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HEARING HELD ON THE
ALASKA ADVISORY COMMITTEE
TO THE
U.S. COMMISSION ON CIVIL RIGHTS

Open Forum
Civil Rights Issues and Enforcement

Centennial Hall
Sheffield 3 #Ballroom

September 17, 1993
Juneau, Alaska

- APPEARANCES FOR THE ALASKA ADVISORY COMMITTEE:
Rosalee T. Walker - Chairwoman
Thelma Garcia Buchholdt
Gilbert F. Gutierrez

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TABLE OF CONTENTS

WITNESSES:	PAGE
Pat Gullufsen, Esq.	7
Leslie Longenbaugh, Esq.	19
Andrea Laita	27
Sandra Cross	39
Theresa Germain	42
Irma Mireles	61
Roy Castro	78
Willa Perlmutter, Esq.	83
Constance Moorehead	102
Robert Hughes	124
Paula Haley	140
Dave Stewart	165
Ray Jose	179
Remond Henderson	183
OPEN SESSION TESTIMONY:	
Rita De Souca	189
Jenny Bell	202
Robert Gregovich	209
Claudia Brown-Paige	213
Paul Purkett	216

1 FRIDAY, SEPTEMBER 17, 1993; JUNEAU, ALASKA

2 9:07 A.M.

3 CHAIRWOMAN WALKER: I'm going to begin. We do
4 have a quorum. We expect some other members who will
5 be coming in, but I want to keep as close to the
6 schedule as possible. Can everyone hear me?

7 (No response)

8 CHAIRWOMAN WALKER: This meeting of the Alaska
9 Advisory Committee to the United States Commission on
10 civil rights will now come to order. The purpose of
11 this meeting is to obtain information and views related
12 to civil rights issues and enforcement of federal and
13 state nondiscrimination statutes.

14 Participants have been requested to
15 address the following issues: Civil rights complaints
16 brought to the attention of various federal and state
17 agencies charged with civil rights responsibilities in
18 the areas of education, employment, and housing;
19 information on incidents of hate crimes and/or racial
20 bias; level of enforcement of civil rights laws and
21 statutes by federal and state agencies; perceptions on
22 the status of civil rights in the state.

23 Among those invited to address the
24 Alaska Advisory Committee forum are governmental
25 officials, community leaders, and legal and advocacy

1 organizations. Based upon the information collected at
2 this meeting, a transcript will be submitted to the
3 United States Commission on Civil Rights.

4 I am Rosalee T. Walker, chairperson of
5 the Alaska Advisory Committee. The advisory committee
6 receives information and makes recommendations to the
7 commission in areas which the committee or any of its
8 subcommittees are authorized to study.

9 Other members of the committees in
10 attendance during this meeting will be: Daniel Alex,
11 we have Thelma Buchholdt on my right, Gilbert Gutierrez
12 on my left, and Michael J. Walleri. Also with us today
13 are staff members: Thomas V. Pilla and Grace Hernandez
14 from the commission's western regional office in
15 Los Angeles.

16 This fact-finding meeting is being
17 held pursuant to the federal rules applicable to state
18 advisory committees and regulations promulgated by the
19 U.S. Commission on Civil Rights. All inquiries
20 regarding these provisions should be directed to the
21 chair or to the commission staff.

22 The commission on civil rights is an
23 independent agency of the United States government
24 established by Congress in 1957 and directed to:
25 number one, investigate complaints alleging that

1 citizens are being deprived of their right to vote by
2 reason of their race, color, religion, sex, age,
3 handicap, or national origin, or by reason of
4 fraudulent practices; number two, study and collect
5 information concerning legal developments constituting
6 discrimination or denial of equal protection of the
7 laws under the constitution because of race, color,
8 religion, sex, age, handicap, or national origin, or in
9 the administration of justice; number three, appraise
10 federal laws and policies with respect to
11 discrimination or equal protection of the laws under
12 the constitution; number four, serve as a national
13 clearinghouse for information about discrimination;
14 and, number five, submit reports, findings, and
15 recommendations to the President and Congress.

16 I would like to emphasize that this is
17 a fact-finding meeting and not an adversary proceeding.
18 Individuals have been invited to come and share with
19 the committee information relevant to the subject of
20 today's inquiry. Each person who will participate has
21 voluntarily agreed to meet with the committee.

22 Since this is a public meeting, the
23 press and radio and television stations, as well as
24 individuals, are welcome. Persons meeting with the
25 committee, however, may specifically request that they

1 not be televised. In this case, we will comply with
2 their wishes.

3 We're concerned that no defamatory
4 material be presented at this meeting. In an unlikely
5 event that this situation should develop, it will be
6 necessary for me to call this to the attention of the
7 persons making these statements and request that they
8 desist in their actions. Such information will be
9 stricken from the record, if necessary.

10 Every effort has been made to invite
11 persons who are knowledgeable in the area to be dealt
12 with here today. In addition, we have allocated time
13 between 4:00 p.m. and 5:00 p.m. today to hear from
14 anyone who wishes to share information with the
15 committee about the specific issues under
16 consideration. At that time, each person or
17 organization will be afforded a brief opportunity to
18 address the committee and may submit additional
19 information in writing. Those wishing to participate
20 in the open session must contact commission staff as
21 soon as possible in order to be briefed on procedural
22 matters.

23 In addition, the record of this
24 meeting will remain open for a period of ten days
25 following its conclusion. The committee welcomes

1 additional written statements and exhibits for
2 inclusion in the record. These should be submitted to
3 the western regional office, United States Commission
4 on Civil Rights, 3660 Wilshire Boulevard, Suite 810,
5 Los Angeles, California, zip, 90010.

6 Let us proceed. As you speak, please
7 identify yourself for the record. We may be just a few
8 minutes late, but I'm trying very hard to keep to the
9 schedule because some people have other commitments.

10 The first person you will hear from
11 will be Pat Gullufsen, assistant attorney general,
12 State of Alaska

13 MR. GULLUFSEN: Good morning. My name is
14 Pat Gullufsen. I am an assistant attorney general with
15 the Department of Law, State of Alaska, and I'm here in
16 response to your invitation to the governor's office to
17 have a representative here to comment on the civil
18 rights policy and enforcement in the executive branch
19 of state government. On behalf of the governor, I
20 thank you for the opportunity to comment on these
21 matters.

22 On a personal note, as a life-long
23 Southeast Alaskan, I was going to apologize for the
24 weather to those of you who are not familiar with it,
25 but I see that those who are here are people who are

1 familiar with the weather and no apology is needed.

2 I begin with the general observation
3 that the State of Alaska today has in terms of the
4 enactment of and the enforcement of civil rights laws,
5 a sound policy, not by any means a perfect one, and not
6 one that is without room for improvement. Hopefully
7 the areas in which it needs to be improved you will
8 hear about throughout the course of the day. And, of
9 course, the farther back one goes in time, the less
10 impressive that record is.

11 Any discussion of the policy in the
12 executive branch with regard to civil rights law
13 enforcement has to begin with Title 18, Chapter 80 of
14 the Alaska statutes, which, as you know, is our state
15 anti-discrimination statute. I'm not going to go
16 through that statute; most of you are familiar with it,
17 but I think one important aspect of it bears looking at
18 it again and that part of it that states what the
19 policy of the State of Alaska is. It's not frequent
20 that clear policy statements are found in statutes;
21 this one has one, and that is the policy of the state.

22 The statute provides, and I quote,
23 that, "It is the policy of the state to eliminate and
24 prevent discrimination in employment, in credit and
25 financing practices and places of public accommodation,

1 in the sale, lease, or rental of real property because
2 of race, religion, color, national origin, sex, age,
3 physical or mental disability, marital status, changes
4 in marital status, pregnancy or parenthood. It is also
5 the policy of the state to encourage and enable
6 physically and mentally disabled persons to participate
7 fully in the social and economic life of the state and
8 to engage in remunerative employment," unquote.

9 The statute then goes on to detail
10 what our legal discriminatory practices are in
11 employment, public accommodation, sale and rental of
12 real property, financing and credit matters, and also
13 in the administration of programs by state and local
14 governments. Discriminatory practices in these areas
15 are specifically made illegal. A private right of
16 action is recognized and created for persons who are
17 aggrieved to bring causes of action against wrongdoers
18 and seek compensatory and punitive damages, but the
19 statute does not only do that. It also creates, in the
20 governor's office, the Alaska State Commission for
21 Human Rights to enforce the act.

22 I believe you'll be hearing from a
23 representative of the Human Rights Commission who will
24 give you a specific presentation about the work that
25 the commission does and the results of its work. I

1 would emphasize, by way of preface to my comments, that
2 the broad powers the commission has to deal with in
3 discriminatory practices in this state are very real.
4 It also has the responsibility and does report to the
5 governor and the legislature each year on civil rights
6 problems it has encountered in the preceding year, and
7 recommends legislative solutions where it sees that
8 there is a legislative solution.

9 Another entity in the governor's
10 office, or associated with the governor's office, and
11 is actually now placed in the Department of Labor, one
12 that is not as well known as the Human Rights
13 Commission, but one that has been around longer and is
14 also strongly supported by the governor is the
15 governor's committee on the employment of persons with
16 disabilities. This committee has long promoted the
17 employment of disabled persons in the private and
18 public sector in Alaska through education, training
19 programs, informational programs, and by sponsoring
20 each October a "National Disability Employment
21 Awareness Month," and Alaska's own "Employment of
22 People with Disabilities Week."

23 As I understand it, the committee is
24 now meeting, I believe, in Kenai or Kodiak in
25 preparation for the October activities. That group,

1 that committee, played an important part in better
2 preparing employers in this state to meet the
3 responsibilities that have recently been imposed under
4 the disabilities act. Each executive department in the
5 state government has a staff member who is designated
6 to meet with and interact with the governor's committee
7 and the employment of persons with disabilities, and
8 there is constant interaction between that committee
9 and those designated staff members of the executive
10 departments.

11 When we get down to a policy in the
12 governor's office that may derive from some place other
13 than statutes, many people may not be aware of the fact
14 that state government and state employees are governed
15 by some very specific executive or administrative
16 orders with regard to civil rights. These executive
17 orders, for the most part, were signed in the
18 mid-1980's. They have, however, remained unchanged
19 through several administrations and remain today the
20 standing orders of the governor's office. The most
21 prominent of these administrative orders are
22 Administrative Order Number 75 and Administrative Order
23 Number 81.

24 The personnel officers of the major
25 state departments are responsible for seeing to it that

1 these orders are disseminated amongst employees and
2 brought to their attention, that they are aware of
3 them. When I came back to state service last year,
4 amongst the first of the materials that were provided
5 to me by the personnel officer for my department,
6 before all the information about the benefits of the
7 job and how much I was going to get paid and what sick
8 leave was and so on and so forth, were copies of
9 Administrative Orders Number 75 and Number 81, and the
10 personnel officer gave them to me with instructions to
11 read them and be aware of them.

12 Those administrative orders briefly
13 provide -- first, Administrative Order Number 75
14 reiterates the policy of the state under Title 18,
15 Chapter 80, the anti-discrimination statute that I
16 briefly went through a moment ago. But not only does
17 it reiterate that policy, it creates detailed methods
18 for the implementation of that policy in state
19 government amongst state employees.

20 Administrative Order Number 81 is an
21 update of Administrative Order Number 75. It focuses
22 on sexual harassment, but repeats the admonition that
23 harassment or discriminatory practices based on any of
24 the protected status categories will not be tolerated.
25 There is strong language in Administrative Order Number

1 81 providing that the executive branch of the State of
2 Alaska as an employer will not tolerate, condone, or
3 permit any kind of harassment of employees or
4 participants for employment on the basis of protected
5 statuses that are specifically delineated.

6 An important point and an important
7 part of this administrative order, however, goes even
8 further and says that, "Persons who knowingly engage in
9 or instigate such harassment will be subject to
10 disciplinary actions, which may lead to suspicion and
11 discharge. Additionally, managers and supervisors who
12 knowingly permit harassment activity to occur without
13 further action will be subject to disciplinary action,
14 and where such prohibited activity is perpetrated by a
15 non-employee, the state will make available an
16 appropriate disciplinary action which may include, by
17 way of example, loss of contracts."

18 The state has, on a number of
19 occasions since I have come back to employment with the
20 state and the Department of Law in November of last
21 year, disciplined employees for violations of
22 Administrative Order Number 81 to the point, both, of
23 suspensions and dismissals. That's aside from whether
24 or not the activity was either prosecuted or was the
25 subject of a civil suit under the anti-discrimination

1 statute.

2 Another important aspect of
3 Administrative Order Number 81 is it defines harassment
4 based upon protected status, and it defines sexual
5 harassment quite clearly. So that employees with the
6 state who engage in that kind of activity are hard put
7 these days to say that they didn't know what it was or
8 have reason to know what it was. Again, I would
9 emphasize that these administrative orders remain the
10 standing orders of the governor's office today.

11 CHAIRWOMAN WALKER: Mr. Gullufsen, do you have
12 much more?

13 MR. GULLUFSEN: I don't, ma'am, and if I'm
14 taking up too much time, please let me know and I'll
15 speed it up.

16 CHAIRWOMAN WALKER: Okay. We'll give you a few
17 more minutes.

18 MR. GULLUFSEN: Thank you. I wanted to mention
19 very quickly, as an old prosecutor, that the criminal
20 laws of the State of Alaska also provide in various
21 places for both additional crimes or discriminatory
22 treatment and enhanced penalties for felony acts that
23 are motivated by a discriminatory purpose.

24 Finally, I would indicate to the panel
25 that, as you are aware, there's an affirmative action

1 plan in existence that the state is obligated to
2 follow. That plan was initiated in 1986. It is being
3 revised on the basis of 1990 census data. That is done
4 through the office of Equal Employment Opportunity and
5 the Department of Administration, which also -- that
6 office also prepares -- and I would recommend to you if
7 you have not already seen it or have access to it or
8 have copies of it -- prepares an annual progress report
9 on equal employment opportunity and affirmative action
10 in Alaska state government, which is interesting and
11 provides an opportunity for those who want to monitor
12 statistically what is going on in state employment.
13 Thank you very much for the opportunity. I will close
14 with that and welcome any questions that any of you may
15 have.

16 CHAIRWOMAN WALKER: Thank you, Mr. Gullufsen.
17 Do you have any questions for Mr. Gullufsen?

18 MR. GUTIERREZ: Well, I do. Mr. Gullufsen, my
19 name is Gil Gutierrez. You mentioned affirmative
20 action. Is that being enforced by the Department of
21 Personnel?

22 MR. GULLUFSEN: It is. It is my understanding
23 that it is. I would hesitate to say that it's being
24 enforced perfectly, but it is the existing plan by
25 which state employers are expected to abide. It is my

1 understanding that it is in need of revision but could
2 not be revised until the new 1990 census data were
3 available, because much of its recommendations would be
4 based upon comparing census data with underutilized
5 classes in determining which classes remain or which
6 may now be underutilized.

7 MR. GUTIERREZ: Okay. As far as -- you know,
8 you mentioned in '86 it was implemented. Are the same
9 procedures being implemented as they were then?

10 MR. GULLUFSEN: As far as I know. I am
11 informed that what happens is that, where an
12 underutilized class has been identified in the
13 affirmative action plan, using that as a guideline, the
14 register then drops down to pick up people who may
15 otherwise not be in -- I think it's the first file on
16 the register -- so that that underutilized class can
17 bring in more minority people to employ. That is being
18 followed, I'm told.

19 MR. GUTIERREZ: Given traditionally Alaska
20 Natives and being underutilized, have you seen a change
21 in that number, given the statistics you've reviewed?

22 MR. GULLUFSEN: I don't know. I haven't
23 reviewed the statistics, to be honest with you. I did
24 start looking at them, but I can't recall whether there
25 were any -- it seemed to me that the percentage changes

1 were relatively small, but that the overall minority
2 percentage was fairly good.

3 CHAIRWOMAN WALKER: Okay. I have one question,
4 Mr. Gullufsen. You mentioned that the Human Rights
5 Commission is under the auspices of the governor's
6 office; is that correct?

7 MR. GULLUFSEN: It's an agency located within
8 the governor's office, however, it is independent of
9 interference from the governor.

10 CHAIRWOMAN WALKER: I understand. But the
11 budget and so forth is in that office?

12 MR. GULLUFSEN: Yes.

13 CHAIRWOMAN WALKER: I received a letter from
14 Mr. James Brown. He's with the U.S. Department of
15 Housing and Urban Development, and he indicated that at
16 some time, they had contracted with the Human Rights
17 Commission to do some work for them, and I'll quote his
18 sentence, "This relationship -- it was ended when the
19 state and the city of Anchorage failed to pass
20 legislation which would make their laws substantially
21 equivalent to federal law." Do you have any knowledge
22 of this or can you shed any light on what the problem
23 was?

24 MR. GULLUFSEN: I'm afraid I can't. I would
25 think that the Human Rights Commission representative

1 would know the details of that. I do not. This is the
2 first I've heard of it.

