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Public Hearing

ORIGINAL

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VOLUME III

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COMMISSIONER FLETCHER: This hearing is called to order.

The first panelists are seated. I'm going to ask you both to stand again and raise your right hand.

(Whereupon the panel was duly sworn.)

COMMISSIONER FLETCHER: Madam Counsel?

MS. BOOKER: Would each of you please identify yourselves for the record?

MS. CRUZ: My name is Sara M. Cruz.

MR. RODRIGUEZ: My name is Luis I. Rodriguez.

MS. BOOKER: Ms. Cruz, I'd like to begin by asking you to state your office with the D.C. Hispanic Employees Association?

MS. CRUZ: Pardon me?

MS. BOOKER: Are you an officer of the D.C. Hispanic Employees Association?

MS. CRUZ: Yes. I am the President of the Association.

MS. BOOKER: How long have you been president?

MS. CRUZ: For about six months.

MS. BOOKER: Ms. Cruz, I see that you have brought with you prepared testimony. Would you like to enter this into the record?

MS. CRUZ: This morning I have a draft that I

1 would like to submit to the Commission so you can follow  
2 my testimony and I would like to submit later a final  
3 testimony, a redone testimony for the record.

4 MS. BOOKER: Thank you.

5 CHAIRMAN FLETCHER: Hearing no objections, so  
6 be it. Please proceed.

7 (Insert)

8 MS. BOOKER: Ms. Cruz, I wonder if you would  
9 give us an overview in your remarks of D.C. employment of  
10 Hispanics in the District Government from the viewpoint  
11 of your Association?

12 MS. CRUZ: Yes. Mr. Arthur A. Fletcher, Chair  
13 of this Commission, Members of the Commission, good  
14 morning.

15 My sincere thanks for providing us with this  
16 forum to express important facts about the struggle of  
17 Latinos in the District of Columbia for the achievement  
18 of justice and equality.

19 My name is Sara M. Cruz. I have been part of  
20 the Government of the District of Columbia for almost 7  
21 years. During all this time, I have been performing as  
22 the personnel staffing specialist in the Hispanic  
23 Employment Program of the Office of Personnel, serving  
24 the Department of Human Services and the Department of  
25 Recreation and Parks.

1           This morning, I will be testifying before this  
2 Commission as President of the Hispanic Employees  
3 Association. I have been a member of the Board of the  
4 Association for almost 3 years; I'm President of the  
5 Board for the past 6 months.

6           This has given me the opportunity to identify  
7 the issues of employment that the members of the  
8 Association and other Hispanic employees feel that are  
9 critical.

10           My professional experience in personnel  
11 management dealing directly with the largest department  
12 of the District, the Department of Human Services,  
13 supports also the facts that I will be presenting here.

14           The lack of affirmative action programs in the  
15 agencies under the jurisdiction of the Mayor, as well as  
16 the independent agencies, has been detrimental to the  
17 recruitment of Hispanics and to equal opportunities in  
18 the workplace. This situation is not something new.

19           The Honorable Eleanor Holmes-North, Congress  
20 member for the District of Columbia and former Chair of  
21 the U.S. Commission on Civil Rights, stated during the  
22 Hispanic Day celebration in October of 1991 that -- and I  
23 paraphrase -- there is a great need for affirmative  
24 action programs for Hispanics which would serve as a  
25 guide to balance the underrepresentation of Hispanics in

1 the D.C. work force and the lack of opportunities for  
2 promotions and career development.

3 The manner and how to address the  
4 aforementioned need has been outlined for several years  
5 in the District Personnel Manual, Chapter 8, Part II,  
6 Subpart 20, Hispanic Employment Program. However, the  
7 Office of Human Rights, which is the agency with  
8 statutory responsibilities for the Enforcement of the  
9 Human Rights Act in the District of Columbia and  
10 implementation of the D.C. agencies affirmative action  
11 plans has failed to discharge this responsibility. This  
12 lack of action has neutralized to a great extent the  
13 efforts put forth by other initiatives such as the D.C.  
14 Office of Personnel's Hispanic Employment Program.

15 I would like to say for the record that the  
16 Department of Human Services prepared an affirmative  
17 action plan in 1985 but even that, you cannot call it a  
18 plan. It is a compilation of tables without explanation  
19 or analysis. It does not contain recommendations of any  
20 type for any group.

21 Ladies and gentlemen, for 7 years I have  
22 witnessed indifference, insensitivity, and lack of  
23 support from management in D.C. Government towards the  
24 Hispanic applicants and employees. Even though it  
25 wouldn't be fair to say that all managers act the same



1 way, it is depressing to witness the myriad of situations  
2 where Hispanics are treated unfairly. They are denied  
3 access to apply for licenses that are an employment  
4 requisite. They are not given opportunities for  
5 interviews unless reminded by the Office of Personnel of  
6 their legal responsibilities. Many applicants are  
7 harassed during interviews.

8 It is a day-to-day struggle to get a Hispanic  
9 recruited. Then, if hired, what happens? Hispanics have  
10 been denied equal opportunity for permanent positions and  
11 career ladder positions. Many times more than what is  
12 considered reasonable, they<sup>34</sup> are given nonpermanent  
13 positions with -- or nonpromotional potential. The use  
14 of the abused statement that nonpermanent positions are  
15 the result of federal grant funding should end.

16 Many times management has the capability to  
17 recruit in permanent positions but they don't do it.  
18 They can convert nonpermanent positions into permanent  
19 positions but they don't do it. They can promote but  
20 they don't do it.

21 The impact that these actions have on Hispanic  
22 employees is devastating. They feel insecure in their  
23 jobs, as happened in the downsizing of the D.C.  
24 Government; they lose enthusiasm, and when they can, they  
25 leave their positions to go to other local governments or

1 to the private sector.

2 Little has been done to correct the lack of  
3 commitment and fairness of managers. It would be  
4 reasonable to say they will not be until the Mayor of the  
5 District sends a clear message to the Department heads  
6 and managers enforcing measures for affirmative action  
7 for Hispanics that they will be held accountable and that  
8 improvements will be seen.

9 Another area that we consider critical is the  
10 revision of the standards utilized by the D.C. Office of  
11 Personnel to evaluate the qualifications of the  
12 candidates. The present laws and regulations do not  
13 recognize the educational attained in foreign  
14 universities. This policy has had a tremendous negative  
15 impact on the participation of Latinos for competitive  
16 positions in the D.C. Government.

17 For example, any applicant applying for the  
18 position of Social Worker must comply with the basic  
19 qualifications and requirements that establishes  
20 completion of a Master's Degree in Social Work from an  
21 accredited school in the United States. Latin American  
22 universities possess excellent curriculum in the social  
23 sciences field that compares to any accredited university  
24 in the United States.

25 Nevertheless, many Hispanic social workers with

1 PhDs from Latin American universities cannot qualify for  
2 jobs in the D.C. Government due to this positive  
3 qualification requirement.

4 In order to obtain the license to practice  
5 social work in D.C., candidates must pass a written  
6 examination. Isn't that sufficient proof of the quality  
7 of the former training received? There is precedent from  
8 other jurisdictions such as Arlington County in the State  
9 of Virginia where credentials from foreign universities  
10 are given credit.

11 Also, the Association of American Medical  
12 Colleges, as well as similar institutions, recognizes  
13 studies in medicine from foreign countries and allows  
14 their graduates to take the test over here so they can  
15 obtain their licenses to practice as physicians.

16 We need to look into this area and evaluate the  
17 appropriate personnel regulations so that we can be in a  
18 better position to channel into the D.C. Government the  
19 excellent human resources that we have in the Latino  
20 community.

21 As a closing to this testimony, I would like to  
22 present the following recommendations. One, issuance of  
23 a Mayor's order to all agency heads requesting  
24 affirmative action plans addressing the particular  
25 situation of Hispanics in each agency. Two, preparation

1 of annual reports to revise and update the affirmative  
2 action plans. Three, establishment of a review committee  
3 to evaluate the affirmative action plans proposed. The  
4 committee should include staff from government agencies  
5 such as the Office of Latino Affairs and the Hispanic  
6 Employment Program, as well as other groups from the  
7 Latino community such as the D.C. Latino Civil Rights  
8 Task Force and the D.C. Hispanic Employees Association.  
9 Four, to reinstitute in the D.C. Office of Personnel the  
10 background survey questionnaire used for equal  
11 opportunity recruitment programs.

12 Mr. Chairman, members of the Commission, we are  
13 not asking too much. We are not asking for preferential  
14 treatment. We are asking for opportunities to achieve  
15 equality.

16 Thank you very much.

17 CHAIRMAN FLETCHER: Thank you.

18 MS. BOOKER: Thank you, Ms. Cruz.

19 (Applause.)

20 MS. BOOKER: Mr. Rodriguez, I understand you  
21 are the Deputy Director, Midatlantic Region for Amnesty  
22 International, USA, is that correct?

23 MR. RODRIGUEZ: I am, yes.

24 - MS. BOOKER: And also you have served as  
25 Chairman of the Human Rights Committee for the D.C.

1 Latino Civil Rights Task Force?

2 MR. RODRIGUEZ: I still do.

3 MS. BOOKER: I understand you have testimony  
4 relevant to the Department of Human Rights also?

5 MR. RODRIGUEZ: Yes.

6 Dear Members of the Commission, when we took  
7 this chairmanship of the Latino Civil Rights Task Force  
8 as a chair of the Human Rights Committee, basically, we  
9 came with the spirit of finding out how would the chair  
10 address the difficult task, and we recognize that it's a  
11 very difficult task, to promote and make available  
12 opportunities to a Latino coming to this country to stand  
13 for their rights.

14 It's a difficult task because we know the  
15 Latino population that we have, particularly in this  
16 city, coming from a situation in which many times the  
17 mere facts of standing for your rights can end up in  
18 prison, torture or even death. So for that reason, we  
19 expected that we could find in the Department of Human  
20 Rights the natural sensitivity to the situation and the  
21 appropriate outreach assistance to develop awareness,  
22 education, bring back self-confidence into our community  
23 so they could stand for one of their basic rights, which  
24 is the right to stand for your rights.

25 What we found, unfortunately, was quite

1 different. Basically, the Department of Human Rights has  
2 no Latino outreach component that can be called so  
3 instrumented in their current practices. It is true that  
4 they have issued actually a small volume of six flyers  
5 and documents in Spanish of which only one has been  
6 published or produced by the HR. The other ones are just  
7 flyers or leaflets taken from other services.

8           However, none of this information has been  
9 widely distributed in what we believe should be the  
10 natural places for this information to be which is  
11 amongst the Latino community. They are standing in  
12 shelves at the offices of the Department of Human Rights.  
13 However, we have not been able to trace these materials  
14 in community-based organizations and you may know that we  
15 have more than 30 of these organizations in the city with  
16 very well known offices which the government deals with  
17 every day. These are not unknown places so it would be  
18 very easy to send copies of all this information, this  
19 very scarce information, to these community-based  
20 organizations or other places in which we can find Latino  
21 populations.

22           On the other hand, when somebody wants to  
23 present a complaint at the Department of Human Rights,  
24 there is no language capabilities installed in the  
25 offices of DHR. If somebody who doesn't speak English

1 wants to file a complaint and they walk into the office,  
2 they cannot be served at that time. They will have to  
3 make an appointment and come back in two weeks time so  
4 DHR can identify an interpreter and under this  
5 appointment at this time, they would be able to process  
6 the complaint application.

7           The problem is that all the forms are in  
8 English. So if an applicant or complainant would be  
9 filing something, he would be basically signing a  
10 document that he is not in a position to understand.  
11 That obviously makes any complainant to incur an  
12 additional expense like getting an attorney or additional  
13 troubles which is getting a pro bono attorney to  
14 accompany the person and to be able to interpret and read  
15 the things, the documents and everything that he has to  
16 sign.

17           DHR has made no attempt at dealing with the  
18 problem of Latino language and cultural barriers. The  
19 problem is not only on the availability of material or on  
20 language capabilities at the office, it's a problem of  
21 helping the complainant, which are people that have not  
22 been introduced to the culture of this country, to the  
23 culture of being able to defend what they feel is an  
24 unfair act that has been committed towards his or her  
25 person.

1           At the Department, there is no understanding of  
2           that situation, so if a complainant comes to complain  
3           that falls into what the Department addresses, he would  
4           be going through all that I just explained, but if not,  
5           the person will not be counseled or referred to the  
6           proper places. For example, if people come with some  
7           grievances on problems with URCA (phonetic) or  
8           Immigration of a nature that has to deal with  
9           immigration, the person would just be told that DHR  
10          doesn't deal with that but will not receive a proper  
11          referral to who can help them in their problems.

12           We know for the information that we have  
13          received up to now, that there is a disparity between the  
14          amount of complaints that have been filed so far since  
15          1985, if our records are accurate -- 1986, 3,393 cases  
16          have been filed and out of these only 151 are coming from  
17          Latino complainants.

18           It's very interesting to notice that none of  
19          these complaints have been given probable cause. So the  
20          rate of probable cause amounts to zero.

21           Twenty percent of these 151 Latino cases have  
22          been closed by failure to proceed. The reason is very  
23          simple, when we know all the difficulties that a Latino  
24          complainant that is not fluent in English finds to be  
25          updated in his case, to have any kind of interaction with



1 the Department is very difficult.

2 If the Department requests for additional  
3 information or has any other kind of requirement for the  
4 complainant to find the time, the appropriate assistance  
5 to be\* able to follow up on the case, obviously this  
6 would end up in closing for failure to proceed.

7 We believe that there is a lack of cultural  
8 sensitivity in general for what I just said and we have  
9 recommended that some steps be taken to remediate the  
10 problem in the Department of Human Rights. There was  
11 cultural sensitivity training carried out at the  
12 Department of Human Rights, that lasted only for 3 hours.  
13 We believe that this is not the appropriate amount of  
14 training and time that would require a truly devoted  
15 intent to service in an appropriate way our Latino  
16 community.

17 I would like to refer you and to introduce this  
18 document which is the "Latino Blueprint for Action" for  
19 the records in which we state basically the results of  
20 our research and our interaction with the Department of  
21 Human Rights in which we state the facts that I have just  
22 brought to your attention, in which we basically  
23 recommend some immediate steps.

24 - I think in the short term recommendations, it  
25 is crucial that the Department of Human Rights hires or

1 manages to have on a full time basis people with fluent  
2 Spanish capabilities in the Department of Human Rights.  
3 So far, there is none.

4 It has been told to us to this committee that  
5 there was somebody who was fluent in Spanish. We had an  
6 interview and we tested that person and we realized that  
7 there was no such fluency in Spanish.

8 As a last point, I would like also to bring to  
9 your attention the fact that the Department of Human  
10 Rights has been given the responsibility of being the  
11 monitor of the city government level of EEO and  
12 affirmative action.

13 To the best of our knowledge, this has not been  
14 done so far. There might be reasons. There was a change  
15 through a memo of 1985 that we'd like to also introduce  
16 for the record in which they changed the plans to have  
17 audits on EEO and affirmative action that initially were  
18 supposed to be yearly to five year sequences. Because of  
19 this change, or for some other reason that is not very  
20 clear to us, we don't have any proof that these  
21 situations have been carried out.

22 Furthermore, we requested the Department of  
23 Human Rights to submit their records so we can verify if  
24 this has been done, and to this date, DHR has not  
25 responded to our Freedom of Information Act request

1 regarding these affirmative action plans.

2 We would like to request to the Commission to  
3 subpoena all affirmative action plans and related  
4 material from DHR from 1976 to the present so finally we  
5 can elucidate this problem of whether it has or it has  
6 not been any implementation of follow up of this  
7 monitoring of affirmative action.

8 Thank you very much.

9 (Applause.)

10 CHAIRMAN FLETCHER: Thank you.

11 I'm going to relinquish my time to the members  
12 of the panel and say to the members of the panel I'd like  
13 to seat the next one at 9:50, so be frugal with your  
14 questions but make sure you get the rights ones asked.

15 Commissioner Anderson, please.

16 COMMISSIONER ANDERSON: Thank you very much,  
17 Mr. Chairman.

18 COMMISSIONER ANDERSON: As I was listening to  
19 the testimony of our first panelists, I couldn't help but  
20 thinking about hearing Senator Jacob Javits speak very  
21 movingly one time about his father who had been a  
22 distinguished physician in his own country and had come  
23 to the United States and spent his employment in the  
24 United States working as a janitor. Of course that  
25 janitor's son then grew up to be one of the most

1 outstanding Senators from the State of New York, so I  
2 suppose that suggests something about the problems and  
3 promises of this country.

4 Here we are, 70 years later, and we see the  
5 same types of unnecessary regulatory barriers to  
6 employment that we've seen in other contexts in this  
7 Commission, for example, Asian-Americans. So I hope that  
8 we will address this kind of issue of regulatory reform  
9 in a very serious way.

10 I would like to ask Mr. Rodriguez, based on  
11 your work and experience with Amnesty International, is  
12 it possible for a Human Rights Commission or a Human  
13 Rights Office to deal with the human rights issues of  
14 particular people if no one in that department speaks the  
15 language?

16 MR. RODRIGUEZ: Obviously not and I would like  
17 to say that it's not just a problem of language. It is a  
18 problem also of cultural approach. It's not just a  
19 matter of having somebody who can communicate with  
20 someone in a more or less fluent way, I think that the  
21 most important thing is to be able to reach out and  
22 understand what are the particular visions, problems and  
23 limitations of these people that are already in a very  
24 weak situation.

25 You can imagine, your host in an unknown

1 country and this unknown country all of a sudden comes to  
2 you and tells you that you are a human and you have  
3 rights, which many times might be taken also as a trick  
4 to get you at some point. So the lack of trust would be  
5 enormous.

6 If you don't have a gentle hand that is  
7 extended to you, probably the chances for people to come  
8 out and be able to use the system or interact with the  
9 system in a fruitful is near to zero.

10 COMMISSIONER ANDERSON: Thank you.

11 Mr. Chairman, the Latino Blueprint for Progress  
12 of the D.C. Latino Civil Rights Task Force was submitted  
13 for the record of the hearing.

14 CHAIRMAN FLETCHER: Yes.

15 COMMISSIONER ANDERSON: I'd like to know  
16 whether that means it will be printed in the official  
17 hearing transcripts that the Commission will print, in  
18 the printed version of the hearings? If not, I would  
19 request that it be so printed as one of the documents in  
20 our hearing transcript.

21 CHAIRMAN FLETCHER: Let me address the counsel  
22 for a moment on that. What were your plans with regard  
23 to that, Madam?

24 - MS. BOOKER: Normally, Mr. Chairman, we look at  
25 all of the exhibits that have been submitted and

1 determine one, the cost of reprinting all of them,  
2 particularly those documents that have already been  
3 published and are publicly available; two, whether  
4 portions of a document that are relevant to the report  
5 that's going to be written can be excerpted; and other  
6 than that, it's relevance and budget.

7 COMMISSIONER ANDERSON: Mr. Chairman, I think  
8 it's sufficiently important that we have it reprinted in  
9 its entirety in the hearing transcript as a document.

10 CHAIRMAN FLETCHER: Do you want to make that as  
11 a motion?

12 COMMISSIONER ANDERSON: I would so move.

13 COMMISSIONER RAMIREZ: Seconded.

14 CHAIRMAN FLETCHER: It's been seconded. Any  
15 discussion?

16 (No response.)

17 CHAIRMAN FLETCHER: There being none, so be it,  
18 sir.

19 Any further questions?

20 COMMISSIONER ANDERSON: No.

21 CHAIRMAN FLETCHER: All right. Vice Chairman  
22 Wang?

23 VICE CHAIRMAN WANG: Mr. Rodriguez, on this  
24 report since I saw the date published is October 1991,  
25 apparently it has already been submitted to the Mayor,

1 right?

2 MR. RODRIGUEZ: Yes.

3 VICE CHAIRMAN WANG: Could you share with the  
4 Commission from the Mayor at this very moment toward the  
5 report?

6 MR. RODRIGUEZ: From the date in which we  
7 submitted the report to the Mayor, we requested from the  
8 Mayor and from the government to have in the shortest  
9 possible time, and we suggested that a month would be an  
10 appropriate time, some kind of sign that would indicate  
11 that the report was going to be not only read but  
12 addressed through the different departments.

13 Each committee in the Task Force was charged  
14 with a task of getting in touch with the pertinent  
15 department to see the response. Basically, the responses  
16 have been very different, but I could say that a very  
17 small amount of committees, ranging to no more than two  
18 or three, have successfully managed to have an interview  
19 with the respective departments. Other committees, like  
20 ours, for example, have not been able to successfully  
21 meet with our counterpart.

22 The results of these interviews do not make us  
23 think or believe that the recommendations will be  
24 addressed at any short length, any short time in the near  
25 future. However, the negotiations are still in process.

1 Overall, we can say that we have not received,  
2 even though the Mayor has been very supportive to the  
3 fact that this document should be taken into  
4 consideration and I believe that some documentation has  
5 been channeled through the D.C. Government in order to  
6 address these questions, but speed has not been the  
7 primary factor in that.

8 VICE CHAIRMAN WANG: So I gather from your  
9 response that the Mayor has not really instructed her  
10 staff to work with you to implement or towards  
11 implementation of many of the recommendations?

12 MR. RODRIGUEZ: We don't have any indication  
13 that would lead us to believe that this has been put as a  
14 priority in the Mayor's agenda.

15 VICE CHAIRMAN WANG: Thank you.

16 COMMISSIONER RAMIREZ: I have a question for  
17 Ms. Cruz.

18 To your knowledge, have there been lawsuits  
19 filed -- and you don't have to talk about any --  
20 employment discrimination lawsuits filed by Hispanics  
21 against the city government of the District of Columbia?

22 MS. CRUZ: I know that there is presently but I  
23 don't have the facts in the past.

24 COMMISSIONER RAMIREZ: Am I to understand that  
25 at this point, there is no Districtwide affirmative



1 action plan in the District of Columbia?

2 MS. CRUZ: No. The only program I can testify  
3 about is the Hispanic Employment Program that is an  
4 initiative for affirmative action. The problem with the  
5 program is that at the Office of Personnel, we cannot  
6 enforce it into the departments, so we make a special  
7 effort to recruit qualified, many times highly qualified  
8 applicants but they are not hired when they are submitted  
9 for consideration for management.

10 COMMISSIONER RAMIREZ: I want to make sure I  
11 understand this because we had testimony from Department  
12 heads who basically said the hiring is done by the Office  
13 of Personnel?

14 MS. CRUZ: The Office of Personnel does not  
15 hire. The Departments are the ones that hire. We  
16 process the documentation, we submit to the Departments  
17 the qualified applicants for consideration, and I'm sure  
18 that the Office of Personnel, which is going to be  
19 testifying here, can give you more detailed information  
20 about that.

21 It's very easy to put the blame into somebody  
22 else and I can testify to that because I have been with  
23 the Hispanic Employment Program for 7 years.

24 COMMISSIONER RAMIREZ: Ms. Cruz, how many  
25 Hispanics are there in the Office of Personnel, to your

1 knowledge?

2 MS. CRUZ: I think we have 13. I don't have  
3 the --

4 COMMISSIONER RAMIREZ: We can ask that question  
5 of the next panel.

6 Do you believe that most of the -- you talked  
7 about indifference and insensitivity but are there overt  
8 acts of discrimination that you are aware of?

9 MS. CRUZ: I'm sorry, I could not hear.

10 COMMISSIONER RAMIREZ: Are there overt acts of  
11 discrimination that you are aware of?

12 MS. CRUZ: Yes, I do, and I have experienced it  
13 myself when I came and tried for the first time to try  
14 for D.C. Government and I have experienced that with  
15 other employees that I've been trying to help.

16 COMMISSIONER RAMIREZ: Are you aware that in  
17 order to get foreign credentials, foreign diplomas, if  
18 you would, accepted in this country, you do have to have  
19 a university accepted and that there is a process by  
20 which that can be done?

21 MS. CRUZ: I am aware of that. What we are  
22 trying to recommend is that in order to get employment  
23 for many positions where credit can be given for a  
24 vocation, we fail to recognize the education of these  
25 persons in foreign countries. For example, we have in

1 the community outstanding physicians that came in here  
2 but they don't have their licenses to work as physicians  
3 here. We cannot even put them to work in positions where  
4 there is a basic requirement, for example, it could be a  
5 position where the basic requirements says that the  
6 person must possess a bachelor's degree in science or  
7 related field. That physician would be obviously  
8 qualified for the position because we understand that he  
9 would have enough credits and education in science and we  
10 know he would be qualified for the position, but we  
11 cannot qualify that physician for these other particular  
12 position because we don't give credit for education from  
13 foreign countries.

14 COMMISSIONER RAMIREZ: One other quick  
15 question. Mr. Rodriguez, am I to understand that the  
16 D.C. Department of Human Rights and Minority Business  
17 Development does not have a Hispanic employee?

18 MR. RODRIGUEZ: The Department of Human Rights  
19 does not have a Hispanic employee.

20 COMMISSIONER RAMIREZ: Thank you.

21 MR. RODRIGUEZ: I would like to follow up on  
22 the question that you asked Ms. Cruz because I have some  
23 elements of response that could bring a new light to this  
24 question of foreign qualifications for diplomas.

25 There is in this country several services that

1 would produce equivalence of diplomas very simply. It's  
2 a matter of only a few days and a very small fee, so  
3 there should be absolutely no reason not to take into  
4 consideration any diploma coming from another country.

5 CHAIRMAN FLETCHER: Commissioner Buckley?

6 COMMISSIONER BUCKLEY: Ms. Cruz, I'm interested  
7 in your explaining a little bit further. You say that  
8 they are denied access to apply for licenses in addition  
9 to your saying that they do not accept their credits from  
10 foreign universities. Is there any other physical or  
11 other barrier that they put to getting these licenses,  
12 for examples, some of what we heard yesterday was that  
13 the information is not available in Spanish for them to  
14 know that they can apply for these services? What are  
15 the other barriers that exist besides the fact that they  
16 don't accept their credits?

17 MS. CRUZ: It's simple prejudice in the case I  
18 was referring to. I'm going to give you a very general  
19 example. We have a case, and it is documented, where a  
20 person completely bilingual, with accredited education,  
21 recognized here, went to the Department of Consumer and  
22 Regulatory Affairs to ask for the application to apply  
23 for the license and she was turned out right there. She  
24 was not even allowed to speak or say I have the required  
25 documentation.

1           The responsibility of the agency representative  
2 was just to give the application to that person. They  
3 were not supposed to intervene or to take anything else  
4 into consideration, and she was turned around. When I  
5 tried to discuss the situation with an officer, a high-  
6 ranking officer, in the agency, the answer that right  
7 away he gave me was we are not going to give you  
8 privileges just because you are Hispanics.

9           COMMISSIONER BUCKLEY: Yesterday, we heard  
10 about employees that are assigned versus employees that  
11 are detailed. We were told that if you are detailed to a  
12 position, that doesn't carry the full money value of that  
13 position. As far as you know, is this a practice the  
14 Personnel Office is responsible for setting? Is this a  
15 Districtwide policy or would that be particular to a  
16 particular agency?

17           MS. CRUZ: I have no documentation to that  
18 respect.

19           COMMISSIONER BUCKLEY: Have you heard about  
20 this, where they assign people -- what we understood  
21 yesterday was, if they assign you to a position, then you  
22 are legally, I guess, in that position, you get the  
23 money, but if they detail you to that position, for  
24 example, you are a clerk in the back and they put you in  
25 the front, you are detailed so you are doing the work but

1 you are not getting the money that work would carry. Do  
2 you know of any circumstances?

3 MS. CRUZ: I would prefer to defer that  
4 question to the next panel. However, I know that, for  
5 example, Hispanics are used to act as translators and  
6 that is in addition to their regular duties and  
7 responsibilities, but they are not paid accordingly. We  
8 think they should look into that area.

9 COMMISSIONER BUCKLEY: The other thing goes  
10 back to the issue of who is hiring and who is responsible  
11 for the final hiring. Who writes the announcement for  
12 the position? Who writes whether or not they need any  
13 bilingual skills or not and who is responsible for that  
14 write-up?

15 MS. CRUZ: The Office of Personnel prepares the  
16 announcements based on the requests of management and the  
17 position descriptions attached to that request, but it is  
18 -- my personal point of view as a staffer, I would say  
19 that if in the position description, there is not  
20 requisite that the person should be bilingual, then we  
21 cannot put that as a requisite or a basic requirement in  
22 the announcement. So it is the responsibility of the  
23 Departments and the independent agencies to revise their  
24 position descriptions to identify which positions should  
25 be bilingual and what services are needed so they could

1 make the changes accordingly in the position  
2 descriptions, so the Office of Personnel can prepare the  
3 announcements and I can place as a basic selective factor  
4 that for the position the person should be bilingual.

5 COMMISSIONER BUCKLEY: Have you tried to  
6 recommend to the Department heads to include that? Have  
7 you made that recommendation to them so you can have a  
8 better candidate back to them?

9 MS. CRUZ: We have been fighting with  
10 management for years and the Servicing Personnel Office,  
11 number one, submitted recommendations to the Department  
12 of Human Services to that respect.

13 COMMISSIONER BUCKLEY: Thank you.

14 CHAIRMAN FLETCHER: Commissioner Ramirez?

15 COMMISSIONER RAMIREZ: I needed to ask a  
16 question for point of clarification for myself and for  
17 the record.

18 You have talked about difficulties in getting  
19 qualified, trained people to have their qualifications  
20 and their training recognized, but have you seen  
21 situations where Hispanics might have been classified as  
22 being qualified or even highly qualified but not  
23 selected?

24 MS. CRUZ: Oh, definitely. We submitted highly  
25 qualified applicants in the certificates and many times

1 for positions where we know that it's a position that is  
2 located in an area where there is bilingual needs, then  
3 they don't hire them.

4 COMMISSIONER RAMIREZ: Are you given any kind of  
5 -- is there any process for justifying such an action?  
6 Does the applicant have any redress?

7 MS. CRUZ: As the law is now, if you submit the  
8 certificate with a number of qualified applicants and  
9 supposedly you give them the same opportunity, they have  
10 the right to select whoever they feel that fits better in  
11 the position, but the real situation contradicts that.

12 COMMISSIONER RAMIREZ: Thank you.

13 CHAIRMAN FLETCHER: Staff Director, Willie  
14 Gonzalez?

15 MR. GONZALEZ: Ms. Cruz, what is the highest  
16 ranking position in the D.C. Government held by a Latino  
17 in a career position?

18 MS. CRUZ: I think that is the one held by Ms.  
19 Maria Varedo (phonetic), she's the Director of the  
20 Department of Employment Services.

21 MR. GONZALEZ: My understanding is that is a  
22 political position. I mean a career position.

23 MS. CRUZ: That's a position they come in with  
24 the Mayor.

25 MR. GONZALEZ: But that's a political position.



1       What I'm saying is in the career -- regardless of what  
2       happens to the Mayor, where that person would still  
3       continue to stay in that general service, do you know  
4       what the highest ranking position is that holds a Latino?

5               MS. CRUZ: No, sir. I cannot say.

6               MR. GONZALEZ: Thank you very much.

7               CHAIRMAN FLETCHER: I have just one question.  
8       Both of you can respond or one or the other.

9               I've heard for the past two days that a part of  
10       the problem of equity for Hispanics has to do with  
11       federal budget and the city is having a difficult time  
12       because they can't get the proper amount of funding to be  
13       fair and equitable. That seemed to be the assumption.

14              I've heard any number of representatives of the  
15       Hispanic organizations here, Latino organizations here  
16       today, and I also notice in your testimony you mention  
17       the now delegate representing the District, Eleanor  
18       Holmes-Norton, how many of you have carried your problem,  
19       particularly the problem of equal employment opportunity  
20       since she used to be the Chairperson of the EEOC and  
21       others, how of you have carried your problems,  
22       organizations or individuals, straight to this level to  
23       find out what the Federal Government is going to do with  
24       respect to this problem that's being created in some  
25       instances by foreign policy? Have you approached either

1 members of the House or the Senate, or in this instance,  
2 Delegate Norton, directly with respect to help for  
3 funding in those sorts of things, either of you?

4 MS. CRUZ: The only thing I would say, Mr.  
5 Pedro Aviles couldn't have said it any better Wednesday  
6 when he said that what we are really asking for is a fair  
7 share of opportunities according to the number in the  
8 population of Hispanics in D.C., and that speaks for  
9 itself.

10 So it doesn't matter how big or small the  
11 budget is, it's just that right now the figure speak for  
12 itself. We are not given opportunities, we are not given  
13 a fair share of the services, including employment.

14 MR. RODRIGUEZ: I would like to add something.

15 One of the concluding remarks of this report  
16 and the spirit in which the Task Force, through its  
17 chairman and the chairs of different committees, has come  
18 to the community, not only the city government community  
19 but the community at large, is that what we are proposing  
20 at this moment is not only to be receiving what we  
21 consider is a fair share, but also we are proposing to  
22 develop a partnership in which the community will also do  
23 something. We know that the task is very big. We are  
24 aware of the budgetary problems of the city government  
25 and even though we know better the general economic

1 situation that we're living, we know that it's difficult  
2 to just open the budgets and to bring all this money into  
3 the system so we can access the opportunities we think we  
4 deserve.

5           However, we have also done part of the work in  
6 trying to develop this partnership. In my specific area  
7 of my Committee of Human Rights, we have approached the  
8 Department of Human Rights saying to them, not only we  
9 feel that you should do this, this and that, but we also  
10 offer our assistance in helping you in doing part of the  
11 work. We have received no response up to now.

12           In another capacity, I'm also a chairmember of  
13 the Latino Economic Development Corporation, which is a  
14 corporation that was instituted through the Task Force to  
15 help the Latino community develop economic empowerment  
16 and all that.

17           We are doing our fair share, we are really  
18 bringing up solutions through the creation of a community  
19 development credit union, small loans for business  
20 people, et cetera, and obviously what we can say up to  
21 now is that the speed of our part of this partnership has  
22 been higher than the speed of the government's part of  
23 the partnership.

24           - MS. CRUZ: I would like to add something. With  
25 regard to the second part of your question about the use

1 of EEOC from Latino employees, first of all, Hispanic  
2 employees don't have too much training in terms of rights  
3 and sources available so their cases can be heard and be  
4 solved. The Hispanic Employees Association is going to  
5 start this year training in that area. We expect help  
6 from the Office on Human Rights to that respect.

7 Also, there is some -- Hispanics are afraid of  
8 retaliation. Many of them are in temporary positions or  
9 term appointments, they are non-permanent positions.  
10 These cases take so long, they don't know what to expect  
11 as results from the Office of Human Rights, so they don't  
12 bring the cases.

13 CHAIRMAN FLETCHER: I want to see if I can make  
14 myself clear.

15 Your initial response was something to the  
16 effect that the facts speak for themselves. I agree with  
17 that, but sometimes they don't speak loud enough. You  
18 have to energize them a little bit.

19 My suggestion is, and I'll just come right out  
20 and say it, that along with putting a full court press on  
21 the city government, it is equally important for those of  
22 you who are leaders who speak for the community to also  
23 include the Federal Government as a part of that full  
24 court press, particularly the District Committee that  
25 oversees the District budget in the House and the

1 District Committee that oversees and puts together the  
2 District budget in the Senate.

3 In my view, not only should they hear about the  
4 problems from the City Councilpersons and the Mayor, but  
5 those of you who are in the trenches, if you will,  
6 fighting the battle every day, they need to hear it  
7 directly from you with respect to the problem that's been  
8 created overall and particularly that part of the problem  
9 that's been created by foreign policy.

10 The Mayor sat here yesterday and with some  
11 validity said a part of the problem is the Federal  
12 Government mandates without any money or Federal  
13 Government mandates didn't take into consideration the  
14 problem they were creating with the foreign policy  
15 positions. I'm simply suggesting that along with talking  
16 to the City Council, along with talking to the Mayor,  
17 that it is imperative that those of you who are wrestling  
18 with the problem every day, talk to and lay out your case  
19 to the District representative, to the District Committee  
20 in the House and to the District Committee in the Senate.

21 Our report will go to them; they will read it,  
22 but I think it is equally important for you, after you  
23 get our report, to petition them for a chance to sit and  
24 talk with them and emphasize points in this report that  
25 you want them to act on, and one of them is budget.

1           With reference to equity, Latinos pay taxes  
2           too. They pay federal taxes, they pay excise taxes, they  
3           pay sales taxes and the issue before us right now in  
4           terms of equity is that you're not getting an equitable  
5           return in terms of opportunities for the taxes you pay.

6           It is important, in my view, that the Federal  
7           Government who collects those taxes, particularly income  
8           and social security, need to hear directly from you the  
9           extent to which you are not being treated fairly and  
10          equitably. That's basically the point I'm trying to  
11          make.

12          Some of the folk who are shy about going to  
13          EEOC and presenting the case for fear of retaliation,  
14          obviously you're in a leadership position, so you're not  
15          shy about putting your case forward. What I'm suggesting  
16          is that those of you who are not shy, put that case  
17          before the House, put it before the Senate, and if  
18          possible, put it before the President.

19          When our report is released, those things that  
20          you agree with, make sure they understand you agree with  
21          them and why, and those you don't agree with. I have a  
22          sneaking suspicion, some of the things in here you might  
23          not agree with in the final report, but make sure that  
24          you're as forceful before them as you have been before  
25          us. That's basically all I'm saying.

1 Any further questions?

2 (No response.)

3 CHAIRMAN FLETCHER: There being none, thank you  
4 very much.

5 MS. CRUZ: Thank you.

6 MR. RODRIGUEZ: Thank you for the opportunity.

7 CHAIRMAN FLETCHER: Next panel, please?

8 MS. BOOKER: Mr. Chairman, we'd like to ask Ms.  
9 Cruz to remain for the next panel in her capacity as the  
10 Personnel Specialist. Ms. Cruz, if you would stay for  
11 the next panel in your other capacity? Thank you.

12 We'd like to call Mr. William Vazquez, Ms.  
13 Lorraine Green, Ms. Margie Utley, and Ms. Maria Borrero.

14 CHAIRMAN FLETCHER: I'm going to ask you to  
15 stand so we can swear you in.

16 (Whereupon the panel was duly sworn.)

17 CHAIRMAN FLETCHER: Madam Counsel?

18 MS. BOOKER: Would each member of the panel  
19 please identify yourself for the record, give your name  
20 and your title beginning with Mr. Vazquez.

21 MR. VAZQUEZ: My name is Willie Vazquez. I am  
22 the Director of the Hispanic Employment Program and I'm  
23 an Assistant to the Director of Personnel.

24 MS. GREEN: I am Lorraine Green, the Director  
25 of Personnel.

1 MS. BORRERO: Maria Borrero, Director of  
2 Employment Services.

3 MS. UTLEY: Margie Utley, Director, Department  
4 of Human Rights and Minority Business Development.

5 MS. BOOKER: Mr. Chairman, the questioning will  
6 begin by Project Director, Susan Muskett.

7 MS. MUSKETT: Ms. Green, how long have you been  
8 the Director of the Office of Personnel?

9 MS. GREEN: Since January 12, 1991.

10 MS. MUSKETT: Would you please describe how the  
11 Office of Personnel is structured and what its duties  
12 are?

13 MS. GREEN: The Office of Personnel, at  
14 present, we are undergoing a realignment, we have the  
15 Director's Office, we have various centralized functions  
16 such as the Office of Policy, the Bureau of Compensation  
17 and Benefits, we have a human resource development  
18 component, we have an Office of Administration, we have  
19 the Bureau of Field Services and two servicing personnel  
20 offices with several satellite offices that are in  
21 different portions of the city.

22 Also, under the Bureau of Field Services, we  
23 have our Central Employment Program. Under the  
24 Director's Office is the Hispanic Employment Program. We  
25 have approximately 312 employees at present.



1 MS. MUSKETT: I understand that your office is  
2 solely responsible for recruitment for the agencies which  
3 are under the Mayor's authority, is that correct?

4 MS. GREEN: That is correct, under the Mayor's  
5 authority.

6 MS. MUSKETT: The Commission has heard  
7 testimony of the need for bilingual personnel in a number  
8 of areas in the D.C. Government. Would you please  
9 indicate the areas which have already been identified as  
10 having a need to hire additional or initial bilingual  
11 personnel?

12 MS. GREEN: Without getting into the specifics  
13 too much on the positions, the areas are mainly in the  
14 Department of Human Services -- and I know that you've  
15 had testimony on the income maintenance area. We are  
16 looking at that very closely, in addition to looking at  
17 all agencies of the government. We do have some specific  
18 positions that the Hispanic Employment Program staff has  
19 identified and we are working on those.

20 MS. MUSKETT: So just sort of for clarification  
21 purposes, there have been positions in the Department of  
22 Human Services which have been identified as having a  
23 need for bilingual personnel?

24 MS. GREEN: That's correct.

25 MS. MUSKETT: When were they identified?

1 MS. GREEN: These are positions that we are  
2 looking at in the Office of Personnel and working with  
3 the Director of that agency to insure that the position  
4 descriptions and the requirements that they are asking  
5 for in that position vacancy announcements require  
6 bilingual capabilities.

7 In addition -- and I think the Mayor stated  
8 this the other day -- we are actively moving towards  
9 having the selective placement factor as a bilingual  
10 capability in those jobs where it is appropriate.

11 MS. MUSKETT: When was the need for bilingual  
12 personnel in the Department of Human Services identified  
13 to the Office of Personnel?

14 MS. GREEN: The need has always been there as  
15 far as I know.

16 MS. MUSKETT: So with respect to the Department  
17 of Human Services, what specific actions has the Office  
18 of Personnel undertaken to fulfill that need?

19 MS. GREEN: We are working with them and have  
20 been for some time, I might add, to sensitize the  
21 managers to the need to make bilingual a requirement. As  
22 I know Ms. Cruz just stated, in some instances, persons  
23 are fulfilling a bilingual requirement without having  
24 that as a part of their official job description, so  
25 we're working in those areas.

1 MS. MUSKETT: Again, just referring to the  
2 Department of Human Services, I was just curious in terms  
3 of specific actions -- placements in Spanish newspapers,  
4 specific actions that have been taken in terms of  
5 recruitment?

6 MS. GREEN: On the recruitment side, most of  
7 the specialized placement has been in the police, fire  
8 and corrections areas which is why we realize that there  
9 is a need for more intensified recruitment efforts in the  
10 Department of Human Services and that's the process that  
11 we're using to move forward in that agency.

12 MS. MUSKETT: So this is just the beginning at  
13 this point, is that right?

14 MS. GREEN: The intensified effort, but it's  
15 been ongoing. Ms. Cruz is assigned to that area and has  
16 been and I guess the 7 years she's been in the agency,  
17 she's served there and she's been working towards that  
18 effort, but we're putting a concentrated effort towards  
19 that given the needs.

20 MS. MUSKETT: Ms. Cruz, could you tell us what  
21 you've undertaken in the past in terms of recruitment for  
22 the Department of Human Services for bilingual personnel?

23 MS. CRUZ: The efforts for recruitment for  
24 bilingual personnel is undertaken in conjunction or  
25 coordination with the Latino Employment Services Center

1 that we have in the community. We use public service  
2 announcements. We coordinate with other community  
3 groups. We also publicize the positions available and  
4 opportunities through Ola Grande (phonetic) which is a  
5 newsletter of the Office of Latino Affairs. We also  
6 prepare organized job fairs.

7 MS. MUSKETT: Do you put advertisements in  
8 Hispanic newspapers?

9 MS. GREEN: I'm not aware of that. There is an  
10 activity that is the responsibility of the Latino  
11 Employment Services Center. Mr. William Vazquez can give  
12 you more detailed information on that.

13 MS. MUSKETT: Mr. Vazquez, would there be  
14 position announcements placed in Hispanic newspapers?

15 MR. VAZQUEZ: Yes, they are. The question  
16 becomes one of resources. Again, what we have done is  
17 developed a list of media outlets where we go, we provide  
18 them the information, ask them if they have public  
19 service space, that kind of thing, and where the  
20 Department provides revenue or resources for that, we  
21 will utilize it. It has been far, few and in between in  
22 the past two years though.

23 MS. MUSKETT: You mean the provision of  
24 resources to do the recruitment?

25 MR. VAZQUEZ: That is correct.

1 MS. MUSKETT: Would the recruitment be -- would  
2 there be a budget allocated to you for recruitment?

3 MR. VAZQUEZ: No, but the idea is if you want  
4 to do outreach, these papers make a living off  
5 advertising and they would require a certain amount of  
6 money. When they require that, we have to pay for it or  
7 ask them for public space to provide that. So the  
8 question is dollars to pay for the advertising and the  
9 commitment to pay for it in order to advertise it to a  
10 broader audience.

