridge that gap
22 that's there by creating that human connection."

23 - And it all has to do with the question of style that
24 I think is something with the administration in the City
25 and, really, it's something that can happen in anything

1 in the community if there's a focus and an effort put
2 into that.

3 And it's my duty and my experience that it's that
4 kind of interaction that can defuse a lot of the
5 frustration that creates the violence, that causes the
6 outbursts, because I'll throw a rock in your front window
7 if I think you hate me.

8 But, if I know that you really care and you just
9 can't because you don't have it right now, I'm not going
10 to do damage to you.

11 COMMISSIONER WANG: Commissioner Gonzalez.

12 COMMISSIONER GONZALEZ: Yes, Mr. Chairman. I'm
13 really pleased to listen to the testimony of this group
14 in as much as I think it's the first group of people that
15 have come up with some solutions to problems that don't
16 fall under the category of money, because bureaucrats are
17 real quick to say that there aren't many financial
18 resources available.

19 I think the other thing that this group's talk
20 demonstrate is it is not a language problem because that
21 also I think a lot of bureaucrats hide behind, the fact
22 that people don't speak English. And so we get into
23 that:

24 If they can't communicate, then I needn't be held
25 responsible for responding to that individual.

1 In the case of some of the comments made, I would
2 think, in listening to the Mayor's comments this morning,
3 that here's the perfect opportunity if-- people that can
4 avail themselves to the head of Human Services or anybody
5 else.

6 And the question I would ask you, if I were the head
7 of Human Services, what can I do to better the situation?
8 What is it that you can bring-- what kind of information
9 could we provide you with that would make my situation a
10 lot better, really? And much of what was said today I
11 think could make it better.

12 I would disagree with the Sister in that you can't
13 legislate behavior. You can legislate behavior. You
14 can't legislate attitude.

15 But, you can legislate behavior and it doesn't
16 necessarily mean legislate. Any head of an operation of
17 a department can hold managers accountable in a
18 performance review process for the behavior of people
19 that work for them.

20 And I know that I have found helpful in my own
21 experience in the past with federal agencies in calling
22 the staff in and saying, "Let's read you why we're all
23 here." You know, "Let's talk about why we're here? Are
24 we here as bureaucrats to come up with reasons to say no?
25 Or, are we about the business of helping our

1 constituents?"

2 And if we're about the business of helping our
3 constituents, then you can start to deal with behavior.
4 That may not necessarily come up with the solution as to
5 how we get the money for the wheelchair.

6 But, it starts to demonstrates some empathy for that
7 constituent. If that constituent were to go away, you
8 wouldn't have a job.

9 And I think that's part of the message that could be
10 told so that, when we talk about solutions and we talk
11 about the need to at least to have relations that
12 are...that nature. We need to get police officers to
13 understand Spanish, or whatever.

14 I think that something that is being overlooked is
15 very much what you have presented here today. And that
16 is that there is a need to be able to reorient public
17 servants as to who they work for and why they're all
18 about.

19 And I'm really glad that you all came forward.

20 Thank you.

21 COMMISSIONER BUCKLEY: Commissioner Redenbaugh, do
22 you have any questions of this panel?

23 COMMISSIONER REDENBAUGH: Not at this time. Thank
24 you.

25 COMMISSIONER BUCKLEY: Any other questions from the

1 council?

2 (No response.)

3 COMMISSIONER BUCKLEY: Then, at this time, I would
4 like to thank you for your coming here today. We
5 appreciate your testimony.

6 Thank you very much.

7 MS. BOOKER: Madam Chairman, I understand the
8 Interpreters are going to change shifts at this point.

9 If they would come forward or the one or two new
10 Interpreters who have not been sworn.

11 MS. BOOKER: We have an alternate clerk who has come
12 to be sworn also. And another, the Sign Interpreter. So
13 we can keep them on both sides of the stage.

14 (The Interpreters were sworn.)

15 COMMISSIONER BUCKLEY: Do you want to call their
16 names out?

17 MS. BOOKER: No, Commissioner.

18 The next panel is the second Panel on Social
19 Services: Child and Family Services and Youth Programs.

20 Ms. Carla Branch, Ms. Maria Elena Orrego and Ms.
21 Lori Kaplan.

22 COMMISSIONER BUCKLEY: Okay. If you're in the
23 audience, will you come up here, please, and take your
24 seats on the stage.

25 (Complied.)

1

2

SOCIAL SERVICES PANEL II:

3

CHILD AND FAMILY SERVICES ,

4

AND YOUTH PROGRAMS

5

Whereupon,

6

MARIA ELENA ORREGO

7

CARLA BRANCH

8

LORI KAPLAN

9

were called as a panel and were duly sworn.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

MS. BRANCH: I'm from the Commission on Social Services. Our success in obtaining protection for these young people for whom this agency is mandated by law to protect neglected or abused children has been minimal.

At the time of initial report to the Hotline, we are always asked about the young person's legal status. After we remind the staff that the Mayor's order requires the provision of City services without regard to legal status, we are always told that there are no placements for these young people, where anyone can speak Spanish.

Appalling though it may seem, considering the doubling of the Hispanic population in the District of Columbia during the 1980s, there are no group homes in the City for neglected children to have bilingual staff.

The bilingual foster parents who have been located for abused and neglected youngsters have been recruited

1 for specific children and are generally located in
2 Virginia or Maryland.

3 There has been no concerted effort on the part of
4 the Child and Family Services Division to recruit and
5 license a pool of bilingual foster parents.

6 Although a plan was developed for recruiting and
7 training such foster parents by the one bilingual
8 adoption worker and all the community-based organizations
9 offered their assistance, no comprehensive effort has
10 been made.

11 Thus, when an unaccompanied minor is accepted into
12 the system, which happens on rare occasion, he is placed
13 in a group home where neither staff nor other residents
14 can speak with him to explain rules for in court
15 procedures.

16 There's also no one to resolve the conflicts that
17 arise between residents. The result is that most of
18 these young people become angry and frustrated and prefer
19 to take their chances on the streets.

20 Abused or neglected children who are removed from
21 the custody of their parents face the same or worse
22 trauma. A 15-year old victim of sexual abuse who spoke
23 no English and could not understand why she was being
24 removed from her home while her abuser was left on the
25 streets was to be placed in a foster home in Maryland

1 with a family who spoke no Spanish and had no particular
2 training in child abuse.

3 The young Latino police officer who had been called
4 upon to translate during the child's removal from her
5 home stepped forward and offered to take the child into
6 her custody.

7 This informal fostering or third party custody
8 arrangement occurs frequently with Hispanic children.
9 The Spanish are not eligible to receive any financial
10 assistance from the agency, from Child Protective
11 Services, nor, in many instances, is the child entitled
12 to Medicaid.

13 The responsibility and liability then rests solely
14 with the well-meaning families who have stepped forward
15 simply to help these children, but can ill-afford the
16 additional financial burden of another mouth to feed and
17 another child to clothe.

18 Because of the lack of responsiveness within the
19 Child and Family Services Division, if there is a way to
20 place a child... or a delinquency system, we often opt
21 for this alternative.

22 While, again, the Youth Services Administration has
23 not group homes or capability, there has been more of a
24 willingness on their part to work closely with community-
25 based organizations in providing services.

1 Also, the Director of Social Services at the Youth
2 Services Administration recently requested that my staff
3 provided a six-week course in basic Spanish and cultural
4 sensitivity to the Social Services, Home Detention and
5 Juvenile Facility staff. The course was attended by 30
6 workers and was presented during work hours. We are
7 negotiating with the Director for follow-up courses.

8 All of the juvenile facilities...recruiting by the
9 group professionals and then providing cultural
10 sensitivity training to staff.

11 Racial tensions among the residents is prevalent and
12 there is no one to provide ongoing bilingual conflict
13 resolution.

14 Even with good cooperation between group home staff
15 and youth center staff, many young people choose not to
16 stay in group homes where no one understands them.

17 In general, delivery of social services to D.C.'s
18 Latino population is a patchwork quilt held together by
19 the tenacity of the community-based organizations that
20 are under-funded and under-staffed.

21 The Department of Human Services is being forced to
22 serve a population they know little about and their
23 resentment of allocating a proportional amount of City
24 resources to this new minority is apparent..

25 Cultural sensitivity training for all staff,

1 recruitment and appropriate training for bilingual
2 professionals throughout DHS, mandatory bilingual
3 requirements for contractors who are operating group
4 homes, more cooperation with community-based
5 organizations will go a long way towards balancing the
6 current inequities of service deliveries to the Latino
7 population.

8 MS. GROW: Thank you.

9 Have you done any follow-up on some of the children
10 who were placed in foster care homes or group homes where
11 there were no bilingual capabilities? And have you seen
12 the impact that this has on those children?

13 MS. ORREGO: Yes, we have seen the impact of these
14 children. We follow it a great deal because, when they
15 leave the group homes, they tend to return to us for
16 services.

17 What happens is that we look for and usually find
18 the, again, patchwork again of community resources for
19 people to take them into their homes. We set them up in
20 independent living, if that is appropriate.

21 And, again, use our resources to set up a sub-
22 system. The thing that concerns us all about the
23 subsystem is that the monitoring is sketchy because we do
24 not have a staff to be able to do that, and we are not in
25 the business of licensing foster homes and monitoring

1 them.

2 MS. GROW: Do you make any referrals for children to
3 residential treatment facilities? And do they have
4 bilingual capability?

5 MS. BRANCH: We have had very good success with the
6 residential treatment unit in placing young people in
7 residential facilities.

8 When we have needed to go for them, they have been
9 extremely responsive. Now, again, I would like to point
10 out that all of the time we have presented children for
11 residential review, we have done so under
12 the...delinquency system and have had much more success
13 in getting them treated at YSA, a very, very good
14 treatment facility in Arizona. It's very expensive and
15 no one at YSA asked me about his legal status before
16 selecting him for that facility.

17 So it was very gratifying. And YSA has been very
18 responsive in this area.

19 MS. GROW: You mentioned that you also do court
20 advocacy. Do you accompany these children through the
21 court system?

22 ~~MS. BRANCH:~~ ^{Grow} In your experience, have there been
23 interpreters available for these children who are victims
24 of abuse and neglect? Or, have the children ever been
25 used as interpreters themselves for parents who are the

1 alleged abusers?

2 MS. BRANCH: Children have frequently been used as
3 interpreters, although we have asked time and time again
4 that that does not occur. They have been used as
5 interpreters for attorneys. They have been used as
6 interpreters for social workers.

7 MS. GROW: And what type of proceedings were these?

8 MS. BRANCH: When the attorneys were using the
9 children was when the attorneys were trying to question
10 their clients or question the parents in home situations.
11 And, in court situations, they have occurred generally in
12 status hearings.

13 MS. GROW: And was there any explanation for the
14 non-availability of the interpreters during these
15 proceedings?

16 MS. BRANCH: Late notice. No interpreter available.
17 Saturday court. Those are the things that have been
18 given as reasons.

19 Or, the child understood English well enough that,
20 although the parents didn't speak English, the child
21 understood English well enough that they felt that there
22 was no interpreter needed.

23 Thus, the parents were left out of the proceeding.

24 MS. GROW: Are there any materials currently
25 available from the Division of Family Services, for the

1 family services, available in Spanish?

2 MS. BRANCH: Very few. None that I am specifically
3 aware of. We, as part of the Latino Child Abuse
4 Prevention Project, the satellite project I mentioned
5 earlier, through the Office of Latino Affairs, we
6 prepared some guidelines on child abuse and neglect, on
7 day care and on babysitters helping provide safer homes.

8 Those were the only things available in Spanish at
9 that time. And those were prepared and presented in
10 April of 1991.

11 MS. GROW: Have you made any other recommendations
12 as a result of your participation in the organizations or
13 the task force, Child Abuse Neglect?

14 And if you have made these recommendations, were any
15 actions taken upon them?

16 MS. BRANCH: The recommendations that I presented to
17 you today in the last part of my prepared statement have
18 been presented time and time again, not only by me by the
19 Physical Rights Task Force, by numerous other persons who
20 have been called upon to present recommendations before.

21 Throughout the recommendations have been "taken
22 under advisement".

23 MS. GROW: Is there anything else you would like to
24 add at this time?

25 MS. BRANCH: No. Thank you very much for asking me

1 to testify.

2 MS. GROW: Thank you.

3 MS. BOOKER: Okay. If you need to leave at this
4 time, Ms. Branch, you are welcome to leave.

5 MS. BRANCH: Thank you very much.

6 MS. GROW: Thank you very much for coming.

7 Do you have a prepared statement, Mr. Orrego?

8 MS. ORREGO: Yes, I do.

9 MS. GROW: Just go ahead with your statement.

10 MS. ORREGO: Good afternoon, members of the
11 Commission. My name is Maria Elena Orrego. I'm the City
12 Director of the Family Place. The Family Place is a not
13 for profit agency that began in 1981. We have currently
14 two family resource centers in the District of Columbia.
15 One is located in Mount Pleasant-Adams Morgan Community,
16 and a second one that we recently opened in the Shaw
17 neighborhood.

18 The mission of the Family Place is to support and
19 encourage parents in accessing and developing resources
20 to meet their needs and the needs of their children and
21 to foster peer support and assistance among families so
22 children can grow safe and well-loved within a strong and
23 caring community.

24 The Family Place assumes that virtually all parents
25 want to be good parents and that they have the strengths

1 upon which parenting can be built.

2 The role in the Family Place centers is to foster
3 the potential of these parents and help alleviate
4 oppressive and adverse conditions, such as the lack of
5 communication and information in adequate health care and
6 health practices and social isolation.

7 Education, skills training and peer counseling are
8 utilized to empower broad participation and increase
9 their competence and independence.

10 Our success locally ...is reflected by the ever-
11 increasing volume of community members seeking our
12 services and by the fact that 80 percent of our
13 participants are referred by their peers.

14 We have currently more than 60...relationships with
15 the other service providers in the City. All
16 these...relationships are geared to provide a more
17 comprehensive service in dealing with the families.

18 In the 10 years the Family Place has worked with
19 families, the largest minority groups have been Latino
20 families. We have served over 3,500 families.

21 Prevention of child abuse and neglect is a high
22 priority for our...staff. These 10 years with high-risk
23 low-income families have proven to us and to the
24 community that comprehensive support for poor parents
25 during the difficult area of child-rearing years

1 increases the competence and capacity of parents to care
2 well for their children.

3 And it results in a significant reduction of abuse
4 and neglect inflicted to children. Consequently, there
5 is less need for prevention by the legal system.

6 However, we must report, as mandated by the law, the
7 Department of Human Service, Child and Family Services
8 Division, those cases where preventive intervention is
9 insufficient to ensure the safety and well-being of the
10 child within his or her family and when abuse or neglect
11 is suspected or observed.

12 This testimony discusses issues of particular
13 concern to the Latino community in the DHS treatment of
14 child abuse and neglect of investigation of cases.

15 This testimony is based on the direct experience of
16 family placed case workers and their interest to
17 collaborate with DHS, CFST when we report to them cases
18 for investigation.

19 But, it also represents the concerns of several
20 other community-based organizations together with Family
21 Place. Formed in 1989, the Latino Child Abuse Task
22 Force, with the support of the Mayor's Office on Latino
23 Affairs.

24 This is the task force that Carla Branch referred to
25 earlier.

1 During this past two years, numerous efforts have
2 been made by the Latino Child Abuse Task Force members to
3 remediate the current inability of the system to respond
4 to the needs for protecting Latino children and the need
5 to work with Latino parents so families can be preserved
6 in tact as much as possible.

7 Perhaps the most significant of this effort is the
8 task force invitation to a dialogue with the Chief of
9 Child and Public Services Division, Ms. Evelyn Andrews,
10 and a subsequent invitation to her and her division
11 supervisors to visit the Latino community organizations.
12 Meet with community service providers and exchange
13 information to increase the collaboration between the
14 community and the division.

15 This is one of many efforts that have been
16 implemented by the task force.

17 The Department of Human Services, Child and Family
18 Services Division, current capacity and ability to
19 respond...okay. Thank you.

20 The current capacity and ability to respond to
21 reported cases of abuse of neglected Latino children is
22 highly inadequate.

23 These are a few examples where we find ourselves
24 with great obstacles. Spanish-speaking social workers.
25 Presently, there is an inadequate number of Spanish-

1 speaking social workers I see in the...

2 There is no Spanish-speaking social worker on the
3 emergency hot line outside week work hours. If an
4 emergency report comes in at 5 on a Friday afternoon, for
5 example, more than 48 elapse before the investigation of
6 the emergency reports will elapse before a Spanish-
7 speaking social worker is on duty to respond to the call.

8 CFSD responds to child abuse and neglect reports.
9 Currently, it takes anywhere from a week to 10 days from
10 the date of the report for a family-placed worker to
11 obtain the name of the case worker assigned to the
12 family.

13 Other case workers in the community have reported as
14 much as three months wait for a case to be acted upon by
15 CFSD.

16 Documentation regarding various cases
17 sampled...length of time before CFSD reviews the cases
18 and responds back to the community-based workers and be
19 provided for the Commission's review.

20 Back to the CFSD Hot Line. Unfortunately, for all
21 children in the District of Columbia, the CFSD Hot Line
22 often does not respond. This Hot Line is supposed to be
23 able to go 24 hours for any one individual... to report
24 cases of child abuse and neglect.

25 They can either be reported confidentially or they

1 can be reported by a community agency such as ours.

2 The sad thing of it is the following:

3 We have tested this hot line many times because we
4 need to get hold of the workers. So, when you...the
5 regular route of normal phones, you use the hot line.

6 Just a few days ago, a Family Place case worker...
7 in her efforts to obtain information in a case that was
8 reported on November 11, 1991. But, that she had been
9 unable to obtain a response from the CFSD assigned
10 worker.

11 She called the Hot Line. She called three times.
12 Every time, she let the telephone ring for about five
13 minutes. Every time, the phone was answered but hung up
14 again.

15 This is a hot line that's supposed to provide
16 immediate response to cases of child abuse and neglect.
17 These levels of responses constitute gross neglect under
18 the law and it should be closely examined by this
19 Commission.

20 I'm speaking on behalf of all children in this case.

21 The case load. The few Spanish-speaking social
22 workers currently hired by CFSD are carrying a heavy case
23 load of English-speaking cases.

24 When new cases come in, therefore, a worker with the
25 appropriate language skills is not always available to

1 take new cases.

2 It should be the CFSD policy to assign cases to
3 social workers able to speak the language spoken by
4 family members; assigning known Spanish-speaking as
5 workers in cases where parents and children speak only
6 Spanish ensures that translators will be necessary for
7 ordinary communication between worker and family.

8 The people who attempt to do this translation are
9 Spanish-speaking case workers. For they are required to
10 spend time assisting other workers rather than attending
11 their own cases.

12 If the cases had simply been assigned to the social
13 workers able to communicate with the family without a
14 translator, this nebulous duplication of effort will not
15 be required.

16 Referrals and follow-up. Family case workers are
17 instructed to report cases in which child abuse or
18 neglect is suspected or found.

19 Our referral procedure includes calling protective
20 services and immediately sending a letter of referral
21 for...all the information provided directly in the... and
22 requesting a response within 48 hours.

23 We specifically say you can either call us or write
24 us back.

25 To this day, CFSD case workers have not acknowledged

1 a single letter of referral sent by our case workers, who
2 are left with the only option of continuously and
3 insisently calling CFSD to find out what is the status
4 of the case.

5 Meanwhile, we continue to work with the family to
6 provide attention to the child or children found to be
7 neglected or abused, knowing well that the child is of
8 high risk and that we do not have the leverage to act
9 upon protecting the child within the full force of the
10 law.

11 To our knowledge, there is no written referral and
12 follow-up protocol that enumerates the respective
13 responsibilities of CFSD workers and community-based
14 workers when case referrals are made.

15 Because of this lack of the protocol, many cases
16 fall through the cracks when we refer and needless
17 duplication of efforts made...

18 Our workers spend many hours on the telephone trying
19 to obtain basic information, such as the name of the
20 assigned social worker or obtaining the verification of
21 the child's or children's safety.

22 To this day, we have been unable to establish the
23 necessary collaboration that would allow us to offer
24 input as to family history and dynamics, so fundamental
25 for efforts of family preservation to take place.

1 Presently, there is a perception among the Latino
2 Child Abuse Task Force members that Child and Family
3 Services Division members, be they Latino community-based
4 case workers, lack the judgment and the skills to
5 determine if the child is at risk or being abused.

6 I want to thank the Commission for the opportunity
7 and I want to acknowledge the information provided by the
8 members of the Task Force in this testimony.

9 MS. GROW: Ms. Orrego, when you mentioned that many
10 of these pieces fall through the cracks, perhaps you can
11 elaborate on that.

12 Are there instances when a case you sent in a
13 written referral on, or a telephone referral, and you
14 tracked progress or the status of the case and the case
15 was--- there was no record of the case then with the
16 Department of Family Services?

17 MS. ORREGO: The best example, or the worst example,
18 however the case may be, is one that occurred in which a
19 child had already been identified for child sexual abuse
20 and had been seen by Children's Hospital Child Abuse
21 Unit. And then, later on, she was again identified as
22 being abused and neglected in the... community clinic.

23 A report was made to Child Protective Services and
24 it took over four months to be able to get the name of an
25 assigned worker.

1 What happened in this case is that the child
2 presented so many behaviors that she would pull her hair
3 out of her head. And she's very aggressive to almost
4 everybody-- biting people. And I'm talking about a five-
5 year old child-- that the concern of the case worker was
6 so great that we continued, as Carla described, to work
7 with whatever resources we had available.

8 We secured a psychiatric evaluation for the child
9 and the family. And then, when we had the result of the
10 evaluation, that evaluation was sent to Protective
11 Services, which did not want to consider that evaluation
12 as valid because the child psychiatrist who had done it
13 was not certified by Protective Services to conduct such
14 an evaluation.

15 So, every effort that was made to protect this child
16 and help this family was thwarted at every corner. So,
17 even all the resources that we bring people, that we were
18 able to pool to make a correct assessment of the case
19 and, in fact, demonstrated that this was a very, very
20 critical situation and a child at high risk, it did not
21 result in any immediate action.

22 We had to go to the...with the full case history.

23 That's a worst case scenario where months go by and
24 a child's condition-- health, both psychologically and
25 physically-- continues to deteriorate.

1 The sad part of this is the parents realize nothing
2 is going to get done.

3 So, we must face in front of the parents, which at
4 that point had been willing to collaborate with the
5 community agencies, but knowing very well that we have to
6 report by law and doing so because of our thinking on the
7 welfare of the child, not to have the backup of
8 protective services so we can continue to do what we do
9 well, but for the parents to know that really the child
10 can be removed.

11 And if needed, the child should be removed. And not
12 having that backup basis is a very-- what I will say is
13 a more reliable position and also a position in which we
14 may lose the family altogether and the child.

15 MS. GROW: Have there ever been instances where you
16 refer a case and they said that the case was lost and you
17 had to go through referral procedure again?

18 MS. ORREGO: Yes. We had recently a referral of a
19 neglect case involving two young children, a one-year old
20 and a two and a half year old.

21 The referral was made, as I explained, following our
22 own protocol. And the worker in the Family Place
23 obtained the name of the assigned worker and tried to
24 contact the worker.

25 Eventually, after trying and trying and trying, was

1 able to talk to the worker. The worker actually had
2 never received the paperwork. And the paperwork was
3 never found.

4 So, it was like in limbo. Nobody knew who was
5 responsible inside the division. That's one example and
6 it's a very recent one. And we have many others were
7 things were lost.

8 MS. GROW: Would you say that these problems that
9 you've described are unique to Latino children, or would
10 you say they're across the board, and other children as
11 well?

12 MS. ORREGO: I think it's across the board. I think
13 it's a systemic problem. I think that the system really
14 needs a complete overhaul.

15 I think that not only after consistent efforts to
16 develop collaboration, they have not been able to work
17 with us. I mean, we want to collaborate. We know that
18 we need each other to protect these children. That is
19 not just their job or our job, but it really actually
20 takes both.

21 The fact that they haven't been able to collaborate
22 with us having taken such consistent steps to allow
23 collaboration, it indicates to me that's... the case
24 across the City. That they do not know how to work with
25 a community-based organization.

1 They do not know how to... service integration and
2 how mutually dependent we ought to be in addressing these
3 child abuse matters.

4 MS. GROW: What is your assessment of the bilingual
5 capability of the staff that's responsible for
6 investigating these cases of abuse or neglect?

7 Do they have the bilingual capability to question
8 the children to find out from their point of view what
9 may have happened?

10 MS. ORREGO: There is, to my knowledge, only one
11 person who can do the type of home visit, conduct
12 investigation and interview the family that is a
13 bilingual worker in the full sense of the word, what it
14 means.

15 Most of our experiences have involved a worker who
16 did not speak Spanish at all or was so limited that he
17 needed assistance and for one of our workers to serve as
18 a translator, which is not a very easy situation because,
19 if we come in with a perspective, and they have various
20 perspectives.

21 So, it can create confusion and unnecessary...but it
22 also I think it is not our job to provide translation for
23 Child Services Division.

24 If they will like to negotiate with not just the
25 Family Place but with the community agencies, I'm sure we

1 could come up with a plan where we can fill that role.

2 But, it should be formally made. It shouldn't be
3 like a continuous thing of, okay, go here to somebody's
4 from Family Services and translate. Let's use them.
5 It's really not professional.

6 MS. GROW: How often would you say that they draw
7 upon your resources to act as interpreters?

8 MS. ORREGO: Most of the time, it's a constant
9 patchwork. It's a constant...

10 MS. GROW: A daily basis would someone from your
11 staff act as an interpreter?

12 MS. ORREGO: No. It's-- well, when we are really
13 actively involved in a case and trying to create a
14 support system for the family and the child. We could
15 have spent maybe time on the phone trying to build this
16 bridge between family and case worker.

17 And, really, there is intensity depending on, you
18 know, what cases we are personally in.

19 I want to say I'll be very honest with the
20 Commission that we try as much as possible not to report
21 because of these results, which it really puts us in a
22 very delicate position because we have to report by law.

23 We strongly believe in prevention. We strongly
24 believe in early intervention and we have seen the
25 results. So, we go to great extent before we will call

1 a case. When we really have exhausted a great deal of
2 our resources and we feel that a child needs to be
3 protected at all cost.

4 So, it's only when we have known the family. So,
5 when we come to Protective Services, we already have
6 built up a base of trust with the family, which is
7 essential to produce any change in the future.

8 That trust gets eroded when we can't count on
9 Protective Services to respond in an effective way.

10 MS. GROW: Do you also work with women or victims of
11 domestic violence?

12 MS. ORREGO: A great deal. About 30 percent of our
13 families are affected by domestic violence. That
14 includes primarily spouse abuse as well as child abuse
15 and neglect.

16 MS. GROW: What is your assessment of the
17 availability of, let's say, emergency services for these
18 women?

19 MS. ORREGO: Well... the police department has made
20 efforts in terms of having a Spanish-speaking on the Hot
21 Line on a 24 hour basis. And I think it has been
22 improved greatly in the last few months, the ability to
23 respond.

24 We have participants informing us and they have
25 called the police department at many hours of the night,

1 and that a Spanish-speaking person has been able to get
2 on the line, which is a great...to us.

3 Still, I think the capability to do a full
4 intervention by the police is the same. They do not
5 always have Spanish-speaking police available to respond
6 to a crisis call, in which case then they have to go back
7 to whoever is on the hot line for interpretation.

8 But, that is really definitely a step better than
9 having no one at all.

10 As far as the Citizen Complaint Center, the
11 bilingual capability of the Citizen Complaint Center has
12 ups and downs. Sometimes, they have it; sometimes, they
13 don't.

14 It's the kind of situation where, when budget cuts
15 come or, you know, attrition of your staffing, bilingual
16 workers are the first ones to go.

17 And over the course of the years, I've seen the
18 Citizen Complaint Center's trouble with that, having it
19 sometimes and sometimes not.

20 I think that it's very important to create a real
21 solid understanding that we need to have the bilingual
22 capability at the Citizen Complaint Center. And it's not
23 up for negotiations whether we need it or not.

24 What we do is that we walk with them through the
25 steps of the process, or we use the resources of our

1 AYUDA legal services, who has an excellent legal... claim
2 for women. And it is fully staffed by bilingual
3 personnel.

4 But, when they are not available, we do it
5 ourselves. But we do not send the women alone because it
6 will not result in anything. She'll just basically feel
7 that there's no help.

8 MS. GROW: Have you ever contacted the police in
9 your experience requesting a Spanish-speaking officer to
10 do home intervention for domestic violence, and an
11 English-speaking officer was assigned to do it?

12 MS. ORREGO: Well, there's been many instances where
13 English-speaking officers have been put in the position
14 of having to mediate in a family conflict and try to
15 figure out what's the problem.

16 I mean, you know, as you can imagine, in domestic
17 violence cases, there's a tremendous amount of confusion
18 and fear and anger involved all at once. And to place a
19 police officer who does not speak Spanish in that
20 position is highly unfair to the officer, as well as it
21 impedes completely the ability for him to be able to make
22 a decision that is the safest decision, particularly for
23 the children, because almost all these homes have
24 children in them.

25 We know that English speaking officers answer the

1 calls. And the likelihood of it is that the husband
2 would be escorted away and then released outside the
3 building with the admonition that you shouldn't do that,
4 da-da-da-da.

5 But, he goes right back in. And, again, it erodes
6 the trust of the women for the legal system to protect
7 her.

8 But, also, it really decreases the chance that she
9 will continue to seek help because help is not adequate
10 to encourage her to extricate herself from the violence.

11 MS. GROW: I have no further questions at this time.

12 COMMISSIONER BUCKLEY: Commissioner Redenbaugh, do
13 you have any questions of this witness?

14 COMMISSIONER REDENBAUGH: None at this time, thank
15 you.

16 COMMISSIONER BUCKLEY: Commissioner Ramirez.

17 COMMISSIONER RAMIREZ: I just am curious.

18 COMMISSIONER BUCKLEY: Use your microphone.

19 COMMISSIONER RAMIREZ: I was curious. When the
20 children are removed from the home, where are they--
21 where do they go? Do they go to a place where they have
22 bilingual care-givers?

23 MS. ORREGO: No. I mean, first of all, they try as
24 much as possible not to remove children from the home.
25 As you know, the foster care system is overloaded on all

1 counts.

2 But, when they do, they will be placed in non-
3 Spanish-speaking homes. They really don't have any
4 foster home capability that is bilingual right now, to my
5 knowledge.

6 And if they are very, very young, they will be sent
7 to St. Ann's, which also has very limited bilingual
8 capability.

9 The children will be, by and large, the largest
10 minority immersed in a totally unfamiliar medium where no
11 one will speak the parental language, creating even more
12 fear in them.

13 COMMISSIONER RAMIREZ: Earlier, you were asked the
14 question: Are these problems systemic or are they
15 particular to Hispanics, to Latinos?