3 CHAIRWOMAN WALKER: Yeah, it was the first I'd
4 heard of it, and I just wondered if you knew. I will
5 ask her.

6 MR. GULLUFSEN: And if I knew anything about
7 it, I'd be happy to share it with you.

8 CHAIRWOMAN WALKER: Thank you, Mr. Gullufsen.

9 MR. GULLUFSEN: Certainly.

10 MR. GUTIERREZ: You mentioned Administrative
11 Order Number 81. Are training workshops being held for
12 directors and employees in that regard?

13 MR. GULLUFSEN: They have been held, yes.

14 MR. GUTIERREZ: Are they being held now? I
15 mean, is there an ongoing process?

16 MR. GULLUFSEN: The ongoing process is, as I
17 understand it -- where accusations have been made, one
18 of the least serious disciplinary actions is to require
19 persons to undertake a two-week course in that area.

20 CHAIRWOMAN WALKER: Thank you. Ms. Buchholdt?

21 MS. BUCHHOLDT: Mr. Gullufsen, this is not even
22 on the agenda, but does the governor have a position on
23 the legislation to repeal the exemption of Ward Cove?
24 The legislation is pending in Congress. I just
25 wondered if the governor's office has a position,

1 whether it's for or against the exemption granted to
2 the Ward Cove canneries?

3 MR. GULLUFSEN: Ward Cove canneries? I don't
4 know. I could find that out, and if I have an
5 opportunity, I'll get you some information.

6 MS. BUCHHOLDT: I would appreciate that.

7 MR. GULLUFSEN: Certainly. You would like to
8 know whether the governor has a position --

9 MS. BUCHHOLDT: A position on Ward Cove.

10 MR. GULLUFSEN: All right.

11 MS. BUCHHOLDT: And, if you recall, I'm sure
12 you do, that there was a bill that was passed for
13 Ward Cove --

14 MR. GULLUFSEN: I recall, yes. I will inquire
15 and get to you an answer to that question.

16 MS. BUCHHOLDT: Thank you.

17 CHAIRWOMAN WALKER: Thank you very much,
18 Mr. Gullufsen.

19 Next we'll have Leslie Longenbaugh,
20 the chairperson of the Juneau Human Rights Commission.
21 Good morning. Please state your name and go right
22 ahead.

23 MS. LONGENBAUGH: I'm Leslie Longenbaugh, chair
24 of the Juneau Human Rights Commission. I guess I've
25 been asked to speak a little bit about the Human Rights

1 Commission this morning, and I should preface my
2 remarks with the information that probably some of you
3 are aware of. We're a very recently formed
4 organization, and so there's not as much to say about
5 what we've found as there might be, but I'd like to
6 tell you all where we are and how we got to be where we
7 are and what we're doing and what we're planning in the
8 future.

9 We were founded upon a strong
10 consensus in Juneau that we need to address issues of
11 discrimination here in Juneau. The Juneau Human Rights
12 Commission was formed this past spring by the city and
13 borough assembly as a compromise of different views by
14 the assembly and in the community as to how to go about
15 addressing discrimination as seen in Juneau. The
16 Juneau Human Rights Commission has nine members
17 representing a cross section of interests and
18 backgrounds in the community. We were appointed in May
19 of this year by the assembly, and I'll just list them
20 in alphabetical order for you; there are just nine of
21 us: Eric Bjella, Mildred Boesser, Tina Marie Eckles,
22 Raga Elim, Francisco Llenas, me, Leslie Longenbaugh,
23 Don Mercer, Earline Smith, and Mark Sokkappa.

24 Our charge from the assembly has been
25 to examine sources of tension around discrimination in

1 Juneau, intervene when individuals request
2 intervention, educate and inform the public about
3 discrimination, promote interaction among various
4 religious, racial, and civil rights groups in Juneau,
5 report to the assembly annually making recommendations.
6 Toward that end, the commission has appointed a number
7 of active standing committees to fulfill each of these
8 functions. We have an education and public relations
9 committee that is charged right now with getting the
10 word out to the public that we're open for business.

11 We also need to gather -- that group
12 also is gathering information about discrimination in
13 Juneau. Toward that end, we've asked minority groups
14 to speak to us about their perspectives, and we'd like
15 to invite any organization that has an interest in our
16 activities to speak to us about its particular
17 perspective of discrimination in Juneau. We plan to
18 educate the public more once the ball is rolling and
19 once we're more educated ourselves about the sources
20 and issues regarding discrimination in Juneau.

21 The procedures committee is developing
22 procedures to handle requests for intervention, in
23 particular. These procedures, part of which must be
24 approved by the assembly, are almost in final form to
25 seek approval by the assembly. We have devised a

1 request for intervention, a form, and that's at the
2 city clerk's office now, so that if anyone wants us to
3 intervene, they're free to go to the city clerk's
4 office and pick up a form. We're happy to help them
5 fill it out or the city clerk can help or they can do
6 it on their own.

7 The third committee is arranging
8 training for the commission for -- sort of an internal
9 training on discrimination, hate crimes investigation,
10 conciliation, arbitration, mediation, and other topics.
11 We have had training by Bob Hughes of the justice
12 department, who is here today, who is an excellent
13 trainer. We have a continuing relationship with him,
14 and we're hoping to take full advantage of that.

15 In the future, we'll continue to have
16 a lot more training. We have something scheduled with
17 Duncan Fowler, state ombudsman, on conciliation,
18 mediation, and investigation. We're hoping to
19 piggyback our training with the Minority Police
20 Relations Task Force in Juneau, which is addressing
21 many of the same issues that we are and has many of the
22 same types of training with perhaps a little different
23 perspective, which can't hurt for us to obtain, as
24 well.

25 Our challenge is to do all of the

1 above without funding or staff, relying on our own hard
2 work and the varied skills, which are amazing to me, in
3 some instances, of our various commission members, and
4 to volunteer donations of skills from the community. I
5 think we can do it. We're a really good group, we're
6 working very effectively together so far, and I see no
7 reason to think that will change. And we look forward
8 to reporting to the assembly in the spring about what
9 we've found regarding discrimination in Juneau, and we
10 look forward to working together for the next however
11 long. That's all my prepared remarks, Madam Chair, and
12 if you have questions, I'd be happy to answer them.

13 CHAIRWOMAN WALKER: Are there any questions?
14 Go ahead.

15 MR. GUTIERREZ: I'm glad to see you here --

16 MS. LONGENBAUGH: Thank you.

17 MR. GUTIERREZ: -- and I'm sure you guys are
18 working very hard. Are you going to have, I guess,
19 some procedures to do the investigation? Are you going
20 to be an investigatory agency, as well?

21 MS. LONGENBAUGH: We are charged with taking
22 requests for intervention, and then we have our choice
23 of further -- what is called in our resolution by the
24 assembly -- further proceedings. One of them is
25 investigation. We see that as an important function in

1 the event of an individual's discrimination claim. We
2 can't carry out the sort of full scale investigation
3 that, say, the State Human Rights Commission could do.
4 One, we don't have subpoena power, we have no
5 enforcement powers, but certainly we intend to
6 undertake the investigation to find out what is going
7 on to the best we can without those powers.

8 MR. GUTIERREZ: So one of your procedures would
9 be to explain to the person who's complaining that
10 these are their rights and you can investigate it or
11 they can go to the Human Rights Commission or the EEOC
12 Commission?

13 MS. LONGENBAUGH: Referral is going to be a
14 really important part of our function, and if we see
15 something that appears to be in the jurisdiction of the
16 State Human Rights Commission, we will certainly inform
17 people that they should go there, as well, if they care
18 to. And if they want us to remain involved to any
19 extent, investigating or cooperating with the State
20 Human Rights Commission, we're very interested in doing
21 so. If they want to use us as a clearinghouse referral
22 agency, that's fine, too. So far, we have not received
23 complaints, and I know that that is not because there
24 aren't complaints out there. It's just, I think, an
25 issue of people kind of waiting to hear from us. "Are

1 you there?" And we're certainly there. We're open for
2 business and hoping to hear from people so that we can
3 report to the assembly on discrimination that we all
4 know is out there.

5 MS. BUCHHOLDT: You have a sizable number of
6 minorities living in Juneau, I know; many of them are
7 my people.

8 MS. LONGENBAUGH: Yes.

9 MS. BUCHHOLDT: Are you going to be using
10 bilingual outreach where -- a lot of minority people do
11 speak English, but maybe if you have bilingual -- like,
12 you know, we have Tagalog, Ilocano and so on in Juneau.
13 Will you be using any of those people who are bilingual
14 to help you in your program?

15 MS. LONGENBAUGH: Yes. We've talked about that
16 a little bit. The education/public relations committee
17 is devised of about four, and I think that they've been
18 discussing having a brochure in Tagalog or whatever
19 seems to be the appropriate language to reach the most
20 people. As you probably know, the Filipino Community
21 in Juneau is the second largest minority community, so
22 it's very important for us to reach that group, as
23 well. That's all within the context of having to get a
24 volunteer to help us to translate because we have no
25 funding, but people have been very generous with their

1 time, and I'm sure we can find someone to help us
2 translate.

3 MS. BUCHHOLDT: Thank you.

4 CHAIRWOMAN WALKER: Any other questions?

5 (No response)

6 CHAIRWOMAN WALKER: As a Juneau resident, I'd
7 like to say that I'm very proud of this group. I had
8 no idea you were as far along as you are since May,
9 and, don't worry, they will be beating a path to your
10 door pretty soon. I am very proud of the fact that you
11 have formed your committees, and they seem to be
12 relevant committees, and I assure you that there will
13 be some help coming. Don't look for dollar bills yet,
14 but I believe that we're going to do everything within
15 our power to help you succeed.

16 And for the audience, I'd like to let
17 you know that the group was formed under a lot of
18 controversy in this community, and there is still
19 controversy as to whether or not they should have
20 enforcement powers, and I'm happy to report that they
21 will be working with the Human Rights Commission, who
22 does have enforcement powers, and they are responsible
23 for the entire state. So that was one of the reasons
24 that I asked Mr. Gullufsen the question that I did, to
25 show the connection -- well, one of the connections

1 that the Juneau Human Rights Commission will have to
2 the State Human Rights Commission. Thank you so much,
3 Leslie.

4 MS. LONGENBAUGH: Thank you.

5 CHAIRWOMAN WALKER: All right. Did you all
6 want a break now or we can move right along. We'll
7 forego the break so that we can still stick with the
8 schedule here. And I would like to call now Irma
9 Mireles from the Hispanic Heritage Committee -- well,
10 maybe we will have a break. We'll take a ten-minute
11 break, and maybe you'll get a chance to talk to Leslie.

12

13 (Off record)

14 CHAIRWOMAN WALKER: I had initially called
15 Irma Mireles, but she was not supposed to be until
16 10:15, so she's not late and we're early. If you don't
17 mind, we will move ahead, since I see people here from
18 Tlingit and Haida Central Council, and I don't want
19 them to get bored just sitting and waiting, so we'll
20 move them into Ms. Mireles' spot. If you would care to
21 come to the podium, please, Andrea Laita and
22 Theresa Germain and Sandra Cross. I apologize if we're
23 a bit early for the other individuals.

24 MS. LAITA: That's fine. Theresa Germain
25 stepped out of the room for a moment. I'd be happy to

1 go ahead and continue.

2 CHAIRWOMAN WALKER: Do you want to wait for
3 her?

4 MS. LAITA: No, she's actually from another
5 department -- or employment training department, and
6 Sandra and I are from the human services department.

7 Good morning. My name is
8 Andrea Laita. I'm the manager of the department of
9 human services from the Central Council of the Tlingit
10 and Haida Tribes of Alaska. We come before you today
11 to present to you an issue that we've been dealing with
12 for some time regarding our low income home energy
13 assistance program, which is operated under a
14 memorandum of agreement with the State of Alaska.

15 As you may know, the low income energy
16 assistance program is a federal block grant and is
17 covered under the Omnibus Budget Reconciliation Act of
18 1991, which prohibits discrimination on the basis of
19 race, color and national origin, age and handicap.

20 On April 15 of this year at the
21 general assembly of the Tlingit and Haida Tribes of
22 Alaska in Sitka, Alaska, we submitted a resolution that
23 asked for the State of Alaska to address our current
24 memorandum of agreement in order for the tribe to
25 deliver services to 19 communities in Southeast Alaska.

1 The resolution indicated that the purpose of the energy
2 assistance agreement was to avoid duplication of energy
3 assistance benefits to recipients and to promote
4 comparable benefit payments between federally funded
5 low income home energy assistance programs administered
6 by the State of Alaska and by Tlingit and Haida.

7 The energy assistance agreement
8 between the state and Tlingit and Haida authorized the
9 tribe to serve Native and non-Native households in
10 Angoon, Klawock, Hydaburg, Saxman, Kasaan, Hoonah,
11 Metlakatla, Klukwan, and Kake. And the agreement also
12 authorized Tlingit and Haida to serve Native households
13 only in Haines, Skagway, Pelican, Sitka, Ketchikan,
14 Wrangell, Juneau, Tenakee Springs, and Petersburg.

15 When Tlingit and Haida runs out of
16 funds, the State of Alaska has turned away clients who
17 need assistance after this occurs. They are not
18 eligible to apply for state energy assistance funds,
19 given the way the memorandum of agreement is currently
20 written. We have asked the State of Alaska to work
21 with us to revise the existing memorandum of agreement
22 to prevent discrimination toward individuals based on
23 their race and the community in which they reside and
24 who continue to be in need of their services.

25 The Central Council Energy Assistance

1 Program, once depleting their funds, has asked that we
2 should be able to refer eligible clients, Native
3 clients, as their right as Alaskan citizens to be
4 served by the state's energy assistance program. This
5 has not occurred. The agreement states the condition
6 that they're restricting us on, which is that as a
7 condition of receipt of these funds, Tlingit and Haida
8 will not refer any of their eligible households to the
9 Department of Health and Social Services for services,
10 including any unserved households remaining after their
11 funds have been expended.

12 We have noted that on their
13 application it does indicate the civil rights statement
14 that, "No person in the United States, under the
15 grounds of race, color, national origin or disability,
16 shall be excluded from participation or denied the
17 benefits of federal assistance." We have repeatedly,
18 after our funds run out, have had clients turned away
19 from the state public assistance office based on their
20 physical appearance alone, that, "You look Native, so
21 you need to go to Tlingit and Haida."

22 They have defined mixed households --
23 in which they say they will serve mixed households
24 based on the preference of the family -- they have
25 defined mixed households as being at least one person

1 within that household of being non-Native. I, myself
2 -- in using myself as an example, I'm half Filipino and
3 I'm half Tlingit, and I don't believe, personally or
4 professionally, that's within the right of any public
5 agency for me to walk in and for them to determine
6 which percentage of my mixed blood that I choose to
7 apply under. If I walked into a public assistance
8 agency and they looked at me and identified me as a
9 Tlingit woman after the Tlingit and Haida Central
10 Council has run out of funds, they would flat out deny
11 me. We have had clients told by the agency that, "You
12 can go ahead and apply, but it won't help you at all.
13 You're going to be denied anyway."

14 It indicated in the nondiscrimination
15 -- in federally assisted program that under title 45,
16 Public Welfare, subtitle (a), Department of Health,
17 Education, and Welfare, subtitle 80.3, "Discrimination
18 Prohibited," that, "Specific discriminatory actions
19 which are prohibited in number one, a recipient under
20 any program to which this part applies," meaning the
21 recipients of federal funding, "may not directly or
22 through contractual or other arrangements on the
23 grounds of race, color, or national origin, number one,
24 deny an individual any services financially or other
25 benefits provided under the program; two, provide any

1 service, financial aid, or other benefit to the
2 individual which is different towards -- providing in a
3 different manner from that which is provided to others
4 under the program; three, subject an individual to
5 segregation or separate treatment in any manner
6 relating to his receipt of service; four, restricting
7 an individual in any way in the enjoyment of any
8 advantage or privilege enjoyed by others receiving any
9 service; five, treating an individual differently from
10 others in determining whether he satisfies any
11 admission, enrollment, quota, eligibility, membership
12 or other requirement or condition which individuals
13 must meet in order to be provided any service."

14 It's our opinion that the memorandum
15 of agreement itself is in violation of the Civil Rights
16 Act, and that we are merely asking that once we have
17 depleted our funds, that our clients be afforded the
18 opportunity and the benefit of applying for existing,
19 remaining funds which remain under the State of
20 Alaska's control. Thank you.

21 CHAIRWOMAN WALKER: Thank you. Are there any
22 questions you would like to ask?

23 MS. BUCHHOLDT: I want to ask a question. The
24 funding for this program is from the federal
25 government?

1 MS. LAITA: Yes, it is.

2 MS. BUCHHOLDT: And once the funding is
3 depleted, the state takes over and provides funding?

4 MS. LAITA: The federal funding has advanced as
5 a pass-through through the State of Alaska.

6 MS. BUCHHOLDT: But this memorandum you're
7 talking about states that if you are Tlingit/Haida, you
8 can't come to the state directly for funding because
9 the funding from the Omnibus Bill is given to the
10 Tlingit and Haida organization?