11 MS. MUSKETT: Ms. Green, is there a separate  
12 allocation for recruitment in your budget?

13 MS. GREEN: No, not in my budget. The agencies  
14 usually will put up the funds that are necessary for  
15 recruitment activities, especially specialized  
16 recruitment activities.

17 MS. MUSKETT: So as I understand it, an agency  
18 would first identify the need for bilingual personnel.  
19 You would not initiate that, is that correct?

20 MS. GREEN: That's what's happened in the past.  
21 In the future, what we are moving towards is a joint  
22 effort in that identification.

23 MS. MUSKETT: So in the past they would  
24 identify the need, it would be incorporated into the  
25 position description, and then the Office of Personnel

1 would undertake the recruitment, is that right?

2 MS. GREEN: Basically, yes.

3 MS. MUSKETT: Then you'd have to go back to the  
4 agency if you felt you had to conduct specific actions in  
5 recruitment and ask them for the money to do so, is that  
6 how it would be?

7 MS. GREEN: When the agencies send the requests  
8 for recruitment, at that time, it is decided by the  
9 agency what amount of money and what venue they are going  
10 to use to advertise those particular positions.

11 MS. MUSKETT: Ms. Cruz, going back to the  
12 Department of Human Services, did you do any special  
13 recruitment efforts in terms of going out into the field  
14 or other locations outside of D.C. to try to recruit  
15 bilingual personnel over the years?

16 MS. CRUZ: Not really. We undertook a trip to  
17 Puerto Rico to recruit social workers. They were not  
18 just bilingual social workers. The Department of Human  
19 Services has a dire need for social workers, so they are  
20 trying different avenues and Puerto Rico was one of them.  
21 They serve a dual purpose because they are bilingual and  
22 they can service the Latino community.

23 The Office of Personnel presented  
24 recommendations to the Department of Human Services in  
25 terms of recruiting bilingual personnel for social

1 workers as part of a formal plan for recruitment, but as  
2 far as I know, we haven't had any reaction from the  
3 Department yet.

4 MS. MUSKETT: So in the past, for the  
5 Department of Human Services, you did go to Puerto Rico  
6 and when was that?

7 MS. CRUZ: That was last year.

8 MS. MUSKETT: Did you go to any other cities?

9 MS. CRUZ: No. I would like to clarify. I may  
10 say that the Department of Human Services has never  
11 undertaken a real effort or put funding forth to recruit  
12 bilingual personnel.

13 MS. MUSKETT: Ms. Green, you indicated that  
14 there's been a need for bilingual personnel identified in  
15 the Department of Human Services, the Police Department  
16 and the Fire Department. Have any other agencies been  
17 identified as having a need for bilingual personnel?

18 MS. GREEN: Yes, they have.

19 MS. MUSKETT: Which ones would they be?

20 MS. GREEN: Basically, just about all of the  
21 larger agencies would require that service, especially  
22 where you have persons that are meeting the public, your  
23 front line workers.

24 MS. MUSKETT: In terms of all those other  
25 agencies, have there ever been any specific actions

1       undertaken for recruitment of bilingual personnel for  
2       those agencies?

3               MS. GREEN: I'll have to defer to Mr. Vazquez  
4       on that.

5               MS. MUSKETT: Mr. Vazquez?

6               MR. VAZQUEZ: What we have provided is a  
7       guidance plan as part of the record we have submitted to  
8       you, Subpart 20, each agency was provided with that and  
9       the ability to contact our program when they in fact  
10      recruit. I think also the collaboration of the Office of  
11      Latino Affairs Task Force and the Latino agenda which was  
12      generated in 1985 spoke to that question.

13              So the answer is we need services in those  
14      departments that my director mentioned and also in the  
15      area of consumer regulatory affairs, in mental health,  
16      and I guess if we went down the list, we could probably  
17      come up with more, but the answer is yes, we need to have  
18      coverage, we need those people.

19              MS. MUSKETT: The identification of these needs  
20      in the other agencies, when was that first brought to  
21      your attention?

22              MR. VAZQUEZ; From day one. I'm the former  
23      Director of the Office of Latino Affairs. I served in  
24      that capacity from 1980-1984. In that particular  
25      responsibility, we had begun the process of identifying



1 for service delivery needs. I think that has been an  
2 ongoing process in regards to recognizing where Hispanics  
3 constituents go in for services, where we need to provide  
4 that service. That came about because of the work of  
5 people like the Council of Hispanic Agencies and other  
6 concerned groups.

7 MS. MUSKETT: In your opinion, what action  
8 could be taken to try to fulfill this need in a more  
9 expeditious fashion?

10 MR. VAZQUEZ: In my opinion, as a director of  
11 the program, we believe that in concert with the Office  
12 of Latino Affairs, community-based groups, the principals  
13 involved in regards to the areas where those skills and  
14 experiences are necessary, should collaborate, that there  
15 should be a clear commitment to step forward and say, we  
16 need these services. I think that collaboration has been  
17 talked to in Ms. Cruz's statement and I believe that has  
18 been the resounding comments of many of the people who  
19 have come forward. That collaboration is critical.

20 The need to identify the services is the  
21 responsibility of the Mayor's Office of Latino Affairs.  
22 They have identified that. We have developed candidates;  
23 we have, in fact, provided the opportunity to train  
24 people in developing their 171s. I think we are prepared  
25 to move forward. The question is commitment.

1 MS. MUSKETT: Commitment on whose part?

2 MR. VAZQUEZ: Well, obviously on the part of  
3 the managers or the selecting officers but again, as Ms.  
4 Cruz said and as the Mayor has indicated, she intends to  
5 hold managers accountable, as I understand, to the  
6 question of hiring. I think it comes from the top down.  
7 The question then becomes allowing and providing the  
8 opportunity to meet with those managers and stating to  
9 those managers consistently that where there is a need or  
10 an underrepresentation, that they must comply.

11 MS. MUSKETT: In your past experience, are you  
12 saying that you have felt that the recruitment have been  
13 sufficient and that the applicant pool has been  
14 sufficient; that the problem has been on the part of the  
15 managers of the District agencies in hiring?

16 MR. VAZQUEZ: I submit that what we have done  
17 over the last three years was create a foundation for a  
18 program. We have given guidance. We have told them, the  
19 Office of Latino Affairs has communicated. I think there  
20 is a clear resistance in regards to the question of  
21 equity, frankly, and the opportunity to serve as a public  
22 servant.

23 Yes, the answer is I believe that the managers  
24 are a critical part of that selection process. They are  
25 the ones that get the certificates of employment; they

1 are the ones that have to make the decision. Our  
2 responsibility is to communicate to them, with a limited  
3 staff, what kind of things they need to do.

4 I think collaboration between all of these  
5 groups in addressing that issue and working with the  
6 managers, and holding the managers accountable for a  
7 response, I think is critical to the task.

8 MS. MUSKETT: So, in your opinion, do you think  
9 that there is a sufficient applicant pool here in the  
10 District of Columbia for positions in the District of  
11 Columbia Government?

12 MR. VAZQUEZ: I think, if given the opportunity  
13 to announce, to do outreach and to work with clients, we  
14 can generate quite a sufficient pool of qualified  
15 applicants who are of Hispanic origin to compete for  
16 these positions, no doubt about it.

17 MS. MUSKETT: Just for clarification, you're  
18 saying in the past, there were or were not a sufficient  
19 pool of applicants who applied for the positions and that  
20 were forwarded to managers?

21 MR. VAZQUEZ: I'm saying, in the past we have  
22 generated numerous applications. What I'm saying is that  
23 with resources and support, and a willingness to commit  
24 to this thing, that we can not only expand that pool, but  
25 of course contribute to those decisionmaking processes.

1 MS. MUSKETT: In the past, was bilingualism a  
2 ranking factor or a selective placement factor for any  
3 vacancy announcements, Mr. Vazquez?

4 MR. VAZQUEZ: Are you directing that question  
5 to me?

6 MS. MUSKETT: Whoever is appropriate. Ms.  
7 Green?

8 MR. VAZQUEZ: We have, in many cases, addressed  
9 that issue in social workers, obviously; in income  
10 maintenance, we have addressed it. We have communicated  
11 where there is a large influx of Hispanic clients coming  
12 in that they should consider that as a ranking factor.  
13 To date, there are very few of those positions.

14 I am led to believe, and I understand, that  
15 this administration will be forthcoming in regards to  
16 that particular responsibility in adding that as part of  
17 the process of selection.

18 MS. MUSKETT: So which positions in the past  
19 actually had it in the vacancy announcements?

20 MR. VAZQUEZ: I believe police and fire, which  
21 were bilingual announcements, and I believe they might  
22 have added it into the -- excuse me?

23 MS. CRUZ: Vocational Rehabilitation  
24 Specialists positions, some of them.

25 MR. VAZQUEZ: But the number is not dramatic,

1 if that's your question.

2 MS. MUSKETT: Ms. Green, I understand that  
3 between February of 1987 and September of 1990, the D.C.  
4 Government hired 180 Hispanics. Do you have employment  
5 figures that indicate the total opportunities available  
6 during the same time frame?

7 MS. GREEN: The total opportunities would  
8 probably have to be gathered manually. We have only a  
9 requirement to keep some information on applicants for a  
10 period of 2 years, but in addition to the fact that the  
11 D.C. Office of Personnel has not been and still is not  
12 automated, so we are not in a position at this time to do  
13 much tracking on those types of statistics.

14 MS. MUSKETT: Do you have an idea, a rough  
15 estimate of the number of vacancies for 1990 throughout  
16 the D.C. Government?

17 MS. GREEN: No. I would have to contact the  
18 various servicing personnel offices to gather that  
19 information.

20 MS. MUSKETT: In our production requests, you  
21 had indicated in response that Commission staff would be  
22 given the opportunity to come over to the files and I  
23 just wanted to indicate for the record that we wish to  
24 take you up on that.

25 MS. GREEN: Okay. That's fine.

1 MS. MUSKETT: Mr. Vazquez, I understand that  
2 you meet with the Hispanic employment managers on a  
3 regular basis?

4 MR. VAZQUEZ: We have met with Hispanic program  
5 managers as is part of Public Law 1-86 which created the  
6 Office of Latino Affairs. What we did when creating  
7 Subpart 20 back in 1987 was to extend ourselves to the  
8 Office of Latino Affairs and ask that we be provided the  
9 opportunity to bring and convene these individuals  
10 together. So the answer is yes, we do convene them. We  
11 haven't done that recently for a number of reasons.

12 MS. MUSKETT: But as I understand, the statute  
13 actually indicates that the Office of Latino Affairs  
14 should perform that function, is that right?

15 MR. VAZQUEZ: That's correct, but the bottom  
16 line was that in order to move forward in regard to our  
17 program, we needed to bring them together, so what we  
18 asked for, and the former Director and I would assume the  
19 Acting Director now had agreed to allow us the  
20 opportunity to bring them together to address some of the  
21 issues that we talked about.

22 MS. MUSKETT: So do I take it that you're  
23 saying that the Office of Latino Affairs was not  
24 performing that function?

25 MR. VAZQUEZ: For approximately two years from

1 1984 -- well, the answer is yes, they did not in fact do  
2 that for a while for a number of years.

3 MS. MUSKETT: What were those years?

4 MR. VAZQUEZ: I would assume from 1983 on until  
5 at least 1987 when I was brought onboard and put that  
6 together. Again, candor is key here. The Office of  
7 Latino Affairs has very limited staff. It has a great  
8 mandate to be advocate for the Hispanic community and  
9 there are many things that we would ideally like that  
10 office doing.

11 I was the former Director of that office, so in  
12 this particular case, we felt that we could collaborate  
13 with them and take on that responsibility and we have  
14 done that to a certain extent.

15 MS. MUSKETT: What is the function of the  
16 Hispanic program managers?

17 MR. VAZQUEZ: The Hispanic program manager is  
18 part of the Subpart 20, the Hispanic program manager is  
19 given the responsibility to work with agency heads and  
20 appropriate officials and EEO representatives to develop,  
21 recruit and plan programs that impact on the retention,  
22 placement and upward mobility of Hispanics within their  
23 respective departments.

24 MS. MUSKETT: In your opinion, how effective  
25 are these managers in the various agencies?

1           MR. VAZQUEZ: We have probably five or six that  
2 have asserted themselves and taken on responsibility. We  
3 have others who have not been very effective simply  
4 because of their grade and their opportunity to actually  
5 deal with the question of the directors and this policy.

6           MS. MUSKETT: Are you saying that they are at a  
7 very low grade?

8           MR. VAZQUEZ: A number of them have been  
9 selected at Grades 7, 8. It's not probable that this  
10 individual would meet on a quarterly basis with the  
11 director of an agency, let's say.

12          MS. MUSKETT: Does your program receive any  
13 type of affirmative action information from the various  
14 agencies?

15          MR. VAZQUEZ: Not to date.

16          MS. MUSKETT: Have you ever received this  
17 information?

18          MR. VAZQUEZ: Not to date. We would coordinate  
19 as we designed the program and as it reads there, we had  
20 worked with the Office of Human Rights to sign off on  
21 Subpart 20. Their responsibility is to collect that  
22 information as I understand it.

23          MS. MUSKETT: What is the total number of  
24 Hispanic employees in the D.C. Government?

25          MR. VAZQUEZ: There are approximately 523 under



1 the jurisdiction of the Mayor and possibly some 200  
2 independent agencies.

3 MS. MUSKETT: With respect to the jurisdiction  
4 of the Mayor, what is the total employment number?

5 MR. VAZQUEZ: Of total employees?

6 MS. MUSKETT: Yes.

7 MR. VAZQUEZ: Approximately 28,000.

8 MS. MUSKETT: So it would be 523 out of 28,000  
9 employees?

10 MR. VAZQUEZ: That's correct.

11 MS. MUSKETT: You may not have this, but would  
12 you have the total figure for the other independent  
13 agencies?

14 MR. VAZQUEZ: No, I do not.

15 MS. MUSKETT: What percentage of these 523  
16 Hispanic employees are in temporary or term appointments?

17 MR. VAZQUEZ: I would say approximately 9 to 10  
18 percent. There are approximately 51 Hispanics in term or  
19 temporary positions at this time.

20 MS. MUSKETT: Ms. Utley, would you please  
21 describe the structure and duties of the Department of  
22 Human Rights and Minority Business Development?

23 MS. UTLEY: Yes. We are, as the name  
24 indicates, the agency responsible for minority business  
25 as well as human rights, so we are structured in the

1 Office of the Director. There is the Office of Human  
2 Rights and the Office of Minority Business.

3 Within the Office of Human Rights, we're the  
4 intake division and the investigation division as well as  
5 a fair housing component.

6 MS. MUSKETT: Does your office have  
7 responsibility for monitoring the efforts of the D.C.  
8 Government with respect to affirmative action?

9 MS. UTLEY: Yes, it does.

10 MS. MUSKETT: Does the D.C. Government have an  
11 affirmative action plan approved by the Mayor?

12 MS. UTLEY: It does not.

13 MS. MUSKETT: Did it ever?

14 MS. UTLEY: Not to my knowledge. For the  
15 entire D.C. Government, I don't think that was the  
16 mandate. The mandate is that each agency would have an  
17 individual plan.

18 MS. MUSKETT: We heard testimony in the last  
19 panel about a Mayor's order that came down. Could you  
20 elaborate on that?

21 MS. UTLEY: There was a Mayor's order that was  
22 issued in 1985 with a five year life span basically.  
23 What it did was required the development of affirmative  
24 action plans -- first, a five year affirmative action  
25 plan by each agency with updates to be done annually.

1 The affirmative action plans for some agencies were  
2 prepared. There were no updates done.

3 MS. MUSKETT: Did your office enforce those  
4 plans in any fashion or what did you do during that five  
5 year period?

6 MS. UTLEY: Quite frankly, during that five  
7 year period, there was no enforcement effort pretty much.  
8 That, as you know, predates my coming, so I'm not  
9 really -- can't speak any more definitively than that.  
10 The information that was given to me by persons who were  
11 there is that it was not done. There was no monitoring  
12 of those plans.

13 MS. MUSKETT: The plans that were done, they've  
14 expired now, right?

15 MS. UTLEY: Long since.

16 MS. MUSKETT: Are there any current affirmative  
17 action plans submitted by the various agencies?

18 MS. UTLEY: There are none. May I say at this  
19 point that as I indicated, the Mayor's order expired in  
20 1990. We have, in the Department, prepared a revised  
21 Mayor's order that we've already proposed and would  
22 submit to the Mayor. That was prepared back in September  
23 or October and is still in our office.

24 MS. MUSKETT: This would be an order with  
25 respect to the various agencies submitting their own

1 independent plans?

2 MS. UTLEY: Yes.

3 MS. MUSKETT: The Commission had requested and  
4 we were led to believe that we were going to be receiving  
5 the affirmative action plans from the various agencies  
6 that were put together in the past. What is the status  
7 on that?

8 MS. UTLEY: We have not been able to locate --  
9 in fact, we have not been successful in identifying any  
10 of those in-house.

11 MS. MUSKETT: With respect to the Department of  
12 Human Rights, we've heard an assertion that the materials  
13 have been translated into Spanish. This would be  
14 materials which would provide information on filing  
15 complaints but that they are not being distributed. What  
16 is your practice with respect to distribution of this  
17 material?

18 MS. UTLEY: We have the same practice with  
19 respect to distributing all publications. Primarily it  
20 is done through outreach efforts in terms of going to  
21 various locations. Whenever we have activities for the  
22 Department, we distribute among all the organizations and  
23 groups that we know and to Hispanic centers.

24 The trouble that I have with the statement made  
25 was that there were none available. In town meetings

1 that we held throughout the city, one of which was in a  
2 community in which many of our Hispanic residents live,  
3 nobody came out to receive that kind of information.

4 We have been available and made available to  
5 everybody the fact that if they are interested in  
6 receiving that information, they are more than welcome to  
7 have it. There are festivals and things of that nature  
8 where we have participated and have distributed that  
9 information.

10 MS. MUSKETT: How many bilingual personnel are  
11 in the Department of Human Rights?

12 MS. UTLEY: About four. There are three as of  
13 this date. There were four, one gentleman left about two  
14 or three weeks ago.

15 MS. MUSKETT: What are those four positions?

16 MS. UTLEY: One is an Affirmative Action  
17 Officer. She's the person who works on contract  
18 compliance. One was an Investigator in the Office of  
19 Human Rights. That is the gentleman who left. Ms.  
20 Fletcher, who is an Investigator, is bilingual, and she  
21 is not Hispanic. There is a gentleman who is bilingual  
22 who is in the MBDA.

23 MS. MUSKETT: What percent of the total  
24 employees in the Department of Human Rights do the  
25 bilingual employees make up?

1 MS. UTLEY: Let me just calculate that.

2 MS. MUSKETT: You could just give me the total  
3 number of employees in the Department.

4 MS. UTLEY: There are 60.

5 MS. MUSKETT: 60?

6 MS. UTLEY: Yes.

7 MS. MUSKETT: Ms. Borrero, do you have any  
8 plans to conduct outreach into the Latino community to  
9 increase participation in employment and training  
10 programs?

11 MS. BORRERO: Yes. I'd like to go through  
12 that. We did a couple of things. One, from my own  
13 analysis and the staff's analysis, we decided it was  
14 critical to bring in and meet with a group of Latino  
15 leaders who can help us think through a plan in terms of  
16 how to outreach more effectively in the Latino community.  
17 We met with that group several times and got quite a bit  
18 of input from them.

19 We also met with the Latino CBOs or vendors  
20 that we work with to hear from them from their  
21 perspective what are the issues involved in reaching out  
22 to the Latino community.

23 Based on that, we are doing a number of things.  
24 One is that we are going to be using, and we are already  
25 starting to use, the radio and neighborhood newspapers to

1 begin to let the community know about the variety of  
2 programs, not just our training and development programs,  
3 but all of the services that we offer in employment  
4 services.

5 We are doing on-site registration for  
6 particularly our youth employment program and we're going  
7 to be also working with some of the CBOs to do on-site  
8 registration and we have done that in the past to be in  
9 the communities so Latinos can register right in the  
10 neighborhoods.

11 We are working in schools, we're going to start  
12 working with the churches. We are translating all of our  
13 materials, some of it has already been translated, but we  
14 are translating all of our materials and disseminating it  
15 out into the community.

16 We are looking at the Latino employment center  
17 that we have in Adams Morgan. Ms. Green and I have been  
18 talking about the center because we have both personnel  
19 services and our services co-located in the same space.  
20 We are looking at extending that program and making it a  
21 comprehensive employment program which is one of the  
22 recommendations that came from the Latino Civil Rights  
23 Task Force. In other words, we are going to include in  
24 there our UI services which are not there presently.

25 We are also training our own staff in terms of,

1 we've been providing in the last year some Spanish  
2 classes so the staff are able to communicate. I was only  
3 able to hire one person last year in the department. My  
4 budget was cut 40 percent when I walked in last February  
5 and I was only able to hire one person, and that person  
6 is a Latino person.

7           Also the managers have requested Latino staff.  
8 I only have 12 Latino staff and right now, onboard, I  
9 have approximately 750 employees. One of the  
10 difficulties is that in all of our services, we have  
11 experienced -- particularly this last year -- an increase  
12 in Latinos coming in for services and I don't have enough  
13 staff to serve them. So one of our priorities for  
14 hiring, when we can do that, is to bring in Latino staff  
15 to serve people. The people that we do have, we have  
16 been putting them in places where they can better serve  
17 the Latino community.

18           We are also extending hours and looking at the  
19 hours, particularly around the youth employment program,  
20 our summer youth employment program which gets kicked off  
21 on Monday. We are looking at extending the hours, doing  
22 on-site registration, going out into the various groups  
23 that meet and also working with our Latino organizations  
24 that we already provide funding to.

25           So those are the kinds of things that we're



1 doing to do outreach into the community.

2 MS. MUSKETT: Thank you.

3 Ms. Utley, just one last question. With  
4 respect to the proposed affirmative action proposal that  
5 you are putting forward, have you determined how the  
6 managers would be held accountable for their affirmative  
7 employment commitment?

8 MS. UTLEY: Let me say -- no, we have not but  
9 let me just say this in connection with the plan. One of  
10 the difficulties that we have is that there are a number  
11 of court cases -- one in federal court -- and we have our  
12 own Court of Appeals decisions as well which cast some  
13 doubt on our Act as it is presently written because our  
14 Act says there must be a direct relationship between the  
15 totality of the population, that is, the whole universe  
16 of Hispanics within the District of Columbia in our case.  
17 That reference is in the Act and there is some question  
18 as to whether or not we can enforce that Act as it is  
19 presently written.

20 The question is whether that language should be  
21 a question of the applicant pool, and so we are in  
22 betwixt and between in connection with our own Act. If  
23 you have any further questions with respect to those AAP  
24 plans, Mr. Reeves would be in a better position to answer  
25 them.

1 MS: MUSKETT: I have no further questions, Mr.  
2 Chairman.

3 CHAIRMAN FLETCHER: Thank you very much.  
4 Commissioner Wang?

5 COMMISSIONER WANG: Thank you, Mr. Chairman. I  
6 have two or three questions.

7 The first one I would like to ask Ms. Borrero.  
8 In the employment services, could you share with us how  
9 many CBOs received contracts from your agency for  
10 Latinos?

11 MS. BORRERO: Four in the adult side and two in  
12 the youth side.

13 COMMISSIONER WANG: Out of total?

14 MS. BORRERO: On the adult side, I don't have a  
15 total number. It's probably close to 90 or 95 vendors  
16 that receive contracts. On the youth side, it's  
17 something like 11 or so. It's about 11 contracts on the  
18 youth side.

19 COMMISSIONER WANG: How many CBOs usually apply  
20 from the Latino community?

21 MS. BORRERO: On the youth side, two apply and  
22 they get funded and on the adult side, four applied last  
23 year and they got funded. One of the things that we need  
24 to do,—which we intend to do is to work more in the  
25 community to increase the number of Latino CBOs that

1 respond to our RFPs. That is work that we're going to be  
2 doing in the community. We also intend to provide  
3 technical assistance to all of our CBOs to help them and  
4 increase their participation in our programs.

5 COMMISSIONER WANG: I'm very happy to hear  
6 that.

7 If I can come back to Ms. Green, I think when I  
8 heard from Mr. Vazquez that since 1985, that it's already  
9 been known of the needs of the Latino communities in  
10 particular the employment areas, I know you are  
11 relatively new to the job. Ms. Green, could you share  
12 with us what is your plan and when do you think you're  
13 going to be able to succeed in increasing the overall  
14 Latino employment picture within the city government?

15 MS. GREEN: It's really Mayor Kelly's plan and  
16 she is committed to making the resources available in the  
17 Office of Personnel, first, to assist the agencies in the  
18 recruitment efforts; to insure that we have the proper  
19 tracking and information systems in place so that we know  
20 among our locations across the city what decisions are  
21 being made by managers and how we can improve upon the  
22 decisions that they are making for not just the Hispanic  
23 population, but all of our special interest groups.

24 In the past, the center which was created, the  
25 employment center that Mr. Vazquez was referring to which

1 was created in 1985, additionally has not had all of the  
2 resources that requires. As Ms. Borrero stated, we are  
3 jointly reviewing some efforts now to insure that we have  
4 a comprehensive plan in place.

5 It does require -- you can have all of the  
6 money and all of the resources you want but it still  
7 doesn't get to what Ms. Cruz and Mr. Vazquez were just  
8 talking about, the indifference issue, and that's  
9 something that we're going to have to spend a little bit  
10 more time on educating the managers who have to make the  
11 selections, educating them to the point that our work  
12 force has to be indicative of the population that we are  
13 serving. So that's going to take a little longer.

14 COMMISSIONER WANG: I also want to just comment  
15 on your comment earlier that you said the Mayor has made  
16 a commitment in this area but it's up to each of the  
17 managers in the departments. Can I request through you  
18 to Mayor Kelly that if she could submit to us a plan in  
19 terms of this particular aspect, how she is going to  
20 accomplish her goal? So if you could pass that on to  
21 her, we certainly would appreciate it.

22 MS. GREEN: Certainly.

23 COMMISSIONER WANG: Also, I would like to ask  
24 Ms. Utley, in your comment earlier about your meetings in  
25 the community and no people show up to many of your

1 workshops and your sessions and on the contrary, we just  
2 heard from Ms. Borrero that you have successfully reached  
3 out to many of the groups. I would hope, Ms. Utley, if  
4 you could borrow some of the tactics and strategies that  
5 Ms. Borrero is using in reaching out to the Latino  
6 community so that at least from the Office of Human  
7 Rights standpoint, in the future we do have good turnout.

8 Looking at the audience in the last couple of  
9 days, we find that we don't have any problem of really  
10 having people come to talk to us. Lots of people want to  
11 come and actually we stayed until 11:30 last night. So  
12 that extent, it surprised me that you couldn't get the  
13 people to respond.

14 So if you can elaborate a little bit and also,  
15 your effort in hiring additional -- because at this very  
16 moment you don't have any -- the only person you had left  
17 you who happened to be Latino, what effort do you have in  
18 order to again increase and hire additional Latinos in  
19 your department?

20 MS. UTLEY: I think I may have given a wrong  
21 impression and just for the sake of clarification, I  
22 believe that what Ms. Borrero said was that she had had  
23 meetings with the leaders from the community who had come  
24 into her office. My effort was to try to reach the  
25 people in the community in which they live. In that

1 regard, flyers in Spanish were posted in areas and  
2 organizations and locations known; there were  
3 advertisements in the local Hispanic newspapers.

4           One of the problems or one of the areas of  
5 differences with respect to human rights is that for the  
6 most part, people don't come out unless they have a  
7 particular burning issue that they want to have talked  
8 about. Even in those meetings where there were large  
9 turnouts, there were not questions raised about human  
10 rights, there were questions raised about minority  
11 business.

12           So one of the things that you must be aware of  
13 is what brings people out and what are you trying to do.  
14 The effort was to try to educate them and to let them  
15 know that we existed and that we were there and available  
16 and to provide to them all these flyers and the  
17 information that we did have available to them. So that  
18 was in the community.

19           In terms of persons with whom I have met, many,  
20 many persons in the Hispanic community have come to my  
21 office and met with me, members from the Task Force, but  
22 primarily they are people from the business community.  
23 So it is a question of what they are interested in. If  
24 people do not have a particular human rights issue, they  
25 do not show up. That's my experience based on the time

1 that I've been there and the efforts that we've expended.

2 With respect to your question about only one  
3 Hispanic or bilingual person, because I guess you're  
4 talking about bilingualism as compared to Hispanic and it  
5 doesn't matter who can speak the language if in fact they  
6 have some sensitivity, you think there is only one person  
7 there. That is not correct.

8 COMMISSIONER WANG: You mentioned four people  
9 altogether but there are three in the business side of  
10 it, one in the human rights side of it?

11 MS. UTLEY: There were two on each side. One  
12 remains on the OHR side, that is correct.

13 Anecdotally, I'd just like to say there have  
14 been many people who have left since I have been there  
15 since April 22, 1991. We have hired nobody. We did have  
16 an announcement out and I always insisted and indicated a  
17 need for person who are bilingual and that was one of the  
18 ranking factors in the announcement that we did put out.  
19 Before the person was hired, the freeze or hiring  
20 restriction went into effect. So it's not a question of  
21 a lack of effort, it's a question of some other  
22 considerations as well.

23 I guess the other thing I want to be sure to  
24 point out to you and to each and every member of this  
25 panel and this group here is there seems to be the

1 impression of a lack of sensitivity on the part of my  
2 office. Obviously that may be true in various sectors,  
3 but the overall situation, that's not the case.

4           The gentleman who spoke earlier from Amnesty  
5 said that Hispanic persons who come to the office are  
6 told that they can only come and file their complaint two  
7 weeks hence because we have to find an interpreter. That  
8 is incorrect. Every single person who comes there to  
9 file a complaint is given an appointment. We don't have  
10 walk-ins. We cannot accept walk-in complaints because we  
11 don't have that kind of staff. Every single person who  
12 has to file a complaint comes in on an appointment. If  
13 he happens to come in without an appointment, he is sent  
14 away but that's everybody. If they know enough to call  
15 and save themselves a trip, then that's what they do.  
16 Nobody comes into the Office of Human Rights and comes in  
17 and files a complaint; we don't have that kind of  
18 personnel.

19           Secondly, the forms are in Spanish. It is not  
20 correct that they are not in Spanish. Further, there is  
21 always a person available to read and sit down with that  
22 person filing the complaint to give him as much  
23 assistance as he or she needs, so I guess the perception  
24 that we are not receptive to Hispanic persons is an  
25 incorrect perception.



1           The other main point that I want to make is in  
2 relation to those statistics that were given earlier.  
3 The statistics given related to the number of cases that  
4 were filed and the number and how the treatment of  
5 Hispanics was different from others.

6           One of the particular things that was mentioned  
7 was the findings of no probable cause. They said  
8 whatever the number that was filed, there was no probable  
9 cause but the fact is of the total number of cases filed,  
10 only one percent overall exists. So there is no  
11 difference in terms of how we deal with Hispanics in that  
12 regard. No probable cause is no probable cause, no  
13 matter what the race.

14           Secondly, with respect to failure to proceed,  
15 it was indicated that basically 20 percent of all  
16 Hispanic complaints do not proceed and the suggestion was  
17 given that's based on the fact of a language barrier.  
18 That may in fact be true but the point is that 10 percent  
19 of all others don't proceed. So it's a 10 percent versus  
20 a 20 percent difference in terms of who proceeds and who  
21 doesn't proceed. I just want to be sure of that.

22           The other thing is, in terms of the number of  
23 cases settled, roughly the same number was settled,  
24 roughly the same number of Hispanic cases filed by  
25 Hispanic Americans versus the total number.

1                   COMMISSIONER WANG: So in that case if I  
2 understand correctly, I'm glad that you tried to help to  
3 clarify the perception, but if I could further ask you  
4 probably that would also help. The division covers two  
5 major parts of it -- one is human rights, one is economic  
6 development -- equally important.

7                   If you can show as a group here in terms of  
8 your total staffing, how many staff actually on the  
9 economic development side, how many on the human rights  
10 side?

11                   MS. UTLEY: I think it's 27 if I can remember  
12 correctly on the OHR side and 22 on the minority  
13 business.

14                   COMMISSIONER WANG: So in essence, we cannot  
15 conclude -- it seems that the Office of Economic  
16 Development seems to have more emphasis than the other  
17 side and that's probably not the case?

18                   MS. UTLEY: That's probably not the case.

19                   COMMISSIONER WANG: A final question. In your  
20 opinion, would it be helpful if we break this up into two  
21 separate divisions rather than two combined so as to give  
22 the perception that it is really not an independent kind  
23 of total commitment to the Office of Human Rights?

24                   MS. UTLEY: Well, it was in the past in fact  
25 two separate agencies and the agencies were combined in

1 1989. There have been recommendations both from the  
2 Ribbon (phonetic) Commission as to the transition team  
3 did that happen and that is under review.

4 COMMISSIONER WANG: Thank you.

5 CHAIRMAN FLETCHER: Commissioner Allen?

6 COMMISSIONER ALLEN: Ms. Green, we've heard  
7 this morning and throughout the course of these hearings  
8 the question raised about the extent to which  
9 bilingualism serves as a ranking requirement in  
10 employment decisions. We all know that the current state  
11 of law in our country is such that a generalized ranking  
12 requirement of bilingualism would operate pretty much in  
13 the manner of a generalized requirement of IQ tests. It  
14 would have a disparate impact on certain protected  
15 groups. So I am going to assume that one cannot have, in  
16 general, bilingualism as a requirement for employment.

17 That would mean one would have to have criteria  
18 and procedures for designating slots that are preferably  
19 bilingual. Can you give us some sense of what criteria  
20 and procedures are used to designate slots?

21 MS. GREEN: The function of a particular job  
22 within the agency that position is serving, who they  
23 would have to serve, what portion of the citizenry would  
24 they come in contact with, the determination that a  
25 bilingual would be -- and I'm using another term of

1 selective placement factor because that's what we're  
2 using to give additional credit -- and also to insure  
3 that the bilingual capability is actually there and  
4 utilized as a requirement for that particular position.

5 COMMISSIONER ALLEN: Just to follow up, can you  
6 tell me whether there exists at this time any list of  
7 slots that have been designated as suiting those  
8 criteria?

9 MS. GREEN: Not a list but my Assistant  
10 Director of Personnel in the area that Human Services  
11 serves has provided me with some positions that would be  
12 candidates for that. We're going to be working with the  
13 unit that Mr. Vazquez supervises to put those into place.  
14 I will be asking for my other assistant director  
15 personnel who are responsible for the other part of the  
16 work force for the same type of information.

17 COMMISSIONER ALLEN: Finally, when those  
18 positions are identified in this manner, are they then  
19 held only to be filled by someone meeting the bilingual  
20 requirement or is that just a highly desirable  
21 characteristic?

22 MS. GREEN: It will be a highly desirable  
23 characteristic. It will take us, working with the  
24 managers, though to insure that the person that is  
25 selected is the person that fits in that particular

1 situation.

2 COMMISSIONER ALLEN: Thank you.

3 CHAIRMAN FLETCHER: Commissioner Buckley?

4 COMMISSIONER BUCKLEY: If I may address Ms.  
5 Green and ask, do you know if the checks are computerized  
6 for the D.C. Government employees?

7 MS. GREEN: Yes.

8 COMMISSIONER BUCKLEY: How do you find when  
9 there is a vacancy in an agency? How are you first  
10 notified about the existence of vacancies?

11 MS. GREEN: How am I first notified? A request  
12 to fill a position, a standard Form 52 is submitted to  
13 the Office of Personnel.

14 COMMISSIONER BUCKLEY: From the agency?

15 MS. GREEN: Yes, from the agencies.

16 COMMISSIONER BUCKLEY: When you get that, does  
17 it come along with a job announcement situation or just a  
18 vacancy?

19 MS. GREEN: The vacancy announcement comes, the  
20 position description should come along with it, sometimes  
21 not, and also, if there is a recruitment plan that they  
22 would like to have us process, that also comes with it.

23 COMMISSIONER BUCKLEY: I'm not sure whether you  
24 can answer this or Mr. Vazquez. In this last year, say  
25 January 1, 1991 to now, how many times and for how many

1 positions have you advertised in a Hispanic newspaper?

2 MR. VAZQUEZ: I would have to look but I think  
3 very few. Where they have provided the opportunity for  
4 public access space, then we have taken full advantage of  
5 those.

6 COMMISSIONER BUCKLEY: Okay, so they give you  
7 free space, you use it?

8 MR. VAZQUEZ: If we have that opportunity,  
9 absolutely.

10 COMMISSIONER BUCKLEY: Do you have like a set  
11 of newspapers that you regularly send announcements to?

12 MR. VAZQUEZ: We have developed a list of  
13 media, both the printed word as well as the electric,  
14 predominantly Spanish, all of the newspapers, all of the  
15 radio stations, and all of the TV stations as well.

16 COMMISSIONER BUCKLEY: How often do you mail  
17 announcements to these people?

18 MR. VAZQUEZ: We send out our job list to them  
19 every month practically. If they print it is another  
20 question, but we send it out to them. We also have our  
21 announcements sent over the cable, Cable Channel 16, and  
22 our announcement comes out bimonthly, a job listing of  
23 that sort, and we send it out to them.

24 COMMISSIONER BUCKLEY: Ms. Utley, in your new  
25 affirmative action plan that you're sending to the

1 Mayor's office and your D.C.-wide plan, are you  
2 recommending to the Mayor at all that perhaps an  
3 evaluation criteria of the Department heads that they  
4 might put a goal or a percentage level of Hispanic or  
5 Latino employment in their work force as one of their  
6 criteria linked to their evaluations?

7 MS. UTLEY: I think with respect to the -- you  
8 said new affirmative action plan.

9 COMMISSIONER BUCKLEY: You're saying right now  
10 there is a Districtwide affirmative action plan that your  
11 office is developing to send to the Mayor or for the  
12 Mayor?

13 MS. UTLEY: I may have misled you. That's not  
14 what I intended to say. I said that we had prepared a  
15 revised Mayor's order to address the question of plans  
16 but again, we must be mindful of the pendency or the  
17 difficulty associated with our Act. So whatever is done  
18 is done in line with that.

19 COMMISSIONER BUCKLEY: Explain it to me. What  
20 you're saying is right now there is a court case on  
21 whether or not it's --

22 MS. UTLEY: Let me do this. Why don't we let  
23 Ms. Ruiz respond to your question?

24 MS. MUSKETT: Please identify yourself for the  
25 record, Ms. Ruiz?

1 MS. RUIZ: Let me just speak as counsel. My  
2 name is Vanessa Ruiz and I'm Deputy Corporation Counsel  
3 for the District.

4 I just want to put this in context because  
5 there is obviously a reference here to law and  
6 regulations which we've had in place, and in fact,  
7 Mayor's orders, which speak to the preparation of  
8 affirmative action plans be updated annually by the  
9 District of Columbia. That was done pursuant to D.C. Law  
10 1-63 which was passed in 1976.

11 In that law, there is a reference to the  
12 affirmative action goals of the District Government being  
13 to have in the District Government's work force workers  
14 who are representative of something called the available  
15 work force. There is also a definition of available work  
16 force which refers to the population generally within a  
17 certain age range.

18 Pursuant to that plan, the Fire Department over  
19 10 years ago adopted an affirmative action plan and then  
20 they were sued. The affirmative action plan was struck  
21 down by the U.S. Court of Appeals for the District of  
22 Columbia as being in violation of Title VII, Federal law,  
23 and of the Constitution because it sought to implement  
24 D.C. Law 1-63 which was looking for proportional  
25 representation in District employment with reference to



1 the general work force.

2           Therefore, we must be very careful, given that  
3 our law has itself been -- let me be as understanding  
4 about this as I can -- is under a cloud as to its  
5 constitutionality and compliance with Title VII as to  
6 what kinds of affirmative action plan we can actually put  
7 in place and enforce because if not, we open ourselves up  
8 to lawsuits for reverse discrimination as we have in fact  
9 been subject to in the past. It's not just in the past  
10 but in connection with that specific affirmative action  
11 plan.

12           So when Ms. Utley referred earlier to the fact  
13 that we were kind of caught in the middle it, what she  
14 was referring to was this, that to the extent we try to  
15 take affirmative action steps, we have to do so cognizant  
16 of federal law and decisions by the U.S. Court of Appeals  
17 in the District of Columbia as to what is permissible  
18 under law.

19           COMMISSIONER BUCKLEY: What I am asking relation  
20 to what you just said, would it be permissible the way  
21 you currently understand your law and your suit and  
22 everything else that Mayor Kelly can say right now there  
23 is an underemployment of Latinos in the community,  
24 therefore I would like to see the Departments heads set a  
25 7 percent or an 8 percent goal to be matched by my

1 Department heads? That is not saying anything about the  
2 community, that is not saying anything about what the  
3 population looks like. That's just saying I want you as  
4 Department heads to go out and 10 percent of your new  
5 employees or 10 percent of your department will be  
6 Hispanic by the end of the year.

7 Have you looked any at that kind of a  
8 percentage goal for departments?

9 MS. RUIZ: As you have stated it, and based on  
10 my understanding of our current data base, we could not  
11 say that and come within legal requirements because any  
12 kind of percentage setting which is based exclusively on  
13 race or ethnicity has to go to specifically correct  
14 historical discrimination by a particular unit or agency  
15 of the government and it must be based not on work force  
16 generally or on the population generally but on the  
17 applicant pool.

18 So it requires having a specific data base and  
19 an analysis based on that data base. That is the state  
20 of federal law. So we have to take great care in how we  
21 formulate these affirmative action efforts.

22 Again, Ms. Utley referred earlier to the fact  
23 that what we really need to concentrate on is perhaps  
24 bilingualism as opposed to Latinos. To a certain extent  
25 one can assume that one implies the other, but as we have

1 heard, not necessarily. Whereas bilingualism may very  
2 well be a bona fide requirement for a position, you can't  
3 necessarily restrict that to a person who is Latino.

4 CHAIRMAN FLETCHER: Commissioner Ramirez, I  
5 have some questions I want to ask but you go first.

6 COMMISSIONER RAMIREZ: Counsel, first of all, I  
7 want to thank you for that very clear explanation of the  
8 current state of federal law. I wish the rest of the  
9 country understood that is what affirmative action is. I  
10 think we would have a lot more support for it if when  
11 everybody talked about it, they were as clear about it as  
12 you have been.

13 What troubles me about your explanation,  
14 however, is it appears that the District of Columbia has  
15 been operating free of the law or rather without any --  
16 thus far, let me say, I have not heard about any  
17 accountability system with the Government of the District  
18 of Columbia or any accountability of the District of  
19 Columbia by the Federal Government either through OFCCP  
20 or the Civil Rights Divisions of any of the particular  
21 departments that fund the District.

22 I'm wondering what has been the state of the  
23 law. Have you ever been monitored by the Federal  
24 Government on any of these issues and how do your  
25 department heads know what is expected of them, how do

1 your department heads currently deal with grievances,  
2 complaints, who looks over what they are doing?

3 All I've gotten thus far, and it may be that I  
4 don't understand, is that there is no affirmative action  
5 plan and that there has not been but there are no  
6 affirmative action plans and that there have not been any  
7 of any consequence or anything anybody has paid very much  
8 attention to for the last 10 years. Is that an accurate  
9 statement?

10 MS. RUIZ: I'm sorry, if you're addressing that  
11 to me --

12 COMMISSIONER RAMIREZ: I want to address that  
13 to Ms. Utley.

14 MS. UTLEY: I thought you said counselor,  
15 please excuse me.

16 COMMISSIONER RAMIREZ: I complimented counsel  
17 on her explanation. Since you are the sworn witness, I  
18 would ask you, is that a correct impression?

19 MS. UTLEY: That is a relatively correct  
20 impression. We do submit annually to EEO for staffing  
21 patterns to the Federal Government. We do have in place  
22 a Human Rights Act that monitors discrimination. Those  
23 are the cases that are brought to the Department and they  
24 are predominantly employment cases. I would suspect that  
25 about 90 percent of the cases that we receive and review

1 and investigate are employment-related.