16 I would ask the question: Could you-- one, two,
17 three-- identify the elements of the problems which are
18 specific to Latinos? Understanding this hole in the
19 system may be deficient, but can you very clearly say
20 what are the things that are unique in particular to the
21 situation of Latinos?

22 MS. ORREGO: Well, language is certainly I would say
23 the most immediate and most problem and need we must
24 address in accessibility to these services, or protection
25 by these services.

1 The lack of bilingual capability I think is the
2 number one issue right now.

3 Second, I think it's the widespread notion among
4 government workers that being undocumented means no
5 rights or no access to any resources.

6 It is perhaps a subconscious thought that they are
7 not here for a very long time. They're not here to stay.
8 And that's something we need to clarify:

9 The community is here to stay. We are growing. Our
10 children are growing here. And we are part of this City.

11 And I will say that the third thing is mostly
12 related to a lack of understanding of the strength that
13 the community has, the family of strength, the fact that
14 we do have a great deal to offer to make our lives
15 better, as well as help the life in the District, the
16 quality of life in the District, better.

17 And so we are perceived as lacking a lot of things
18 but not necessarily perceived as people who provide and
19 offer a great deal to the system.

20 So, when we approach service providers in the
21 government, the community service providers, we feel like
22 we are not really being considered as important players
23 in this building of community and addressing community
24 needs.

25 COMMISSIONER RAMIREZ: One last question.

1 We have heard that the Latino community is disbursed
2 throughout the City. Is your clientele also disbursed?
3 Are the people that you work concentrated in a particular
4 area?

5 MS. ORREGO: They are mixed. People go all over the
6 City. I mean, there's participants who come from
7 Northeast, from Southwest. I mean, there's still a
8 strong core of participants who come from the immediate
9 vicinity, but that's only normal because they don't have
10 any cars and they have strollers. And we are intended to
11 be a community center, and not a city center.

12 But, people will reach us from as far away as
13 Montgomery County, Fairfax County. They know that they
14 can get support and access resources in their County or
15 in their place of living if they come to us so we can
16 inform them how to access those resources.

17 COMMISSIONER RAMIREZ: Thank you.

18 COMMISSIONER BUCKLEY: I'm sorry, but I need to go
19 back again to the systemic problem in these cases because
20 we're trying to establish if these government workers,
21 okay, you are saying: If you are undocumented, you have
22 no rights.

23 — But, what about in how they treat the ethnic or
24 probational person versus any other person walking in?

25 Do you feel that in their treatment of those

1 problems, that they continually mistreat some cases or
2 don't do them at all?

3 MS. ORREGO: Well, I definitely think that there is
4 discrimination because of ethnic background or...
5 particularly will say that being from the South
6 constitutes a risk when you seek government services.

7 Definitely, I would sustain that.

8 The sad thing is that the prejudice is so prevalent
9 in so many other ways, even in the life of their own
10 workers, that it's almost like, you know, you were
11 talking about the prejudice against Latinos. You have
12 got to look also at what's happening with the Black
13 Americans.

14 But, I would just say, reaffirm, that being from a
15 Central American country, particularly from El Salvador,
16 it can be a source of harassment and prejudice in
17 obtaining services.

18 COMMISSIONER BUCKLEY: Are there any other questions
19 of this witness?

20 (No response.)

21 COMMISSIONER BUCKLEY: Okay. Ms. Kaplan, if you
22 would give us your prepared statement.

23 MS. KAPLAN: Could I please just clarify the
24 question...the way you want me to do that? Because I was
25 told I was supposed to talk about recreational issues...

1 Is that...?

2 MS. GROW: And youth.

3 MS. KAPLAN: That's what I wanted to make sure of.

4 Thank you for this opportunity and I will talk about
5 some of the issues about recreation. But, first, I'd
6 just like to tell you a little bit about who these young
7 people are in a little bit of a different light perhaps
8 than we've heard today.

9 Actually, the Latin American Youth Center opened its
10 doors in 1968. So, while we keep hearing about the new
11 Latino immigrant, yes, that's absolutely true. But, the
12 Latino community has been here for over 30 years.

13 And in the early years, the majority of the kids in
14 the Latin American Youth Center were primarily Caribbean.
15 Then, during the seventies and eighties, you began to see
16 the influx of the Central American kids.

17 But, as an institution, we had to begin to change
18 our programs, our services, to address the changing
19 demographics within the Latino community since the
20 inception in 1968.

21 But, even before the influx of the recent Central
22 American community over the last 10 years, when I began
23 working with the Youth Center in 1978, the systemic
24 institutional issues were still there.

25 It's not new with the recent immigration. It's been

1 there for years. It's just the profile and the needs are
2 greatly exacerbated by the intensity of the numbers.

3 I mean, I've been testifying for years. Ten years
4 ago, I testified that there needed to be ethnic
5 identifiers because, when I would say we need a certain
6 kind of service, the response I would get was:

7 "But, there's no names on our rolls. There's no way
8 to identify."

9 And I'd say, "Well, how do you know when you're only
10 classifying as black and white?"

11 And, for example, many of the kids, particularly
12 Caribbean kids, their names do not sound Latino.
13 Therefore, they weren't classified as Latinos.

14 So I am trying to paint a little bit of a picture
15 that, you know, in 1968, the Latino community realized
16 that there was a need for services.

17 And here we are in 1992 and, fundamentally, some of
18 the things I'm going to say today aren't that different
19 than I was saying in 1978, when I had the privilege to
20 begin working in the Latin American Youth Center.

21 So, I would like to put it in that context.

22 On any given day at the Latin American Youth Center,
23 you will see a predominance of teenagers from El
24 Salvador, a lot of kids from Guatemala and Honduras, kids
25 from the Dominican Republic, Mexico, Puerto Rico, kids

1 that are documented, kids that are undocumented, kids
2 that are citizens who are beginning to see on the teenage
3 level the second generation of the Latino group.

4 And if I was doing this five years from now, I would
5 say probably five to six percent of the young people at
6 the Center are second generation. Now, it's about 1-2
7 percent.

8 But, if you look at numbers in the elementary
9 schools, many of these kids are U.S. citizens. So that,
10 you know, a whole new issue is going to emerge over the
11 decade of the nineties.

12 And, clearly, the demographics have changed, and
13 they will continue to change. But, you know, I'm trying
14 to say, I guess, that, today, I keep hearing "new
15 Latinos," "new programs," "more money."

16 Well, you know, on some level, we're talking about,
17 yes, more Latinos but the program needs have not changed
18 and it's not necessarily new money.

19 Perhaps it's a relooking at how the existing monies
20 are allocated because a young, pregnant Latino teenager
21 needs the same thing a young, pregnant Latino young
22 pregnant, young person needs in general.

23 - It's just the ability of the system to respond in
24 any kind of culturally-competent way simply does not
25 exist. Therefore, there is not the equity of services

1 nor is their the access of services, and the ability to
2 access them.

3 Of course, sometimes, you access them and you wish
4 you hadn't because once on the other side, it just
5 exacerbates the situation.

6 So it's a very complicated dynamic when one looks at
7 equity, accessibility and relevance of those services
8 that you're killing yourself to try to access.

9 So, I'll remove myself from social services now and
10 talk a little bit about recreation.

11 Approximately, 20 members of the community came
12 together to work on the recreation committee of the D.C.
13 Latino Civil Rights Task Force, so my statements today
14 are truly a reflection of their work.

15 I'm not going to take the time to reiterate some of
16 the issues that are in the blueprint because the short-
17 term and long-term recommendations are there and,
18 hopefully, you will all have a chance to look at those.

19 But, then I am going to highlight a couple of
20 things.

21 The D.C. Department of Recreations views itself much
22 more broadly than simply addressing the leisure time
23 needs of a community through the provision of
24 recreational programs and services.

25 Inclusive in its mission is an attempt to address

1 basic recreational leisure time needs, but also providing
2 educational and tutorial programs for children and youth,
3 early childhood development, after school programs,
4 nutritional activities for the elderly, therapeutic
5 programs for the mentally and physically disabled,
6 cultural activities, et cetera.

7 In almost all cases, their capability to creatively
8 address the needs and/or bring into their existing
9 service network, Latino or any other language minority
10 community is almost non-existent.

11 There simply is no access for the language minority
12 community.

13 It is important to note that the D.C. Department of
14 Recreation does not contract out for services as is the
15 case with the Departments of Employment Services, Human
16 Services, Housing, et cetera.

17 The provision of their services is, therefore,
18 dependent upon recreation's internal staff capability.

19 In order to draw an entire population who have been
20 there for up to 30 years as well as arriving yesterday,
21 recent immigrants and first-generation children, youth,
22 adults, family and the elderly into a network of
23 institutional services that have been in place for years,
24 they need bilingual and bi-cultural people in every
25 program area at all levels.

1 Department of Recreation has consistently failed to
2 hire a sufficient number of bilingual, bi-cultural people
3 capable of bringing in this community that we speak of
4 and representative as in any recent immigrant community,
5 including the Indo-Chinese, African...

6 Oftentimes, community-based organizations like the
7 Youth Center, Family Place and many others, willingly
8 assist recreation staff in a specific activity, such as
9 a summer, at the Christmas party, at breakfast for the
10 elderly.

11 DOR calls this their activity. However, only
12 through the volunteer efforts of the community agencies,
13 churches and individuals can the activity be truly pulled
14 off.

15 These types of partnership should absolutely be
16 encouraged. However, they should be a supplement to the
17 existing program, not the only program or activity that
18 is taking place.

19 I have observed a pattern over the years in dealing
20 with many District governmental agencies and it seems
21 especially true with DOR, Department of Recreation.

22 There seems to be great resistance to change.
23 Instead of changing to meet the needs in the community,
24 the community must struggle to fit into those
25 institutional activities, programs and services that have

1 been in place for years, may or may not be what they want
2 but it's the only thing out there so you go for it.

3 A true needs analysis of the changing demographics
4 of the District of Columbia and what are, in fact, the
5 recreational needs, the sites, the places young people
6 congregate, et cetera, must be carried out.

7 Then, there must be a willingness to make those
8 changes based on the needs analysis. We are always told
9 that there is not enough money for new programs, that
10 there is nowhere to cut.

11 Anything to the Latino community is consistently
12 characterized as new money/new programs.

13 In many cases, as I said earlier, I'm just not sure
14 that that truly is the correct analysis of the situation.

15 The D.C. Department of Recreation has shown,
16 although little, willingness to design and implement
17 programs to adjust to changing needs and interests of the
18 population it serves.

19 A perfect example of this is the issue of soccer.
20 There is no budget for an organized soccer program for
21 children, youth and adults. Budgets exist for
22 basketball, baseball, boxing, et cetera, but not for
23 soccer.

24 Soccer is not only the favorite sport of Latinos,
25 but of many of the recent immigrant communities and,

1 increasingly, the game of choice for native-born children
2 and youth as well.

3 Not only is there no budget for referees, uniforms,
4 et cetera, access to playing fields by all the teams and
5 leagues on a uniform basis seems to be questionable.

6 More fields need to be identified. Arrangements
7 need to be made with the D.C. public schools to open up
8 their playing fields, which oftentimes sit empty during
9 prime time parts of the day and season.

10 This past summer, 16 community teams that were
11 playing in the Adams Morgan community were told that they
12 had to stop playing and go to a field in Anacostia. This
13 presented untold problems, not the least of which is
14 access to transportation.

15 There also seemed to be concern on the part of
16 Department of Recreation's part that another riot might
17 break out if so many Latinos were gathered in one place--
18 the playing field outside their office.

19 Community agencies, volunteer coaches and others
20 assured Department of Recreation that they would, in
21 fact, monitor the games and ensure that there would be no
22 problems on the field.

23 - Soccer-- there were no problems, by the way.

24 Soccer games, if well-organized, is truly a family
25 involvement activity. It should be encouraged.

1 The expertise exists in the community to organize
2 high-quality programs. But, to date, all of this is
3 being carried out with minimal...

4 Change is inevitable and, in general, bureaucracies
5 are resistant to change no matter how you read the data,
6 which... you try to figure out where the people are in--
7 the demographics are changing.

8 There is no equity of service delivery for limited
9 English-speaking children, youth and children of Latino
10 heritage in this City, whether they've been here for 30
11 years or whether they have been here for one day.

12 I personally have been testifying for years. In
13 some cases, I just change the date and update the
14 statistics, the numbers. Whether it be foster care
15 programs for our teen parents, services for youth
16 involved in the juvenile justice system, transitional
17 living programs, the list could go on and on, the
18 services don't exist.

19 O, they are fragmented and you have quite a
20 sophisticated actually patchwork, as Carla called it, of
21 community workers who really have learned how to do quite
22 remarkable things despite great obstacles.

23 And I think there's a great deal of expertise that
24 the City could lean on from those of us who are out there
25 trying to do this for so many years.

1 In closing, I will say that I was out on the streets
2 during the days of the disturbances. Many of the
3 kids...that I know were kids that I've watched grow up
4 over the years. And there were also people from outside
5 of our community who came in to take advantage of
6 whatever opportunity might be available during those
7 turbulent days.

8 I will say those young people just like any young
9 person. They have a dream. They'd like to go to
10 college. In some cases, they'd like to learn to read.
11 In some cases, they'd like to be in a band. In some
12 cases, they'd like to buy a car. It's all the same.

13 The difference is that there just is incredible
14 institutional discriminatory practices and years of
15 services that just hasn't changed to keep up pace with
16 the changing demographics.

17 You know, I felt so sad this morning when I heard us
18 talk about a jail site as an opportunity for jobs and
19 economic development because I know the people in that
20 jail are black and brown faces. And when they come out,
21 we're going to be on the other side of that trying to
22 patchwork their lives back together again.

23 - And I just don't feel that we need to look at jails
24 as economic opportunities and sources of jobs for our
25 City, black or brown.

1 Thank you.

2 MS. GROW: Based on your longstanding working
3 relationship with Latino youth in the community, what is
4 your assessment of the impact of the unavailability of
5 this, these wide range of programs, for Latino youth?

6 MS. KAPLAN: Well, the impact can be severe, as in
7 the case of a young Latino mother who passed away this
8 past year, en route three times to D.C. General Hospital
9 and Adams Morgan Clinic. And she was a documented young
10 woman and we are investigating why she passed away in the
11 process of her search for health care services.

12 So, in many cases, the impact is extremely severe.
13 In other cases, it's just sort of neglect. You know, the
14 truancy rate is just skyrocketing, the drop-out rate, the
15 lack of opportunities, the lack of-- I don't know, just
16 people leave their countries because they have no future.

17 And, in some way, they come here and they have no
18 future. So the impact can be very severe.

19 In other cases, there are success stories. But, so
20 much depends on our ability to sort of manipulate the
21 system, work with the families, cooperate with each
22 other. You know, just the array of things that we do to
23 try to keep these young lives together.

24 Putting that in context of what's happening in this
25 City in general in the youth community, you know, the

1 violence of the drug-dealing, you know, these kids, when
2 they can't get jobs, dealing drugs and being the little
3 kids on the totem pole of the drug transactions is
4 income.

5 It's not the kind of job I would choose for them,
6 but it's real. And it's happening. We're seeing more
7 and more kids involved in alcohol. It's just all that.

8 MS. GROW: So, is it fair to say that the
9 availability for participation in Latino youth movement
10 programs helps to alleviate some of these societal
11 problems that you discussed?

12 MS. KAPLAN: Well, I am a believer in neighborhood
13 and communities. The need for a community youth center
14 is, you know, on as many corners as we can get them. I
15 think communities can work together better to solve
16 problems than bureaucracies and institutions.

17 But, you do need-- I think Elena said it very
18 articulately-- it's a partnership and it's a
19 collaboration. We have to work together.

20 And for the most part, the Latino kids are pretty
21 much outside of the picture. You know, of the system,
22 particularly those recent Central American kids who, you
23 know, are undocumented. I don't know what's going to
24 happen come June when the temporary protected status
25 ends.

1 We had to go through a real soul-searching process
2 on the staff at the youth center to decide whether or not
3 we should encourage these kids to sign up for temporary
4 protected status.

5 We did decide that they should. And, in fact, they
6 have. But, come June 30th, they're just going to revert
7 back to the same status.

8 Now, there are documented kids-- undocumented kids
9 who are doing okay, you know, who are struggling and
10 graduating perhaps from high school. But, then the
11 undocumented kids, I think you heard this morning now one
12 young woman from Cordoza High School was told by the
13 University of the District of Columbia that she had to
14 show her green card or she was not welcome.

15 Some of the documented kids are getting into school
16 and they're doing okay. But, in general, obviously, it's
17 much worse in the Central American and recent immigrants
18 who do not have legal options in this country.

19 But I also want you to look at those, for those that
20 have been documented, have been here for years, is their
21 situation that much better.

22 In some cases, yes, but not in all cases.

23 MS. GROW: Is participation in some of these D.C.
24 funded programs for the youths predicated on citizenship
25 status?

1 MS. KAPLAN: Yes. Well, not on citizenship but, for
2 example, some of the skills training programs that the
3 City offers, those are funded with both federal dollars
4 and appropriated dollars.

5 Anything that's a federal dollar under program you
6 have to be a legal resident, the Job Training Partnership
7 Act, for example.

8 Appropriated dollars, there's a little more
9 leniency. But, the truly undocumented kids are not
10 eligible. So, the leniency comes in more, if they have
11 temporary status perhaps, they're eligible. If they have
12 temporary work authorization because they have a pending
13 case.

14 But, you pretty much just try to figure it out and
15 hope for the best. We try to get the kids signed up.
16 But, there are many programs that they are not eligible
17 for because they are funded with federal dollars.

18 There's other programs that come with the federal
19 and district dollars that really documentation status is
20 not questioned. And we are allowed to work with any
21 young person regardless of their status.

22 And in the Latin American Youth Center, our goal is
23 to provide comprehensive services to any youth and family
24 who need it. Our measure is not whether or not they have
25 legal status. You know, that's not the question on our

1 in-take form.

2 Our manner is to serve...

3 Now, obviously, in our efforts to piece together a
4 case management plan, the pieces only fit into the jigsaw
5 puzzle based on eligibility criteria.

6 So, that's a long way to say yes. In many cases, if
7 you're not documented, you're not eligible.

8 MS. GROW: I have no further questions.

9 COMMISSIONER RAMIREZ: Commissioner Redenbaugh?

10 COMMISSIONER REDENBAUGH: No questions.

11 COMMISSIONER RAMIREZ: Commissioner Allen.

12 COMMISSIONER ALLEN: I did have a question.

13 I'd like you to help me to think through a larger
14 issue. I appreciate the particular ramifications of the
15 circumstances of this hearing in D.C.

16 We heard some discussion this morning about the
17 question of whether we're talking about the special
18 concerns of recent immigrants and even particularly
19 Salvadoran, as they are most of the Latinos.

20 I want to ask about the question of recent arrivals
21 in general and the context is twofold. There is an issue
22 in the February Scientific America about Indo-Chinese
23 refugees and how well they're doing in the United States.

24 These, of course, are personally all documented
25 persons and, therefore, don't have the problems of the

1 undocumented which you address.

2 And they seem to both excel in poorer schools, not
3 just in the good schools, and also to get fully
4 established on the economic ladder, whether it's... small
5 businesses or positions, entry level positions.

6 And I'm reminded in the context of these discussions
7 which have been precipitated by a riot of the
8 ...Commission vote of 1968. You wouldn't remember that,
9 but I would.

10 The ...Commission board followed the
11 courses...across the United States and they came to one
12 conclusion, which is extremely troubling and problematic
13 at the time.

14 The argument made was that there was no longer in
15 the American economy any entry level jobs.

16 And, therefore, American blacks could not improve
17 their circumstances through their own efforts.

18 Subsequent to the ...Commission's report, of course,
19 we had the immigration not just within the time but from
20 elsewhere through the Central and Latin American.

21 We really did in fact find the entry level was not
22 supposed to exist.

23 - So, apart from the question of government services,
24 which I think is a legitimate and separate question and
25 we often...study...determine people are represented

1 properly. I think that issue is fairly well on the
2 table.

3 But, apart from that, what in your estimation are
4 the possibilities we have here, documented and
5 undocumented, to find entry level positions, establish
6 themselves and have greater economic success.

7 How does that appear in your judgment?

8 MS. KAPLAN: I'll try to answer that. I'd like to
9 just put a parenthesis in. If the record is open for 30
10 days, I think I would encourage you to get some kind of
11 statement from the Director of the Indo-Chinese Community
12 Center here because I think some of the things that... is
13 seeing isn't fitting quite as nicely in the picture of
14 those that come and are doing all well in school.

15 Now, it is true that they have refugee status and
16 they come documented. But, what's beginning to happen,
17 from my understanding, is that the service eligibility
18 which used to be 36 months, then went to 12 months, then
19 went to six months and now is merely three months.

20 So I would just look at that in general as an aside,
21 if you're interested.

22 Now, I think there are opportunities for these entry
23 level jobs and, you know, anyone who spends any time in
24 Washington, D.C. will see Latino people. You know,
25 washing dishes in the restaurants, parking the cars,

1 taking care of children, cleaning your office and an
2 array of other-- planting, you know, what do you call it?
3 Mowing your garden. You know, doing the landscaping.

4 We've traditionally reached out for availables and
5 the Latino community is willing to take them. And, in
6 fact, you know, in some cases, have skills to bring to
7 that, the landscaping and those kinds of things.

8 So I think that there is potential for that. I will
9 also say that some of the people today who are now
10 graduating from schools, who are the staff of the
11 agencies, are highly-qualified people who started out as
12 maids, who started out as dishwashers, who started out
13 parking cars. And, over time, they were able to improve
14 their situation, you know.

15 Now, when you don't have legal status, that is a
16 cloud that looms over your head constantly and will
17 dictate daily what your options are.

18 And someone in my position, I run a youth center.
19 When I go to the, you know, I kind of move in two worlds.
20 I move in the youth world, locally and nationally, and
21 then I move in the Latino and recent new immigrant world,
22 locally and nationally.

23 And when I deal in the youth world locally and
24 nationally, we are the only ones who have to worry about
25 federal-- the big deal with the federal policies, the

1 deal with international issues, the deal with-- most
2 youth workers are just not concerned.

3 Now, one other comment I want to make. I think,
4 with a lot of these Central American kids, before they
5 left their countries, their lives were in great turmoil,
6 as you've heard today.

7 You'll hear tomorrow and Friday I think about the
8 specific things relative to education, but you've got to
9 look at them before they left their educational
10 foundation was so broken up by the war that a lot of
11 these kids come here and their literacy skills are barely
12 in place.

13 So that's going to effect their opportunities as
14 well.

15 COMMISSIONER RAMIREZ: I don't know if any of the
16 other Commissioners have any questions. I've asked the
17 Chair to Vice Chairman Wang. But, I did want to ask a
18 question because I think that the picture you have given
19 us is one that is very comprehensive and very concrete
20 and realistic.

21 But, as I talk to young Latinos in Washington, D.C.,
22 what I find is that many are spending almost all their
23 time working. So, to that extent, they have little time
24 for recreation or youth services.

25 That is not particularly the way one would want to

1 see young people spend all of their time.

2 The upside of that is that I am constantly impressed
3 by the level of intelligence and (por mali dei) that
4 these young people exhibit.

5 In your estimate, what percentage of the Latino
6 youth in your area of influence or knowledge or patchment
7 areas we will call it from the War on Poverty days, what
8 percentage-- we talked about the Kearnel Commission, so
9 I've already shown my age-- what percentage of Latino
10 youth are spending most of their time working?

11 MS. KAPLAN: That's a very difficult question to
12 answer, but I will tell you the secret.

13 At the Latin American Youth Center, we have a staff
14 of about 40 people, so we provide services in employment
15 training, job development, job placement, social services
16 and recreation, leadership, whatever.

17 But, almost every single young person who walks
18 through the door for the first time, what brought them in
19 was saying, "I want a job."

20 And that was true in 1978 when I started and that is
21 true today. So, kids are all wanting to work.

22 Now, for the young people that are in school, then
23 we're in a situation where we're trying to find after
24 school and weekend opportunities. There's young people
25 who dropped out of school or perhaps graduated and are

1 looking for work.

2 So, work is the key issue. What we've tried to
3 do...now there's also a sector of young people, and I
4 cannot give you a number, who I know came to this country
5 and never went to school. They came here to work. They
6 came here to escape whatever fears of persecution or the
7 economic realities and they came because they needed to
8 work.

9 And not only is recreation not an option, but
10 education is not an option. It's a luxury. They're here
11 to work.

12 And you see them everywhere. Those are the young
13 people that you're talking about. You know, they're 16
14 or 17. And there's--

15 COMMISSIONER RAMIREZ: Thirteen.

16 MS. MUSKETT: What?

17 COMMISSIONER RAMIREZ: I said the word 13 or 14.

18 MS. KAPLAN: Oh, sure. I'm sure.

19 Now, what the youth center is trying to do, and we
20 probably employ many hundreds of kids every year-- but
21 what we've tried to do is bring in some private money
22 through foundations, individuals, corporations, to hire
23 and train these young people in marketable kinds of jobs,
24 as well as match the City dollars that we've gotten from
25 the Department and from the services.

1 Now, obviously, oftentimes, many that we raise
2 privately through churches and whatever we're ear-marking
3 for the kids who are not eligible for the City programs.

4 We look for all kinds of ways to stretch our
5 dollars, by calling it a stipend and not paying them a
6 wage. But, you know, for example, now on Mount Pleasant
7 Street, we had after the riots gotten many of the
8 neighbor businesses to employ, quote/unquote, people
9 where we're paying them maybe \$3 an hour. And they're
10 popping in 50 cents.

11 You know, we'll use whatever creative strategy we
12 can to get these kids in training in the hopes that some
13 federal laws will change so that, when their immigration
14 status changes, they then will have a skills to be ready
15 to go out to the job market.

16 COMMISSIONER ALLEN: Yes. May I just make the
17 question...could you identify what you mean "staff", the
18 person to whom you said we should refer ourselves in
19 order to get a statement on the Chinese situation here in
20 D.C.

21 And I would ask if we could enter that statement in
22 the record.

23 - MS. KAPLAN: His name is (Steve Lyon). And I can
24 get you one. I can't think of his last name. The Indo-
25 Chinese Community Center.

1 COMMISSIONER ALLEN: We would just go up there?

2 MS. KAPLAN: Sure. Oh, sure.

3 COMMISSIONER ALLEN: Thank you.

4 COMMISSIONER WANG: May I just ask you one question,
5 Ms. Kaplan? Hopefully, you're not...the services
6 are...earlier, we heard some other panels. The feeling
7 that they're not getting their fair share of the
8 services.

9 So, from your direct experience in delivering
10 employment training services, are you ready to say from
11 your particular point of view that you are getting the
12 fair share, or...?

13 MS. KAPLAN: I am saying that there is no fair
14 share. But, in addition, I am saying that you can't just
15 carve the pie and call it a fair share. You have to look
16 at what's inside the pie, and the relevancy of some of
17 these services inside the pie.

18 In some cases, you may just need a different kind of
19 pie. And some of these, you know, to be quite honest,
20 when I read the budgets-- and I was only asked to speak
21 about recreation and spend some time on that.

22 And I saw all these things that they said they
23 offered. I was shocked. You know, programs upon
24 programs upon programs. If I slice it just that way,
25 then I have to answer: Absolutely, nobody who is in a

1 language minority category, be they Latino, Indo-Chinese,
2 African-- and also as a parenthesis, the Latin American
3 Youth Center may target population of Latino kids, but
4 it's not exclusive.

5 We have Indo-Chinese kids. On any given day, there
6 are five or six languages spoken in the youth center.
7 We've worked desperately to build these bridges among the
8 communities.

9 But, no-- and I can give you an example. Recreation
10 says they worked with 140,000 youth, primarily based in
11 their public housing.

12 Well, if you heard the statistic this morning that
13 none of the Latino community lives in public housing,
14 therefore, if their primary program is centered in public
15 housing, it's just not going to reach the kids that we
16 work with.

17 COMMISSIONER WANG: My final question. We talk
18 about CBOs to deliver the services. Do you think within
19 the Latino community there are enough agencies qualified
20 to really provide the kind of employment training
21 services if those monies are available?

22 MS. KAPLAN: I think there are some wonderful
23 community organizations, churches. You have to look at
24 what the churches do. The soccer leagues, the cultural
25 clubs. They're incredibly sophisticated networks

1 functioning out there in the Latino community.

2 No, I don't think there's enough. I mean, I think
3 it's true that we should channel dollars into established
4 organizations that have track records and can provide the
5 services.

6 But, you know, the community, I mean, someone said
7 this morning that 7,000 kids in the D.C. public schools
8 are language minority. I think, tomorrow, when you hear
9 from the Education Panel, that number is closer to
10 10,000-11,000.

11 So, we are really talking about a population that's
12 getting anywhere from 10 to 15 percent of the District's
13 population-- even though there's one training post,
14 there's one Latin American youth center.

15 I think the riots are an example of where-- I mean,
16 I knew a lot of kids on the street. I didn't know all of
17 them. You know... knows a lot of the young mothers.
18 But, we only have so much capacity.

19 So I'm the kind of person that when I hear of a new
20 initiative, I welcome it. If there's a youth center on
21 every other corner, I could work less and somebody else
22 could, you know, help out.

23 So, in answer to your question, no. What's out
24 there is incredibly creative and innovative and it's had
25 to be.

1 COMMISSIONER WANG: Thank you very, very much.]

2 If there's no further questions, I want to thank you
3 for your forthright invocation and presentation.

4 Before our General Counsel calls on the next panel,
5 I do want to remind everybody that we have simultaneous
6 translation services. So, if any of the folks are
7 testifying and you want to request those services, that
8 can be made available.

9 All right.

10 MS. BOOKER: Will the next panel please come
11 forward. Vincent Grey, Dr. Reginald Wells, James Butts,
12 Dr. Raymond Patterson.

13 If I can ask you four gentlemen to stand up, I'll
14 read a statement. Will you just say "I do"? I also
15 notice there's a lady. I want to be fair.

16 Whereupon,

17 VINCENT GREY

18 REGINALD WELLS

19 JAMES BUTTS

20 RAYMOND PATTERSON

21 AND THEIR STAFF

22 were called as witnesses and duly sworn.

23 COMMISSIONER WANG: I will turn over this portion of
24 the questioning by General Counsel.

25 MS. BOOKER: Thank you, Mr. Chairman. Will the

1 panel please introduce yourselves for the record?