11 MS. LAITA: What it does state is -- it
12 outlines the communities in which we can serve all
13 residents, Native and non-Native included. They go on
14 to outline the communities which we will serve Natives
15 only. And their second condition is that as a receipt
16 of these funds, that we would agree not to refer any
17 eligible households -- and in their own words they use
18 "eligible households" -- to the department after we
19 have run out of funds.

20 MS. BUCHHOLDT: So if that eligible household
21 wants to get funding from the state, because there are
22 programs that -- energy assistance programs with the
23 state, they can't -- you can't serve them?

24 MS. LAITA: We can't serve them after the
25 Central Council --

1 MS. BUCHHOLDT: Can they go directly to the
2 state without you referring them?

3 MS. LAITA: They have gone directly to the
4 state --

5 MS. BUCHHOLDT: And are they provided service?

6 MS. LAITA: No, they are not.

7 MS. BUCHHOLDT: Or they tell them to come back
8 to you?

9 MS. LAITA: Yes.

10 MS. BUCHHOLDT: And then you go around and
11 around?

12 MS. LAITA: That's true. And they do not ask
13 them, "May we see your tribal enrollment card?" or
14 anything of that nature. They simply look at the
15 individual and judge them to be Native and turn them
16 away.

17 MS. BUCHHOLDT: But if they are Native and they
18 can't get service from you and they are going back to
19 the state and the state tells them to come back to you
20 and there's no funding, then these people don't have
21 any service provided to them?

22 MS. LAITA: That's correct.

23 MS. BUCHHOLDT: So they go without all through
24 the winter?

25 MS. LAITA: That's true.

1 MS. BUCHHOLDT: Thank you.

2 MR. GUTIERREZ: Could we have a copy of that
3 memorandum of agreement?

4 MS. LAITA: Certainly.

5 MR. GUTIERREZ: And we may be able to refer it
6 to some other agency for enforcement. You've stated
7 that there's been some complaints, do you have some
8 documentation of those complaints?

9 MS. LAITA: We have documentation through the
10 clients who have returned to us, and we have been
11 advised by the civil rights office in Seattle that they
12 would need to process a complaint as individuals. And
13 a lot of our people, after being turned away from a
14 service which they feel they're entitled to, are not --
15 they don't take too kindly to being thrust into
16 another system.

17 MR. GUTIERREZ: Right. Could we have a copy of
18 some of that documentation for our staff people so we
19 can review that again?

20 MS. LAITA: We would need to get -- seek
21 releases of information from the clients, but I think
22 they would be happy to provide us an affidavit.

23 MR. GUTIERREZ: Right, because we can't do
24 anything without that, however, we can look into it and
25 provide it to some other agency that will be able to
.

1 help you with that. At least we can start looking at
2 the memorandum of agreement, anyway.

3 MS. LAITA: Okay. We have only asked that they
4 review this and come into compliance with the Civil
5 Rights Act, and that we would be more than happy to
6 work with them on this so that nobody does without when
7 they're in crucial need.

8 As a result of trying to bring this to
9 the forefront as an issue that needs to be dealt with
10 immediately, we have also been accused of
11 discriminating ourselves because we have opted to serve
12 a select group, and that's not true, because in their
13 own memorandum of agreement, they have indicated that
14 the communities which they feel we need to serve, both
15 Native and non-Native households, they have outlined
16 these communities for us.

17 And our position has always been that
18 we have come into this program to implement this
19 program as an added resource to the state to expedite
20 culturally sensitive services, expeditious services, if
21 you will, to the communities in which we serve.
22 Because the state client load is quite large, and with
23 the additional help of tribal organizations, the
24 funding and the needed assistance is able to get out
25 into the rural areas at a more rapid pace. So, again,

1 you know, I can't overly emphasize that we come to them
2 as a resource, not as a discriminating agency.

3 MR. GUTIERREZ: I have one more question.
4 What's the agency that works with you from the state
5 level to do that, to work with your program?

6 MS. LAITA: That would be the State Office of
7 Energy Assistance.

8 CHAIRWOMAN WALKER: Health and Social Services?

9 MS. LAITA: Health and Social Services, yes.

10 CHAIRWOMAN WALKER: When does this memorandum
11 of agreement terminate?

12 MS. LAITA: It's renewed yearly as a
13 requirement of our annual application that needs to go
14 directly to the federal government.

15 CHAIRWOMAN WALKER: When is your next review?

16 MS. LAITA: The next time period that it would
17 be -- it would go before them again would be in
18 approximately March of '93.

19 CHAIRWOMAN WALKER: All right.

20 MS. LAITA: Or '94. Excuse me. Actually, it
21 won't be March, it will be earlier this year, because
22 I'm going by when the agreement was last signed.

23 CHAIRWOMAN WALKER: When you are discussing
24 this, are you allowed to make any modifications or make
25 any changes? Are you allowed to make any changes? Do

1 they design it and bring it to you to sign, or are you
2 allowed any opportunity to make changes or --

3 MS. LAITA: We have been advised that it needs
4 to -- that we need to bring into -- we've been
5 referred, actually, to a number of people in order to
6 make revisions, and it has been indicated to us by the
7 office of energy assistance under the state public
8 assistance office here that they don't have the
9 authority to negotiate it. And in our attempt via the
10 resolution that was introduced, it did go before the
11 commissioner of Health and Social Services, and we have
12 received quite a detailed letter in regard to the
13 funding concerning how the money passes through that
14 actually failed to address the issue that we were
15 dealing with.

16 CHAIRWOMAN WALKER: Yeah, that's typical. But
17 I would appreciate it, also, if you could see that --
18 the staff may be leaving tomorrow or something like
19 that, but I'm here, and if you could just see that I
20 get a copy of your memorandum of agreement as soon as
21 possible. And if you have any correspondence where you
22 tried to address this issue, I would like to have
23 copies of that, and if you have any correspondence that
24 you received from them that supposedly explains their
25 position for not serving these people, I would

1 appreciate that, and I will see that the staff gets the
2 information to send forth to the U.S. Civil Rights
3 Commission.

4 MS. LAITA: Thank you.

5 CHAIRWOMAN WALKER: Did you want to say
6 something?

7 MS. CROSS: My name is Sandra Cross. I manage
8 the energy assistance, and pretty much Andrea has
9 covered what has happened with the energy assistance
10 program. I did meet with the office of civil rights in
11 Seattle on April 26th, and I did address our concerns
12 at that time, and I did give the office of civil rights
13 a copy of the memorandum of agreement that we have and
14 also a copy of the resolution that was signed at the
15 annual meeting.

16 My concern, when I went to meet with
17 them, was that a client who was half Caucasian and half
18 Indian was turned away, and when the state office
19 contacted me, they informed me that they were not there
20 to determine blood quantum. And I was very concerned
21 about that statement, and I contacted the office of
22 civil rights to find out if we did have a case. When
23 the state agency did have these energy assistance --
24 took public testimony on their new plan, we did go on
25 July 30th to voice our concern that we -- and one of

1 the clients that was turned away did make a statement
2 when they were taking testimony. They felt that they
3 were discriminated against.

4 CHAIRWOMAN WALKER: Well, you know, sometimes
5 the more of us that push this thing, the faster
6 something will happen, and that's what I was thinking.
7 Even though they may have that information in Seattle,
8 those of us here in Alaska know what Alaska's problems
9 are. We know what happens in the wintertime. So it
10 might be helpful if this body got behind you in
11 addition to the group in Seattle, something might
12 happen a little quicker. That's the reason I was
13 asking for that. Andrea, were you finished?

14 MS. LAITA: Yes, I was.

15 CHAIRWOMAN WALKER: Did you have a report,
16 Ms. Cross?

17 MS. CROSS: That was all I had.

18 CHAIRWOMAN WALKER: Oh, you added to hers?

19 MS. CROSS: Yeah.

20 MR. GUTIERREZ: Can I ask a question of Sandra
21 Cross. You went to the office of Equal Employment
22 Opportunity Commission or the U.S. Civil Rights
23 Commission? Which one was it? Which office did you go
24 to in Seattle?

25 MS. CROSS: It was -- Barb Whitney was the

1 intake specialist I saw at the office of civil rights
2 in Seattle.

3 MR. GUTIERREZ: And that's the Equal Employment
4 Opportunity Commission.

5 MS. CROSS: Was that what it was?

6 MR. GUTIERREZ: That's the only office they
7 have there, anyway, I'm sure.

8 CHAIRWOMAN WALKER: In Seattle?

9 MS. LAITA: She said Barb Whitney with the
10 office of civil rights.

11 MR. GUTIERREZ: Do you know anything about
12 that, Tom, what office of civil rights we have in
13 Seattle?

14 MR. PILLA: The Office of Civil Rights of
15 Health and Human Services or the Department of
16 Education.

17 MR. GUTIERREZ: Oh, I see. So that was an
18 internal civil rights agency. That was a person that
19 you went to see there. The other agencies that are
20 enforcement agencies are the Equal Employment
21 Opportunity Commission, so you may want to write to
22 them and discuss your problem. What you went to was an
23 internal person that said, "Yeah, I'll look into it,"
24 but they have no enforcement authority, so they
25 wouldn't want to defend themselves. They would not

1 want to force the issue. So once you have that
2 clarified, then you can decide what other agencies you
3 want to send this information to.

4 CHAIRWOMAN WALKER: For the record, I just want
5 to say that's one of the general problems here in
6 Alaska. When we have to go to Seattle, we really get
7 confused. We don't know to whom to carry our problems,
8 and somehow that information needs to come.

9 Just before I ask Theresa to speak,
10 I'd like to apologize to Irma that we went ahead
11 because we were a little bit ahead and we're trying to
12 keep to the schedule, but we'll get you right after
13 this group. Thank you for understanding.

14 Next we'll have Theresa Germain from
15 the tribal employment office for Tlingit and Haida.

16 MS. GERMAIN: My name is Theresa Germain, and I
17 am the job developer and tribal employment rights
18 officer for Tlingit and Haida Central Council. I
19 wasn't aware that I was going to be giving testimony
20 this morning, so I really have nothing written, but I
21 do have some comments, just in hearing what's been said
22 this morning, that I'd like to relay problems that I
23 see relevant to us Southeast Alaska Natives.

24 At this time, we are involved with the
25 judicial system, the probation system, the parole

1 system. We have many of our tribal members that are
2 incarcerated with the Department of Corrections that
3 have to go through the probation and parole system, and
4 I work with a lot of these clients that are
5 ex-offenders, trying to get them trained and trying to
6 get them employed and keep them out of the jails. So
7 we spend a lot of time counseling with these
8 individuals.

9 And it seems like when we get them to
10 a point where they're feeling good about themselves,
11 they've gotten their training, they're out looking for
12 employment, they've obtained a job, they've got to go
13 to a court hearing and the court -- the probation
14 officer or the parole officer that are in control of
15 this individual invariably refuse to work with those
16 individuals and accept the time and money that we
17 spent, federal dollars, trying to train these
18 individuals and keep them off the streets and keep them
19 out of trouble.

20 They don't take those kinds of letters
21 of recommendations to heart with those individuals.
22 They read them and nothing ever seems to happen. They
23 end up throwing them back in jail again. I've had this
24 happen several times, and it just throws these
25 individuals right back down again onto the -- not

1 feeling good about themselves, and, I mean, "What's the
2 use in fighting the system," that kind of an attitude
3 is what they have, so they give up and they're right
4 back in harm's way again. So we're going around in
5 circles all the time because of the system that exists
6 and controls their lives, and it's total control, and
7 there's no consideration for what the tribe is trying
8 to do with those individuals.

9 Another area that we have problems is
10 enforcement of Native preference laws. There are
11 several federal laws that give Native preference when
12 you deal with BIA monies or Indian Health Service
13 monies. And we've had difficulties trying to get --
14 like the Indian Health Service in Anchorage. We've got
15 a project here in Juneau with the Juneau Indian Village
16 that is partially funded with Indian Health Service
17 monies, and under Indian Health Service laws, we are
18 allowed to give Native preference on that project. The
19 city refuses to accept Native preference. Their
20 argument is that there isn't any qualified people to do
21 the job.

22 We currently have a system in place
23 with all tribes in Alaska to identify qualified workers
24 to fill the vacancies on these projects. Alaska Native
25 Medical Center is one of the projects that we have had

1 success with, we do have Natives working on that
2 project, but locally, the city refused to give that
3 Native preference for fear of the non-Native
4 contractors and the non-Native workers claiming
5 discrimination against the city because they're hiring
6 Natives on that project.

7 We've attempted to educate the city on
8 the federal laws and explain to them that it's okay for
9 them to give Native preference on this project without
10 fear of discrimination because the IHS laws permit it,
11 federal laws permit it. We have a tribal -- we have a
12 TERO ordinance that we enforce for all of Southeast
13 Alaska with regard to Native preference, but it's just
14 the mentality that they have with regard to how Indians
15 work.

16 We get several complaints and we refer
17 all of our complaints to the Human Rights Commission,
18 and that's a real difficult process because most
19 individuals that have been discriminated against do not
20 wish to wait for a year to go by or two years to go by
21 before some kind of resolution gets -- to resolve
22 whatever problem that they were having. So they will
23 not file a complaint because it's that system again
24 that they have to deal with.

25 Another area is the policies and the

1 procedures that -- like, for instance, the Indian
2 Health Service, when I called to talk to them to get
3 their assistance to get the city to do Native
4 preference on this project in the Indian village, they
5 have an internal policy which permits them to not abide
6 by the Native preference laws. So they have loopholes
7 within their internal policies and procedures that
8 permit them to go with non-Native contractors and not
9 hire non-Natives. So there's a problem with that
10 internal policy.

11 CHAIRWOMAN WALKER: Which agency are you
12 talking about?

13 MS. GERMAIN: The Indian Health Service
14 department. We also have a problem with the school
15 districts. I chair the Johnson O'Malley program for
16 the Juneau area, and funding has been a problem with
17 all of the JOM programs. That's a federally-funded
18 program, and we are trying to meet the needs of this
19 community. We've got 1,500 Natives that we've
20 identified that attend the public school system here,
21 and we get X amount of dollars for each individual that
22 is in our district and use those monies to develop
23 programs that meet the needs of our students.

24 But that funding has -- for instance,
25 in the past four or five years, it's gone from a

1 \$400,000 a year budget to less than \$200,000. We're
2 looking at maybe \$180,000 funding for this fiscal year,
3 this new fiscal year coming up. But we still have the
4 highest dropout rate of students in Southeast. We have
5 more than 50 to 60 percent of our Natives dropping out
6 of high school because of the problems that they are
7 experiencing at the high school level. So funding is
8 an area, with regard to the Department of Education,
9 that needs to be looked at, and I know funding is short
10 everywhere, but this still -- there's something that
11 needs to be done with that.

12 The Department of Transportation
13 received the inner surface transportation modal monies.
14 That law was passed, what, almost three years ago. We
15 met with the state Department of Transportation for the
16 first time this year. The federal government had
17 mandated that the state Department of Transportation
18 contact the tribes to develop plans to include road
19 maintenance, to include building of roads, building of
20 trails and parkways with the tribes for the rural areas
21 in the villages. And when we met with the state
22 department earlier this year and I talked with the
23 individual in charge of the Southeast agency office, I
24 asked him specifically if he had attempted or if the
25 Department of Transportation had attempted to contact

1 the tribes to work out a plan to meet the needs of our
2 communities, and his comment was, "No." Not only no,
3 but, "Hell, no." So those are the kinds of things that
4 we have to deal with.

5 We need monies for our roads, but just
6 as the energy assistance program is experiencing
7 problems, we have those similar problems with other
8 agencies, that we get money passed through to the
9 tribal government offices. You know, they're saying,
10 "You get the money to serve your people. You serve
11 your people, and when you run out, that's tough, you
12 know. We aren't going to help you." So we need to get
13 something that allows our tribal members that
14 opportunity which they are afforded to receive the
15 services from the state departments when we do run out
16 of money, and we will run out of money because our
17 people have the greatest need in this state.

18 The state department of -- the
19 affirmative action plan for the state, you asked about
20 whether or not their percentages have changed. Well,
21 they have changed. They haven't increased. They've
22 decreased since I started working. The state
23 departments' Alaska Native hire is only at four percent
24 right now, and that four percent is generally for areas
25 up north in Nome and Bethel, where they have

1 predominant Natives in those communities. So that four
2 percent does not cover minority hires in our urban
3 areas. And most of those positions are not any
4 managerial positions and yet we have many qualified
5 Natives that are capable of managing programs and have
6 the qualifications.

7 But it's real difficult; we are an
8 underutilized group, but the state closes their state
9 registers to new applicants. So whether or not -- if
10 you belong to an underutilized group, you have no real
11 opportunity to apply for any of these jobs because
12 those registers are closed, and then the state fears
13 using those executive orders that allow them to reach
14 the underutilized groups on those registers. But
15 without having open registers to accept applications,
16 they're not going to have the number of people on those
17 registers to record from those underutilized groups.
18 And then we have to deal with the mentality of our
19 people. Because they are not able to compete or not
20 considered capable of doing the jobs, they don't want
21 to apply for those kinds of jobs anymore because they
22 don't want to be labeled as the "token Indian" for this
23 agency.