2 Those people come in and file whatever  
3 grievance they wish to file and if it's discrimination  
4 and discrimination is found, then we take the appropriate  
5 action.

6 I might add that one of the things that happens  
7 is that a lot of cases -- not a lot necessarily but a  
8 relatively large number of cases are settled. Our  
9 expectation is that those are cases which are what's  
10 called satisfactorily adjusted meaning that for the most  
11 part, the complainant gets a money award. The thought is  
12 that in that group there are lots of cases that probably  
13 would be probable cause findings if it were to go to  
14 that, but as we all know, settlement is always better  
15 than drawing it out.

16 COMMISSIONER RAMIREZ: Do you have any data that  
17 describes how Hispanics have been treated by that process  
18 that you could submit to the Commission for the record?

19 MS. UTLEY: Would you give me a little more?

20 COMMISSIONER RAMIREZ: Would Hispanics utilize  
21 the grievance system and what is the relative rate of  
22 settlement of Hispanic cases?

23 MS. UTLEY: Those were the numbers that I  
24 talked about earlier. If you would like to have them in  
25 written form, I can provide those, yes.

1                   COMMISSIONER RAMIREZ: I think that we would  
2 like to have those in written form and I would ask that  
3 they be submitted for the record.

4                   I still want to clarify very pointedly the  
5 notion, am I correct that in terms of affirmative action  
6 hires, promotions, that there is no affirmative action  
7 plan in force at this time for the individual units and  
8 that for all intents and purposes there has been no  
9 affirmative action accountability for the different units  
10 over the course of the last 10 years?

11                   MS. UTLEY: I can say that we cannot provide  
12 any information to the contrary. I can say that.

13                   CHAIRMAN FLETCHER: Anyone else?

14                   (No response.)

15                   CHAIRMAN FLETCHER: Let me pose a couple.  
16 Counsel, this is directed to you. Since Crosin  
17 (phonetic), we all know that when Crosin came down, city  
18 government after city government, plus some other court  
19 cases, threw their affirmative action plans out and said,  
20 we've got to go back to the drawing board again.

21                   Certain cities have done so and are now issuing  
22 affirmative action plans based on a couple of activities.  
23 One such activity is called an impact study. Has the  
24 District, to your knowledge, conducted an impact study or  
25 do they plan to conduct one, and is an impact study

1 critical to designing, developing and implementing a new  
2 affirmative action plan?

3 MS. UTLEY: I guess I'm respond to your  
4 question, we have in the District very recently in fact  
5 received responses to an RFP for a disparity study or  
6 impact study but that is in the area of minority  
7 business. That was as a result -- not as a result of but  
8 it certainly had some emphasis or was generated by our  
9 Crosin case. Our minority business program has been  
10 attacked in court and we are presently defending that  
11 case.

12 In reviewing our program and trying to design  
13 and see whether or not there are changes we have  
14 commissioned that study. We will hopefully within the  
15 next several months issue a contract for that.

16 In terms of affirmative action plan which I  
17 assume you're talking about with respect to employment,  
18 we have not, as far as I know, undertaken that kind of  
19 study.

20 CHAIRMAN FLETCHER: Have you made any efforts  
21 to communicate with other cities who are still running  
22 affirmative action programs to determine -- I understand  
23 the uniqueness of your law, I understand that, but what  
24 is happening across the country right now is the fear of  
25 being sued has frozen people to the point that

1 affirmative action, for all intents and purposes, has  
2 gone down the drain.

3 My concern is how long are we going to be  
4 afraid to go to court and how do we position ourselves to  
5 have the courage, the tenaciousness and if you will, the  
6 details, to say it's time to run with it? I hate to  
7 personalize on this but when I went to the Labor  
8 Department in 1969 and issued the revised Philadelphia  
9 plan and caused it to start the enforcement process,  
10 there was no road map, we didn't have one. The folks in  
11 the legal department told me I was out of my mind to run  
12 with the data that we picked up and decided to set  
13 standards and we won in Philly but we won in Philly  
14 because we felt we had done enough groundwork, gathered  
15 enough details to run the risk.

16 I guess my concern is, unless those of you who  
17 are in the trenches decide that we've been afraid long  
18 enough, it's time to either lose more or win one, we  
19 might as well be out of the ballgame.

20 I'm curious to know what are you doing besides  
21 sending the Mayor a revised order that you indicated,  
22 what's behind that, what are you doing that makes you  
23 think you'll be back in the affirmative action business  
24 again? Anything?

25 MS. UTLEY: I guess I'm a little unclear about



1 your question.

2 CHAIRMAN FLETCHER: Are you hiring law firms to  
3 help you design a new one? Are you calling in other  
4 cities who are having similar if not identical problems  
5 and saying, what is your experience? How do we package  
6 something that gets us back in the ballgame? That's all  
7 I'm asking for. What are you doing to try to get back in  
8 the game?

9 MS. UTLEY: Well, sir, I'm going to tell you  
10 this. We have not hired any outside consultants, we have  
11 not -- we are in the process, though, as I say of sending  
12 out that Mayor's order and that is critical because it  
13 brings to the fore the question of our legislation  
14 because without legislative change, all the consultants,  
15 law firms or whatever serve no purpose.

16 CHAIRMAN FLETCHER: I guess my point is, do you  
17 need help to get that done?

18 MS. UTLEY: Absolutely.

19 CHAIRMAN FLETCHER: What kind of help do you  
20 need?

21 MS. UTLEY: All kinds -- we need personnel, we  
22 need money, we need volunteers. We need all of those  
23 things.

24 CHAIRMAN FLETCHER: You don't need any help  
25 with drafting that order that you want the Mayor to run

1 with?

2 MS. UTLEY: Those volunteers will do that.

3 CHAIRMAN FLETCHER: Do you have a strategy for  
4 getting them?

5 MS. UTLEY: A strategy for getting them?

6 CHAIRMAN FLETCHER: A strategy for getting the  
7 volunteers to volunteer?

8 MS. UTLEY: No, sir, I don't, not at this  
9 point. I've got a strategy for getting volunteers for a  
10 whole bunch of other stuff and we're working on other  
11 things. For instance, in the Office of Human Rights, we  
12 have a backlog in excess of 500 cases.

13 CHAIRMAN FLETCHER: I'm not talking about that  
14 right now.

15 MS. UTLEY: I understand but that's one of the  
16 things I have to be concerned with.

17 CHAIRMAN FLETCHER: I'm concerned about that  
18 too but I'm concerned about getting a document that the  
19 Mayor would feel safe in running with to get back into  
20 the affirmative action business. I'm of the opinion that  
21 as long as you don't have some kind of affirmative  
22 program that suggests that the District of Columbia's  
23 Government is squarely behind this, sensitizing the  
24 people who do the selecting is not going to be very easy  
25 I don't think. They too will look beyond the Mayor's

1 order and say, the court has said stop this stuff. I've  
2 found brothers and sisters who have benefitted from  
3 affirmative action who are now turning out to be the ones  
4 who don't want to stick the oar in the pond again. I  
5 want the oar back in the pond.

6 (Applause.)

7 CHAIRMAN FLETCHER: I'm kind of pressing on  
8 this because the adversaries who succeeded in killing  
9 your plan in court is sitting there laughing saying we've  
10 got them spinning in the wind and they are afraid to put  
11 on the uniform and play again. I want us back in uniform  
12 and down on the field and playing again. That's what I'm  
13 talking about.

14 (Applause.)

15 MS. UTLEY: I think that's important but I also  
16 think that in this time we all must do that. It's not  
17 simply a question of what the government can do, it's a  
18 question of what all of us can do. To the extent that we  
19 are all aware that Act is subject to those questions, we  
20 all have an obligation, not just the government, but  
21 those groups that are affected have an obligation to go  
22 to the City Council themselves.

23 I'm not trying to advocate my responsibility  
24 but I am certainly trying to let everybody know it is a  
25 shared responsibility.

1                   CHAIRMAN FLETCHER: Let me ask it another way  
2 then. Is there a possibility that the Mayor and yourself  
3 could appeal to some of these big law firms who are  
4 saying we do pro bono work to come on in here and pro  
5 some bono and help us direct, draft a new bill? That's  
6 what I'm asking, help us draft a piece of legislation  
7 that we can have the courage and guts to go to court on  
8 again.

9                   MS. UTLEY: I think one of the things you  
10 mentioned first though is key and that is having a basis,  
11 an impact study to make that kind of determination. Do  
12 you see what I'm saying?

13                   CHAIRMAN FLETCHER: Yes.

14                   MS. UTLEY: I'm saying that just to go out and  
15 ask a law firm to develop a plan is not going to get us  
16 very far because they are not going to have the basis --  
17 they are not going to have the information. We can't  
18 provide the information to them because we are not  
19 automated. We are in the process of automating our  
20 system in order to provide the information for somebody  
21 to study and develop a plan.

22                   CHAIRMAN FLETCHER: I'm listening.

23                   MS. UTLEY: That's what I'm saying. You're  
24 talking about getting law firms, sure we can go out and  
25 ask them if they can help and we'd appreciate all the

1 help we can get, but I'm simply saying that they have to  
2 have some thing to work with and we have to be able to  
3 give them the applicant pool and the basic baseline data  
4 on our work force as it is presently constituted.

5 Maybe you do know about the difficulties that  
6 we've been having even in terms of our own work force in  
7 identifying how many they are, who they are, where they  
8 are, what they get paid, and so forth.

9 I'm saying, yes, I agree with you that all  
10 those things you say are necessary. There is no question  
11 about it and I would be the first to say we need to do  
12 it, but I'm constrained by the reality of the fact that  
13 we don't have that baseline information that we can give  
14 to somebody so that they can study and come up with a  
15 plan, and all of us -- the Hispanic community, all of  
16 these Hispanic groups who are talking, the Afro-American  
17 groups that are talking -- have a responsibility to go  
18 down to the City Council and put our case to them in  
19 order for them to take the weight in terms of making  
20 those legislative changes.

21 CHAIRMAN FLETCHER: I hear every word you're  
22 saying and I agree with it, but I haven't moved from  
23 where I came in the door. I would appreciate knowing  
24 that an effort is being made to appeal to a prestigious  
25 law firm who will know how to collect the data that you

1 can't collect. They know how to collect it. They are  
2 not about to write a statute without the data that would  
3 make them look stupid. They too will put some people  
4 aboard and help gather that data.

5           What I'm suggesting is very simply this, and  
6 I've seen it done in a couple of places. I saw it done  
7 in Seattle, Washington, so I'm really not talking off the  
8 top of my head. I saw it done in Denver where I live now  
9 where a couple of prestigious law firms decided to  
10 volunteer to get into the ballgame and they did the work  
11 that helped the city feel that it was on the right  
12 ground.

13           I'm simply asking or suggesting that an effort  
14 be made to get some help that you need that you don't  
15 have the funding to get, and you don't have the funding  
16 to get all the staff aboard to do it. I'm trying to find  
17 out if I could make an appeal to ask you to ask Arnold &  
18 Porter and some of the other biggies to get into the  
19 ballgame or say no.

20           I think if you make that effort you might find  
21 that you'll get the pro bono help you need to get off of  
22 spinning in the wind as we are right now. That's  
23 basically what I'm saying.

24           MS. UTLEY: I think maybe Ms. Ruiz may be better  
25 able to address that.

1 MS. RUIZ: Let me address that because I agree  
2 with you that there is an incredible resource and  
3 willingness in the private sector, in the private law  
4 firms to provide this kind of assistance. I myself came  
5 from the private sector to the D.C. Government 6 months  
6 ago and have done some work with the Lawyers Committee.

7 One of the things that our Corporation Counsel,  
8 John Payton, has done for example in order to facilitate  
9 the use of pro bono assistance by the D.C. Office of  
10 Corporation Counsel is to request a change in the rules  
11 of professional responsibility governing conflicts of  
12 interest which were so strict, if you will, that they  
13 placed a very practical impediment in our ability to use  
14 some of that help in-house, putting them to work in an  
15 intensive basis on some of these priorities that we very  
16 much want to move on.

17 Just last January 17th, I think it was, the  
18 D.C. Court of Appeals did in fact vote to approve the  
19 change in the rules that Mr. Payton had requested, so we  
20 do intend to move very vigorously with a pro bono program  
21 within the Office of the Corporation Counsel. So we will  
22 be contacting these firms. In fact, a number of them  
23 have already expressed their willingness to do it. We're  
24 going to tap that resource.

25 CHAIRMAN FLETCHER: So next year, I'll hear

1 that you got it done. Thank you very much.

2 You state that 34.9 percent of the minority  
3 contracts have gone to Hispanics. What percentage did  
4 that represent in dollars?

5 MS. UTLEY: Are you speaking to me, sir?

6 CHAIRMAN FLETCHER: Yes. You run the Minority  
7 Business Program?

8 MS. UTLEY: Yes, sir. I don't have that right  
9 in front of me, but there was \$238 million total, so that  
10 would have represented whatever portion of that.

11 MS. BOOKER: One more question, Mr. Chairman,  
12 of Ms. Utley. When will the system be available so that  
13 an adverse impact analysis can be done?

14 MS. UTLEY: When will what?

15 MS. BOOKER: The system. If you cannot track  
16 applicant flow and candidates through the selection  
17 process, then you can't do an adverse impact analysis, is  
18 that correct, but you're in the process, I understand, of  
19 computerizing?

20 MS. UTLEY: I have to defer to Personnel with  
21 respect to that.

22 MS. GREEN: We have requests in the capital  
23 improvement budget from Fiscal Year 1992 through 1995 to  
24 automate our personnel records. The process that we're  
25 undergoing now is office automation and next year, we



1 will be attempting to automate our files. Everything now  
2 though is prepared manually.

3 MS. BOOKER: Thank you.

4 CHAIRMAN FLETCHER: You will be automated next  
5 year, is that what you're saying?

6 MS. GREEN: No. We will have office  
7 automation. We have to start from the basics, PCs, that  
8 sort of thing. We will have office automation at the end  
9 of this fiscal year and next year we will be in our first  
10 phase of automating our records.

11 CHAIRMAN FLETCHER: Thank you. Mr. Gonzalez?

12 MR. GONZALEZ: I would like to make some  
13 observations if I can and at the same time, ask some  
14 questions along the way.

15 We had a panel that was I guess for lack of  
16 another term headed up by Vincent Grey here the other  
17 night. I'm not good at reading body language but I kind  
18 of got the subtle impression that he wasn't too happy  
19 with some of the folks that worked for him in terms of  
20 perhaps being part of the problem.

21 Certainly Deputy Mayor Austin Penny was on  
22 target when he said that his panel of new folks said that  
23 they found more of a mess than they had anticipated, so a  
24 part of the effort to get things going was complicated by  
25 the fact that they had to start to remedy some of the

1 many problems that they inherited.

2 Is that a similar environment that you all have  
3 found?

4 MS. GREEN: Just speaking for Personnel, I  
5 think that over the years there had been some neglect to  
6 the personnel system, that Personnel did not have the  
7 stature that it should have as a human resource function  
8 in the government. Obviously, any major personnel unit  
9 should be automated, just as giving one example.

10 I must say that given the constraints that we  
11 do have, the staff of the Office of Personnel, I've found  
12 that they've done as well a job as they could have under  
13 the circumstances and just mentioning this particular  
14 area that we are here for today, the Hispanic Employment  
15 Program has done an outstanding job.

16 One other thing I'd like to mention at this  
17 time is that Mayor Kelly is intent on insuring that the  
18 managers of this government, no matter what the  
19 constraints they have upon them, are going to be held  
20 accountable for the programs that she has committed us  
21 to.

22 If necessary, some changes that need to be made  
23 that were mentioned earlier in personnel laws and  
24 regulations, those will be made. She's asked me to  
25 submit to her information concerning laws and regulations

1 that we feel are inhibiting our effort to move forward.

2 MR. GONZALEZ: Has she asked you to include a  
3 ranking factor in the performance evaluation of managers  
4 in regards to their affirmative action?

5 MS. GREEN: Yes, she has.

6 MR. GONZALEZ: Has that been done?

7 MS. GREEN: We are moving towards that.

8 MR. GONZALEZ: What does that mean?

9 MS. GREEN: We have --

10 MR. GONZALEZ: Is it in effect now for this  
11 rating period?

12 MS. GREEN: No. We have a rating period now  
13 that ends March 31st. Each agency is going through  
14 performance standards. We have not had performance  
15 standards in the District of Columbia Government and we  
16 are now in the process of having agencies go through that  
17 process of developing these performance standards. All  
18 the agencies are not completed as yet but as the  
19 performance standards are being developed, certain  
20 factors are factored in.

21 The new rating period starts April 1st. I  
22 would like to say that we would be in a posture to move  
23 forward April 1st, but I don't think so. I don't think  
24 that we are that close in all agencies.

25 MR. GONZALEZ: Is there a lot of talking to

1 each other amongst those managers? My experience in  
2 government has been that one can 50 percent of the time  
3 reach objectives and goals through subtle instructions or  
4 subtle directions or subtle pressures without necessarily  
5 hiding behind the excuse that behavior is controlled by  
6 rules and regulations.

7 I would suspect, and let me put this in the  
8 figurative term, if Mayor Kelly puts her arm around  
9 Deputy Mayor Penny, she sends a subtle message that she's  
10 all about economic development.

11 What Latino does Mayor Kelly put her arm  
12 around?

13 MS. GREEN: Maria Borrero usually, who is  
14 always very responsive to the Mayor, but there are a  
15 couple of cabinet persons who are Hispanic but the Mayor  
16 makes it quite clear what her intent is to all the  
17 cabinet. As of two weeks ago, she now has a full cabinet  
18 in place with the selection of Mr. Malone as the Acting  
19 Director at the Department of Housing and Community  
20 Development. So now having a full cabinet, I think the  
21 Mayor can move forward with some of the programs that she  
22 had --

23 MR. GONZALEZ: When you say full cabinet, do  
24 you have a Latino in the cabinet in that position of  
25 Latino Affairs? Is that a cabinet position?

1 MS. GREEN: Yes. We have someone who is acting  
2 at present and we have two other cabinet members, the  
3 Superintendent of Banking and Ms. Borrero.

4 CHAIRMAN FLETCHER: Did you say you have a  
5 Latino?

6 MS. GREEN: We have someone who is acting in  
7 that position right now.

8 CHAIRMAN FLETCHER: Does speak Spanish?

9 MS. GREEN: She is Hispanic.

10 CHAIRMAN FLETCHER: Does she speak it?

11 MS. GREEN: Yes.

12 CHAIRMAN FLETCHER: We have some Hispanics who  
13 don't speak it.,

14 MR. GONZALEZ: Who is the person that is  
15 responsible for monitoring or carrying out or enforcing  
16 that the District Government be responsive to the needs  
17 of Hispanics from an employment perspective, in other  
18 words, looking at your own structure and making sure that  
19 you have an equitable distribution and an equitable  
20 number of Hispanics working for the D.C. Government? Who  
21 is the person that is responsible for that?

22 MS. GREEN: It's a joint effort. As Mr. Vazquez  
23 mentioned, Chapter 8, Subpart 20 which we have provided  
24 to the Committee states that there is a Hispanic  
25 Employment Program in the government that is -- the

1 responsibility is jointly shared by the Office of Latino  
2 Affairs, the Office of Personnel and the Office of Human  
3 Rights. So we are all held accountable.

4 MR. GONZALEZ: So there are three people that  
5 are involved and all three of you report directly to the  
6 Mayor?

7 MS. GREEN: That's correct.

8 MR. GONZALEZ: There were some comments made  
9 about the effort to tell the community that you all  
10 exist, Ms. Utley. I've been kind of impressed by the  
11 litany of folk and organizations that have come before us  
12 that seem to be very dynamic in the District. I don't  
13 see much of a problem in terms of telling people that  
14 anybody exists.

15 However, I would like to say that again my own  
16 experience has shown that the best approach to that is  
17 through the grapevine rather than through some formal  
18 system. What I mean by that is that if someone is  
19 treated well in the Hispanic community, is treated with  
20 respect and gets the right kind of services from any  
21 office, they'll go back to the community and they will  
22 say, hey, this happened, and that's going to bring back a  
23 whole bunch of other folks.

24 I think that there is a need to take a look at  
25 how people are being handled or dealt with as has been

1 the case over the length of panels that we have had here  
2 where they have indicated that there is some problem with  
3 that.

4 Is there a hiring freeze?

5 MS. GREEN: There are restrictions on hiring.  
6 It's not a hiring freeze but there are restrictions on  
7 hiring.

8 MR. GONZALEZ: What about reassignment? What  
9 if I'm working for the District Government in a position,  
10 I'm Hispanic but I feel that I can best utilize my  
11 strengths and skills in another area, I know that  
12 department or division has a need? Is there some  
13 flexibility in moving around?

14 MS. GREEN: Yes, there is flexibility through  
15 reassignment.

16 MR. GONZALEZ: Is there discussion amongst  
17 managers and the Mayor to encourage that?

18 MS. GREEN: I cannot answer that. I don't know  
19 if there has been some discussion.

20 MR. GONZALEZ: Well, you're a director. Have  
21 you been in any meetings with the Mayor where that has  
22 been encouraged?

23 MS. GREEN: No.

24 MR. GONZALEZ: Has that been brought to your  
25 attention as the Director of Personnel?

1 MS. GREEN: That there is a need for  
2 reassignment of Hispanic personnel from one department to  
3 another? No, it hasn't and I think that's because of the  
4 shortages that are experienced in the agencies themselves  
5 that no one is willing to give up an employee.

6 MR. GONZALEZ: Ms. Cruz talked about the  
7 certification process and we all know how that gets  
8 played out in terms of discretion of the hiring official  
9 once they have the cert, the discretion is up to the  
10 individual.

11 Are there subtle messages sent in terms of  
12 making sure that Hispanics are getting jobs? Let me give  
13 you an example, Ms. Green. As Director of Personnel, I  
14 would suspect that you're no different than any other  
15 director of personnel and you probably get calls from  
16 directors that say, hey, I'd like to do this, I'd like to  
17 promote this person, I'd like to move this person, I'd  
18 like to do this and that where they are really asking for  
19 advice and assistance.

20 Is there a message that you send to them saying  
21 yeah, I'd like to do that for you but you weren't too  
22 good with us in that last cert regarding Hispanic  
23 employment? Are people having those kinds of discussions  
24 to generate a difference in behavior?

25 MS. GREEN: I have not had those type of



1 discussions.

2 MR. GONZALEZ: Would you have them?

3 MS. GREEN: Probably within reason, within some  
4 reason.

5 MR. GONZALEZ: In one of the federal agencies  
6 that I'm familiar with there was an internal memorandum  
7 that went down from the Secretary of the agency to the  
8 Assistant Secretaries saying, although the Secretary was  
9 very familiar with the certification process for  
10 managers, that he in this particular case wanted whenever  
11 any cert came up which included a minority in the cert  
12 and an Anglo was chose over any minority, he wanted  
13 personally some rationale from that manager. So there  
14 was no need to change regulations, no need to talk about  
15 lawsuits. All he wanted from his manager, which he's  
16 entitled to, is some rationale as to why he chose the  
17 nonminority over the minority.

18 Is that the kind of suggestions that could be  
19 brought to the Mayor?

20 MS. GREEN: It certainly could.

21 MR. GONZALEZ: Is that something you might want  
22 to consider doing?

23 MS. GREEN: Yes.

24 MR. GONZALEZ: The other thing, also, Ms.  
25 Utley, you made some references to Acts and having been

1 myself once the Associate Administrator for Minority  
2 Small Business at SBA, I'm very familiar with Acts, but I  
3 also know that there are goals.

4 MS. UTLEY: I'm sorry, you said Acts?

5 MR. GONZALEZ: Yes. In other words, you made  
6 some reference to being sensitive to the Act and what you  
7 could and couldn't do, but I also know that there are  
8 other ways of reaching your objective. For instance,  
9 Bill Grey was very effective in convincing aid through  
10 the establishment of a goal and it was again, a subtle  
11 threat -- I rule over your appropriations and if I don't  
12 see some increased involvement in minority small business  
13 contracts, then I'm going to be awfully upset.

14 Are those the kinds of messages that you could  
15 send out?

16 MS. UTLEY: With respect to?

17 MR. GONZALEZ: To minority contracts?

18 MS. UTLEY: I guess I'm having a little  
19 difficulty. Based on the performance and the statistics,  
20 we do very well in that area already. I think probably  
21 30 percent is already going to Hispanic-Americans of the  
22 pie.

23 MR. GONZALEZ: So you feel comfortable with  
24 that figure?

25 MS. UTLEY: 30 percent?

1 MR. GONZALEZ: I think the question was being  
2 asked whether the 30 represented dollar amounts or number  
3 of contracts?

4 MS. UTLEY: 34 percent of the dollar amount.

5 MR. GONZALEZ: How many contracts?

6 MS. UTLEY: I don't have that information.

7 MR. GONZALEZ: How many contracts do you in  
8 general --

9 MS. UTLEY: I wouldn't have that kind of  
10 specific information available. If that's something you  
11 would like to know, we can try to find out but it's not  
12 the kind of thing we would have readily available even in  
13 the office.

14 MR. GONZALEZ: Could someone answer me the  
15 question I had asked previously about what is the highest  
16 ranking position in D.C. Government for a Latino, filled  
17 by a Latino?

18 MS. GREEN: The Cabinet members are all --

19 MR. GONZALEZ: And career?

20 MS. GREEN: Career, that would be medical  
21 officers. We have some medical officers, one that's a  
22 Grade 16, the majority of which are 15s in the  
23 government.

24 MR. GONZALEZ: So you have a medical officer  
25 that's a 16, GS-16, that's Latino?

1 MS. GREEN: Yes.

2 MR. GONZALEZ: Thank you very much.

3 MS. MUSKETT: Mr. Gonzalez, if I might just  
4 clarify one thing with Ms. Utley. During a staff  
5 interview with you, one of our staffers had verbally  
6 requested some information on complaints filed and we  
7 appreciate your sending the number of complaints filed by  
8 Hispanics.

9 If you could provide for us for the fiscal  
10 years 1987 through 1991 the percentages by race,  
11 ethnicity of complaints filed, we'd appreciate it.

12 MS. UTLEY: Fiscal 1987?

13 MS. MUSKETT: Through 1991.

14 MS. UTLEY: To date?

15 MS. MUSKETT: Right, by race and ethnicity.

16 Thank you.

17 MS. UTLEY: That's just the number filed?

18 MS. MUSKETT: And percentages and disposition  
19 also, please.

20 COMMISSIONER ANDERSON: Are there any further  
21 questions of this panel?

22 (No response.)

23 COMMISSIONER ANDERSON: Thank you very much.

24 - Could the counsel identify the next members of  
25 the panel?

1 MS. BOOKER: Mr. Chairman, the next panel is  
2 the first Education Panel. Will Ms. Maria Tukeva, Ms.  
3 Rose Marie Inserni, Ms. Jocelyn Frye, Ms. Beatriz Otero,  
4 Mr. Mauricio Alarcon and Mr. Timothy Ready please come  
5 forward?

6 (Whereupon the panel was duly sworn.)

7 COMMISSIONER ANDERSON: We'll begin this  
8 session with the reminder of what we indicated in  
9 previous days of our hearing that federal law protects  
10 all witness before this Commission. The federal criminal  
11 statute, Section 1505 of Title 18 of the United States  
12 Code makes it a crime punishable by a fine of up to  
13 \$5,000 and imprisonment of up to 5 years or both to  
14 interfere with a witness before this Commission.

15 Witnesses, including those in the open session,  
16 at Commission hearings are protected by the provisions of  
17 Title 18, U.S. Code Section 1505, 1512 and 1513, which  
18 make it a crime to threaten, intimidate or injure  
19 witnesses on account of their attendance at government  
20 proceedings.

21 The Commission should be immediate informed of  
22 any allegations relating to possible intimidation of  
23 witnesses. Let me emphasize that we consider this, all  
24 the members of this Commission, a very serious matter,  
25 and we will do all in our power to protect the witnesses

1 who appear before us at this hearing.

2           Having said that, Counsel, would you like to  
3 begin?

4           MS. BOOKER: Thank you, Mr. Chairman.

5           I'd like to begin by asking each member of the  
6 panel to identify yourself by name and your  
7 organizational affiliation beginning from stage front.

8           MS. TUKEVA: My name is Maria Tukeva. I'm the  
9 Principal of Bell Multicultural High School, a school of  
10 the District of Columbia Public Schools.

11           MS. INSERNI: I am Rose Marie Inserni and I'm  
12 the school committee coordinator of the Carlos Rosario  
13 Adult Education Center and the Supportive Services  
14 Office, D.C. Public Schools.

15           MS. FRYE: My name is Jocelyn Frye. I'm an  
16 attorney with the law firm of Crowell & Moring here in  
17 Washington, D.C.

18           MS. OTERO: My name is Beatriz Otero and I am a  
19 parent of two children in the D.C. Public Schools and I  
20 am also a member of the Latino Civil Rights Task Force.

21           MR. ALARCON: I am Mauricio Alarcon, President  
22 of Salvadorians United for Better Education and also part  
23 of the D.C. Latino Civil Rights Task Force.

24           MS. GUTIERREZ: My name is Sonia Gutierrez. I  
25 am the Principal of the Carlos Rosario Adult Education

1 Center, D.C. Public Schools.

2 MR. READY: My name is Timothy Ready. I am a  
3 staff associate in the Division of Minority Health  
4 Education and Prevention of the Association of American  
5 Medical Colleges and also a research associate in the  
6 Department of Anthropology at Catholic University.

7 MS. BOOKER: Thank you. Mr. Chairman, Attorney  
8 Patricia Grow will begin the questioning.

9 MS. GROW: Ms. Tukeva, how long have you been  
10 Principal at Bell Multicultural High School?

11 MS. TUKEVA: I've been Principal since 1980.  
12 Originally the school was called the MCIP. The name was  
13 changed to Bell Multicultural in 1989.

14 MS. GROW: Your school offers academic,  
15 vocational and occupational training?

16 MS. TUKEVA: Yes, it does.

17 MS. GROW: How many students are currently  
18 enrolled there?

19 MS. TUKEVA: We have over 1,000 students. We  
20 have 560 students in our daytime high school program and  
21 an additional 150 students in our evening high and 400  
22 adults that adult both in the day and the evening.

23 MS. GROW: How many of your students would you  
24 say approximately are from El Salvador?

25 MS. TUKEVA: Approximately 50 percent.

1 MS. GROW: How many are Spanish-speaking?

2 MS. TUKEVA: About 65 percent.

3 MS. GROW: Is that with varying degrees of  
4 English proficiency?

5 MS. TUKEVA: Yes, it is.

6 MS. GROW: Based on your experience with these  
7 students, is there a coherent curriculum or sequence of  
8 studies for limited English-speaking students?

9 MS. TUKEVA: In our school, there is a coherent  
10 sequence or course of studies. However, this is not the  
11 case throughout the District.

12 MS. GROW: Why is that?

13 MS. TUKEVA: Because such course of studies has  
14 not been designed to take into account the language  
15 acquisition process or the other academic and cognitive  
16 needs of the students.

17 MS. GROW: Have there been specific  
18 recommendations to develop such a plan and have you  
19 offered recommendations?

20 MS. TUKEVA: I believe that the comprehensive  
21 study that was conducted two years ago made specific  
22 recommendations about that.

23 MS. GROW: At your school, approximately what  
24 would you say is the Hispanic participation in work and  
25 training programs that are D.C.-funded?



1 MS. TUKEVA: At our school, it would be about  
2 70 percent.

3 MS. GROW: Do any students that are at your  
4 school that are undocumented -- are there any barriers  
5 for entrance to these programs?

6 MS. TUKEVA: There are barriers to entrance to  
7 employment programs for those students who are  
8 undocumented or who have a student or a diplomatic visa  
9 because the Department of Employment Services programs  
10 will not admit them into those programs.

11 MS. GROW: Is there a requirement that they  
12 have a social security number for strictly D.C.-funded  
13 programs?

14 MS. TUKEVA: There is a requirement that they  
15 have a social security number.

16 MS. GROW: How about Hispanic participation in  
17 gifted and talented programs?

18 MS. TUKEVA: In our school, it's about 50  
19 percent or 60 percent. I don't have the data for the  
20 rest of the school district but it's my understanding  
21 that it is quite low.

22 MS. GROW: Schoolwide?

23 MS. TUKEVA: Yes.

24 MS. GROW: Could you tell us how many bilingual  
25 staff you have at your school?

1 MS. TUKEVA: Out of our entire staff, 80  
2 percent are bilingual in one language or another.

3 MS. GROW: Have you experienced any difficulty  
4 in recruiting qualified bilingual instructors and  
5 personnel?

6 MS. TUKEVA: Recruiting? I have done most of  
7 the recruiting myself.

8 MS. GROW: Have you experienced any difficulty  
9 in finding people?

10 MS. TUKEVA: No, I have not.

11 MS. GROW: Could you tell us, since it seems  
12 that some other people are having difficulty finding  
13 qualified bilingual personnel for different positions,  
14 what methods you use?

15 MS. TUKEVA: I put an ad in the classified  
16 section of the Washington Post.

17 MS. GROW: And you've had a response in all  
18 those instances?

19 MS. TUKEVA: Yes, I have.

20 MS. GROW: Thank you.

21 Ms. Inserni, could you describe your  
22 responsibilities at the school?

23 MS. INSERNI: Yes. I'm the school Committee  
24 Coordinator and that means that I am the liaison between  
25 the immigrant community and the school and I'm also head

1 of the Supportive Services Office here at the school, at  
2 the center.

3 MS. GROW: What type of things do you do on a  
4 daily basis?

5 MS. INSERNI: We counsel students in different  
6 areas in group counseling, career placement, job  
7 counseling, immigration, anything that a student may need  
8 in order to stay in school and finish their courses.

9 MS. GROW: Could you give me an idea, an  
10 approximate percentage of how many of those students you  
11 counsel are from El Salvador?

12 MS. INSERNI: It's a large population.  
13 Specifically, in terms of statistics, I think the  
14 Principal of the school will have that information more  
15 accurate than me, but it's a large percentage.

16 MS. GROW: Perhaps since you do counsel these  
17 students, based on your experience, what are some of  
18 their primary concerns or most pressing needs at this  
19 time?

20 MS. INSERNI: They have been constantly  
21 bringing to the Supportive Services Office a lot of  
22 personal cases of employment discrimination, police  
23 abuse, inadequate and lack of services for them,  
24 violation of their civil rights in all areas, especially  
25 in the area of education.

1 MS. GROW: Could you be more specific in terms  
2 of education?

3 MS. INSERNI: I would have to start by also  
4 describing that as the School Committee Coordinator I am  
5 also a member of different Task Forces and a member of  
6 different committees. In 1988, I was a member of the  
7 Education Committee of the Commission on Latino Community  
8 Development.

9 At that time, there was a lot of parents who  
10 called upon the commission requesting our intervention in  
11 the situation that Latino children were facing in D.C.  
12 Public Schools. We held a public hearing and that  
13 hearing was attended by a lot of our Latino parents and  
14 also members and officers from the D.C. Public Schools.

15 Many allegations were brought in that hearing,  
16 allegations like the use of corporal punishment,  
17 violations to parents' rights, a lot of principals  
18 holding parents conferences regarding their son or  
19 daughter excluding parents' participation, the use of  
20 offensive and derogatory language against them and their  
21 children, interference in due process by calling those  
22 parents to parents' conferences or to any meeting  
23 required them to really document that they will be there,  
24 then there was no translation into Spanish when the  
25 parent didn't speak a word of English, and also

1 inadequate special education services for Latino  
2 children.

3 MS. GROW: Do you continue to hear these  
4 complaints?

5 MS. INSERNI: Constantly. After the  
6 disturbances in Mt. Pleasant, we held numerous assemblies  
7 with our students here to learn more about what was  
8 happening with them, what were their feelings about the  
9 whole incident in the Mt. Pleasant area. Again, the same  
10 allegations that were brought in 1988 were the same  
11 allegations brought a few months ago.

12 Also, when we informed the students that the  
13 Commission Civil Rights was coming, and we also held a  
14 series of assemblies to educate them on the process,  
15 again the same allegations were surfaced.

16 MS. GROW: Could you tell us, based on your  
17 experience, what type of training, vocational training or  
18 any other type of training would help these students  
19 fully develop their skills and enhance their  
20 opportunities?

21 MS. INSERNI: Every school year, my office is  
22 responsible to do formal and informal assessments of the  
23 students' needs. Every single year, it's really amazing  
24 to find out that between 75 and 85 percent of our student  
25 population do not have a market skill in the United

1 States. They want to know about vocational opportunities  
2 and they want to know about the chance to pursue higher  
3 education and to really make it in this country.

4 One of the great difficulties that we have been  
5 having in my office is referring students to other  
6 vocational training schools throughout the city besides  
7 the Bell Multicultural Center. You know there are  
8 numerous vocational schools free for residents of the  
9 District in different areas and in different fields.

10 Even when the student has completed Level 5 or  
11 Level 6 of English, that means that at least they have  
12 the basic ability to communicate in English and we have  
13 made the appropriate referrals to those centers, we have  
14 not been successful in really retaining those students in  
15 those centers.

16 Because we always follow up on our students, we  
17 have found out that they claim that they don't feel  
18 welcome in those centers, that there is no support or at  
19 least any effort in the staffing and administration of  
20 those centers in really integrating them and making them  
21 feel a part of the school and the student body. There is  
22 no vocational ESL to help them in their language barrier  
23 and many other claims.

24 MS. GROW: So am I to understand that they are  
25 not receiving advanced English instruction?

1 MS. INSERNI: Vocational -- there is a need.  
2 We offer here basic English skills, but there is a great  
3 need for vocational English as a second language. They  
4 don't know the terminology in English and they need that  
5 kind of supplemental academic support.

6 Also, another of the claims is that there is no  
7 one in those centers that will assist or at least will  
8 attend to the individual needs of the Latino population,  
9 so they feel that they don't have any support at all.

10 MS. GROW: Thank you.

11 Ms. Frye, I was wondering if for the Commission  
12 you could briefly summarize your report which I  
13 understand focuses on the problems faced by language  
14 minority students in the D.C. Public School system?

15 MS. FRYE: Yes, I can. The report, which is on  
16 its way by courier, the first thing I'd like to do is  
17 have it entered into the record, along with its  
18 attachments.

19 A number of the witnesses here will speak more  
20 specifically about some of the things that the report  
21 addresses but I will give you a brief overview.

22 First of all, I should tell you that the report  
23 focuses primarily on the District of Columbia Public  
24 Schools and that's really because that was the  
25 information that I had available to me. I think one of

1 the other witnesses will directly about the University of  
2 the District of Columbia which also should be addressed  
3 as well.

4 The other preliminary comment that I want to  
5 make is that in preparing this report, the sense that I  
6 got from the people that I worked with is that the  
7 District of Columbia's public school system has been  
8 responsive thus far to addressing a lot of the concerns  
9 that we are going to raise here. So I look at the report  
10 that you will be looking at as sort of a building block  
11 as it were.

12 MS. GROW: So am I to take it then that some of  
13 the recommendations you made in the report have since  
14 been implemented?

15 MS. FRYE: I think some of them have been  
16 addressed, not all of them, and the report deals with  
17 that more precisely. For example, one of the things that  
18 we talk about in the report is the need to identify and  
19 assessment and classify accurately the number of limited  
20 English proficient students within the system.

21 In fact, the school system has distributed the  
22 Home Language Survey which is the primary document that  
23 would be used to do that. So I think it is important to  
24 notice that. Some preliminary efforts have been made.

25 The report essentially focuses on five general



1 areas. The first is a need for an overall policy in a  
2 philosophical statement. It's important for the  
3 administrators, principals and teachers within the system  
4 to understand the philosophical underpinnings of what the  
5 school system's mission is with respect to educating  
6 language minority students.

7 MS. GROW: Has that been achieved?

8 MS. FRYE: No, but it's something that needs to  
9 be done and it's something that's been recommended in the  
10 past in the comprehensive plan that was done in 1989.

11 The second thing that is addressed in the  
12 report is the need to improve the accessibility of  
13 programs. I think from the testimony of the two prior  
14 witnesses you can tell that although there are some very  
15 good programs that have been developed, they are  
16 inconsistently available throughout the system. So there  
17 is a need to make sure that all of the students within  
18 the system who need the programs have them available to  
19 them.

20 The third area the report focuses on is the  
21 need for more bilingual teachers to teach language  
22 minority programs and also mainstream teachers as well.  
23 One of the premises that the report operates under is  
24 that all of the students, both language minority and  
25 nonlanguage minority will benefit from having a diverse

1 group of teachers as role models.

2 The other aspect of that is a concern about  
3 questionable hiring practices. Attached to the report  
4 are affidavits from employees who have had problems with  
5 attaining permanent employee status within the school  
6 system. That's something that needs to be addressed.

7 The fourth area that the report focuses on is  
8 perhaps the most troubling area and that's the  
9 allegations of physical and verbal abuse within the  
10 school system. Part of the problem is that there is a  
11 lack of sufficient data so the report can't detail the  
12 specific incidents although it does reference the  
13 incidents that have already been testified to. Clearly  
14 that area needs to be addressed.

15 One of the problems that I found in doing the  
16 report is that there is a lack of coherent investigative  
17 procedures and parents aren't clear about how the reports  
18 will be investigated and if they are being investigated.

19 The fifth area that the report focuses on is  
20 the relationship between the parents and the teachers.  
21 In reviewing the materials that I received, there is a  
22 strong sense that the parents have not felt that the  
23 school system has been responsive to a lot of their  
24 concerns. Again, the prior witness spoke about that  
25 briefly.

1           The report talks in more detail about some of  
2           the concerns that have been raised by the parents, not  
3           getting correspondence in more than one language, not  
4           being included in parent-teacher conferences, general  
5           lack of communication with the administrators that they  
6           are dealing with.

7           Those are the five general areas that the  
8           report focuses on and I'll be happy to answer any other  
9           questions.

10           MS. GROW: We look forward to receiving it.  
11           Thank you.

12           Ms. Otero, I was wondering if you could tell us  
13           a little bit about the school that you direct?

14           MS. OTERO: I direct the Calvary Bilingual  
15           Multicultural Learning Center. It is not a D.C. Public  
16           School. It is an independent CBO, a community-based  
17           organization that provides early childhood programs for  
18           children in the Columbia Heights, Mt. Pleasant, Adams  
19           Morgan area.

20           We also provide before and after school  
21           programs for children in three or four of the surrounding  
22           schools so that we have close ties with the public  
23           schools in the area.

24           MS. GROW: How long have you been working  
25           those?

1 MS. OTERO: I established the center five years  
2 ago.

3 MS. GROW: Based on your experience in dealing  
4 with educational issues, have you identified problems in  
5 the school system and provided recommendations addressing  
6 those problems and were there any actions taken on those  
7 recommendations?

8 MS. OTERO: I'd like to begin to respond to  
9 that by looking at sort of a fundamental issue that has  
10 been the strain through the last couple of days. That is  
11 the fact that we hear consistently the budgetary  
12 constraints, cutbacks, general financial strains are  
13 consistently being used to excuse the system's inability  
14 to provide needed resources throughout the community, not  
15 only in terms of education, and the lack of federal  
16 support is consistently being mentioned as the reason for  
17 not having provided good reasons and the lack of fiscal  
18 support from the Federal Government.

19 I'd like to just take a moment to make an  
20 analogy and being very much conscious that these are  
21 problems that our city is facing right now and not only  
22 our city but throughout the country and that the  
23 recession has hit us all hard, I'd like to just for a  
24 moment take D.C. as a family and look at its residents as  
25 members of that family.

1           This family has had a serious cutback in its  
2 income. This family is having tremendous financial  
3 constraints in meeting the needs of its family members.  
4 The decision the family needs to take is whether it will  
5 resolve to stop feeding or sacrifice one of its family  
6 members or does it find a way in which it will  
7 redistribute the pot among all of its family members for  
8 the well-being of the whole.

9           The response is that very often what we are  
10 hearing is that we are not able to provide all the  
11 services that the language minority community asks for  
12 because the resources aren't available.

13           Our challenge to that system and to our  
14 governmental community is that it has a responsibility to  
15 assure that we have a wholesome community and a wholesome  
16 community means that we afford the services and the  
17 rights and the responsibility to all members of that  
18 community.

19           I see four critical areas, although Jocelyn  
20 shows certain areas in her report and some of the other  
21 things have been said but I'd like to focus a little bit  
22 on the fact that we need to look at not only some of the  
23 qualitative changes that are taking place in the school  
24 system, but we have to look at some serious quantitative  
25 changes.