2 MR. GREY: Yes. I'm Vincent Grey. I'm the Director
3 of the Department of Human Services.

4 Do you want me to introduce the rest of these
5 persons, or should they introduce themselves?

6 MS. BOOKER: Themselves.

7 MR. REGINALD WELLS: I'm Reginald Wells. I'm acting
8 Commissioner of Social Services.

9 MR. BUTTS: I'm James Butts. I'm the Administrative
10 of the Income...Administration.

11 DR. PATTERSON: Dr. Raymond Patterson. I'm the
12 acting Commissioner of...

13 MS. BOOKER: Thank you.

14 Mr. Chairman, Staff Attorneys Ms. Muskett and Ms.
15 Grow will begin the questioning.

16 MR. GREY: Before we begin, I'd like to ask a
17 question. We have other of our staff with us who were
18 not sworn in. In the event that we call upon them to
19 add, to answer the questions, is that permissible since
20 they have not been sworn?

21 MS. BOOKER: Are you referring to the staff behind
22 you?

23 MR. GREY: Yes.

24 MS. BOOKER: They took the oath.

25 MS. MUSKETT: Mr. Grey, I understand that, among

1 your duties as Director of the Department of Human
2 Services, you have oversight responsibility for the
3 Commission on Social Services and the Commission on
4 Public Health and the Commission on Mental Health.

5 Is that right?

6 MR. GREY: That is correct.

7 MS. MUSKETT: Has the Department of Human Services
8 ever conducted an overall assessment of the needs of the
9 District's Latino population in terms of accessing DHS
10 services?

11 MR. GREY: I'm not cognizant of such a survey.
12 Certainly, we have not conducted one in the eleven months
13 that I have been there.

14 On the other hand, we have been meeting with
15 representatives of the Latino Civil Rights Task Force
16 towards that end. There was a health and social services
17 assessment, and we have been meeting on that.

18 We met most recently with Alice Companier, who is
19 the chair of the particular component of the Latino Civil
20 Rights Task Force, and a couple of other people. We met
21 again about two weeks ago.

22 At that time, we requested that they submit to us
23 the kind of questions that they want surveyed and the
24 kind of instrument that they would like to see us
25 implement to determine those needs. And we will be

1 prepared to work with them to generate that kind of data.

2 We are waiting now the return of what they would
3 like to see in such an instrument.

4 MS. MUSKETT: IN the prior years, have any of the
5 separate Commissions or subunits within the Department of
6 Human Services ever conducted a needs assessment?

7 MR. GREY: I think so. The Commission of Mental
8 Health Services has done so, and I'd like to ask Dr.
9 Patterson if he could respond to that.

10 DR. PATTERSON: Yes, through the State Health Clinic
11 Council there is a State Health Clinic Committee that is
12 comprised of a number of representatives from the
13 community, the Hispanic and Latino communities.

14 They have essentially put it in the agenda to look
15 at various compilations. The Hispanic population has not
16 been reviewed at this point. We had the committee and
17 council essentially recommend that the first two groups
18 that would be looked at would be the hearing impaired
19 population and confined populations-- Department of
20 Corrections, et cetera.

21 There was a planned time table. I'm not aware of
22 the exact date of when the Hispanic and Latino community
23 will be reviewed. But, that is a part of the process to
24 look at our various constituency groups.

25 MS. MUSKETT: I'm sorry? The two groups that are

1 already planned are the hearing impaired?

2 DR. PATTERSON: And confined populations, right.
3 Those two have already been looked at.

4 MS. MUSKETT: So, their assessments have already
5 been done.

6 DR. PATTERSON: That's right.

7 MS. MUSKETT: Mr. Grey, have you seen the October
8 1991 Latinos for Rights Task Force blueprint report?

9 What recommendations in that report do you intend to
10 implement?

11 MR. GREY: Well, we are in the process now of
12 fashioning our responses to that. We disseminated that
13 to each of our divisions. That is, the responses for the
14 most part were directed at the Commissions.

15 We are cognizant of the recommendations that were
16 made. We are this week finalizing our response and would
17 be prepared to share that with the Commission as soon as
18 it's completed.

19 It would be premature now to set out the exact
20 recommendations that we intend-- how we intend to do
21 those because not only do we need to finalize those
22 within the Department, we need to share those with those
23 who are in authority over us to ensure that that is the
24 direction we want to proceed.

25 We have taken the report very seriously. We have

1 spent a great deal of time in examining those
2 recommendations. And we will have a complete report by
3 the end of this week.

4 MS. MUSKETT: But, just so I have it clear, you're
5 saying that, at this point, you haven't taken any action
6 on it...yet? Is that what you're saying?

7 MR. GREY: We have not taken any action in the total
8 report. There are pieces. For example, we are in the
9 process now of recruiting social workers in our Child and
10 Family Service Division. And we're focusing specifically
11 on attempting to put additional bilingual capacity.

12 But, those are pieces that we're focusing on. My
13 comment is directed at the total report. And we will
14 have a report on the total report by the end of this
15 week.

16 MS. MUSKETT: The recruitment of the social workers
17 that you're referring to, what type of recruitment are
18 you planning?

19 MR. WELLS: Well, at this point, we basically are
20 recruiting the social workers through our normal process,
21 through the Personnel Office.

22 In addition, however, to identifying... we have done
23 some things in the past and intend to do some things in
24 the future that will guarantee our being able to bring
25 them on board...in that capacity, ever since last year.

1 There was a delegation from Personnel, the
2 Department of Human Services, that went to the University
3 of Puerto Rico and recruited such workers. As a result
4 of that effort, three MSWs were hired.

5 We have since lost one of those individuals to
6 another jurisdiction. However, that was in our view a
7 productive way to go about recruiting.

8 In our most recent efforts, out of 22 candidates
9 that have been demonstrated to be qualified to come into
10 the government as MSWs, two of those individuals are of
11 Spanish origin.

12 So, there has been some problems.

13 MS. MUSKETT: What is your normal course of action
14 for recruiting bilingual social workers?

15 MR. WELLS: Well, in that sense, it's really not
16 different than the recruitment for social workers, in
17 general. Since, we are in a very aggressive posture with
18 regard to MSWs, particularly in the Family Services
19 Administration, where there is a severe shortage of MSWs.
20 And, essentially, there are announcements that are
21 disseminated widely.

22 We interview candidates who present themselves in
23 order to determine them qualified before their are
24 vacancies, and then there is a selection.

25 MS. MUSKETT: When you say announcements

1 disseminated widely, would that be within the District?

2 MR. WELLS: Within the District and, in some cases,
3 out of the District.

4 DR. PATTERSON: I might add that we adjusted it to
5 an agreement with Child Welfare Labor of America to
6 enlist their assistance with recruitment. And they in
7 particular are going to be helping us to recruit social
8 workers from some of the major metropolitan areas in
9 North Philadelphia, New York and Boston.

10 We think that that will also widen the pool of
11 candidates in general for us. And we think also
12 potentially candidates with Hispanic background.

13 MS. MUSKETT: Is bilingualism ever a selective
14 placement factor or a ranking factor in a vacancy
15 announcement?

16 MR. BUTTS: Yes, it has been in some positions in
17 the Department. And, in the Income Maintenance
18 Administration, we will have a current announcement up to
19 recruit social service representatives.

20 As you know, when you visited the Income Maintenance
21 Administration, I indicated to you that we were certainly
22 quite interested in increasing our bilingual capacity.
23 So that, when we are reviewing the applicants for that
24 announcement which is currently on the board, we will
25 certainly be very sensitive to that, because we have

1 leads in the Income Maintenance Administration which I
2 intend to address.

3 MS. MUSKETT: And has this use of bilingualism as a
4 ranking factor, is that something that you've done in the
5 past? In past vacancy announcements?

6 MR. BUTTS: He's going to speak to that. I have
7 not. I have tried to get up an announcement because if
8 I can get up an announcement, I'm going to be looking to
9 meet those critical areas.

10 Having bilingual staff available to us in the Income
11 Maintenance Administration is a critical area and it will
12 be so ranked when we get to the selection.

13 MS. MUSKETT: So, this current announcement that you
14 just mentioned, is that going to be the first time that
15 you used bilingualism as a ranking factor?

16 MR. BUTTS: No, it's not a ranking factor, Ms.
17 Muskett. No, we have not used it. I'm putting up an
18 open until filled register for social service
19 representatives.

20 As we make our selections and our panels go through
21 their interviewing, because having bilingual capability
22 is such a critical need for us, that will be a priority
23 when we make the final decisions.

24 MS. MUSKETT: But, it won't be listed on the vacancy
25 announcement?

1 MR. BUTTS: No.

2 MS. MUSKETT: And, Dr. Wells, how about in terms of
3 social workers? Has that ever been a factor?

4 DR. WELLS: Not that I'm aware of, no.

5 MS. MUSKETT: Okay.

6 Mr. Grey, then did I understand you to say that, at
7 this time, you cannot discuss what future plans you might
8 have to implement the Latino blueprint?

9 MR. GREY: We've discussed it internally within the
10 Department since the discussion and the Commissions have
11 discussed it internally within the Commissions.

12 We have not finalized our report yet and our
13 response to the recommendations. Of course, one of those
14 is something that we discussed earlier in this
15 discussion. And that was the needs assessment that is
16 mentioned numerous times throughout the blueprint. And
17 as I indicated, it is something that we have committed
18 ourselves to doing with the membership of the Latino
19 Civil Rights Task Force.

20 And we are waiting now for some feedback from them
21 as to what they would like to see be the needs to be
22 assessed.

23 MS. MUSKETT: Well, is there anything else in
24 response to my earlier question that you've already
25 undertaken? You mentioned additional targeting of

1 recruitment of social workers.

2 Has there been anything else that's been undertaken
3 to date?

4 MR. GREY: Well, we'll certainly spend a good deal
5 of time with members of the task force, members of the
6 Latino community. I've spent a good deal of personal
7 time acquainting myself with the problems at Social
8 Service organizations and programs that are operated by
9 Hispanic organizations.

10 We, for example, worked with a number of Hispanic
11 CEOs in the... program, which is a four-step program. It
12 assists people with HIV positive, also full-blown AIDS,
13 and their organization such as Salud, that have received
14 grants through that particular program.

15 I also personally have been involved with the clinic
16 at Del Pueblo trying to assist with some of their funding
17 needs.

18 As we look to some of the budget cuts that we had to
19 incur a number of months ago, particularly in the area of
20 substance abuse, we were especially sensitive to the
21 needs of the Hispanic community.

22 And in the case, for example, for Latin American
23 Youth Center, we did everything we could to avoid cutting
24 that program, even though we experienced almost \$9
25 million worth of cuts in that area. And we did not

1 reduce the resources that were going to that program.

2 We have met on a frequent basis with Mr. Companier
3 and other members of the Latino Civil Rights Task Force
4 to try to fashion a program in an effort that we could
5 achieve some things on, and continue to do that even at
6 this point.

7 We expect out of this effort, in assessing the
8 blueprint, to be able to lay out some areas that we will
9 work together with the task force on to achieve in the
10 months ahead.

11 But, we'd rather wait, again, as I indicated, there
12 are a number of things that we have done and we would
13 like to lay out once we've got our response to the task
14 force report-- exactly what we're going to do here.

15 You wanted to talk about the multi-cultural?

16 DR. PATTERSON: Just a brief word about the multi-
17 cultural services center within the Commission... we are
18 now providing on a school base services to children.
19 It's not only for Latino-Hispanic populations, it's a
20 cross-cultural division that is specifically designed to
21 take a look at the cultural issues when someone is first
22 coming to this area, and it's ongoing.

23 In addition to that, we have a language bank which
24 is essentially for interpreters and others to help us in
25 evaluating cases that come in, and our forensic services

1 uses that quite frequently in court-ordered issues where
2 someone's competence is in jeopardy, or in question, by
3 the court.

4 So, there are some existing services within the
5 Commission on Mental Health that we are planning to
6 expand further meet the needs of specialized populations.

7 MS. MUSKETT: Mr. Grey, what percent of the
8 employees in the Department of Human Services are term
9 appointments?

10 MR. GREY: Term appointments? I don't know
11 specifically. I think it's about 35 or 38 percent total.

12 MS. MUSKETT: And does that have any--

13 MR. GREY: I would represent that to be an estimate.
14 We will furnish for the record, however, the exact
15 number.

16 We know, for example, in social services...it's 30
17 percent. I believe the overall Department totals between
18 35-38 percent.

19 MS. MUSKETT: Does that have any impact on
20 recruitment and hiring, particularly in terms of perhaps
21 bilingual personnel?

22 MR. GREY: Well, I think it has an impact on
23 recruitment overall because, when people are recruited
24 for term positions, in essence, they are being told that
25 they're being hired for a specific period of time and

1 there is no guarantee of continued employment
2 irrespective of their performance thereafter.

3 Some of that of course is because folks may be hired
4 on grant programs that expire at a particular time.
5 Maybe, a one year or two-year or three-year grant
6 program.

7 And, of course, there's no guarantee or likelihood of
8 funds thereafter.

9 And, therefore, the District government is not in a
10 position to be able to guarantee those positions.

11 In other cases, there may be positions that are more
12 I guess solid funding for want of a better way to put it.
13 And we're looking at ways in which we are going to deal
14 with those positions from term to permanent.

15 But, that policy is yet to be changed.

16 MS. MUSKETT: Do each of the Commissioners have
17 independent budget and hiring authority?

18 MR. GREY: Well, the personnel function is now
19 within the Department. The Department of Personnel-- the
20 Office of Personnel. So, that none of us has any
21 independent hiring authority.

22 They can describe to you their processes for
23 receiving applicants who apply with the Office of
24 Personnel, interviewing those people, and then process
25 for selection.

1 As far as budget is concerned, there are budgets
2 approved. There's a budget approved for the Department
3 and there are specific budgets approved for the
4 Commissions and then the various administrations and
5 offices within the Department. Clearly, with a
6 department our size, there has to be some degree of
7 flexibility, as conditions change.

8 But, yes, each year, there is a budget that's
9 approved down to the office and administrative level.

10 MS. MUSKETT: Mr. Butts, how long have you been the
11 Administrator of the Income Maintenance Administration?

12 MR. BUTTS: It feels like 20, but I think it's nine
13 years.

14 MS. MUSKETT: Approximately, how many people in the
15 District of Columbia receive benefits from the IMA?

16 MR. BUTTS: Approximately, 140,000 residents.

17 MS. MUSKETT: And what does that represent?

18 MR. BUTTS: It's almost one in four.

19 MS. MUSKETT: Is this number increasing, or at a
20 steady rate, or...?

21 MR. BUTTS: Yes, it is increasing. As of December
22 the 31st of 1991, we have 60,405 residents receiving
23 AFDC, Aid to Families with Dependent Children.

24 That program has been increasing every month for the
25 past 15 months. Our experience in the first quarter of

1 this fiscal year is that we are adding a net increase of
2 248 cases per month.

3 At the end of December, we have 85,000 residents
4 that are receiving food stamps.

5 That represents a 20 percent increase over the
6 demands a year ago.

7 The AFDC numbers which I gave you represented 15
8 percent increase over a similar period last year.

9 So, yes, our numbers are increasing. And also the
10 other program we are definitely seeing an increase is in
11 our requests for emergency assistance.

12 So, those three programs are showing increases.

13 MS. MUSKETT: I understand that IMA never conducted
14 a formal needs assessment. Right?

15 MR. BUTTS: Correct.

16 MS. MUSKETT: And have you ever seen, yourself, a
17 need for such an assessment?

18 MR. BUTTS: Yes, we certainly had talked about it.
19 I think it would be important to all of us because one of
20 the problems which we experience is that we can't
21 formally catalogue the degree of need.

22 Certainly, the numbers which I have just cited to
23 you represent the degree of need in the community. But,
24 is that all of it?

25 And we never can answer that question because of not

1 having conducted a full needs assessment in the
2 community.

3 MS. MUSKETT: Had you recommended in the past such
4 an assessment?

5 MR. BUTTS: Well, a couple of times, yes, it's been
6 recommended. One of your problems which you do
7 experience in the era of tight budgets is that, when the
8 budget process starts out, there are all sorts of things
9 that are in there. But, then you start to look at what
10 your priorities are, such as the AFDC program, it's had
11 to redirect monies from some of the other programs.

12 Those things, unfortunately, sometimes go out.

13 MS. MUSKETT: How many total employees are there in
14 the IMA?

15 MR. BUTTS: There are about 18.

16 MS. MUSKETT: And how many of those employees have
17 bilingual capability?

18 MR. BUTTS: As of today, 17.

19 MS. MUSKETT: What efforts have you made to recruit
20 additional bilingual personnel?

21 MR. BUTTS: Well, as I indicated, every time we put
22 up a register, we are looking for persons with bilingual
23 capability. But, let me say, one of the things that
24 happens is, even when we are able to recruit bilingual
25 staff and they come and spend time with us, then they're

1 able to go on to other positions.

2 And that's a problem. Of course, we experience that
3 in the Administration. We have a terminal rate of about
4 six people a month. So that I'm constantly trying to
5 resell our positions.

6 MS. MUSKETT: This would be six employees, in
7 general, a month?

8 MR. BUTTS: Yes.

9 MS. MUSKETT: What effect, if any, does the number
10 of term appointments have on your hiring and firing of
11 the personnel?

12 MR. BUTTS: Well, I think it affects everybody. And
13 one of the recommendations which I have made to the
14 Director, and I certainly know that he has presented, is
15 to try to look at the positions in the Income Maintenance
16 Administration in particular because those positions are
17 funded by funds which are allocated by Congress.

18 If the funding arrangements were going to change,
19 then the Congress would have to take that action.

20 MS. MUSKETT: Have you found though in the past that
21 the fact that you have-- how many term appointments in
22 IMA?

23 MR. BUTTS: Well, in IMA, we have about-- almost
24 400.

25 MS. MUSKETT: Have you found that to be a hindrance

1 to hiring bilingual staff?

2 MR. BUTTS: Not initially. Not initially.

3 MS. MUSKETT: Not initially? You mean, initially?

4 MR. BUTTS: No. Let me explain. On an initial
5 recruit, no, it's not a deterrent because the
6 appointments which we make are 448...

7 MS. MUSKETT: One of the concerns of the Latino
8 community is the lack of a bilingual receptionist at the
9 645 H Street Center.

10 I assume you're familiar with this concern?

11 MR. BUTTS: Yes, I am.

12 MS. MUSKETT: When did you first-- when was that
13 first brought to your attention that they were concerned
14 about that?

15 MR. BUTTS: It was in the fall. I meet regularly
16 with a number of representatives of Hispanic
17 organizations. They raised that question to me and I
18 responded favorably to it.

19 MS. MUSKETT: Oh, so that was the first time that it
20 had been brought to your attention?

21 MR. BUTTS: No, well-- yes. It was raised by one of
22 the representatives in one of the organizations.

23 MS. MUSKETT: In this fall of 1991?

24 MR. BUTTS: 1990.

25 MS. MUSKETT: Okay. The reason I'm asking is

1 because some of sort of-- they've been asking for this
2 for 10 years now. So, I just wondered if you had been
3 familiar with their concern for a number of years.

4 But, if you're telling me it's just been from the
5 fall onward-- is that correct?

6 MR. BUTTS: Yes, that's correct. It's not been for
7 10 years, or it wouldn't have been.... It really wasn't
8 there.

9 But, I would think that was a major issue at that
10 time. Since I've been reading a... number of the
11 articles that issue has, as I indicated, I have responded
12 freely to it.

13 MS. MUSKETT: I understand that, in response to
14 applications for benefits, the IMA may send out a
15 checklist of documents and a 10-day notice and a 30-day
16 notice, and then a notice of termination of benefits.

17 Are those notices in Spanish if they were going to
18 a Spanish-speaking applicant?

19 MR. BUTTS: On the bottom of the notice, it does say
20 that, if you do not understand this-- and it's in
21 Spanish-- there's a number which you can call.

22 MS. MUSKETT: Would that be on the bottom of the
23 checklist?

24 MR. BUTTS: It's on the notice. I know it's on the
25 notice.

1 MS. MUSKETT: Would that be the notice of final
2 termination?

3 MR. BUTTS: Well, all notices that are generated
4 would say that whether it's a 10-day notice, whether it's
5 a 30-day notice of a termination of benefits.

6 MS. MUSKETT: They'd all be in English and, at the
7 bottom, in Spanish?

8 MR. BUTTS: It's in Spanish if you do not
9 understand...

10 MS. MUSKETT: The Mount Pleasant-Adams Morgan
11 community must now go to 645 H Street to apply for
12 benefits.

13 Is that correct?

14 MR. BUTTS: That's correct.

15 MS. MUSKETT: Does the caseload coming from this
16 community warrant a separate office in their community?

17 MR. BUTTS: Not at this time.

18 MS. MUSKETT: So, you have no plans for setting up
19 a separate office at this time in that community?

20 MR. BUTTS: No, I do not.

21 MS. MUSKETT: How many--

22 MR. GREY: I'd like to add to that, if I might, just
23 to reinforce what Mr. Butts is saying.

24 One of the things we're looking at as an overall
25 departmental initiative is attempting to create one-stop

1 shopping centers which would bring together all services,
2 social services and, in some cases, mental health
3 services.

4 And, as we do that, there may be an opportunity to
5 create an additional presence in that community. We are
6 looking at one such opportunity now to do that. We know
7 that, in general, we're going to be better served if we
8 bring those kinds of services together.

9 We think we can create some of those opportunities
10 without additional resources.

11 One of the things that Mr. Butts in this program has
12 suffered from is like many of our programs, the reduction
13 of resources. However, I think that by bringing some of
14 these resources together, we can accomplish more than we
15 have been able to by having them separate.

16 We are looking at an area now that's close to Adams
17 Morgan that might be the site for such a center.

18 So, while we may not have the opportunity to create
19 an independent social service center such as the 11 that
20 Mr. Butts operates, we may be able to bring some of the
21 services to bear in a one-stop shopping center.

22 MS. MUSKETT: How many centers do you have at this
23 time?

24 MR. BUTTS: Eleven... centers and nine...

25 MS. MUSKETT: In 1991, if I could ask you some of

1 these figures with respect to the different IMA programs
2 that you administer, what is the number and percentage of
3 Hispanic applicants in the different programs?

4 MR. BUTTS: One of the problems of my existing
5 computer system-- and I should say systems because there
6 are actually four systems that support the IMA programs--
7 is that we are unable to capture application data.

8 What happens in each of the decentralized centers,
9 you walk into one of the centers, you would see a log.
10 We ask everybody to sign up on that log because on that
11 log, they indicate at the time that they got there.

12 We do maintain a manual record, but it's not
13 automated. One of the things that we're hoping to do is
14 to develop an automated time...determination system, the
15 actual number...

16 That will pull all of the IMA programs into one
17 major computer. Therefore, we will have the benefit of
18 exchanging information more efficiently between these
19 particular programs.

20 And the piloting of that is scheduled to begin in
21 May of this year.

22 MS. MUSKETT: So, at this time, you don't have the
23 capacity for pulling off your computer by race or
24 ethnicity the applicant pool?

25 MR. BUTTS: Applications, that's right.

1 MS. MUSKETT: So, you wouldn't have any information
2 by race or ethnicity, not--

3 MR. BUTTS: Not by application. Other than the
4 manual count, there's no other way I can do it.

5 MS. MUSKETT: Would you have on your computer that
6 would be there by race or ethnicity?

7 MR. BUTTS: Oh, for recipients, once we make a
8 determination of eligibility, then it's in there. And if
9 we did have to retrieve it is write a program to
10 retrieve.

11 MS. MUSKETT: Do you know the number or percentage
12 of Hispanic recipients?

13 MR. BUTTS: No.

14 MS. MUSKETT: Okay. This was one of the questions
15 we asked you in our letter of January 14th.

16 What is the status on that?

17 MR. BUTTS: The only tow programs that we can
18 capture is in medicaid and food stamps. And we would,
19 again, have to initiate a program. That's the only
20 reason I could not respond in the time frames that you
21 requested to retrieve that.

22 MS. MUSKETT: So, you're still trying to retrieve
23 that data at this time.

24 MR. BUTTS: Yes.

25 MS. MUSKETT: So, you'll be able to retrieve--

1 MR. BUTTS: We will submit our written responses
2 because there's some other information we're going to
3 need.

4 To the extent that I can, we will address certainly
5 those two programs.

6 MS. MUSKETT: Okay. So, you will have the
7 capability for medicaid and food stamps to give
8 number/percentage of Hispanic recipients?

9 MR. BUTTS: Yes.

10 MS. MUSKETT: What about the number of applicants
11 who did not receive eligibility determinations within the
12 regulatory time frame?

13 MR. BUTTS: I cannot capture that.

14 MS. MUSKETT: What about the number of Hispanic
15 applicants who did not receive eligibility determinations
16 within the regulatory time frame?

17 MR. BUTTS: I cannot capture that.

18 MS. MUSKETT: What about the number of Hispanic
19 applicants who do not receive eligibility determinations
20 within the regulatory time frame?

21 MR. BUTTS: Cannot capture that.

22 MS. MUSKETT: And the number of applicants who are
23 denied benefits for failure to provide necessary
24 information to establish eligibility?

25 Then, I guess I must be confused. When we met with

1 you, when you mentioned that someone was sending you
2 lists of Latinos who had not received their benefits
3 within a certain time frame, where were those lists
4 coming from?

5 MR. BUTTS: As I indicated, not only do I meet with
6 a number of Hispanic community hospitals, but we also
7 meet with a number of the hospitals.

8 I think the day that you were there I had just
9 received a list from Children's Hospital. And what we do
10 immediately when we received those lists is to check and
11 see are there any problems associated with those cases.

12 And we worked those through.

13 MS. MUSKETT: And they'd be off a computer that
14 Children owns, or an IMA computer?

15 MR. BUTTS: It's not off of a computer run. These
16 are referrals which Children's Hospital has made to the
17 Department. They send a list to me: Please check the
18 stages of these.

19 And we look at those individuals.

20 MS. MUSKETT: So, it's not off of a computer at all?
21 It's off their own lists of what they referred to you?

22 MR. BUTTS: I don't want to speak for Children's as
23 to whether or not they put theirs into some kind of
24 computer tracking system. But, the list which they send
25 me is a manual list.

1 MS. MUSKETT: Oh, and the list they're sending you,
2 I understood that you would take that list and you'd
3 follow through to see which ones had credibility in terms
4 of there's a problem in processing.

5 What are you finding?

6 MR. BUTTS: And what was the problem. I can tell
7 you that the last list that Children's Hospital sent me,
8 when we met, we were able to deal with most of the issues
9 that were there as to whether or not there was
10 eligibility or not eligibility.

11 We also did something else. We went out and met
12 with the Children's Hospital staff to do our briefing (a)
13 about the medicaid program; but (b) to make sure that
14 they realize the support that was there.

15 And, at Children's, as most of the hospitals, they
16 have a medicaid terminal. They can access that terminal
17 and see if the name is in there. The codes are.

18 And so we went up to make sure that that was working
19 well.

20 MS. MUSKETT: These are the IMA codes in it?

21 MR. BUTTS: Yes.

22 MS. MUSKETT: So, you give the data to Children's
23 Hospital?

24 MR. BUTTS: Yes. They can read it. You see, they
25 can access and they can see the code. One of the

1 questions that Children's had raised is that they
2 couldn't tell the status of some of the cases that they
3 had referred to us.

4 So, we showed them how that was worked on.

5 MS. MUSKETT: I see. So, they have individual names
6 of people.

7 MR. BUTTS: Yes.

8 MS. MUSKETT: And then they just pull it off to see
9 the status?

10 MR. BUTTS: Yes. And, they do it for billing
11 purposes.

12 It's important to them for billing purposes. So
13 that, once they can determine that someone's eligibility
14 is there, they can be billed in the office of Health Care
15 Financing to get their reimbursement.

16 So it is extremely important in all those cases that
17 they are referred to the Income Maintenance
18 Administration.

19 MS. MUSKETT: And these lists they sent you, how
20 long were the delays in general that they were sending
21 you past the statutory time frame?

22 MR. BUTTS: Well, there were a few at that
23 particular time. I think we worked that through. One of
24 the things that we do in the Administration, we're always
25 available to do this-- and I did share that with you, but

1 I'll share it with the rest of the panel as well.

2 If there are ever any kinds of issues associated
3 with the Income Maintenance Administration making
4 determination of eligibility, I want to personally know
5 about it.

6 And I will personally meet with that organization.
7 Or, if it's Children's Hospital or whichever hospital may
8 have that particular problem. And that's when we get to
9 the bottom.

10 MS. MUSKETT: And what did you find? I mean, what
11 was the problem?

12 MR. BUTTS: In some of the situations, that they
13 were over-income. And in some other situations, there
14 were questions that all the information that we needed to
15 make a determination had been provided. We dealt with
16 that.

17 But, in most of them, the last list that they gave
18 us, the eligibility had been established. And we
19 provided that fact to them.

20 MS. MUSKETT: So...established...for some reason,
21 their clients had not been informed?

22 MR. BUTTS: Well, the clients get informed but also
23 they, you know, they can look at the system, so we did
24 that as well.

25 Whenever a person seeks a determination of

1 eligibility, the client is so informed. And, of course,
2 whatever the particular program is, and they're looked
3 at.

4 MS. MUSKETT: Okay. Just so I can finish with the
5 data request so I'll know what you have available on your
6 computer, so you would not have a number of Hispanic
7 applicants who were denied benefits for failure to
8 provide necessary information to establish eligibility?

9 MR. BUTTS: No.

10 MS. MUSKETT: Would you have the total number of
11 clients served at each center?

12 MR. BUTTS: That would have to be a manual count,
13 again. It would have to be a manual count.

14 MS. MUSKETT: Do you get any kind of reports from
15 the different center heads to you for your projection
16 purposes?

17 MR. BUTTS: The reports actually do come from the
18 center managers to the Chief of the ...Program
19 Operations.

20 MS. MUSKETT: So, those could be--

21 MR. BUTTS: And they will assess the number of
22 people that they are seeing. Now, we routinely follow
23 ourselves because we want to be aware of what the traffic
24 is at the centers.

25 And that's the reason why I think, as I reported to

1 you, we had increased traffic at all the centers.

2 MS.-MUSKETT: But, you do receive reports that would
3 give you an estimate of the caseload at the different
4 centers?

5 MR. BUTTS: Yes. Now, for approved cases, you see,
6 I get... The problem is it is not broken down by
7 Hispanic. It's not broken down Black, Chinese or what.
8 I get a gross number. I can certainly tell you what the
9 caseload workers are, just as I can tell you the number
10 of people who receive the Aid to Families with Dependent
11 Children, the number of people receiving Medicaid. I
12 just can't break it down by the ethnic code.

13 But, I can give you gross numbers.

14 You see, I look at the gross numbers because that's
15 what I use for budget projection purposes.

16 I don't break it down with this population is
17 receiving, and that population is receiving

18 I get the gross numbers.

19 MS. MUSKETT: And then your computer though would be
20 able to pull it off by zip code?

21 MR. BUTTS: We can do a run by zip code and pull off
22 all recipients. The answer is yes. But, again, that's
23 going to be a gross number of recipients. It's not being
24 broken down by ethnic code.

25 MS. MUSKETT: So you don't use any identifiers on

1 any forms, any race or ethnicity identifiers then?