24 So there's many problems that we have
25 with regard to discrimination. Some of them real

1 obvious, some of them real subtle, but it occurs daily,
2 and we have to deal with these clients daily. We don't
3 have the authority, as the Human Rights Commission
4 does, to investigate and to look into the matters and
5 make recommendations. That's something that we are
6 trying to be able to do by requesting funding to --
7 through the EEOC so that we can have enforcement
8 authority and can investigate some of these complaints
9 that are brought to our attention.

10 Now, as I said, we do refer all of
11 these people to the Human Rights Commission, and on
12 some of them, we work with them to advocate for them,
13 but in most instances, people will not go that route.
14 Reality says nothing is going to get done. So that's
15 all I have to say.

16 CHAIRWOMAN WALKER: Thank you, Theresa. You've
17 certainly enlightened us. Questions? Thelma?

18 MS. BUCHHOLDT: Theresa, your funding from the
19 Johnson O'Malley program has decreased in recent times.
20 When that decrease -- does that reflect your dropout
21 percentage of 50 percent?

22 MS. GERMAIN: No, it doesn't. The funding is
23 solely based on number of kids in the district. That's
24 all they could take into consideration. The funding
25 formula that was used in past years had changed because

1 most of the tribes in the lower 48 states could survive
2 because they have larger numbers on \$120 or \$130 per
3 student. They will still acquire enough funding to
4 operate an efficient program to meet their needs,
5 whereas up in Alaska, we don't have the numbers. We
6 have some communities that only have maybe 90 Natives
7 total in the whole district.

8 Now, \$120 for each of those students
9 is not enough money for them to meet the needs of those
10 students in that district. And the district -- you
11 know, it would be nice if we could get the district to
12 put some money into the program, also. They do the
13 same thing -- they do it with the Indian education, but
14 they don't do it with the JOM monies but they want JOM
15 to meet the needs of our people and will require that
16 our counselors or our tutors in that district work with
17 those families if the district won't do anything with
18 them.

19 CHAIRWOMAN WALKER: Thank you. Is there a
20 requirement that your JOM monies must be operated on
21 out of the school district?

22 MS. GERMAIN: No. We aren't required to
23 operate under the school district. In the past, it had
24 been operated under the school district, but it
25 currently is being operated under the Tlingit and Haida

1 Central Council.

2 MR. GUTIERREZ: Yeah, I have several questions.

3 CHAIRWOMAN WALKER: I do, too.

4 MR. GUTIERREZ: Go ahead.

5 CHAIRWOMAN WALKER: Well, I'm supposed to go
6 last, but thank you.

7 Theresa, with regard to the Native
8 preference, I think there's a general misunderstanding
9 concerning that law. I know that that came up when we
10 were talking about the Human Rights Commission, and
11 there are those that think that the Native preference
12 in hiring refers only to Native organizations or Native
13 agencies, and then there are others who say that it
14 should apply to other agencies that are non-Native
15 agencies, so can you enlighten me as to which is
16 correct here?

17 MS. GERMAIN: What is correct is that the tribe
18 has the ability to require Native preference on
19 projects such as the Juneau Indian Village water/sewer
20 project to give Native preference by way of issuing
21 contracts to subcontractors and hiring the labor, local
22 labor. If money is coming through -- or coming from
23 the Indian Health Service, BIA roads, housing and
24 education through JOM programs, then we have the right,
25 we have the federal laws, that require Native

1 preference on those projects. But Indian Health
2 Service's internal policies are written in such a way
3 that, although Native preference is required, their
4 policies allow them not to go with the Native
5 preference hire. And a lot of it has to do with the
6 way that they accept bids for the project -- proposals
7 for the project, so it's not only trying to get Natives
8 hired, but it's also trying to get those agencies, such
9 as Indian Health Service, to force Native preference on
10 any project that receives money from IHS or from BIA or
11 from housing or from education.

12 CHAIRWOMAN WALKER: All right. And one other
13 question, because we're running out of time here. With
14 regard to the training and the employment for the
15 ex-offenders, did I understand you to say that when
16 they go to their probation officer or to the court,
17 that these officials do not even consider the training
18 and so forth? I know that for any other offenders,
19 usually they will look at their packet, "Well, you did
20 this and you did that and you did the other, so we'll
21 do this and we'll give you a break here." And do I
22 understand you to say that this was different when --

23 MS. GERMAIN: It's different with Natives,
24 yeah. They would rather just put them back in jail and
25 not deal with them than accept the fact that they are

1 doing what is necessary to improve their situation, and
2 that is by using -- I coordinate the JTPA funds for the
3 adults and the summer-youth monies, and we use JTPA
4 funding to train these individuals. We'll send them to
5 school, we'll do whatever is necessary to meet their
6 needs and to get them trained in an area of their
7 interest, and we'll write letters of support on their
8 behalf to their probation officer or the parole hearing
9 officers, and it's not taken into consideration.
10 They'll just throw them back in jail again.

11 MR. GUTIERREZ: So what do you suggest to break
12 the circle?

13 MS. GERMAIN: Well, obviously, education of the
14 laws that do permit Native preference is an area that
15 we are working on. We put on workshops for the -- on
16 TERO here. We had the national TERO convention here in
17 1991, and that was the first introduction that we had
18 to this community and to many other communities in the
19 state to introduce TERO and how it can apply and how it
20 can help state agencies and city government meet their
21 affirmative action plans to get their minority hires
22 up. But it has to be an ongoing thing, and we're
23 trying to get the funding to go ahead and do these
24 kinds of things, but there is no real funding for TERO.

25 We are trying to get money from the

1 federal EEOC office to implement TERO in the Southeast
2 area, along with the other tribes in the state.
3 They're also requesting funding from EEOC but because
4 EEOC doesn't have the funding to meet the needs of the
5 220 tribes here in Alaska, the maximum amount that a
6 tribe is given in the lower 48 is something like
7 \$22,000 to administer their TERO programs. That is not
8 something that the federal government can do at this
9 point with Alaska because we have over 200 tribes, and
10 they don't have \$22,000 to give to each of those tribes
11 to protect their interest, to protect their civil
12 rights.

13 MR. GUTIERREZ: No, I meant -- you were talking
14 about the jail prior, saying that there must be some
15 discrimination because they treat the Natives
16 different. I was asking what would you do to break the
17 circle of that?

18 MS. GERMAIN: Well, we have people that have
19 been advocating and have been working with the
20 Department of Corrections on the needs of the Native
21 people, and there have been some changes with the
22 Department of Corrections. But in the judicial system,
23 it's just been a lot more difficult to advocate on
24 behalf of our people because we're in the process of
25 developing our own tribal court system so that we can

1 have the ability for our judges to work with the state
2 judicial system or whatever needs to be done to protect
3 those rights of our individuals.

4 MR. GUTIERREZ: Now, on the problem of your
5 employment program, it's my understanding that Indian
6 Health Service, BIA and HUD are entitlement programs
7 for the Native people; is that correct?

8 MS. GERMAIN: Correct.

9 MR. GUTIERREZ: And that when they put out a
10 contract, there's contractual language that
11 specifically states that Native preference or even 100
12 percent contractor -- Alaska Native contractors will be
13 the ones that bid; is that correct?

14 MS. GERMAIN: Not that they'll be the only ones
15 to bid, but they should be the first ones considered
16 for the project if they can't come within the lowest
17 bid that's accepted or the lowest bid that's presented
18 to the agency through that process.

19 MR. GUTIERREZ: Okay. So now on this water and
20 sewer project that you were talking about, did the
21 contract come out like that from IHS?

22 MS. LAITA: No, in fact, the contractor said --
23 he told the city, "Go ahead and do whatever you
24 normally do."

25 MR. GUTIERREZ: Who's the contractor?

1 MS. GERMAIN: I can't remember the gentleman's
2 name, but he is in the Anchorage office, Indian Health
3 Service office in Anchorage, because that's where the
4 funding came from, was out of the Anchorage office.

5 MR. GUTIERREZ: Would the Tlingit and Haida
6 Central Council be interested in that kind of response?

7 MS. GERMAIN: Interested in the response that
8 they gave us, Indian Health Service?

9 MR. GUTIERREZ: Yes.

10 MS. GERMAIN: Well, no.

11 MR. GUTIERREZ: It's an entitlement program.

12 MS. GERMAIN: Yeah. Well, that's just it. Our
13 fight now is with the Indian Health Services and their
14 internal policies. It's not with the city because the
15 city was told by the Indian Health Service, who has
16 authority over administering that contract, to go ahead
17 and do whatever they normally do, regardless of what
18 the Native preference language in the contract, that
19 they let the state --

20 MR. GUTIERREZ: Well, if it's in the contract,
21 then it has to be lived with --

22 MS. GERMAIN: That's right.

23 MR. GUTIERREZ: -- and I would enforce the
24 contract.

25 CHAIRWOMAN WALKER: Well, this is why I brought

1 up the fact that I think the city is a little ignorant
2 with regard to Indian preference. I really do.

3 MS. GERMAIN: Well, I don't know that they're
4 ignorant of it, I just think that they're afraid to
5 implement it because of the repercussion that they
6 might suffer from the contractors that normally do work
7 with them.

8 CHAIRWOMAN WALKER: I'm not going to debate,
9 but it's a simple matter, just send it right back to
10 them and let them know this is inappropriate. It's
11 just that simple, as far as I'm concerned.

12 MR. GUTIERREZ: You also mentioned the dropout
13 rates in the educational program here in Juneau.
14 They're quite high. You mentioned something like 50
15 percent?

16 MS. GERMAIN: Yeah.

17 MR. GUTIERREZ: In the high school?

18 MS. GERMAIN: Through our JOM program, we track
19 the students when they get to the high school, and
20 we've done some studies, and we can start out with
21 maybe 250 kids in the ninth grade, and of those 250
22 students, 30 or 40 might graduate by the time they're
23 in their senior year. The majority of them will leave
24 the system, will go after their GED because they can't
25 tolerate the system anymore, or will just literally

1 drop out and not go back.

2 MR. GUTIERREZ: Is there an Indian education
3 committee in place?

4 MS. GERMAIN: Yes, we have the Juneau Southeast
5 Native Education Commission, and they are working on
6 developing the issues that are of relevance to them
7 right now and trying to work with the school district,
8 with the school board. Then we have the Southeast
9 Alaska Native Education that deals with it on a
10 Southeast level, on a regional level, so it's not a
11 problem that's just immediate to Juneau, but it's a
12 problem that is statewide. It's not just something
13 that affects the Juneau area. It affects all areas in
14 the state.

15 MR. GUTIERREZ: Does the Department of
16 Education have any policies relating to Native hire in
17 the school system?

18 MS. GERMAIN: Well, we've worked with the
19 school district to get more Natives hired, and they
20 have hired a large number of Natives, but still, in a
21 community this size, when you've got over 1,500 Natives
22 in the district and we only have, I think, maybe around
23 14 Native teachers working in the district -- and
24 that's a far cry better than what it had been. What it
25 had been before that was maybe six or seven Natives in

1 the district working prior to the involvement of the
2 Southeast Alaska Native Commission. They worked real
3 hard with the district to get more Natives hired by the
4 school district, and they've done a good job.

5 MR. GUTIERREZ: Okay. Thank you.

6 CHAIRWOMAN WALKER: Any further questions?

7 MS. BUCHHOLDT: No.

8 CHAIRWOMAN WALKER: Thank you so much, Theresa
9 and Andrea and Sandra. Your testimony has been most
10 enlightening, and I appreciate the time that you've
11 taken to carefully explain some items that I feel are
12 very important. Thank you very much.

13 I would like to now ask Irma Mireles
14 and Mr. Roy Castro to come forward. Again, I apologize
15 that we ran ahead of you, but we're certainly happy
16 that you are having patience with us. Thank you for
17 coming?

18 MR. CASTRO: Thank you for allowing us to come.
19 Once again, my name is Roy Castro. I'm
20 vice-chair --

21 CHAIRWOMAN WALKER: Pull the mike up a little
22 closer to you.

23 MR. CASTRO: My name is Roy Castro. I'm
24 vice-chair of the Hispanic Heritage Committee here in
25 Juneau. Irma Mireles is the chair of the Hispanic

1 Heritage Committee.

2 Some of the problems we'll be
3 addressing this morning have already been talked about,
4 some of the problems in education, some of the problems
5 here in the community. What we'd like to do is give
6 you a little background of the Hispanic heritage and
7 the information dealing with Alaska and the founding of
8 it, and then take it from there to some of the current
9 problems, and I'll turn the mike over to Ms. Mireles.

10 MS. MIRELES: Buenos dias y gracias. Good
11 morning and thank you for the opportunity to address
12 you today, and especially since September 15 marked the
13 beginning of Hispanic Heritage Month. I'm Irma
14 Mireles, president of the Hispanic Heritage Committee,
15 a single parent of a 14-year-old, Gerardo Fabian
16 Mireles. My family and I have been in Juneau and the
17 State of Alaska for about four years. I'm fourth
18 generation American of Mexican descent, and I'm
19 originally from San Antonio, Texas.

20 I'd like to start by first giving you
21 a brief historical background. The history and
22 contributions of Hispanics in the State of Alaska have
23 pretty much been ignored, especially in the schools.
24 In 1775, Don Francisco Antonio Mourelle explored Alaska
25 with Naval Lieutenant Francisco De Bodega y Quadra, who

1 kept a journal of the voyage, and it was this same
2 journal which was later used in 1776 by Captain Cook
3 when he explored Alaska. Four years later, in 1779,
4 Lieutenant Ignacio Arteaga y Bazan explored what is now
5 Southeast Alaska on the Frigates Princesa y Favorita.
6 When Arteaga set sail from Spain, he lost most of his
7 men and was forced to stop in Mexico. In Mexico, he
8 ended up recruiting vaqueros (or cowboys) from the
9 State of Nayarit, and it was with Mexicans that Arteaga
10 explored Southeast Alaska. It is because of these
11 explorations that you find engraved in Alaska's
12 geography names like: Valdez, Cordova, Malaspina,
13 Revillagigedo, Bucareli Bay, Gulf of Esquibel, and many
14 others.

15 During World War I, when the U.S.
16 faced a shortage of manpower, so did Alaska's mining
17 and canning industry. And in 1917, about 3,000
18 Mexicans came to Juneau to work the mines and
19 canneries. It is very likely that many of the Spanish
20 surnames that are found in Juneau and parts of
21 Southeast Alaska are Mexican. This historical
22 background is shared with you today to document the
23 fact that we didn't just arrive.

24 The 1990 census has about 800
25 Hispanics residing in Juneau. This number represents

1 only those who answered the census. We, the Hispanic
2 Heritage Committee, estimate that there are about 1,500
3 Latinos in Juneau, of these, some are Nicaraguans,
4 Puerto Ricans, Dominicans, Colombians, but the majority
5 are Mexicans. Many of these people speak little or no
6 English. As a result, they are often victims of
7 discrimination and abuse from the educational system,
8 employment, housing, and other institutions.

9 As Juneau is a small town and
10 Hispanics are few and easily recognized, the names used
11 in the incidents I will mention will be limited to only
12 a letter. Housing in Juneau is very scarce and high
13 priced. Many rentals are almost beyond a low-income
14 person's reach. Often rental owners ask for the first
15 and last months' rent plus a deposit. It is not
16 unusual that a modest two-bedroom apartment is rented
17 for \$1,200 a month. This means that it would take
18 about almost \$3,000 to get into a rental. This is
19 often used to discriminate, and when you have a family
20 of three children or more, it's even worse.

21 Some people buy mobile trailers, but
22 even here, Hispanics have reported problems of
23 discrimination. Mr. and Mrs. P., for instance, are
24 buying their trailer but rent the space. This summer,
25 the family had another family living with them.

1 Mr. and Mrs. P. have never signed a rental space
2 agreement, but the trailer park owner has told them
3 that they cannot have another family in their own
4 trailer. To date, the trailer park owners have not
5 produced a contract and have threatened to remove them
6 from the park. This family does not know where to go
7 for help.

8 Mr. and Mrs. C. were renting on a
9 month-to-month basis. They were never late, yet
10 towards the end of every month, they were hounded for
11 the rent by the landlord. When the apartment complex
12 was recently sold, they were given 30 days to move and
13 every other day they were asked again and again about
14 when they would be moving. This same couple, when
15 looking for an apartment, went to see a two-bedroom
16 apartment and were told that it was too small for them.
17 This couple does not have children or other members of
18 family. They, too, do not know where to go for help.

19 Public housing is no better. In 1991,
20 Mr. and Mrs. J. moved from Coho Park, and as they had
21 cleaned their apartment and left everything intact,
22 they requested their deposit. When they did not get
23 it, they contacted me. I called the manager, the
24 management company, HUD, Alaska Housing Authority, and
25 finally I suggested to them that they go to small

1 claims court, which they did, and finally got their
2 deposit. This was almost two years later.

3 Mrs. A., a single mother of five, has
4 been on a waiting list for over a year. On
5 September 4th, 1993, she received a letter stating that
6 if she wanted to remain on the list, she needed to
7 respond to them by September 13th. On September 7th,
8 she called and was told by a Ms. Ann Margaret at
9 Alaska Housing Authority that she had already been
10 dropped from the list. She had to argue with them --
11 she is bilingual, so she didn't have a problem with
12 English -- and she had to argue with these people just
13 to get back on the public housing waiting list.