1           These have to do with more than hiring a  
2 certain number of teachers so that they fit the slots so  
3 that we can say that we have Hispanics teaching Hispanics  
4 and so on. I think we have to look at the social issues  
5 that are part of this, which is an issue of sensitivity  
6 across the board; we have to look at content issues, that  
7 is, a revision of our curriculum so that it addresses  
8 across the board the needs of all children. We have to  
9 look at some attitudinal issues and that is teacher  
10 training across the board. Not only do we need teacher  
11 training for ESL, we need to teach teachers to train a  
12 whole new community, to teach a whole new community.  
13 That goes back to also addressing our hiring practices  
14 and who are we hiring to come in and teach our children.

15           Our schools are presently a depository for a  
16 new generation. We have a responsibility, as Jocelyn  
17 said, to put out the models that we expect our kids to be  
18 able to support in the future society.

19           So as we work with the school system, yes, we  
20 are seeing some changes. Yes, the home language survey  
21 has come out. We will now have a way by which we can  
22 count the children that are out there, but unless the  
23 resources are distributed appropriately, having the  
24 numbers available of how many children are there is not  
25 going to help us a whole lot.

1           So I urge that as we look at our report and as  
2 we look at your recommendations, that those are true  
3 recommendations of qualitative change in terms of the  
4 policies that we have that deal with the education of all  
5 children in the District of Columbia.

6           MS. GROW: Has the community been able to  
7 provide input into the development of a curriculum or  
8 into the development of sensitivity training and having  
9 that incorporated into some type of policy for the school  
10 system?

11           MS. OTERO: To my knowledge, there is no  
12 community group that has been sought out to do that, no.

13           MS. GROW: So is there an avenue open for that  
14 type of exchange?

15           MS. OTERO: There is an avenue. The  
16 Superintendent has a Bilingual Task Force of which  
17 several of us are members and activating that task force  
18 and making sure that task force really is made up of  
19 people who can contribute would be a wonderful vehicle by  
20 which to do that, yes.

21           MS. GROW: Mr. Alarcon, I understand that you  
22 were a student at the University of the District of  
23 Columbia?

24           MR. ALARCON: Yes.

25           MS. GROW: When was that?

1 MR. ALARCON: From 1986 to 1989.

2 MS. GROW: And you were residing in the  
3 District of Columbia at that time too?

4 MR. ALARCON: Yes.

5 MS. GROW: Approximately how many years had you  
6 been a resident?

7 MR. ALARCON: About 8 years.

8 MS. GROW: In your experience while you were  
9 there as a student, were Latino students treated  
10 differently than other students?

11 MR. ALARCON: Yes. I have a little statement  
12 to read if you will allow me.

13 I am here to testify before you as a Latino  
14 resident of the District of Columbia that graduated from  
15 the University of the District of Columbia and as the  
16 President of Salvadorians United for Better Education, an  
17 organization dedicated to improve the quality of  
18 education of Latinos in the city.

19 I want to inform you this morning about the  
20 discrimination practices of UDC against the Latino  
21 community. As the only public institution in the  
22 District of Columbia in charge of providing higher  
23 education for low income students, UDC has failed to  
24 serve the Latino community. The very few Latinos who  
25 have completed their studies at UDC has experienced many



1 insensitivities and negative attitudes from UDC faculty,  
2 administration and employees.

3 Many Latinos have been discouraged in the first  
4 steps of the admission process. Many have been victims  
5 of scapegoating (phonetic) by insensitivity and  
6 unprofessional faculty. Besides the discriminatory  
7 attitude toward Latino applicants and Latino students,  
8 UDC has failed to have a serious approach to the Latino  
9 community in the District of Columbia.

10 As a result of this scientific and academic  
11 negligence, the District of Columbia lacks the  
12 documentation on the situation of the Latino community in  
13 its own jurisdiction.

14 The University of the District of Columbia's  
15 failure to serve the Latino community has broken our  
16 possibilities to initiate our community empowerment in  
17 our city. It is very hard for Latinos to document their  
18 problems as well as to propose and participate in their  
19 solutions. The lack of bilingual professionals in the  
20 District of Columbia is the responsibility of the public  
21 university. As taxpayers, Latinos deserve to be served  
22 as the rest of the population of the District of  
23 Columbia. The pigmentation and the last name of Latinos  
24 has been the main reason to disqualify them to be  
25 students at the University of the District of Columbia.

1 I personally experienced various discriminatory  
2 practices in the four years I attended UDC. Since the  
3 day I applied for admission, I was referred to at least  
4 four offices looking for someone who would take care of  
5 my case.

6 I had to present the Mayor's memorandum  
7 instructing D.C. employees not to require remedial  
8 documentation in order to be admitted at UDC. That was  
9 my first day. Although I presented proof of residency in  
10 the District of Columbia, I was charged out of state  
11 tuition twice in 1987. I was twice used as a scapegoat  
12 by professors in the Department of Mathematics and  
13 Political Science.

14 When I graduated from the University of the  
15 District of Columbia, I felt that I had gone through a  
16 war. It was then when I decided to create SUBE, an  
17 organization that works to improve the situation of  
18 discrimination and neglect of the Latino community, not  
19 only at UDC.

20 As the President of SUBE, I have received many  
21 complaints of discriminatory practices at UDC. Some of  
22 them I have been able to rescue the students before he or  
23 she gave up. At this point, it is large the number of  
24 Latinos who have given up to complete their studies at  
25 UDC. Most of them had been discouraged before admission.

1           The number one haggle that discourages Latinos  
2 from completing their studies at UDC is the imposition of  
3 out-of-state tuition. I want to bring to your attention  
4 two cases. One represents the effectiveness of the UDC  
5 discriminatory practices and the other one that  
6 represents the effectiveness of SUBE to rescue a Latino  
7 student from the effects of discriminatory practices.

8           The first is the case of a Latino student. I  
9 have omitted names because I have not been authorized by  
10 the students to make public their names. The first is a  
11 case of a Latino student whom I personally helped to fill  
12 out his application for UDC, his admission application.  
13 He resided in Northwest of the District of Columbia when  
14 I went to his house. He was imposed an out-of-state  
15 tuition during the 1990 academic year. The student was  
16 discouraged to continue his attempt to complete his  
17 career at UDC. The last time I heard from him, he was  
18 working in a restaurant and was not studying. He thinks  
19 education is not possible for Latinos in this country.

20           I want you to know that most Latinos in this  
21 city are low income people. A Latino who is planning to  
22 study and has saved a certain amount of money for that  
23 purpose is suddenly confronted with the fact that tuition  
24 ends up being twice the amount that he has in his pockets  
25 for school.

1 I also want to present the case of another  
2 Latino student who also was imposed an out-of-state  
3 tuition last semester at UDC. She resides in Northwest  
4 of the city too. She was part of the student government  
5 at the Center when it was the Gordon Center. She was  
6 awarded a \$3,000 scholarship by the United Planning  
7 Organization. She also works for the city. She is also  
8 a member of the Executive Committee of SUBE. I'm talking  
9 about a person who also knows her rights and being  
10 outspoken, has been consistently discriminated against  
11 due to her Hispanic sur name.

12 Our timely intervention and that of the Latino  
13 media helped this student to reduce her tuition to its  
14 in-state amount.

15 I had two other cases of people who were  
16 discriminated against by some administrators at UDC. One  
17 is the case of a Panamanian student who two years ago was  
18 referred to eight different offices when she submitted  
19 her transcripts for admission at UDC. She was told that  
20 a response would be sent to her house within the next two  
21 weeks and she desperately waited for six months and her  
22 papers did not arrive.

23 Meanwhile, she was taking classes practically  
24 without direction. Afterwards, this Panamanian student  
25 went to the UDC President's office. Some UDC employees

1 at that office told her that the President wasn't  
2 available at that time and wouldn't be available later  
3 on. This student sat in that office for four hours  
4 waiting for the President. She cried every time UDC  
5 employees asked her to leave.

6 Finally, a President's assistant came to talk  
7 to her and convinced her that he would take care of her  
8 case. She received her papers within the next week.

9 Another case is the one of a Latino student who  
10 graduated with minor valedictorian honors in 1987 from  
11 the Rosario Center, then the Gordon Center, who after  
12 attending UDC for two years withdrew from school. He  
13 called the bilingual counselor of this institution and  
14 told her, he could not deal with the racism and the  
15 unfair treatment to Latinos at the University of the  
16 District of Columbia.

17 I think I don't need to take all your time  
18 telling you about these discriminatory practices. I  
19 think you can take a look at the memorandum from the UDC  
20 Board of Trustees which tried to remedy these practices  
21 or take a look at the recommendation of the UDC Hispanic  
22 Task Force to the initiative of the President in 1989.

23 This morning I was disturbed by listening to  
24 the Department of Employment representative from the  
25 government to say that they went to other parts of the

1 country to recruit social workers and let me tell you, I  
2 receive phone calls from social workers who have been  
3 licensed in other countries and are here and currently  
4 reside in the District of Columbia that need that  
5 opportunity in higher education to be accredited in the  
6 District and be hired here, who know their community  
7 here. I really feel like we are not putting our efforts  
8 to work in the city on our problems.

9 In times of recession, it's not very practical  
10 to take money and use it in flyers and hotels and stuff  
11 like that instead of using it looking at people in the  
12 community to who the problems, who know their way around,  
13 where things are and can solve the problems of the  
14 community.

15 I feel that UDC has not dedicated its resources  
16 to really help the community. It's not just the Latino  
17 community, it is the rest of the community. We are in a  
18 city that one of the main industries is to know two  
19 languages, that's we the main skill we need here. We  
20 have more than 10,000 employments that require two  
21 languages at least and we don't have UDC preparing those  
22 employees. It's a lack of approach to the community or  
23 orientation to the community.

24 MS. GROW: Mr. Alarcon, back to the experience  
25 you had at UDC, what happened when you went to the

1 administration to prove that you were a UDC resident?  
2 What did they say?

3 MR. ALARCON: One of the told me in a very  
4 malicious way, do you have any idea why they have give  
5 you that tuition? I said, no, I don't have any idea and  
6 I think said I want to know who was the director there  
7 and I went to Mr. Bates, I think it was. I had the  
8 memorandum from the Mayor and I showed it and I said, I  
9 have this. This says that you cannot ask me for any  
10 immigration documentation because I denied to show it to  
11 them and that was the way it got in. That was one of my  
12 first days at UDC.

13 MS. GROW: Were you ever compensated for having  
14 to pay twice the tuition?

15 MR. ALARCON: I didn't pay it. I told them I  
16 was living in the District of Columbia and if they wanted  
17 to send somebody there to see if I in fact was living in  
18 the District of Columbia and I showed them everything. I  
19 showed them my income tax reports.

20 MS. GROW: When you were a student there, were  
21 you aware of other Latino students who were being charged  
22 out-of-state tuition who were D.C. residents?

23 MR. ALARCON: Many, many.

24 MS. GROW: Approximately?

25 MR. ALARCON: At least 40 per period and I

1 think people are very intimidated.

2 MS. GROW: Forty Latino students that were D.C.  
3 residents that were being charged out-of-state tuition?

4 MR. ALARCON: Yes. Some of them will ask me if  
5 I can go to the houses and testify for them that they  
6 were D.C. residents. It is very hard to demonstrate  
7 because many Latinos live in crowded houses and we all  
8 don't have the gas bill or the rent paid and then it's  
9 hard for us to prove that we live at those addresses.

10 MS. GROW: Were you aware of this happening to  
11 students of other ethnic backgrounds that were D.C.  
12 residents in being charged out-of-state tuition and  
13 experiencing similar barriers?

14 MR. ALARCON: Yes, to a couple of people from  
15 Iran also.

16 MS. GROW: Thank you.

17 Ms. Gutierrez, could you tell us how long  
18 you've been Principal here at Carlos Rosario Adult  
19 Education Center?

20 MS. GUTIERREZ: Since we moved to this building  
21 in 1978. We were a community program that was  
22 established by the community in the Adams Morgan area and  
23 it was called the Program of English Instruction for  
24 Latin Americans. That program was established by members  
25 of the Latino community including Mr. Carlos Rosario.



1 The first Director was Marcello Fernandez who is now  
2 Director of Bilingual Ed.

3 The community was smart enough to get a grant  
4 and get it funded through the school system, but we kept  
5 growing. When I took over the program in 1972, I had  
6 about 100 students and the program kept growing, so I  
7 started asking for a building. Finally, after tremendous  
8 efforts, we were able to secure this building in 1978 and  
9 that was because this used to be a junior high school.  
10 It used to be called Gordon Junior High School and it  
11 closed its doors in 1978.

12 They gave it to me, but they told me, we will  
13 give it to you provided that you take over not only your  
14 program but also the Americanization School that was over  
15 in Georgetown. So when I moved into the building, I had  
16 about 1,000 students. That was 1978. Then I became  
17 Principal.

18 MS. GROW: How many students do you have now?

19 MS. GUTIERREZ: We always have over 2,000  
20 students, 2200 to 2600 students and we have about 3,000  
21 on a waiting list.

22 MS. GROW: Approximately how many students  
23 would you say are from El Salvador?

24 MS. GUTIERREZ: A very large number. We have  
25 students from 100 different countries but the great

1 majority are Salvadorians. About 75 percent are  
2 Hispanics and of those Hispanics, over 60 percent or  
3 close to 60 percent are Salvadorians.

4 MS. GROW: Based on your experience here and  
5 with the D.C. Public School system, have Latino  
6 instructors or other personnel been treated differently?

7 MS. GUTIERREZ: Yes. Right here in this  
8 school, I had in 1988 three Latino -- two really job  
9 placement counselors and one instructor approached me and  
10 asked me how come another person that had come after them  
11 had become permanent and they hadn't.

12 MS. GROW: Permanent?

13 MS. GUTIERREZ: Permanent in the system. I  
14 thought at the time that the reason was because they were  
15 in temporary positions, so I started inquiring. I found  
16 out from Personnel that at that time -- that was 1988 --  
17 even though you were in a temporary position, you could  
18 become permanent in the system. You don't have to be  
19 permanent in the position but you could become permanent  
20 in the system, so I immediately requested for those  
21 employees to be appointed permanent.

22 The procedure is they are appointed  
23 probationary and then they are permanent. So I sent a  
24 letter to my division and I got an answer telling me that  
25 they could not be appointed permanent because they were

1 in temporary positions.

2 I sent them another memo and I attached the  
3 board rules that state that even if you're in a temporary  
4 position, you can become permanent. Nothing happened and  
5 my employees took it upon themselves to go and meet with  
6 the Director of Human Services for the school system.  
7 There has been restructuring in the school system, so I  
8 think at that time she was Associate Superintendent or  
9 something like that but she's the one that handled  
10 personnel.

11 When they went there and told her, she said,  
12 you should have become permanent a long time ago. They  
13 came back and they told me what had happened. I made a  
14 phone call to my department and I informed them about  
15 this conversation. So my boss said, okay, send me -- we  
16 will send the recommendation.

17 By that time, I had another employee that was  
18 not Latino but that was also in a temporary position and  
19 qualified so I added that name. Then they still did not  
20 become permanent. Then by May -- this started in 1988 --  
21 of 1990, other employees that had been employed that were  
22 also in temporary positions were qualified for  
23 probationary status, so I sent all the names including  
24 the names of the Latinos.

25 What happened was the Latinos did not become

1 permanent. I have been struggling with this problem  
2 because it is tremendously demoralizing for these  
3 employees. One of them has been here since 1980, 12  
4 years, and people that came after her and after others  
5 like one of the counselors came in 1984, two of them came  
6 in 1984 I believe, they have not become permanent but the  
7 others that I have sent have become permanent. It is  
8 very demoralizing for them.

9 MS. GROW: So other people that were in similar  
10 positions had their positions converted from temporary to  
11 permanent?

12 MS. GUTIERREZ: No, they were not converted,  
13 but they became permanent in the system. I have been  
14 trying since -- some of these employees are in a grant.  
15 They're under DOES and I have been trying since -- I got  
16 this grant in 1980 and I've been trying to get all these  
17 employees converted into regular positions. I've been  
18 trying to get them for years absorbed into the regular  
19 budget because I know if you're in sub money, sooner or  
20 later you are going to disappear but I have never been  
21 successful. Every year when the budget requests come in,  
22 I used to request it.

23 I, in a way, have given up because it's really  
24 a waste of my time. They are all still in temporary  
25 positions and they have not become permanent.

1 MS. GROW: Those positions that you said are  
2 funded by a grant, is this a D.C. grant or a federal  
3 grant?

4 MS. GUTIERREZ: Yes, it is a DOES grant, but  
5 some of them are already in -- some of them that were in  
6 that grant because the city keeps cutting the funds and  
7 some of those positions were eliminated, my division  
8 absorbed them but absorbed them instead of putting them  
9 in permanent positions, they were placed in temporary  
10 positions, so the positions have to be purchased every  
11 year. That's the employees under that grant.

12 I have one that is a career placement  
13 specialist. He's always been in a temporary position and  
14 he has never been transferred to a permanent position.  
15 So they are all still in temporary positions.

16 MS. GROW: How many positions were available  
17 under this grant from DOES?

18 MS. GUTIERREZ: Since 1980 when I first  
19 received the grant, it was a larger grant. I had over  
20 \$200,000 and I had about nine positions, but then they've  
21 been cutting and right now under that grant, although the  
22 people are still working for the same program which these  
23 are training programs, there are only I believe three  
24 positions that are covered by that grant. The others are  
25 under the regular budget but they are on temporary

1 positions. They are not in permanent positions.

2 Let me add that these teachers and counselors  
3 that are in the training program all are very qualified,  
4 they have masters degrees, they are bilingual because to  
5 work in that program, you have to be.

6 MS. GROW: So they are not temporary awaiting  
7 any certification?

8 MS. GUTIERREZ: No, they are not.

9 MS. GROW: Thank you very much.

10 Mr. Ready, I understand you recently published  
11 a book based on a longitudinal study of Latino youth who  
12 are enrolled in the Multicultural Intern Program?

13 MR. READY: That's correct.

14 MS. GROW: That's now part of Bell  
15 Multicultural High School?

16 MR. READY: When I first started working with  
17 the students at the school in 1981, it was called  
18 Multicultural Career Intern Program now Bell  
19 Multicultural High School.

20 MS. GROW: Could you briefly summarize the  
21 findings of this report?

22 MR. READY: Yes. First, I hope that you have a  
23 copy of this synopsis. It is a summary that I gave to  
24 your staff and I'd like it entered into the record.

25 Let me just say that I started working in the

1 school in 1981 and at that time, I conducted a survey of  
2 the 250 students who were enrolled at MCIP at that time.  
3 It was a much smaller school. It was truly a  
4 multicultural school. There were students I think from  
5 32 to 35 different countries, although approximately two-  
6 thirds of the students at that time were Hispanic and, as  
7 others have mentioned, about half of the Hispanics if not  
8 more, half to 60 percent, were from El Salvador. I  
9 conducted interviews, administered surveys and my study  
10 at that time focused on the adaptation of refugees'  
11 mental health status.

12 So a number of years went by and I continued to  
13 be involved with the school, doing some research and some  
14 volunteer work on different things on occasion. In 1988  
15 I received a grant from the Rockefeller Foundation, the  
16 Equal Opportunity Division, to conduct a follow-up study  
17 on the Latino students who participated in my previous  
18 study which again, was 1982, 1983.

19 The purpose of this study was it seemed to me  
20 it was a very interesting situation. As I'm sure others  
21 have testified the Latino population of Washington grew  
22 enormously during the 1980s from a very small number of  
23 Latino residents beginning in the 1960s if not before,  
24 but around 1980 with the turmoil in Central America the  
25 population greatly increased.

1           It seemed to me that we had the opportunity to  
2 do something of a natural experiment to see how would  
3 this population of young Latinos growing up in the city  
4 do with education and employment? The situation of  
5 Latinos around the country varies quite a bit in  
6 different groups, different localities through the  
7 country have different outcomes in regards to education,  
8 in regards to income and occupational status. So here we  
9 have a situation where a new community is coming into  
10 being and for the first time, a large number of kids are  
11 growing up in the city. What were the things that were  
12 influencing the outcomes?

13           I will qualify what I'm saying first of all by  
14 saying I studied only one group of students who had I  
15 would say the good fortune to have been enrolled at MCIP,  
16 certainly far more adolescents growing up in the city did  
17 not have the opportunity to attend that school. Many  
18 other kids perhaps because of a need to work or because  
19 they had only minimal education in their countries of  
20 origin came to Washington and really had no schooling or  
21 had other options available to them. That's the  
22 background of the study.

23           The study essentially was to find out -- most  
24 of the kids in the study were living in poverty when they  
25 arrived in 1980-81, right around that time. The question



1 was would they become stuck in chronic poverty or would  
2 they have the means to be able to improve their  
3 occupational status and acquire an education.

4           What I found with the study after conducting,  
5 there were 181 Latinos from that original cohort, 146 of  
6 them continued to reside in the Washington area and a  
7 research assistant and myself interviewed 112 of those  
8 146. We got basic information on employment and  
9 education through other sources, through friends,  
10 teachers, and other contacts. So we had fairly complete  
11 information on those former MCIP students who remained in  
12 Washington.

13           Essentially what we found was that they had --  
14 virtually there was 100 percent employment. If anything  
15 this was an extraordinarily industrious group of young  
16 men and women. From another perspective, they had little  
17 choice because there were very few resources they could  
18 rely upon if they did not work, with the exception of  
19 family resources, shall we say a personal social security  
20 system comprised of networks of family and friends. So  
21 there was an awful lot of work being done. Even while  
22 they were attending high school, virtually all of the  
23 students were employed. Many were working full-time  
24 while they were attending MCIP, getting out of school at  
25 3 o'clock, starting work at 3:30, working until midnight

1 and going back to school.

2           Some of the stories that are recounted in my  
3 study I think are little short of heroic is my  
4 impression. So in general, what happened is that  
5 virtually everyone in 1988 when I did the follow up study  
6 was employed with very few exceptions. I would say in  
7 general they were quite successful in escaping from the  
8 poverty in which most of them lived.

9           There are many things that I think helped them  
10 in their schooling in MCIP but certainly one of the most  
11 important things was the career orientation of that  
12 school, the fact that there was in the basic design of  
13 the school a career intern program model which as I  
14 understand it the school was originally funded from the  
15 U.S. Department of Labor and it was to replicate a model  
16 developed by the Rev. Mann Sullivan (phonetic) and OICA  
17 of Philadelphia to serve at risk youths in Philadelphia.  
18 This was the first chance to replicate that model in a  
19 more multicultural and predominantly Latino population.

20           So in this model in education, schooling and  
21 preparation for careers for fused, I think is the term  
22 that was often used. So there were many internship  
23 opportunities many of them supported by Department of  
24 Employment Services in the D.C. Government; some of them  
25 through the JTPA; some of them through the hard work of

1 career counselors at the school who developed their own  
2 resources to place kids in sometimes for pay, sometimes  
3 in not for pay internships in employment settings in  
4 careers in which they were interested.

5           What we found was that approximately two-thirds  
6 of the students who were involved in some sort of  
7 vocational education while they were attending MCIP  
8 continued to work in related jobs in 1988, 6 years later,  
9 which I found quite remarkable.

10           I would just say that in general one of the  
11 things that strikes me about this school is that if you  
12 were to accept as the premise that the purpose of a  
13 school is to prepare young people to be successful and  
14 responsible members of their communities and of their  
15 societies, then the schools that prepare them have to  
16 have tangible links to their community and to society in  
17 general. I think that is what this school was able to  
18 accomplish in that it was founded by Ms. Tukeva and a  
19 predominantly Latino community organization, it had very  
20 very strong ties to the community and so, as Ms. Tukeva  
21 reported as the current state now, and it was also the  
22 case back in the early 1980s, the vast majority of the  
23 teachers were bilingual and bicultural, so there were the  
24 ties in the community and also the ties into the work  
25 force.

1           There are a number of business partnerships,  
2 partnerships with higher education that were extremely  
3 important. So in a sense this school functioned as what  
4 the sociologist Peter Berger (phonetic) calls a mediating  
5 structure. The school functioned to show the kids that  
6 the values they grew up with in their own families were  
7 relevant not only to become competent and successful in  
8 their own community, but also in society at large. The  
9 school bridged that gap between what could well have  
10 been, and to some extent largely is, I'm afraid, today a  
11 somewhat isolated and cutoff community, cutoff from  
12 opportunities and gave them the opportunity to become  
13 structurally integrated into the economy of the city  
14 while maintaining their cultural heritage.

15           MS. GROW: Thank you very much.

16           Mr. Chairman, I move that Mr. Ready's study be  
17 entered into the record.

18           CHAIRMAN FLETCHER: There being no objections,  
19 so be it.       /

20           \*\*Insert.

21           MS. GROW: Mr. Chairman, I have no further  
22 questions at this time.

23           CHAIRMAN FLETCHER: Dr. Berry, please?

24           COMMISSIONER BERRY: We just negotiated who  
25 would ask what. I have several questions that are

1 designed to try to bring a little context to bear to the  
2 discussion here. This seems to be my role throughout  
3 this hearing to ask these questions and also try to get  
4 some information that will make it more possible for us  
5 to make recommendations from the testimony, and to ask  
6 the right questions of the witnesses coming after you who  
7 are from the school system. So that's why I'm asking  
8 these questions.

9           The first one I have to ask is I've been  
10 concerned throughout the hearings as to whether many of  
11 the problems we hear about are problems that immigrants  
12 have, whether they are Latino or not; whether they are  
13 problems that are only experienced by Latinos or whether  
14 they are problems only experienced by El Salvadorians;  
15 whether they are problems that people who are not  
16 immigrants have in the different areas that we've  
17 discussed here.

18           So I'm concerned now, after hearing your  
19 testimony, even assuming as I do that everything you said  
20 is absolutely true -- I have no reason to controvert it -  
21 - is it the case that persons or students from other  
22 immigrant groups have similar problems? For example, if  
23 one spoke in Arabic or one is Chinese, do children or  
24 adults from other immigrant groups fail to receive the  
25 kind of attention to their education or is it simply a

1 matter that everyone else does but it's only Latinos who  
2 are somehow overlooked, have no resources devoted or  
3 inadequate resources?

4 I ask that so that I can get some kind of  
5 balance. I'm trying to measure the commitment of the  
6 officials who are responsible for this and how to assess  
7 certain variables in terms of resources, time and  
8 attention, commitment.

9 So I ask you first of all for those of you who  
10 testified, and you all commented on this except Mr. Ready  
11 who was talking about a specific project, is it your  
12 impression Ms. Gutierrez, any of you, that this is only a  
13 problem suffered by Latinos in the D.C. School system?

14 MS. GUTIERREZ: In our case, it's not just with  
15 Latinos. Let me give you an example because we serve  
16 students from 100 different countries. The only thing is  
17 that the overwhelming majority are Latinos.

18 I have to go back 20 years. In the 1970s, when  
19 I was still at the other program, that was just Latinos  
20 at that time when we were in the community. I had a  
21 teacher from Bell and it was at that time Bell  
22 Vocational, it was not Bell Multicultural. Maria Tukeva  
23 took over Bell I think two years ago, right, Maria? It  
24 used to be Bell Vocational.

25 That school had very few students, very few

1 students. A teacher there that happened to be Hispanic  
2 came over because I was very close, about a block away  
3 from them, and said Ms. Gutierrez, we have so much room  
4 in our school and in my specific class which was  
5 refrigeration and air conditioning, that kind of thing,  
6 and he said, I would love to have some students because I  
7 only have like two or three students in my class.

8 I said, sure, let's recruit some. So I  
9 personally recruited 11 students. I even remember the  
10 number of students, 11 students and he took them over and  
11 week later, all the students came back. I said why are  
12 you back and he told us, don't you ever send us there.

13 What happened was that the students wanted to  
14 go to lunch in the cafeteria and they were told by the  
15 Assistant Principal at that time no Hispanics were  
16 allowed in the cafeteria.

17 Then after I moved into this building, through  
18 our division there was an effort to try to get like a  
19 joint program with Bell whereas students from here would  
20 come say half a day to ESL, English as a second language  
21 because at that time, they had no ESL, and then in the  
22 afternoon, they would go to a skill training there or  
23 vice versa. My division even facilitated a bus.

24 - Well, I had to terminate the program because  
25 the students at a certain point -- all I had was every

1 single day complaints and complaints and complaints from  
2 the students, complaints that the teachers didn't pay any  
3 attention to them in class, that they would raise their  
4 hand and the teachers wouldn't even look at them, all  
5 kinds of complaints. So finally, I really said, I don't  
6 have time to deal with this and let's just end the  
7 program because at that point, the students refused to go  
8 anymore.

9 At that point, students were not only  
10 Hispanics. I think I had a couple of Chinese and one  
11 Ethiopian.

12 COMMISSIONER: Is there anyone on the panel who  
13 believes the kinds of inadequate attention to need that  
14 you've described is something that either only happens to  
15 Latinos and not to students who are from other immigrant  
16 backgrounds or that it happens to immigrants in general  
17 but maybe because there are more Latinos, it seems to be  
18 disproportionately a problem? Is there anybody who  
19 thinks this is not the problem of immigrants who do not  
20 speak English and out groups and the way they are  
21 treated, but thinks it's just something directed at  
22 Latinos or at El Salvadorians?

23 MS. INSERNI: In terms of referrals for  
24 vocational training or going to the university, yes, it's  
25 an immigrant issue. We have had cases that also Asians



1 are experiencing the same kinds of problems.

2 In terms of physical abuse, the only complaints  
3 that my office has received until now have been from  
4 Latino children. At the time of the hearing in 1988, one  
5 of the things the committee did was to interview  
6 teachers, teacher aides and counselors in those schools  
7 in question and they all corroborated what the parents  
8 have said in the hearings.

9 Also, not only they corroborated but they said  
10 that knew of the situation a long time ago and one of the  
11 questions we asked was, is this happening only with  
12 Latino children and the answer was yes. Is the  
13 mistreatment and the physical abuse by teachers only  
14 concerning Latino children? Yes.

15 COMMISSIONER BERRY: Who told you this? Let me  
16 get this clear?

17 MS. INSERNI: The teachers that we interviewed  
18 that are in the bilingual capacity and the counselors at  
19 that time in the bilingual capacity.

20 COMMISSIONER BERRY: Were they Latino teachers?

21 MS. INSERNI: They were Latino and also Anglo  
22 teachers.

23 COMMISSIONER BERRY: Were there any Chinese,  
24 Ethiopian, Iranian?

25 MS. INSERNI: Not in the group that we

1 interviewed, no.

2 COMMISSIONER BERRY: I just wanted to ask that  
3 question on the record.

4 Also, the point of resources, Ms. Otero I think  
5 was talking about the family and how we distribute  
6 inadequate resources within the family. I don't want to  
7 mischaracterize. Were you the one who had that  
8 discussion?

9 MS. OTERO: Yes.

10 COMMISSIONER BERRY: We are all aware, I think  
11 that most urban school systems, including this one, has  
12 inadequate resources for anybody's education, at least  
13 that is my view, and that there are budget crises and  
14 problems.

15 I guess we would have to get from the officials  
16 who come up what the expenditures are on particular  
17 groups of students and how much they are, but you were  
18 arguing in general that whatever they are, and even if  
19 the school system doesn't have much money, what they  
20 should do is distribute it according to need? Was that  
21 your point?

22 MS. OTERO: In an equitable form.

23 COMMISSIONER BERRY: Do you mean according to  
24 need or what do you mean?

25 MS. OTERO: Education is the need of all the

1 children that come into our school system. They should  
2 all have the same access to educational services that  
3 will make them the best students that they can be so that  
4 if some students need more, they should get more. If  
5 some students need less, they should get less.

6 COMMISSIONER BERRY: We will ask them those  
7 questions.

8 Thank you very much, Mr. Chairman.

9 CHAIRMAN FLETCHER: Next, please? Commissioner  
10 Ramirez?

11 COMMISSIONER RAMIREZ: I am delighted to hear  
12 the testimony this morning and I particularly want to  
13 salute those of you who have struggled very long and very  
14 hard and often very lonely to put together programs of  
15 high quality and programs that dispel the myth that there  
16 is no intellectual and academic power in the students.

17 I don't want to spend my time concentrating on  
18 those exemplary programs because those exemplary programs  
19 we know that no matter how meager the resources, they are  
20 doing something. The bigger issue is what is happening  
21 in the rest of the systems because my assumption is that  
22 you serve only a small percentage of the students with  
23 these needs that are served by the system.

24 I will be very direct also, as my colleague and  
25 dear sister, Mary Frances Berry has been, and I will ask

1 you to what extent you see the resistance -- if there is  
2 resistance, unless I've misread it -- to your efforts to  
3 either hire faculty or to serve more students or to  
4 create a responsible curriculum? Do you see it as a  
5 leadership problem or as a bureaucratic problem or simply  
6 a problem of a system that has developed it's own way of  
7 operating and that is resistant to change.

8 MS. TUKEVA: I would say there is new  
9 leadership in the school system that is very supportive  
10 of change. However, the legacy of inaction is so long  
11 that at the lower levels, the levels with which teachers,  
12 administrators and others have to grapple, there is still  
13 a great deal of resistance.

14 It's difficult to get people appointed into  
15 positions, people that are bilingual. There is  
16 resistance at the local school level to upgrade services.  
17 There is not really yet in place a monitoring function  
18 that could go into schools and point out when there are  
19 not enough Hispanic or other language minority students  
20 that are in courses like calculus, physics, et cetera,  
21 and that they are graduating with the essentials of math.

22 While I think there is a new leadership that's  
23 very supportive, there is the history in the bureaucracy  
24 that needs to be contended with.

25 COMMISSIONER RAMIREZ: How much of that is the

1 function of the relationship between the union and the  
2 union management problems?

3 MS. TUKEVA: I wouldn't know. I couldn't say.

4 COMMISSIONER RAMIREZ: I also wanted to ask in  
5 terms of higher education for Hispanic students, do you  
6 have any sense of the rate of high school completion or  
7 the rate of college participation for Latino students who  
8 do go through the District?

9 MS. OTERO: There are no rates available. The  
10 1989 student that has been referred to a couple of times,  
11 the Comprehensive Plan for Language Minority Students,  
12 showed that there was no system in place to look at the  
13 dropout rate of Latino language minority students in the  
14 public school system. In fact, there were no systems in  
15 place to even find out how many were in the school system  
16 and as we said earlier, the home language survey should  
17 be able to take care of that.

18 There is no way to measure and there were no  
19 qualifiers in the system to look at how many were  
20 graduating, how many in fact are going on to college.  
21 Programs like the Bell Multicultural or Carlos Rosario  
22 keep their own numbers, but in terms of the overall  
23 system, there are no numbers as to who is graduating, how  
24 many of them, how long they are being retained, and  
25 certainly who is going on to higher education.

1           COMMISSIONER RAMIREZ: Ms. Gutierrez, you said  
2 you had a waiting list of about 3,000?

3           MS. GUTIERREZ: Yes. We ended last year with  
4 about 3,000 students and I have been asking for a long  
5 time for the program to be expanded or get satellite  
6 centers. Last year or the year before, my division  
7 opened a satellite center at Lenox which is in Capitol  
8 Hill and it helped us a little because they were able to  
9 accommodate about 200 people.

10           Maria Tukeva also has added to the high school  
11 adult ESL in the evening, but still the demand is so  
12 outrageous that just thousands of people are on waiting  
13 lists. It's not just the people that come, those are the  
14 people that come and will sign in. There are a lot of  
15 people that just call and we tell them we just don't have  
16 any room and they have to go away. They will not come  
17 here.

18           COMMISSIONER RAMIREZ: Has there been any  
19 systematic effort on the part of the D.C. Schools to look  
20 at the projections for need in that area?

21           MS. GUTIERREZ: Within my branch, we have  
22 talked about it and I always constantly bring the need to  
23 their attention and the need to get additional funding  
24 for more positions, et cetera. The problem is also that  
25 even though we have 16, 17 year olds et cetera, we are

1 adult education, we are the last priority in the system.

2 Because of that, what I'm being told is that  
3 the resources are just not there.

4 COMMISSIONER RAMIREZ: Is there any parent  
5 education program in the District of Columbia? I know of  
6 several very highly recognized models of parent education  
7 efforts in the District of Columbia. Are those run by  
8 the District and do Latino parents participate?

9 MS. OTERO: There have been some attempts  
10 within the Parent Involvement Branch, for example the  
11 Parent Conference, to draw Latino parents but generally,  
12 the majority of the schools and their PTAs make little or  
13 no effort to include Latino or non-English-speaking  
14 parents into their PTA by providing bilingual material or  
15 providing a translation or some system within the  
16 Parental Involvement Program that would help draw those  
17 parents into the system.

18 A lot of it deals with the issue of cultural  
19 understanding of what the background of the parents is  
20 coming into this culture in terms of the relationship of  
21 parents to schools.

22 COMMISSIONER RAMIREZ: Is there a parent  
23 education unit within the District?

24 MS. OTERO: Yes, there is. There is a parent  
25 involvement.

1           COMMISSIONER RAMIREZ: Are there any bilingual  
2 employees in that parent education unit?

3           MS. OTERO: I'm not familiar with any.

4           COMMISSIONER RAMIREZ: We'll ask the next  
5 panel.

6           Finally, I want to focus on the issue of the  
7 availability of options for higher education because I  
8 think that you cannot be successful in elementary and  
9 secondary education unless students have some reasonable  
10 expectation that is going to lead them to something else  
11 that is meaningful, whether it is a job or vocational  
12 training or a higher education.

13           What happens to the majority of Latino students  
14 who do graduate, who are low income in the District after  
15 they graduate from high school? Do they go on to further  
16 their education?

17           MR. ALARCON: I think very few. I don't have  
18 numbers but I think very few go to higher education, but  
19 I think it is a need obviously.

20           COMMISSIONER RAMIREZ: Is that because  
21 counselors do not encourage that or why do you think that  
22 is the case?

23           MR. ALARCON: I think we have very few  
24 counselors to orient them in choosing a career, choosing  
25 a university, and also where to find resources to



1 continue their studies.

2 MS. OTERO: If I may jump in a little bit, I  
3 think one of the things that is very much a part of the  
4 problem here is that most of these Latino students come  
5 from families who have no previous background in higher  
6 education and from systems that are different to the  
7 system here.

8 While a child whose family may have grown up  
9 here are maybe from this culture who knows and  
10 understands the process that you begin with even in  
11 seventh grade in terms of what are you going to do when  
12 you go to college, I'm fortunate enough to have grown up  
13 here and understand that and my seventh grader is already  
14 taking SAT courses and making sure that she is getting  
15 ready to go to college as a bilingual child.

16 That is not something that most of our language  
17 minority parents are familiar with and it is certainly  
18 not something that is available through the counseling  
19 divisions of the various schools. In fact, one of the  
20 greatest problems we have is the lack of bilingual  
21 counselors in the schools who can, starting at the  
22 elementary level, begin to address these needs with  
23 parents and children so that it's not just when you get  
24 to your senior year and how do you fill out your SATs or  
25 how do you do any of that.

1           There is also no knowledge or very little  
2 knowledge among the community as to what is available in  
3 terms of financial assistance, and, whether in fact, they  
4 qualify for financial assistance for further education.  
5 We know that it is absolutely impossible to go to college  
6 without some kind of financial assistance. Those two  
7 elements make it very, very difficult for a student to  
8 move on to higher education.

9           MS. INSERNI: Let me add to that, to support  
10 what Ms. Otero said, even when you have counselors  
11 working with the students in the case of our center where  
12 we have upward mobility students, students leave the  
13 center very, very enthusiastic about pursuing their  
14 dreams and pursuing their goals, but the University of  
15 the District of Columbia has had a history of not being  
16 receptive to our students and to our students' needs.

17           We have had cases where after just going  
18 through registration, the traumatic experience of going  
19 through registration at UDC, has disillusioned most of  
20 our students and they just give up then.

21           MR. READY: In my study, the inability to  
22 continue in higher education was by far the most  
23 frequently cited disappointment that was mentioned by the  
24 participants, the disappointment that had occurred to  
25 them after completing high school.

1           Very few of them had proceeded into a four year  
2 college type program and I can confirm a lot of the  
3 stories about people talking about difficulties at the  
4 University of the District of Columbia with being charged  
5 out-of-state tuition or a number of students fearing that  
6 they might be turned in to the Immigration authorities if  
7 they even applied to the University of the District of  
8 Columbia that came up a number of times in my study.

9           However, two other important sources of  
10 education in addition to the traditional four year  
11 college route, were very important. Shorter term job  
12 training programs and associate degree programs were very  
13 highly used and were very valuable.

14           COMMISSIONER RAMIREZ: I wonder, Mr. Chairman,  
15 if we could ask the general counsel to secure the  
16 prospective of the University of the District of Columbia  
17 on a number of the allegations that have been made here  
18 today before we close the record on this hearing?

19           Before I close, I have a friend who has been a  
20 principal of a school in Houston, Texas. When she went  
21 into that school there had never been a single, in this  
22 case, Chicano, who had ever been a cheerleader or a drum  
23 major or even been encouraged to try out for these rather  
24 dubious positions, but positions which are important to  
25 young people.

1           So I would like for the record for any of you  
2 who can speak to this to talk about the degree to which  
3 Hispanics are encouraged and actually do participate in  
4 extracurricular activities?

5           MS. TUKEVA: I think they are not encouraged  
6 enough and this is just impressionistic because I attend  
7 a lot of athletic and extracurricular events because  
8 that's part of my job and there is a very low rate of  
9 participation in those activities.

10           In addition, until our school came into being,  
11 every year the school system would award the top ten  
12 academic students from each high school, and until our  
13 school came into being, I had never seen any Hispanics  
14 attend those award ceremonies having been identified by  
15 their schools.

16           MS. INSERNI: After the hearings in 1988, we  
17 continued receiving allegations from parents and staff  
18 and one of the things they brought up also was the lack  
19 of participation of Latino in extracurricular activities,  
20 stating that teachers used the excuse of lack of language  
21 for not encouraging students to participate and also lack  
22 of appropriate trained staff to work with them and to  
23 encourage them to participate in extracurricular  
24 activities.

25           COMMISSIONER RAMIREZ: Did you have something

1 else?

2 MR. ALARCON: This is something else that UDC  
3 does not address which is to inform the students of their  
4 rights, specifically of the right to participate in  
5 extracurricular activities. I hear that the Hispanic  
6 Association there is having a hard time to come out with  
7 Latino students and they are having activities like going  
8 to Kings Dominion instead of having an activity directed  
9 to their community and research or something related to  
10 our situation here. They don't know there is a gift to  
11 them to participate there or it is something that they  
12 have paid already for to participate in the whole, to use  
13 the university facilities and all these kinds of things.  
14 They need to be informed. If not, they will continue to  
15 be intimidated by the whole system and the university  
16 specifically.

17 COMMISSIONER RAMIREZ: Thank you, Mr. Chairman.

18 COMMISSIONER BERRY: First of all, Mr.  
19 Chairman, was there any objection to the data request  
20 that my colleague, Commissioner Ramirez, made?

21 CHAIRMAN FLETCHER: There was none.

22 COMMISSIONER BERRY: I meant to ask whether any  
23 of you had available or knew where we could get  
24 information on how many community-based or self help  
25 activities exist in the Latino community to help with the

1 education of the students?

2           There's a lack of resources that you've  
3 described in the school system and some of you are  
4 associated with nonschool system activities, but in the  
5 Afro-American community, we have been reminded repeatedly  
6 over the last 12 years that most of what we do should be  
7 a self-help activity, although our history is having  
8 large numbers of self-help activities and most immigrant  
9 communities do have.

10           I realize that this is in many ways a young  
11 community, especially the Salvadorian community, and a  
12 weakly resourced community within the community. To the  
13 extent that there is data available or you know about  
14 other self help community-based activities to try to  
15 maximize the learning of people using people who already  
16 know how to speak English or how to access the system,  
17 that would be very useful to us.

18           Do any of you know of any or can you make  
19 available to us, even if not here, at some other time,  
20 the data for this part of the record?

21           MS. OTERO: I'm going to try to make my answer  
22 somewhat short because I could spend the next three hours  
23 talking to you about the level of activity there is  
24 within this community.