2 MR. BUTTS: Yes. For each of the programs... As I
3 said, what would happen if, in the AFDC system, for
4 example, I would have to write a program to extract all
5 persons of ethnic origin.

6 MS. MUSKETT: So, this would be on your computer?

7 MR. BUTTS: Yes.

8 MS. MUSKETT: And it would show applicants?

9 MR. BUTTS: No, it would not show the applicants.

10 MS. MUSKETT: Just ethnicity.

11 So, it would be for AFDC and Medicaid and Food
12 Stamps?

13 MR. BUTTS: Yes.

14 MS. MUSKETT: And then would there be a separate
15 code on those same computers showing the reason why they
16 were denied benefits?

17 MR. BUTTS: Yes.

18 MS. MUSKETT: So that could be--

19 MR. BUTTS: That one...center, yes.

20 MS. MUSKETT: So that could be extracted also by
21 race or ethnicity?

22 MR. BUTTS: I don't know. Let me look at that and
23 give you that as an answer then.

24 MS. MUSKETT: Okay.

25 MR. BUTTS: What that would take to do that, if we

1 could.

2 MS. MUSKETT: Okay. Mr. Chairman, if we could keep
3 the record open for submission of this information?

4 COMMISSIONER WANG: Okay. Sure.

5 (Information to be furnished:)

6 MR. BUTTS: By the way, how long do we have to
7 submit that information to you?

8 COMMISSIONER BUCKLEY: Thirty days.

9 MR. BUTTS: Thirty?

10 COMMISSIONER BUCKLEY: Thirty days.

11 MS. MUSKETT: In terms of, Dr. Wells, I understand
12 that there's 23 Latino children in foster care at this
13 time?

14 Is that correct?

15 DR. WELLS: I believe that's correct, yes.

16 MS. MUSKETT: But, that there are no bilingual
17 foster care homes in the District.

18 Is that correct?

19 DR. WELLS: That is correct. To my knowledge, based
20 on information that was provided to me, there are seven.

21 MS. MUSKETT: There are seven? I'm talking about
22 Spanish-speaking bilingual foster care homes?

23 DR. WELLS: According to my information, there are
24 seven.

25 COMMISSIONER WANG: Group homes? Do you mean seven

1 homes or seven...

2 DR. WELLS: Seven homes.

3 COMMISSIONER RAMIREZ: Excuse me. It would be
4 helpful to us to have-- when you try to answer a
5 question, if you could give us enough information so that
6 we would understand what seven means.

7 I mean, if you had 100 foster care homes and you
8 have seven homes with particular capability for.

9 In other words, gentlemen, it would help us if you
10 could share with us what some of your thinking is about
11 the nature of the problem that we are trying to
12 understand.

13 And to give us some context.

14 I've just been very frustrated by getting numbers
15 that don't fit into anything and don't give me any notion
16 of what the comparison is.

17 How many foster homes are there in all, and how many
18 have bilingual capability?

19 That would at least give me a sense.

20 COMMISSIONER REDENBAUGH: Also, if I could amplify
21 the Commissioners request and add my own.

22 Many of your answers have the structure of, well,
23 we're not sure now that things will be improving much in
24 the future.

25 If you could elaborate a little more on some... and

1 be specific about some of the programs and policies and
2 actions that will be improving things in the future, that
3 also would help us very much.

4 COMMISSIONER BERRY: And if you could also, since
5 everybody else is jumping in, if you could also tell us
6 when you give an answer, contextually, how your answer
7 fits in with your overall problem of providing services
8 to people.

9 I mean, when somebody says "bilingual," do you mean
10 just Spanish-speaking? And do you have any for Asians,
11 you know, in the community, whatever?

12 When you say you have 11 social offices, then, you
13 know, what is your criteria for deciding how many you
14 have and where you have them, so that we know when you
15 would possibly have one, wherever it is. How do you
16 serve everybody else?

17 I mean, some answers that give us some idea of what
18 your problems are as well as how your responses to our
19 questions fit in, what you're doing about the Latino
20 community fits i with the others, and so that we know
21 what these numbers mean.

22 That would be helpful.

23 COMMISSIONER ALLEN: Ms. Muskett, does your original
24 question, bilingual foster homes, rest on the assumption
25 that non-bilingual homes are all English-speaking homes?

1 Or do you include monolingual, non-English-speaking
2 homes?

3 MS. MUSKETT: I think perhaps I didn't phrase it
4 correctly. As I understand from the response we
5 received, there are seven Hispanic foster care providers,
6 but there are no Spanish-speaking, bilingual foster care
7 providers.

8 So, perhaps I need to phrase it correctly.

9 COMMISSIONER BERRY: Is that true?

10 COMMISSIONER ALLEN: If you understand, you can
11 answer. I'm not sure I understand it yet.

12 MS. BOOKER: She's saying that there are seven
13 Hispanic foster care providers, but that these Hispanic
14 providers cannot speak Spanish.

15 Is that right?

16 MS. MUSKETT: Right. You understand.

17 COMMISSIONER ALLEN: Who's answer is that? It's a
18 question.

19 DR. WELLS: According to my information, we have
20 seven foster homes wherein the persons operating those
21 homes speak Spanish.

22 COMMISSIONER ALLEN: ...further questions. All
23 other foster homes, monolingual, English-speaking?

24 DR. WELLS: I really don't...I think, in response,
25 there are some assumptions to that effect. But, I

1 don't...

2 COMMISSIONER ALLEN: Could I ask this to clear the
3 record on that so that we cover all racial...thank you.

4 MR. GREY: We can provide additional information for
5 the record. There are some 430 plus foster care homes.
6 So that gives you a context for understanding the numbers
7 that we're talking about.

8 So, the seven are in the context of the 400 plus.

9 And we would provide information about whether there
10 are other, other than the question of...whether there are
11 other bilingual capacities that live in foster care
12 system.

13 COMMISSIONER WANG: I will ask the counsel to
14 proceed and then we'll come back.

15 MS. BOOKER: We would need that clarified for the
16 record because the written response that we received from
17 the counsel contradicts that answer, as well as the
18 information we received earlier today.

19 So, if you would clarify that for the record, that
20 would be appreciated.

21 MR. GREY: We would be happy to do that. And I want
22 to make a point that may have perhaps been made earlier.
23 And that is it's explicit, I think, to what Mr. Butts has
24 had to say and the others have had to say, and that is
25 the, I guess, state of technology in the District

1 government right now is far behind the state of the art
2 in general in this nation.

3 For example, you walk into the building where I am
4 located as Director of the Department of Human Services,
5 we have about 500 phone instruments and about 475 of them
6 are rotary phones.

7 And I cite that only to tell you where we are with
8 respect to technology. The system that Mr. Butts cited,
9 the AC system, will move us years ahead of where we are
10 now in our ability to capture, process and interpret
11 data, and analyze data.

12 We really are in the dark ages in terms of our
13 ability to generate and analyze data at this stage
14 because our automation ability is so inferior to what is
15 the potential capability for the year 1992.

16 That is one of the Mayor's priorities. It is
17 something that she is aggressively pursuing. But, it's
18 also something, to be honest with you, is going to take
19 some time in order to rectify.

20 We have inherited a system that is a victim of
21 neglect for years. And, again, I cite the example of
22 phones only to say that this is where we are in 1992.

23 MS. MUSKETT: Okay. I only have one more question.
24 That was for Dr. Patterson.

25 I've heard it asserted that, in the District of

1 Columbia, there are no in-patient alcohol or drug
2 treatment programs for residents who don't speak English.

3 Is that correct?

4 DR. PATTERSON: Well, actually, the Commission of
5 Mental Health does not administer the in-patient
6 program... with respect to primary substance abuse.
7 That's from...Council service.

8 However, we do have services to dually diagnose
9 clients in mental health and substance abuse as problems
10 irrespective of their color or ethnic background.

11 While we're on the point, since I am speaking for
12 the moment, when I mentioned before the State Mental
13 Health Planning Council, I made an error... And I just
14 want to make sure the record is clear.

15 The two groups that I looked at before, I misstated.
16 In defined populations, they're the hearing impaired and
17 the elderly.

18 The Commission on Mental Health is looking
19 internally at confined populations, but to make sure that
20 we're all clear on that.

21 But, as far as the in-patient capability, the
22 Commission on Mental Health is primarily for mentally ill
23 clients, and they also have additional problems, whether
24 they may be mental retardation and, in some instances,
25 for substance abuse.

1 MS. MUSKETT: Okay. Thank you. No further
2 questions.

3 COMMISSIONER WANG: Maybe, if I can start with a
4 couple of questions.

5 When you mentioned earlier about your recruitment
6 particularly, you mentioned about going to Puerto Rico to
7 recruit staffing. I think those efforts certainly are
8 very, very noble.

9 And then we were told throughout the day the
10 majority of our Latino population here is from El
11 Salvador, I'm not so sure whether Puerto Rico would be
12 the best place to recruit.

13 But, if we don't have qualified MSWs among the El
14 Salvadoran community here, and that's probably one of our
15 predicaments, I wondering whether you may want to think
16 about providing scholarships, fellowships in the school
17 of Social Work to train to really help the community to
18 be able to encourage those who are really already in
19 services to earn the degree, so that they can then
20 qualify to work for you.

21 I don't know if that is something that you already
22 have done.

23 DR. WELLS: Well, that particular suggestion I don't
24 think has been approached. However, I think we are
25 receptive to any approaches that might bring an

1 improvement in the hiring of additional social workers,
2 or other persons, for that matter, who may have Spanish-
3 speaking capability.

4 One of the things that I think we are doing, as Fred
5 mentioned, is trying to discern as widely as possible in
6 various ways our need and our desire to hire individuals
7 who have that capability.

8 So far, our efforts are producing some results, I
9 would say. The last 22 MSWs who were recruited and made
10 the selection certificate, which is the document that
11 comes for two managers for purposes of interviewing
12 selected personnel, two of those individuals, you know,
13 were capable of speaking Spanish.

14 So, our most recent efforts have been, I think, in
15 an effort to do something. I think, in general, as Mr.
16 Grey alluded to as it relates to technology, it is a
17 technology agency, the problems that are in our policy
18 system and our child welfare system in general have been
19 favorably documented, I think in the last few months
20 especially. And we are pursuing any and all avenues just
21 to recruit staff.

22 And, of course, there's a sensitivity to bringing in
23 people who can communicate effectively with various
24 operations in the City.

25 MR. GREY: Just to give you a context again of the

1 problem that we experienced in that area, we have had
2 until this recent effort to recruit and hire people, we
3 had a 55 percent vacancy rate in our social worker
4 position in Child and Family Services Division.

5 More specifically, we had 93 social worker
6 vacancies. And I guess that speaks not only to the need
7 to intensify our recruitment efforts with specific
8 populations, but in general.

9 And that's why we widened the net.

10 And I can tell you, quite frankly, we are very
11 committed to solving some of the very fundamental
12 systemic problems in our Child Welfare System, and we
13 would welcome any recommendations provided to us to
14 assist in that regard.

15 And we appreciate the ones you made, and any others
16 the Commission would wish to make to us.

17 COMMISSIONER WANG: Maybe, you should take a trip to
18 New York. There's lots of people there...

19 MR. GREY: Well, yes. And we've understood, too,
20 that because of some of the budget problems in New York
21 that people are being laid off. And that's why we're
22 working with the Child Welfare League, to try to increase
23 some of those people and perhaps attract them to the
24 District of Columbia.

25 COMMISSIONER WANG: That probably explains the

1 problem that some of the people who testified earlier
2 complained of, people who use the bus, particularly in
3 the reception area.

4 We were told that there were seven or eight
5 receptionists helping to really register the case and
6 application, but none of them are bilingual.

7 Is that so? Or, is there anything that can be done?

8 MR. BUTTS: That is correct in the reception area.
9 However, in the units there are two bilingual clerks who
10 readily assist people when they come in. They have to
11 come down-- they come down very quickly.

12 That does not answer the question.

13 The way you answer the question is to recruit
14 someone who could have been there, and we are favorable
15 to that recommendation.

16 COMMISSIONER WANG: Does the staff director want to--
17 -

18 COMMISSIONER BERRY: Commissioner Wang, Mr.
19 Redenbaugh has a question.

20 COMMISSIONER REDENBAUGH: Yes. If I could make a
21 follow-up question on the topic of bilingual recruiting.

22 We've heard so much testimony today that suggests
23 that a great deal of the problem of offering services to
24 the Latino community is dealt with or could be dealt with
25 by this bilingual issue.

1 Then, when you say that, of the last 22 MSWs hired,
2 only two spoke Spanish, this looks like a rather anemic
3 catheter to resolve what looks like a very big problem.

4 And I'm going to ask you to comment on that.

5 I would expect that 10 percent of the new hires is
6 a very small number, and that you would be targeting
7 something substantially more if this is really one of the
8 impediments to solving this problem. I wonder if

9 If one of you would comment?

10 DR. WELLS: Well, I think, in response to your
11 point, as Mr. Grey pointed out, we have 95 social worker
12 vacancies within the Family Services Administration. And
13 we are working very aggressively to try to fill all of
14 these vacancies.

15 Of that potential vacancies, a number, as you can
16 see from our recruitment efforts so far, we've only been
17 able to attract 22 individuals who came forward with the
18 credentials and the capability of being hired.

19 So I would agree with you that to the extent that
20 two out of 22 certainly is not an effort to be pleased
21 with or unnecessarily proud of, but I cite it primarily
22 as a way of suggesting that we are very committed. And
23 that if more of the individuals on the list were
24 qualified and were capable of speaking Spanish, there
25 would be every reason to hire them.

1 Mr. Butts indicated earlier that the role of his
2 agencies--

3 COMMISSIONER REDENBAUGH: On that point, there was
4 earlier testimony given today by one or more of you that
5 bilingualism is not one of the-- I've forgotten the term
6 used.

7 DR. WELLS: Ranking factors.

8 COMMISSIONER REDENBAUGH: Right. That this is
9 inconsistent with the serious plan for upgrading the
10 bilingualism in the organization.

11 DR. WELLS: Well, I think we have at this point,
12 that's correct, we have not made it a ranking factor.
13 However, I think that, from our point of view, our
14 biggest problem is tracking qualified MSWs.

15 And to the extent that the recruitment effort would
16 produce individuals who could speak Spanish, all the
17 better. We have not targeted any of those social worker
18 positions specifically for individuals who speak Spanish,
19 that is true.

20 COMMISSIONER REDENBAUGH: Well, given that that's a
21 large and growing percentage of the constituent
22 population, are you rethinking this?

23 DR. WELLS: I'm sorry?

24 COMMISSIONER REDENBAUGH: Are you rethinking this?

25 DR. WELLS: At this particular time, I think we're

1 committed to doing whatever we can do to meet the needs
2 of our population.

3 If that is an approach we should be taking, that
4 might produce more, then certainly we're receptive to
5 presenting the possibility.

6 MR. GREY: I think it's important to point out, too,
7 that there are some other issues that we've had to try to
8 strip away to make employment with the District
9 government, especially social workers, than it has been
10 in the past.

11 We've just two weeks ago gotten approval from our
12 Council of the District of Columbia to deal with a
13 license provision that we know had been a deterrent for
14 people coming to work for the District.

15 In order to come on board, even though you may have
16 had an MSW, you had to be licensed in order to come to
17 work for the District of Columbia government, or you
18 could not work here.

19 And in the surrounding area of Virginia, the
20 publicly-employed social worker was exempt from licensure
21 requirements. And, in Maryland, they had an opportunity
22 for provisional licensing, which means that you look at
23 the metropolitan Washington area, we couldn't even
24 compete with surrounding jurisdictions for a person who
25 had an MSW.

1 We now have gotten approval for a provisional
2 licensure, which means that a person can work for a year
3 without having to take the examination in the government,
4 or anywhere in the District of Columbia with a
5 provisional license, and they may take the exam during
6 that time.

7 COMMISSIONER REDENBAUGH: Who can take-- excuse me.
8 Who can give that approval?

9 MR. GREY: Who did what?

10 COMMISSIONER REDENBAUGH: You say you obtained
11 approval. What organization?

12 MR. GREY: Well, the Mayor requested that this be
13 done in order to make more flexible the opportunity to
14 recruit MSWs and it was approved by the City Council as
15 emergency legislation.

16 COMMISSIONER REDENBAUGH: Then it's the City Council
17 that needed to change the prior licensing requirement?

18 MR. GREY: It was a law, and it was a regulation
19 that had to be changed by legislative action by the
20 Council. But, it was requested by the Mayor.

21 COMMISSIONER REDENBAUGH: Thank you.

22 COMMISSIONER RAMIREZ: I have...first of all, I
23 would like to ask... I understand that the Department of
24 Human Services is working under a court order in relation
25 to foster care and protective services.

1 Would you care to give us any of that context?
2 Because -I think, if we're going to understand what's
3 going on, that court order is an important piece of it.

4 MR. GREY: Well, litigation is filed with the
5 Justice Department. I think it was in 1988 or '87, two
6 or three years ago, with respect to positions in the
7 foster care system.

8 The case came to trial in federal court in early
9 February of 1991. There were three weeks of trial
10 conducted by Federal Judge Thomas Hogan.

11 On April 18th, he issued a Memorandum of Opinion of
12 104 pages. And it wasn't very complimentary of the
13 District's foster care system.

14 That case was brought by the American Civil
15 Liberties Union. In fact, it was one of the things that
16 greeted me as I came in the door at the end of February
17 into this position.

18 We worked then with the American Civil Liberties
19 Union for several months to try to fashion what we
20 thought would be an effective response to beginning to
21 achieve the kind of systemic reform necessary in the
22 system.

23 At the end of August, we entered into an agreement,
24 a joint agreement, that over the next 34 months we think
25 will effect the kind of improvements in the system that

1 will make the District's system a first-class child
2 welfare system, not only foster care but the child
3 welfare.

4 We now are in the midst of the development of the
5 implementation plan. The Center for the Study of Social
6 Policy has been appointed as the monitor of this
7 particular case and has the responsibility for developing
8 the implementation plan.

9 We are at this point reviewing the implementation
10 plan, are literally this week responding to the
11 implementation plan. We have a status hearing before
12 Judge Hogan in February to review the implementation
13 plan.

14 Once that is approved by the court, we will then
15 proceed with implementation, which will improve such
16 areas as Dr. Wells mentioned, creating in the short-term
17 improvements in our ward-tracking system and, in the long
18 term, an entirely new automated ward tracking system will
19 include bringing in the complement of social workers up
20 to what we are budgeting for to create in a number of
21 cases caseloads of 20/1 on and, in some specialized
22 instances, caseloads of as low as 12/1.

23 Creating family preservation units which would begin
24 to intervene, in fact, in situations before a child is
25 placed in foster care.

1 And, in fact, we already developed our first Family
2 Preservation Unit, are working on the development of the
3 second one.

4 And by the end of this fiscal year, we'll have five
5 separate family preservation units in place.

6 And doing a needs assessment, which we think will
7 take anywhere from eight to 12 hours per child to
8 identify exactly what the needs are of every child in our
9 foster care system are.

10 And they are right now 2,300 children in our foster
11 care system.

12 We want to spend at least this first year laying the
13 foundation for reform in that system as dictated by that
14 court order. And then the following two years or, if you
15 will, the following 26 months, working on implementation
16 of the reforms that will be dealt with this first year.

17 COMMISSIONER RAMIREZ: Dr. Grey, as you did that
18 planning, as you did that responding to that legal
19 action, were there any members of the Latino community
20 involved in that planning process?

21 MR. GREY: We did not develop the plan. It was
22 developed by the monitor, the Center for the study of
23 social policy. We are reacting to the plan.

24 However, we have involved in that process, I know
25 through the consortium of child welfare agencies, members

1 of the Hispanic community, we have tried to involve the
2 community in this process to the extent that we have been
3 involved and driving the process ourselves.

4 But, again, I want to point out that the development
5 of the plan was not done by the District government nor
6 by the American Civil Liberties Union. It was done by
7 the monitors.

8 COMMISSIONER RAMIREZ: I think what I'm trying to
9 get at and what I'd like-- the point I'd like to make,
10 and I'd also like to hear your assessment, I'm impressed
11 that you are new to your position. And that there is a
12 sense of beginning something new and better.

13 And some of it is a result of legal action in some
14 cases. But, it appears to me that you're trying to deal
15 with a number of issues, phones and computers that don't
16 help very much, among other things.

17 But, what would concern me is that-- and also
18 looking at the Mayor's Initiative around dealing with the
19 violence in the streets and the affliction that has been
20 cast upon communities in very terrible ways in this City,
21 that as those plans are developed, whether they be in
22 response to litigation or whether they be in response to
23 the Mayor's leadership, that the perspective be one which
24 includes the participation of members of the Latino
25 community in that planning.

1 And that, as that comprehensive planning and
2 retooling is going on, that there are very specific
3 targeted initiatives that respond to the needs of the
4 Latino community.

5 The fact of the matter is that I was here also like
6 the speakers on the previous panel in 1978 and earlier,
7 when a lot of these issues came up.

8 I would be concerned, for example, not in whether
9 you hire two or three bilingual MSWs, but whether you are
10 developing a personnel or human resources plan for your
11 Department that proceeds from an assessment of the human
12 resource needs of the Department and would, therefore, in
13 a substantive rather than in a numbers way, create a
14 rationale for the hiring of the personnel that you need,
15 whether they be Latino or Ethiopian or Asian.

16 So I'm worried that I haven't heard anything that
17 gives me any sense of confidence that those of you that
18 have been there a long time or those of you who are new
19 are infusing that, if you would, sensitivity to the
20 cultural and linguistic diversity of your population into
21 your comprehensive planning.

22 If you would care to inform us in that area, Mr.
23 Grey, I would be happy to hear from you.

24 MR. GREY: Well, I'll ask my colleagues to join with
25 me and I think we all feel that we're attempting to do

1 that. I want to return to an earlier question. You
2 talked about a whole social service needs assessment,
3 which is a recommendation that has been made a number of
4 times in the blueprint.

5 We have met a number of times with members of the
6 Latino Civil Rights Task Force and we have indicated our
7 willingness to work to implement such a needs assessment.

8 I don't think that that's an issue at this point as
9 to whether we want to do that or whether we want to work
10 with the task force to make that happen.

11 Where we are is attempting to fashion now an
12 instrument that we think will measure these in a way that
13 will allow us in that, Commissioner, if I understand,
14 you're talking about ensuring that we achieve systemic
15 reform rather than specifically-targeted reform, we may
16 not have anything more than a scatter gun approach. We
17 don't want that either.

18 We want to target it in such ways that we do achieve
19 some systemic change. We think that kind of needs
20 assessment should be and, hopefully, will be targeted to
21 making that kind of change.

22 In our child welfare system, we want to achieve
23 systemic change and we want to do it in a culturally
24 sensitive way so that those people in the District of
25 Columbia who have needs for services from our child

1 welfare system can feel comfortable if they need to do
2 that, as well.

3 So that we do see the needs assessment that has been
4 presented to us as one way to get at that. And we see
5 our own move towards a comprehensive planning system as
6 accomplishing the same thing.

7 I didn't want to focus on the issue of automation as
8 an isolated situation. It, frankly, is a tool in
9 achieving the kind of systemic reform that we know is
10 necessary.

11 We're in 1992, this according to the calendar, but
12 for those of us who have to deal with data every day in
13 our respective jobs, we oftentimes feel like we're in
14 1962. And to achieve the kind of systemic reform that we
15 know is necessary quality it's going to require us to
16 really bring our automated capability into the decade of
17 the nineties as well.

18 So, I want to reinforce to you and to the rest of
19 the members of the Commission that what we're looking to
20 achieve is systemic reform.

21 Our Mayor has put it eloquently many times that
22 that's why she sought this office, to seek that kind of
23 change in the District of Columbia, and that's what we
24 hope to bring to bear to the Human Services system.

25 For us, and being specific with the Hispanic

1 community, is starting to try to fashion the service
2 needs assessment when it has been requested.

3 DR. WELLS: I would like to add that the efforts
4 that you spoke of certainly have to emanate to a certain
5 extent from the top of the organization. I think, as Mr.
6 Grey pointed out, it does.

7 I guess you don't get too much newer than Dr.
8 Patterson and I, acting Commissioner for a little over
9 four weeks now, has had his job less than that.

10 But... and coinciding with the Mayor coming into
11 office of the Child and Family Services Division. And I
12 simply point out that there were efforts going on. He
13 has been meeting with the D.C. Task Force for the
14 Prevention of
15 Child Abuse and Neglect.

16 And so there is planning at the division level,
17 within that administration within the Department of Human
18 Services. I mean, they have been meeting periodically
19 since January of '91. And there have been several
20 meetings.

21 Specifically, I think, to approach the kinds of
22 things that you were mentioning, more comprehensive
23 planning and system reform rather than a shotgun approach
24 or a temporary fix that evaporates shortly thereafter.

25 DR. PATTERSON: If I might just elaborate a bit on

1 the response to the Commission on Mental Health, specific
2 to those questions.

3 The Commission on Mental Health was comprised in
4 1987 from the old Federal St. Elizabeth's and the old
5 Mental Health Services Administration in the District of
6 Columbia... these services and the State Hospital-like
7 services were put together.

8 The final implementation plan that recognizes the
9 District of Columbia as not only a national and
10 international draw of persons coming here for answers,
11 and sometimes mental health services are necessary for
12 people who come from other places.

13 I practiced forensic psychiatry in this town for 10
14 years and I've had the opportunity to try to introduce
15 someone who speaks only Japanese in the D.C. Jail...here.

16 So that's why the language bank exists, so that we
17 can have valuative services from the front door.

18 The Multi-Cultural Division has serviced about 670
19 people, or so, clients, personnel, that have come through
20 the doors for evaluations, referrals, et cetera, in 1990.

21 We're projecting about 970 or so, about a 20 percent
22 increase in 1990 and 1992. 1991-1992.

23 But, the needs assessment issue, Dr. Ricardo Galbis
24 sits on the State Mental Planning Committee. And I will
25 share with you there's considerable debate within that

1 committee as to which population and which group should
2 begin that first.

3 That recommendation then goes to the State Mental
4 Health Planning Council, who then forwards it to the
5 Commission of Mental Health. And we decide together how
6 that's going to be pursued.

7 So, as I mentioned before, the elderly population,
8 community care, has been reviewed for needs assessment

9 We are taking a step-wise approach over the next
10 three years actually to look at all of our constituent
11 populations.

12 But, as I might add, they are constantly changing
13 based on the number of issues that are outside of the
14 District of Columbia.

15 COMMISSIONER RAMIREZ: I would pass the microphone
16 after one very brief comment. And that is that I recall
17 25 years ago, as many of these efforts began and the
18 almost, well, the greater exclusion of African-Americans
19 and Native Hispanics at that time in these professional
20 decisions.

21 Fortunately, at that time, we had the benefit of the
22 federal government that was investing resources in the
23 development of personnel. And we were also quite
24 innovative at that time in terms of bringing people in
25 who might not have had all of the formal education, the

1 providing them career development opportunities within
2 that context.

3 I know that, from a physical perspective, we're in
4 a different time. But I think that it becomes, when I
5 talked about a human resource development plan, I think
6 that, with this population, there is going to be the need
7 for some innovative approaches to bringing people into
8 the system.

9 And I also want to say that I think that you will
10 find in this population a lot of strength and untapped
11 resources.

12 COMMISSIONER WANG: Thank you.

13 Commissioner Berry.

14 COMMISSIONER BERRY: Yes. I would just like two
15 things. The first thing is to ask-- and you don't have
16 to answer here. You can submit it later for the record.

17 On this question of needs assessment that's come up
18 three, four, five times, how many needs assessment-- what
19 population groups have you done needs assessment on in
20 the various agencies that are represented?

21 I mean, the Latino community and other communities
22 in the City. Because I have the impression that you
23 haven't done any needs assessments at all.

24 I don't mean you personally because some of you
25 haven't even been here.

1 But, when the question came, I had in my mind,
2 having lived here for years, been very aware, that it's
3 unlikely that there have been needs assessments of all
4 the diverse elements of the Washington community over
5 time on a regular basis to see what their needs are in
6 any of these areas.

7 So I'd like you to submit for the record to the
8 extent that you know it, and I know what your computer
9 problems and the rest of it is, whether there have been
10 any needs assessments.

11 And is there any plan for the various communities
12 that exist in the District.

13 I would also like to know for the foster care issue
14 whether there are any foster care parents or homes in
15 which what other languages are represented.

16 Somebody asked about a monolingual and I wasn't
17 clear whether that included other bilingual or what.

18 So that, in that data that you submit to us, if you
19 could tell us that.

20 And then, finally, I wanted to follow up on the
21 question of my friend, Commissioner Ramirez, about
22 personnel. It does seem to me, and I agree with her,
23 that since you have such a large number of vacancies for
24 social workers, that it's not merely a question of how
25 many Latinos you have. You obviously need more.

1 But, maybe you ought to start thinking about
2 recommending more flexible requirements in ladders and
3 training and in-take of people in a more creative way.
4 Not even, you know, the licensing. Getting rid of that,
5 that's one thing.

6 Because she's right that, a number of years ago,
7 when there was a time when we needed people in some of
8 these fields and when the federal government had programs
9 to do it, a lot of people were brought in who had minimal
10 requirements or needed training or who were at levels
11 below what was necessary and they were trained in the
12 system, a lot of us were brought through the system.

13 Some of you may have been. I don't know. But,
14 maybe we need to think in terms of that within the D.C.
15 government and within the human resource area as a way to
16 bring people in and attend to some of these needs, as
17 well as give some people some opportunities.

18 I only advise you to do that. You don't have to
19 answer that because...in the interest of time. But, I'm
20 just reinforcing her point.

21 COMMISSIONER WANG: If you would care to comment
22 on...

23 MR. GREY: Well, I think I would only say that the
24 Commissioner is correct. We look at, you know, for
25 example, are there case management functions that could

1 be filled by someone with a bachelor's in Social Work and
2 then provide some incentives in the system for the person
3 to go on and receive additional educational attainments.

4 We feel, frankly, that that is possible. The case
5 management is...that increasingly is being used to deal
6 with the various multiple service needs of many of the
7 people that are served.

8 And there are we think many instances where a person
9 with a bachelor's degree and with good sensitivity-- I
10 used this term advisedly, but good common sense-- can
11 really work well with a family who has multiple social
12 and service needs.

13 In addition to that, some ways in which we can work
14 have already begun, to work with some of the university
15 communities in this City, and particularly the schools of
16 Social Work, to create more attractive opportunities for
17 students to work with us.

18 The problem there is that we don't have enough
19 social workers on board now to provide the supervision
20 for the students, so we've got to build our work force
21 somewhat in order to make that happen.

22 But, yes, the point is well-taken and we appreciate
23 it. And let me assure you that we're thinking in the
24 same way.