14 The employment picture for Hispanics
15 is also dismal. Of the 10,600 state employees, only
16 1.6 percent or about 117 are Hispanic, and according to
17 the Juneau City and Borough report of June 1993, of the
18 580 city employees, only ten are Hispanics. With the
19 city and the state, the main complaint is lack of
20 training opportunities, which, in some cases,
21 translates to denial of promotions. Most Hispanics
22 work in restaurants as cooks, dishwashers, and waiters.
23 You have a few employers that are fair, but most are
24 abusive, very abusive.

25 For example, S., G. and others are

1 employed at a well-known downtown restaurant. Their
2 working hours are until 10:00 p.m. and they are
3 expected to leave the kitchen clean before leaving, but
4 if it's not clean by 10:00, they have to work late and
5 they do not get paid any overtime. These people have
6 tried reporting this to the state Department of Labor,
7 but to no avail, as they are afraid of losing their
8 jobs if they give their name.

9 Another person who works for a small
10 restaurant was hurt on the job and needed medical
11 attention. E. went to the hospital and incurred a bill
12 of about \$300. His employer told him that he'd pay
13 half and will deduct the remainder from E.'s paycheck.
14 It has been about four months. The money has been
15 deducted each paycheck. E. continues to get billed
16 from the hospital, and the balance is still \$300, plus
17 E. is having to work Saturdays without pay. E. is
18 undocumented and afraid of losing his job. Needless to
19 say, the majority of these people have no benefits.
20 They have the jobs that most people wouldn't take for
21 the wages they get paid, yet every time they buy
22 something, they pay taxes and contribute to the Juneau
23 economy.

24 The problems for Hispanics in the
25 Juneau school district are many. Teachers and staff

1 have very little cultural diversity training. Not
2 until the current year, which is fall 1993, does it
3 seem that the multi-cultural training is being taken
4 more seriously. The district has only one full-time
5 Latina who teaches Spanish in the high school. There
6 is a Mexican American Alaska certified teacher who has
7 been, more or less, a permanent substitute for the past
8 three to four years. The district has had many teacher
9 openings that she has applied for and yet she has not
10 been hired full-time, and, of course, by being a
11 substitute, she gets no benefits. They do employ
12 custodians, and that's where many of the Hispanics are
13 employed in the school district. They employ aides,
14 too, they use their language, but they do not get paid
15 for the language that they're using. And, of course,
16 many of those aides are also not teachers, and they're
17 not trained as teachers.

18 Multi-cultural training is needed by
19 all faculty and staff, and you know this when you have
20 a vice-principal tell a student, "Open up your brown
21 eyes. The trash can is here." And the student
22 answers, "Just because I'm Mexican doesn't mean my eyes
23 are brown. My eyes are green." Or worst, a young
24 Colombian student was told by a teacher, "Oh, new
25 shoes. The cocaine business must be pretty good."

1 The school district is not at all
2 prepared to assist Hispanic students with special
3 needs. This was made obvious recently when a student
4 needed special testing and it took the high school
5 officials almost a full school year to find what to do
6 with this one student. Eventually, they hired an aide
7 who ended up somewhat baby-sitting. The ESL program is
8 really underfunded or, rather, these funds seem to be
9 put to use elsewhere. There is also the
10 misunderstanding by teachers who think that just
11 because a student speaks some English, that this
12 student fully comprehends all instructions and
13 assignments. In February, I helped a student and his
14 family. The student was being labelled disruptive when
15 he was asking fellow students for help. The family and
16 I met with the principal, who listened and acted on the
17 situation to the benefit of the student. But there are
18 more students in similar situations who do not get any
19 help.

20 What is one of the worst examples of
21 discrimination is that when a Latino student is
22 Native-looking, the student gets treated even worse.
23 Latino parents are often talked down to, not listened
24 to, and no extra effort is made to assist in
25 translating. They are generally made to feel

1 unwelcomed in the Juneau schools. And when you hear
2 Native parents say that they get the same treatment, if
3 not worse, and that teachers who discriminated against
4 them when they were in the schools and those teachers
5 are now teaching their children and that there is no
6 use in trying to advocate for their kids, what can a
7 parent who does not speak English expect?

8 The past superintendent, Dr. McIntyre,
9 began to open the door for all minorities, and
10 currently we are working with the current
11 superintendent, Dr. Van Slyke. We know that change
12 takes time, but how long? Our children demand equal
13 education and fair treatment, and teachers and staff
14 need to understand that the number of Hispanics will
15 continue to grow, and that faculty and staff are in the
16 schools because of our children.

17 Throughout the city, there is very few
18 information in Spanish so that Hispanics who speak,
19 read, or write little English, if any, have little
20 access to any resources. About the only place that
21 Hispanics are made to feel welcome is in the Catholic
22 Church, and this is thanks to Bishop Michael Kenny.

23 Sometime this year, some Hispanics
24 were picked up for drug trafficking. As a result, many
25 of those who were not even close to this for the past

1 few months have reported that they have been stopped by
2 the Juneau Police and searched for drugs and harassed
3 in general. The Juneau Police Department has two
4 Hispanic police officers, both who claim to speak
5 little or no Spanish. But, to my knowledge, the
6 Juneau Police Department has received little or no
7 multi-cultural training. There is a community police
8 task force, and Mr. Castro is a member of that task
9 force, and it is a fairly new task force, and there's
10 also a new police chief. Perhaps some of these
11 concerns will soon begin to be addressed.

12 Most social service agencies in Juneau
13 do not have Spanish-speaking staff, which, in a time of
14 crisis, the language problem becomes an even bigger
15 problem. This past school year, a young white male
16 committed suicide and alcohol and a gun were involved.
17 Counselors and other professionals were immediately
18 called and converged on the high school to assist the
19 students that knew this student, and it was immediately
20 called a crisis.

21 Yet, last year, a young Colombian
22 committed suicide under similar conditions and few in
23 this community knew about it. The CBJ mental health
24 tried, but they were hampered by the language, but, to
25 their credit, they did their best. That same week, an

1 Hispanic grandmother went home and found her
2 16-year-old grandson at home dying of an overdose of
3 sleeping pills. No, the young man was not on drugs or
4 alcohol. His problem was that he was going to school
5 full-time and had two jobs and his family in Seattle
6 was needing more money and they were asking him to quit
7 school. He did not want to quit school. But this case
8 few heard about. The point is, who decides whose life
9 is more valuable?

10 The one thing I'd like to remind those
11 present is that by the year 2015, Hispanics will be the
12 largest majority in the U.S., and the State of Alaska
13 is going to be impacted by our numbers, and state and
14 local governments and other agencies, as well as the
15 schools, should be preparing themselves. This state,
16 in many instances that affect Hispanics, is behind
17 about 20 years. We are not asking for extra special
18 treatment. We're only asking for what others already
19 have, and that is a chance to succeed for both
20 ourselves and for our children.

21 And I'd like to leave you with one
22 last thought: An Indian who became president of
23 Mexico, Benito Juarez, stated, "El respecto al derecho
24 ajeno es la paz." Respect for other's rights is peace.
25 Gracias.

1 CHAIRWOMAN WALKER: Thank you so much. Are
2 there any questions?

3 MS. BUCHHOLDT: Yes, Irma, I was wondering if
4 your group has gone over the Landlord/Tenant Act of the
5 State of Alaska, which is rather good in terms of if
6 you are landlord or a tenant, it gives you your rights
7 and opportunities to be able to take advantage of what
8 is available in housing when a person has to or needs
9 to be evicted and that sort of thing. Have you gone
10 over that with your organization?

11 MS. MIRELES: One of the things that you need
12 to understand is our organization is fairly young.
13 It's about two-and-a-half years old, and because there
14 are very few Hispanics who are bilingual, and we're all
15 working full-time, there are many things that we're not
16 able to do and this is one of them that we have not
17 done. When people have come to me or others with
18 problems like this, I do refer them to that or I try to
19 see if they need more help, whatever else I'm able to
20 do. We're in the process of becoming a more formal
21 organization so we can help more.

22 Another thing that I have found, and
23 this was very new to me coming from an area of the
24 country that is predominantly Hispanic, and that is
25 that most -- there are quite a few Hispanics in Juneau

1 who seem to be undocumented, and, therefore, it has
2 taken about as long as I've been here to finally gain
3 their confidence, and this confidence has only come
4 through the church, attending church. So you have
5 quite a few that are just beginning to get comfortable
6 and trust, and I know that there is -- these examples
7 are nothing to what I'm sure is happening out there. I
8 know that there are women that are being abused and
9 feel they have nowhere to go, and I have only barely
10 talked with them, and the fear is so great from their
11 spouses that -- and I tell them about AWARE, but they
12 don't want to go anywhere because they feel that
13 nowhere in Juneau does anyone really speak their
14 language.

15 MS. BUCHHOLDT: And you say the school district
16 has no program that addresses the bilingual problems of
17 these students, Latino students?

18 MS. MIRELES: No, they do. They do have it,
19 but I got the impression after -- this past school
20 year, I was involved in the bilingual/bicultural
21 committee that the school has, and I got the impression
22 from that committee that it had been pretty dormant. I
23 don't know for how long. And we managed to meet a few
24 times and also get parents to these meetings, and, of
25 course, sometimes they were lengthy because if they

1 didn't understand English or speak English, I acted as
2 their translator.

3 MS. BUCHHOLDT: The problem I think you have
4 brought before us is that there are many people who
5 don't have their papers, they're undocumented aliens,
6 and one of the problems that I see there, that maybe
7 our group can look into, I don't know for sure if we
8 can, is the fact that these people are not -- they're,
9 more or less, underground working for people who can
10 abuse them because they don't have the right of
11 citizenship, and naturally, they're easy to abuse or
12 not pay at all or just make them work without any pay,
13 and slave labor is very easy for these people because
14 they cannot come out and report these abuses. Do you
15 have any suggestions of how to deal with this in your
16 community?

17 MS. MIRELES: Not at this point. What I have
18 been able to do -- because there's another problem that
19 is -- the reason that I was helping, my involvement,
20 and that is that I am not familiar with immigration
21 laws, but people have come to me for immigration help.
22 So I have now contacted an INS agent for this area
23 whose office is in Ketchikan, a Mr. Harpold, or
24 something like that, Mike Harpold, and I have talked,
25 and we are supposed to meet in November when he comes.

1 But he tells me that, whereas the other communities,
2 like the Filipino community, has pretty much a network,
3 Hispanics have no network and there's no one really in
4 Juneau that helps Hispanics to process their paperwork,
5 and he tells me that there is quite a few who are
6 eligible for resident alien or permanent resident, and
7 he suggested that if I continue to work with them and
8 through the church that he can probably help me with
9 some of that, and that's the only thing at this point
10 that is being worked on.

11 MS. BUCHHOLDT: Okay. On the INS issue, I
12 would suggest that you develop a network among
13 yourselves. I know in Anchorage the Hispanic community
14 is very active now, too, and we have a couple of
15 important people in Anchorage working with a judge.
16 Judge Gonzalez, you must have heard of him,
17 distinguished himself in Alaska, and I know they are
18 very active there.

19 I think that's probably one of the
20 problems we also face as Asians in this country. Most
21 of us have been documented aliens, but there are some
22 who are not, and they are suffering the same kinds of
23 problems. When their papers are not in order, that
24 usually is a liability on their part, and there would
25 be abuses that are incurred. We don't condone those

1 abuses, but they do have them, and the sooner that they
2 get themselves documented, the better. I would suggest
3 that you organize faster into the -- you know, learning
4 the process, because if you don't, you will have more
5 people suffering through these problems that you have
6 mentioned.

7 MS. MIRELES: Well, yes, through the -- I have
8 met with Bishop Kenny, and we're hoping that by next
9 year, we will have something in place through the
10 Catholic services to help with immigration paperwork.

11 CHAIRWOMAN WALKER: I'm not going to ask a
12 question because time is escaping. In addition, have
13 you been in contact with the chair of the Hispanic
14 community in Anchorage?

15 MS. MIRELES: No.

16 CHAIRWOMAN WALKER: I think they also have a
17 group in Fairbanks, and they can help you out with the
18 immigration and probably a lot of other problems, but
19 I'll try to contact you later.

20 Mr. Gutierrez?

21 MR. GUTIERREZ: I just have a couple of
22 questions. You mentioned English is a secondary
23 language program in the school system here, that you
24 felt that maybe it wasn't being implemented?

25 MS. MIRELES: There is only two teachers at the

1 high school level that teach English as a second
2 language, and those two teachers oftentimes are sent
3 also to the middle schools to also provide the same
4 services. The ones that seem to have a more stable
5 program of English as a second language seem to be at
6 the elementary level. And I know that those two
7 teachers at the high school level are trying their
8 best, but sometimes they are faced with very difficult
9 problems. And I don't know if it has happened this
10 year, but about two years ago, they were even having to
11 spend part of their teaching time looking for a space
12 to teach.

13 And we were told as a committee that
14 one of the programs that may end up being -- reducing
15 funding would be bilingual education, and that's when I
16 attempted to find other people in other parts of the
17 state that were involved in bilingual education, and my
18 calls to the state Department of Education amounted to
19 zero because I never got any information. I was
20 promised a list and I never got anything, and then I
21 tried again with the district and that didn't work too
22 well, but I felt that I could approach the legislators
23 -- I could lobby them -- on the rest of the state's
24 behalf of those people that are concerned with
25 bilingual education since I'm right here, but without a

1 list and finding out other people's concerns, I was
2 left without that opportunity. Maybe this year we can
3 do that.

4 MR. GUTIERREZ: Okay. Thank you.

5 MR. CASTRO: One of the other problems that
6 I've seen encountered with this particular issue of ESL
7 is a matter of resources. Right now in the Juneau
8 school district, there isn't hardly any books at all in
9 Spanish for those that either are a part of this
10 program or are coming up with ESL, or even further
11 Spanish-speaking classes don't have any books,
12 magazines, periodicals of any sort in Spanish, from
13 what I've heard, that they can take out. So we're
14 depriving them of background information, also, by
15 virtue of not having any of these books in Spanish
16 where they can get caught up educationally. They can
17 learn the history of the United States. They might not
18 be able to speak it in English, but they would be able
19 to comprehend the rules and regulations. But without
20 these resources in place, we're holding them back
21 further that way.

22 CHAIRWOMAN WALKER: This may not be too much
23 consolation, but this past year, they didn't have books
24 in English, either. The Juneau district is in deep
25 trouble budgetwise, but there's no excuse -- it's not

1 offered as an excuse. When you talk about ESL, what
2 contacts have you made with other resources, like the
3 Southeast Regional Resource Center, or has there been
4 any contact made?

5 MS. MIRELES: No. All I know is that sometimes
6 -- like that one student, where they were having
7 special problems with, and they ended up sending him
8 there and he was a problem there, too. But I know that
9 some of the students, like someone mentioned earlier,
10 are also thinking of just getting their GED and getting
11 out of the school system.

12 CHAIRWOMAN WALKER: That's what I'm thinking,
13 and you're not the only group that's having these same
14 problems, and it may be a possibility that we could get
15 a funding separate from the school district for ESL.
16 Now, there's always that possibility, so don't lose
17 faith, but we're going to talk with the Department of
18 Education this afternoon, so I will certainly bring
19 that issue up, the fact that there's no communication
20 with your group.

21 Mr. Castro, did you have a statement
22 to make, because we're about out of time?

23 MR. CASTRO: No, I was coming in as support for
24 her.

25 CHAIRWOMAN WALKER: As support. Did you have

1 something?

2 MR. CASTRO: I just have a quick statement to
3 make in conjunction with the other financial burdens of
4 trying to continue these types of programs. Last year
5 JDHS had a gifted and talented program, which
6 constituted about \$800,000 worth of education and
7 funds. While I recognize there's a need for gifted and
8 talented programs, I would think they would want to
9 start ensuring first that everybody is able to qualify
10 for this program, rather than making it a select few
11 that should have this money to deal with.

12 MR. GUTIERREZ: I have one more thing. There's
13 a program called -- something dealing with the Migrant
14 Act; are you familiar with that?

15 MS. MIRELES: No.

16 MR. GUTIERREZ: The Anchorage school district
17 gets monies to work with kids that come in, for
18 example, from the Bush to work there, and they're
19 designated as migrants. Also, it's in regard to the
20 Immigration Act like what they would apply for in the
21 lower 48. But the school district can apply for those
22 funds under those conditions, and I think you have
23 enough people here to --

24 MS. MIRELES: Okay. I think that I have seen
25 it, but the definition there is people that -- at least

1 at this school district -- is that people who have
2 seasonal jobs, such as fishing and other things, and it
3 doesn't mention in here like agriculture or anything
4 else. It just mentions -- I just vaguely remember
5 something about fishing.