25           Let me begin with two of the programs that are

1 sitting at this table. The Multicultural Career Intern  
2 Program, which is now the Bell Multicultural High School,  
3 began as a community based organization formed by a group  
4 of us who on a volunteer basis were able to secure a  
5 three year grant from the Department of Labor which then  
6 proceeded to develop a full fledged high school which for  
7 ten years received no support from the public school  
8 system; which for ten years the public school system  
9 refused to grant high school diplomas to students  
10 graduating from that school, even though that school was  
11 providing all of the academic credits necessary to  
12 successfully complete high school and was entering a  
13 larger number of students into higher education than any  
14 other high school within the public school system.

15 So that began as a community effort which it  
16 took many years to have the school system embrace and now  
17 it shows off as one of its leading high schools.

18 The Carlos Rosario Education Center here  
19 started as FLA (phonetic), a community-based ESL program  
20 funded through the resources that were gathered through  
21 the community.

22 SUBE, Salvadorians United for Better Education,  
23 is a community-based organization made up of members of  
24 not only the Salvadorian community but other groups that  
25 advocate for the development of education in our

1 community.

2 The Superintendent's Bilingual Task Force,  
3 which started as a community effort, when back in 1986  
4 the then Superintendent decided that we did not need a  
5 Division of Bilingual Education in this city to afford  
6 the rights of education to language minority students.  
7 At that time, a community-based group gathered, convinced  
8 the school system to develop the study and the  
9 comprehensive plan of 1989 was developed based on the  
10 efforts of a community group that said, no, you will not  
11 stop bilingual education. In fact, because there is a  
12 growth from 3,000 to over 10,000 language minorities in  
13 the public school system, you must develop adequate  
14 programs and you must meet federal legislation regarding  
15 the rights of education to all of the population.

16 Aside from that, there are a number of early  
17 childhood programs within our community that are  
18 community-based that are working very hard at supporting  
19 what are now the America 2000 goals of the President and  
20 have been adopted in the D.C. Public Schools and that is  
21 that all children will be ready to start school. There  
22 are many early childhood programs that are doing that at  
23 this moment.

24 - I think that the community at large must be  
25 applauded for the fact that even though we are



1 continually being suppressed by the institutions that  
2 exist, within the community Latinos are known to have a  
3 very high standard for education and we won't stop trying  
4 to get that education.

5 MS. GUTIERREZ: Ms. Berry, we have over 23  
6 Latino agencies that are all community-based and we would  
7 be more than happy to submit to you their names and a lot  
8 of them, like the Spanish Educational Developmental  
9 Center and others do provide educational programs to try  
10 to help us meet the need, but the need is so outrageous  
11 that there is just not enough of all of us in the  
12 community.

13 COMMISSIONER BERRY: Thank you, Mr. Chairman.

14 MS. INSERNI: I think if I don't say what I  
15 need to say now, I'll be of disservice to a lot of our  
16 students.

17 One of the things, when talking to the  
18 students, that they ask me to say here is for the  
19 Commissioners please not to take the cases of corporal  
20 punishment and violations to their rights lightly. The  
21 cases that we have are not isolated, there have been  
22 many, many cases, and they have lost hope in the  
23 educational system. I think that's one of the most  
24 horrible things that a community can experience, when the  
25 only hope for the community to develop, they feel that

1 institution is not responding to their needs.

2 When cases have been brought up and the  
3 Commission on Latino Community Development has requested  
4 investigation, all those investigations have been  
5 inconclusive and no disciplinary action, to the best of  
6 our knowledge, has been taken against the teacher who  
7 punched that child or against the administrator who  
8 didn't follow the process or blocked the legal process.

9 I have to say that one of the families involved  
10 in this kind of situation moved from Washington, D.C. to  
11 Maryland and she said that one of the most effective  
12 tools and ways in disciplinary her children is the threat  
13 that if they don't behave, they will go back to D.C.  
14 Public School. Immediately they will stop what they are  
15 doing and they start behaving.

16 In my time, it was wait until your father  
17 comes. Now it's, if you don't behave, you're going back  
18 to the District school system.

19 COMMISSIONER BUCKLEY: Ms. Otero, do you have  
20 any personal knowledge of any physical or emotional abuse  
21 to Latino children and/or just children in general?

22 MS. OTERO: Certainly I deal with a lot of  
23 children in the elementary schools in our area and there  
24 is, for example, one particular school that has a first  
25 grade teacher that we all know who uses a ruler and uses

1 a ruler not to draw straight lines. That is something  
2 that's known and especially with Latino children because  
3 she does not understand them so she has a tremendous  
4 educational problem.

5 In that particular case, what we try to do is  
6 make sure that at least children that come out of my  
7 center don't end up in that classroom. It's something  
8 that has been brought up to administrators in the past,  
9 but that teacher regularly uses the ruler to punish  
10 children.

11 There are numerous parents who come in to our  
12 center and talk to our social worker and we try to go  
13 back to the schools and talk to the schools but it is  
14 very hard. Then at the same time, parents are very  
15 apprehensive about following through in any way because  
16 they really fear retaliation in the schools.

17 There are also schools that up until recently -  
18 - I'm glad to say that some of the administrators have  
19 been changed -- when a parent went to enroll a child,  
20 they were told that was not a school for Latino children.

21 Subsequently, you have large numbers of  
22 language minority children in one school and very low  
23 numbers in another school within the same neighborhood.  
24 It really is at the discretion of the teachers and  
25 principals.

1           There is also very little resources available  
2 to the mainstream teacher who gets language minority  
3 children into their classroom and creates a tremendous  
4 amount of frustration within those classrooms, so that  
5 mainstream teachers need a lot of support so that they  
6 can in fact deal with children in an appropriate manner.

7           COMMISSIONER BUCKLEY: What is the compulsory  
8 school attendance law in D.C.?

9           MS. OTERO: Five to 18.

10          COMMISSIONER BUCKLEY: They have to be in  
11 school?

12          MS. OTERO: Yes.

13          COMMISSIONER BUCKLEY: Does it say residents or  
14 nonresidents? Does the law say anything, citizens or  
15 noncitizens?

16          MS. OTERO: No.

17          MS. GUTIERREZ: They have to live in the  
18 District of Columbia and if they don't, they have to pay  
19 tuition. If they are from Maryland or Virginia, they  
20 have to pay tuition.

21          COMMISSIONER BUCKLEY: When a student comes to  
22 register in your school, what kind of documents must he  
23 have to register at your school?

24          - MS. TUKEVA: We need the health documents and  
25 the proof of residency in D.C. I would like to point out

1 that the Supreme Court ruled that schools cannot ask for  
2 documentation on legal status in Plyler v. Doe (phonetic)  
3 and in fact any attempt to do so is what's called the  
4 chilling effect. This does take place on a regular  
5 basis.

6 The issue of documentation cannot be  
7 overestimated because in many cases, that precludes a  
8 student from having ancillary services that are available  
9 to students with documentation in the schools.  
10 Employment programs are available only to documented  
11 students and some special enrichment programs that  
12 provide stipends to the school system require social  
13 security numbers. So we've had cases where our  
14 undocumented students or those with the diplomatic or  
15 student visas cannot get stipends for the same activities  
16 that other students in the school are, so this is the  
17 whole question of equity.

18 COMMISSIONER BUCKLEY: Have any of you received  
19 complaints from parents or students that they were  
20 treated differently because they were undocumented by a  
21 teacher, principal or other school personnel?

22 MS. TUKEVA: We have receive complaints of  
23 students who have come to our school because they were  
24 told they couldn't attend another school unless they had  
25 their immigration documents.

1           When our school first started, we were sharing  
2           a building with another school and the principal of that  
3           school asked me on many occasions to interpret and tell  
4           parents that they had to have immigration documents and I  
5           refused to do so.

6           MS. GUTIERREZ: We have also many students that  
7           have been in junior or senior high school and they will  
8           drop out and come to me, and this is adult ed, and they  
9           want to register here because they said they can no  
10          longer stand the way they are treated in schools.

11          For instance, last year, I had a number of  
12          students that were coming from a particular high school  
13          and they were young. I was saying, you should stay in  
14          high school, why are you all coming here? I really was  
15          trying to encourage them -- I wanted to send them to the  
16          Office of Language Minority to the counselor so that they  
17          would persuade them to go back to their schools.

18          They said, if you do that, we're just going to  
19          go home and we'll drop out and you'll never hear from us.  
20          I said what is the problem, so they start telling me all  
21          the problems that they were having in that school,  
22          including the fact that they said many of them at  
23          lunchtime, they would be eating their lunch and other  
24          students would come, like a group of Hispanics would be  
25          sitting there and other students would get up and get the

1 plates, the food that was left in their plates, they  
2 would empty the leftovers in the Latino children's  
3 plates.

4 There would be teachers watching and they would  
5 complain to the teachers, and the teachers wouldn't take  
6 any action. Those are some of the things they complained  
7 of.

8 MR. ALARCON: I want to add something. I think  
9 awareness of our rights, of the rights of every minority  
10 language student should be an issue within the  
11 communication of D.C. Public Schools, internal  
12 communication. I think that message should go from the  
13 Superintendent to principals and teachers that we have  
14 the same rights.

15 Last year, I participated in the  
16 Superintendent's Summer Conference and I was a panelist  
17 in a group of about 40 or 50 principals and  
18 administrators. One of them asked me if we have the  
19 rights, do you have the rights to education and it really  
20 told me a lot that if they don't know that we have these  
21 rights, Latinos have the same rights, how they are going  
22 to respect them. I think that is an issue within the  
23 whole administration that you have to be very specific  
24 and tell them, mandatory, to read this, all of us have  
25 the same rights to education and many public services.

1                   COMMISSIONER BUCKLEY: How do students get to  
2 Bell High School?

3                   MS. TUKEVA: They have heard about it by way of  
4 mouth and we also have a waiting list at this time. Some  
5 are referred by the Division of Language Minority Affairs  
6 of the D.C. Public Schools.

7                   COMMISSIONER BUCKLEY: I noticed in some of the  
8 data the District provided that you have a very high  
9 incidence of LEP (phonetic) students and there are very  
10 few LEP students in the other schools. How do you  
11 identify your students as LEP at your particular school?

12                   MS. TUKEVA: Every student that comes in is  
13 assessed for language proficiency and for proficiency in  
14 mathematics.

15                   COMMISSIONER BUCKLEY: By what means?

16                   MS. TUKEVA: We use the language assessment  
17 scales and a math test that we have developed in-house  
18 that we provide in six different languages.

19                   COMMISSIONER BUCKLEY: Is that used by other  
20 schools as well or are you the only ones that use it?

21                   MS. TUKEVA: We are the only ones that use the  
22 math test.

23                   COMMISSIONER BUCKLEY: And the last?

24                   MS. TUKEVA: The other schools are now all using  
25 -- are supposed to be using the LAS (phonetic).



1                   COMMISSIONER BUCKLEY: Does anybody else have  
2 any comment on that, on how the LEP students are  
3 identified in the schools in D.C.?

4                   MS. OTERO: I think it would be fair to say I  
5 think through a lot of the community efforts, part of  
6 what has happened now is that we have gone through the  
7 home language survey which has identified all of those  
8 students who come from language minority families who  
9 have answered yes or no on the questionnaire in terms of  
10 other languages at home.

11                   There is a process now in place to begin to  
12 test all of those students. Prior to that, there was no  
13 process in place and it was really a sort of catch it if  
14 you can kind of way, so that if a student walked in to a  
15 school in which the person who interviews the parent as  
16 the parent comes in to register the student, that person  
17 had no sense of what to do with that student. That  
18 student was registered into the school and sent to the  
19 level of the classroom basically by chronological age.

20                   If it was a school that had some knowledge that  
21 there was an assessment center, then that's where the  
22 students were sent prior to even being registered, which  
23 led to a host of problems. Part of that is now in the  
24 corrective action plan that has been in place after the  
25 Office of Civil Rights request for information. Some of

1 those things have begun to get into place.

2 There is a tremendous lack of resources so that  
3 is done quickly, so that the language minority branch has  
4 the number of staff they need to go out and test all of  
5 the students and assess the students and assure that they  
6 are all being provided the services they need.

7 COMMISSIONER BUCKLEY: Yes.

8 MS. FRYE: I just wanted to address the issue  
9 that you raised earlier about abuse in the school system  
10 because keeping in mind what Commissioner Berry said  
11 earlier about possible recommendations, I think a lot of  
12 the issues that have been raised can be addressed by  
13 implementing a sound investigative approach that parents  
14 know exactly how claims of abuse are going to be  
15 investigated, who is going to be accountable for  
16 investigating those claims, who is going to be  
17 responsible for reporting back to them.

18 I think a lot of the things that have been  
19 discussed here reflect a tremendous lack of communication  
20 and it's something that can be addressed. So I hope the  
21 people keep in mind that there are ways to resolve these  
22 issues. They are very, in some ways, simple  
23 recommendations that can be made to address some of these  
24 issues—that have been raised.

25 CHAIRMAN FLETCHER: Very well.

1 MS. GUTIERREZ: I need to add something to my  
2 first statement. When I was talking about the employees  
3 at this school that have not been granted permanent  
4 status, until last year Board regulations stated that if  
5 you were in the school system and in a temporary  
6 position, you still could become permanent. As of last  
7 year, they changed those regulations. Now we feel they  
8 don't cover these employees because some employees have  
9 been here since 1980, 1984, previous to the change in  
10 regulations. I just wanted to add that.

11 MS. INSERNI: I also need to add something and  
12 also to reiterate that we're here even though we are D.C.  
13 Public Schools employees and it's very uncomfortable to  
14 talk about the things that are happening in our system  
15 when we work here. We're here because we want to be a  
16 part of the solution. I wanted to communicate that to  
17 the new Superintendent.

18 In the past, there has been a fear of reprisal  
19 and that fear is real. The system has been very  
20 successful in doing that in a very sophisticated way  
21 where when we interview many, many of the employees in  
22 those schools and we ask them, come forward, please come  
23 here, they said because of fear of reprisal, they  
24 couldn't. They are afraid that they are going to be  
25 transferred to other schools and there is a lot of

1 pressure they are going to receive from their principal  
2 or assistant principal in their particular schools.

3 Also in terms of recommendations, we have  
4 talked and I have heard since the beginning of the  
5 hearings, a lot of people have said that we need to  
6 sensitize and to provide cross-cultural training. Those  
7 trainings should be mandatory to those people and  
8 employees who work with the public.

9 I would like to add also that in itself, even  
10 though it's a step, is not the solution. One of the  
11 things that also we have found out is that somehow or  
12 somewhere the complaints of Latino children being  
13 physically abused somehow that got translated into issues  
14 of race.

15 It's very difficult for a black administrator  
16 to accuse a black teacher and to continue or do any  
17 disciplinary action and I guess to try to understand  
18 what's going on in the system, we need -- I would say in  
19 addition to those training with ongoing sessions on  
20 racist issues as well, we need to help those  
21 administrators or those faculty people to move beyond the  
22 embarrassment or the alliance of a making those claims  
23 public or doing something about those claims because I  
24 think it's really a dynamic that is going on. Somehow  
25 the issue is lost by racist issues.

1           COMMISSIONER RAMIREZ: I would just like to say  
2           that the issue that you have just addressed is the  
3           fundamental challenge faced by this Commission. This  
4           hearing is embedded in a series of hearings in which we  
5           are going to attempt to go out to a number of cities in  
6           this country and try to understand that dynamic and the  
7           larger context.

8           The reason that my sister Commissioner Berry  
9           has consistently asked about context is because we think  
10          that context is changing and is particularly challenging  
11          throughout the country. We who are Hispanic are the --  
12          (Spanish word) -- to that changing context because even  
13          though some of us have been here and indeed received the  
14          immigrants, others of us -- certainly in terms of numbers  
15          and difference and complexity of cultural origin -- we  
16          are the new dynamic in America's urban centers as are  
17          Asian Americans.

18          Our urban centers are largely places where  
19          there are other groups that have also suffered  
20          discrimination and who have had little access to power,  
21          resources, dignity, respect, all of the above. So it is  
22          a different configuration that we are trying to deal  
23          with.

24          - I just want to say to you that I am very proud  
25          and very honored by the tone and the values that you all

1 have demonstrated in your testimony in helping us to deal  
2 with that dynamic. I think that you have set an example  
3 for people throughout this city and in other cities for  
4 the kind of conscientious and honorable approach to these  
5 issues that we all have to pursue.

6 MS. INSERNI: I feel very, very strongly that  
7 minority groups should work together to fight racism  
8 instead of a dominant minority group to oppress another  
9 minority group. From the Latino community, we want to  
10 leave the message that we are ready and we are willing to  
11 work toward a solution of the whole situation.

12 CHAIRMAN FLETCHER: Thank you very much.  
13 You've been very helpful to us. You are dismissed.

14 MS. BOOKER: Mr. Chairman, I'd like permission  
15 to enter Ms. Frye's excellent report into the record.

16 CHAIRMAN FLETCHER: So be it. No objections.

17 \*\*\*Insert

18 (Applause.)

19 CHAIRMAN FLETCHER: Will the next panel come  
20 forward please?

21 MS. BOOKER: The next panel, Mr. Chairman, is  
22 our second Education Panel, Dr. Franklin Smith,  
23 Superintendent of Schools; Elena Izquierdo, Language  
24 Minority Affairs Branch, D.C. Public Schools and Marcelo  
25 Fernandez-Zayas, State Director, Division of Bilingual

1 Education, D.C. Schools.

2 CHAIRMAN FLETCHER: Thank you so much for being  
3 present.

4 (Whereupon, the panel was duly sworn.)

5 MS. BOOKER: Will each member of the panel  
6 please identify yourself by name and your agency  
7 affiliation beginning with stage front?

8 DR. SMITH: Franklin Smith, Superintendent,  
9 District of Columbia Public Schools.

10 MS. IZQUIERDO: Elena Izquierdo, Director,  
11 Language Minority Affairs Branch, District of Columbia  
12 Public Schools.

13 MR. FERNANDEZ-ZAYAS: Marcelo Fernandez-Zayas,  
14 State Director, Bilingual Multicultural Education.

15 MS. BOOKER: Mr. Chairman, the questioning will  
16 commence with Ms. Grow.

17 CHAIRMAN FLETCHER: Please proceed.

18 MS. GROW: Dr. Smith, could you tell us what  
19 problems you have identified in the D.C. Public School  
20 system; what actions you've taken on those problems; and  
21 if you could also tell me which of those problems are  
22 unique, if any, to the Latino community?

23 DR. SMITH: In terms of the problems that we  
24 have identified, I would say that they would probably  
25 cover the waterfront from a standpoint of apathy on the

1 part of our students, not really believing in themselves;  
2 apathy on the part of our staff in many instances not  
3 providing the kind of instruction and having the belief  
4 and high expectations for the students that I believe  
5 they should have; problems in terms of our curriculum not  
6 being as up to date with the methodology that would allow  
7 them to be successful, not being in place the way I  
8 believe that it should be; problems with a high dropout  
9 rate among our students, much higher than I believe it  
10 should be; a need to upgrade our facilities in the  
11 District of Columbia -- when I arrived, I think there  
12 were some 11,000 fire code violations that were in tact;  
13 problems with not having the kind of persons in  
14 leadership positions that I believe were necessary to  
15 help us become the model district that I've said we will  
16 become in the Nation's capital and the list goes on and  
17 on.

18           What I have attempted to do since I've been  
19 here in the last six months, and I took office the first  
20 of July, is to try to put strategies and procedures and I  
21 guess change the perceptions within our districts so that  
22 we might be able to correct some of those things.

23           If I go back and look from a personnel  
24 standpoint, we have made a number of changes with our  
25 administrators in place, ones I believe will buy into the



1 vision that I have for the District, ones that I believe  
2 will provide the sense of direction that we need for the  
3 District.

4 We've attempted to reorganize our  
5 administration in a manner that I believe can now deliver  
6 some of the services and address some of the needs that  
7 we know exist within this district with our staff in  
8 terms of being responsive to the community, to the  
9 parents and to the students as well.

10 We've attempted to try to reorganize our budget  
11 so that we can provide focus and attention to those areas  
12 that need to have that attention placed on them.

13 MS. GROW: Could you give us an example of what  
14 areas?

15 DR. SMITH: For instance, in the areas of  
16 science and math, there was not a budget that was  
17 allocated to that particular area. We've attempted to  
18 add money to that particular area. In the area of the  
19 Bilingual Education Language Minority Branch, we've  
20 attempted to bring some stability there with the  
21 permanency of some of our individuals and in the proposed  
22 budget, we've asked for an additional \$1.5 million to be  
23 added to that budget to even further enhance what is  
24 being done in that particular area.

25 We've attempted to do some revisions to our

1 curriculum by looking at it and analyzing it, and have a  
2 curriculum audit done for the District so that we might  
3 be able to address what the needs are.

4 We've added some additional dollars and given  
5 some sense of direction as far as staff development is  
6 concerned with site-based management. Everyone is  
7 putting emphasis on schools being managed at their  
8 individual sites now. We are training our principals and  
9 teachers and involving the parents and in many instances,  
10 students in that particular training as well with our  
11 students.

12 So all of those things are being done. We hope  
13 to try to curtail some of the problems that we are  
14 dealing with which would keep us from reaching our goal  
15 of having students achieving in our district.

16 MS. GROW: Do you see that the majority of the  
17 problems you identified are across the board or are they  
18 affecting new immigrants or the Latino community?

19 DR. SMITH: I don't think there is any question  
20 at all that they are definitely across the District.  
21 There is no question about that. That is not to diminish  
22 the concern that we have for what we are addressing here  
23 today because I think the Latino population certainly is  
24 a part of that.

25 As I go back and look at the kinds of concerns

1 and issues that are coming to my office on a day-to-day  
2 basis, I can tell you they cover the waterfront from A to  
3 Z with every segment of this district.

4 MS. GROW: Could you explain for us in response  
5 to the Office for Civil Rights, Title VI review and the  
6 mandate to provide appropriate educational opportunities  
7 for all language minority students, the corrective action  
8 plan that you've implemented?

9 DR. SMITH: The first thing that we did,  
10 because I understand that had not been one and was  
11 something that had been recommended, the home language  
12 survey so that we could identify the number of bilingual  
13 students that were in our district. Then we've gone one  
14 step further in terms of putting in place some corrective  
15 action in hiring more ESL teachers, and I think even  
16 putting more emphasis on the Language Minority Branch so  
17 that they can begin to effectively deliver the services  
18 to our young people across the District, because it's not  
19 just in one segment of our city. We are finding as we  
20 look at the research, the population is spreading across  
21 the District, so we have to look at spreading that all  
22 over the place.

23 We've increased the number of bilingual  
24 teachers and I think it's up to 191 that we now have  
25 onboard since July from 150 some that we had initially

1 when I took over.

2 MS. GROW: Do you know how many of those  
3 bilingual instructors that you have are in term positions  
4 or temporary positions?

5 DR. SMITH: I'm not able to answer that  
6 question at this particular time. I do know one of the  
7 things -- I want to clarify that term temporary position  
8 because I think there has been some concern about that  
9 raised in other sessions.

10 We appropriated so many what we call PCN  
11 numbers and those are just control numbers that we get in  
12 terms of the positions that we can actually employ people  
13 in. As you get money from grants and some other things  
14 or if a new initiative comes up and there is not a number  
15 that has been identified in the budget process, you can  
16 hire those people but they are on what is called  
17 temporary status. They are not in that PCN, what they  
18 call real numbers that are out there.

19 To transfer those individuals from what they  
20 call the temporary status to the real numbers or the PCN,  
21 you need to have a number appropriated. That is a  
22 budgetary process. So what we've done in this next cycle  
23 is to ask for more numbers in that category so that we  
24 can rightly transfer individuals from "temporary" status  
25 to the probationary status which would give them a

1 regular PCN number in that area where they will not have  
2 to be terminated at the end of every year.

3 We did transfer some of those this year and  
4 Elena can probably give you more of an accurate account  
5 of the exact number that we've done that with.

6 MS. GROW: Could you just briefly explain the  
7 division of responsibilities between the State and local  
8 authority in the area of bilingual education? What are  
9 their specific responsibilities?

10 DR. SMITH: As we've looked at that -- that's  
11 been another area I've been wrestling with since July 1  
12 of the State responsibilities versus the local  
13 responsibilities in all areas not just this particular  
14 area -- I have taken the position that primarily the  
15 State is one of monitoring what is going on, making sure  
16 the rules and regulations are followed in accordance with  
17 the mandates that have been passed down to us. It  
18 becomes the responsibility of the LEA to carry out those  
19 recommendations that have been indicated by our State  
20 agency.

21 MS. GROW: Could you tell me who is responsible  
22 for establishing a comprehensive policy for all school  
23 principals and administrators on implementing bilingual  
24 education, like a specific mission statement, particular  
25 policies on how to --

1 DR. SMITH: Well, any policy, because that is  
2 the Board of Education's responsibility, obviously would  
3 come from the Board of Education, but as the  
4 Superintendent, I've become the administrative officer  
5 that is expected to advise the Board on those particular  
6 missions and policies and as Superintendent with a staff  
7 of over some 14,000 employees, then I have to rely on  
8 people that are within my supervision to assist me with  
9 that.

10 So as I would look at mission statements in  
11 reference to bilingual education, then I would go to our  
12 State agency as well as our local education agency to get  
13 that advice.

14 Also there is a commission or a committee that  
15 I meet with also to get some input and advice from them,  
16 so I can take that information from the language minority  
17 community and pass it on. I don't have to pass it on  
18 because Elena is in that meeting with me when we meet,  
19 but we can take that information as we develop those  
20 mission statements.

21 MS. GROW: Who is responsible for developing a  
22 curriculum for language minority students?

23 DR. SMITH: That is a combination of working  
24 with our Curriculum and Instruction Department in  
25 conjunction with our Language Minority Department.

1 MS. GROW: Do you receive input from teachers  
2 as well as the community in developing that curriculum?

3 DR. SMITH: Yes, definitely. That would be  
4 across the board we'd take that approach.

5 MS. GROW: How would you get the input from the  
6 community in developing this curriculum?

7 DR. SMITH: Well, you can do that through  
8 several means. We've had various meetings in the  
9 community. I know I attended two at one of our high  
10 schools where we were there to get input and suggestions  
11 from the community in terms of what's going on. I have  
12 to rely again on our Language Minority Department.  
13 Hopefully the surveys that we submitted to the community  
14 will assist us in providing some of that information and  
15 in individual schools with our administrators and  
16 principals.

17 I have a strong belief in our principals as the  
18 instructional leaders within those schools and I would  
19 hope, and certainly it is my intent, as we move forward  
20 with our tenure in this district, to make them  
21 accountable and responsible for all students within their  
22 various schools and they would begin to take a role with  
23 one segment of the population as much as they do with all  
24 others.

25 MS. GROW: Are there any federal funds that

1 have been untapped by D.C. Public Schools?

2 DR. SMITH: I would have to agree that yes,  
3 there are a lot of federal funds that I believe are out  
4 there that we have just not pursued. One of the things I  
5 have done recently is to establish a Grants Department  
6 for the sole purpose of procuring more grants. It's not  
7 just because of funds dwindling in the city here but  
8 because I think there is a tremendous opportunity out  
9 there for us to be able to get funds and do some of the  
10 kinds of things that need to be done.

11 MS. GROW: Ms. Izquierdo, I was wondering if  
12 you could tell us, is there a uniform definition of  
13 bilingual education and a uniform standard that is used  
14 throughout the schools through this district and in other  
15 States, other cities?

16 MS. IZQUIERDO: Bilingual education is the use  
17 of the native language of the child for a means of  
18 cognitive development in addition to services of English  
19 as a second language. In our school system, the majority  
20 of our programs are English as a second language. To  
21 provide native language instruction, you will need at  
22 least a group of 20 or more students of the same language  
23 in order to provide native language instruction in a  
24 particular language.

25 MS. GROW: I understand there is content ESL



1 classes, pullout programs. I guess my question is, is  
2 there a uniform standard that one particular method is  
3 preferred or should be employed by a particular school?  
4 Has there been some consensus on that?

5 MS. IZQUIERDO: The research is showing that  
6 ESL pullout is not the best kind of program to implement  
7 for a second language acquisition. However, we're  
8 looking at the expansion of team teaching and where we  
9 want to couple your ESL bilingual staff with your staff  
10 from the general program in order to work together for  
11 the same child.

12 One of the issues that has come up that  
13 unfortunately children are pulled out for everything,  
14 whether it's special ed, Chapter 1, ESL, a variety of  
15 things, and what we are doing is really divorcing the  
16 child from the general educational program in the  
17 mainstream, in the classroom.

18 MS. GROW: Could you tell us how many students,  
19 limited English proficient students, are currently  
20 receiving bilingual education or ESL instruction?

21 MS. IZQUIERDO: Right now we are serving 3,715  
22 students in the District of Columbia Public Schools.  
23 These students are from pre-K through 12th grade and they  
24 are in all our wards. There are eight wards and we have  
25 students in every ward.

1 MS. GROW: Do you anticipate this number to  
2 grow upon receiving all the results of your home language  
3 survey and the testing of these students?

4 MS. IZQUIERDO: I do anticipate the number to  
5 grow. Right now, we have gone through half of our home  
6 language surveys scanning results. The second part of  
7 the process after the home language survey is to check  
8 the students that are identified as language minority, to  
9 see if in fact they are succeeding in the regular  
10 classroom and if not, the next step is to test their  
11 language proficiency to see if it is a need for support  
12 services in ESL, English as a second language.

13 Once we complete that, then we will have shown  
14 that we have screened and we have tested language  
15 proficiency in addition to their progress in the  
16 classroom to certify that they in fact are eligible for  
17 English as a second language services.

18 MS. GROW: So far with the testing that has  
19 been completed, are there students who are limited  
20 English proficient and eligible for services in schools  
21 and currently not receiving ESL or bilingual instruction?

22 MS. IZQUIERDO: Let me put it this way. Right  
23 now we have a very small amount of students that have  
24 been identified very recently, so what we do then is  
25 after we identify them and we test them -- you have to

1 realize these are students that are coming up in wards or  
2 schools that have never had services before.

3           What we do is immediately request services from  
4 the pool of traveling ESL teachers that we have right now  
5 to working with the staff at the local school and working  
6 with a limited English proficient student that they might  
7 have in that school.

8           Once we complete the entire identification  
9 process of the whole system and the identification of  
10 these language minority students, then we will be able to  
11 request the appropriate amount of positions that we are  
12 going to need.

13           MS. GROW: At this time, how many ESL bilingual  
14 instructors do you have and how many of those are in  
15 temporary positions?

16           MS. IZQUIERDO: We have 191 bilingual ESL  
17 instructions of which 13 are on temporary positions.

18           MS. GROW: Are any of those temporary positions  
19 because they are awaiting certification?

20           MS. IZQUIERDO: It's a combination. Some are  
21 waiting to meet the certification process. One of the  
22 things that all teachers must do to be completely  
23 certified is to take the National Teachers Exam. If they  
24 have not taken that exam when they come onboard, they  
25 have to be given a 1 year permit which exempts them for

1 that year so that they can take that test.

2 Others are sitting in positions that had to be  
3 created this year in order to meet the demands for  
4 English as a second language services in the school  
5 system.

6 MS. GROW: Statistics from prior years show a  
7 bilingual student population but it seems that there  
8 really was no accurate means of gathering this data so I  
9 was wondering if you could tell me what type of methods  
10 were used then to come up with those numbers?

11 MS. IZQUIERDO: The numbers that I have  
12 presented to you?

13 MS. GROW: No, in prior years, if you look in  
14 the District of Columbia indices, in fact I think a five  
15 year statistical summary that was provided to us by Dr.  
16 Smith, there is a discrepancy of numbers from the amount  
17 that you provided that is the accurate amount currently  
18 receiving services and you're going through this process  
19 to identify students as part of your corrective action  
20 plan. What was done in prior years to identify students?  
21 What method was used? Was there a survey and how was  
22 that survey implemented?

23 MS. IZQUIERDO: To my knowledge at the intake  
24 center, the registration center, the data that came  
25 through there for every family that came to the center

1 was provided to the director so that they could compile  
2 information.

3 In addition to that, there was an annual  
4 cultural linguistic survey that went out to every school  
5 that was to be completed by every school and the data  
6 should have been forwarded back to the director's office  
7 so that they could compile that data there. I'm sure he  
8 can give you more specifics on that.

9 MS. GROW: I had one other question for Dr.  
10 Smith. Do you keep statistics with a racial and ethnic  
11 breakdown of participation in the extracurricular  
12 activities, in gifted programs, things of that nature  
13 that could give you an idea of where some of the needs  
14 may be?

15 DR. SMITH: I don't recall seeing any  
16 particular document that addresses that particular area  
17 of concern since I've been here. I have not seen that.

18 MS. GROW: So you don't think those statistics  
19 are being gathered at this time?

20 DR. SMITH: Not to my knowledge, I do not  
21 believe. That has been discussed in some of the Cabinet  
22 meetings, especially in terms of athletic participation  
23 and what have you, but I don't recall an official  
24 document or a procedure that says we're going to go out  
25 and assess the number that are there. It's based

1 strictly on the number of students that are enrolled in  
2 the school district.

3 MS. GROW: Mr. Fernandez, I was wondering if  
4 you could tell us what policies you are developing in  
5 response to this compliance review?

6 MR. FERNANDEZ-ZAYAS: At this point, I have  
7 submitted to the Legal Department for review a set of  
8 policies and recommendations very extensive that have the  
9 input of consultants and different branches of the public  
10 schools, including the Director of Special Programs.  
11 Also the Legal Department is working with us in moving  
12 faster. We have in the Board of Education some of the  
13 things that can be used. There are certain things that  
14 can be used and there is not a need to enact a policy.

15 MS. GROW: I'm sorry, did you say there is not  
16 a need to enact a policy?

17 MR. FERNANDEZ-ZAYAS: In some areas. The Board  
18 of Education rules cover some of the items. For  
19 instance, communication to the parents in a language they  
20 understand is already in the Board of Education.

21 MS. GROW: So there would be no need to  
22 implement a policy specifically that would be followed by  
23 the principals, administrators, teachers within the  
24 school?

25 MR. FERNANDEZ-ZAYAS: No. I didn't say that.

1       What I said is that some elements of the policy are  
2       already in the book here of the Board of Education.  
3       However, they need to be complemented by specific  
4       policies and regulations that deal specifically with the  
5       problems affecting the language minority population.

6               MS. GROW: Mr. Chairman, I have no further  
7       questions at this time.

8               VICE CHAIRMAN WANG: Commissioner Buckley?

9               COMMISSIONER BUCKLEY: If I may, I'd like to  
10       talk about bilingual education at the D.C. Public Schools  
11       for a little while.

12               Lao v. Nichols (phonetic) has been around since  
13       1974. A little while ago you said you now have a process  
14       for identifying LEP (phonetic) students and that is just  
15       beginning and that is your home language survey. What  
16       did you do prior to that?

17               MS. IZQUIERDO: Let me clarify that. We now  
18       have written procedures for the identification,  
19       assessment and placement of language minority students in  
20       the District of Columbia Public Schools. Prior to that,  
21       all intake took place at the Division of Bilingual  
22       Education Registration Center where childrens' records  
23       were reviewed, where they were recommended for placement  
24       in whatever school regarding the zone, the area that they  
25       lived in, they were placed in that school where there

1 were ESL services.

2 The problem that we confronted was the fact  
3 that not all language minority families knew of or  
4 whereof or went to the Intake Center, so they went  
5 directly to schools and there was no way of knowing that  
6 they were there. So part of the identification with the  
7 home language survey is to also go back and catch those  
8 students that perhaps never got the services or are in  
9 the mainstream and require the services.

10 COMMISSIONER BUCKLEY: Were you the director of  
11 the program at that time?

12 MR. FERNANDEZ-ZAYAS: Yes. Lao v. Nichols was  
13 1974 and at that time we already had a procedure to  
14 identify the students. However, the resources in those  
15 times were extremely limited and the population also was  
16 not as large as it was before. We have to explain to  
17 those not familiar that there are two stages. I've been  
18 directing this since 1971. The stage one was 1971 to  
19 1981, mostly the population was covered not near  
20 perfectly, never coping with the situation. From 1981 to  
21 the present, came a tremendous influx of new students  
22 from El Salvador due to the war in El Salvador.

23 At that point there was almost a breakdown. We  
24 were overwhelmed by the number of people coming and by  
25 the needs they were showing for children with multiple



1 needs, not just in the area of being educated but  
2 adjusting to peace. Many children came from rural areas  
3 and they had to come to an urban area. Children might  
4 have been 14 years old and never been to school or just  
5 to the second grade. So we had that tremendous problem  
6 in front of us.

7 In addition, because we talked so much about  
8 the Hispanics, we ignored that we have 127 different  
9 countries represented in the public schools and 93  
10 different languages. This is the most integrated in  
11 terms of language and countries city in the United  
12 States.

13 COMMISSIONER BUCKLEY: So what is your approach  
14 then, total immersion?

15 MR. FERNANDEZ-ZAYAS: We have tried several  
16 approaches. The approach that we're doing mostly now is  
17 English as a second language with the exception of when a  
18 school that is totally bilingual and this is the case  
19 of --

20 COMMISSIONER BUCKLEY: I still don't see that  
21 you have answered quite the issue here. While you --  
22 let's start at 1980. 1980 you start seeing a lot of  
23 people with language needs entering your school district  
24 but your means of identifying them at that point was an  
25 intake center where you were interviewing them?

1           MR. FERNANDEZ-ZAYAS: No. We had the intake  
2 center before. What was not kept at the same pace was  
3 little resources, the teachers in the field, resources  
4 for testing in other areas. We were relying mostly on  
5 further grants written in competition. We were very  
6 successful at that.

7           We saw almost gone from two or three thousand -  
8 - I don't have the figures in front of me -- in 1979-1980  
9 to 10,308 that we have now between adult education and  
10 elementary and secondary education. It was in the number  
11 of teachers where we had the problem.

12           Another problem that we have is teacher  
13 retention. We're competing with the rest of the  
14 metropolitan area that sometimes pays higher salaries and  
15 sometimes the working conditions they think are better  
16 than here.

17           COMMISSIONER BUCKLEY: So between 1980 and 1989  
18 when the Office of Civil Rights would come in and look at  
19 your bilingual program, did they agree with your method  
20 of identifying LEP students at that time?

21           MR. FERNANDEZ-ZAYAS: Yes -- at least I never  
22 received anything to the contrary.

23           COMMISSIONER BUCKLEY: How often did they come  
24 and visit you?

25           MR. FERNANDEZ-ZAYAS: To the best of my

1 recollection I don't have any specific knowledge of the  
2 Office of Civil Rights coming directly to me. They might  
3 have come to somebody else.

4 COMMISSIONER BUCKLEY: Did you need to turn in  
5 any kind of documentation on your bilingual students to  
6 the Federal Government at all?

7 MR. FERNANDEZ-ZAYAS: Yes, every year for the  
8 grants that we received grant proposals.

9 COMMISSIONER BUCKLEY: I know in order to get  
10 money, you have to tell them how many bilingual students  
11 you have.

12 MR. FERNANDEZ-ZAYAS: We have identified.

13 COMMISSIONER BUCKLEY: And your students were  
14 identified only at the intake center?

15 MR. FERNANDEZ-ZAYAS: Only at the intake center  
16 and after that a letter every year goes with it from the  
17 Superintendent of Schools to each principal asking them  
18 to submit the number of students, language minority  
19 students that they have.

20 COMMISSIONER BUCKLEY: What did you require for  
21 them in order to identify the LEP students at their  
22 schools?

23 COMMISSIONER BUCKLEY: We have here the whole  
24 procedures and directions to identify the language  
25 minority students at the entrance level, procedures that

1 they are the first to tell you that are very far from  
2 being perfect are now being polished and perfected by Ms.  
3 Izquierdo. However, the procedures always gave an  
4 indicator.

5 COMMISSIONER BUCKLEY: Did OCR ever challenge  
6 your way of identifying these students?

7 MR. FERNANDEZ-ZAYAS: To the best of my  
8 knowledge no.

9 COMMISSIONER BUCKLEY: This would be to Dr.  
10 Smith. When you staff your schools, do your schools for  
11 the most part have certified personnel?

12 DR. SMITH: Yes, they do.

13 COMMISSIONER BUCKLEY: Do you designate your  
14 personnel according to that -- what would be your degree  
15 of certification right now? Is all your staff certified  
16 right now to teach in the area in which they are  
17 teaching?

18 DR. SMITH: Yes, all of them are certified at  
19 this particular point.

20 COMMISSIONER BUCKLEY: I'm going to be very  
21 specific in what I ask you and I'm going to do it because  
22 we were specifically asked for that help.

23 We were asked last night by a parent about a  
24 teacher at Adams Elementary School who is absent more  
25 time than she is present. She will attend three days of

1 school and then will be out for a week or two. Are you  
2 aware of excessive absences by your staff? Do you get  
3 notified by your principals of excessive absences?

4 DR. SMITH: Not to the detail level that  
5 probably you are addressing unless a particular principal  
6 in that school gets fed up with that and then decides  
7 after going through the proper channels, the deputies and  
8 maybe the personnel director, and then will call my  
9 office and let me know of that particular situation.

10 I have been out in some community meetings  
11 where a concern similar to the one you're addressing has  
12 been addressed and we've asked our staff to look into  
13 that and to begin to document those kinds of things so  
14 that we might take the necessary steps.

15 COMMISSIONER BUCKLEY: We were told last night  
16 that the teacher is absent more times than she is present  
17 and the children in that particular classroom are not  
18 doing a lot in there. It's a small class but they are  
19 not doing anything.

20 DR. SMITH: I think you probably know as well  
21 as I do that if that particular teacher is out because of  
22 illness and can document that she's out because of  
23 illness, there is not a lot that we can do with the  
24 teacher but we can put some additional support in that  
25 classroom with the teacher so that the youngsters might

1 not suffer there if it can be proven that she's out with  
2 a legitimate excuse for illness.

3 COMMISSIONER BUCKLEY: So you could go in, say  
4 for example, if a parent came in to complain to you about  
5 excessive absences of the teacher, and provide support?

6 DR. SMITH: Yes, support, and I know of one  
7 situation where we are doing that right now to try to  
8 just make sure the youngsters are not going to be put to  
9 any disadvantage as a result of that.

10 I hear about these kinds of concerns all over  
11 the District, so it's probably a realistic one based on  
12 some of the information that I am receiving and we are  
13 trying to have sessions with our administrators asking  
14 them to again document so that we can have information  
15 relative to that and begin to take the necessary steps  
16 that probably individuals have felt in the past previous  
17 administrators would not do in terms of dismissing people  
18 who are not performing up to par.

19 COMMISSIONER BUCKLEY: For the last couple of  
20 days, we've been hearing the issue of budget, but we also  
21 have been hearing the issue of professionalism. I am a  
22 teacher and I teach in a high school. Some of the  
23 conduct that was described a little while ago by students  
24 to other students was less than acceptable in a public  
25 school or any institution of learning and what was even

1 worse is that the teachers and administrators and other  
2 personnel evidenced it and didn't do anything about it.  
3 That to me is very unprofessional.

4           What do you as the Superintendent try to do or  
5 what are you looking at as far as dealing with certain of  
6 these things that are happening that should be corrected  
7 or disciplined by your staff?

8           DR. SMITH: Whenever we hear of those  
9 situations, and I've got two that are under investigation  
10 right now, we send out a team. I have an inspector  
11 general and that's primarily his job to go out and gather  
12 as much information as we can possibly get on those  
13 situations so that we can get to the point of being able  
14 to take the necessary actions.

15           Again, I will say to you and I continue to  
16 emphasize this to my administrators because many still do  
17 not believe that if these recommendations are made to the  
18 Superintendent's office, and I guess it's based on past  
19 practice, that nothing is going to be done with those  
20 individuals because in the city here there is a very  
21 close network of individuals to subordinates to their  
22 supervisors, either through relative to blood or through  
23 marriage or whatever and the feeling is that no one is  
24 going to deal with anything because they will be dealt  
25 with in some other manner.

1           It's going to take me some time to convince our  
2 administrators that is not the case. It is a new day and  
3 if we can find this mistreatment is taking place in this  
4 district, we will deal with that no matter what the  
5 situation is and I hope some of the steps we've taken are  
6 beginning to demonstrate to our employees that will be  
7 the case.

8           If the information that is now being  
9 investigated comes back to me the way that people have  
10 perceived that it is, we're going to take steps to take  
11 care of that situation as well and hopefully, the more we  
12 can begin to do those kinds of things and send the  
13 message that says we're not going to tolerate that type  
14 of behavior, it can begin to transform this district into  
15 being what we know it should be.