25 COMMISSIONER WANG: Commissioner Gonzalez.

1 COMMISSIONER GONZALEZ: Thank you, Mr. Chairman.

2 I'm just interested in getting some qualifiers to
3 the responses to our attorney adviser Muskett.

4 How many MSWs do you have?

5 MR. GREY: In the Child and Family Services
6 Division, I believe, 80. Eighty MSW social workers,
7 currently.

8 COMMISSIONER GONZALEZ: And is that the only place
9 you have MSWs?

10 MR. GREY: No, it's not. We have them really across
11 the Department of Human Services.

12 COMMISSIONER GONZALEZ: Do you have a figure for how
13 many MSWs you have on the payroll?

14 MR. GREY: No. We have to get that for you.

15 COMMISSIONER GONZALEZ: How many of those are
16 bilingual, Spanish-speaking?

17 MR. GREY: We probably need to speak to the
18 Commissioner of Social Services. Dr. Patterson is the
19 Commissioner.

20 DR. PATTERSON: Within the Family Services
21 Administration, we have eight social workers who speak
22 Spanish.

23 COMMISSIONER GONZALEZ: In the Commission of Mental
24 Health, you have seven MSWs that are bilingual in the
25 Multi-Cultural Division?

1 Well, when we get the data on how many we have
2 across-the-board...

3 MR. GREY: In the Family Services Administration, we
4 know the context is 80 MSWs, so you're talking about
5 eight. We'll get the other data for you so you can put
6 that in the record.

7 COMMISSIONER GONZALEZ: How many MSWs can you hire?

8 MR. GREY: Can you hire?

9 COMMISSIONER GONZALEZ: You mentioned vacancies, but
10 you didn't say how many you could hire based on financial
11 constraints.

12 MR. GREY: The records that I have are specifically
13 to the Child Welfare System or the Child Family Services
14 Division. That 55 percent vacancy rate is 93, a total of
15 93 vacancies at this point.

16 That's just the Child and Family Services Division.
17 We would have to get for you the number of vacancies that
18 we have in other areas of the Department, other areas of
19 social services, as well as other areas of the
20 Commission.

21 COMMISSIONER GONZALEZ: So, let's take that division
22 alone. Can you hire 93 MSWs?

23 MR. GREY: We not only can, we... yes, we are
24 committed to do that, not only as a matter of good
25 professional practice, but we also are involved with

1 litigation and that requires us to reduce our caseloads.

2 So, we are committed to doing that.

3 COMMISSIONER GONZALEZ: I can hire 112, but I can
4 only afford 70. So, I'm always concerned about figures
5 like that.

6 MR. GREY: Well, we think we can afford...

7 COMMISSIONER GONZALEZ: You indicated also that
8 there's a form that gets sent out which, at the bottom of
9 the form, there's a message in Spanish that if the
10 individual applicant doesn't understand the form, they
11 can call that number.

12 What happens when you call that number?

13 MR. BUTTS: If the person on the other end is
14 bilingual, when I return the other information that's
15 requested, I'll send a copy of that.

16 COMMISSIONER GONZALEZ: And is that number staffed
17 24 hours?

18 MR. BUTTS: No, it is not. It's staffed during our
19 regular duty hours.

20 COMMISSIONER GONZALEZ: That's 8-5?

21 MR. BUTTS: It's 8 to 5.

22 COMMISSIONER GONZALEZ: Okay. So, if there is a
23 need for innovative sensitivity, so forth, and we
24 understand that here's a community that works 8 to 5 and,
25 when they work, they don't get paid, and they would be

1 more than likely to call you after hours.

2 There should be some thought given to having
3 somebody staffing the line when it's most applicable to
4 that community.

5 MR. BUTTS: I can say to you that although we are
6 supposed to formally be there from 8 to 5, there are many
7 of us there in the evening. And, yes, we do take calls
8 as long as we're there.

9 COMMISSIONER GONZALEZ: Well, I see we're on the
10 same wave length because, when my staff leaves at 5, I
11 call it half a day.

12 (Laughter.)

13 Thank you very much.

14 MR. GREY: We have, by the way, installed 24-hour
15 hot lines in our offices for Child Support as well as our
16 vital workers in statistics and policy...but there is a
17 bilingual capability.

18 COMMISSIONER ALLEN: I have two questions. I'll ask
19 them one at a time, for Mr. Butts.

20 You spoke about the ratio of the service population,
21 the population of the District as a whole is 25 percent.
22 I ask you how that compares to other urban areas so far
23 as you know.

24 MR. BUTTS: in terms of growth in both the Aid to
25 Families with Dependent Children Program and the food

1 stamp program, we know that this is not just
2 characteristic of either the District of Columbia,
3 metropolitan area or the Northeast area.

4 All the States are experiencing growth in these
5 programs. About two months ago, there was a national
6 survey done on the food stamp program, where it indicated
7 that one in every ten Americans was now participating in
8 the food stamp program.

9 So that our numbers mirror that growth across the
10 country.

11 COMMISSIONER ALLEN: The trend line may be the same,
12 but is the ratio the same? Ten percent sounds a little
13 different from 25 percent.

14 MR. BUTTS: Well, yes. But, in the food stamp
15 program, it's about 20 percent growth that I think we
16 see.

17 COMMISSIONER ALLEN: Right. That was the growth in
18 the service population base, based on the District
19 population is 25 percent.

20 MR. BUTTS: The '82 figures. I gave the figure for
21 AFDC, where I indicated that the growth was 10 percent.

22 COMMISSIONER ALLEN: I think it was the 140,000
23 figure.

24 MR. BUTTS: Oh. That was the service compilation
25 and that's all put together. And that figure, that could

1 be a little duplication. When I gave the 10 percent
2 figure, I was relating to the 60,000 D.C. recipients in
3 ... of 606.

4 COMMISSIONER ALLEN: I'm having trouble with the
5 general income maintenance categories. Twenty-five
6 percent of the total population of income...how does that
7 figure compare with other areas?

8 MR. BUTTS: I think we're...and I say that off the
9 top of my head. I haven't really looked across some of
10 the other Cities.

11 COMMISSIONER ALLEN: Okay. I would like--

12 MS. BOOKER: Would you like for us to try to do
13 that?

14 COMMISSIONER ALLEN: If you would do that, I would
15 be very happy to see it. I'd also like to know with
16 respect to that number which of those individuals do you
17 have a comparable figure for households.

18 MS. BOOKER: Yes.

19 COMMISSIONER ALLEN: And does the ratio persist for
20 households of 25 percent, or is it different?

21 MS. BOOKER: I'll look at that. And if I can
22 provide that for you, I will address it in my response
23 one way or the other.

24 COMMISSIONER ALLEN: Thank you. And I also have a
25 question about District government. I didn't know the

1 District-- I've only lived in D.C. one year a long time
2 ago.

3 You spoke about distributing income maintenance over
4 Ward-- that is, in our briefing you suggest this Ward-
5 based distribution.

6 What I want to know is whether the funds are
7 apportioned at the discretion of the agencies or are they
8 apportioned through legislative action?

9 MS. BOOKER: Well, I think it's a combination. The
10 agencies will submit a budget which the Mayor will send
11 to the Council.

12 COMMISSIONER ALLEN: Is it a Ward-based budget?

13 MS. BOOKER: Local.

14 COMMISSIONER ALLEN: Local budget. And so that it's
15 finally approved as a global project, which the agencies
16 decide are of the formula proportion?

17 MS. BOOKER: Yes.

18 COMMISSIONER ALLEN: Thank you.

19 MR. GREY: And, of course, in the case of the number
20 of programs Mr. Butts...they're entitled to programs that
21 were...

22 COMMISSIONER ALLEN: Thank you.

23 COMMISSIONER WANG: Commissioner Buckley.

24 COMMISSIONER BUCKLEY: If we could go back to that
25 number on the form for people who need assistance in

1 Spanish, have you ever received any complaints on what
2 the people that answer that line, first of all, if they
3 do answer it in Spanish?

4 MR. BUTTS: I have not personally but I will check
5 and see if that is a problem.

6 COMMISSIONER BUCKLEY: Because what we were led to
7 understand today was, if they call that number, if they
8 speak in Spanish, they would be told nobody's here to
9 make that answer, or hang up.

10 MR. BUTTS: Okay. I'm going to look at that. I had
11 a staff person here who also pointed that out to me. So,
12 I definitely am going to check it out.

13 COMMISSIONER BUCKLEY: Okay. You say you have 11
14 centers, right?

15 MR. BUTTS: Yes.

16 COMMISSIONER BUCKLEY: And each of those centers has
17 a manager?

18 MR. BUTTS: Yes, indeed.

19 COMMISSIONER BUCKLEY: And the manager is directly
20 responsible to you?

21 MR. BUTTS: No. To the Bureau Chief of the Office
22 of Program Operations through the Deputy and then to me.

23 COMMISSIONER BUCKLEY: To your knowledge, has that
24 center manager ever received any complaints about
25 receptionists giving wrong information out to clients

1 that come into the office seeking appointments, or coming
2 to report for appointments?

3 Has any complaint like that been filed with their
4 offices or yours?

5 MR. BUTTS: Because of the range of programs which
6 we administer and the numbers of people that we are
7 attempting to serve, yes, there are complaints taken.
8 And I'll get involved in that as well.

9 And they can use several sources. They call my
10 office and complain. And if anybody calls my office to
11 complain, I investigate it. And, in many instances,
12 personally get back to the person who made that
13 complaint.

14 COMMISSIONER BUCKLEY: And how do you do this?

15 MR. BUTTS: Well, we certainly deal with it if we
16 recognize that there is a pattern, that certain
17 individuals are not exhibiting... the policies of the
18 agency.

19 And that is courtesy. The attitude which we have in
20 the Income Maintenance Administration is that we work for
21 the people of the City.

22 COMMISSIONER BUCKLEY: Because part of what we have
23 been hearing today is it's not only an issue of whether
24 the Latino community is given services or not, but rather
25 that it is a systemic problem in the way that a lot of

1 these people are being treated; whether they are Latino
2 or black or Asian-American.

3 They are having problems coming in to be helped.

4 MR. BUTTS: One of the issues which we are aware of,
5 and that's because of the numbers of people that are
6 coming in, we are not able to serve people as rapidly as
7 we would like.

8 COMMISSIONER BUCKLEY: Well, why would a
9 receptionist tell them, "Sit down and don't come and
10 they'll come and talk to you," and this person is off on
11 a two-week vacation?

12 MR. BUTTS: Well, I'm not aware of that because,
13 even if a person is off, we have backup staff. Even the
14 supervisors will come down. And I can tell you this
15 happens quite frequently. They will come down and take
16 an application if they've got coverage.

17 COMMISSIONER BUCKLEY: Do you have any kind of a,
18 like, complaint section or a special problems section?
19 Some of the people we've been talking to, like police
20 departments, even the IRS told us there were
21 problems...resolution group, or the VA people have a
22 problem resolution.

23 Do you have that for your agency?

24 MR. BUTTS: Yes. It works in several ways. Mr.
25 Grey, of course, has the customer service line. And I

1 can tell you it's used quite frequently.

2 The Mayor has an Office of Constituent Services that
3 is used quite frequently. Each of the Council offices
4 have constituent offices.

5 And I can tell you we spend a significant amount of
6 time...there are a lot of sources where complaints can be
7 registered. And, indeed, my office, in many instances,
8 if you look at correspondence which goes out of my
9 office, you would see that I put my number on there if
10 they have any questions about the responses they've
11 gotten, to come back to me.

12 COMMISSIONER BUCKLEY: Another one of the issues
13 that was talked about today is that you have a long
14 checklist. That you tell people all these things they
15 need to bring in for you to help them.

16 MS. BOOKER: Yes.

17 COMMISSIONER BUCKLEY: And this one group that
18 provides the service, contracted service to a hospital,
19 was telling us that the whole page is checked off.

20 Do you ever run like an efficiency check to see how
21 these applications are being handled and to see if, in
22 reality, you need all that paperwork?

23 MR. BUTTS: Yes, we do. I don't know what
24 particular reference that was made to, but the checklist
25 which is provided represents the requirements that are in

1 the codes, the respective codes of federal regulation.

2 We certainly don't want to ask for information which
3 is not necessary to make a determination... But, I do
4 monitor. I have a team of people who look at cases to
5 determine if they were appropriately handled.

6 COMMISSIONER BUCKLEY: Have you ever seen one of
7 these pages that has all this stuff checked off?

8 MR. BUTTS: I've seen one of the pages. I've never
9 seen one that has asked for information that is not
10 required.

11 COMMISSIONER BUCKLEY: Has anyone ever come to you
12 with, well, a frustration to come and tell you that
13 proving or getting a documentation that they are, indeed,
14 employed by a company?

15 We had a lawyer tell us that it took that lawyer
16 with all her writing skills and her English skills and
17 all of her other skills, took that lawyer a week to get
18 a response from the company-- just to say this person is
19 employed within.

20 Have you been advised of any of that by anybody
21 else?

22 MR. BUTTS: No, I was not.

23 COMMISSIONER BUCKLEY: Nobody has ever told you how
24 difficult it is to come up with some of this
25 documentation? For legal-- and just to say legally work

1 authorization type of thing?

2 MR. BUTTS: They have not. But, of course, with the
3 volume of cases, you know, which we handle, I can't say
4 that there's not an isolated situation where it was not
5 called to her attention.

6 COMMISSIONER BUCKLEY: Have any of the social
7 workers ever just kind of commented that, off-the-cuff
8 like, you know, "I had this lady that was ready to go and
9 everything and then she didn't have this proof and so I
10 had to turn her down"?

11 That is not brought up like in an off-the-cuff
12 conversation about how the office is run?

13 MR. BUTTS: No, because the seven managers basically
14 run the operations in the centers. That kind of issue
15 rarely would come to me. But, if there is a situation
16 where a person thinks that it does not represent the
17 appropriate allocation policy, I'm certainly always
18 willing to hear and to receive those kinds of comments.

19 COMMISSIONER BUCKLEY: Thank you.

20 MR. GREY: I would like to add one additional point.
21 That is, we have as one of our initiatives, we are
22 beginning now to implement the public/private
23 partnerships in the service centers and in our clinics.

24 You will hear I think as a part of the next panel,
25 our Commission of Public Health, talk about a clinic

1 program where we've got a private organization, hospital,
2 to commit to do a number of things that we think would
3 make it more user-friendly systems in our clinics.

4 We also now have a commitment from a major public
5 utility, the utility of the District of Columbia, that
6 would be starting with one of our service centers to
7 institute a major customer relations program that we
8 think again will make our service center more user-
9 friendly and hope would serve as a prototype in what we
10 want to do in the other ten centers.

11 One of the things-- not to make excuses-- but one of
12 the things we suffer from is in one particular center
13 alone where we have 20 percent of the AFDC cases in the
14 City, they're authorized for I think about 67-- maybe
15 more than that-- and we have about one-third vacancies in
16 the staff in that particular center, only because it had
17 freezes and difficulty in obtaining staff there.

18 So we hope to be able to through that relationship
19 bring a different dynamic there and create a different
20 kind of presence for people who come in to use the
21 center.

22 And also for those who work there.

23 COMMISSIONER WANG: Commissioner Allen.

24 COMMISSIONER ALLEN: Yes. I'm sorry to drag this
25 up. But, just one other question I would like for any or

1 all of you to respond to.

2 I know that the District has unappropriated funds
3 which are, therefore, available to undocumented. And
4 appropriate funds which are theoretically not available
5 to the undocumented.

6 So, what I would like to know is if you have
7 established procedures determining when to seek citizens
8 of status information and how those are...

9 MR. BUTTS: Yes. In the programs and Income
10 Maintenance Administration, citizenship is a requirement.
11 And, in those brochures that we have-- these are
12 brochures in our program that I can leave, they're also
13 in Spanish-- they will indicate whether or not that is a
14 requirement.

15 If you look at programs such as the Joint Public
16 Assistance Program that's funded entirely out of D.C.
17 appropriations, you will not see that statement.

18 So that's not an item that a person has to address.
19 Residency in this case would be the primary
20 consideration. And there are programs like that.

21 COMMISSIONER ALLEN: My specific question is whether
22 persons applying for general assistance will,
23 nevertheless, confront the request for identifying
24 documents demonstrating citizenship status.

25 MR. BUTTS: I would certainly hope not.

1 COMMISSIONER ALLEN: But, you can't be sure that
2 that doesn't happen?

3 MR. BUTTS: I'd like to say that 99.9 percent of the
4 time, it better not happen. I don't want to say it would
5 never be...but the procedures are very clear.

6 COMMISSIONER ALLEN: ...you have the procedures, but
7 they just fell down...

8 COMMISSIONER ALLEN: Would you put those in the
9 record as well?

10 MR. BUTTS: Yes.

11 COMMISSIONER ALLEN: I would appreciate it. Thank
12 you.

13 COMMISSIONER WANG: Any other questions?

14 (No response.)

15 COMMISSIONER WANG: If not, we certainly want to
16 thank your panel, Mr. Grey, and all your colleagues for
17 your very, very attentive and forthright responses. And
18 we're looking forward to receiving some of the data and
19 documents that you have indicated you would provide us
20 with.

21 We have 30 days that we'll keep the file open so
22 that we can receive those from you. And we certainly
23 will be talking to you more as we hear more testimony
24 from other people.

25 So, thank you very, very much.

1 MR. GREY: Thank you.

2 (Panel Excused.)

EVENING SESSION

(6:00 p.m.)

MS. BOOKER: I'd like to call the next panel, Dr. Janell Goetcheus, Ms. Sandra Coles-Bell, Mr. Juan Romagoza, Dr. Ricardo Galbis.

SOCIAL SERVICES PANEL III:

D.C. GOVERNMENT OFFICIALS

COMMISSIONER WANG: Are we ready?

Before we start, could I request that you stand up and raise your right hand? I will read a statement and you say "I do."

Whereupon,

JANELL GOETCHEUS

SANDRA COLES-BELL

JUAN ROMAGOZA

RICARDO GALBIS

were called as a panel of witnesses and duly sworn.

COMMISSIONER WANG: Counsel will start.

MS. BOOKER: Thank you, Mr. Chairman.

Would each of you please identify yourself for the record, starting perhaps with Dr. Galbis?

DR. GALBIS: My name is Ricardo Galbis. I'm a physician. I live at 1843 F Street, N.W., in D.C. I've been living in the District for approximately 30 years. I'm the Director of the community-based organization

1 called (Andromeda Transfaltro).

2 MR. ROMAGOZA: Mi hombre is Juan Romagoza. I live
3 at ...Street, N.W. (in Spanish.)

4 (Through the Interpreter.)

5 I'm Director of the... Clinic. I've been the
6 director for three years.

7 MS. COLES-BELL: I'm Sandra Coles-Bell. I'm the
8 Director of the Community Pediatric Health Care Program,
9 which is...I've been the director for four years.

10 JANELL GOETCHEUS: I'm Janell Goetcheus. I'm the
11 Medical Director of the Columbia Road Health Service,
12 1717 Columbia Road, Northwest.

13 MS. BOOKER: Mr. Chairman, with the concurrence of
14 the Commission, Ms. Coles-Bell would like to give her
15 testimony first and then be excused for the evening.

16 Ms. Muskett will begin the questioning.

17 MS. MUSKETT: Mrs. Coles-Bell, would you please
18 describe the two clinics that are run through the
19 Children's Hospital Community Pediatric Health Center?

20 MS. COLES-BELL: There are two clinics that are
21 located within the Community Pediatric Health Center.
22 The first clinic is the Shaw Clinic, in the Shaw area.
23 It's at 2220 Eleventh Street, N.W. And it has been in
24 existence for 25 years.

25 We've been at that location for greater than 10

1 years.

2 The second clinic is located at 2200 Champlain
3 Street. It's located in the basement of the Reading
4 school. We also share that space with two other clinics
5 of the District of Columbia Health Department.

6 My clinic has been there, I believe, for about eight
7 years. I'm not quite sure about the date...

8 Would you like to know the services we provide?

9 At both locations, they're identical services. We
10 provide pediatric health care... child care. Any
11 referrals that need to be done to the hospital for any
12 kind of specialized care.

13 We also provide immunizations. We have within both
14 of those clinics a WIC program that is funded
15 by...agency.

16 But, both are located within the...of our program.

17 We also provide social work services and we also
18 provide nutrition services.

19 So, at each location, we have two pediatricians.
20 There is a pediatric nurse practitioner, who is also
21 located at the Shaw clinic also.

22 The nutritionists are at both locations. The nurses
23 are at both locations. So, identical services, just two
24 separate locations.

25 MS. MUSKETT: And what is the clientele at your

1 clinic?

2 MS. COLES-BELL: The clientele is very distinct,
3 actually. At the 11th Street clinic, the one located in
4 the Shaw community, it's predominantly black. We serve,
5 predominantly Afro-Americans.

6 Both clinics serve very low-income populations.

7 At the Adams Morgan clinic, we serve a predominantly
8 combination. Again, most of the people there are low-
9 income.

10 MS. MUSKETT: And is there a backlog or a waiting
11 list at the Adams Morgan clinic?

12 MS. COLES-BELL: There routinely is. Unfortunately,
13 there is a backlog at the Adams Morgan. It's not as bad
14 as it used to be. It's actually improved some with some
15 of the changes and modifications that we've made to our
16 appointment system.

17 If I compare the two clinics, the Adams Morgan
18 clinic tends to backlog greater than. Sometimes, we go
19 for two months. It's very difficult to make an
20 appointment.

21 We've noted that the reasons are that a lot of our
22 clients will make appointments and then not keep them.

23 So, we have appointments on the books expecting
24 people to come in, and they don't show up.

25 We also-- not only do we have appointments

1 scheduled, but we also have unscheduled visits. We have
2 what's considered to be a walk-in visit.

3 We've recently changed that terminology to somewhat
4 give our clients the idea that we don't quantify walk-in
5 services necessarily for healthy children. We'd rather
6 have them on an appointment basis.

7 But, so we renamed them and retitled them "sick
8 visits", to give our clients the opportunity to know that
9 that's specifically what they're for.

10 Hopefully, it will decrease the backlog that we see.

11 MS. MUSKETT: And you said the backlog would be
12 around how long?

13 MS. COLES-BELL: It can run for two months. That's
14 been the longest stretch in which we've actually been
15 backlogged.

16 What we've done to modify that recently, over the
17 past six or seven months, is to not only double but we've
18 been doing that for a number of years, but also to try to
19 schedule as many patients, an overlog, if we know those
20 patients that really need to get in, to schedule them on
21 specific days so that they can get in on a specific
22 afternoon.

23 And that seems to have helped. But, we have a 50
24 percent broken appointment rate, which is quite high.

25 MS. MUSKETT: Does the Shaw clinic have the same

1 rate?

2 MS. COLES-BELL: No, it doesn't. We have about a
3 two-week backlog there of trying to get an appointment
4 for our clients.

5 A lot of the reason is the fact of accessibility to
6 telephone. A lot of times, it just does not occur. And
7 also because the clients tend to not call. They just
8 tend to not call but come in, in the interim for a visit,
9 and will not tell us we have an appointment scheduled for
10 three weeks from now. We'd like to cancel that one.

11 So, it's very difficult. That is, indeed, our
12 busiest clinic. And visits with patients. It's very
13 difficult to keep up with those clients.

14 MS. MUSKETT: The Adams Morgan Clinic?

15 MS. COLES-BELL: The Adams Morgan.

16 MS. MUSKETT: What percent of your personnel at
17 Adams Morgan Clinic is bilingual?

18 MS. COLES-BELL: I'd have to say over 90 percent of
19 them are bilingual. A large number of them are Hispanic.
20 But, a large number of them, or all of them-- almost 90
21 percent-- are bilingual.

22 Those who are not bilingual, we have recently hired
23 a couple of new people and have them scheduled to take
24 medical Spanish courses within Children's Hospital.

25 MS. MUSKETT: And how many employees are we talking

1 about at the Adams Morgan clinic?

2 MS. COLES-BELL: My goodness. I guess about 17.
3 I'm really trying to remember. About 17.

4 MS. MUSKETT: And does the Shaw clinic have
5 bilingual personnel?

6 MS. COLES-BELL: Yes, they do.

7 MS. MUSKETT: And what are the numbers there?

8 MS. COLES-BELL: The percentages are not as high
9 since we have not served over the past years a large
10 number of Hispanic clients. But, one of our objectives
11 has been to get some of the backlog from the Adams Morgan
12 clinic over to the Shaw clinic.

13 So, every time I try to hire someone into a new
14 position at the Shaw clinic, one of the things that I do
15 is try to make sure that they're bilingual.

16 And also I encourage a number of staff to take
17 medical Spanish courses, and they have, indeed applied to
18 that.

19 MS. MUSKETT: Do you find it difficult to recruit
20 bilingual personnel?

21 MS. COLES-BELL: From time to time, yes. We've had
22 some ups and downs. Sometimes, we-- it's gotten harder
23 because there are a number of competing agencies around
24 now a days for bilingual personnel. Over the past years,
25 it was not as difficult.

1 But, it's recently gotten somewhat difficult. But,
2 we've been very fortunate in that a lot of our staff come
3 directly out of places like this, high school. They come
4 to us. They train with us for a while and then they
5 progress on to better positions.

6 And so we kind of look at ourselves as an interim,
7 as a first step, as an entry level location. And we've
8 been very successful, especially when other places don't
9 like certain people because they don't have experience.
10 We'll take the time to train.

11 And so we've been very successful in recruiting.

12 MS. MUSKETT: And what methods have you used to
13 recruit?

14 MS. COLES-BELL: A lot of networking, actually, not
15 only to advertise in the newspapers, but also our staff,
16 who is bilingual and Hispanic, will also network and find
17 people.

18 The recruitment staff from Children's Hospital Human
19 Resources Department also has a number of people that
20 they contact a number of agencies, that they will contact
21 as well.

22 One of the biggest things we've found, and it has
23 been to our benefit, is to find people on a temporary
24 basis and then hire them permanently after some time,
25 after they've trained.

1 And that's been a good way for us to recruit.

2 MS. MUSKETT: Have you ever noticed any resistance
3 on the part of the D.C. government personnel that you
4 might have had contact with to bilingual personnel or
5 recruitment or what not?

6 MS. COLES-BELL: I don't know if I'd call it
7 resistance actually. I would say that, at times, there
8 needs to be a sense of awareness that there is a need out
9 there to have bilingual personnel working at some of the
10 local agencies, at the clinics.

11 And, one time that was just brought to my attention,
12 some of our clients had left and were going to other
13 clinics. And there were people there trained to speak to
14 them, to talk to them.

15 So, one of the things that I stated to them was
16 perhaps we should take a look at really increasing the
17 bilingual staff at a lot of the clinics in the area.

18 It was one of the things that was my objective when
19 I first took over, to increase... even though it didn't
20 look as though we had the need at the Shaw clinic. I
21 felt that there was a very strong need.

22 And we have, indeed, attracted a number of Hispanic
23 clients...just because there are more people who could
24 speak to them when they call on the telephone, come
25 through the clinic.

1 So it's been very helpful.

2 MS. MUSKETT: And do you charge for your visits?

3 MS. COLES-BELL: Yes, we do.

4 MS. MUSKETT: When did you start charging for those?

5 MS. COLES-BELL: We started, it will be two years in
6 June, we started charging.

7 MS. MUSKETT: And do the D.C. clinics charge for
8 their visits?

9 MS. COLES-BELL: To the best of my knowledge, they
10 do.

11 MS. MUSKETT: So, did a number of your patients
12 start going to the D.C. clinics? Are they cheaper than
13 yours?

14 MS. COLES-BELL: I don't if necessarily they were
15 cheaper than ours. In fact, when we first started to
16 look into charging for services, we tried to make it as
17 competitive to the rates that are charged at the D.C.
18 clinics.

19 A number of our clients did leave. They're coming
20 back now, but they did leave for a while. And I think
21 one of the reasons is, when you go from being a free
22 clinic to now asking for some kind of fund, people tend
23 to be turned off initially.

24 But, I think the reason that they're coming back is
25 because of the fact that we have-- there's a lot of

1 personalized care that's given at our two clinics. And
2 I think it's been an attraction to the clients that we've
3 served over the past 25 years.

4 So they are coming back. Our numbers are going back
5 up.

6 MS. MUSKETT: When they started going to the D.C.
7 clinics, did you hear any complaints coming back to you?

8 MS. COLES-BELL: Yes, we did. I did, personally.
9 I got a couple of phone calls. Because people, even
10 though we have made the community aware, even though we
11 had made the District aware, you know, people just-- it
12 doesn't click until it begins to happen.

13 One of the phone calls that I had gotten was because
14 of the fact that there were not sufficient numbers of
15 bilingual staff at a certain clinic to speak to the
16 clients who were coming in.

17 And they knew that they had left our clinic, you
18 know, and gone to theirs. And so I received a phone call
19 from someone who was someone irate that our clients were
20 leaving.

21 But, in '87, that point in time, I said perhaps we
22 need to look at increasing our bilingual staff, because
23 the need is there. Regardless of whether we can start to
24 charge or not, the need is there. It's profound.

25 MS. MUSKETT: And would this be a call from

1 personnel at the clinic?

2 MS. COLES-BELL: Yes.

3 MS. MUSKETT: And this would be around when?

4 MS. COLES-BELL: It was two years ago.

5 MS. MUSKETT: About this time of year?

6 MS. COLES-BELL: Around June. June and July, when
7 we started charging.

8 MS. MUSKETT: And what do you see as the need from
9 your perspective as the need for the Latino community
10 here in the District? In terms of health care.

11 MS. COLES-BELL: In terms of health care, actually,
12 I look at it from an advocacy point for children because
13 that's really what my forte is. But, there are a number
14 of needs that I think the children of the Latino
15 community do have.

16 First of all, there's a need for adequate health
17 care, not just intermittent. Not just when one is
18 applying to school or trying to get into school. But,
19 continuing health care for children.

20 And I don't know if that's available to everyone.
21 A lot of times, things are just not taken care of until
22 it becomes an emergency.

23 And then, not only is it costly to the child, it's
24 also costly to the institution that has to take care of
25 them.

1 I believe in keeping well children well. That's
2 what our program is all about. And I think the only way
3 to do that is to make health care accessible to the
4 families so that there's comfort level in taking your
5 child in periodically for looking at kids, newborn
6 through school age.

7 You're looking at a number of visits for kids. So,
8 that they can routinely receive health care, routinely be
9 looked at, be monitored. We studied to make sure that
10 they're doing well.

11 Without that, what will we have for our next
12 generation? What do we have? We have kids who possibly
13 may have developmental delays that could have been
14 identified much earlier.

15 So I think that there are a number of reasons, good,
16 sound health reasons, for kids to begin to access health
17 care very early on, and to have routine health care,
18 scheduled health care. It's to their benefit. And not
19 only to them, but to their families as well.

20 MS. MUSKETT: Mr. Chairman, because Ms. Coles-Bell
21 has to leave, are there any Commissioners who have
22 questions for her?