6 And the other thing is that the
7 district is very strong about their commitment for
8 site-base management, and I am a member of the
9 committee at the high school level. The thing with
10 that is that most of these committees are composed of
11 white parents and teachers. And the one at the high
12 school that I can speak to is -- except for my round
13 face, I see no other minority. And even the Native --
14 unless you have someone on that committee that may not
15 be Native looking, that committee is pretty much white.
16 I don't recall seeing a Filipino or anyone else on that
17 committee. And I get some feedback from other schools
18 that they're about the same throughout, which --

19 MR. GUTIERREZ: One of the things you're going
20 to have to do is just advertise it in the paper or get
21 in touch with Central Council or anybody --

22 MS. MIRELES: Well, it's already set at a
23 certain number.

24 MR. GUTIERREZ: Why not still put pressure on
25 the support --

1 MS. MIRELES: Well, you can, but there's
2 another thing here. This city is very cliquish, and
3 you have a lot of people who, you know, will try their
4 very best to make sure that minorities are not
5 represented.

6 MR. GUTIERREZ: Well, you're going to have to
7 try your very business to get in.

8 MS. MIRELES: Oh, yeah, but not everybody is
9 pushy.

10 MR. GUTIERREZ: There's one more question on
11 the task force. Mr. Castro, is the representative of
12 the chief of police on that task force?

13 MR. CASTRO: Yes, he is.

14 MR. GUTIERREZ: Who is that? Is that the
15 deputy or --

16 MR. CASTRO: We just got a new one, and
17 currently Mr. Personett, Captain Personett from the
18 police department has also been attending, and they are
19 a member of the standing of the committee, and we are
20 in the process of formulating some training to be
21 conducted for the police department through the various
22 different groups within the community. The entire
23 title is the Minority Community Police Relations Task
24 Force. In fact, one of the other speakers, Jenny Bell,
25 is the chair of that committee.

1 MR. GUTIERREZ: Oh, good. Thank you.

2 CHAIRWOMAN WALKER: Thank you both very much.
3 We really appreciate your input and it has been quite
4 valuable and quite enlightening.

5 MR. CASTRO: And we thank you for your time.

6 CHAIRWOMAN WALKER: Our next presenter this
7 morning will be Willa Perlmutter. Forgive me if I
8 mispronounce your name. This is the supervising
9 attorney for Alaska Legal Services. Good morning.

10 MS. PERLMUTTER: Good morning.

11 CHAIRWOMAN WALKER: Go right ahead, Ms.
12 Perlmutter.

13 MS. PERLMUTTER: My name is Willa Perlmutter,
14 and I'm the supervising attorney at Alaska Legal
15 Services in the Juneau office. On behalf of
16 Legal Services, I'd like to thank the commission for an
17 opportunity to speak this morning. I'm acutely aware
18 that we're getting close to lunch time, so I'm going to
19 try and keep it brief, but, on the other hand, when a
20 lawyer tells you that he or she is going to be brief,
21 it usually means trouble.

22 Just some brief background. Alaska
23 Legal Services is legal aid. We provide representation
24 to people with extremely low incomes. By example, in
25 order to qualify for our services, a family of four has

1 to have a monthly income under \$1,860 or they would be
2 over income for our purposes. Our representation is
3 limited to civil cases, we don't do any criminal work
4 at all. The types of cases that we handle depends upon
5 a list of priority cases, and that's established by
6 client/counsel that each service area adopts.

7 Statewide, our resources are committed
8 mainly to the delivery of legal services to the Bush,
9 to a Bush-delivery system. Each service area contains
10 at least one area that would be considered fairly urban
11 for Alaska, but also many, many villages and small
12 communities. For that reason, a large portion of our
13 resources are directed at Bush-delivery issues, travel,
14 communications, those kinds of things, improving
15 accessibility to legal services and to the legal
16 system, and, in some cases, creating accessibility from
17 scratch.

18 For that reason, our initial mission
19 is to provide coverage to ensure that every Alaskan has
20 an opportunity for access to legal services. For that
21 reason, it's necessary for us to stratify the kinds of
22 cases that we can handle in order to be able to provide
23 services on the most meaningful level possible. In any
24 case, where you have an allocation of limited
25 resources, it requires you to identify the most

1 effective areas, the way that we can most effectively
2 represent our client population. Probably because the
3 priorities are dictated by client/counsel and also by
4 the respective volumes of demands for the kinds of
5 cases we handle, our focus tends to be more on human
6 rights issues than on civil rights issues.

7 Our cases typically involve food
8 issues, shelter issues, safety issues. That translates
9 to entitlement cases, especially things like Medicaid
10 qualifications, Medicaid entitlements, food stamps, it
11 involves housing cases. We do a tremendous amount of
12 landlord/tenant work, mainly on an emergency basis. A
13 lot of our cases involve Alaska Public Housing, very
14 low income housing. Also, we do a tremendous amount of
15 domestic relations cases. Again, because we're so
16 limited in staffing and in resources, we have to very
17 much shrink the kinds of cases that we take, and most
18 of our domestic-relations cases unfortunately
19 involve family violence, some kind of physical abuse or
20 sexual abuse. And I guess I should say that that
21 doesn't represent a value judgment on the part of the
22 organization that human rights is over civil rights.
23 It's just that that's where the demand seems to be and
24 where we can most effectively serve the kinds of people
25 that come to us for help.

1 Certainly, legal services nationwide,
2 and in Alaska, as well, was envisioned as a tool for
3 the legal expansion of civil rights through the legal
4 system, and I think I can say that every lawyer that I
5 know who works for legal services came to legal
6 services with the idea of running in the name of
7 justice. We all want to be doing civil rights, and I
8 think that's the perfect world that we envision. But,
9 certainly, since the funding cuts and the substantive
10 restrictions on the kind of work that we can do, since
11 the 1980's, Legal Services has been forced to make
12 choices on an institutional level. Certainly, Alaska
13 Legal Services has been forced to make choices on an
14 institutional level, and for that reason,
15 unfortunately, civil rights right now is taking a back
16 seat to human rights issues.

17 THE REPORTER: Excuse me, ma'am, could I get
18 you to slow down, please?

19 MS. PERLMUTTER: I'm sorry. Again, not
20 indicative of any kind of institutional value judgment.
21 It just reflects a response to the demand that we see.
22 That's the bad news.

23 The good news in this regard is that
24 we do receive a fairly large component of our funding
25 from the Native American portion of the nationwide

1 legal services funding contract. In other words, the
2 money that we get from the national organization, a
3 portion of that is earmarked for services to be
4 delivered specifically to the Native American or,
5 obviously in our case, Native Alaskan community. For
6 that reason, the rights of Native Alaskans and Native
7 Americans receive special attention from our
8 organization just by virtue of our funding procedure.
9 And even though the cases where we represent Native
10 Americans are not necessarily designated as civil
11 rights cases, just like many of the other cases we
12 handle for a non-minority population, there are
13 frequently civil rights issues that are entwined with
14 the kinds of cases that we handle.

15 Alaska is an unusual community to do
16 this kind of work in. Alaska is an unusual state and
17 community with regard to Native relations because, as
18 far as I can tell and as far as the organization can
19 tell, this is really the only place where the
20 indigenous population is still accorded or there's a
21 desire to accord the Native population a meaningful
22 role in terms of the allocations of resources that are
23 available.

24 Our work with the Native population
25 here falls into three broad areas. The first is land

1 issues. Particularly -- and the thing that we see the
2 most of in Juneau, and I think I can speak for all of
3 the service areas, is the question of Native
4 allotments. We do a tremendous amount of representing
5 Native people in their attempts to obtain allotments
6 from the United States government under the Native
7 Allotment Act, and those cases -- some of those cases
8 have been pending for nearly a hundred years, and we're
9 still working on them. They're some of the most
10 interesting things we do because of the historical
11 element.

12 In addition, the second area, where we
13 do a lot of Native representation, is the question of
14 natural resources. For example, the allocation of
15 fishery sources in the subsistence area, in the fishing
16 areas in terms of various fishing policies. In
17 addition, depending upon the service area, we also get
18 involved with mining issues and issues of regional and
19 economic development.

20 Finally, one of the issues that I find
21 particularly interesting is that we have become
22 involved frequently in issues of sovereignty and Native
23 self-government. It's an interesting area from an
24 academic point of view because under the
25 U.S. Constitution, the Native population, the Alaska

1 Indians, if you will, are considered a third sovereign.
2 But I think certainly Ms. Walker would understand that
3 they're not always accorded in Alaska -- or by the
4 federal government they're not accorded the recognition
5 that I think constitutionally they may be entitled to.
6 And that, in particular, is a good example of civil
7 rights issues that become buried, one way or another,
8 in a more garden variety kind of case. For example,
9 the interaction between state and tribal courts in a
10 family relations case.

11 We do cases involving implementation
12 where there may be an issue of forum choices or even
13 cases involving comity between a tribal court and a
14 state court where a tribal court may have ruled on an
15 issue, and the question is what effect, if any, a state
16 court or a federal court is going to give to a tribal
17 court ruling, and we actually do a fair amount of
18 practice in that area.

19 Alaska Legal Services, as an
20 organization, does have a history of seeking out and
21 litigating cases which impact on the issue of civil
22 rights, on various issues of civil rights, and I guess
23 I'd like to mention a couple of them just to give you
24 an idea of where we have been. I think everybody in
25 Alaska is aware of the Molly Hooch case, which was a

1 legal service case. That was the case that eliminated
2 the practice of sending Native children off to boarding
3 schools. We also, in 1971, litigated the Alverado
4 case, which was a case which established the right of a
5 criminal defendant to a jury of his or her peers,
6 particularly in an urban and rural or village context.
7 In addition, a case that we still are maintaining files
8 on is known as the Cleary case, which established
9 certain civil rights, certain civil remedies, for
10 prisoners who are incarcerated in Alaska jails.

11 Right now, we're involved in cases, in
12 major impact litigation, involving civil rights.
13 Voting rights seems to be an issue that we're
14 addressing a lot. Right now, there's a case pending in
15 our Anchorage office -- or through our statewide office
16 but up in Anchorage to protect voting powers of
17 minorities up in Anchorage in terms of redistricting.
18 In addition, we're involved in some more institutional
19 protection cases. We're litigating a case right now
20 that's pending regarding prisoners' rights in the
21 Kodiak jail, and that's a case that's going to build on
22 the gains that we achieved in the Cleary case. We're
23 about to file another case in the St. Mary area, way
24 out in the western part of the state, to obtain
25 bilingual balance, to protect the franchise out there.

1 Those are the things that we're doing
2 now, and, again -- I'm sure you hear it a lot -- that
3 we have limited resources. We're way understaffed.
4 There are some areas that we're hoping that we can turn
5 our attention to, things that we perceive as needing
6 attention, but right now, for one reason or another, we
7 just haven't had an opportunity to get into them as
8 deeply as possible, and I'd like to talk about those a
9 little bit. These are areas where we feel that the
10 commitment to civil rights in the state is not
11 sufficient, and we feel additional commitment is
12 necessary, and these are just, for example, other
13 institutional cases. We'd like to see, for example,
14 cases brought to protect the rights of patients who are
15 incarcerated at API, at the Alaska Psychiatric
16 Institute. I think every one of the supervising
17 attorneys has seen one or two cases where we sit back
18 and go, "Wow, something needs to be done," but at this
19 point, we're not in a position to really tackle that
20 one the way we'd like.

21 Another major issue raises questions
22 of racism against Alaska Natives. It's clear that
23 racism exists. Unfortunately, as a result -- not only
24 stated, but also implicit, Alaskan government policies.
25 One thing that we hear a lot about in Juneau, for

1 example, is questions of racial discrimination in the
2 educational system, and I feel very strongly that
3 that's something that needs to be addressed as soon as
4 we have more lawyers and a lot more money. Likewise,
5 we also hear -- also, down in Southeast, we hear about
6 educational policies that affect the Bush communities,
7 which amount to de facto racial discrimination. I
8 think for us it is a short-term goal. We would like to
9 address this as quickly as possible, to address the
10 policies which ultimately result in the
11 disfranchisement of the Native community in the state.

12 Another area that we'd like to
13 address, frequently we get calls -- all too often, we
14 get calls from applicants for our services who are
15 complaining about police practices. We hear a
16 tremendous amount in terms of, "Last night I was
17 arrested." And, again, because of the understaffing
18 and our limited resources, we can't devote the adequate
19 time that's necessary to litigate those cases. We,
20 right now, refer them to the private bar, but I think
21 we'd like to get involved in some more of that kind of
22 -- I mean, that's classic civil rights litigation. I
23 think we'd all like to be doing some more of that.

24 Finally, another issue that needs to
25 be addressed that's on our short-term wish list are

1 questions on employment law. Certainly because of the
2 nature of the Alaska economy, being a boom and bust
3 economy, and also because of the nature, I think, of
4 the major employers in this state, the fishing
5 industry, the canning industry, the village
6 corporations, I think there's an enormous variation in
7 employment practices and in the treatment of employees;
8 also, because I think racial issues need to be factored
9 in there.

10 In Alaska, the enforcement of civil
11 rights in an employment context is very, very difficult
12 because we have no EEOC here. Complaints go to the
13 Human Rights Commission, and I think that is fraught
14 with difficulty. There are questions in terms of the
15 increased amount of bureaucracy that the Human Rights
16 Commission engenders. I think there's also some
17 question in terms of the political process of the Human
18 Rights Commission that makes it difficult to bring
19 meritorious claims to the Human Rights Commission in
20 the way that it's ultimately going to be meaningful for
21 the complainants.

22 That's a lot of information, I think,
23 to give you in a short period of time. I hope that
24 I've provided the kind of information that the
25 commission is looking for. I do thank you for the

1 opportunity to speak on behalf of Alaska Legal Services
2 and for a chance to share our views on civil rights in
3 Alaska. I'd be happy to try and answer any questions
4 you might have.

5 CHAIRWOMAN WALKER: Well, I really appreciate
6 your report. It was very enlightening, and it did
7 answer a few questions that I had already written down
8 to ask you. But I'll move on to my colleagues, if you
9 have questions for Willa.

10 MS. BUCHHOLDT: I do have one. You stated
11 something about the village corporations and their
12 employment problems there. Is there discrimination in
13 the villages?

14 MS. PERLMUTTER: I'd hesitate to give a blanket
15 answer to that.

16 MS. BUCHHOLDT: What I'm saying is that the
17 village corporations are basically Native corporations
18 -- they are Native corporations.

19 MS. PERLMUTTER: That's correct.

20 MS. BUCHHOLDT: Are you stating that they have
21 racial discrimination in their employment practices
22 there?

23 MS. PERLMUTTER: I don't think you can say that
24 the village corporations flat out discriminate against
25 Natives, but I think that there are gradations of

1 people within the Native -- I think that it's fair to
2 say that there are people who are identified in Native
3 communities that, for one reason or another, may not be
4 as "socially up" in terms of the village corporations.
5 I think that it may depend on, for example, degree of
6 Native blood, it may be an issue that doesn't
7 specifically address race, but instead it addresses the
8 social structure within the community. We do see,
9 unfortunately, a fair number of people who have
10 complaints who come to us initially with employment
11 complaints against the village corporations for one
12 reason or another. Are they being discriminated
13 against because they're Native? No, I don't think you
14 could say that, but I think there may be discrimination
15 at a slightly more subtle level that needs to be
16 explored and addressed.

17 MS. BUCHHOLDT: They are not part of the
18 problems --

19 MS. PERLMUTTER: That's right.

20 MS. BUCHHOLDT: Or the voting group at the
21 time --

22 MS. PERLMUTTER: Yes.

23 MS. BUCHHOLDT: -- but that is, of course,
24 probably natural in a lot of other organizations, that
25 some people are in and some people are out and some

1 people come back in and those who are in go out.

2 MS. PERLMUTTER: I think that is probably a
3 component of small group dynamics anywhere, but I think
4 that at least as they come to us, they may present
5 issues of, as I say, perhaps particularly some racial
6 discrimination, but issues that, at least prima facia,
7 appear to be worth investigating on that level.

8 MS. BUCHHOLDT: Thank you.

9 MR. GUTIERREZ: You mentioned the EEOC. You do
10 file complaints with them if there are discrimination
11 complaints involved?

12 MS. PERLMUTTER: I'm not aware of any
13 complaints that we've filed through the Human Rights
14 Commission through our office. I understand there have
15 been through the other offices and legal services, and
16 that those have been frustrating.

17 MR. GUTIERREZ: What about the EEOC? There's a
18 federal agency in Seattle, you can file with them, and
19 they would respond immediately, I understand.

20 MS. PERLMUTTER: I'm afraid I can't answer that
21 question. I just don't know. From the Juneau office,
22 we haven't had the opportunity to do that.

23 MR. GUTIERREZ: You also mentioned a major part
24 of your funding comes from the Alaska Native program,
25 American Rights Fund or --

1 MS. PERLMUTTER: No. No. No. The funding
2 that I referred to, we receive a large portion of our
3 funding from the National Legal Services Corporation.
4 It's my understanding that it's an independent
5 corporation which was chartered by Congress and is
6 re-authorized -- or hopefully re-authorized by Congress
7 on a regular basis, maybe. Within that funding that we
8 receive, some of that money is earmarked specifically
9 for Native American representation. Obviously, up here
10 that translates to Native Alaskan representation, and
11 as an attorney, when I do my bookkeeping, I allocate my
12 time to various components. We try and pigeonhole as
13 much of it as we can into various grants, and a lot of
14 our work falls within that one portion of legal
15 services funding.