16           CHAIRMAN FLETCHER: Commissioner Berry?

17           COMMISSIONER BERRY: My first question is to  
18 the Superintendent. You said that you think there are  
19 many federal funds that the school district might go  
20 after. Am I correct to interpret your remarks that you  
21 mean not funds that are supposed to go to D.C. under  
22 federal programs through formula or otherwise?

23           DR. SMITH: Competitive type grants.

24           - COMMISSIONER BERRY: You're talking about  
25 grants you can apply for?



1 DR. SMITH: Yes, competitive grants that are  
2 out there that we can apply for.

3 COMMISSIONER BERRY: I just wanted to make sure  
4 it wasn't a case of funds that you were supposed to get.

5 DR. SMITH: No. I think we're getting all of  
6 the funds that we are supposed to get for the District.

7 COMMISSIONER BERRY: The other thing is the  
8 languages, there are 93 languages and 127 countries as I  
9 understand it among your student population. Could you  
10 provide for us either now or submit it for the record,  
11 what language groups these students come from and how  
12 many teachers of the different languages you have  
13 available in your pool of educators so that we can get  
14 some idea about how the disparate groups of people are  
15 treated and how many there are?

16 DR. SMITH: I think we have a document, Ms.  
17 Berry, that we can submit for the record that would  
18 address that particular concern.

19 COMMISSIONER BERRY: Could you please do that?

20 DR. SMITH: Yes.

21 COMMISSIONER BERRY: The other question is, is  
22 it your impression that you are spending funds  
23 inequitably at this time -- not you, you've been here six  
24 months -- but that the school system has not been careful  
25 to make sure that the available funds are spend equitably

1 on the various groups of students in the school system  
2 and that people who complain that students from  
3 particular language groups, race or ethnic groups are  
4 unfairly treated, that this has not been a consideration  
5 and that this is a problem within the school system?  
6 What would be your overall impression?

7 DR. SMITH: My overall impression would be that  
8 is a concern and has been a problem in the school  
9 district. When you talk about the inequity in terms of  
10 the expenditure of funds, it cuts across just about every  
11 segment. I can't honestly say to you that I've attended  
12 not one meeting -- whether it's the gifted and talented,  
13 or special education, or the athletic department, or  
14 those who are concerned about facilities -- where anyone  
15 has believed they receive their share of the funds that  
16 are out there. So it's been a concern that's just cut  
17 across the entire district.

18 COMMISSIONER BERRY: Are you familiar with this  
19 book written by Jonathan Cozell (phonetic) called "Savage  
20 Inequalities"?

21 DR. SMITH: Yes.

22 COMMISSIONER BERRY: Which describes the  
23 funding problems and every other kind of problem in urban  
24 school-districts. It would seem from reading that book  
25 and from visiting a lot of schools both here in D.C. and

1 elsewhere that what we're really talking about is how do  
2 you spread the poverty around?

3 DR. SMITH: In essence, that's exactly what it  
4 is.

5 COMMISSIONER BERRY: Now I have a question  
6 about bilingual education. There would be people who  
7 would argue that rather than assuming that ESL or  
8 bilingual education is appropriate for students, which  
9 has been an assumption of all these hearings, that what  
10 we should do is have a program of immersion in the school  
11 systems and that students will learn better if they are  
12 immersed in classes in the English language than with all  
13 this business of trying to get a flying squadron of ESL  
14 teachers or trying to get enough teachers for all these  
15 students with all these different languages.

16 Why do we indulge in a presumption that ESL is  
17 the way to go in this district or am I incorrect when I  
18 say this seems to be the reigning assumption?

19 DR. SMITH: That probably is the assumption at  
20 this particular time. I'm not saying that we all agree  
21 that is the way to go in this district because I've had  
22 some discussions about that in terms of creating or  
23 expanding the ESL Department in our district.

24 - What I've said, I would hope and I have that  
25 same concern with special ed where everyone wants

1 everything separate, that we can begin to look at how we  
2 can focus on what's best for youngsters and we can do  
3 that as a unit. However, I do understand the concern  
4 until you get the right attention to get the right focus,  
5 get the right people believing that these individual  
6 students have certain needs that need to be addressed,  
7 that we probably need to continue with the development of  
8 the ESL Department until we get the right emphasis on  
9 that and then we can begin to move into an immersion  
10 across the board where they can be accepted and treated  
11 like all students within the district.

12 COMMISSIONER BERRY: I wonder Ms. Izquierdo, if  
13 you could address the question I raised about ESL as  
14 opposed to immersion and the reigning assumption of what  
15 is appropriate instruction?

16 MS. IZQUIERDO: When you're referring to  
17 immersion, I'm sorry, I need a definition. Are you  
18 saying the child is placed in the classroom where there  
19 is no one there with second language acquisition skills?

20 COMMISSIONER BERRY: Yes. There are people who  
21 believe that what my colleague calls the sink or swim  
22 tactic.

23 MS. IZQUIERDO: Absolutely.

24 - COMMISSIONER BERRY: Works better and there are  
25 some communities -- some ethnic communities that all the

1 studies show have a preference for immersion programs.  
2 The Chinese community, for example, in all the studies  
3 that I've seen, prefers immersion or at least the people  
4 who are in the study prefer immersion.

5           So I'm just wondering since we've sort of been  
6 assuming in all these hearings that ESL and bilingual  
7 education is the way to go, there are others who might  
8 raise questions about our reliance on that, especially  
9 since there don't seem to be enough teachers. I haven't  
10 looked at your report but I will, but with all these  
11 languages, 93 languages, 127 countries, that you are  
12 unlikely to have enough teachers, so I'm just wondering  
13 how you concluded that ESL was the way to go?

14           MS. IZQUIERDO: The only good thing about that  
15 kind of opposition is that it unites those people that do  
16 believe in bilingual and ESL education. When you think  
17 about the kind of population that is coming, Central  
18 American especially, populations that have very little if  
19 any education, there are no concepts developed, they have  
20 no cognitive skills, and then on top of that, you want  
21 them to learn a second language in a classroom. That's  
22 extremely difficult to do, along with the culture and  
23 self esteem and the acculturation process, it's almost  
24 impossible to ask a child to succeed. That is where you  
25 get your retentions and dropouts. This happens not only

1 at the elementary levels, but at the secondary levels as  
2 well.

3 ESL bilingual programs are the best way to go,  
4 but in order to have native language instruction for a  
5 school, you have to have the same language represented in  
6 those 20 students, which is not a problem right now with  
7 Spanish. However, you have other groups like the Asian  
8 community that is growing rapidly and that population,  
9 the Vietnamese population, is also coming to us with very  
10 little if any education, and yes, we do have staff  
11 working with Vietnamese children right now in their  
12 language developing cognitive skills, concepts so that  
13 they have something to transfer over when they are in  
14 their English as a second language classrooms.

15 So because of that, ESL is the next best thing  
16 in our position because in an ESL classroom, although the  
17 demands are very big on the teacher, the methods for  
18 instruction are those kind that will address content, but  
19 with second language acquisition teaching strategies and  
20 learning strategies, a sheltered English approach.

21 CHAIRMAN FLETCHER: Ms. Ramirez?

22 COMMISSIONER RAMIREZ: Apparently not all  
23 Chinese wanted immersion because we have a case called  
24 Lau v.-Nichols.

25 Before I move away from bilingual education, I

1 want to ask Marcelo Fernandez-Zayas, what has been the  
2 history of local resource allocation for either ESL or  
3 bilingual education programs in the District in either  
4 Phase I or Phase II?

5 MR. FERNANDEZ-ZAYAS: There has been a history  
6 of begging, lying, forcing people to give you the money.  
7 You go there and at a certain point and I don't know how  
8 many times I have testified in the Board of Education.  
9 Everybody received this, sometimes we go to the  
10 Superintendent or somebody else, many times people know  
11 this and at the time of allocation of finances is cut.  
12 The law, Lao v. Nichols and other different laws is not  
13 just the knowledge of Marcelo Fernandez, it's of the  
14 knowledge of every that we have a legal department here.

15 Sometimes I can tell you there has been a  
16 history of begging, bringing money from one place to  
17 another. Let me give you an example. In the case of the  
18 multicultural, it took 10 years to get one here, another  
19 here, another here, go and talk to somebody to provide a  
20 public education to children that were entitled to public  
21 education.

22 I want to give another point of view. I've  
23 been 24 years here in the District of Columbia public  
24 schools, 30 in the city. I don't want you to go out  
25 thinking that the administrators in the past or in the

1 present are racists. That's not true. Personally, many  
2 of them, I see them talking to their staffs and do  
3 something or for instance, let me clarify one thing.  
4 It's difficult to talk about your boss when your boss is  
5 here or to talk about a black when you are Spanish.

6 I think I have talked to Dr. Franklin three or  
7 four times briefly. However, he already has one minority  
8 language with 30 more teachers. one executive assistant  
9 that is Spanish, one chief of staff that is Spanish. I  
10 don't need to talk too much, those are actions.

11 In the case of issuing corporal punishment, I  
12 tell you when you or when you hear that in school such  
13 and such or in grade such and such a Spanish was hit or  
14 spanked, blacks were hit and spanked first, or everybody.  
15 We're dealing with people like that.

16 Also, the idea of diversity now is extremely  
17 difficult. We are integrating now in the 1990s in a  
18 horizontal way, poverty into poverty, ignorance into  
19 ignorance, not enough money, we don't have enough monies  
20 but more than that, we don't have enough understanding.

21 .. Right now in the District of Columbia, year  
22 after year, we've been recommending we need more  
23 multicultural education to know more about each other.  
24 Until we can provide the climate where we accept what is  
25 diverse as good and what I don't understand as something



1 that I should understand to widen my horizon, we're not  
2 going to do too much.

3 Why do we have children here, white or black  
4 children, who are not learning foreign languages from  
5 their Spanish peers or Vietnamese or Russian? So  
6 sometimes I say I might be too talkative or maybe too  
7 open but I think that sometimes there has been more lack  
8 of push integrity or neglect but it is not racism, even  
9 though might be teachers or principals were racists but  
10 I'm talking Spanish too because among us we have some  
11 problems of race, but we can correct that. We cannot  
12 correct lack of understanding of what bilingual education  
13 or what English as a second language is about.

14 I think that we are in a position now that we  
15 are moving forward.

16 COMMISSIONER RAMIREZ: Thank you. My next  
17 question is to the Superintendent. Let me move now  
18 completely away from the issue of bilingual education  
19 because I think that bilingual education is a piece of  
20 the answer but educating children involves a whole range  
21 of other issues.

22 What plan do you have, what would you consider  
23 to be the essentials of a plan to increase the capacity  
24 of your staff both in terms of acquiring new people and  
25 training and supervision in order to deal with the issues

1 that face you in terms of demographic diversity and  
2 poverty?

3 DR. SMITH: First of all, I talked about the  
4 staff development area earlier. One of the key factors  
5 of our staff development program is the whole issue of  
6 sensitizing our staff, the entire staff, to the  
7 multicultural environment that we have in this district  
8 because you're exactly right, I would never be able to  
9 employ as many bilingual language minority individuals to  
10 come in and teach in our district as we need for those  
11 who will be impacted by all teachers across the District.

12 So when I came in, the thrust was Afrocentric,  
13 I thought it was imperative in order that we live in a  
14 global society and looking at the number of different  
15 cultures that we have in Washington, D.C., I immediately  
16 put forth an effort that says we're going to take a  
17 multicultural approach in terms of our curriculum, in  
18 terms of training our staff and the various units that we  
19 in place in our district.

20 Aside from that, I do recognize that there is a  
21 need for us to reach out and recruit, and as I  
22 understand, we have individuals now that are in  
23 Albuquerque recruiting individuals to come here to be on  
24 our staff and that we will be doing some extensive  
25 advertising to get more individuals.

1           Even going beyond that, I think the perception  
2           is that if you're not of a particular culture, you're not  
3           going to be given a fair chance of being employed in this  
4           district. One of the things we're trying to do is to  
5           change that entire image. I'm trying to set the example  
6           that you can move up in this district and strive for  
7           various positions because we are going to treat you that  
8           way.

9           One of the first things that I did when I  
10          arrived here was to look at six lead principles. It was  
11          very easy for me to have made all of those lead  
12          principles Afro-Americans because of the population that  
13          we have here. I reached out and said, no, one of those  
14          is going to be of Hispanic origin because I recognize the  
15          population that we are dealing with.

16          The second thing I did was I looked at the four  
17          executive assistants that I have and I said one of those  
18          will be of Hispanic origin to try to send a very strong  
19          message and just recently with the advent of moving my  
20          past chief staff to another position to begin to look at  
21          this whole arena of state responsibilities and what  
22          states normally do, I took the current Chief of Staff and  
23          moved that person into that particular arena and hired a  
24          new Chief of Staff that will take office as of the 14th  
25          of February who is also of Hispanic origin.

1           So I think as we begin to send those messages  
2 across the board, as we begin to talk more about a  
3 multiculture, as we begin to open doors to make this  
4 organization one that is perceived to be fair, I think we  
5 can send a strong message across the board to all  
6 individuals that we are going to be operating in that  
7 manner.

8           (Applause.)

9           COMMISSIONER RAMIREZ: I have no further  
10 questions.

11          CHAIRMAN FLETCHER: Commissioner Anderson?

12          COMMISSIONER ANDERSON: Thank you, Mr.  
13 Chairman. I have a question or two for Dr. Smith.

14                 Last year the former Chairman of the  
15 President's Council of Economic Advisors prepared an  
16 analysis of the District of Columbia Government and he  
17 had a section on public education. I'd like to read just  
18 briefly a section of that and have you comment on that if  
19 you would for us.

20                 He says, "District expenditures for primary and  
21 secondary schools are reasonable but student performance  
22 is lower than in any State. The expenditures for  
23 education are the largest share of the District budget,  
24 as is the case in the rest of the Nation. The education  
25 share of the current budget, however is unusually low for

1 two reasons -- the relative low public school enrollment  
2 in the District and the very high expenditures for other  
3 services."

4 For example, elsewhere in the report he says  
5 that "The expenditures per resident in the District for  
6 public welfare is 2.7 times the national average;  
7 expenditures for criminal justice are four times the  
8 national average; public medical care is two times the  
9 national average."

10 I intend to submit this report for the record  
11 and have our staff try and verify that and see if it's  
12 the case. He continues to say, "Costs per student in the  
13 District's primary and secondary schools are nearly 30  
14 percent higher than the national average." He concludes,  
15 "That is reasonable given the high salaries necessary to  
16 recruit government employees in Washington."

17 Do you have a comment on this and specifically,  
18 do you think that the proportionate share of the  
19 District's budget spent on education is adequate in terms  
20 of the share of the total budget?

21 DR. SMITH: Let me address that. I think we've  
22 just compiled some figures recently that compared the  
23 percent of the District's budget on education and how it  
24 has decreased over the years. I think we are around 19  
25 percent of the District's budget now for education where

1 if you look at some other areas, they are much higher  
2 than what we are.

3 So the answer to that question is no, I do not  
4 believe that the percentage is high enough given the fact  
5 of the matter that the students that are now coming to us  
6 come to us with more needs than they ever have before  
7 which requires us to put more things in practice than  
8 we've ever put before.

9 If you look at the situation of crime and  
10 violence in our city, now the need is for us to hire or  
11 put metal detectors in our schools, which means you've  
12 got to hire more people to stand at the gate to guard the  
13 metal detectors.

14 If you look at the number of students that are  
15 coming to our school district now that need extensive  
16 counseling, be it from the regular school counselor or  
17 looking at the mental health counselor and we've been  
18 talking about the Language and Minority Branch, students  
19 who are now coming to our district which requires us to  
20 go out and hire special persons to work with those  
21 individuals so that they can make the transition, the  
22 needs have increased and yet the dollars have decreased  
23 that's come into this particular district.

24 Yet, if you look at every other segment of the  
25 finances of this city, they have recognized the need.

1 When your drugs got higher, they increased the police  
2 department's budget to deal with some of those particular  
3 areas of concern.

4 The whole thing goes on and on and yet the  
5 expectations for education have increased and the dollars  
6 to education have decreased. So I don't think we are  
7 getting our share of the budget. We will continue to say  
8 that to the appropriate sources as we continue to move  
9 forward.

10 Let me address the high per pupil cost because  
11 I think Washington is in a unique situation. When I  
12 first arrived and I looked at the fact that they were  
13 talking about \$600 to \$700 per student and how that is.  
14 Well, right adjacent to us in Alexandria, they spend  
15 \$7,000 per student and they do not have to take into  
16 consideration the State costs. I operate a State  
17 operation as well as a local operation and all of that is  
18 figured into my per pupil cost.

19 We run an extensive adult education program  
20 that's all figured in and we don't count those as our  
21 students. So if people were to begin to take the total  
22 number of students that we actually serve, and if they  
23 were to include that adult population, we'd have far more  
24 students than what we do. What we do is we take what is  
25 expedient and what statistically will make us say what we

1 want to say and we divide it by 80,000 rather than  
2 probably 90,000 and we come up with the figure that you  
3 so desire to come up with.

4           If you look at the infrastructure in terms of  
5 how it has just dilapidated over the years and the kinds  
6 of things that need to be done now, every time we add a  
7 dollar to our budget, then we add to that total figure  
8 that people divide the total cost per student and say  
9 look how much money they are spending for individual  
10 students.

11           We're in the situation now of beginning to  
12 cooperate with some of the Mayor's initiatives and  
13 looking at the whole youth initiative program that she  
14 had put forth. My greatest fear is, whereas I know we  
15 need those dollars to deal with the youngsters that are  
16 in our district so that we can be successful with them,  
17 my greatest fear is that there is that person sitting out  
18 there waiting for someone to add \$40,000, \$50,000,  
19 \$100,000 to our budget so that they can say look how much  
20 of an increase they received and now they can divide it  
21 by the total number of students and it makes me look even  
22 worse when the truth of the matter is not one of those  
23 initiatives will help me directly educate youngsters.

24           Indirectly, it will because we can begin to  
25 take care of some of the preschool/after school concerns,



1 and that's all beneficial, but the truth of the matter is  
2 I'm going to be judged as to whether or not what's  
3 happened between 8 and 4, which is regular school time,  
4 and those initiatives will not deal with that for me.  
5 Yet, I will get credit for increasing my budget in that  
6 particular area.

7           So I think that the whole arena of looking at  
8 how we figure costs per pupil and the number of programs,  
9 I've said to people when you look at the number of  
10 special programs I need to put in place to begin to  
11 address the needs where I've got 65 to 70 percent of my  
12 youngsters entering the kindergarten classes as compared  
13 to those who are in suburban areas that are coming in  
14 above "grade level," 65 percent of mine are coming in  
15 below. We are starting behind before they even get to  
16 school.

17           So those are issues we've got to stop looking  
18 at how much you spend per pupil and look at what the  
19 needs are for the individual students and begin to move  
20 forward from that point.

21           COMMISSIONER ANDERSON: Let me ask in terms of  
22 trying to assess expenditures and priorities, you  
23 mentioned at the beginning when you came into office you  
24 found 11,000 fire code violations?

25           DR. SMITH: Yes.

1           COMMISSIONER ANDERSON: What kind of a priority  
2 do you have to give that sort of problem? Is that  
3 something you can phase-in over the next 9 months  
4 correcting those or is that something that has to have  
5 immediate attention in terms of your budget priorities?

6           DR. SMITH: It's one of the 50 priorities that  
7 I've established since I've been here. Everything is  
8 urgent. So much has just not been done and everything  
9 needs to be done. As you know with the fire code  
10 violations, you run the risk of having the buildings  
11 closed and if your buildings are closed, you can't have  
12 school so that you can meet all the other goals that you  
13 have established.

14           So we put forth an extensive effort to try to  
15 correct and rectify many of those situations. I can say  
16 we are not proud but since July 1, we've gone from 11,000  
17 down to 5,000 now. Many of those violations that we have  
18 not taken care of is because fire doors are on order or  
19 things that we need to put in place that you have to  
20 design plans before you can do those kinds of things.

21           Hopefully before the end of this school year we  
22 will have rectified most of those situations. That's not  
23 the concern because I think we've taken care of that. My  
24 concern is what is going to happen in the future as funds  
25 are continuing to dry up if I don't continue to be

1 preventive in taking care of those things, five years  
2 from now I will have 15,000 violations and I'm right back  
3 to where I started initially.

4 The truth of the matter is our buildings are  
5 very old and whereas we're trying to renovate and create  
6 the kind of aesthetics within the schools that we know  
7 needs to be created, we probably should be tearing some  
8 of the buildings down and building new schools to provide  
9 the kind of environment for them, but we don't have  
10 resources to do that.

11 So the longer we try to repair those older  
12 buildings, the more it's going to cost me at a time when  
13 funds are decreasing.

14 COMMISSIONER ANDERSON: Thanks very much. I'd  
15 ask that the full text of this report I cited be  
16 submitted in the record.

17 CHAIRMAN FLETCHER: There being no objection,  
18 so be it.

19 Any further questions?

20 (No response.)

21 CHAIRMAN FLETCHER: There being no further  
22 questions, we want to thank you for coming and being as  
23 cooperative as you've been. I'm sure it will be helpful.  
24 Thank you so very much.

25 We will recess now and members of the

1 Commission you can quickly take a five minute break and  
2 be back and we'll hold our Commission meeting.

3 (Recess.)

4 CHAIRMAN FLETCHER: The recess is over and we  
5 go back to the hearing.

6 Will you call the next panel?

7 MS. BOOKER: Thank you, Mr. Chairman.

8 The next witnesses are the Latino Affairs  
9 Panel, Ms. Debra Delgado and Ms. Mara Lopez.

10 (Whereupon, the panel was duly sworn.)

11 CHAIRMAN FLETCHER: General Counsel, before we  
12 start, let me say to you there are 30 other individuals  
13 who have signed up to testify. We're going to try to  
14 keep this not necessarily as brief as possible but  
15 certainly within some time frame, so we're going to ask  
16 you to share five minutes together and get the key points  
17 you want to get made made early in your opening remarks,  
18 would you please? We will show you a sign saying you  
19 have a minute to go and then release you at that point.  
20 Again, we have 30 people and I understand more are  
21 signing up, so we're going to be here again to 11 o'clock  
22 tonight it looks like, so help us, will you please?

23 MS. BOOKER: Would you please identify yourself  
24 for the record first?

25 MS. LOPEZ: My name is Mara Lopez, Acting

1 Director, Office of Latino Affairs. Could I ask a  
2 question first? I was not advised to bring a prepared  
3 statement.

4 MS. BOOKER: That's perfectly all right.

5 MS. DELGADO: My name is Debra Delgado. I'm  
6 the Chair of the Commission on Latino Community  
7 Development.

8 MS. BOOKER: I'd like to start with Ms.  
9 Delgado. Would you tell us the function of the  
10 Commission on Latino Community Development?

11 MS. DELGADO: The Commission was created by  
12 D.C. Law 1-86 in conjunction with the Office of Latino  
13 Affairs. Our function is to serve as an advisory board  
14 to the Mayor, the Office of Latino Affairs, City Council,  
15 public officials and the community at large on the needs  
16 and concerns of the Latino community.

17 MS. BOOKER: How is your commission comprised?

18 MS. DELGADO: We have 15 voting members who are  
19 recommended by the Mayor and approved by City Council and  
20 10 ex officios who represent various D.C. Government  
21 agencies and they are appointed by their supervisors  
22 primarily.

23 MS. BOOKER: How many staff members do you  
24 have? -

25 MS. DELGADO: Technically we should have one

1 staff person who is housed at the Office of Latino  
2 Affairs. Just recently our staff person was detailed to  
3 another office without any notification to us, prior  
4 notification to us.

5 Our staff person was very clever and was able  
6 to negotiate a situation whereby she works part-time at  
7 the other office and part-time for us. I guess I forgot  
8 to mention that earlier in terms of our 15 voting members  
9 where it's a volunteer advisory board, so we really need  
10 our staff person in terms of eyes and ears and tasks  
11 during the day.

12 MS. BOOKER: Given that background, I wonder if  
13 you could give the Commission an overview of how  
14 effective the Commission is, what the obstacles if any  
15 have been to its effectiveness and any recommendations  
16 that you would have for improving its effectiveness?

17 MS. DELGADO: I think there is a lot of issues  
18 involved in terms of defining the effectiveness of the  
19 Commission. I think theoretically what should happen is  
20 that the Commission should serve within an advisory  
21 capacity. I think in actuality that has never happened  
22 for various reasons.

23 Currently we have seven voting members. We've  
24 been asking for new Commissioners for the past two years.  
25 Recently, nine new names have been forwarded to the City

1 Council for approval, so for the first time since 1989,  
2 we are in the position of having a full membership.

3 The primary obstacles recently have been a lack  
4 of person power and quite frankly in my estimation  
5 another primary obstacle has just been lack of access to  
6 the Administration. We have not been able to fulfill our  
7 mandate which is to provide advice. All communication  
8 with the administrative offices have been primarily  
9 through the media, which is not a very direct source.

10 MS. BOOKER: Thank you, Ms. Delgado. I'm sure  
11 the Commissioners will have further questions.

12 First, I would like to ask Ms. Lopez, what the  
13 purpose for which the Office of Latino Affairs was  
14 established and when was that?

15 MS. LOPEZ: It was established in 1976. It was  
16 the same legislation that established the Commission.  
17 Essentially it was established to insure that a full  
18 range of services would be available in the District  
19 Government, basically as an advocacy role. This is very  
20 unique in the Nation.

21 At the time the Latino population had begun to  
22 grow, there was a growing presence and the District  
23 Council at that time and government had the foresight to  
24 develop this legislation and to really bring in a  
25 component within government that could serve as its eyes

1 and ears and be able to provide recommendations, and  
2 basically provide the technical assistance that would be  
3 needed to insure that the Latino population could begin  
4 to receive services.

5 MS. BOOKER: How many staff do you have?

6 MS. LOPEZ: There is a total of 12 staff in the  
7 office. That does include a person that staffs the  
8 Commission, so that's the basic staffing component,  
9 including the Director of course.

10 MS. BOOKER: What kinds of occupations would  
11 those 12 staff members have? What functions would they  
12 fill?

13 MS. LOPEZ: Essentially, the staff persons are  
14 what I would call generalists in many ways. They assist  
15 persons or individuals or organizations to navigate  
16 through the District bureaucracy. So while we have  
17 concentrated some of these staff in certain areas -- for  
18 example, we have one person that handles public health  
19 and health kinds of initiatives; we have one person that  
20 is involved with developing resources and does a lot of  
21 work with helping people to get licenses and business  
22 advice and that kind of technical assistance, more in an  
23 economic development and helping people with regulations  
24 that are enforced by District government. We also have a  
25 translator on staff.



1           We have a few staff who are involved in what we  
2 call community service types of operations. What they do  
3 is provide social service type of assistance. We also  
4 have a public information officer and that person handles  
5 a lot of our public education type of outreach, but our  
6 staff also cross along lines, so in many ways they are  
7 generalists and they have taken on some areas of  
8 concentration, they do provide outreach individually and  
9 also provide technical assistance individually.

10           We have a very creative staff. We also have a  
11 writer-editor who provides technical assistance to groups  
12 that are developing proposals for funding and things of  
13 that sort.

14           What we don't have is an administrative  
15 component. Right now, we are basically filling those  
16 functions with the writer-editor. We have a messenger  
17 and some support staff as well, but this pretty much is  
18 the staff component.

19           MS. BOOKER: We heard testimony over the past  
20 several days that there are many forms used by the D.C.  
21 Government that are not available in Spanish. Do you  
22 conduct periodic audits to determine what forms have been  
23 translated and what have not?

24           - MS. LOPEZ: In 1977, a law was passed, the  
25 Bilingual Translation Services Act, and that Act required

1 forms to be translated and other types of information  
2 that would help people access government services.

3 We have a translator on staff who provides a  
4 number of translations for District Agencies.  
5 Essentially what we do is as these forms and requests  
6 come in, because it covers a variety of topics and  
7 agencies, we keep logs of forms, we update the forms many  
8 times at agencies' requests so we are able to provide a  
9 number of materials in Spanish to be able to guide  
10 persons that are seeking services.

11 One of the series of forms that we have  
12 translated relates to the IMA programs that I've heard  
13 discussed in the past. So the Department of Human  
14 Services has been a major government agency that has  
15 utilized this service, but we've also done translations  
16 for the Department of Consumer and Regulatory Affairs,  
17 the Department of Housing, all agencies really use this  
18 service. Again, this service has been in place for at  
19 least 12 or 13 years, so there is a voluminous amount of  
20 material that has been translated through this particular  
21 service.

22 MS. BOOKER: One of the examples that was cited  
23 to us was mentioned by a part-time bilingual staff member  
24 at the Visitors Center at the D.C. Jail who told us that  
25 there is an inmate handbook which provides information on

1 inmate right and responsibilities and is available only  
2 in English. He said that the Office of Latino Affairs  
3 asked him to translate it into Spanish several years ago  
4 when he was a volunteer but he thought it was your  
5 office's job. He says that it has never been translated  
6 and also that there are no Spanish language signs in the  
7 jail.

8 One, to the best of your knowledge, is this so,  
9 and two, how do you assign priorities to the various  
10 things that would need translation?

11 MS. LOPEZ: I'm not aware of this particular  
12 case but we will be glad to check it because we have logs  
13 that go back to the early 1980s, so anything that we have  
14 translated is in our logging system.

15 In actuality, we translate anything that we're  
16 asked to translate. There might be instances where  
17 material is somewhat technical or voluminous and in those  
18 cases, we will contract that out but by and large,  
19 anything that is requested, we will translate.

20 There are situations where there might be a  
21 backlog of materials and I will sit down with the  
22 translator and we will assign priority or we will look to  
23 see what is the need from the agency. There might be  
24 situations where it might be a material that needs to go  
25 to print that has to meet a certain deadline.

1           We were dealing with something related to voter  
2 registration some months ago and that had a certain time  
3 table, but in general, unless it is something that is  
4 urgent and we do a lot of those as well, we basically put  
5 it into our workload.

6           The translator has on the average about six  
7 weeks of work at any given time because this is a service  
8 that is highly used and we get a lot of requests.

9           MS. BOOKER: Would you say that you're  
10 understaffed for all the work that needs to be done?

11          MS. LOPEZ: Yes, absolutely.

12          MS. BOOKER: Would you say you're seriously  
13 understaffed for all the work that needs to be done?

14          MS. LOPEZ: We are understaffed in the sense  
15 that we provide some very specialized services to D.C.  
16 Government. I would characterize the office being in  
17 some ways a consultant to the rest of District  
18 Government. As the needs grow, the demands grow and we  
19 have a very creative staff that has found innovative ways  
20 to provide services, new angles in terms of how can we  
21 make this work and they are very dedicated and put in  
22 very long hours.

23           So it would be very helpful -- one example is  
24 our -- (Spanish terminology) -- program. We have been  
25 doing a lot of public education and outreach and we

1 consider this a very critical aspect of what we do  
2 because our mandate is to insure that services are  
3 available and we have to reach the Latino population, but  
4 in order to do that, we have to understand the needs and  
5 what are some of the characteristics of the Latino  
6 population.

7 We know that Latinos work a couple of jobs,  
8 they don't go to meetings, many have limited educational  
9 skills, and don't read necessarily and so we began to  
10 realize that just handing out flyers and things of that  
11 sort wasn't going to get the information to the people.  
12 So we then used public service announcements on the radio  
13 as a vehicle, we moved into the electronic media and we  
14 have been developing public service announcements on the  
15 television and then developed two years ago the --  
16 (Spanish terminology) -- program which is a public  
17 affairs program that is aired on Channel 48 which is the  
18 Spanish Language Network, which has a regional audience.

19 We take that responsibility very seriously  
20 because informing people of their rights and  
21 responsibilities I think is key. It really helps the  
22 Latino community begin to understand their new  
23 surroundings and to navigate and how to empower people.  
24 It's very important to empower the community.

25 In the case of this particular program, there

1 is an audience viewership of 100,000 people, so through  
2 this medium we are able to give information about  
3 consumerism, AIDS, discrimination, we've done programs on  
4 health prevention, on TPS. So whatever the relevant  
5 topics are, we have been able to provide that kind of  
6 programming.

7 That also then brings people to our doors  
8 because one of the things we do is develop demonstration  
9 programs and we provide assistance to people who may have  
10 some difficulty accessing services in the District  
11 Government. So people hear about the program and they  
12 call us, and we have a staff that then handles individual  
13 cases as they come in.

14 Although we're not really structured to be a  
15 direct service agency, we don't turn anybody away because  
16 the kind of touch and interaction that our staff provides  
17 the Latino community gives them a lot of sense of  
18 comfort, it empowers people.

19 That, I would say, is a lot of the kind of  
20 thing that happens. So again, we do use very creative  
21 methods. When you asked the question about staff  
22 earlier, we would love to have this program on more often  
23 because we really feel there is a need and a service that  
24 we can provide.

25 I have been going to different agencies and

1 talking to them about this program because you have to do  
2 your own marketing. I think that's real critical within  
3 the function that we perform. You have to go out there  
4 and sell your product and services. That's why I say I  
5 really view us as consultants and experts and this is the  
6 kind of role that I envision for the agency.

7 I think as we move forward in looking at the  
8 recommendations presented by the Task Force and ask  
9 District Government agencies focus on truly examining  
10 these things, then we will continue to play that kind of  
11 role and then to really interact with agencies and see  
12 how we can help them do their job better in this  
13 particular area.

14 MS. BOOKER: In performing the services you  
15 perform for the D.C. Government agencies, what interest  
16 if any would your staff have in the employment profile by  
17 race or national origin of any federal agency such as  
18 this one?

19 MS. LOPEZ: What interest would our staff have?  
20 Clearly, it's always good to see what or as a form of  
21 comparison what the Federal Government's commitment is to  
22 affirmative action for Latinos. I would think the  
23 Federal Government would set the tone in terms of its  
24 hiring practices. So from that perspective, we look at  
25 the Federal Government as a way to set some examples and

1 some benchmarks. From that point of view, there is an  
2 interest.

3 MS. BOOKER: Was it therefore, an official  
4 request that we received this week from your office for  
5 the breakdown of our professional staff by race and  
6 ethnic origin which we were told was needed by your  
7 office for this hearing?

8 MS. LOPEZ: I'm not aware of the request.

9 MS. BOOKER: Is there a Mr. Eduardo Lopez on  
10 your staff?

11 MS. LOPEZ: Yes.

12 MS. BOOKER: What is his function?

13 MS. LOPEZ: He's our Public Information  
14 Officer.

15 MS. BOOKER: To your knowledge, he was not  
16 collecting this information for you for the benefit of  
17 your testimony today?

18 MS. LOPEZ: No. We gather all kinds of data as  
19 part of the kinds of things we do but nothing in  
20 particular in terms of this forum.

21 MS. BOOKER: If it might be useful to Mr.  
22 Lopez, we might add for the record that 10.9 percent of  
23 the Commission's professional staff is Asian, 25.5  
24 percent is Black, 16.4 percent is Hispanic, 47.3 percent  
25 are White and that does not include our Commissioners



1 whose race and ethnic origins ought to be obvious to you.

2 MS. LOPEZ: Thank you for the information.

3 CHAIRMAN FLETCHER: Commissioner Ramirez?

4 COMMISSIONER RAMIREZ: As I thought through  
5 these hearings and things that we have not covered at all  
6 which might have had an impact on the disturbances here,  
7 one of the areas that I'm concerned about is the other  
8 very big event that occurred in Washington, D.C. over the  
9 course of the last two years. This was a very tragic  
10 event, namely the Latin savings debacle. I said it was a  
11 very sad event because so many people lost their savings.

12 On the other hand, I have to say that I was so  
13 proud that this community, this Hispanic community, had  
14 so many people who did save under economic conditions  
15 that make it very difficult for most people to save.

16 Nevertheless, I just wondered if your office  
17 had any role in responding to the needs developed around  
18 this issue? I remember that there was a flurry of city  
19 activity and then I haven't heard anything else at all.  
20 I just wondered whether you had any information?

21 MS. LOPEZ: I was not directly involved in that  
22 issue but my general understanding is that matter is  
23 before I believe the U.S. Attorney's Office so it is  
24 being handled in a federal jurisdiction. In terms of  
25 trying to make the case for those persons that had

1 investments there, it's my understanding that there is an  
2 attempt to identify assets that belonged to the  
3 corporation and I believe that is a very long and tedious  
4 process.

5 My office has been involved -- at the time of  
6 the Latin Investment there was a companion operation that  
7 also folded called -- (Spanish terminology) -- and this  
8 was a smaller financial institution. The Office of  
9 Banking and Financial Institutions within the District  
10 has taken the lead on working with those investors in a  
11 similar process to Latin Investment and trying to  
12 pinpoint what the assets are and trying to get some form  
13 of redress to the investors.

14 As a matter of fact, we sponsored with the  
15 Office of Banking and Financial Institutions a town  
16 meeting late last year and we were trying to identify or  
17 get those investors to come forward so that they can  
18 begin the process of making claims because you have to  
19 file a claim and basically get into a process of  
20 testifying to try to nail down the people because there  
21 is a possibility of criminal charges that would result  
22 from these investigations.

23 I have one staff member that has continued to  
24 follow up with the Office of Banking and Financial  
25 Institutions in terms of these particular investors.

1 I believe in the case of the Latin Investment  
2 Corporation, a number of law firms came forward and have  
3 been providing some pro bono assistance to those  
4 individuals.

5 COMMISSIONER RAMIREZ: Would you care to add  
6 anything to that?

7 MS. DELGADO: I think that's an interesting  
8 question because it does raise for me the issue of the  
9 function of OLA and the function of the Commission and  
10 how we can interact. For example, an item like this can  
11 be directed to the Director of the Office of Latino  
12 Affairs and based upon their direction from the  
13 Administration, they could either attempt to deal with it  
14 or they can table it.

15 If the Commission is allowed to function as it  
16 should, then the Commission can have the authority to go  
17 in and say this is an issue we need to pursue. It's kind  
18 of like a check and balance system. The Office of Latino  
19 Affairs is in fact a part of the government and is  
20 responsible to the Executive Office. The Commission on  
21 Latino Community Development is representative of the  
22 community who should have an advisory capacity.

23 I'm not sure if I'm clarifying it very well but  
24 it's a-check and balance that I think we have never  
25 really seen develop, a check and balance that's really

1 critical at this point.

2 All the previous testimony provided  
3 administrators talks about there aren't any dollars, we  
4 don't have the money to do this and this. This is one  
5 clear example of where dollars are not necessary. There  
6 is a mechanism in place already that is legislated to  
7 exist, that should be allowed to function as it was  
8 defined.

9 COMMISSIONER RAMIREZ: What I was hoping that  
10 somebody would tell me is that the District of Columbia,  
11 if it has regulatory authority over banks --

12 MS. LOPEZ: Let me clarify that. At the time  
13 there was no regulatory authority attached to the Office  
14 of Banking and Financial Institutions to deal with this  
15 problem and as a result of that, there was legislation  
16 passed that gave them some.

17 COMMISSIONER RAMIREZ: I was not going to focus  
18 on Latino investment but it seems to me that one of the  
19 reasons that a Latino investment debacle can occur is  
20 when banking institutions in a community also fail to  
21 reflect the ethnicity and cultural sensitivity, outreach  
22 and the communication, and we didn't look at that in this  
23 Commission hearing, but we certainly have looked at it in  
24 other hearings. That might be something for us all to  
25 think about in the future.

1 I noticed that the D.C. Lottery now is  
2 culturally sensitive and has ads out in Spanish and it  
3 would seem to me that's a lesson for everyone.

4 MS. LOPEZ: I believe that institutions are  
5 taking more note, private institutions, that they too  
6 need to address the needs of the community and also there  
7 is a market out there. If you're a businessperson, then  
8 you are going to do whatever you can to attract new  
9 markets.

10 I know I've received inquiries from businesses  
11 that have asked me, how can we get some Spanish training  
12 for our employees because they realize they are losing  
13 some market share. This affects the bottom line.

14 In the case of banks, I think that they tended  
15 to be very slow to respond and not created the climate  
16 for the Latino community to feel very welcome. That's  
17 partly why you have situations like the Latin Investment  
18 because clearly you had people that felt that they could  
19 relate to someone from their homeland and their money was  
20 going to be safe. We have seen other examples even since  
21 Latin Investment of other types of scams, if you will,  
22 perpetrated by Latinos against other Latinos because the  
23 truth of the matter is if you have some people that are  
24 very fearful, they are easily victimized, and that  
25 victimization does not differentiate and does not

1 discriminate either.

2 MS. DELGADO: If I may add, it's interesting  
3 you bring that up in terms of financial institutions not  
4 reflecting the demographic changes. Another issue that  
5 has been pursued by our Commission lately has been public  
6 utilities for that very same reason and the impact that  
7 has when these public utility companies don't provide the  
8 services or aren't capable of dealing with Spanish-  
9 speaking clients. You have cases where people have their  
10 gas cut off in the middle of winter over a  
11 misunderstanding of a bill.

12 MS. LOPEZ: We've also had that experience with  
13 hospitals, so we have provided some assistance and some  
14 interaction with hospitals, and served as mediators in  
15 some instances where people get hospital bills and they  
16 don't understand what that's all about, just some horror  
17 cases. So it really cuts across the board.

18 CHAIRMAN FLETCHER: Commissioner Wang?

19 VICE CHAIRMAN WANG: Ms. Lopez, who do you  
20 report to directly?

21 MS. LOPEZ: I report to the Secretary of the  
22 District of Columbia which in turn has responsibility for  
23 a number of administrative functions within the Office of  
24 the Mayor, and also for some other special programs like  
25 the Office on Aging, the Office on Constituent Services,

1 the Commission for Women, the Commission for Asian and  
2 Pacific Affairs, and my office. This person in turn  
3 reports to the Mayor.

4 VICE CHAIRMAN WANG: I am amazed to learn that  
5 you have such a large staff of 14 or 15 people.

6 MS. LOPEZ: No, let me correct, 12.

7 VICE CHAIRMAN WANG: 12 people. I'll just give  
8 you a comparison. In New York with close to 2 million  
9 blacks, the Office of Black Affairs only has five people  
10 there. I'm happy for you in a sense but on the other  
11 hand with all the problems we're having --

12 I want to direct a question to Ms. Delgado.  
13 When you have your Commission meeting, is there any  
14 representative from the Mayor's office present?

15 MS. DELGADO: Generally, the Office of Latino  
16 Affairs serves as the Mayor's representative. It's  
17 interesting you asked that question because historically,  
18 the Executive Director of the Office of Latino Affairs  
19 reported directly to the Mayor, so this is a recent shift  
20 in authority.

21 VICE CHAIRMAN WANG: So there is no other  
22 Mayor's staff at your meeting except Ms. Lopez?

23 MS. DELGADO: Upon occasion we can extend an  
24 invitation to a member of the Administration to attend.  
25 It's not a routine occurrence. Two years ago, we

1 attempted to establish quarterly meetings with the Mayor  
2 and that never got off the ground. It was a request that  
3 was declined.

4 VICE CHAIRMAN WANG: I sense when you made your  
5 early comment that you are not allowed to function, so  
6 there seems to be the indication that there is a  
7 deliberate attempt to not give you the kind of road to  
8 play with the Commission is supposed to. If I were you,  
9 at every meeting, I would insist that the Mayor's  
10 representative has to be at that meeting so that the  
11 ongoing dialogue and action that you people recommend can  
12 be immediately channeled to the Mayor's office for  
13 response and possible action.

14 On the other hand, I just find that Ms. Lopez  
15 your aspect of it, you have such a large group of people,  
16 I think again if you were to work with the Commission to  
17 develop a work plan and also the community participates  
18 in helping to shape the priorities of that office, I  
19 think we'd probably go a long way in meeting some of the  
20 immediate needs. Some of the other aspects may take more  
21 resources but here we've got 12 resources. We can  
22 certainly make that into a very effective use to help the  
23 community.

24 - You probably are already overworked but on the  
25 other hand, I think your work may not -- from what I



1 gather from the testimony, it seems to me your work is  
2 not so visible, the impact is not there. I could be  
3 wrong. If I'm wrong, correct me.

4 MS. LOPEZ: When you talk about institutional  
5 change, this is something that requires a lot of effort,  
6 a lot of work, and it takes a lot of time. The District  
7 Government is very large and very complex. We are  
8 talking about not just the city but State and county  
9 types of functions.