23 COMMISSIONER WANG: I will start with just one
24 question. In your clinic, could you share with us,
25 because of the fee you're charging, whether patients of

1 Latino descent could be kind of deterred to seek
2 services?

3 MS. COLES-BELL: That was a major concern of mine.
4 You know, the programs with the hospitals and then we
5 started to initially charge maintenance.

6 One of the things that we've seen-- we didn't want
7 to start charging just for the sake of charging. We also
8 wanted to give families opportunities to access health
9 care, not just with us but with anyone.

10 So, we have on board as part of our staff financial
11 counselors. And a client can come in and apply for
12 Medicaid, can receive help and assistance-- and apply for
13 Medicaid, I should say. Not apply with us, but receive
14 help and assistance.

15 It's actually been a very good plus because of the
16 fact that, if we can have families in the area who have
17 become Medicaid certified, not only do we not have to
18 worry about if there is just routine health care, but
19 we're talking about any kind of emergency,
20 hospitalization.

21 So that is where we advocate...and that's what we
22 attempted to do. To make it very sensitive for our
23 clients, fortunately, both of my financial counselors
24 were also former staff members, so they had already
25 established a rapport. And it made the transition a

1 success.

2 COMMISSIONER WANG: In your observations,
3 undocumented Latinos, when they come to seek services,
4 will there be any differences? Or, do they come at all?

5 MS. COLES-BELL: There's a lot of apprehension.
6 Understandably so. There's a great deal of apprehension
7 in coming forward and applying for their child for
8 medicaid.

9 They--

10 COMMISSIONER WANG: They do not have to go for
11 medicaid?

12 MS. COLES-BELL: They don't have to. But, if their
13 children were born in the United States, their children
14 are. And that's where I'm advocating, from taking over
15 the next generation that's coming up.

16 So it's very difficult to get parents to understand
17 the information that's provided is to be confidential, to
18 remain confidential. It's been my understanding that a
19 lot of people have just been advised, if they're applying
20 for any kind of immigration status, not to apply for
21 medicaid.

22 It's unfortunate. It's not that we don't see those
23 children, even though they do not apply. We still
24 continue to see them. We not only ask that they apply
25 for medicaid, but we try to help them access any

1 programs, financial resources, that we can.

2 COMMISSIONER WANG: Thank you.

3 Any questions? Commissioner Allen.

4 COMMISSIONER ALLEN: I don't understand entirely how
5 your clinic is funded apart from collecting medicaid.

6 Could you tell me the answer to that question?

7 MS. COLES-BELL: The answer to the question is we
8 receive-- we have a contract partially funded by the
9 District of Columbia.

10 COMMISSIONER ALLEN: Okay.

11 MS. COLES-BELL: And then we also have recently
12 started our own source of revenues, medicaid and then
13 Children's Hospital picks up the largest part. Over 75
14 percent. Over 75 percent of my budget is funded by
15 Children's Hospital.

16 COMMISSIONER ALLEN: Okay. So that some portion of
17 your budget would be reflected in the D.C. Social
18 Services budget, but another portion would not?

19 MS. COLES-BELL: Just a very small portion.

20 COMMISSIONER ALLEN: Small portion.

21 MS. COLES-BELL: Very small.

22 COMMISSIONER ALLEN: So there's substantial social
23 service delivery, which is not from the D.C. budget?

24 MS. COLES-BELL: Not Social Services. What we are--

25 COMMISSIONER ALLEN: Or Medical Services.

1 MS. COLES-BELL: Medical Services.

2 COMMISSIONER ALLEN: In many cases, for the
3 indigent?

4 MS. COLES-BELL: Yes.

5 COMMISSIONER ALLEN: Okay. Thank you.

6 COMMISSIONER WANG: If there are no other questions,
7 thank you very much, Ms. Coles-Bell. We really
8 appreciate your coming. I know you have to leave, but we
9 appreciate your attendance here.

10 MS. COLES-BELL: Thank you.

11 COMMISSIONER WANG: Would the panel continue?

12 MS. MUSKETT: Dr. Goetcheus, I wonder if you could
13 summarize for us the facilities that are available in the
14 Adams Morgan-Mount Pleasant community for health care.

15 DR. GOETCHEUS: Well, the one that I'm most
16 intricately involved with is the Columbia Road Health
17 Service. And that's at 1660 Columbia Road.

18 You've just heard about the Children's Clinic.
19 There is a CPH clinic that's adjacent to the... school.

20 There's a Clinic Del Pueblo... from Ms. Well. The
21 Washington Free Clinic, which is in the St. Steven's
22 Church. There's Health Care for the Homeless, for
23 homeless persons, one at Christ House and one at the
24 Early Street Apostle Shelter.

25 And then there's a 3:30 clinic up at Cordoza clinic

1 at 14th and Irving. Oh, and Community Folk Health
2 Services at Belmont Street. That's really Columbia
3 Heights. ... has one. ...mental health facilities, as
4 Dr. Galbis will tell you...

5 MS. MUSKETT: What problems do you see in terms of
6 the Latino community accessing health care in here in the
7 District?

8 DR. GOETCHEUS: Well, many of those problems are
9 experienced by poor and uninsured. And so their primary
10 access becomes the emergency room. And they go into an
11 emergency room because of some crisis kind of situation.

12 And then leave with a prescription they couldn't
13 possibly have filled. And wait until the next crisis
14 begins. That happens to many, many poor uninsured people
15 here in the District, as well as many Cities.

16 If you add on top of that then not having the
17 language skills as they go into that emergency room, then
18 that just makes a much greater burden.

19 MS. MUSKETT: So, are you aware of clients coming
20 back with problems that resulted from lack of bilingual
21 personnel at D.C. General Hospital?

22 DR. GOETCHEUS: We generally try to avoid sending
23 our patients there who cannot speak English well because
24 not being sure there will be someone that can adequately
25 interpret for them. Or, if we do, we will try to send

1 one of our staff along with them, feeling that they
2 probably will not be able to navigate the system.

3 MS. MUSKETT: So, do you know whether there is
4 bilingual personnel adequate at D.C. General Hospital?

5 DR. GOETCHEUS: I couldn't, you know, testify to
6 that in terms of the numbers or anything in that way. I
7 can testify more in terms of the emergency rooms in the
8 City.

9 So often, overall, they often do not have bilingual
10 capabilities. I don't know what their bilingual
11 personnel are at D.C. General emergency, at each shift or
12 not. Generally though, that has been an area for
13 Latinos.

14 MS. MUSKETT: I just meant generally, whether they
15 are your own clients, you would experience that problem?

16 DR. GOETCHEUS: Yes. As I say, we rarely refer
17 there because of our concern that there would not be--
18 for someone who does not speak English-- try not to refer
19 because of that will not be a place where they'll have a
20 bilingual capability.

21 MS. MUSKETT: What about the public health clinics
22 in the community?

23 DR. GOETCHEUS: The primary one that I'm most aware
24 of would have bilingual capabilities, in one house...

25 And I know you're going to hear the next panel. You

1 can ask personnel there in regard to how many employees
2 they have. You know, bilingual, the primary that I'm
3 aware of, this one, they're in Adams Morgan area itself.

4 MS. MUSKETT: We had mentioned the problems that an
5 uninsured person in general would face. And then, on top
6 of that, if you have a language barrier.

7 What did you add on top of that if you're
8 undocumented? Does that add additional problems in terms
9 of accessing health care?

10 DR. GOETCHEUS: Well, the areas we have particular
11 experience would be someone who really has a serious
12 medical illness and really needs medicaid.

13 I think you're talking about not a District thing
14 but a federal thing. Maybe, somebody who needs renal
15 dialysis, maybe someone who has terminal cancer, maybe
16 somebody who has HIV and we're desperate for them to get
17 medicaid.

18 There is no resource from the federal government to
19 solve that if they're undocumented. We've had
20 terminally-ill patients we've tried to refer into NIH and
21 gotten out there and then had them turned down when they
22 discover they're undocumented.

23 The federal regulations are such they can't be seen.

24 In terms of the District clinics or the hospitals,
25 the District in many ways has been good in that way. I

1 don't know of any hospital, including D.C. General or any
2 of the CPH clinics that ask in terms of whether a person
3 is documented or not. I mean, they may have them, I'm
4 just not aware of it.

5 And that has not been a barrier for referral for us
6 because someone is documented or not documented in the
7 City clinics. The other things, in terms of the
8 bilingual capability, cultural sensitivity and such have
9 been.

10 But, not because of the documentation. It presents
11 our greatest difficulty, as I say, when someone who is
12 very seriously ill and in need of medicaid and can't
13 obtain it.

14 MS. MUSKETT: So, have you ever experienced any
15 expression of resistance on the part of D.C. personnel to
16 treating undocumented patients?

17 DR. GOETCHEUS: My experience, I think, when the
18 interviewer came to talk with me, was-- and this was in
19 regard to one of the physicians one time when I referred
20 a young man who had an upper GI bleed and was very anemic
21 and I was going to send him into an emergency room. So,
22 I called ahead.

23 And what the physician told me was that this was a
24 State Department problem and I ought to be calling State
25 Department. That was an individual physician that was

1 saying that to me, not as a hospital policy.

2 MS. MUSKETT: What facilities are available for in-
3 patient alcohol or drug treatment programs for someone
4 who is Spanish-speaking?

5 DR. GOETCHEUS: In the District, to my knowledge,
6 and you can ask-- there is no indication there's an
7 alcohol or a drug treatment facility in the District
8 available that I'm aware of, unless something has changed
9 recently.

10 There is an out-patient program that's housed at
11 Adams Mill Road, in Adams Morgan. And that is a federal
12 program. But, that's out-patient and many of our people
13 really need in-patient care and in-patient programs.

14 And, to my knowledge, there is no in-patient alcohol
15 or drug treatment program with bilingual capability in
16 the City.

17 MS. MUSKETT: Dr. Romagoza, could you summarize for
18 us what you see as the problems, if any, for Latinos
19 accessing health care here in the District?

20 DR. ROMAGOZA: (Interpreter:)

21 We believe that the main problems for access for
22 health services in the poor community resides mainly in
23 the cultural aspect, especially centered on the problem
24 of language.

25 Also on sensitivity and knowledge or awareness of

1 the few places that there are on the part of the
2 community.

3 There are nothing of surveys on the community to
4 train the personnel that exist in these services, to make
5 them sensitive to this population.

6 We've seen a lot of cases. This personnel that
7 works in these clinics, for them, all Latinos are the
8 same. All have the same problems. And they consider it
9 the same problem for a Chilean, North American and a
10 Salvadoran campesino...they do not visualize and they do
11 not realize why each one is here.

12 If they would know that, then they could realize all
13 the character, comprehensive characteristics of all of
14 them in this community.

15 Another problem is the economic problem. It's a
16 community that mainly is not very well-educated when it
17 comes to health. They do not have a lot of information
18 on primary medicine. And they're more used to getting
19 health services either cheaply or for free. The high
20 cost, the debts that they take on when they go to these
21 hospitals make these people give up and just not even try
22 to utilize these services.

23 And, on the other hand, the fear they have, the
24 apprehensions to go to these services and end up with
25 being indebted. They tie their debt with immigration.

1 Debt to them is intimately, closely related to the jail
2 and also with deportation.

3 Also, I feel that there's very little concerning
4 education. There are no programs but the center on basic
5 medicine for our community. New educational materials.
6 Educational methods are translated from English to
7 Spanish, the same ones they use for that Anglo-American
8 community. They used the same ones that are just like
9 jammed in and they don't really fit.

10 MS. MUSKETT: Are there sufficient bilingual
11 personnel in the D.C. public health clinics?

12 DR. ROMAGOZA: No. We consider that that's one of
13 the main problems, that there's very few. And,
14 sometimes, there's none at all. People who are
15 accessible to bilingual in these clinics.

16 And, aside from that, I feel not only not bilingual,
17 there's very few-- yes, there are a few bilingual. Okay,
18 there's a very few sensitive to the... for providing
19 health care services.

20 MS. MUSKETT: If the bilingual personnel is
21 increased, do you think the Latino community would
22 frequent these clinics more?

23 DR. ROMAGOZA: Yes, I feel they would. It would
24 increase because, at our clinic, a lot of the
25 Americans...okay, they use the hospital emergency rooms.

1 They have very tough experiences there. It makes them
2 just decide not to go because their first response is
3 they don't speak Spanish. But, they tell them. It's the
4 first thing they hear when they go there.

5 MS. MUSKETT: Is there any hesitancy to going to a
6 governmental agency for health care due to their
7 citizenship status?

8 DR. ROMAGOZA: Oh, definitely. The great majority
9 of this population has legal problems for they're in the
10 process of regularizing, normalizing primary status.

11 That's one of the main factors in our community
12 there in Washington. To decide to use the services.

13 MS. MUSKETT: And maybe you could just summarize for
14 us the Clinic del Pueblo and how it's structured?

15 DR. ROMAGOZA: In 1983 is when it started as a
16 response to the health demands of the Hispanic population
17 that was growing in this City. From the beginning, it
18 was a community clinic with volunteers. We started to
19 take care of an average of 150 people a year.

20 Through eight years, it's changed. It's grown and
21 it's expanded its services greatly. Presently, the
22 clinic provides medical health services, health and
23 education services, totally free to the Latino community,
24 including internal medicine, gynecology, neurology,
25 dermatology, mental health in its...program which

1 consists of educators, promoters of public health, with
2 a focus on preventive medicine, nutrition, mental health
3 and sexual diseases, specifically AIDS.

4 Since 1990, the clinic has a six full-time people,
5 two part-time people and 92 volunteers. They took care
6 of 6,000 patients in 1991. We have increased to a
7 program that has gone from medical health care, we took
8 on six programs, including education, mental health, the
9 AIDS program, women and family program.

10 MS. MUSKETT: Dr. Galbis, what mental health
11 programs are available to meet the needs of those who
12 suffer from more related traumas here in the District?

13 DR. GALBIS: What mental health programs are
14 available?

15 MS. MUSKETT: For those particularly who suffered
16 from more related traumas.

17 DR. GALBIS: Okay. At Andromeda, we provide
18 counseling for victims with post-traumatic stress
19 disorder, which can be that of war, can be that of an
20 accident. And there are many of the Hispanics and other
21 minorities that are working in construction sites, and
22 that happens. You've read in the newspapers how
23 sometimes conditions are not safe. And, sometimes, even
24 with safe conditions, you have accidents of this sort.

25 We also have some, a few patients that have suffered

1 torture or incarceration for prolonged time. We opened
2 a program, a special program, funded by the Office of
3 Refugee Resettlement in the District. We have 130...
4 Cuban refugees, some of which suffer recurrent depression
5 and/or alcoholism, substance abuse and they're under
6 special stress because of the isolation and separation
7 from their families that remain in Cuba.

8 They're practically shunned by most of-- by many.

9 MS. MUSKETT: Well, what problems do you see that
10 are particular to the Latino community in terms of
11 accessing mental health care?

12 DR. GALBIS: I believe that-- I've been a long-time
13 resident here of the District, and I'm a psychiatrist and
14 a diplomat of my specialty. And I'm not satisfied with
15 the access to care that the Latinos have, not only in
16 mental health but I'm looking at the much larger aspect
17 of holistic health or, as they say,... you know,
18 they're... and they're good buddies.

19 And as we have heard from our two previous
20 presenters, witnesses, there is a dearth of services. I
21 think that the Commission on Mental Health, when they
22 came from St. Elizabeth's Hospital into the community,
23 they actually did not plan well. They didn't implement
24 the planning. And they duplicated services that were
25 offered at the time by the community-based organizations,

1 such as Andromeda, without strengthening them.

2 And, in reality, almost wiping out at that time our
3 organization. Until that time, we had had a little bit
4 of help by means of detailed personnel or conference. At
5 this time, we have no contracts for mental health given
6 to any community-based organizations.

7 In 1990, I formed part of the transition team to the
8 present Mayor and, at that time, there were only 39
9 Latino employees, the number in the total Commission of
10 Mental Health Services had 3,275.

11 And I couldn't get-- I wanted an update for you
12 today and I couldn't get that update. I think it has
13 increased. I don't know by how much.

14 Actually, for as far as mental health is concerned,
15 there's actually personnel at the clinic at del Pueblo
16 and Dr. Romagoza can testify as to what he has available.

17 At Andromeda, we have in mental health alone four
18 full-time employees at the master's level; myself that
19 I'm half-time; and in the drug abuse program, we have
20 another three or four persons. And some of them do
21 diagnosis in individuals.

22 And we have a doctor who is not licensed working in
23 the Cuban program and he also sees mental health cases.

24 I believe there is a dearth of cooperation between
25 the Mental Health Administration and the community-based

1 organizations between the Justice system and the
2 community-based organizations.

3 We get a lot of referrals to Andromeda from the
4 Justice system but, unfortunately, there is no funding
5 for this. So, the ones that we do see-- and, by the way,
6 only one-fifth of those that I refer actually make it
7 there for many different reasons. Lack of motivation.
8 Maybe, they leave the City, or what not.

9 But, maybe before my time is up, and I don't really
10 want to bore you, I want to cite something that really I
11 think maybe you could do something about. Specifically,
12 we've got a point of law.

13 I am aware. I have worked with disabled persons.
14 I've worked with the deaf persons. Just January 26th,
15 there was a law passed, Public Law 101-336 of 1992 that
16 states, it's called the Americans With Disability Act.
17 And that means that a person who is deaf and goes to a
18 hospital has to write to a hospital or to a doctor or to
19 a lawyer as the right to have an interpreter.

20 My point of view is that a monolingual person who is
21 critically ill, or even ill or mentally ill is as
22 handicapped as a deaf person because if you don't
23 understand what he said to you, how can you respond?
24 It's especially true in mental health.

25 I think that there should be a law to provide access

1 for the monolingual sick person because that access is
2 just not evident.

3 Case in point. Sometimes, many times, at least five
4 times in the past year, we have sent a person in need of
5 emergency commitment or hospitalization to St.
6 Elizabeth's via the emergency psychiatric service at D.C.
7 General.

8 They have been observed summarily, not admitted.
9 There was nobody that spoke Spanish and that could see
10 the person there. One of those persons comes to my mind
11 vividly because a year afterwards, he was not admitted to
12 these services of the Mental Health Commission, he
13 committed suicide on the 29th of December, throwing
14 himself out of an eight-story building.

15 That doesn't mean if he had been admitted a year
16 ago, this could have been prevented. But, it's a case in
17 point that this person was really very troubled for a
18 long time.

19 I think the hospitals in the City and especially the
20 public health facilities have a duty to provide some sort
21 of access to the monolingual person who comes seeking
22 that help.

23 I also think, for instance, that the Commission on
24 Mental Health has a predominantly Hispanic clinic at 16th
25 and U Streets. And that clinic is funded to the tune of

1 \$1.5 million. Moved to our program, which is funded in
2 Andromeda, the mental health segment of our program,
3 which we have presently six programs which are hot line,
4 24 hours, LaRaza Mica, Friendly Voice. We have double-
5 diagnosis training and master's level personnel. And
6 mental health and Cuban program and substance abuse,
7 including alcohol and drugs.

8 Okay. For the mental health segment, I know we can
9 with less than \$300,000. I do not have a nurse to help
10 me out. I have volunteer nurses, but sometimes they
11 can't come. Sometimes, they have family commitments. So
12 you cannot depend all the time on them.

13 I've been trying to get a nurse from the Public
14 Health Commission and that has not materialized. I just
15 think there's a disparity of funding. If you really want
16 the community to try to help your own problems and you
17 really want the community-based organizations at the non-
18 profit level, you have to try to see how the funding gets
19 there.

20 And also how we can maintain quality of services.
21 You cannot maintain quality of services without an
22 appropriate level of funding.

23 I think that for the taxpayers, those that live in
24 the District, the percentage-- and this was testified
25 earlier today by April Land and I'm sure everybody has

1 heard it. If we are 10 or 15 percent, we should get 10
2 or 15 percent of contracts or of employees or of whatever
3 is coming to us.

4 I personally feel offended that this hasn't happened
5 because for 12 years, I remember when Andromeda was
6 getting a little bit of money from the Mental Health
7 Commission. They said, "Well, don't worry, Galbis,
8 things will get better eventually."

9 Well, that's 22 years now and things haven't gotten
10 much better. I know times are rough, but at least some
11 things should be due.

12 I think I'll shut up.

13 Thank you.

14 MS. MUSKETT: No further questions, Mr. Chairman.

15 COMMISSIONER WANG: Any questions?

16 COMMISSIONER ALLEN: I would ask each of the three
17 the same question I asked Ms. Coles-Bell, Columbia House,
18 Andromeda and the programs...

19 How would funding...unfortunately, funds come
20 from...

21 DR. GOETCHEUS: I can speak in terms of...

22 Most of our money is raised by private donations.
23 The other part of it is on a sliding fee scale. That is
24 about 30 percent of our project. About 70 percent comes
25 from this. About 70 percent of our patients that we

1 receive there are Latino.

2 COMMISSIONER ALLEN: Any income from the government
3 of the District of Columbia?

4 DR. GOETCHEUS: No.

5 DR. ROMAGOZA: (Interpreter:) We would not receive
6 any government financing from Washington, D.C. We had
7 some help to acquire...50 percent of the... is done in
8 the City. But, in 1988, 10 percent of our...from the
9 City. That was the only year that that took place and it
10 has not happened again.

11 DR. GALBIS: Actually, the caseload we have now is
12 around 1,000 non-located patients. The budget three
13 years ago was roughly a million. The budget now is
14 roughly under, I think, 16.

15 Under 300 comes from the substance abuse of the
16 Public Health Commission, and a five-year contract, which
17 we have two more years to go, for drugs and alcohol,
18 treatment and prevention.

19 And 16,000 for the Cuban Refugee Program. And the
20 rest comes from third party payments. We do get some
21 medicare. Sixty percent of the persons. From 55-60 do
22 not pay because they cannot pay.

23 The rest are made up by individual donations and
24 foundations.

25 DR. GOETCHEUS: I should add as far as District

1 funding, we did have a prenatal that was begun with money
2 from the Commission on Public Health. We now have
3 combined it with the City one called Mary's Center. And
4 Mary's Center, I don't know what percent, but it has a
5 Commission on Public Health grant.

6 The other thing that...don't have is we are allowed
7 to use the City lab. And so it saves monetarily that
8 way. But, they do particular blood tests.

9 DR. GALBIS: I want to add, which I forgot, I had to
10 think because this was something good that was done by
11 the District in '77. We got access to the pharmacy.

12 And many of our patients, more than three-quarters
13 of them, avail themselves of the public pharmacy in the
14 District.

15 So that was a good point.

16 COMMISSIONER BUCKLEY: Earlier today, we heard a
17 commentary that, as far as health care, the incidence of
18 AIDS in women, Hispanic women and Latino women, they
19 predict a rise. And I ask the three of you, first of all:

20

21 Do you also predict that that's going to be a very
22 big problem here in the D.C. area? And then do you think
23 anyone has made any kind of preparation to deal with that
24 problem?

25 DR. GALBIS: I think that we have seen a rise in

1 Latino AIDS all across-the-board. I have had more
2 experience with black American AIDS because of my... in
3 some of the City hospitals.

4 I am seeing the partners of some infected males that
5 we have as clients that haven't gotten infected, even
6 though, sometimes, you know, they did know that safe sex
7 practice should be practiced, et cetera.

8 There's something that we have to think and say
9 about the culture, the use of condoms. And even
10 sometimes, which we don't talk much about that, but anal
11 sex...is not looked upon really as something unmanly in
12 some of our cultures.

13 So, we have to think of the sexual partner. And we
14 are trying to address at Andromeda this with a new
15 program, trying to train master's levels persons that are
16 here in the District or that come here in mental problems
17 and mental health, substance abuse and AIDS-- that come
18 hand in hand.

19 Unfortunately, we're seeing a rise.

20 DR. ROMAGOZA: We have had in this program for the
21 last two years and it consists of education-- I'm sorry.
22 Tests, analysis and treatment, those who have this.

23 During the last years, we have maintained, as I say,
24 the same number of... In the 1990s, it was 2.7. Those
25 were...and the same goes in...Eighty percent are men and

1 20 percent... but that is a definite danger in our
2 community. It is right there in this City.

3 Infection usually is through sex, not with the use
4 of a...and we see more and more women who are worried who
5 come to be tested for HIV.

6 Educational programs have been extended, are
7 reaching the limit. And the initiative they take to come
8 to be tested is definitely a positive result...and along
9 with it. We have a long way to go. These are the first
10 steps.

11 Women should have to take some position. They
12 have to be more aggressive. They do have the cultural
13 barrier.

14 DR. GOETCHEUS: I would just agree with what he
15 said. I think every area of this City, over this nation,
16 is going to be overwhelmed by HIV, including the Latino
17 community. And I think it's going to be unavoidable.

18 Already, it's going to get much, much worse. And
19 that's going to...and they're very, in terms of the needs
20 that will come both in terms of what it means for the
21 hospitals, as well as what it means for housing, because
22 health care in general, we're not nearly equipped for
23 this.

24 And part of that, we need federal money. No one
25 City is going to be able to do it.

1 COMMISSIONER RAMIREZ: Mr. Chairman, could I ask a
2 few questions?

3 COMMISSIONER WANG: Yes.

4 COMMISSIONER RAMIREZ: Dr. Galbis, can you give us
5 any sense as to whether there is a coup of persons in the
6 Latino community who have some training in health care,
7 who could be utilized through some innovative training
8 and licensing initiatives for that work?

9 DR. GALBIS: Of course there is. And I'm very happy
10 that you asked that question because, actually, that's
11 exactly how we're operating right now. I mean, let me
12 explain it a little bit.

13 Number one, you know what you know, that litigious--
14 is that the word? We're a litigious country and people
15 sue people here. And we have to watch out for that.

16 But, that being said, there are some things by which
17 we can recite persons that come from abroad or they are
18 already here. There's a law which I hope will remain
19 with that loophole for a long time in the District that
20 we can utilize persons as mental health counsels that
21 have other training, i.e., I use persons, hopefully, at
22 the master's level, there is no way I can operate the
23 clinic, actually, because I could not pay half of the...
24 that would bring them.

25 We pay half of what Montgomery County pays, that

1 Fairfax pays, and even the District government drains
2 from the COBs.

3 So, if you get somebody with a good master's level
4 and a knowledge of language, which is going to be
5 necessary for the most part, or at least working on it,
6 then we can place that person as a mental health
7 counselor in a community-based organization and give him
8 the training that is needed to go forth and do his work
9 capably under supervision.

10 And, at the same time, comply with the laws of the
11 District.

12 And we have now, we're very happy and proud, that we
13 have acceded to a program which we hope to expand, which
14 persons will rotate through the Hospital Center and also,
15 at the same time, through Andromeda at a master's level,
16 or at least around that level.

17 And we'll learn about how to treat culturally-
18 sensitive-- we'll treat persons with HIV with mental
19 health and a substance abuse program.

20 I don't think that there's any in the country that
21 provides overlap training. And I hope we get approval
22 from one or two of the extensions at the university.

23 COMMISSIONER RAMIREZ: It was about universities
24 that I wanted to ask you. Have you ever considered, or
25 have you ever been approached by either the University of

1 the District of Columbia or Georgetown or George
2 Washington or Catholic University or American University
3 to our Mount Vernon College to develop any kind of
4 specialized...

5 DR. GALBIS: I love you. I love you because I want
6 to address what you just asked. Yes, we have. But,
7 there is a catch. Unfortunately, we're in the
8 background. We're working with situations that are
9 sometimes unstable.

10 We have now three what you could call fully-
11 qualified and approved professionals in our clinic. But,
12 at the same time, when we get a referral from Catholic,
13 they say, "Who will be the doctor and social worker? Who
14 will supervise this person in our organization?"

15 I say, "Well, I don't have a doctorate in social
16 work, but I can have this person give a one to one one
17 hour, for one hour.

18 So, what I'm asking at the universities now and,
19 hopefully, we're very near-- I won't say what name
20 because I don't want to sour things, but we're getting a
21 deal together with one of the major universities here.

22 We want them to provide the supervision. Have the
23 supervisors come to the community and see what the
24 community is all about.

25 And that would play a tremendous strength because

1 any of us three persons here, I'm sure, can testify that
2 a small community-based clinic or whatever, it's a free
3 clinic or Clinic of del Pueblo or mental health
4 organization, you have to do a lot of things.

5 You can't just say, well, I'm going to direct them
6 behind doors. No, you can't do that. I see patients,
7 too. And I do a lot of other things that would be
8 unthinkable in a more conventional...

9 I'm not sure that Michael Leach will probably do the
10 same. But, still, the idea of training is excellent. We
11 do have four university-placed trainees with us. We
12 demand at least six months of their time. If not, it's
13 worthless really because we can't really use them.

14 And we are now asking more of the university, that
15 they give us more supervision. Up to now, we have not
16 had any financial contribution either way. We don't pay
17 them, they don't pay us.

18 COMMISSIONER RAMIREZ: It would seem to me that, if
19 the District is going to assess its human resource needs,
20 its staff development needs, across a spectrum of service
21 areas, that developing some kind of an innovative
22 training program that would tap people who are here who
23 have had training in their own country would be very
24 useful.

25 And I hope that we might talk about that some more.

1 I would like very quickly just in context, and I'm
2 going to ask Dr. Galbis this question because he has
3 talked about being here for a long time. And I suspect
4 he's probably written one or two proposals that has this
5 information.

6 Is it your judgment that the incidence of mental
7 health problems is greater, the same or less among the
8 Latino population as compared to the population in
9 general or other groups within the population?

10 And then I would ask you that same question about
11 substance abuse, alcohol and drug abuse. And then I
12 would ask you the same question in terms of issues
13 related to crime or family dysfunction.

14 I think it's important for us to have an accurate
15 picture of what this community...what its weaknesses and
16 what its strengths are.

17 DR. GALBIS: Why don't we begin by strengths?

18 I would like to say that Latinos, no matter where we
19 come from-- I mean, whether it's Salvador, whether it's
20 Chile, whether Cuba or Puerto Rico-- we're united by
21 language.

22 And sometimes, but not all times, but sometimes by
23 religion. Religion is important because there are
24 hundreds of new-- what shall we call them?-- evangelistic
25 sects that are coming up. And we have to get them into

1 our own prevention network.

2 The cultural mores are very important, too.
3 Unfortunately, to answer your question more, I would say
4 that a person who is monolingual who works two jobs,
5 comes home, gets out and he goes to work in another, in
6 a hotel cleaning or a restaurant cleaning dishes, he's
7 not going to have much time for his children.

8 Maybe, his children will be latchkey children, you
9 know. You have to think of that. So, there should be
10 and there are some COBs, some community-based programs
11 that deal with this problem of the mother and infant.
12 There's Mary's House. There's the Family Place. There
13 are many things.