16 MR. GUTIERREZ: Does that mean people that are
17 Alaska Native come to your office and say, "I have this
18 problem. Would you help me?"

19 MS. PERLMUTTER: Yes. And one of the things we
20 do, if you were to come to us, we would take an
21 application from you and get your name and we'd get
22 enough information to determine, for example, if there
23 was a conflict of interest that would prevent us from
24 representing you. But we also get enough demographic
25 information that would let us place you as a client

1 within one of several funding sources, perhaps the
2 Older Alaskans Commission Grant or perhaps this Native
3 Alaskan money that we get from legal services
4 corporation. We also have grants from some of the
5 communities. We have a grant from the City and Borough
6 of Juneau, for example, where I try and steer my
7 clients into that grant as a possibility.

8 MR. GUTIERREZ: That's interesting.

9 MS. PERLMUTTER: It just helps us maximize the
10 money that we do get.

11 CHAIRWOMAN WALKER: You have to get dribs and
12 drabs every place you can. I just had one very quick
13 question. We had testimony earlier with regard to the
14 Indian Health Service, I think it was, that that --
15 well, it involved the Native preference in hiring, and
16 from what I understand, the violation is within the
17 Indian health corporation. I say that, but it may not
18 be correct terminology -- Indian Health Service, and
19 there was a question with regard to them not
20 considering Native preference when they let a contract.
21 And you indicated that these types of -- it's clear to
22 me that these types of cases would come to you if that
23 would --

24 MS. PERLMUTTER: As things stand now, I can see
25 that somebody would come to us with exactly that kind

1 of a complaint. If they were income eligible, it would
2 fall within our our case-accept priorities. I don't
3 know whether we would be able to accept it ourselves or
4 whether we would refer it to a pro bono attorney
5 specializing in employment law because, as I say, at
6 this time, we're not in a position to be able to take
7 the time to do the research to adequately represent
8 somebody with exactly that kind of a claim.

9 CHAIRWOMAN WALKER: Then you only would
10 represent an individual. I'm thinking in terms of an
11 agency that had a number of individuals who fall into
12 your income bracket. Could that agency work with you
13 --

14 MS. PERLMUTTER: Absolutely. That would be the
15 case of a lifetime. I think we would all dream of
16 getting a case like that and having the resources to
17 handle it. We do represent organizations -- there are
18 certain criteria, but if the organization is eligible
19 as an eligible group, we would love to take a case like
20 that, if we had ten more lawyers.

21 CHAIRWOMAN WALKER: Well, talk to Theresa over
22 there. Are there any other questions you would like to
23 ask?

24 (No response)

25 CHAIRWOMAN WALKER: Well, I really appreciate

1 your coming, and you did give us quite a bit of
2 valuable information. Thanks a lot.

3 MS. PERLMUTTER: Thank you for having me.

4 CHAIRWOMAN WALKER: Thank you. We will break
5 now for lunch, I guess, and we'll be back at 1 o'clock,
6 so have a nice lunch.

7 (Meeting recessed for lunch at 11:43 a.m.)

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1 A F T E R N O O N S E S S I O N

2 1:05 P.M.

3 CHAIRWOMAN WALKER: This meeting of the Alaska
4 Advisory Committee to the United States Commission on
5 Civil Rights will now reconvene. For those of you who
6 missed this morning's session, the purpose of this
7 meeting is to obtain information and views relating to
8 civil rights issues and enforcement of federal and
9 state nondiscrimination statutes in the state. We're
10 now prepared to begin with the afternoon session.

11 Every effort has been made to invite
12 persons who are knowledgeable in the area to be dealt
13 with here today. In addition, we have allocated time
14 between 4:00 p.m. and 5:00 p.m. today to hear from
15 anyone who wishes to share information with the
16 committee about the specific issues under
17 consideration. At that time, each person or
18 organization will be afforded a brief opportunity to
19 address the committee and may submit additional
20 information in writing. Those wishing to participate
21 in the open session must contact commission staff as
22 soon as possible in order to be briefed on procedural
23 matters.

24 In addition, the record of this
25 meeting will remain open for a period of ten days

1 following its conclusion. The committee welcomes
2 additional written statements and exhibits for
3 inclusion in the record. This should be submitted to
4 the western regional office, United States Commission
5 on Civil Rights, 3660 Wilshire Boulevard, Suite 810,
6 Los Angeles, California, 90010. Let us proceed.
7 Please identify yourself for the record. We'll open
8 this afternoon session with -- let's see. There was a
9 little change here. Constance Moorehead, the district
10 of Anchorage, Seattle district office, Office of
11 Federal Contract Compliance Program for the U.S.
12 Department of Labor.

13 MS. MOOREHEAD: Good afternoon.

14 CHAIRWOMAN WALKER: Excuse me. We will combine
15 her testimony with that of Mr. Robert Hughes, the
16 community relations service, U.S. Department of
17 Justice. Thank you.

18 MS. MOOREHEAD: This is a gentleman; he told me
19 I could go first. I am the district director for the
20 Seattle district office of the Office of Federal
21 Contract Compliance Program, and by acronyms, we go
22 OFCCP. We are an enforcement agency, as well as
23 promote affirmative action in employment. Our only
24 concern is employment. We can't deal with other
25 issues, just discrimination as far as employment is

1 concerned. We have a field office in Anchorage, and I
2 presume that's why I'm here today.

3 I'm happy to be here and to meet you.
4 I was here this morning and listened to some of the
5 comments, and much of what I could tell you about our
6 agency might not apply. I think there's one general
7 concern here, and that is the coverage probably that
8 our agency gives to our field office and the
9 effectiveness of our field office; is that not correct?
10 We have one person in our Alaska field office. We have
11 the staff in the Seattle district office, which covers
12 Alaska, the panhandle of Idaho, and naturally the state
13 of Washington. The regional office administers
14 oversight on both my office in Seattle and the Portland
15 district office. The Portland district office,
16 naturally, has responsibility for Oregon, the pan of
17 Idaho, and they have an office there, so we've kind of
18 divided region ten up in that regard.

19 One of the things that we're
20 responsible for is conducting compliance reviews that
21 are scheduled compliance reviews of government
22 contractors. This is both service and supply and
23 construction throughout the area of our jurisdiction.
24 We also do complaint investigations. I have a lot of
25 interesting complaints here, I think, but the only way

1 that we may investigate a complaint is if a person
2 fills out a complaint form, a person or persons fill
3 out a complaint form.

4 I was in Anchorage about -- it's
5 almost a month ago meeting with some community
6 people there, and they thought it was kind of
7 ridiculous that we sent a letter and told the
8 contractor we're coming. We're not allowed to just pop
9 up on their door. We must schedule our compliance
10 reviews. And we have an electronic data collection
11 system which identifies contractors throughout the
12 nation that show concentrations or underutilizations of
13 minorities and females that are primarily the ones that
14 we schedule from. We are allowed a percentage of other
15 contractors that we schedule from.

16 We also do pre-award compliance
17 reviews, and those are the ones that we do immediately.
18 That is, if the U.S. Public Health, for instance, is
19 going to be considered for a large award, the
20 contracting officer calls our agency and states, "We
21 want to know, are they in compliance as far as EEO is
22 concerned?" And we immediately assign someone and go
23 out to determine what their equal employment
24 opportunity posture is.

25 I brought just one of our

1 Chapter 60's, which is the implementing regulations for
2 the executive order, and this covers what the scope of
3 our investigations is, what the contractor must have,
4 what the contractor must do, how do we determine
5 underutilizations, and how we investigate and make our
6 determinations on whether or not they're in compliance.
7 It's based upon not necessarily just having the
8 numbers, but what has that government contractor done
9 in order to try to get the numbers? What is the
10 good-faith effort, and we have a certain measure that
11 we try to make that determination from.

12 Our regulations in the executive order
13 cover nondiscrimination of minorities, women,
14 individuals with handicap, Vietnam Veterans and
15 disabled Veterans. Those are the number of people that
16 we are trying to determine whether or not a government
17 contractor has discriminated from in their personnel
18 policies; that's promotions, hire, terminations,
19 transfers, the whole ball game of employment. If their
20 downside is in the new term, and the contracting
21 industry now is downsizing, well, what's the criteria
22 for downsizing? What is the basis for it? And is the
23 downsizing being handled in an equitable manner, or is
24 this a way to get rid of someone? Those are the things
25 that we look at.

1 The contractor is notified that we
2 want to look at their affirmative action program. That
3 is sent to us, and there are certain statistical
4 analyses that our compliance officers complete to
5 determine what has been the personnel activity during
6 the time period prior to the review. If there is
7 disparate treatment or adverse impact of any of the
8 protected classes that I've named, then these are the
9 areas that we will want to look at to see what has
10 happened.

11 They also must do this if we have a
12 complaint, if a complaint is registered. I have a long
13 list of questions from the civil rights agency. One of
14 them is about complaints and how many complaints we
15 have, et cetera and et cetera. All the complaints that
16 come into OFCCP come into our regional office.
17 Determination is made at that point as to whether or
18 not these complaints meet the criteria, and one of them
19 being timeliness, is it an area that we cover? It has
20 to be one of the charges under our jurisdiction.

21 Couldn't we house -- although, you
22 know, we'd like to get into that, but that's not our
23 jurisdiction. We have certain areas that we cover.
24 And is all the basic documentation -- if it's an
25 individual with a handicap, do we have a statement from

1 a doctor that indicates that person has, in fact, a
2 handicap? If it's national origin or race, are these
3 people all of the same race, and has the same thing
4 happened to them? If we had a complaint filed on
5 national origin, and we have had them, there would be
6 one Hispanic and five non-minorities. That's not
7 national origin nor is it race because the same thing
8 didn't happen to the same group of people. So all the
9 complaints come into our regional office and are
10 screened to determine whether or not they meet our
11 jurisdiction.

12 Now, we get a vast number of phone
13 calls, both in my office, in the Alaska field office,
14 and in our regional office. I think a lot of people
15 don't understand the complaint process system, and it's
16 unfortunate because every agency has certain guidelines
17 and certain criterias, and trying to fit them in is a
18 problem. We're trying to understand what the federal
19 rates are, which is a problem. We have a vast amount
20 of complaints. We have absolutely no backlog. We're
21 not allowed any backlog on our complaints. We must
22 not. That's one thing I am responsible for, is to make
23 sure anything that comes into our office does not get
24 aged, is what they call aged.

25 So if complaints are filed and once

1 they reach my office for assignment to investigation,
2 they are investigated immediately and they are watched
3 for the time frame. And we get an enormous number of
4 complaints from the State of Alaska. We do not get
5 many from down here -- I can't think -- it's been years
6 since we've had one from down here in the Southeast
7 area. It's been a number of years, but we would
8 surface a complaint if it came from this area or any
9 area that is part of our jurisdiction. We cannot go
10 out and investigate unless we have a complaint that has
11 been signed by the complainants. That is the process.
12 And if it's a group of complainants, then they also
13 must sign the complaint form, and it has to be based on
14 employment.

15 We do have one person in the office.
16 He covers the state of Alaska. Obviously, for weather
17 reasons, he can't get up in the far north during
18 certain times of the year. So if we did get something
19 from up there during the winter months, it would
20 probably be held for a time period when the weather
21 broke. But we are not supposed to just do Anchorage.
22 We're supposed to do the state of Alaska. That is what
23 we're responsible for, and that's what we want to do.

24 It says, "How does your agency advise
25 the constituency in Alaska about the complaint

1 process?" Via the telephone, as far as my office is
2 concerned, or as far as the regional office is
3 concerned. It's via the telephone or we send mail. We
4 send data out when people call, and the person in that
5 office is also required to respond by telephone if he
6 gets calls about the complaint process, annual or when
7 we have people that come from the Seattle office up
8 there. A group of people came up in August of this
9 year that kind of covered the waterfront as far as that
10 was concerned.

11 "How many employees are employed by
12 your agency in the regional office?" Let's see. There
13 are seven or eight. The regional office does not do
14 investigations. They are an oversight office. The
15 district office, my office, is responsible for
16 investigation of contract compliance complaints or
17 contractors in the general area. And we have a staff
18 of 17, in toto, right at this point. All of the office
19 has direct responsibility for civil rights monitoring
20 and/or enforcement. That's what OFCCP is. It's an
21 enforcement agency.

22 However, we have a parameter of when
23 we enforce. If a contractor is scheduled for a
24 compliance review and we find that they're out of
25 compliance, or if we investigate a complaint and find

1 that there was discrimination and the contractor says,
2 "Well, I'm not giving that person back pay. I refuse
3 to give back pay," or, "I don't think I've done wrong,"
4 then we can go to enforcement. Going to enforcement
5 means preparing a legal document that is enforceable by
6 the law, and it is sent to our solicitor, which is our
7 legal department, in the Department of Labor. If there
8 is a union involved, then we automatically send it
9 directly to our solicitors in Washington, D.C., and
10 they are the ones that process the legal aspect of it.
11 I guess the Ward Cove case is an example of it. That
12 was actually negotiated by attorneys from our
13 solicitor's office right in the same building where I
14 am.

15 There is another one, Alaska Lumber
16 and Pulp. I think there were something like \$3 million
17 that was distributed to 19 women. Now, it took quite a
18 few years for them to even find all the women who had
19 worked there, but that was done by my office. It was
20 originated in the Alaska field office right up there in
21 Anchorage. It took an excessively long period of time
22 because these women had scattered all over creation,
23 and I understand that after the award was made, that
24 some of them came out of the woodwork.

25 But they actually advertised for the

1 women -- this was a case of women who had been
2 applicants for Alaska Lumber and Pulp, and they did
3 many, many things to try to not be responsible for
4 paying that damage that was found by the court. First,
5 their excuse was they were a foreign company, and it
6 goes on and on and on, the story goes on and on. But
7 they were charged and they did pay and that did come
8 out of our office. But we have to be notified of what
9 and where there is discrimination or potential
10 discrimination or where you feel that there's been
11 applicants that have went there and they've been not
12 hired because of their race or because of their sex or
13 something like that.

14 So we do enforce, and we have cases
15 pending now before our solicitors. If a contractor
16 says, "Hey, you caught me. I'll pay" -- no one wants
17 to give up money, no one, and they will fight for a
18 while, but if they decide that they are going to pay,
19 then we enter a legal document called a conciliation
20 agreement.

21 If it's a matter that they did not
22 demonstrate good-faith effort to hire affirmatively --
23 see, we have two sides: we have the enforcement side,
24 where there's been actual discrimination, and then we
25 have the affirmative action side of our operation. And

1 if they say, "Oh, yeah, we had jobs. We didn't know we
2 were supposed to hire Native Americans," or, "We didn't
3 know we were to do this," or, "We're sorry," or, "It
4 was a mistake," whatever the excuse was, the burden of
5 proof is upon them. And if they agree that, yes, in
6 fact, there was disparate treatment toward minorities
7 or females and they are willing to pay back pay, then
8 we enter an agreement, which is a conciliation
9 agreement, and sometimes the agreement states that,
10 "The last five people who applied for this job will be
11 offered the next opening and be paid back pay from the
12 date that they had originally applied." Those are the
13 kinds of make-whole remedies that we are responsible
14 for, but we do do that.

15 Do you want all these questions
16 answered?

17 CHAIRWOMAN WALKER: Not necessarily. Just feel
18 free -- I think you've touched upon each one. You do
19 not have to specifically do that. My curiosity is
20 killing me. Does your agency oversee state operation
21 --

22 MS. MOOREHEAD: No, ma'am.

23 CHAIRWOMAN WALKER: Oh, okay.

24 MS. MOOREHEAD: No government agency. We have
25 no jurisdiction over state agencies or unions. That is

1 EEOC.

2 CHAIRWOMAN WALKER: Because I have a sneaking
3 suspicion that our state is one of the greatest
4 violators, and that's another story, but --

5 MS. MOOREHEAD: Yeah. No, we do not have
6 jurisdiction over any federal, state agency or unions.

7 CHAIRWOMAN WALKER: Are these industries or
8 enterprises or entrepreneurs who might get government
9 contracts --

10 MS. MOOREHEAD: That have federal contracts.

11 CHAIRWOMAN WALKER: Right. Now, I was under
12 the impression, here in Alaska, anyway, that the
13 Department of Transportation handles most of our
14 contracts, and they have the DMV program -- DBA
15 program, you know, all of this with the women and so
16 forth, and very few people even know it exists.

17 MS. MOOREHEAD: There is a memorandum of
18 understanding between the federal Department of
19 Transportation and our agency. That does not preclude
20 our doing investigations of highway projects. We would
21 -- we are supposed to -- if we're going to schedule a
22 highway construction project, then I would send a
23 letter or call the regional director down in Portland
24 and say, "We want to do this. Do you have it scheduled
25 to do during the next quarter?" And the reason for

1 that is that there is kind of a gentleman's agreement,
2 I guess, that all federal agencies aren't going to be
3 in making a contract at the same time. So there is a
4 memorandum of understanding with the federal Department
5 of Transportation.