10 So I would qualify when you say you have a  
11 staff of 12, there's a number of functions that need to  
12 be covered.

13 My sense in terms of the work with the  
14 Commission, because the work is so broad, the Commission  
15 in many cases has focused on some areas and OLA has  
16 focused on others in terms of making those kinds of  
17 interactions within D.C. Government that are so necessary  
18 and doing the kind of advocacy that is needed to be able  
19 to promote that kind of change.

20 Primarily the Commission has spent a lot of  
21 time working on the issue of education because again, we  
22 realize that we should complement each other as opposed  
23 to duplicating what we do. So this has been the  
24 situation in the past and OLA has not been as involved  
25 because the leadership in that area has come from the

1 Commission.

2 I anticipate this is the way it will be in the  
3 future. We will continue to work to complement each  
4 other and not to be at cross purposes with each other.  
5 We anticipate the Commission will be able to function in  
6 other areas in the very near future because it will get  
7 an infusion of new members very soon. So I take your  
8 comments as a constructive suggestion that we will follow  
9 up on.

10 CHAIRMAN FLETCHER: Commissioner Anderson?

11 COMMISSIONER ANDERSON: None.

12 CHAIRMAN FLETCHER: I want to ask each of you  
13 to concentrate for just a second and then within 60  
14 seconds each tell me what you want to come out of this  
15 hearing?

16 MS. DELGADO: I would like for the current  
17 Administration to recognize the power of enabling  
18 legislation that created not only the Commission on  
19 Latino Development but also the Office of Latino Affairs.  
20 It's a very powerful law and it's the only clear cut case  
21 where a role and relationship is defined in terms of the  
22 Latino community and the Administration. If this is not  
23 recognized and it's down in black and white, then there  
24 is no hope for anything else to be recognized and/or  
25 developed and/or accepted.

1 CHAIRMAN FLETCHER: You have 15 more seconds.

2 MS. DELGADO: I would like for an Executive  
3 Director who is going to commit to a cooperative  
4 relationship with the Commission on Latino Community  
5 Development to be appointed as soon as possible.

6 CHAIRMAN FLETCHER: You're next.

7 MS. LOPEZ: I think this has been an  
8 interesting forum. I think it's been a forum to  
9 certainly air some concerns. I hope it's been an  
10 opportunity for people to come away learning something  
11 and also to really challenge ourselves in many ways and  
12 look at what we can do realistically, what we can do in  
13 terms of budget considerations, that it will empower the  
14 Office on Latino Affairs, that it will empower the  
15 community but that we also begin to look at what things  
16 we can do or what things the government cannot do and  
17 what things have to be beyond the role of government,  
18 what things the community can do as well to achieve the  
19 kind of empowerment that's necessary so that the  
20 community can move forward.

21 I think there are a number of areas where we  
22 need to really examine our value system, examine how we  
23 prepare the next generation and what are the kinds of  
24 things we are really going to emphasize to our young  
25 people so that they can be contributing and functioning

1 members of this community.

2 CHAIRMAN FLETCHER: Thank you very much.

3 You may call the next, please.

4 MS. BOOKER: Mr. Pedro Aviles.

5 CHAIRMAN FLETCHER: You were sworn in once.

6 You have 5 minutes.

7 MR. AVILES: Mr. Chairman and members of the  
8 Commission, first of all, I would like to thank you for  
9 giving me the opportunity to give very brief remarks to  
10 you.

11 I would like to begin by thanking every one of  
12 the Commissioners for the time, dedication and the degree  
13 of personal attention that you have devoted to these  
14 hearings. I would hope that the results in terms of  
15 tangible improvements for the Hispanic population will be  
16 commensurate to your efforts.

17 During the last three days, you have had an  
18 opportunity to gather a wide array of information  
19 regarding the living conditions of our community in the  
20 D.C. area. I will not belabor what has been said and  
21 documented already, but I would like to use this time to  
22 highlight what we consider the essential points of our  
23 problems and their solutions.

24 - Hispanics comprise 10 to 15 percent of the D.C.  
25 population, yet we receive less than 1 percent of the

1 city's services. Hispanics represent 10 to 15 percent of  
2 the city's population, yet they account for 1 percent of  
3 the civil service work force. Latinos are 10 to 15  
4 percent of D.C. population, yet in its political rank,  
5 they are almost nonexistent -- out of one Mayor, 13  
6 Council members and 11 School Board members, none is  
7 Hispanic. Out of 323 advisory neighborhood  
8 commissioners, less than a handful are Latinos.

9 When are talking about representation in the  
10 police force, Hispanics amount to a meager 0.3 percent of  
11 the officers and at the top ranks, tokenism does not even  
12 exist.

13 In spite of lack of accurate statistics on the  
14 housing conditions of Latinos in the city, based on  
15 population percentages are twice as bad as those of  
16 blacks as reflected in the case of renters living in  
17 double housing, 27 percent of Latino renters versus 16  
18 percent of Afro-American renters.

19 We do agree with the city that the Federal  
20 Government should bear a degree of responsibility about  
21 the current inequity in services suffered by the Latino  
22 population. To the extent that it was partly due to the  
23 United States foreign policy in Central America that the  
24 District of Columbia has received this massive wave of  
25 Hispanic immigrants, yet we cannot avoid pointing out

1 there is institutionalized discrimination in government  
2 practices and clear cases of violations to the policy of  
3 equal opportunity employment that the District of  
4 Columbia agencies claim to adhere to.

5           There are other areas I have not mentioned such  
6 as education, business and human services where due to  
7 the lack of pertinent data we do not know exactly what  
8 the percentage of Latino participation is. However, and  
9 for arguments sake, if we were to double the percentages  
10 we just mentioned above, we would still be at a meager 2  
11 percent.

12           When we started thinking last year about  
13 possible avenues to bring our case to the attention of  
14 the public officials of the District of Columbia in  
15 particular, and to the American people in general, it  
16 became apparent that our voices would not be heard unless  
17 others with a strong sense of justice were there to join  
18 us.

19           We were then, and in a certain sense still are  
20 a year later, an invisible population. We are the  
21 invisible segment of the District residents that many  
22 hire gladly because their labor cost is cheap but many  
23 would like to get rid of.

24           - Nine months have passed since the riots and 4  
25 months since the delivery of the recommendations to the

1 District of Columbia Government. The situation since has  
2 been steadily deteriorating due to the economic  
3 recession. We do not want to have to sit here some  
4 months from now after another incident of social unrest  
5 and have to add to our recent historic landmark  
6 discrimination hearings by saying so many months have  
7 passed since the U.S. Civil Rights Commission hearings  
8 and nothing has changed.

9 That is why in the name of the D.C. Latino  
10 community, of the various individuals and agencies that  
11 are represented, and in the name of the D.C. Latino Civil  
12 Rights Task Force, I would like to request from you that  
13 you make recommendations to the Federal and District  
14 Governments to take substantial and prompt steps to  
15 implement the changes that will give Latinos their long  
16 overdue share of the city's services, political and  
17 cultural and economic life.

18 I'd like to end with one of Dr. Martin Luther  
19 King's timeless quotes that addresses so rightly our  
20 present problems -- "True peace is not merely the absence  
21 of tension, it is the presence of justice."

22 Dear members of the U.S. Civil Rights  
23 Commission staff, I would like to say that we are deeply  
24 grateful by your presence here. Thank you very much on  
25 behalf of the Latino community of the District of

1 Columbia.

2 (Applause.)

3 CHAIRMAN FLETCHER: You are welcome.

4 I further emphasize that you came here in  
5 search of employment, not a free ride.

6 (Applause.)

7 MR. AVILES: Thank you, Mr. Chairman.

8 CHAIRMAN FLETCHER: You are more than welcome.  
9 Commissioner Ramirez?

10 (Dialogue given through an interpreter.)

11 COMMISSIONER RAMIREZ: I would like to use the  
12 following minutes to speak our language.

13 (Applause.)

14 COMMISSIONER RAMIREZ: I must confess that it  
15 is difficult for me because I am in a state of emotion.  
16 I am very proud of the way the leaders have presented  
17 themselves. They are full of courage, hope and vision  
18 for the future.

19 I am Mexican-American, born three miles from  
20 the Rio Grande on this side of the river. I am third  
21 generation American and through all these years of the  
22 Hispanic struggle in this country, it has always been  
23 difficult to show our presence in this capital city  
24 because the Hispanic presence was minimal.

25 Nowadays, the situation is not the same. The



1 Commissioners have a similar story because we are people  
2 who have struggled, who have fought for civil rights and  
3 each of us started quite young, at a young age and for us  
4 it is a very great satisfaction to see young people like  
5 Pedro, like Mr. Milanes (phonetic), and all of you --  
6 they took the promise of freedom in the United States,  
7 the promise that the Constitution of this country gives  
8 us and that is mine also, that belongs to me also.

9           To have a Constitution that continues to be as  
10 strong and future generations must fight, the generations  
11 that come must fight to defend said principles. So those  
12 of you that are in the struggle in Washington, are  
13 struggling for that same Constitution, for the strength  
14 that is carried in the Constitution and at the moment,  
15 either citizens or not citizens, you are all the  
16 strongest spread of patriotism that any country can have.

17           Through the struggle, this patriotic struggle  
18 here in the United States, you will acquire your rights  
19 through the society that will serve future generations.

20           I know very well that my colleagues, members of  
21 the Commission, are inspired, have been inspired by your  
22 struggle, by your honesty, by your intelligence and by  
23 the fact that you have come here concerning these  
24 problems and concerning your aspirations.

25           I would like to make something clear. This

1 Commission has only the power of influencing public  
2 opinion and the opinion of those people at the heads of  
3 the agencies that have responsibility in the areas  
4 mentioned. We can't fire anybody, we can't jail anyone,  
5 we can't force anybody to act in a different way, but we  
6 can tug at the conscience, we can tug those consciences  
7 that should be tugged.

8           The truth is that what we can do best for you  
9 is to present the official view, we could say, of an  
10 independent federal agency on what is just and what is  
11 necessary under our law.

12           In 1968, there were some hearings in San  
13 Antonio, they were the first ones. They were the first  
14 ones that focused their attention in the Latin community  
15 in this country. I remember I was around 20 years of age  
16 and I was listening to these hearings and suddenly I  
17 realized it wasn't necessary to suffer in silence  
18 anymore. It was possible to act and get somewhere within  
19 the system.

20           Those hearings empowered me and empowered many  
21 members of my community to move forward with a struggle  
22 that nobody can fight for us. It has to be us. Mr.  
23 Aviles, because of your intelligence and because of your  
24 honesty, and the way that you have been the leader in the  
25 situation, I salute you, I congratulate you and I request

1 that you and all those that struggle with you untamed  
2 faith in this political system and the faith in the  
3 possibility of the potential that exists in our community  
4 and that at no moment you should act in a way that is not  
5 on line with our values and with our principles.

6 (Applause.)

7 CHAIRMAN FLETCHER: Call the next witness,  
8 please.

9 MS. BOOKER: Mr. Chairman, I'd like to call the  
10 Chairperson of the District of Columbia Advisory  
11 Committee to the U.S. Commission on Civil Rights, Ms.  
12 Charito Krivant.

13 MS. KRUVANT: Good afternoon, again. By now I  
14 should be very comfortable and be casual in talking to  
15 you but today more than ever, I'm truly honored to sit  
16 here.

17 When the hearings started I had wishes, dreams  
18 and fears, fears mainly because as the Chairperson of the  
19 State Advisory Committee, I represent the city as a  
20 whole. As an individual, I am a woman and I'm Hispanic,  
21 so I wanted to be sure at the very beginning that I  
22 addressed myself to you as a Washingtonian.

23 I must say now I am speaking to you as a  
24 Washingtonian who is Latino and is truly proud and  
25 honored to be here.

1           I thank you for what you have done for all of  
2 us, the city as a whole. You do know that as you were  
3 questioning us -- Blacks, Whites, and Latinos -- the fear  
4 that we had is that in many instances you will be  
5 breaking some of the very, very tenuous ties that we have  
6 with each other. We're building and starting to work  
7 together because part of working together is recognizing  
8 how hard it is to work together.

9           As you see, Pedro and many, many of the young  
10 people that are Latinos recognize that there is a future  
11 for all of us if we work together with the rest of the  
12 community in the same way the Black youth and White youth  
13 of the community feel the same and we are searching for  
14 ways in which we can stop feeling oppressed, we stop  
15 feeling fearful, we stop feeling like violence and drugs  
16 have taken over our city.

17           What we want and what we thank you that you  
18 have done is you allowed us to do that that is the  
19 hardest, to bring up to the table the hard things because  
20 once we can face the truth, we can together have a  
21 vision. For that, I thank you.

22           I do know that you are asking from us a lot but  
23 I also know that you've also given us the pride and the  
24 joy to face the truth. There are many things, as you  
25 pointed out throughout these days, that need real fixing,

1 that need a tremendous amount of work not only to  
2 recognize that there are problems but that we together  
3 need to come to solutions.

4 I thank you on behalf of the Advisory  
5 Committee, but more than anything, I thank you as a  
6 Washingtonian for being here. Thank you.

7 CHAIRMAN FLETCHER: Thank you very much.

8 (Applause.)

9 CHAIRMAN FLETCHER: Willie, will you call our  
10 next witness, please?

11 MR. GONZALEZ: I think in the interest of time  
12 it may be appropriate if I identified the first four  
13 witnesses and if they would just come to the front, get  
14 sworn in and that way they can come up one at a time but  
15 we can dispense with the swearing individually. In the  
16 case of these witnesses, we also are invoking the rule  
17 that there be no cameras. So we indicate to the press  
18 that some of these witnesses do not want to be identified  
19 and no cameras, nor recording instruments will be  
20 allowed.

21 (Whereupon, the witnesses were duly sworn.)

22 MS. MALDONADO: I do not have a prepared  
23 statement but I do want to state that my name is Nilda  
24 Maldonado. I am a Puerto Rican. I am working right now  
25 at present at the Executive Assistant to the Associate

1 Superintendent, Special Programs in Alternative  
2 Education.

3 I would like to give a background and then  
4 proceed to tell you that I have been and have witnessed  
5 cases of discrimination. The background will be that  
6 when I came to this country in 1988, I brought with me 23  
7 years of experience as an educator. I am a graduate of  
8 the University of Bridgeport, Connecticut. I hold the  
9 titles of Masters Degree in Administration and  
10 Supervision; Masters Degree in Media; Masters Degree in  
11 Bilingual Special Education.

12 I worked three years in the Puerto Rican  
13 schools. I worked 20 years in the Federal Government  
14 schools in Ft. Buchanan, Puerto Rico. In April of 1988,  
15 I also came to this country not for a free ride but to  
16 work especially with the Hispanic community here in  
17 Washington, D.C.

18 My first employment was right here in this  
19 building with the Division of Bilingual Education. I was  
20 the supervisor educational aides and also the director of  
21 labs. Within a couple of months of holding down that  
22 position, due to unrest in one of the schools where there  
23 is more than 65 percent Hispanics, I was sent to that  
24 school to ease the tension between Hispanics and Blacks.

25 In the capacity of Assistant Principal, I tried

1 to do my best to calm down the unrest that was happening  
2 there. I worked there for two years as Assistant  
3 Principal. When the position of Principal became  
4 available, and it was announced, because I felt fully  
5 qualified, I had already served two years as Assistant  
6 Principal and as I told you before had all these  
7 credentials, was more than qualified to become Principal  
8 of that school, applied for the position, went through  
9 all the panels, questions, you name it, I went through  
10 all that and of course the position was given to someone  
11 that was neither bilingual, neither Hispanic and Black.  
12 I felt it was not fair that I didn't even get a chance  
13 but because I was new in the system, I felt, well, next  
14 time.

15 I was then named the Acting Principal at  
16 another school and another bilingual school where I  
17 served for a complete year as the Acting Principal. I  
18 got to my job early in the morning and as many parents  
19 can testify, I was practically the last person leaving  
20 the building making sure that jobs were done and children  
21 were taken care of and my teachers had their services  
22 performed.

23 That position also was advertised. For that  
24 position I also prepared myself. That position I also  
25 lost. That position was given to someone else from

1 outside the system.

2 When that happened, not only was I frustrated,  
3 I was humiliated. I almost wanted to pack my things and  
4 go back to Puerto Rico where at least where I was working  
5 for 20 years, I was given some type of respect which I  
6 did not get here at that time.

7 I picked up the phone, I called the  
8 Superintendent -- at least the secretary -- tried to make  
9 appointments to talk to him. This was the Acting  
10 Superintendent at the time, not the new Superintendent.  
11 Of course I was not given an appointment to see him, but  
12 being the Puerto Rican that I am, I made myself available  
13 by just going to the office and I told the secretary I'm  
14 here to see the Superintendent. I was told he was busy.  
15 I said, well, I am not busy, I'm going to sit here until  
16 he comes out and I waited and I waited.

17 He finally came out and he said, Ms. Maldonado,  
18 I heard you want to talk to me? I said, yes, sir,  
19 politely, I do want to talk to you if you have a minute.  
20 I was granted time. All I wanted to know was why. I  
21 told him, look, this is my second time trying to be a  
22 Principal.

23 If we have 10 percent of our Hispanic  
24 population in the city and we have so many Hispanics in  
25 the schools, we do have a dire need for bilingual



1 principals. I just want to know why I did not make it  
2 the second time around?

3 His answer was, Ms. Maldonado, I didn't even  
4 know that you were competing for the position. He says  
5 that the only thing he received was only one name and  
6 that's why that person got the position. Two instances  
7 of trying to serve my people, serve the District of  
8 Columbia public schools, serve all children, and both  
9 times I was denied that opportunity. My feeling was I  
10 have been wrongly discriminated.

11 In writing and by phone, I also tried to get  
12 someone to give me an explanation of why that happened.  
13 To this date, I still do not know what did happen. I was  
14 going to mention more but I think that's enough.

15 Thank you very much for your time.

16 CHAIRMAN FLETCHER: Thank you very much for  
17 coming. Good afternoon. Please proceed, sir.

18 MR. PERMODO: Thank you very much, Mr. Chairman  
19 and members of the Commission, for the opportunity.

20 My name is Eduardo Permodo. I am an American  
21 citizen of Latin American descent from Colombia. I have  
22 been living and working in the D.C. metropolitan area for  
23 the last 24 years. I am married. I have six children.  
24 I have a Masters Degree in Economics. I'm a contractor  
25 by trade and a part-time community activist.

1                   CHAIRMAN FLETCHER: Is that a construction  
2 contractor?

3                   MR. PERMODO: Yes, sir. I'm here to talk about  
4 economic discrimination which I think is the worse kind  
5 of discrimination that a community on the way to  
6 development can suffer.

7                   I have worked with almost every community-based  
8 organization in this town. I have been a member of many  
9 of them, I have worked for a lot of years at the  
10 grassroots level. Presently, I am the Chairman of the  
11 Latin American Contractors Association. I'm also the  
12 President of the Latin American Festival.

13                   Basically, I wear two hats. One hat is as an  
14 advocator for contractors in this town which I have done  
15 for the last 14 years and a hat as President of my own  
16 small construction company. When I wear the hat as an  
17 advocate for contractors, I have to speak at meetings of  
18 the contracting agencies and I have to advocate and say  
19 things the way they are, forgetting for a minute that I  
20 am also a contractor and that I am talking against the  
21 people that pay my invoices after I do my job.

22                   In the past, we used to not have too many or  
23 any political institutions at all and so we had to do our  
24 work and we had to advocate and we had to do all these  
25 things at the same time.

1           When I advocated for contractors when I put my  
2           hat as Chairman of the Contractors Association on, I got  
3           retaliated. I was retaliated with these contracting  
4           officers telling me, you are going to be retaliated. We  
5           are going to make sure that you never get anymore  
6           contracts in this town.

7           For the last seven years, I have suffered that  
8           retaliation and been treated with a very different set of  
9           standards. City officials have made defamation against  
10          me and they have slandered my person and my business.  
11          There can be testimony about this as the case may be.

12          They retaliated by not paying my contract, by  
13          not paying me on time. There was also an occasion when I  
14          was a low bidder in ten different contracts, the lowest  
15          bidder and I did not awarded any of these contracts.  
16          After that, I just practically lost the majority of my  
17          capabilities. I was not able to bid as a general  
18          contractor anymore within the District of Columbia.

19          When they discriminate about a construction  
20          company, they not only discriminated about this  
21          construction company but also about at least 100 families  
22          lose their employment, their means of subsistence. I  
23          wonder how many of these families were present at the  
24          riots on the 5th of July.

25          I'd like also to say that in the apprenticeship

1 program of the District of Columbia, there are not  
2 Hispanics in the lists of apprentices. Also in the  
3 employment services agencies, there are no Latinos listed  
4 in these agencies. We barely have any officials in the  
5 District of Columbia Government as employees. If any, we  
6 have some 4s, 5s and 6s. We also would like to have some  
7 13s, 14s, 15s and 16s.

8 I guess my time has expired. Thank you.

9 CHAIRMAN FLETCHER: Thank you very much.

10 MS. BOOKER: Deborah Polhemus.

11 MS. POLHEMUS: Good afternoon. My name is  
12 Debbie Polhemus. I have worked as an English as a second  
13 language teacher at Cardozo High School for six years. I  
14 will speak about discrimination against language minority  
15 students.

16 I must report to you that the language minority  
17 students do not have equal access to the school's  
18 resources. Of course I'm referring to students from  
19 English as a second language. At Cardozo, we have  
20 approximately 200 language minority students out of an  
21 entire student body of between 600 and 800 students  
22 depending on who is doing the counting.

23 Cardozo's language minority students represent  
24 about one-third then of the school population. Our  
25 language minority population is about 90 percent Spanish-

1 speaking, primarily from El Salvador. The remaining 10  
2 percent includes Vietnamese and Ethiopian students.

3 The language minority students at Cardozo have  
4 been victims of discrimination as they are victims of  
5 racially-motivated violence and threats in school. The  
6 administration has proven unwilling or unable to address  
7 the fear that is real among language minority students.

8 This school year, I'm aware of five instances  
9 of racially-motivated assault, three instances of  
10 racially-motivated intimidation, and two cases of  
11 harassment. That is not a complete list. Some of these  
12 instances occurred in the presence of adults.

13 These encounters and others have resulted in  
14 fear and humiliation for many students. Two students who  
15 were victims of or witnesses to violence have transferred  
16 to other schools. Several other students have requested  
17 transfers. One student has dropped out completely.  
18 Students rearrange their schedules so as to avoid the  
19 other students who bother them. Students miss days of  
20 school because of their fear.

21 I would like to enter into the record signed  
22 testimony from four students and one former student from  
23 Cardozo. They write about assaults, intimidation and  
24 harassment.

25 The language minority students at Cardozo are

1 also discriminated against because there are staff in the  
2 building who are unwilling to work with them. Some are  
3 even hostile to foreigners. They are discriminated  
4 against because there is no one trained in English as a  
5 second language methodology and cross-cultural awareness  
6 in a position of authority to monitor instruction in the  
7 building. Teachers and counselors are not well  
8 supervised.

9           The language minority students are  
10 discriminated against because they are enrolled in  
11 courses for which there are not, in about half the cases,  
12 suitable textbooks on the official textbook list.  
13 Therefore, their teachers have not been able to order  
14 texts at their reading level.

15           There is a higher student-teacher ratio in ESL  
16 classes than there is in the mainstream. Language  
17 minority students have been discriminated because their  
18 teachers tend to be newcomers, new teachers have been  
19 placed on occasion in basement rooms that are not really  
20 classrooms, rooms without chalkboards, rooms that double  
21 as storage space for outdated computers.

22           The language minority students at my high  
23 school are discriminated against because they do not have  
24 equal access to vocational instruction. Business  
25 courses, home economics and shop courses are not staffed

1 by teachers with ESL experience. Therefore, the doors to  
2 these classes are not fully opened to the students.

3 Language minority students do not have equal  
4 access to job counseling services. Because they are not  
5 fluent readers of English at a high school level, they  
6 cannot effectively use the majority of resources in the  
7 school library. Their culture and values and concerns  
8 are rarely seen on the stage during the time of school  
9 assemblies.

10 Finally, they are discriminated against because  
11 there are not teachers or administrators. Adults walk in  
12 and out the front door of Cardozo High School and no  
13 student is allowed to do that. Adults are the first  
14 served in the cafeteria, the students must wait. Adults  
15 have access, although it is limited, to the telephones.  
16 Students do not. Adults have been given training in  
17 self-defense, students have not.

18 I leave you with these remarks.

19 CHAIRMAN FLETCHER: Thank you very much. Will  
20 you call the next panel?

21 MS. BOOKER: Unless the witnesses object, we  
22 can resume the taping.

23 COMMISSIONER BERRY: Mr. Chairman, are we going  
24 to have the school people respond to these charges that  
25 are made on the record or how are you proceeding? When

1 people make charges, are we simply leaving them or is  
2 there some kind of blanket rule that where specific names  
3 are used, as Cardozo High School, and specific  
4 complaints, there will be some response in the record or  
5 how are you proceeding?

6 CHAIRMAN FLETCHER: We are proceeding by  
7 leaving the record open and allowing the school -- two  
8 school panels have been here and are gone now. What we  
9 are doing is leaving the record open, alerting the  
10 schools that they have been identified and allowing them  
11 to respond in writing.

12 COMMISSIONER BERRY: So I don't need to make a  
13 motion?

14 CHAIRMAN FLETCHER: No, you don't.

15 MR. GONZALEZ: I'd like at this time for Ceres  
16 Nionbella, Ismania Bonille and Carl Thomas to come to the  
17 front. Daniel Valez can also accompany them.

18 (Whereupon, the witnesses were duly sworn.)

19 CHAIRMAN FLETCHER: You may proceed.

20 MS. NIONBELLA: My name is Ceres Nionbella. I  
21 am a Bell Multicultural High School student and like the  
22 majority of my schoolmates, I am an immigrant. At first,  
23 the school known to you as Bell was a school funded in  
24 1980 as a school designed to meet the special needs of  
25 minority and English minority students.



1           The school was originally funded as a  
2 demonstration project of the U.S. Department of Labor for  
3 use by immigrants.

4           The first question we must ask is why was such  
5 a school necessary and why, in D.C. public schools there  
6 was this kind of question. Maybe because D.C. public  
7 schools did not and could not adequately provide services  
8 for nonnative speakers of English. If an immigrant  
9 wanted or even today wants to learn English, he or she  
10 faces a difficult time in the D.C. public school. The  
11 system was not meeting the needs of this population,  
12 hence the need for MCIP in 1980.

13           In 1984, the D.C. Public School Division of  
14 Bilingual Education requested that MCIP be absorbed as a  
15 regular high school but not officially recognized by the  
16 Board of Education as a high school.

17           A few years later in 1988, we became Bell  
18 Multicultural High School with the mission to utilize  
19 diversity of culture as a vehicle for learning instead of  
20 competing. Bell was created as a comprehensive high  
21 school including a vocational -- (Inaudible).

22           In 1982, D.C. public schools had considerable  
23 difficulty providing services to that same population.  
24 Why is there a separation? If a student is trying to  
25 learn English, he or she has to be in contact with

1 English-speaking students in his school, not to be  
2 separated. The need for Bell Multicultural High School  
3 continues to be a reality.

4 Here we have come to talk about discrimination.  
5 The dictionary says that discrimination is the ability to  
6 make fine distinctions or treatment shown to a particular  
7 person. We know what happened less than 1 year ago in  
8 Mt. Pleasant. The fact is that the Washington, D.C. area  
9 is a magnet for immigration. So Bell became a  
10 comprehensive public high school.

11 Today, like a few years ago, Bell needs a full  
12 functioning library and auditorium, a gymnasium, a well-  
13 designed cafeteria, a laboratory for science. In 1989,  
14 the committee report of the evaluation of Bell produced  
15 in response to the accreditation process ordered by the  
16 public school system recommended that the District of  
17 Columbia school address the last physical needs to  
18 provide a comprehensive program at Bell. So why in Bell  
19 do we not have these facilities? We are the only public  
20 school in Washington, D.C. that does not have these  
21 things. We are also the only public high school in  
22 Washington, D.C. that has such a high percentage of  
23 immigrants.

24 - I hope that my message has been understood. I  
25 hope that you will respond affirmatively and act to the

1 full extent of your authority.

2 Thank you for your time and attention.

3 MS. BONILLE: Good afternoon, Commissioners and  
4 committee. My name is Ismania Bonille. I attend Bell  
5 Multicultural High School. I am an athlete and editor in  
6 chief of the school newspaper The Rainbow.

7 As representatives of the Bell Multicultural  
8 family and community, we are here to continue our never-  
9 ending fight for the government to do its job and provide  
10 us with a gymnasium, auditorium, cafeteria, and science  
11 laboratories.

12 From an athlete's point of view, I can tell you  
13 that it is not easy practicing for a championship match  
14 in a room with a rubber covered floor. This room which  
15 we call a gymnasium is almost the same size as any  
16 regular classroom in which I sit during the day. During  
17 games our players get lost because they do not know the  
18 inside or outside of the court. Because we have not  
19 practiced on a regulation court, we find ourselves  
20 unfamiliar with the limit lines, strategies and  
21 regulations of play.

22 We also get tired and run out of energy because  
23 we are often out of shape. We are out of shape because  
24 in order to perform well, you must exercise and keep in  
25 motion, but you need a place in which to exercise and

1 Bell does not have a place in which to exercise or  
2 practice before a game. We could try to use the streets,  
3 but the streets are not safe. On the streets, we would  
4 not be able to work out in peace. There are drunks and  
5 others who would accost a group of female athletes trying  
6 to run or work out in the neighborhood around the school  
7 and the situation would not be much better for the male  
8 athletes.

9 Our championship teams in sports such as men's  
10 baseball and soccer and women's volleyball find  
11 themselves traveling to different sites just to practice.  
12 As a result of their situation, our competent teams are  
13 unable to perform at their best because they are not as  
14 well coordinated as they could be. They do not have  
15 enthusiasm because they are unable to practice and learn.  
16 What they often already know about playing a sport, they  
17 have to learn by playing outside with their friends.

18 What happens to the student who has never  
19 played a sport but wants to learn and participate? That  
20 student cannot play. Many look to schools to teach  
21 sports and the dynamics of team cooperation. We are  
22 being short-changed.

23 Now, from a new student's point of view, I can  
24 assure that with all the schools I have been to and know  
25 personally in the District, I have never seen such

1       togetherness, such eagerness to learn, to climb the  
2       ladder of education which makes students prosper as  
3       citizens or such a competent staff.

4               Bell is like a second home to most students.  
5       Besides being a learning center, the staff and students  
6       also care about and listen to each other. Mayor Kelly  
7       first became aware of the lack of facilities at Bell on  
8       May 5, 1991 when she visited our school to deal with the  
9       causes behind the Mt. Pleasant riots.

10              During her visit she promised the student body  
11      all the facilities we require. Superintendent Smith also  
12      became aware of this in October 1991 and told us that he  
13      too would help us, but what has happened to these  
14      promises? Nothing. Why were we left in the middle of no  
15      where with only broken promises to hold on to? We do not  
16      know. If we want our youth to excel, not just nationally  
17      but world class standards, they must be provided with  
18      excellent facilities.

19              Let us focus on education and world competition  
20      instead of isolation and neglect. Bell is one of the  
21      few schools which has 90 percent immigrants, English as a  
22      second language speakers, minorities is what we are all  
23      technically called. Bell is also the D.C. Public School  
24      without the facilities of a gym, auditorium, cafeteria  
25      and science lab, a situation which our District powers

1 that be do not want to do anything about.

2 At Bell, I have learned to respect and admire  
3 people of other countries and cultures and to also admire  
4 and learn about my own. We have people from just about  
5 every country around the world, yet we do not see the  
6 differences which other people see. We learn early on  
7 that the color of the student sitting next to you or the  
8 friend with whom you have lunch does not make them less  
9 of a person.

10 We are always hearing and being taught about  
11 working with other cultures, but do we believe in  
12 equality?

13 Is history repeating itself? We think it is.  
14 Does the School Board chairperson, Superintendent and  
15 Mayor want to look down or neglect other people because  
16 they are not of the same ethnicity or national origin?  
17 We think they do.

18 If there is any school in the District of  
19 Columbia that deserves a gymnasium, auditorium, cafeteria  
20 and science laboratory more than Bell Multicultural High  
21 School, you show me that school because I surely haven't  
22 seen it.

23 Thank you.

24 - CHAIRMAN FLETCHER: Thank you.

25 (Applause.)

1           MR. THOMAS: Good afternoon to the members of  
2 the committee. My name is Carl Thomas and I'm a student  
3 at Bell Multicultural High School.

4           As you know, the Mt. Pleasant area was not too  
5 long ago involved in a riot which is said to be the  
6 result of racial and ethnic discrimination and injustice.  
7 Since that incident, there have been advances made  
8 towards equality for immigrant people in this area. I'm  
9 sure that the steps taken to help our people are steps in  
10 the right direction, but there is a need for more severe  
11 action to be taken on behalf of our school.

12           Last year, our school was visited by Mayor  
13 Sharon Pratt Kelly. We expressed to the Mayor the need  
14 for a gymnasium and auditorium. We were told that we  
15 would have these facilities almost 9 months ago and have  
16 not seen any results as of yet.

17           I personally feel that our school is being  
18 discriminated against for the simple fact that our school  
19 has the highest percentage of immigrant students of any  
20 high school in D.C. As a result of this discrimination,  
21 the immigrant populations and the American students as  
22 well have to suffer and be denied our rights to having  
23 facilities that all other D.C. public schools have.

24           - Being a student of the Arts, I need an  
25 auditorium to act and practice in. It is a real crippler

1 having to ask permission to perform and practice on the  
2 stage across the street at Lincoln Junior High School and  
3 then often being denied.

4 The only solution to this problem is to have  
5 our own facilities. By having an auditorium in the  
6 school, we could have a lot more performances than we  
7 already do. In the future, having an auditorium to  
8 perform in regularly could possibly interest people in a  
9 career and bring out their true talents.

10 We hope by having this meeting we will soon get  
11 the proper things we need for our school to be  
12 prosperous.

13 Thank you.

14 MS. BONILLE: With your permission, I will read  
15 Daniel Valez's testimony. He could not be here.

16 MR. VALEZ: (As presented by Ms. Bonille) Good  
17 afternoon, committee and Commissioners. My name is  
18 Daniel Valez. I am an 11th grade student at Bell  
19 Multicultural High School.

20 During my first year at Bell, I found out the  
21 school was missing certain facilities, those facilities  
22 being a cafeteria, an auditorium and a gymnasium. I also  
23 found that at Bell you are given the opportunity to be  
24 involved in school in ways that decide the direction in  
25 which the school is headed. Thereafter, I have been



1 involved in the school's campaign to acquire these  
2 facilities.

3 Through this campaign I was told that the 1991  
4 implementation plan which officially created Bell  
5 Multicultural High School and was approved by the Board  
6 of Education calls for the construction of these  
7 facilities. I was also made aware of the fact that the  
8 property adjacent to us, known as Parcel 27, belonged to  
9 the city, yet it is occupied by a group of automobile  
10 repair shops. This land is owned by the city, yet  
11 development rights have been granted to a private  
12 developer who has not taken any initiative toward the  
13 property in 12 years.

14 Would it not be possible for the District of  
15 Columbia to take steps to develop this parcel that it  
16 already owns so as to benefit Bell Multicultural High  
17 School and the surrounding community? We think that this  
18 is possible.

19 Why does it appear that no steps are being  
20 taken on the part of the school system to remedy this  
21 acknowledged shortcoming? Our presence here before the  
22 Commission on Civil Rights is an attempt to make sure  
23 that our worst fears are never allowed to become reality.

24

25 It was announced at the Mayor's hearing on D.C.

1 Public Schools budget that certain monies could be  
2 allocated for school improvements. We presented  
3 testimony at that hearing to have parts of the capital  
4 improvement budget committed to the School Board toward  
5 our need for facilities.

6 To date, no action has been taken to our  
7 knowledge. Today we ask from you, the U.S. Commission on  
8 Civil Rights, to do anything you can to have our rights  
9 as high school students addressed and met.

10 We have illustrated that our needs have been  
11 recognized universally. We have presented to you that  
12 the D.C. Government has the ability to testify to our  
13 needs. The monies to some degree exists. If our school  
14 is to become a truly fully functioning high school, we  
15 cannot be left unfinished, ignored and pushed aside.  
16 Isn't a competitive education our right under the law?  
17 Please answer us.

18 Thank you.

19 COMMISSIONER ANDERSON: Thank you very much.

20 (Applause.)

21 MR. GONZALEZ: Mr. Chairman, for the record so  
22 that we don't make the mistake again, anybody that comes  
23 up as in the case of an individual that is absent or was  
24 not able to be sworn in, if they have a statement, they  
25 can submit but no one can read it for them.

1                   At this time, I'd like Mario Lamo, Pablo  
2                   Montero Sanchez and Rosie Escobar to come up.

3                   (Whereupon, the witnesses were duly sworn.)

4                   MR. LAMO: Good afternoon to the members of the  
5                   committee. My name is Mario Lamo.

6                   For the last two years I worked as an  
7                   interpreter for the Latino Family and Childrens Hospital  
8                   through a contract with the (Inaudible) Language Company.  
9                   At the time it was my understanding that this was the  
10                  only hospital of the Washington area providing these  
11                  types of services to the Latino families.

12                  My work gave me the opportunity to get to know  
13                  and to do interpreting in many areas of the hospital,  
14                  from the emergency room to almost every clinic. I was  
15                  also able to identify what the needs of the Latino  
16                  families were in the areas of bilingual services.

17                  For example, I realized that once the families  
18                  left the hospital without an interpreter, they didn't  
19                  have any means to communicate with the hospital because  
20                  the hospital didn't have Spanish-speaking operators. I  
21                  gave the families my phone number for them to call me if  
22                  they had any need to communicate with the hospital.

23                  Immediately I started receiving several calls a  
24                  day from the families. This was done after work hours at  
25                  no cost to the families or the hospital. Many have tried

1       unsuccessfully to contact the hospital on their own or  
2       the hospital had called them in English and the families  
3       mistakenly understood that their appointments had been  
4       cancelled.

5               I also realize that the interpreting service  
6       was independent of the cultural backgrounds of the  
7       families and their socio conditions in the United States.  
8       I found out families' experiences in order to better  
9       serve them as an interpreter and advocate. They told me  
10      how they were being abused by landlords, employers,  
11      health care providers and even by Medicaid personnel when  
12      they were seeking assistance. I learned how to interpret  
13      for the families.

14             For example, I found out that when the results  
15      of a test done on a child was positive, the families  
16      thought that the child didn't have anything wrong and  
17      when the test was negative, they thought the child was  
18      unhealthy. So I changed my vocabulary to be able to  
19      explain this to the families in their own terms and to  
20      avoid confusion. Terms such as pneumonia and convulsions  
21      were often foreign to them even in Spanish without  
22      further explanation.

23             I also discovered that the families weren't  
24      taken full advantage of all the medical care available to  
25      the English-speaking persons since they lack the

1 information about what services were available to them.  
2 Most of the information and printed material was in  
3 English and they lack a way to initiate any contact to  
4 ask for help since they didn't speak the language. They  
5 didn't even know that interpreters were available since  
6 that information was printed in English. There was no  
7 process for them to request an interpreter.  
8 Paradoxically they needed an interpreter to be able to  
9 request an interpreter.

10 Information such as how to take care of a burn  
11 and deal with convulsions or about lead poisoning were in  
12 English, so the families could not take advantage of it.  
13 The registration forms, consent for operation, hospital  
14 guides, educational materials, were in English also, so  
15 without an interpreter, the information provided to an  
16 English-speaking person wouldn't be available to a  
17 Spanish-speaking family.

18 In many cases, the parents were unable to write  
19 their child's name or sign or fill out the form and  
20 needed special assistance. There weren't any signs in  
21 Spanish to help guide the families inside the hospital.  
22 The x-ray room didn't have any signs in Spanish warning  
23 that it wasn't advisable for pregnant women to enter with  
24 their children. I once found a Latino mother in the  
25 waiting room of the x-ray room. I looked at her and I

1 noticed immediately that she was pregnant, so I explained  
2 what was going on in there and I saved her from going in  
3 there a second time.

4 After working in the hospital for two years, I  
5 put together a report with my recommendations of what  
6 were the things that were needed inside the hospital. I  
7 presented my report to the Social Work Office. I didn't  
8 receive any response. So our contract was about to  
9 expire and I presented my report to the medical  
10 personnel. The same afternoon I presented the report, a  
11 doctor called the management to inquire about what was  
12 going on, the next thing that I knew is that I was fired  
13 for circulating the report about the needs of the Latino  
14 families in the hospital.

15 They called the security guards and they took  
16 me out of the hospital. They followed me out of the  
17 hospital. I don't know why at this moment.

18 I include my report as part of my testimony.  
19 Thank you very much for your attention.

20 (Testimony given through an interpreter.)

21 MR. SANCHEZ: I am Pablo Sanchez. I am Cuban.  
22 Good afternoon, members of the Commission.

23 I left home some 11 years ago and of those 11  
24 years, I have spent 10 in jail. I have been 10 years in  
25 jail but really out on the streets. For example, some

1 community leaders denied to me the most important thing  
2 for every human being -- education was denied to me --  
3 the point that the police got me at gunpoint from a study  
4 center.

5 I was a teacher in Cuba and came to this  
6 country with one thing in mind, I wanted to be a computer  
7 engineer and gentlemen, you can't believe, the greatest  
8 abuse has been committed against me. What I have  
9 suffered I don't wish on my greatest enemy, ten years  
10 living on the street using public baths in old cars, in  
11 shelters; ten years during which the police of the  
12 District of Columbia came to my house and removed, stole  
13 everything. I was left naked, nude. I went to complain  
14 to those known as leaders and the help I received was  
15 that I was jailed and that was the help I got.

16 You do not know what the community is  
17 suffering. This community suffers, weeps, and when a  
18 community suffers and weeps, justice trembles here in  
19 this community.

20 I'm very pleased that several gentlemen from  
21 the Latino Committee have worker to bring the U.S.  
22 Commission Civil Rights. I have been waiting for this  
23 opportunity for nine years. The voice has been from the  
24 old politicians that have made us eat dirt and it is time  
25 that these people understand that present day will never

1 join the past. There is a community here, there are new  
2 leaders that are coming forth, new leaders that have to  
3 do something to benefit the hundreds and hundreds of  
4 Hispanic families that are suffering.

5 I'm thankful and I also want to congratulate  
6 several young men of the Committee on Civil Rights for  
7 their efforts. I want to thank you for the opportunity  
8 you have given me to express myself. Thank you. May God  
9 bless you.

10 (Applause.)

11 (Testimony given through an interpreter.)

12 MS. ESCOBAR: Good afternoon, I am Rosie  
13 Escobar.

14 Six years ago, my son was in kindergarten and  
15 one afternoon when I went to pick him up, he was unable  
16 to walk. I tried to find out from him what happened but  
17 he did not explain it to me. When I reached home, I  
18 examined the child and he had the signs that a ruler had  
19 been broken on his leg and a piece was embedded in his  
20 skin.

21 At that time, I could not speak to the teacher  
22 because I could not speak English. There was no one  
23 there who could speak Spanish. Several days later, I  
24 went to the central office and presented the case. I was  
25 asked if it was recent and they said two months had gone



1 by, I was told that when something like that happens, I  
2 should not let time go by that I should go immediately to  
3 see what could be done.

4 Last year, one of my daughters was in the  
5 second grade. When I went to pick her up she was crying.  
6 I asked what happened, she did not reply. Then I asked  
7 the teacher what happened, she told me she didn't know.  
8 I took the children with me, she was crying, and the  
9 other children told me she had been hit on the hand. My  
10 daughter did not tell me because she was afraid that if I  
11 spoke to the teacher, she was going to receive a more  
12 severe reprimand.

13 That same day her friends told me that the girl  
14 had been working with glue, she had some papers in her  
15 hand. The glue was going to be dropped to fall and she  
16 asked the teacher to hold it, the teacher would not pay  
17 attention to her, she dropped the glue, the teacher hit  
18 her on her hand. I spoke to my daughter and she told me  
19 the same thing. I was mad. You don't know how mad I  
20 was.