14 They should be bolstered. And, really, as Dr.
15 Romagoza said, there's not a recent and complete
16 assessment of all the needs. But, you can see that most
17 of the COBs are under-funded and they're not well
18 integrated with the system of service delivery of this
19 City.

20 We've heard promises every time, you know, somebody
21 needs the job or somebody wants something. But, I still
22 think it falls very short on its goals, I believe.

23 As far as mental health is concerned, well, you have
24 the people who have gone through war. You have people
25 that have gone through displacement or have sometimes

1 forcibly been ejected from their own country, like the...
2 refugees. The Salvadoran refugees have gone through 12
3 years.

4 Hopefully, there's peace in the country. Of course,
5 there's going to be more strife. If you say, if you
6 think about incidence of mental illness, I would say
7 definitely so. And, prevalence, that's hard to say also,
8 but I would say that the factors that affect the Black
9 American also affect the Latinos, with the proviso also
10 of war in their country, of the linguistic barrier, and
11 sometimes just plain racism and misunderstanding.

1 As far as substance abuse is concerned,
2 there's interesting observations. In 1940 when Puerto
3 Ricans went to New York, it was Operation Bootstrap.
4 There were people from the countryside much like the
5 people from El Salvador that got dislocated and came
6 here, migrated here.

7 Yet the Puerto Ricans in the South Bronx and
8 Brooklyn didn't fare very well. Many of the families
9 became disrupted. They really couldn't synthesize
10 these families and many of them fell prey to
11 intravenous drug use.

12 I was looking at the new migration we've had
13 in Washington and hoping that the intravenous drug
14 abuse wouldn't hit our population here. Most of them
15 are Central Americans, with a smattering of Puerto
16 Rican, Cuban and Mexican included. It hasn't happened
17 yet.

18 Why hasn't it happened? There is no clear-
19 cut answer. I can't say. We've been trying to do some
20 empirical research as to that. Maybe because of the
21 family structure. Maybe because there's many Central
22 Americans who look down on injecting oneself. You
23 know, that's really a no-no.

24 Drinking, on the other hand, is widely
25 accepted. And you have the double incidents of people

1 who drink alcohol in the Hispanic community than you
2 have of those who do not drink. I mean, drinking is a
3 macho thing. It's well-accepted and even condoned
4 sometimes.

5 I would say that our efforts should be geared
6 towards the person as a whole and the family as a
7 whole, and looking at it as a family with many needs.
8 Those which strengthen family ties, whichever the
9 family might be, a reconstituted family or an original
10 family or a new family, have to be endorsed.

11 As far as the prevention programs, we really
12 should be keen, because we're seeing, as I'm sure
13 somebody has testified, we're seeing now many juvenile
14 gangs appearing. About six or seven of them have
15 appeared; one or two in the District, at least two in
16 Arlington and one in Montgomery County. These are
17 Latino gangs. This is a new phenomenon.

18 COMMISSIONER RAMIREZ: One last question. Is
19 it your sense that Latinos who come here and first
20 land, if you would, in the District, that they movement
21 out of the city into North Virginia or to Montgomery
22 County is seen, if you would, as a --

23 DR. GALBIS: A step forward?

24 COMMISSIONER RAMIREZ: -- step forward?

25 DR. GALBIS: Yes. Well, I would say that

1 there are a few people, including -- look at the
2 professionals. Many of them don't live in the
3 District. They live in the greenery outside. Some of
4 them don't even come here.

5 I think the District has to make a
6 concentrated effort to keep the so-called immigrants
7 here at whichever level; the professional people, the
8 middle managers and whatever, and laborers.

9 They simply go anywhere they think that they
10 can have a better salary or they can have more services
11 or they can have more facilities. It's a human thing.

12 Or they have more space, for that matter. Houses are
13 cheaper in the suburbs, sometimes, and services,
14 sometimes, are more accessible, but not always, though.

15 As a matter of fact, I think Washington, D.
16 C. is the only place where there is a cabinet position,
17 the Director of the Office of Latino Affairs, which, in
18 fact, hasn't been all that we would want for an
19 ambassador to the administration, but there's a chance.
20 There's a position open that hasn't been filled yet.
21 We wonder why -- I, as a citizen.

22 Is that answering some of your points?

23 COMMISSIONER RAMIREZ: It answers them and I
24 think it gives us a sense of the context that we're
25 looking for. I think we should explain that this

1 MS. BOOKER: Will the next panel please come
2 forward?

3 Dr. Mohammad Akhter, Commissioner of Public
4 Health, and Mr. Mark Chastang, Executive Director, D.
5 C. General Hospital.

6 HEALTH CARE PANEL II

7 Whereupon,

8 DR. MOHAMMAD AKHTER

9 WALTER JONES

10 were called as a panel of witnesses and were duly
11 sworn.

12 MS. BOOKER: Would each of you please
13 identify yourself for the record?

14 MR. JONES: Good evening. My name is Walter
15 Jones. I'm the Assistant Executive Director, D. C.
16 General, representing Mark Chastang this evening.

17 DR. AKHTER: I'm Mohammad Akhter,
18 Commissioner of Public Health.

19 MS. BOOKER: Thank you. The questioning will
20 be done by staff attorney Patricia Grow.

21 MS. GROW: Thank you.

22 Dr. Akhter, you participated in a recent
23 Mayoral Health Care Summit; is that correct?

24 DR. AKHTER: That is correct.

25 MS. GROW: And you're in the process of

1 preparing recommendations on improving the District's
2 health care system and financing; is that correct?

3 DR. AKHTER: That is correct.

4 MS. GROW: Could you briefly summarize some
5 of the major recommendations in order of priority that
6 will be included in this report that will be going to
7 the Mayor soon?

8 DR. AKHTER: There were several
9 recommendations. But let me just start by saying that
10 was my second or third day on the job when this summit
11 took place. So I just came on board and just attended
12 that meeting. Wasn't involved in the planning or
13 writing the recommendation, because that was done by
14 the Health Planning and Development Agency.

15 But I am knowledgeable about some of the
16 recommendations for this particular summit.

17 The first one, of course, deals with the
18 allocation of the health, because of the multitude of
19 health problems faced by the citizens in the District
20 of Columbia was the allocation of the health through
21 the Health Department status rather than the
22 commissioners within the Department of Human Services.

23 There were recommendations regarding
24 improving the service at the clinics which are the
25 basic source of providing the services to the

1 .community.

2 There were recommendations that dealt with
3 making the clinics comprehensive so there will be one
4 place where people can come in and get all kinds of
5 services, and there were recommendations regarding
6 various new strategies for financing, so that funds
7 could be allocated for providing better quality care.

8 MS. GROW: As part of those recommendations,
9 I understand that there is going to be a revamping or
10 refurbishment of particular D. C. health clinics
11 located in Wards 7 and 8; is that correct?

12 DR. AKHTER: I think they are going to be
13 upgrading all the clinics, but it will be started in 7
14 and 8. That is correct.

15 MS. GROW: Perhaps you could explain what
16 kinds of needs assessment was done in terms of deciding
17 which wards to target for implementation of the
18 program?

19 DR. AKHTER: Again, before I came in, the
20 District has applied, along with many other states, for
21 the funds for the Healthy Start program in which the
22 basic criteria was the high infant mortality rate in
23 the District. And they looked at Ward 7 and 8 because
24 of the high infant mortality rate with very few
25 facilities in the area.

1 They applied for the federal government for
2 funds, and the funds were allocated this year, for 15
3 other states, including the District of Columbia, for
4 particularly Wards 7 and 8.

5 MS. GROW: Were there any other factors taken
6 into consideration, such as lack of insurance? There
7 was a fairly recent Mayoral report citing to the high
8 rate of uninsurance among the Latino community, and I
9 was wondering if that was something included in your
10 needs assessment.

11 DR. AKHTER: I'm not aware of that, if there
12 were any other considerations or not. When I came the
13 grant had already been awarded.

14 MS. GROW: Could you tell us, currently what
15 forms you have available in Spanish, to include consent
16 forms?

17 DR. AKHTER: I am not quite familiar whether
18 there is a consent form required of anybody who comes
19 in for the treatment, because most of the treatment
20 that we provide is an out-patient type of treatment and
21 most of it is non-surgical type nature, except perhaps
22 for the dental treatments.

23 And some clinics, it's my understanding --
24 and I cannot be absolutely sure -- have the Spanish-
25 speaking there to translate the forms.

1 MS. GROW: How about in terms of signage in
2 any of these clinics that are in patient areas? Are
3 any of those written in Spanish or any other languages?

4 DR. AKHTER: I don't believe that there are a
5 consistent practice of having the dual language signs
6 or signs in other languages. I think there are some
7 signs, however, where they are, I cannot be sure of
8 that.

9 MS. GROW: We've heard testimony today
10 regarding the need for in-patient alcohol drug
11 treatment centers. I was wondering if you could tell
12 us if there are any currently and, if so, if they have
13 bilingual capability?

14 DR. AKHTER: Yes. There are many in-patient
15 alcohol and drug treatment facilities. Let me briefly
16 say, though, that we provide these services either
17 directly ourselves or to the contractors within the
18 community. We have provided written information,
19 facility by facility, in terms of how many patients
20 were seen and how many were Latino patients.

21 We have also provided in writing to the
22 Commission in terms of the staff that is presently
23 bilingual.

24 MS. GROW: Perhaps you could share with us
25 what affirmative efforts you've undertaken to recruit

1 bilingual staff and the success you've had those
2 efforts?

3 DR. AKHTER: Since I came in, I'll be very
4 frank, there's not much improvement. There's always
5 been the laying off and cutting of budgets and they're
6 still thinking of laying off 2200 or 3,500 workers.
7 There's not been much improvement.

8 The only area of improvement has been in the
9 nursing area within the Commission. Where we may have
10 hired between 25 and 30 nurses during this period of
11 time, and there were not many nurses who got on the
12 register who were Spanish-speaking.

13 MS. GROW: In terms of the vacancy
14 announcements, was bilingual capabilities a selective
15 placement factor or a rate payment?

16 DR. AKHTER: I am not aware of that, because
17 this is done by Personnel. We are simply telling them
18 what the vacancy is. We are a small Commission.
19 There's the Department of Human Services and the
20 Department of Personnel that actually advertises ~~and~~
21 does all the work for all the state employees.

22 So I'm personally not aware of whether it's
23 done bilingually.

24 MS. GROW: Do you recommend to the Department
25 of Personnel where you have particular needs? You said

1 nursing. Did you tell them you were looking for
2 bilingual nurses?

3 DR. AKHTER: We did the register from the
4 people who applied for the -- we advertised in the
5 newspaper and people who applied for the job, we took
6 the register and then we interviewed. And to my
7 knowledge, nobody bilingual came in who was an R.N.
8 with a license to practice in the District of Columbia.

9 MS. GROW: I guess my question is have you
10 made any recommendations to the Department of Personnel
11 who is doing your recruitment regarding using
12 bilingualness as a rating factor, selective placement
13 factor, in terms of attracting health care
14 professionals?

15 DR. AKHTER: No.

16 MS. GROW: I have no further questions at
17 this time, Commissioner.

18 VICE CHAIRMAN WANG: I'll start, Dr. Akhter.
19 Earlier you heard Commissioner Ramirez ask our earlier
20 panel about services in a comprehensive manner.

21 Do you care to share with us whether you have
22 any intent to start looking at really what is available
23 and what you would like to implement for the District
24 of Columbia? And in that process, do you see the
25 involvement of different planners from the

1 neighborhood, I guess, if they wish you to implement
2 this planning process for comprehensive health
3 delivery?

4 DR. AKHTER: Let me start by saying the two
5 types of services that we provide. One is the
6 preventive service that we provide, which is like
7 immunization or any other preventive educational type
8 information that we provide.

9 The other kind is actually the health care
10 service where somebody comes in with a problem. And
11 that's provided through our clinics, whether it's
12 alcohol/drug abuse related service or it is the medical
13 service.

14 Needless to say, all the clinics within the
15 Commission are understaffed, underfunded. And it's not
16 today. It's been the story for many, many years. The
17 bucks have become really few. And we have provided the
18 number of visits that the people have made to these
19 clinics.

20 And if you will look, the number of visits
21 have been going down since 1986 because of lack of
22 equipment, lack of staffing, lack of medicine available
23 at these clinics.

24 There is a need really to do a revamping of
25 these clinics. So we are looking to see how we can

1 upgrade the clinics. And in fact, what we have done is
2 gone to the CDC, Center for Disease Control in Atlanta
3 and ask them to come and help us with revamp and
4 upgrading our clinics.

5 Two other things that we want to do in
6 addition to the technical upgrade of the clinics, the
7 first one is that we are in the process of appointing
8 an advisory board for the Commission on Public Health.
9 There is none as such. No mechanism exists for direct
10 public participation and oversight in terms of
11 implementation of the Commission's programs.

12 And in that effort, I made the contacts and
13 the community people will be represented on the
14 Commission.

15 The second recommendation that we have made
16 which we will be implementing is having the advisory
17 board be one of many consisting of the neighborhood
18 people. So that not only they can oversee but also
19 have the community participation in the planning of how
20 it ought to be handled.

21 VICE CHAIRMAN WANG: That's very, very
22 important.

23 And the next question. You mentioned about
24 the need for nurses, even though other areas have been
25 cut back, you still need nurses.

1 So in that aspect of recruitment and
2 recognizing the need of particularly the Latino and the
3 bilingual, bi-cultural aspect of many of the
4 population, and also recognizing the shortage, that you
5 just don't have nurses that speak Spanish or other
6 languages, when you recruit for those jobs, what do you
7 intend to do in that particular area?

8 DR. AKHTER: I think clearly if we can't find
9 the staff -- we've got three in our staff who are
10 bilingual. There ought to be some kind of a training
11 program that we need to conduct. And more important
12 than that, it is often how sensitive you are.

13 And really the language problem, the language
14 barrier, can be overcome with love and compassion for
15 the people. And I think sensitivity training as well
16 language training is a must for our people.

17 VICE CHAIRMAN WANG: Now can we move on to
18 the next witness?

19 MS. BOOKER: Mr. Jones, we were not aware
20 that Mr. Chastang was not coming this evening, since he
21 was subpoenaed. Can you tell us why he has not honored
22 the subpoena?

23 MR. JONES: I was given the assignment to
24 represent him in his absence. I am fully prepared to
25 answer any questions you might have.

1 MS. BOOKER: Would you state your title
2 again, for the record?

3 MR. JONES: I'm Associate Executive Director
4 which is essentially Operating Officer.

5 MS. BOOKER: And do you report directly to
6 Mr. Chastang?

7 MR. JONES: That's correct.

8 MS. BOOKER: How long have you been in that
9 position?

10 MR. JONES: For 17 months.

11 MS. BOOKER: And were you with the hospital
12 in another capacity before that?

13 MR. JONES: Not at D. C. General. I've had a
14 variety of experiences in health care over the past 15
15 years.

16 MS. BOOKER: And in what other institutions?

17 MR. JONES: I was Chief Executive Officer of
18 a small hospital in Houston, Texas, Charles R. Drew
19 Medical Center. Prior to that, I was Director of
20 Operations at the University of Maryland Medical Center
21 in Baltimore. And prior to that I was in a management
22 position in a La Hombre Hospital in San Francisco,
23 California and also a management position at Stanford
24 University there.

25 MS. BOOKER: Would you describe for us

1 briefly your duties in your current position?

2 MR. JONES: Administratively, I act as the
3 Chief Executive Officer in Mr. Chastang's absence.
4 From a day-to-day perspective, I have overall
5 responsibility for operations of several divisions
6 within the hospital.

7 MS. BOOKER: Questions will now be taken up
8 by Ms. Grow.

9 MS. GROW: Could you briefly describe the
10 eligibility requirements for service at D. C. General
11 Hospital?

12 MR. JONES: D. C. General is the only
13 hospital in the District of Columbia, the only public
14 hospital. And has as part of our mission, we're
15 committed to providing services to all residents of the
16 District, regardless of their ability to pay and
17 regardless of citizenship status.

18 If in fact patients present themselves and
19 are uninsured, we often attempt to assist them in
20 getting Medicaid eligibility. So we're poised to
21 provide a total array of service, both in acute care
22 in-patient and ambulatory care services in an acute
23 care environment.

24 The medical staff is provided by coverage
25- from in-house physicians and also through affiliation

1 agreements.

2 MS. GROW: Do you serve a large Latino
3 population at D. C. General Hospital?

4 MR. JONES: Our estimates are that in a
5 combination of both in-patient and out-patient volume,
6 we serve approximately 5 percent of our total volume.
7 And that volume is approximately 14,000, almost 15,000
8 in-patient admissions during 1991 and approximately
9 106,000 out-patient admissions both in the ambulatory
10 area and in the emergency service setting.

11 COMMISSIONER RAMIREZ: Excuse me, Mr.
12 Chairman. I'm sorry to interrupt but I am extremely
13 concerned that we are accepting testimony after issuing
14 a subpoena to a witness. And I think that we are
15 setting a precedent that alarms me very significantly.

16 The only power that this Commission has is
17 that power to subpoena witnesses. And a subpoena
18 cannot be delegated. If we had accepted the delegation
19 of subpoenas during the height of the civil rights
20 battles around voting rights, police brutality, a whole
21 range of issues, this Commission would not have
22 received the testimony which makes such a difference in
23 the lives of U.S. citizens.

24 And I, sir, would move that without casting
25 any aspersions on the individual witness, that we

1 immediately take action to protect -- and I wish we had
2 some of our lawyers here. We have three lawyers here
3 but we have a lot of lawyers as our Commissioners.

4 But I would move that we immediately move to
5 defend our right vis-a-vis the subpoena in whatever way
6 it is legally appropriate.

7 COMMISSIONER ALLEN: Let me second the
8 motion. And I'd like to suggest, in fact, that we have
9 two motions. The first motion is that we are certainly
10 willing to accept Mr. Jones' testimony as part of our
11 openness to the general public, but we will not ascribe
12 it as the testimony we were expecting to receive at
13 that time.

14 The second motion would be that the
15 Commission itself, when we meet in Executive Session,
16 we can ask counsel to advise us, but that the
17 Commission itself will undertake immediately to
18 determine the enforcement of its subpoena.

19 VICE CHAIRMAN WANG: Any other comments?
20 Commissioner Buckley.

21 COMMISSIONER BUCKLEY: We do have a motion on
22 the floor. I think the motion on the floor right now
23 is not to accept the testimony as Mr. Chastang's.

24 COMMISSIONER REDENBAUGH: Second.

25 VICE CHAIRMAN WANG: The motion has been

1 moved and seconded. Any further discussion?

2 (No response.)

3 All those in favor of the motion?

4 (A roll call vote was taken.)

5 The motion carries.

6 Is there a second motion?

7 COMMISSIONER ALLEN: The second motion is
8 that the Commission that in hand to take an action to
9 enforce its subpoena. And I would defer to counsel to
10 structure that motion.

11 MS. BOOKER: We're prepared to do that,
12 Commissioner Allen. I wonder if there might be a
13 possibility that Mr. Chastang, upon being informed this
14 evening that the Commission intends to enforce its
15 subpoena, might voluntarily appear at a time designated
16 by the Commission.

17 I would therefore ask you if there is a time
18 tomorrow when we might offer Mr. Chastang the
19 opportunity to appear and answer the questions.

20 COMMISSIONER ALLEN: I would certainly agree
21 with you. We ought to designate a time in the next two
22 days, preferably tomorrow, for him to appear. And I
23 think that's compatible with our deciding to enforce
24 the subpoena.

25 VICE CHAIRMAN WANG: Commissioner Ramirez,

1 would you care to comment on that suggestion?

2 COMMISSIONER RAMIREZ; I would defer to
3 counsel's advice, but I would say that if he is going
4 to present testimony, the testimony should be the first
5 thing tomorrow morning. If he shows up tomorrow
6 morning at 9:00 o'clock, then we can talk to him about
7 scheduling a time for his appearance.

8 VICE CHAIRMAN WANG: Any other comments?
9 Commissioner Anderson.

10 COMMISSIONER ANDERSON: Mr. Chairman, I think
11 we ought to enforce the subpoena. I think, however, we
12 ought to give notice to the witness, who may have been
13 under the mistaken impression that he could, even
14 though he was the subject of the subpoena, that he
15 could send a substitute.

16 I think we ought to give him notice that we
17 are not going to accept this substitute and give him a
18 reasonable time tomorrow to appear before us and
19 present testimony. I'm not sure the reasonable time is
20 9:00 o'clock, but that's how I think we ought to
21 proceed in order to protect our subpoena power.

22 On the other hand, I don't think there's a
23 need to be needlessly confrontational about it.

24 VICE CHAIRMAN WANG: Counsel, do you get the
25 sense of the Commission; that you will contact Mr.

1 Chastang and see whether we can work out a time to have
2 him appear tomorrow?

3 COMMISSIONER ALLEN: Pardon me, Mr. Chairman.
4 Why can't we do it in a motion? I haven't gotten
5 confirmation from my colleagues but I've been through
6 this before. And my experience is that if the
7 Commission irresolute in stating its position on this,
8 it will only buy further trouble for itself.

9 We can make the motion calling on our counsel
10 to take immediate steps to enforce our subpoena.
11 That's the motion I want to make. And that does not
12 close the door on the kind of activity counsel
13 entertains taking, as a preparatory step to enforcing
14 the subpoena.

15 So I would like to move that the Commission
16 order to counsel to take steps to enforce our subpoena.

17 COMMISSIONER BUCKLEY: Second the motion.

18 COMMISSIONER ANDERSON: Mr. Chairman, can
19 counsel tell us what steps she will take to enforce the
20 subpoena?

21 VICE CHAIRMAN WANG: Yes.

22 MS. BOOKER: The steps that we'll take
23 involve contacting the Department of Justice and
24 requesting that the subpoena be enforced. This will
25 take time. That is why I'm suggesting that Mr.

1 Chastang might be offered an opportunity to appear in
2 the next two days voluntarily.

3 And since we have other witnesses scheduled,
4 I wouldn't think that the Commission would want to
5 inconvenience other people by changing their schedule.
6 Those people include the top ranking officers of the
7 Police Department who are scheduled to come tomorrow.

8 If the Commissioners would look at the agenda
9 and suggest to me some times to offer Mr. Chastang to
10 make up for his nonappearance today, it would be
11 helpful.

12 COMMISSIONER ALLEN: I'm willing to say that
13 I think that could be done out of the session, and I
14 have no objection personally to counsel going over the
15 list and making a recommendation and proceeding with
16 it.

17 I do recall the last occasion on which it was
18 necessary for us to enforce a subpoena and, in fact, as
19 everyone knows, we held the hearing and we had the
20 witnesses we had subpoenaed and we had them
21 voluntarily, although we voted to enforce the subpoena.

22 So taking the step now does not mean that you
23 will not be able to speak to Mr. Chastang first thing
24 in the morning or perhaps even this evening if he
25 contact us, and arriving at some arrangement.

1 But we need to be on record that we voted to
2 enforce our subpoena.

3 VICE CHAIRMAN WANG: Any further comments or
4 are we all clear on the motion.

5 Mr. Anderson, are you clear with the
6 explanation?

7 COMMISSIONER ANDERSON: I'm not sure if I am.
8 My intention is that we enforce our subpoena. My hope
9 is that we need not take steps to enforce our subpoena
10 because the witness will be here tomorrow morning and
11 will present his testimony. That's the decision of
12 this Commission.

13 So what does that mean in terms of the action
14 this Commission is about to take?

15 COMMISSIONER ALLEN: Let me try once more. I
16 do know from past experience that if we do not take the
17 act to enforce our subpoena we will lose some of our
18 standing with the Attorney General if we subsequently
19 try to enforce it. And that's why I don't want us to
20 leave here without going on record that we're
21 determined to enforce it.

22 That determination does not foreclose taking
23 the kinds of steps that you have in mind to gain
24 voluntary compliance.

25 VICE CHAIRMAN WANG: So the motion in a sense

1 is theoretically that we have it on record, but in
2 actual practice, counsel may work it out with the
3 witness, Mr. Chastang. He may arrange to appear
4 voluntary so we don't have to enforce it.

5 And also, we want to be sure that the time is
6 convenient to us, so we would not inconvenience any
7 other witnesses who have already committed to come by
8 certain hours. We don't want to preempt their
9 particular time because they've already made their
10 personal arrangements.

11 We'll go ahead and take a vote on this
12 particular motion.

13 All those in favor, signify by saying aye.

14 (Chorus of ayes.)

15 Opposed?

16 (No response.)

17 Abstentions?

18 (No response.)

19 So the motion carries.

20 So then, in reference to Mr. Jones at this
21 very moment, can I ask counsel to suggest --

22 MS. BOOKER: I would leave it to the
23 Commissioners. If you would like Mr. Jones' testimony
24 in addition, since he is here, or if you would prefer
25 not to.

1 .. Commissioner Ramirez indicates she would
2 prefer not to hear any testimony other than Mr.
3 Chastang's.

4 VICE CHAIRMAN WANG: We did set aside time
5 for those who wish to talk to us right after the
6 meeting. I think we intend to stay. We could not
7 officially hear Mr. Jones' testimony in this particular
8 session, but we welcome Mr. Jones to stay for the open
9 session to testify and give his statement for the
10 record.

11 Do we have any more questions for Dr. Akhter?

12 COMMISSIONER ALLEN: I have one question. I
13 have been impressed this day with how much of the
14 spirit of new beginning characterizes the District
15 government.

16 There are very many people who are adjusting
17 in their jobs who, of course, cannot reasonably be
18 expected to know the answers to many of the questions
19 that concern us; things that have happened some time
20 ago.

21 But it's also the case that people who have
22 undertaken new positions, one of their first
23 obligations usually is to try to get a sense of the lay
24 of the land; try to find where the bodies are buried,
25 as we say.

1 .. I'd like to know whether in fact you, at
2 least in the brief time you've had, have had occasion
3 to make a review of your office and its operations and
4 to judge whether there were any particular problems
5 there, especially as they relate to the subject of this
6 inquiry, that you might share with us?

7 DR. AKHTER: I did take a personal assessment
8 of what we have and what is being done. Most people
9 try to look at the actual situation. And needless to
10 say, there are many problems all over Washington, D. C.
11 You can look at the infant mortality. We are the
12 highest.

13 If you look at the AIDS cases, we are the
14 highest. Look at heart disease, we are the highest. In
15 terms of cancer deaths, we are the highest.

16 And despite all the efforts and all the
17 medical institutions and all the schools and everybody
18 trying to provide care, it has not worked. And I don't
19 mean to say that people haven't been doing their jobs.
20 Workers have been working very hard trying to do what
21 they're told.

22 Basically, the key problem is that we are
23 expecting our people to come to us for services. We
24 are not taking the services out to the community.
25 That's one problem.

1 The second problem is one of mutual trust.
2 That we look at the number of clinic visits. Clinic
3 visits are going down because people have no confidence
4 in our ability to provide the services. There's no
5 trust. And we have not really built the trust.

6 So as we start the new beginning we are
7 starting with building that trust. So we're starting
8 on one end to go through and meet with all the
9 community leaders, everybody, in their areas. We plan
10 to make house to house visits so that we will find out
11 where people live, who they are and what kind of
12 services they need so that we can plan for the future
13 in cooperation and consultation with the communities.

14 And we've been trying to get a system that
15 was designed for the federal government to service
16 states, not to service people, and there are many of
17 those complexities that prevent the system from meeting
18 the public and we are trying to look at those and
19 trying to get them out. And obviously, it's going to
20 take some time before it takes place.

21 But I want to be very up front. When I came
22 here the first thing I asked, is there a Health Board?
23 Is there a number of commissioners to oversee the
24 health? And so then we came to the authorities saying
25 let's talk. And let's get that advisory board. It's a

1 start.

2 We consider this is one of our processes.
3 I'll be here for the next two, three years and give it
4 somebody else. And I want to make sure that I give
5 somebody else a little better Commission than what I
6 got.

7 COMMISSIONER ALLEN: Let me ask for your
8 help, then, in our project. You give me the impression
9 that you're carrying on what may be called a major
10 restructuring in the Public Health delivery in the
11 District of Columbia. And it certainly would not be
12 generous or just of us to try to make an assessment of
13 this new structure at this early point. That will have
14 to come sometime down the road.

15 It nevertheless means that in order for us,
16 in drawing a complete picture of the delivery of social
17 services in the District, to say something about public
18 health. Where would you suggest that we turn to try to
19 deal with this question in light of the fact that so
20 much is now uncertain and newly developed?

21 DR. AKHTER: I don't know if I understood
22 your question completely. I think that there are --
23 let me be very specific. There was a Latino Taskforce
24 here, for example, that submitted its report.

25- Once again, I don't know who prepared that

1 report. And they made very specific recommendations to
2 Mr. Gray and then through Mr. Gray to the Office of
3 Personnel, to the Office of the Mayor, to the office of
4 the contracting people and so on and so forth.

5 And I think if those recommendations are
6 implemented, I think we are looking at more and more
7 community participation, more and more privatization
8 that we can provide the support to the local community
9 for the fine community work that they are doing.

10 So rather than asking us are you going to
11 take care of the AIDS problem, we say, "No. Here is
12 the money. You know your people. You understand them.
13 Let's do it." And that's the direction we want to be
14 in.

15 COMMISSIONER ALLEN: Let me ask staff. Do we
16 have Dr. Akhter's recommendations in response to the
17 Latino report?

18 I would like very much if you could make your
19 responses to the Taskforce recommendations and your
20 recommendations beyond those available to us.

21 DR. AKHTER: I'd be delighted to.

22 COMMISSIONER ALLEN: All right. Excellent.
23 Thank you.

24 VICE CHAIRMAN WANG: Thank you very, very
25 much for taking the time to come and share your

1 comments with us.

2 (Witness excused.)

3 Now we come to the point where we will be
4 inviting some of the people in the audience for
5 comments. I think we would like to start with the
6 understanding that we've been here from 9:00 o'clock in
7 the morning up until this point and we will go for one
8 more hour. We will end today's session at 9:00
9 o'clock. We still have tomorrow to go, so that you
10 would be able to have another chance.

11 If you don't get your turn today you can come
12 and talk to us tomorrow. And we would like to suggest
13 that if you would limit your remarks to five minutes,
14 so that we can use this hour to hear as many of you as
15 possible.

16 We would like Commissioner Buckley if you can
17 help us with the time and we'll go through the one hour
18 with as many individuals as is possible to accommodate.

19 And with that, I think we will start.

20 COMMISSIONER BUCKLEY: The rules that we will
21 go by here will be some of the individuals that are
22 going to speak at this time are going to have five
23 minutes and some will have 10 minutes because they're
24 speaking in Spanish it will be translated, in order to
25 give them some time.

1 .. In Washington, D. C. SEIU represents 5,000
2 members who clean and maintain commercial, city and
3 federal office buildings. Our members are
4 predominantly African-American and Latino.

5 The Justice for Janitors Campaign is actively
6 organizing workers in commercial office buildings who
7 remain predominantly non-union. The Justice for
8 Janitors Campaign affords a unique vantage point from
9 which to view the social and economic dynamics of our
10 city.

11 The District of Columbia, like most of our
12 major cities, is suffering from shrinking resources in
13 the face of rising unmet needs. Education funding is
14 inadequate. Health services are underfunded and the
15 infrastructure has crumbled. Services for youth have
16 not been met.

17 Approximately one year ago a sharp
18 deterioration of these economic conditions within
19 D.C.'s Latino community, combined with extremely poor
20 community-police relations, produced the Adams Morgan
21 riots.

22 While SEIU in no way condones the resort to
23 illegal violence, nevertheless we believe that it is
24 important to understand the economic dynamics that
25 fueled those riots. The same symptoms of economic

1 powerlessness can be seen in many our city's
2 neighborhoods.

3 Let me describe the District's janitorial
4 workforce. About 6,000 workers enter the city's
5 commercial office buildings each evening for a four to
6 five hour shift; overwhelming Latino, African-American
7 and from other immigrant groups. The majority are also
8 female.

9 The hourly wage for most non-union janitors
10 in the District is \$4.75, the District minimum wage,
11 well below the national average of \$7.00 an hour for
12 janitors. Because the typical short shift produces an
13 income of less than \$5,000 a year, most work a second
14 job. So the result is a large segment of our community
15 that is forced to work long hours, two minimum wage
16 jobs, neither of which provides even basic health
17 benefits.

18 Not surprisingly, many of these workers must
19 rely on housing subsidies, public health services and
20 food stamps to provide for their families. In other
21 words, because the employers provide inadequate pay and
22 no benefits, the taxpayers are required to help support
23 this workforce.

24 In addition, this low wage policy fosters
25- hopelessness, desperation and anger which eats away at

1 the social foundations of our community.

2 Some people are surprised when they learn
3 that those who benefit from the impoverishment of the
4 building service workforce are some of the wealthiest
5 individuals and institutions in our country, commercial
6 real estate investors. It is this industry that
7 profits the most from the building service workforce.

8 It is the building owners and managers who
9 control the janitorial contractors that employ the
10 office cleaning workforce. It is the building owners
11 and managers who encourage the contractors to cut costs
12 by keeping wages low and benefits nonexistent. And it
13 is the building owners and managers who benefit from
14 the lower cost of cleaning and maintenance subsidized
15 by taxpayers and workers.

16 Some building owners have taken a further
17 step and use contractors who operate in flagrant
18 violation of labor and employment laws. These illegal
19 employers pay their workers sub-minimum wages,
20 disregarding labor and wage laws. Some companies
21 encourage workers to bring along helpers or buddies,
22 family members, including even children, to work as
23 subcontractors or worse, to share a paycheck with the
24 actual employee.

25 These helpers are not on the employer's

1 employment roster, so workers' compensation, federal
2 income taxes and so forth are not paid. Many of these
3 building owners and managers have names that would be
4 recognized by anyone from the D. C. area as business
5 leaders and philanthropists. For the most part, they
6 reside in distant suburbs and behind them stand the
7 nation's largest insurance companies and banks who
8 provide the financing.

9 The building owners and managers repeat the
10 refrain about making the District uncompetitive with
11 the suburbs. The argument is groundless. While the
12 real estate industry is in trouble, it remains a
13 relatively healthy economic sector, and cleaning costs
14 represent a minute share of the revenue of any building
15 owners; less than a nickel on every \$1.00 of rent.

16 Even a very large and sudden increase in
17 janitor wages and benefits to livable levels would have
18 minimal impact on office building rents.

19 This dream of Justice for Janitors is not
20 crazy. It's a reality in cities like New York,
21 Philadelphia and Chicago where janitors earn decent
22 wages and benefits; where they work full-time and enjoy
23 the dignity and fair treatment on the job in cities
24 that have comparable or higher in terms of cost of
25 revenue.

1 .. The District's janitors deserve no less.

2 COMMISSIONER BUCKLEY: Thank you, Mr. Chou.

3 Are there any questions?

4 (No response.)

5 Thank you, very much.

6 VICE CHAIRMAN WANG: I would like -- Mr.

7 Chou, you have a written statement.

8 MR. CHOU: Yes. I bring some other

9 testimony. Can I submit it in its entirety?

10 VICE CHAIRMAN WANG: Yes. I would appreciate

11 it if you could submit for the record.

12 Thank you.

13 COMMISSIONER BUCKLEY: Thank you, very much.

14 (Witness excused.)

15 COMMISSIONER BUCKLEY: Our next witness is

16 Elias Murillo.

17 Whereupon,

18 ELIAS MURILLO

19 was called as a witness and was duly sworn.

20 COMMISSIONER BUCKLEY: You have 10 minutes

21 and you need to speak so that she can translate for the

22 rest of us.

23 MR. MURILLO: (Through Interpreter) I am

24 Elias Murillo. I am a janitor worker and I live and

25 work in Washington, D. C.

1 I was hired by a company two years ago in
2 Houston, Texas. The company offered to bring me to
3 Washington, D. C. to work for a good salary.

4 Six of us arrived in Washington, or were
5 brought to Washington. We arrived in a van that
6 belonged to the company. The trip lasted took three
7 days and every night we spent the night sleeping in the
8 van. The van had no windows; had no seats. We sat on
9 the floor.

10 Upon arriving in the Washington metropolitan
11 area we were taken to Falls Church to an apartment that
12 belonged to the company. I shared an apartment with 17
13 employees of the company. The apartment had three
14 bedrooms and only one bathroom.

15 I paid \$850 a month. I paid it directly to
16 the supervisor. And this was the rent money. The
17 other 17 employees did the same thing; paid the same
18 amount. That means that the supervisor received \$2,700
19 every month. This was as rent. The real rent charged
20 by the apartment was \$800.

21 We were taken to work every evening at 5:00
22 o'clock. We travelled in the van that belonged to the
23 company. We were told that we had to return from work
24 in the van. We were told that we could not use any
25 other car for transportation; that is, if we wanted to

1 continue to be employed by the company.

2 Our work consisted of cleaning a big
3 building, an office building in Washington, D. C. every
4 noon from 6:00 in the afternoon until 4:00 or 5:00 in
5 the morning, the next morning. We received a set
6 salary every two weeks. It made no difference the
7 number of hours that we worked. We were never paid
8 overtime, holidays, sick leave, nor health insurance. .
9 We were paid starvation wages without any benefits.

10 There were other employees paid working as
11 janitors under conditions similar to ours. People
12 would work with this company during months and even
13 years because we were not familiar to know what our
14 rights were under the laws of the United States.

15 We did not know that it was fair to be
16 treated like that by the company, but we did not know
17 that it was illegal. Most of us did not speak English
18 and we did not know what our rights were.

19 If we work in Washington very hard cleaning
20 the great office buildings we deserve a fair salary and
21 deserve benefits that other workers receive in this
22 country. Thank you.

23 COMMISSIONER BUCKLEY: Thank you very much.

24 (Witness excused.)

25 COMMISSIONER BUCKLEY: The next person is

1 Veronica Wade.

2 Whereupon,

3 VERONICA WADE

4 was called as a witness and was duly sworn.

5 MS. WADE: Good evening. My name is Veronica
6 Wade. I am Secretary-Treasurer of Local 82, Service
7 Employees International Union. I am also active in
8 local politics, serving as the Treasurer of my ANC in
9 Ward 7.

10 In my capacity as a union officer and a
11 political activist I have organized on behalf of many
12 janitors in the District. Local 82's membership
13 consists of approximately 4,500 members, the majority
14 of which are janitors working in the District of
15 Columbia. We represent janitors in private sector,
16 janitors who work in both private and federal
17 buildings.

18 Our surveys of the working conditions of
19 private sector janitors reveal a two-tier workforce in
20 the District. The upper tier consists of janitors
21 working in one, federal-run buildings, non-unionized;
22 two, direct employees, non-contract, many of whom work
23 full-time directly for building owners; and employees
24 of unionized contract cleaners. That was number three.

25 In the government building tier, employees

1 are generally guaranteed a minimum wage, family
2 benefits and decent treatment. For example, many
3 janitors working in federal-run buildings make upwards
4 of \$7.00 an hour plus health insurance if they're full-
5 time. They also receive paid sick leave, vacation time
6 and paid holidays. In addition, they have access to an
7 impartial grievance procedure to resolve disputes with
8 their employers.

9 The lower tier constitutes the workforce of
10 the non-union contract cleaners. These janitors make an
11 average of \$4.75 an hour with few, if any, benefits. A
12 majority of these workers receive no sick leave,
13 minimum vacation time and non health insurance
14 benefits.

15 It is these workers who are certain to being
16 taken advantage of by their employers.

17 As we have testified, these workers are
18 predominantly African-American and Latino, the majority
19 of which are women who are head of households. These
20 workers are fighting to gain dignity and respect
21 through the unionization. Regardless of race,
22 language, cultural barriers, these janitors are
23 struggling to find common ground and fight together
24 against a common enemy.

25 We hear stories every day that dramatize the

1 plight of these janitors, both black and Latino and we
2 know that they have more in common than they do
3 differences.

4 For example, the typical day of a janitor
5 begins at 5:00 a.m. They kiss their kids good day and
6 head on to their day job, most likely in a hotel or
7 cleaning a private home. This job does not pay much
8 and there is little or no health insurance benefits.

9 After working from 7:30 a.m. until 3:00 p.m.
10 they ride the bus to their night job cleaning a
11 commercial office building. From approximately 6:00
12 p.m. to 10:00 p.m., an average janitor may clean up to
13 54 bathrooms or, if a zone cleaner, the average of 18
14 single family homes, for a rounded average of \$3.00 a
15 home.

16 For this hard labor the janitor is not
17 afforded the basic benefits many of us are used to,
18 such as dignity or respect; basic health and safety
19 protection or livable wage.

20 As a union we have also seen the exploitation
21 of our immigrant brothers and sisters. The 1986
22 Immigration Reform and Control Act, IRCA, well known
23 for the temporary amnesty program they created, also
24 contained an employer sanctions provision which
25 penalized the employers for hiring workers with out

1 documents authorizing them to work in this country.

2 The Amnesty Program of IRCA only applied to
3 people who were already in the United States when the
4 law passed. Since then, with some exceptions, the door
5 has shut for the majority of those people who have fled
6 poverty in their own countries.

7 Many employers use this program to
8 discriminate and intimidate workers. Foreign-appearing
9 job applicants are often put in a Catch 22 situation.
10 They feel they cannot exercise their rights under U.S.
11 law for fear of deportation. Many of our African-
12 American members believe that their Latino brothers and
13 sisters are willing to work for anything and are not
14 willing to fight for what is right.

15 We have been successful in organizing around
16 workers' issues regardless of race, culture and other
17 barriers. Many of our members remember when the black
18 community was up in arms in the mid and late '60s over
19 civil rights and economic empowerment.

20 Similar to what is happening now,
21 commissioners were set up to explore the root cause of
22 discomfort in the black community. The same thing is
23 happening now, only the faces are brown.

24 Our Latino brothers and sisters are
25 experiencing the same frustration and

1 disenfranchisement that African-Americans felt and
2 still feel.

3 This is a class struggle. As long as there
4 are janitors both black and Latino that are making
5 \$4.75 an hour and nothing else, there will be
6 discomfort and anger. As long as these issues are not
7 seriously addressed, explosions such as the Mount
8 Pleasant riots will continue to be a problem.

9 Thank you.

10 COMMISSIONER BUCKLEY: Thank you very much.

11 Are there any questions from the
12 Commissioners?

13 COMMISSIONER ALLEN: Can you tell me how many
14 non-SEIU buildings there are in the government? Any
15 idea? A rough guess? 50/50; 75/25?

16 MS. WADE: How many -- the question, again?

17 COMMISSIONER ALLEN: How many buildings there
18 are in which the union does not have a contract?

19 VOICE: There's about 500 commercial
20 buildings in the District of Columbia and we have about
21 800 members of the private sector. We have about 40 or
22 50 commercial buildings organized at this time.

23 COMMISSIONER ALLEN: Thank you. Forty or 50
24 commercial buildings. Thank you.

25- COMMISSIONER BUCKLEY: Thank you very much.

1 MS. WADE: Thank you.

2 (Witness excused.)

3 COMMISSIONER BUCKLEY: The next person to
4 testify is Batillo del Castille.

5 WHEREUPON,

6 BATILLO DEL CASTILLE,
7 was called as a witness and was duly sworn.

8 COMMISSIONER BUCKLEY: You have five minutes
9 to speak and I'll give you a one minute warning.

10 Thank you.

11 MS. DEL CASTILLE: Thank you. My name is
12 Batillo (ph) del Castille. I'm a union representative
13 for Local 82 Service Employees International Union
14 representing janitors.

15 For the past 10 years I have been a strong
16 advocate for workers rights, both Latino and African-
17 American, in my capacity as a union representative and
18 community activist.

19 SEIU is not content to diagnose our city
20 problems. We have a course of treatment proposed. In
21 recent years the District has seen an explosion of
22 growth in commercial real estate. Despite the current
23 economic downturn real estate remains one of the
24 largest industries in D.C.

25- The District has long supported and assisted

1 the real estate industry through devices such as zoning
2 variance and under-assessment of real estate. While
3 many have profited from the booming commercial
4 development, the long-term jobs created cleaning city
5 buildings have only produced poverty for thousands of
6 the District's janitors.

7 Wages are so low and opportunity so limited
8 that the District government has essentially had to
9 subsidize the real estate industry by providing a wide
10 variety of benefits for janitors to help them to
11 survive. Food stamps, city housing, free medical care
12 provided by the city, are all needed by janitors
13 because building owners would not provide enough money
14 for them to be paid decently.

15 Unlike New York, Philadelphia, Chicago and
16 Pittsburgh, janitors in the District are non-union and
17 receive minimum wage with few, if any, benefits. In
18 other major cities janitors receive wages twice as high
19 as D. C. with health care, pension and on-the-job
20 training. It is devastating to janitors in the city as
21 well as an embarrassment to all that a huge pool of
22 jobs have been created that continue lives of poverty
23 for many hard-working people.

24 As a solution, we advocate cooperation
25 between labor, business and city government to raise

1 living standards in the city and promote social
2 harmony. We reject violence, both the violence
3 committed by a desperate unemployed youth, as well as
4 the violence committed by the real estate industry when
5 they use intimidation and economic oppression to deny
6 the fundamental human rights of workers to engage in
7 collective activity to improve their lives.

8 SEIU believes that this three-way cooperation
9 can begin immediately on several important fronts.

10 One, English as a second language. Employers,
11 and Unions can cooperate to obtain grants to form
12 workplace based English as a second language and
13 literacy programs

14 Two, job training. The workplace is the
15 most effective and efficient site for training in job-
16 related as well as basic skills. What is needed is
17 employer sponsored training and apprenticeship programs
18 for new janitors and for those who wish to upgrade
19 their skills to open up opportunities in other building
20 sector occupations.

21 Three, health insurance. ~~Health benefits for~~
22 ~~the city's building service workers would bring relief~~
23 to workers and their families, as well as to city
24 subsidized facilities which are not required to provide
25 care to the community.

1 Four, improved wages. This is fundamental.
2 Imagine the economic resources for a community that can
3 be gained from paying workers even \$1.00 more an hour.
4 By improving wages for the 6,000 janitors in the city,
5 the lives of janitors and their families would be
6 improved and a great drag on the city's budget and
7 economy would be relieved. Building service workers
8 must be paid a living wage.

9 Five, union representation and collective
10 bargaining. Settle the dispute between the building
11 owners and their janitors would end a conflict that is
12 an embarrassment to this city and impact the quality of
13 race antagonism and disillusionment with a system that
14 doesn't protect working poor.

15 These benefits that will improve our
16 neighborhoods and relieve burdens on city services
17 cannot be realized without union representation that
18 will give janitors job protection, fair wages and
19 benefits.

20 The Service Employees International Union is
21 ready, willing and able to act as a responsible social
22 partner in city government and the real estate
23 industry. But until the real estate industry is ready
24 to do the same, our neighborhoods will continue to be
25- plagued by violence, frustration and lack of

1 opportunity.

2 Thank you.

3 COMMISSIONER BUCKLEY: Thank you, very much.

4 COMMISSIONER RAMIREZ: I would just like to
5 make a comment. I think in the last few minutes we
6 have had affirmed once again the real value of holding
7 hearings and hearing from the people themselves.

8 Thank you very much for your testimony.

9 MS. DEL CASTILLE: I would like to give you a
10 copy of the testimony that we have and supportive
11 documents.

12 COMMISSIONER BUCKLEY: Thank you very much.
13 They will be accepted.

14 (Witness excused.)

15 COMMISSIONER BUCKLEY: If we now can have
16 number five, Moises Ortiz.
17 Whereupon,

18 MOISES ORTIZ
19 was called as a witness and duly sworn.

20 COMMISSIONER BUCKLEY: You have 10 minutes so
21 that the interpreter can have time to translate.

22 MR. ORTIZ: (Through Interpreter) Good
23 evening. My name is Moises Ortiz and I am a carpenter.
24 I came to this country looking for a change. In my
25 country I worked for the government. I was a

1 secretary. It was a middle management position and I
2 had 40 people under me, a number of people under me.

3 It was a different job. It was behind a
4 desk. It was desk job. So the change that I underwent
5 when I came up here when I had to wash dishes and work
6 in a kitchen and they'd throw the hot pizza plates at
7 me, earning lower than the minimum wage, because I
8 didn't have my proper immigration papers.

9 I was humiliated by people and I had to work
10 to help out my mother because that was one of my
11 purposes, my goals in coming up here to this country,
12 to lift my mother out of poverty.

13 I came up here with problems because I had
14 had trouble in my country. I was persecuted by
15 politicians or the police. They really were just about
16 the same thing. I tried to study and I wasn't able to.
17 I tried to get to the military, but they didn't let me
18 get in. They didn't admit me. I didn't have any
19 chance.

20 When I came up here to the United States
21 somebody advised me that if I didn't speak the language
22 I wasn't going to get anywhere. I studied at Temple
23 School, working by day, studying by night, paying my
24 English classes and helping out my mother.

25 Later on, I had to get married. It's normal

1 for all of us to think about home at some point in
2 life. That's when my problems started because my kids
3 arrived. I didn't know enough to pay for
4 hospitalization. When my wife was pregnant she
5 suffered quite a bit. I had to go back to my country
6 to apply for a permanent residence, leaving my wife
7 alone and pregnant.

8 I paid half the cost of the hospital and I
9 didn't pay the other half. I don't know if I still owe
10 anything. From then on, my problems started because I
11 don't have the education.

12 When I started to work as a dishwasher I
13 thought that I had to learn some sort of trade or craft
14 so I got into Miller and Long Company as a carpenter's
15 helper. These people told me that they would pay me
16 like a bricklayer and I was doing the job of a machine
17 operator, a more skilled type of job.

18 In my country, I had a lot to do with
19 measurements. I supervised contract signing and
20 supervised material, acquisition and things. And what
21 I was doing was measuring and hammering nails. But I
22 never went beyond this. I never moved out of this and
23 they would give me the toughest jobs and the most
24 dangerous jobs.

25 Several times I hammered myself. The word is

1 very difficult. It can fall on your head. And what
2 happened is what you could imagine would happen. One
3 Monday morning I just remember a metal plate which is
4 what they make the columns out of -- I don't know
5 exactly if it's concrete and iron. And the crane has
6 to pick it up.

7 I don't know how it happened but when it took
8 place they said it fell on my head. I had my helmet on
9 and I fell right on my face and I don't remember
10 anything from then on. I spent 25 days unconscious in
11 a hospital. I got out of the hospital. I couldn't
12 walk. I had to walk on crutches.

13 I had a concussion. I didn't recognize my
14 wife. I don't know what -- you call it amnesia and I
15 had epileptic attacks. I had a lot of problems and
16 they didn't pay me because it turns out that it seems
17 that the company is insured but not the workers, it
18 seems.

19 They started to send me to doctors that
20 started to discriminate against me because of my
21 language. I still don't have an American accent and
22 there I'm at a disadvantage. And the Hispanics that
23 speak English are the ones that understand me the
24 least. And it's hard also for the blacks to understand
25 my English, and I get frustrated, but I want to

1 eventually be fluent at it.

2 I wanted to speak in my language because I
3 was born speaking in Spanish.

4 The fact is that I received no compensation
5 after getting hit. A doctor's decision was that there
6 was nothing wrong with me. That I could go back to
7 work. The attorney told me that the case wasn't
8 important enough. That it wasn't much of a case, the
9 attorney told me.

10 I kept on insisting and I pulled out of the
11 garbage can a piece of paper where I found out the
12 address of a handicap agency, as it's called in
13 Spanish. They helped me to get out of my poverty and
14 was able to get \$400 from Social Security, which is
15 what, up until this day I've been living on and I pay
16 \$500 rent.

17 My daughters in high school, they need shoes,
18 coats and one got an infected ear because she didn't
19 have a jacket.

20 Now my Medicaid has been cut off. They
21 didn't even want to admit the child in a hospital and
22 she had the infection in her ear for a whole year.
23 Right now she's suffering pain because I don't have
24 anything to pay. How could I feel?

25 Twice I've almost been beaten to death by the

1 police because of the problems that poverty causes me.

2 COMMISSIONER BUCKLEY: If you wrap it up or
3 summarize for us?

4 MR. ORTIZ: (Through Interpreter) Okay. To
5 sum up, now, Hispanics, we are frustrated. We're
6 forgotten by the community.

7 I'm not blaming the community. Some of us
8 come up here to be cured. What I am requesting -- all
9 I ask is that I be helped. When I suffered on the job,
10 I was paying taxes. Sorry that I didn't come prepared
11 because I didn't know what this was about. I couldn't
12 prepare anything written before.

13 What I'm saying is what I feel and what I
14 feel is important, both in the community and in the
15 Mayor's office, for the blacks, the white, the
16 Orientals and the Hispanics. And to be at peace, we at
17 least have to not be hungry.

18 Right now I'm hungry. I haven't eaten. I
19 don't know if they have eaten at my house, either. And
20 that's why I can't feel good.

21 COMMISSIONER BUCKLEY: Thank you.

22 (Witness excused.)

23 COMMISSIONER BUCKLEY: The next witness is
24 Number 6, Forzin Illich.

25 (Continued next page.)

1 Whereupon,

2

FORZIN ILLICH

3 was called as a witness and was duly sworn.

4

COMMISSIONER BUCKLEY: You have five minutes.

5

I will give you a sign when you have one minute to go.

6

MR. ILLICH: First, I want to congratulate

7

the Commissioners for your stamina. This is an

8

incredible feat, 12 hours. And I thought that

9

everybody got 15 minutes. I guess tonight I have to do

10

with five.

11

I would like to take this opportunity to

12

testify about the repugnant pattern of police abuse.

13

First and foremost, it's important to notice

14

that this abuse does not constitute isolated cases and

15

it's not an aberration. Rather, it is a systematic

16

pattern of behavior. The victims can be Latino, Afro-

17

American, women or whoever might seem vulnerable.

18

Police brutality can be most closely compared

19

with rape since the psychological scars will last long

20

after the physical pain and suffering has dissipated.

21

Similarly to rape, most cases of police crime against

22

their victims will never be brought to justice. The

23

people tend to assume that whoever has been victimized

24

by the police has done something to provoke the police.

25

Many employers are not sensitive to victims

1 of police crime.

2 Finally, those who are usually brutalized are
3 the most vulnerable members of our society and lack the
4 necessary resources to bring legal action against the
5 police. And even when they do bring action, their
6 chances of winning a judgment is very limited.

7 Most complaints in Washington pile up and are
8 reviewed after months and months. And when they are
9 reviewed the Commission that reviews this complaint
10 doesn't have the necessary independence and power to
11 bring these criminals to justice.

12 So we have criminals out there wearing
13 uniforms, trained, paid and armed by our money to
14 intimidate, brutalize and rape us. It's a very
15 interesting situation.

16 Two months ago three of my friends were
17 victims of this brutality. This wasn't in the ghetto.
18 This was right here in Georgetown, down on Wisconsin
19 Avenue at the Au Pied Decochon restaurant.

20 They were sitting next to a couple who were
21 drunk. One of them threw (inaudible) at them.

22 I only have one minute left. Can I have five
23 minutes?

24 COMMISSIONER BUCKLEY: Try to wrap it up.

25 MR. ILLICH: There were three policemen

1 sitting in the restaurant. They came and told them to
2 leave. Since they didn't know why they should leave
3 they were thrown out of the restaurant, beaten up. Two
4 of them were taken into custody. One of them was
5 severely beaten under custody.

6 They were never read their rights. They were
7 never referred to as human beings. The entire process
8 they were referred to as "fucking" this and "fucking"
9 that.

10 They were released without any charges the
11 next day. One of them, as anybody can identify with, a
12 successful professional. He's a computer engineer. He
13 told his employers that he was mugged. Of course, he
14 was, but this only shows the limitations in the
15 reports.

16 All I want you to think about tonight is
17 these are the type of questions should address to the
18 high-ranking police officers tomorrow. Don't let them
19 get away with murder.

20 COMMISSIONER BUCKLEY: Thank you very much.

21 (Witness excused.)

22 COMMISSIONER BUCKLEY: The next witness is
23 Number 7, Freddy Manzano.

24 Whereupon,

25 FREDDY MANZANO

1 was called as a witness and was duly sworn.

2 MR. MANZANO: (Through Interpreter) Good
3 evening. First of all, I would like to say a special
4 thanks to the Commissioners and also the members of
5 the Latino community who have gotten interested in such
6 an important problem like this one.

7 And secondly, my name is Freddy Manzano and
8 I am representing the Evangelical Church, Apostles and
9 Prophets of the city of Washington. I'm an official of
10 the church and other fine officials are here along with
11 me.

12 Our case is a long story and in five or 10
13 minutes I don't think it's enough to tell it to you.
14 So, I beg you members of the Commission to allow me to
15 leave this package of information with you which I
16 believe will be useful to you, and useful so that this
17 will be shorter.

18 We as a church feel that we are being
19 discriminated against by the zoning regulations because
20 two years ago we applied for to increase the amount of
21 people that can assemble for our service. But, up to
22 now we have not received any concrete response from the
23 zoning administration.

24 I state that we are being discriminated
25 against because even though we do comply with the

1 regulations that zoning imposes upon us and we have the
2 proper permits signed, up until now we have not
3 received the final permit to be able to put in these
4 benches, the pews, in the temple.

5 Due to this, we are compelled, then, to
6 appear before you, this Commission, to make you see our
7 point of view concerning our problem.

8 On many times I personally have gone to where
9 the zoning people are to ask them to explain why it's
10 taking so long for our permit. And when I go there
11 I'm ignored. And they even take care of people that
12 come after I arrive.

13 This has happened with me and not only with
14 me but with our pastor himself and the secretary of the
15 church. And this makes us think that it's a lack of
16 equality. But that's why we're here tonight, for you
17 all to study and assess what is the correct end in this
18 situation.

19 We are a church and we were founded in '81.
20 Since then we are now spread all over the United States
21 and Canada. We pray for God's mercy and we preach to
22 people that they get away from drug abuse and we help
23 people who come from El Salvador who are fleeing from
24 political problems. We have helped them so that they
25 can establish themselves; get settled and try to find

1 a motion to include that in the record.

2 VICE CHAIRMAN WANG: We've been doing it by
3 consent so far.

4 COMMISSIONER ALLEN: Mr. Chairman, we've just
5 received the documents by the previous witness and we
6 will include it in the record. I wonder if we can't
7 follow up on that and refer the copy to the appropriate
8 agency in the government of the District of Columbia to
9 expedite.

10 I'm not sure if that requires a motion. If
11 it does, --

12 VICE CHAIRMAN WANG: If you will allow me, I
13 think we can take up this matter at our meeting Friday.
14 And we have heard many similar, if not the same kinds
15 of requests. I think we will have more coming and we
16 can have the staff to follow up.

17 MR. GONZALEZ: Mr. Chairman, if I may.
18 Rather than follow up on individual requests in the
19 public session, I think if you will allow me, I'd like
20 to take this particular case under the auspices of our
21 complaint unit and let them follow-up on it.

22 VICE CHAIRMAN WANG: Exactly.

23 COMMISSIONER BUCKLEY: The next witness is
24 Number 8, Martha Salas.

25 (Continued next page.)

1 Whereupon,

2 MARTHA SALAS

3 was called as a witness and was duly sworn.

4 COMMISSIONER BUCKLEY: You have five minutes.

5 MS. SALAS: My name is Martha Salas. I am
6 from Lima, Peru. I was working for the (inaudible)
7 company. During that time I could see many kinds of
8 discrimination.

9 First one, my manager had many problems with
10 a woman from -- Spanish woman. She's from Peru. This
11 woman, after that, was transferred to another
12 department. After one month she was fired. I don't
13 know what the reason.

14 When my manager knows about that, she starts
15 to laugh.

16 After a few months I had seen another woman
17 from Bolivia who was mistreated. She told me I would
18 like to change this job but I cannot find another and I
19 have to keep this. I don't like working there but I
20 have to work there.

21 After all this I was the next person who was
22 mistreated. My partner told me you have to be smart if
23 you want to keep your job. What she meant is many
24 personal favors to the manager.

25 And I ask myself, do I have to do the same

1 like her to keep my job?

2 Thank you.

3 COMMISSIONER BUCKLEY: Thank you very much.

4 This concludes our public witnesses.

5 VICE CHAIRMAN WANG: Thank you very, very
6 much.

7 Do I have a motion to recess until tomorrow
8 at 9:00 o'clock in the morning?

9 COMMISSIONER RAMIREZ: Mr. Chairman, can we
10 leave these here?

11 VICE CHAIRMAN WANG: We'll find out in a
12 second.

13 MR. GONZALEZ: Tony, can the materials be
14 left here?

15 VOICE: Yes, sir.

16 MR. GONZALEZ: Okay. Thank you.

17 VICE CHAIRMAN WANG: Okay. The hearing is in
18 recess until 9:00 o'clock tomorrow morning.

19 Thank you.

20 (Whereupon, the proceedings were adjourned at
21 9:00 p.m., to be resumed on Thursday, January 30, 1992
22 at 9:00 a.m.)

23

24

25

REPORTER'S CERTIFICATE

CASE TITLE: MOUNT PLEASANT PUBLIC HEARINGS

DOCKET NO:

HEARING DATE: January 29, 30 & 31, 1992

LOCATION: Carlos Rosario Adult Education Center
Washington, D.C.

I hereby certify that the proceedings and evidence
are fully and accurately recorded in the attached
transcript from the tapes and notes reported by me in
the above case before the:
United States Civil Rights Commission.

DATE: February 10, 1992

Dean A. Rubin

Official Reporter

EXECUTIVE COURT REPORTERS, INC.
8525 COLESVILLE ROAD SUITE 9
SILVER SPRING, MARYLAND 20910

301-565-0064