21 By that time, I spoke English. I told the  
22 teacher this is the last time that I would allow you to  
23 touch my daughter. You are her teacher but you have no  
24 right to punish her or to do anything to her. I told her  
25 I don't know what you are talking about, my daughter

1 didn't tell me what happened, the other students did.  
2 She told me then that she hadn't done anything. I said,  
3 okay, I'll go to the central office and I am going to  
4 present this case. When I told her I was going to the  
5 central office, she said, no, go talk to the director of  
6 the school, the principal of the school. I said, no, I  
7 know the principal and I know that he's not going to do  
8 anything because I have spoken to him before.

9           When I told her I was going to go to the  
10 central office, she said, Rosie calm down, let's talk. I  
11 did it and I don't remember, forgive me. It will never  
12 happen again but don't go to the central office.

13           After the child was interviewed in order to  
14 present this case, I realized that the teacher had a  
15 place in the back of the classroom where when she felt  
16 like it, all the Hispanic children were placed if they  
17 made a mistake, if they didn't bring the homework, she  
18 would hit them with the ruler on their hands. The  
19 children didn't want to study. My daughter did not want  
20 to study and didn't want to come back to the school  
21 because the teacher would always scold them. Many times,  
22 more than four or five times, I picked her up and she was  
23 crying. The teacher never wanted to talk to me about the  
24 child.-

25           What I did now was to move to another State. I

1 couldn't take this discrimination anymore. My children  
2 are very happy. When they misbehave, when they don't  
3 want to study, I tell them I'm bringing them back to the  
4 other school. It's a bit of medicine that I have. They  
5 very quickly pick up their books and start studying.

6 This is discrimination. It's in a school where  
7 the majority of the students are black.

8 COMMISSIONER ANDERSON: Thank you very much.

9 Would you call the next panel, please?

10 MR. GONZALEZ: Myrna Gutierrez, Alex Campagnet  
11 and V. Hector Rodriguez.

12 (Whereupon, the witnesses were duly sworn.)

13 MS. GUTIERREZ: Good evening, ladies and  
14 gentlemen.

15 First of all, I would like to thank all of you  
16 for listening to a cry that is hardly heard. My name is  
17 Myrna Gutierrez and I am originally from El Salvador.  
18 I'm a freshman at the University of the District of  
19 Columbia.

20 My presence here this evening is to present my  
21 case to you which hurts me and makes me upset. Last  
22 June, I graduated from Bell Multicultural High School and  
23 I was looking for a summer job and I found it. I was  
24 employed with the D.C. Government.

25 When I was already working there, I was

1 planning to college. I wanted to take classes at night  
2 and have a job during the day, so I asked could I apply  
3 for a day job with the D.C. Government. My supervisor --  
4 I asked my supervisor how could I go into this process.  
5 She provided all the material to study for a test that I  
6 had to take and she told me where I had to go and the  
7 time of the test. So I did.

8 I studied hard, almost one night -- and I used  
9 to work two jobs. The time came when I was going to go  
10 and take the test. I got to the place on time, even  
11 before the time. I was ready to take my test.

12 When I heard a person come down and call all  
13 the names of the students, many were high school  
14 graduates and they took us upstairs to a room. They gave  
15 us some material to fill out. Unfortunately, I was  
16 Hispanic. Unfortunately, they saw the color of my hair  
17 and the color of my skin and somebody approached me and  
18 asked, how you legal? I didn't understand what he meant  
19 and I asked what, do you mean? He said, are you a  
20 citizen of the United States? I said no, but I have an  
21 authorization for work and that's what I'm working with  
22 right here with the D.C. Government. He said, I'm sorry,  
23 but that's not enough, you have to leave.

24 I packed my things. I said okay, I packed my  
25 things and I left. When I was going out the door, the

1 lady still said in front of those young people, she dared  
2 to humiliate me more than she had already done, and she  
3 said, come back when you have your citizenship. That  
4 upsets me really bad and the same way that I feel, I know  
5 that out there are many students, many young people that  
6 feel the same way that I feel. This is not fair, it's  
7 intolerable.

8 One thing, now I feel happy. I have hopes and  
9 high aspirations because I am one person that don't give  
10 up. I am one person that will not stay there and do  
11 nothing about it. I will fight for my rights. I will  
12 not fight with guns and knives, sticks and stones but  
13 with the brain that God has provided me and by uniting  
14 and by letting people know, people like you that are  
15 trying to help and who I thank very much.

16 That's all.

17 (Applause.)

18 MR. CAMPAGNET: Members of the Commission on  
19 Civil Rights, I appreciate this opportunity to speak. My  
20 name is Alex Campagnet and I am the Secretary Director of  
21 SALUD Inc., the advocacy agency working primarily on the  
22 prevention of the spread of AIDS and other sexually-  
23 transmitted disease in the Latino community.

24 - In that capacity, I was elected President of  
25 the Council of Hispanic Community Agencies last November.

1 The Council is a 25-member body made up of the directors  
2 of 25 Latino community agencies and organizations. It  
3 was founded in 1977. The Council works closely with the  
4 Latino Civil Rights Task Force.

5 The Council represents the concerns, needs and  
6 interests of the agencies and organizations serving the  
7 Latino community. I am here to very briefly outline  
8 those concerns to you today.

9 The agency I represent provides mental health,  
10 legal, housing, employment and other kinds of counseling  
11 services. We provide health care and day care. We offer  
12 youth recreational and educational programs, crisis  
13 intervention, child abuse and neglect intervention, AIDS  
14 and drug abuse prevention services.

15 We work to strengthen families, we help  
16 immigrants find work and learn about their rights and  
17 their responsibilities as residents of the District of  
18 Columbia. We help the homeless find short term shelter,  
19 work and permanent homes. We help the elderly overcome  
20 isolation and obtain services they need. We also serve  
21 as advocates for our clients helping them overcome  
22 language and cultural barriers that may prevent them from  
23 access to public and private services to which they are  
24 entitled.

25 All these services and more are offered in

1 settings that are linguistically and culturally relevant  
2 and accessible to Latino residents of the city. Most of  
3 our member agencies are located in the Adams Morgan-Mt.  
4 Pleasant neighborhood. Some of our member agencies have  
5 been serving the community for over 20 years. The growth  
6 in the number of agencies, the range of services  
7 available, and the large demand for services reflects and  
8 responds to the enormous growth in the size of the Latino  
9 community in the District of Columbia in the last 20  
10 years.

11 As a member of the Council of Hispanic agencies  
12 as well as the Latino Civil Rights Task Force, we have  
13 met a number of times with the new directors of the  
14 District of Columbia agencies appointed by Mayor Kelly.  
15 We are extremely concerned about major gaps in services  
16 and many problems in services delivered and number of  
17 city agencies as outlined in the Latino blueprint for  
18 action and must stress that we see these as an  
19 institutional problem, not people problems.

20 Speaking on behalf of the agencies most  
21 directly serving the Latino community, I will briefly  
22 summarize major changes we would like to see.

23 We are concerned that many D.C. contracts for  
24 the delivery of services to District residents which  
25 should be able to serve Latino residents along with other

1 District residents, are awarded to organizations that  
2 have no bilingual or bicultural staff or programs.

3 The request for proposals that the city issues  
4 for many services -- group homes, drug abuse and many  
5 other areas -- do not require that contractors provide a  
6 staffing plan and organizational history that  
7 demonstrates that they can serve Spanish-speaking  
8 residents or other language minorities.

9 This shows that the needs of our community and  
10 the capability of our agencies are still not recognized  
11 by government agencies, planners and they refer to each  
12 contract.

13 Some agencies address this problem by using --  
14 (Inaudible) -- specifically to provide service for Latino  
15 communities. Where the community has a special need that  
16 calls for targeted problems, we urge that contract or  
17 subcontract be identified for services for Latinos,  
18 however, we also urge that the importance of --  
19 bilingual, bicultural capability in citywide contracts  
20 and particularly in the design of contracts that service  
21 Wards 1, 2 and 4 be recognized by the Mayor and the city  
22 agencies.

23 The community-based programs that have  
24 historically operated bilingual and bicultural services  
25 in this area should be encouraged through new criteria,



1 incorporated in requests for proposals to become full  
2 partner in the delivery of services to the city's  
3 increasingly diverse population.

4 Historically, the District of Columbia  
5 Government has not been sensitive to the needs of Latino  
6 residents. Also we are seeing a change in the  
7 willingness of agency directors to work directly with us  
8 and the Kelly Administration. We believe that  
9 sensitization of the bureaucracy should be reflected in  
10 an affirmative effort to hire Hispanic and other  
11 knowledgeable what we call bicultural individuals.

12 Throughout the government services system,  
13 increased sensitization also comes about through the  
14 issue of policy statements by the Mayor and agency heads  
15 regarding their expectations for the quality of the  
16 service delivery to Latino residents regarding hiring  
17 bilingual workers for front line positions and the  
18 development of signs in Spanish which communicate to  
19 Spanish-speaking residents, you are expected, you are  
20 welcome here.

21 The commitment to sensitizing a bureaucracy is  
22 demonstrated in the provision of cross-cultural training  
23 and other activities that help people of different  
24 cultural backgrounds, sharing the same commitment to  
25 serving the residents of the city, to learn to work

1 together effectively and deliver services well.

2 We would like to see these changes in the  
3 District of Columbia Government. They need no cost and  
4 new money. They do require leadership, a strong  
5 leadership on the part of the Mayor and her Cabinet.

6 We also recommend great outreach to an  
7 involvement of our member agencies by the District of  
8 Columbia Government. The Department of Employment  
9 Services regularly consults with the Latino agencies  
10 whose job training program is founded on a wider range of  
11 issues related to serving the Latino community.

12 This is an example of the kind of collaboration  
13 we would like to see in the government. We are willing  
14 and ready to give as much time as we can to help the  
15 District improve the delivery of service to all residents  
16 of the District of Columbia and to insure that the needs  
17 of Latino residents are taken into consideration as Mayor  
18 Kelly implements substantial changes in how the  
19 government does business.

20 We have the history, the experience and the  
21 knowledge of the community that is in need to make sure  
22 these changes do not hurt and in fact benefit the Latino  
23 residents of the city.

24 \_ Thank you very much.

25 COMMISSIONER ANDERSON: Thank you.

1           MR. GONZALEZ: Mr. Chairman, if I just may ask  
2 an individual a question. What percent of contract or  
3 services to Hispanics are given to Hispanic contractors  
4 or organizations?

5           MR. CAMPAGNET: We estimate -- we don't really  
6 have the data -- almost between 75 and 80 percent of the  
7 contracts to service the Latino community are not in the  
8 hands of Latino CBOs.

9           MR. GONZALEZ: Thank you, Mr. Chairman.

10          COMMISSIONER ANDERSON: Ms. Rodriguez?

11          COMMISSIONER RAMIREZ: I just would like to ask  
12 the General Counsel to clarify that. I think one of the  
13 pieces of information we got was that 34.4 percent of the  
14 minority contracts were awarded to Hispanics. I was  
15 interested in the question of whether that percentage was  
16 in dollars. The representative from that office said it  
17 was, but the testimony we have just heard I think merits  
18 our checking into that and clarifying that issue.

19          COMMISSIONER ANDERSON: Thank you.

20                   Mr. Rodriguez?

21          MR. RODRIGUEZ: Mr. Chairman, ladies and  
22 gentlemen of the Commission on Civil Rights and staff, we  
23 are grateful in the community that you have assembled to  
24 help our people explore the road to freedom in  
25 Washington, D.C., the capital of freedom.

1           We have begun to achieve, to take control of  
2           our destiny, for we can no longer remain waiting for it.  
3           They gave us the Bible and they took the land. We held  
4           it to our hearts and we read the Bible and Mr. Chairman,  
5           we learned that this land is our land too. There are  
6           many barriers that divide us in Washington, D.C., but  
7           they are surmountable. These barriers are not the making  
8           of this Administration, however, they need to work  
9           together with us in removing those barriers for they have  
10          the power.

11           We cannot delay another day for our freedom.  
12          We have invested in this government and we want a return  
13          on our investment. We have invested our resources, our  
14          children, everything we put on the line for this country  
15          and this government, and we want a return on it.

16           Martin Luther King said, "Let us not seek to  
17          satisfy our thirst for freedom by drinking from the cup  
18          of bitterness and hate." Now is not the time to look for  
19          divisions or adversity, but we need to very seriously  
20          take a look at the way things are going in the very  
21          capital of America, the global capital of the world.

22           There is a very interesting melody here that  
23          has been inflicted on the Latinos from time begun because  
24          these problems didn't just begin in the District of  
25          Columbia. There is a certain type of perception about

1       Latinos and it was reflected in the testimony here  
2       earlier and throughout, that we are not considered a part  
3       of America. The very fact is that we are the authentic  
4       Americans in this hemisphere. America is not just the  
5       United States. All of us are Americans. We cherish  
6       freedom just like every other American and we have fought  
7       for that freedom.

8               I'm a Vietnam-era veteran. I have served this  
9       country and I do not want Salvadorians or Dominicans or  
10      other people from the Americas to be denied an  
11      opportunity to participate in our society. That's what  
12      we have fought for. We have lent to this country our  
13      resources, our minerals during time of war. When the war  
14      was fought in Europe, it was our countries of national  
15      origin that provided the minerals and those trading lanes  
16      so that we could successfully wage war and win freedom.  
17      When we come here to partake of that freedom, we are  
18      denied.

19             I have documentation here that I will present  
20      for the record about the employment of Hispanics in this  
21      city, but I would also respectfully request this  
22      Commission to look into the private sector as well, to  
23      look at those corporations that are operating out there  
24      that are also discriminating against Hispanics.

25             I did an analysis in 1975 when I was Vice

1 Chairman of the D.C. Latino Commission. I was one of the  
2 people that coauthored the original Office for Latino  
3 Affairs. Then after that, it was legislatively  
4 established.

5 That office was to bridge the communications  
6 gap that existed. That office was established in 1970.  
7 In 1990, we see a whole gamut of problems that have not  
8 been resolved. There has been a lot of neglect.

9 If I may quote from the study in 1975, in 1975  
10 156 Spanish-speaking employees were reported out of a  
11 total District of Columbia work force of 35,274, and  
12 that's with 87 percent of the agencies reporting. I am  
13 going to also quote to you from a study that I followed  
14 up as Chairman of the Affirmative Action Committee of the  
15 Commission -- I served six years on it.

16 In 1979, I did another analysis of the Social  
17 Services delivery system in the District and it says  
18 there has been virtually no change in the overall D.C.  
19 Government utilization rate for Hispanic Americans from  
20 1971 to 1979. There were only 255 Hispanic American D.C.  
21 Government employees out of a D.C. Government work force  
22 exceeding 44,000.

23 There was also a document that was submitted.  
24 Hispanics have submitted recommendations to this  
25 government. In 1978, this document talks about the

1 municipal concerns of Hispanics. This was presented  
2 directly to the Mayor of this city who no longer is the  
3 Mayor.

4 Another document was presented in 1984 called  
5 "Continuity, Empowerment and Social Responsibility."  
6 This document outlines for the Mayor responsibilities,  
7 recommendations. It is not that Latinos have not made  
8 recommendations to this city, it's that they have been  
9 neglected. We do not lack intellectual capital. We do  
10 not lack courage to bring forth these recommendations.  
11 What has been lacking is on the other side that there has  
12 not been a response to our concerns.

13 We want to be contributing citizens of this  
14 city and we have contributed to this city. We fought for  
15 home rule for this city, for example. When one Senator,  
16 I will not mention his name, cut the budget for the  
17 District by \$57 million -- when he tried -- we gathered,  
18 the Latinos, and we went up to the Hill and we fought for  
19 the budget of the District of Columbia.

20 Latinos who come here come here just like other  
21 immigrants, to do something for their families to  
22 contribute. We can no longer delay. I am going to  
23 submit -- these recommendations are contained, by the way  
24 -- I would like to respectfully request the Commission to  
25 take a look at the record from 1975. This is

1       documentation that you can use to see how far has the  
2       District come from that point to now. These documents  
3       will provide you an opportunity to make that comparison.

4               I do not despair. I think we can work together  
5       with the District Government and I look forward to us  
6       setting the tone and the range of things that can be done  
7       for this country. I think the District of Columbia can  
8       be an example to the rest of the Nation. I hope that  
9       this Commission can help us do that.

10              Thank you very much.

11              COMMISSIONER ANDERSON: Thank you very much.  
12              Maria Lapazaran and Sister Fitzgibbon.

13              (Whereupon, the witnesses were duly sworn.)

14              COMMISSIONER ANDERSON: Please begin your  
15       testimony by identifying yourselves for the record.

16              SR. LAPAZARAN: My name is Sister Maria  
17       Lapazaran. I am a social worker and pastoral counselor  
18       with the Spanish inmates in Lorton Prison, a facility of  
19       Washington, D.C.

20              For the record of the Commission, I would like  
21       to submit this written testimony. I will briefly name  
22       some of the main problems in the penal system regarding  
23       Hispanics, mainly those which to be discrimination  
24       problems.

25              First, mandatory drug rehabilitation programs



1 for Hispanic<sup>s</sup> inmates being held on drug charges is not  
2 available in Spanish, nor are there any bilingual drug  
3 counselors. There is not as skilled in training in  
4 problems of Spanish as they are in English such as  
5 electricty, carpentry or carpeting.

6 There are not bilingual case managers, doctors,  
7 psychologists, all of which are available to the English-  
8 speaking inmates. There is no coordination between  
9 Parole and Immigration. Often many Hispanic inmates  
10 spend more months in jail unnecessarily because of the  
11 lack of communication, organization of these two boards.

12 There are only two bilingual probation officers  
13 for prisoners investigations for Hispanic inmates.  
14 Finally, there is a tremendous tension for Hispanic  
15 inmates regarding the issue of immigration detainers.  
16 When they become eligible for minimal security  
17 facilities, work release or halfway house programs, they  
18 always lose their opportunity for early release if they  
19 have an Immigration detainer. You can only imagine the  
20 mental anguish, worries, frustrations of this injustice  
21 situation.

22 In closing, I would like to thank the  
23 Commission for its concern and in the name of the  
24 Hispanic inmates, respectfully request that you do  
25 whatever you can to change the discriminatory practices

1 so that the Hispanics have an equal chance of  
2 rehabilitation.

3 Thank you.

4 SR. FITZGIBBON: My name is Peggy Fitzgibbon.  
5 I'm a Sister of Charity from New Jersey and I've been  
6 living here and working in Washington for 5-1/2 years.

7 The reason I came to Washington was for the  
8 Central American refugees and because I believe that what  
9 sparked -- I would like to thank you all for listening,  
10 first. I'm very grateful for this opportunity.

11 I think what sparked this whole occasion, which  
12 is so wonderful, were those terrible riots that we had  
13 last year in Adams Morgan. I came to help a filmmaker,  
14 Andrea Primdahl (phonetic) because my community wanted  
15 three particular works fostered. One was the support of  
16 the refugees; another was womens work; and to work more  
17 closely with laity and mine was all three. What she  
18 needed really was money in order to produce this  
19 documentary. I became a fundraiser.

20 What struck me mostly was the appalling  
21 ignorance of this whole issue in all of my trying to help  
22 her get the funds to produce her documentary. She lived  
23 on Park Road, the very street where the riots began and  
24 secondhand, from her I have a lot of her testimony.

25 One thing that happened to me personally on

1 Park Road was one evening, I was standing speaking with  
2 three very fine young Salvadorian youths, friends of  
3 mine, just greeting them in front of a little restaurant,  
4 and the police came along and frisked the three of them  
5 and not me. I felt flashbacks to Chile. I spent from  
6 1980 to 1985 in Chile. I thought oh, it's like we're  
7 becoming facists. The kids had done nothing. The kids  
8 were in teeshirts, it was summer. They were clean, they  
9 didn't even look suspicious like they were carrying bags  
10 or going to pass drugs.

11 I realize this is a problem for the policement,  
12 trying to get the drugs maybe but, later when the riots  
13 occurred, I went down every evening and I talked because  
14 I'm able to speak some Spanish about peacemaking and my  
15 friends the priests from Sacred Heart, the Franciscan  
16 Fathers, were there giving out the prayer, St. Francis,  
17 make me an instrument of your peace. I tried myself to  
18 be a little peacemaker.

19 I want to put this in a bigger perspective,  
20 why I wanted to help the refugees. Because I was in  
21 Chile from 1980 to 1985, I studied first of all in New  
22 York at Maryknoll and there I met missionaries from all  
23 over the world, not only Catholics but Protestants from  
24 the glōbal scene and I heard the stories from their  
25 perspective.

1                   Then I proceeded to learn Spanish in Mexico.  
2                   While I was there is when they killed the four U.S. women  
3                   missionaries. I knew three of them from the Maryknoll  
4                   experience in New York. One of them had been in Chile  
5                   and I happened to go to the same place that she worked  
6                   and I was blessed to do that.

7                   Since then, I've met her brother. He's worked  
8                   all these years as a lawyer to try to uncover some of the  
9                   truth of these issues and he says to us, tell everybody  
10                  you meet, it was American bullets, American uniforms,  
11                  American soldiers training that taught these Salvadorian  
12                  soldiers that helped with the Salvadorian government to  
13                  produce the whole war that made refugees running up here,,  
14                  then we call them illegal aliens, but I hate that we just  
15                  see little soundbites on TV and don't see cause and  
16                  effect of all of these things.

17                  Why were those kids frisked on the street? A  
18                  lot of ignorance. I'm so frustrated still that I've been  
19                  trying to get through to our Mayor, to our police, that  
20                  they would see the documentary which we finished a year  
21                  ago, January, and our TV stations won't take it because  
22                  it talks about the United States involvement.

23                  When I met Andrea Primdahl, the filmmaker, she  
24                  said it was poor little refugees, I said, no, no, Andrea,  
25                  I'm just home from Chile and I learned about what our

1 country did in Chile and I am so upset that our taxpayers  
2 pay for these secret, overt things.

3 My brother thinks they are illegal aliens too  
4 so I didn't get one penny from him, but the whole idea of  
5 the documentary was to tell three things, yes, they are  
6 not illegal aliens, many of them are true refugees  
7 because they came from conflict. That's the refugee,  
8 what it is.

9 Also we had to tell the part that our country  
10 plays in it and then they are treated with discrimination  
11 and so what I feel is we have an educational problem  
12 here. The riots would never have happened if the  
13 policemen understood that there were torture chambers in  
14 Salvador and when you handcuff a Salvadorian, every  
15 police station in Salvador has a torture chamber. I can  
16 document that.

17 I traveled with an ex-death squad young man who  
18 today we're praying will be forgiven for something he  
19 never did. He's been in jail in the United States under  
20 our Federal Government illegally. His name is Jorge  
21 Martinez. I traveled across the country. He spoke to  
22 our Congressman, we did a national press conference, he  
23 spoke to our Senators and he drew pictures of these  
24 torture chambers and later when they killed the Jesuits  
25 and our Congressmen went down to help investigate that

1 whole scene, and they carried a map he had drawn and they  
2 demanded to see. I think the Salvadorian peace has  
3 partly come from all of those kind of people that are so  
4 furious about injustice that little by little and then  
5 what happened in Chile after our country helped put in --  
6 I'm jumping to make an analogy -- to put in the dictator  
7 we pretend we never were with him in the end.

8           The same thing right is in Salvador. For 12  
9 years, we've been giving them money and now all of a  
10 sudden, our government says you'd better be good right  
11 wing. We gave the money to the right wing. The money is  
12 from us for the right wing to kill the 75,000 people and  
13 have them running up here and be in Adams Morgan and be  
14 furious at us, and pull out a knife at our policemen.  
15 Our policemen don't understand this because they are not  
16 given this information. So it's an educational problem.

17           The whole Hispanic problem, I never was taught  
18 in school, why can't they speak English in the southwest?  
19 We stole the southwest. Our history books didn't it like  
20 that, the Expansion or whatever we called it when I was a  
21 kid. We never talked about how we slaughtered those  
22 Indians. Andrew Jackson was a hero in my books in  
23 grammar school and the books still are not right telling  
24 the truth. Our country is still lying to us.

25           I'd like you all to see a little of our

1 documentary which is gentle, it only hints at all of what  
2 I'm beginning to say, but our CIA in Chile helped to put  
3 in that dictator and that's what opened my eyes and now  
4 I'm using my freedom to speak. Thank God for our  
5 freedom.

6 CHAIRMAN FLETCHER: Thank you very much both of  
7 you.

8 SR. FITZGIBBON: Can I tell you the name of our  
9 film?

10 CHAIRMAN FLETCHER: Please do?

11 SR. FITZGIBBON: The stranger in our midst and  
12 each place, every TV station said, it's good, it's good  
13 but we can't show it because it criticizes our country.  
14 Go to them and they say the same thing. So they just  
15 showed it in London and now they're going to show it in  
16 France and Germany. Some day we'll see it, like Vietnam,  
17 20 years later.

18 CHAIRMAN FLETCHER: May I see the hands of  
19 those still waiting to testify? Please come forward to  
20 be sworn.

21 MR. GONZALEZ: I just want to make sure you  
22 were on the list.

23

24

25

## EVENING SESSION

(Whereupon, the witnesses were duly sworn.)

CHAIRMAN FLETCHER: Proceed, sir. Identify yourself for the record.

MR. MORENO: Good evening. My name is Rupert Moreno. I am an accountant. I hold a Masters Degree in Accounting, a Masters of Science Degree in Accounting from Southeastern University in Washington, D.C. I also hold a BA in Economics from my home country, Lima, Peru and have also done graduate studies in the United States.

I'm here to testify about a couple of issues which I'm particularly concerned with and which I feel the moral obligation to bring them to your attention.

Let me first give you an example of police negligence. On December 24, 1986, I was stopped by an energetic and aggressive D.C. police officer after I had made a wrong left turn in downtown D.C. After he gave me a ticket, he proceeded to handcuff me and arrest me, giving no explanation except to indicate that I could call my attorney.

After being detained, I was released several hours later by court clerk who briefly said that there has been a mistake and that no charges were pressed against me. Of course my Christmas celebration was ruined and the two friends I was giving a ride to, one of



1 which was an old lady, were left in the middle of the  
2 street, sad and worried and wondering what to do next.

3 I submit to you that if I had offered the  
4 slightest resistance to this tempermental police officer  
5 for his false arrest, and the events had taken place in a  
6 different neighborhood and city, something real terrible  
7 could have occurred. I'm glad I knew enough to not show  
8 resistance or offer resistance to the police officer.

9 I believe there is the need to provide checks  
10 and balances so that police officers do not deprive an  
11 individual of his freedom without a real cause. I also  
12 believe that there is a need for an intensive educational  
13 campaign here in our community so that we know exactly  
14 what our rights and responsibilities are and what to do  
15 in any event.

16 This brings me to my second point. I'm deeply  
17 concerned, I'm upset, I'm worried that due to a lack of  
18 an effective educational campaign by the proper  
19 government agencies and authorities at the local and  
20 federal level, and the little attention paid to real  
21 concerns of the Latino community, many other potential  
22 and serious problems may arise.

23 Let me refer briefly to a case of widespread  
24 misrepresentation of income, tax evasion and outright  
25 fraud of income tax returns. Many people, especially the

1 newcomers, do not know what it means to file an income  
2 tax return except that you can get a handsome check from  
3 the government if you do it or have it done in a certain  
4 way and by certain individuals.

5 In our culture in Latin America, the payment of  
6 income taxes is not as nearly serious as to what it is in  
7 the United States. Tax matters can easily be dismissed.  
8 Besides with the new waves of immigrants who have faced  
9 hard situations underground, they are still used to the  
10 art of survival and to the use of techniques that are  
11 easily put into practice when it comes to filing tax  
12 returns.

13 This trend must be stopped. It's got to be  
14 stopped. An intense and systematic education campaign  
15 must be developed utilizing all the means possible to get  
16 the message across to our hardworking people who just do  
17 not know what to believe. I'm concerned that too many  
18 poor families may be put in difficult situations in  
19 months and years ahead of having to face financial  
20 hardships or even criminal charges for not filing tax  
21 returns, not paying their tax liabilities or not doing  
22 their tax returns right for lack of understanding  
23 information and knowledge of the severity and importance  
24 of the tax law.

25 I share all of the demands presented before

1 this commission and the call of Pedro Aviles that all  
2 we're asking for from the government is to obtain our  
3 fair share of the pie, but I submit to you, and I must  
4 add that we also have to learn the responsibility to  
5 contribute to the pie and pay our fair share just as  
6 everyone else does.

7 I say that not as a self-criticism but as to  
8 the need to send to you and the proper government  
9 authorities the reality that you are just not doing  
10 enough to work with us in training, educating, and other  
11 ways to help our Latino community to be fully integrated  
12 into the society. You cannot expect full compliance with  
13 rules and regulations when they are not explained to a  
14 population that is new to this culture and to what is  
15 supposed to be a fair game system with liberty and  
16 respect for all.

17 I have some ideas including the creation of a  
18 Latino tax center, a tax clinic, with the help of  
19 government agencies and university centers. I have  
20 knocked on many doors, they have yet to be opened.

21 Thank you.

22 CHAIRMAN FLETCHER: You're welcome. Next  
23 please?

24 MS. ESCOBAR: My name is Ana Escobar. I worked  
25 for the D.C. Government for 20 years. My first years

1           During the time I went to school nights and  
2 weekends. I got a degree after 8 years. I applied for a  
3 position. I minored in Accounting, majored in Business  
4 Administration. I applied for two or three positions in  
5 the Court system as an accountant. I was not given a  
6 position. I applied many, many times and every time I  
7 was turned down.

8           Finally, I found my way out to go to Finance  
9 and Revenue. I started there as a Tax Technician. After  
10 8 months, I get a position as a Tax Auditor. I was  
11 offered a low grade, I accepted. I accepted because I  
12 knew I was going to be proficient in my job and after a  
13 period of time I should have no problem getting promoted.

14           Years went by, new people came in. They were  
15 all promoted and I was behind. I went to my supervisor.  
16 My supervisor knows about it, that was his answer. Go to  
17 your supervisor, I don't know anything about it. I was  
18 bounced back and forth between both of them. I felt like  
19 a ping pong ball. I don't know anywhere to go.

20           I went to see the personnel manager who was  
21 Hispanic, if he can help me. He told me three Hispanic  
22 coordinators in your agency. I went to see a Hispanic  
23 coordinator, nobody knew who the Hispanic coordinator was  
24 in my agency.

25           I looked for help, maybe somebody can help me,

1 maybe the women's coordinator, they have other  
2 organizations. They all tell me to go to the Hispanic  
3 coordinator. I find out then that my agency lacked a  
4 Hispanic coordinator.

5 I was forced to file a discrimination complaint  
6 within the agency. I went through the process of the  
7 agency. Later I had to go to the Human Rights. Again, I  
8 found myself with no where to go. I was forced to go to  
9 the U.S. Courthouse. I filed a suit for discrimination  
10 against my agency for lack of promotion.

11 The agency chose to go all the way through. I  
12 was fighting for \$1800 in promotion from one grade to  
13 another. I spent almost \$20,000 in my suit. I did it  
14 for principle because I don't want other people to go  
15 through what I went through.

16 The agency fought me all the way. The agency  
17 had a corporation counsel from this building, had top  
18 management director, deputy director, legal department,  
19 five people, my supervisor, the supervisor of the  
20 supervisor and the supervisor of the supervisor and my  
21 coworkers, 20 auditors.

22 We went through the process. Discovery for my  
23 case was about 10 months, trial was in August. Then they  
24 wanted to settle the case, not for a promotion but for a  
25 promotion 6 months later. I said no. I had spent over

1 \$18,000, two more will not hurt me. I'm going to go to  
2 trial. They fought me for \$1800.

3 Not many people are in a position that I was in  
4 to spend the money and fight for principle. There are  
5 many people in my agency in the D.C. Government that are  
6 discriminated against. They do good work, they are held  
7 back because they are good at what they do, they don't  
8 want to put them ahead because they are afraid if they  
9 lose them, the work is not going to get done. That's  
10 unfair.

11 After my suit, I sent a letter to my director  
12 and I said, our agency doesn't have a Hispanic  
13 coordinator, I'd like to volunteer for one. Never an  
14 answer of today. I have no idea about this hearing today  
15 on employment. I got a phone call last night at 11:30  
16 and they told me, Ana, I think you ought to go and I feel  
17 morally obligated to come here today.

18 However, I attempt one more time my agency to  
19 find out who was the Hispanic coordinator. I was given a  
20 name, I went to see her, a Spanish girl, happen to be  
21 acquainted. Do you know about this hearing? No. Are  
22 you going? No. Don't you think that we should have  
23 known about this hearing. To be honest with you Ana, I  
24 don't think so. I'm looking for a job. I don't know if  
25 in good consciousness I can advise people to come to work

1 for the D.C. Government to help Hispanics. I'm going  
2 out, I'm looking desperately for a job.

3 I think I should tell you where the D.C.  
4 Government is today. I don't know what's going to happen  
5 to me after I step down from this panel, I may be the  
6 first one to be laid off by Mayor Kelly for whom I worked  
7 in her campaign. As usual, the Hispanics are always  
8 going to be on the short end of the stick.

9 Thank you for giving me this opportunity to  
10 come and talk to you.

11 CHAIRMAN FLETCHER: Thank you very much for  
12 coming. Thank you for your courage.

13 MR. MBAH: My name is Mbah Cosmos. I'm from  
14 Nigeria. I have lived in this country for 12 years and  
15 some fraction.

16 I must tell you that the biggest thing that  
17 ever happened to me is coming to the United States as a  
18 student. I came here with a lot of enthusiasm, with a  
19 lot of love, and with a lot of hard work, but I find out  
20 that as time goes on, that enthusiasm and love begin to  
21 dissipate and diminish because the promise of freedom  
22 that we are promised is not materializing.

23 Many of us came here to go to school and  
24 unfortunately we find out in the process that there is a  
25 promise but also that promise can be just done away with.

1 Well, I don't think any country is a better place to be  
2 than the United States, but if the promise is not going  
3 to come true, then there is no need coming at all.

4 I had a girl ask a question one day about me  
5 and she said, if I killed this foreigner, would I go to  
6 jail? She was saying that with respect to the father of  
7 another American citizen. I told her yes, if you killed  
8 me, you would go to more jail than you ever think about  
9 in your life. This tells me how Americans think of  
10 foreigners sometimes.

11 They say he doesn't have green card, he can't  
12 live in this country, so we can treat him anyhow we want.  
13 So wherever we go we have problems -- find a job, find a  
14 place, even to find a girlfriend in this country can be  
15 difficult. They ask you, why do you want to marry me,  
16 you just want to get a green card? I say, no that is not  
17 it.

18 So in a way the government is helping to abet  
19 this injustice because the government makes a law saying  
20 if you come here on certain circumstances, you cannot get  
21 a job, so therefore, they compel you to marry an American  
22 woman to get a job or to get a green card and many of us  
23 keep on going in cycles and we never get into the real  
24 deal. -

25 The last week I'm supposed to graduate from



1 college, of course I graduated by the grace of God in  
2 1989 from George Mason University in government and  
3 politics and the university asked me to come back and  
4 pick up two more classes, I will give you a diploma. On  
5 March 27, 1990, I went to the school and they had a  
6 party. When I came in everybody was sitting down  
7 drinking beer and I looked at my right hand and I saw a  
8 girl sitting there and I picked the girl up and said,  
9 let's go dance. Immediately I went to the stage and  
10 danced with this girl. After the dance, the police  
11 jumped in there and arrested me and took me out and I  
12 said, what is the problem. They said, we have something  
13 to talk to you about. Behold the police, prior to  
14 talking to me, they put me in jail and accuse me of  
15 touching a woman.

16 Just last week I'm supposed to graduate, they  
17 couldn't let me take my final exam and graduate from  
18 college, so they put me in jail and I spent about 60 days  
19 in jail and I got out of jail and I was thinking of what  
20 to do, how can I get my degree. I applied for my  
21 disciplinary file and I found out the police told this  
22 girl they had been looking for a way to arrest me for a  
23 long time because I'm a troublemaker and advise the girl,  
24 we want you to give the word, we just want you to say  
25 that he touched your breast and then we'll take it from

1 there. We're asking you to do this because of other  
2 women he has been harassing. This is all lies. I was  
3 never harassing any woman but we are not given any civil  
4 rights, we are not even recognized as human beings.  
5 Therefore, whatever priorities we set for ourselves  
6 always comes to nothing.

7 Americans, we don't come here to watch you  
8 while you enjoy your life. We come here to enjoy this  
9 life with you together. If you don't like us, just tell  
10 us, we don't like you to come here. Don't tell the world  
11 that America is the ground for everybody. Everybody  
12 believes what you tell them, so they come here but in  
13 coming here, they find out the reality, the reality that  
14 there is no freedom in America. White people control  
15 almost everything in this country, so the blacks and  
16 Hispanics are just coming for the crumbs from the table  
17 and they are fighting each other. Yet everybody is  
18 expected to glorify America.

19 Let me tell you why I like America. I have  
20 lived here for 12 years and I've never been sick one day.  
21 When I was in college, white boys paid me money to do  
22 their homework for them. I do it for them. The idea is  
23 that white boys have been told all their lives that you  
24 guys are superior, you don't have to work. The black man  
25 is inferior to you.

1           We have come to America but we are going home  
2 with something and that thing we are going home with is  
3 we are not inferior. You guys just made up stories and  
4 the world is believing you but you cannot deceive the  
5 world forever. There will be a time when the world will  
6 know who you are.

7           Please give us our civil rights. We are not  
8 begging for it, it is natural. It is natural for me to  
9 be married, to pick a woman and dance with her without  
10 anybody coming to torment me and put me in jail.

11           CHAIRMAN FLETCHER: This is the last panel to  
12 testify and I'm sure the members of the Commission  
13 appreciates each of your efforts. As I get ready to  
14 gavel this meeting to a close, it might be that members  
15 would like to make summary statements. If so, I'll start  
16 to my far right.

17           COMMISSIONER RAMIREZ: I think I've said what I  
18 had to say. I hope that my fellow Commissioners have  
19 gained an appreciation for the power of a hearing. There  
20 is nothing that comes close to informing our policy  
21 decisions to a hearing.

22           CHAIRMAN FLETCHER: Commissioner Berry?

23           COMMISSIONER BERRY: I have nothing.

24           CHAIRMAN FLETCHER: Commissioner Anderson?

25           COMMISSIONER ANDERSON: Nothing.

1 CHAIRMAN FLETCHER: Mr. Staff Director?

2 MR. GONZALEZ: I'm looking forward to the next  
3 one.

4 CHAIRMAN FLETCHER: Madam Counsel?

5 MS. BOOKER: Just that, Mr. Chairman, members  
6 of the Commission, staff was very proud to serve you. We  
7 couldn't be more pleased with the way this hearing went  
8 because of your endurance. We put you through a grueling  
9 exercise of very full days and you carried it to the  
10 ultimate by staying here until midnight last night and  
11 very late the night before, and we are two hours late  
12 today. We appreciate it, Mr. Chairman and members of the  
13 Commission.

14 CHAIRMAN FLETCHER: Thank you very much.

15 My closing remarks are to those of you who feel  
16 that the struggle is hopeless, my response is you should  
17 have seen where we were 40 years ago and where we are  
18 today and have the right vision, and you'll be surprised  
19 as to where we'll be tomorrow.

20 Thanks so much for coming and participating.  
21 You helped set the platform, the launching pad, plus the  
22 fuel to get us on to the next step. Thank you very much  
23 for coming and having enough confidence and trust in us  
24 to believe that we can gather the information needed to  
25 make something happen.

1                   (Whereupon, the witness was sworn.)

2                   MR. FRAIN: This has been a long hard day for  
3 you I know. I wanted to turn your attention to the  
4 business areas that are in Ward 1 where the riots took  
5 place. They are no listed in the overview. Let me list  
6 some of them: Georgia Avenue with Howard University,  
7 Howard University Hospital; U Street with a lot of  
8 businesses; the Reeves Center which is sort of a  
9 subcenter for the District Government, a \$40 million  
10 project that was built under Mayor Barry; Champlain  
11 Street -- there's scores -- Ward 1 is one of the largest  
12 business areas in the city.

13                   I've submitted as part of my statement 15 loans  
14 that the Small Business Administration made in our area.  
15 Our area had 24 businesses hit by this riot. I'm in  
16 Adams Morgan, 24 businesses and I've given you a list of  
17 the businesses that got loans from the SBA. We have not  
18 gotten one cent from this city.

19                   I have an article here from the Washington  
20 Post. The city is proposing to build a \$60 million  
21 parking structure -- in the Post this morning under the  
22 article about Police Chief Fulwood's statement  
23 yesterday -- right next to it is the city who hasn't done  
24 anything about small businesses, is planning to provide  
25 \$60 million in parking structures for the new stadium to

1 be built by Jack Kent Cooke. That's wonderful. There's  
2 no reason why that thing couldn't be built in the  
3 suburbs. The fact is that a majority of its  
4 ticketholders are from the suburbs who don't pay one dime  
5 in taxes to the city if they can possibly help it and  
6 they find ways to do that. They have their own problems.

7 Finally, I've submitted three pages from a new  
8 publication by the City Council. "Adams Morgan has been  
9 revived by the hard work of a multiethnic group of  
10 entrepreneurs with very little help from the D.C. or  
11 Federal Governments. It has 67 restaurants and 144 other  
12 businesses." We'd love to have you all come up and dine  
13 in our restaurants, they are world famous. We have  
14 restaurants with people from Africa, Asia, Europe and so  
15 on.

16 "The city engages in what is perceived as anti"  
17 -- I'm not saying this, this is the City Council headed  
18 by Charlene Drew Jarvis whose father, God bless him,  
19 developed the Blood Bank -- "The city engages in what is  
20 perceived as antibusiness activities. It writes  
21 thousands of parking tickets in commercial areas such as  
22 Adams Morgan and it taxes neighborhood businesses  
23 unfairly," much higher than they do in the downtown area.  
24 In the downtown area, they tax you on the basis of  
25 income. Up there, they come up with fancy comparables

1 and buildings that have no relation in any way and they  
2 use that.

3 "In crowded commercial corridors such as Adams  
4 Morgan, parking is crucial to neighborhood businesses.  
5 The U.S. Congress conveniently provides 10,000 reserved,  
6 free parking spaces for itself on Capitol Hill. Section  
7 503 of the city's comprehensive plans states that the  
8 general objective for transportation are to facilitate  
9 commerce and support economic growth to expand business  
10 and job opportunities."

11 Let me just say the Hispanics that have  
12 testified here for three days cannot look for jobs in  
13 government. This city is broke. Mayor Kelly is forced  
14 to let off thousands of employees. Mayor Barry used to  
15 put 10,000 to 15,000 more people on the payrolls. He  
16 figured the government sector was the last job resource,  
17 but we can't afford that anymore. So she's letting them  
18 go.

19 The only place the Spanish and others can find  
20 work is in the private sector. What we're appealing to  
21 you this afternoon is to look at that. We have to  
22 provide jobs, there has to be work, but everybody can't  
23 get on the police force.

24 - I helped Carlos Rosario, I wrote in my kitchen  
25 the basic legislation for the Office of Latino Affairs

1 and everybody that knows anything about it will attest to  
2 that. So there aren't anymore Hispanics on the police  
3 force today than there were ten years ago. You just  
4 can't look for jobs there. So we've got to look at the  
5 private sector. You can't burn down Churches Restaurant  
6 in Mt. Pleasant or the Vogue Cleaners on Columbia Road,  
7 which was owned by a Chinese lady who can't speak English  
8 who has not got one cent of help from the city  
9 government, I think there are some things you need to  
10 look at it.

11 I think a lot of the testimony you heard is  
12 justified. I'm not complaining but we've got 5,000 jobs  
13 we provide in that little four or five block area of  
14 Adams Morgan. So we just think it doesn't make any more  
15 sense for the Hispanics to burn Churches than it did for  
16 the blacks to burn 20 acres of the business area of this  
17 city after Martin Luther King's assassination in 1968.  
18 The private sector is the backbone of the American  
19 economy and we're fortunate in having over 220 businesses  
20 up there.

21 CHAIRMAN FLETCHER: There being no further  
22 questions, can I get a motion to adjourn?

23 COMMISSIONER BERRY: So moved.

24 - CHAIRMAN FLETCHER: Is there any objection?

25 (No response.)



1                   CHAIRMAN FLETCHER: There being none, so be it.  
2                   (Whereupon, at 6:35 p.m., the hearing was  
3 adjourned.)

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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

*Don A. Polunin*

Official Reporter

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