6 When I was in Anchorage, I heard some
7 complaints about some of the things that were going on,
8 but I don't think that all the contracts in the state
9 of Alaska are under the Department of Transportation.
10 I think there's a vast amount that are not. We cannot
11 do any investigations or anything unless we know that
12 the person has a federal contract. On handicap or
13 Vietnam Veterans, it's \$10,000, but the others it's
14 \$50,000 if we want to --

15 CHAIRWOMAN WALKER: \$50,000?

16 MS. MOOREHEAD: Uh-huh. For pre-awards, it has
17 to be in excess of a million dollars. But getting a
18 handle on the contracts, who they're awarded to, and
19 that sort of thing is a vast job, and they have their
20 ways of escaping the system sometimes. But the
21 transportation thing, I would like to talk to somebody
22 about that so that I could see what the circumstances
23 are. I got an inkling of it when I was up here in
24 August, but I don't know the full story.

25 CHAIRWOMAN WALKER: I know Anchorage would be

1 different, but here in Juneau, there's very little that
2 we don't know or can't find out pretty shortly, and
3 everybody knows whose dog piddled on which sidewalk, so
4 it's not hard to find out, and we know who gets the
5 contracts and we know who doesn't get the contracts --

6 MS. MOOREHEAD: I see.

7 CHAIRWOMAN WALKER: -- and yet we're at a loss
8 as to where to go with it. And by the time you weed
9 through the state agencies and so forth, they don't
10 know it, either, or they say they don't know, and it's
11 quite a problem. I know it's a problem for us. I know
12 what smaller communities go through. Anchorage has the
13 resource people right there, but communities like
14 Palmer and Matsu and Kenai and such, it's real
15 difficult.

16 MS. MOOREHEAD: There's a lot of federal money
17 that filters into the state agencies, and we have to be
18 very careful that we can trace it direct to a federal
19 contract. We have been on reviews and have had to kind
20 of back off because we could not identify that as a
21 federal -- where there were federal bucks. There were
22 some in there, but, you know, as you say, you called
23 the state and the state said, "Well, I don't know. I
24 think it is." Well, we have to be precise.

25 CHAIRWOMAN WALKER: Thank you.

1 MR. GUTIERREZ: I have a question. How do we
2 determine -- the main questions that I get is we have a
3 lot of federal monies coming in through the state of
4 Alaska, and it goes to a state agency, which becomes
5 pass-through monies, and then it becomes state money;
6 is that it?

7 MS. MOOREHEAD: Some of them, yes. And, see,
8 we have to make sure that it's not a federal grant. It
9 has to be a contract, and that -- particularly with
10 hospitals and with educational units, higher education,
11 we have to make sure that we're not using a federal
12 grant as our jurisdiction. And sometimes there are
13 people in state agencies who will take the time who
14 will go back and trace it for you, but, you know,
15 they're understaffed, the same as a lot of other
16 places, and sometimes they don't know or they don't
17 have the time to trace it for you. But, yet, if they
18 can trace it to a direct federal contract and it's not
19 a grant, then that gives us jurisdiction.

20 MR. GUTIERREZ: What kinds of contracts are you
21 talking about, on base, for example?

22 MS. MOOREHEAD: Well, those are direct from the
23 Department of Defense, usually, and the Corps of
24 Engineers on those. There's no problem with those.
25 See, with the state, the contracts that go directly to

1 the State of Alaska, the State of Washington, the State
2 of Idaho or whatever, there are not as many as there
3 used to be. I think that's kind of dwindling up. But
4 the federal government does provide certain funds to
5 the Department of Transportation through the federal
6 highway to the state and then the state administers it.
7 Well, they're supposed to be able to tell you what
8 highway project that federal money is covering. If
9 it's just a state highway or a community highway
10 project, then we would not be allowed to consider it.

11 CHAIRWOMAN WALKER: To get into another area,
12 let's say Health and Social Services, I think the state
13 -- and Mr. Gregovich might know better than I do -- I
14 think that they contract with the federal government
15 for AYI programs, is that right, for the youth
16 initiative?

17 MR. GREGOVICH: No, I believe that goes through
18 the state.

19 CHAIRWOMAN WALKER: But is that grant money or
20 contract?

21 MR. GREGOVICH: I think that's grant money that
22 goes through the state, and then the state --

23 CHAIRWOMAN WALKER: Well, you see our problems.

24 MR. GREGOVICH: It's either contract or grant,
25 I'm not sure, with the AYI program, but I'm sure the

1 federal money goes through the state.

2 CHAIRWOMAN WALKER: That's what I was trying to
3 trace, whether it was a federal contract or federal
4 grant money. I know that the AYI contracts with
5 various groups and individuals, and I was trying to get
6 some kind of sequence there.

7 You said the magic word to me when you
8 said that you try to give the information over the
9 phone. In some instances, we're still coming out of
10 the dark ages, as far as communication is concerned, so
11 -- and I mean that literally. But we're still working
12 on things like fax machines and E-mail and that type of
13 thing.

14 MS. MOOREHEAD: We have a fax machine in our
15 Anchorage office, as well as a hookup for telephone
16 messages via the computer. We are fully computerized.
17 I will say that proudly, that the Department of Labor
18 is fully computerized, so we have all of the modern
19 equipment to communicate back and forth to whomever we
20 want. And, in fact, when I was up here in August, the
21 Department of Defense agencies were very, very gracious
22 to not only provide me with contract information while
23 I was here, but has since faxed me back material and et
24 cetera. So, you know, we have the latest data to
25 communicate with.

1 CHAIRWOMAN WALKER: So there's little excuse
2 for not getting some prompt response.

3 MS. MOOREHEAD: No. In fact, just when I left
4 Thursday morning, I think I had 40 pages of fax
5 material from northern Alaska on my fax machine. So we
6 do have an adequate communication network.

7 MR. GUTIERREZ: I just wanted to clarify one
8 thing. I'm so confused. I'm not sure -- federal
9 contract compliance relates to federal contracts, I
10 understand that. Now, does that just apply to
11 Elmendorf, Clear, and the air base in Fairbanks? Is
12 that the only areas you apply your agency to?

13 MS. MOOREHEAD: Oh, no. No. Anyone who has a
14 federal contract. It could be the guy up the street
15 running a xerox office. If he has a federal
16 contract --

17 MR. GUTIERREZ: How do we know who has a
18 federal contract?

19 MS. MOOREHEAD: Well, you might not know. We
20 have to know, and by calling us or filing a complaint
21 with us or letting us know that there's a problem, then
22 we can make that determination. You will not
23 necessarily know that. That's our business to know it.
24 If a person files a complaint, that's the first thing
25 -- the reason it doesn't come to my office -- the first

1 thing that the pre-award complaint person does, is
2 establish jurisdiction.

3 Usually, if it's a long-time
4 contractor in the area, he can go to their file and
5 determine, "Yes, this is a government contractor," or
6 they write him a letter and the letter says, "Please
7 address whether or not you are a federal contractor,"
8 and if they don't respond affirmatively, then we have
9 another letter that we send out, which asks are they a
10 subsidiary, are they a second-tier contractor, or are
11 they a subcontractor. Sometimes they just don't like
12 to answer that word directly.

13 So we do communicate and ask them are
14 they a federal contractor. We also contact contracting
15 officers with various agencies where we may feel --
16 software companies, for instance. We may know of
17 contracting agents who are letting contracts on
18 software data. So what we would do, we would contact
19 them and say, "Well, do you have a contract with this
20 company?"

21 MR. GUTIERREZ: So all we would have to do is
22 get in touch with Mr. Pike in your Anchorage office and
23 he would let us know?

24 MS. MOOREHEAD: You can get in touch with
25 Mr. Pike. If Mr. Pike's answering machine is on every

1 time you call, then you can call me, and I can give you
2 my card before I leave.

3 MR. GUTIERREZ: You asked if we wanted all
4 these questions answered. Well, we probably will want
5 them in writing, you know. That would be helpful.

6 MS. MOOREHEAD: Okay.

7 MS. BUCHHOLDT: Ms. Moorhead, you mentioned
8 that if a person had a complaint and did not use the
9 form that you require -- is there a possibility that
10 the person may not be able to complain about his
11 concerns to you? Or, say, if he wrote you a letter,
12 what would you do, just say --

13 MS. MOOREHEAD: No, if you write a letter -- if
14 you put it on scratch paper -- we've had them come in
15 on napkins, and the lady who handles complaints is
16 very, very efficient. It's date stamped, because the
17 timeliness factor is one of the prime criteria, that
18 it's within 180 days of the last incident that you feel
19 you were discriminated. What she does is date stamp
20 that piece of paper and then turns around and sends you
21 the appropriate form and asks if you would please put
22 that complaint on this form. That's what happens. We
23 do not throw away anything. And the complaint monitor
24 is very, very efficient, and one thing that we like to
25 know is to get a date stamp on it so we don't run out

1 of time and it's received too late. So that form or
2 piece of paper or whatever it is that you send it in on
3 is retained in the file.

4 MS. BUCHHOLDT: Okay. How does one know, do
5 you have any listing, say, with the newspapers, which
6 jobs have had federal funding?

7 MS. MOOREHEAD: I wish we did have. No, we
8 don't know. We have to call contracting officers or we
9 get it through our pre-award system or we get it
10 through our electronic database. We have an electronic
11 database that lists federal contractors. When they
12 file their EEO-1 report annually, there's a box that
13 they check, "Are you a federal contractor or not?"
14 Well, if they check, "Yes," then we can go to our data
15 file and determine that. So that's something that we
16 must do. There is no list, per se. We look in the
17 newspapers just like everyone else to determine whether
18 or not someone just got awarded a contract. A lot of
19 contracting officers call us immediately and say,
20 "We're awarding this contract." And we get an enormous
21 amount of notification, others do not.

22 MS. BUCHHOLDT: I was just concerned about how
23 an individual might find a job or might be turned down
24 if he doesn't even know that that particular project
25 has federal funding. That's what I was thinking about.

1 I wasn't thinking about the contractors because
2 contractors know and subcontractors know, but an
3 individual, say a minority individual looking for work,
4 a construction job, and doesn't know that maybe he has
5 the opportunity to work there and doesn't know whether
6 he should complain about it or not when he isn't hired.

7 MS. MOOREHEAD: Well, that's true, and what
8 they would have to do is file a complaint and find out
9 whether or not, in fact, they are government
10 contracted. Now, I think they can -- I don't know if
11 anyone with EEOC is here or not. I think as an
12 individual they can file. With us, it should be a
13 class action, more to the one individual.

14 MS. BUCHHOLDT: Thanks.

15 CHAIRWOMAN WALKER: One other question, please.
16 We have a growing population of immigrants in Alaska of
17 all kinds --

18 MS. MOOREHEAD: You, too?

19 CHAIRWOMAN WALKER: This morning we heard
20 testimony that some of them don't have the citizenship
21 yet, and this morning we heard testimony where some of
22 them had jobs, but they're being treated just like
23 slavery, more or less, and they're afraid to say
24 anything because they're afraid of losing their jobs.
25 What impact -- the fact that they are not citizens yet,

1 would that --

2 MS. MOOREHEAD: They should have a
3 right-to-work card or they should have filled out the
4 appropriate forms when they applied for work. Now, one
5 of the things that we do when we go to conduct
6 compliance reviews or complaint investigations, we have
7 to do the immigration I-9 form. We look at records to
8 see if, in fact, they looked at the person's records to
9 determine if they're an immigrant, do they have a
10 right-to-work card, and et cetera.

11 CHAIRWOMAN WALKER: Then you would be able to
12 support them or help them?

13 MS. MOOREHEAD: Yeah.

14 CHAIRWOMAN WALKER: Thank you. That's what I
15 wanted to know.

16 Mr. Hughes?

17 MR. HUGHES: Thank you. My name is Bob Hughes.
18 This is an unusual opportunity for me, and I want to
19 thank you for inviting me to participate in this
20 session today. My contacts with the Civil Rights
21 Commission go back to its very beginning, in 1957, when
22 living in Montgomery, Alabama. The commission had just
23 been established and came to Montgomery to conduct its
24 first hearing. We had a heck of a time trying to find
25 anybody who would be courageous enough to come out to

1 even meet with them in the sanctity of the federal
2 courthouse. That's the only place in the city that
3 they could legally meet. I think we've come a long
4 way, but, in other ways, I think we have such a
5 tremendous way to go yet.

6 I would like to share just a little
7 about the agency itself, and, if I may, talk about some
8 of the significant cases that I have worked on over the
9 past 18 years in Alaska, two or three of those,
10 perhaps, selecting those because most of our work --
11 we're not an agency involved in compliance or
12 enforcement, therefore, it's a little different from
13 the other presentations I would think that you would be
14 receiving or have received.

15 The mandate of the community relations
16 services of the Department of Justice is, as I would
17 paraphrase it, to assist local communities in resolving
18 racial and national origin types of issues through
19 providing conciliation and mediation services. The
20 law, itself, refers to disputes, disagreements, and
21 difficulties, but, as I have seen it in operation over
22 the years, the paraphrase that I gave here, I think,
23 probably encompasses most of our work.

24 The staffing, that you asked in your
25 questions, is very limited in the entire agency. In

1 Washington headquarters and ten regional offices
2 there's 105 people. We're being cut further in the
3 fairly near future. We've got to cut back down, as I
4 understand it, to below that level. In Seattle, the
5 regional office or Region 10, there are five of us in
6 that office: one administrative assistant; the
7 regional director, Bob Lamb, who many of you probably
8 know; and three others at this point, myself as
9 mediator, and then there's two others in the office, as
10 well, that do field work.

11 We have responsibility for fulfilling
12 our mandate in Oregon, Washington, Idaho, and Alaska.
13 Obviously, with this kind of staffing and this kind of
14 geography, we're spread thin, and, therefore, have to
15 work according to some sense of priority rather than
16 everything that comes in. That would create one
17 difference right there, I think, with the requirements
18 that would be expected from, say, enforcement agencies.
19 We are not -- none of us are attorneys; we're not in
20 litigation, even though it's the Department of Justice;
21 we're not in enforcement, nor are we in investigations.
22 There are other agencies in the Department of Justice
23 that have those responsibilities.

24 The heart of our mandate is involved
25 with conflict management. When conflict occurs, we try

1 to go as quickly as we can to that area. There's no
2 particular specified way that the public can follow a
3 complaint with us. It can come by way of, say, another
4 federal agency, a state agency, a private organization,
5 local municipality, a civil rights organization, or a
6 private individual, or we can simply read about a
7 problem in the newspaper and respond at that point. So
8 this is the contrast, again, with agencies that have
9 due process requirements. We are highly flexible and
10 are able to respond quickly, again, if we have
11 resources available and can get to the problem at that
12 time.

13 When we receive a complaint or become
14 aware of a problem or possible problem or the
15 perception of a problem in a community, we file what we
16 call an alert. This is technicalities, but an alert is
17 an indication of a possible problem for us. From that,
18 we will try to respond on site and conduct what we call
19 an assessment. An assessment is an attempt to
20 determine what are the issues involved, who are the
21 parties to those issues, what would it take to resolve
22 those issues, what role, if any, can community
23 relations service play in resolution of those issues,
24 and, of course, the background of conflict, as such
25 information might be available.

1 And then after a thorough assessment,
2 we would normally proceed into conciliation, or
3 resolution is the new terminology, I think, that came
4 down earlier this year. The cases that we have
5 received from Alaska over the past three years -- that
6 was one of your questions -- I did a quick compilation
7 of these, and the totals that I came up with -- in
8 1991, we had a total of 15 alerts. Now, that includes
9 not only complaints filed, but us becoming aware of a
10 problem through any number of ways that I mentioned.

11 Fifteen cases were opened from Alaska
12 in 1991, fiscal year '91, 21 in 1992, and 13 so far
13 this year. I think it's hard to understand why the
14 fluctuations, but I know that if -- I've been doing
15 most of our -- I'm responsible for most of our Alaska
16 work, and I've had a health problem for almost four or
17 five months of the last year, and when we're not
18 present in a community or in a state or in a given
19 area, our contacts cool off. Inevitably, the number of
20 alerts are reduced accordingly. So that would probably
21 account for the fact that we had 13 new cases to open
22 in Alaska in the last fiscal year.

23 You might be interested in how these
24 might break down in totals. Interracial incidents of
25 violence or intimidation or confrontation, loosely

1 called hate crimes or hate acts, these were totalled
2 up, and 28 of the 49 fell into that category. Eight
3 incidents involving -- or complaints relating to
4 education; seven, administration of justice; and one in
5 another field.

6 When we receive these complaints and
7 requests for services or become aware of problems and
8 go through the process of assessment and conclude that,
9 yes, this is something that is jurisdictional for us,
10 it does have a community base, it does have race or
11 national origin, content, either through the parties
12 involved or the issues that are involved in the
13 controversy, when these kinds of questions can all be
14 answered affirmatively, then resolution begins to
15 occur. Resolution may take any of about -- I would say
16 three forms. We'll generalize quite a bit here.

17 In terms of the most common
18 involvement is in what we call conciliation.
19 Typically, it's establishing communication between
20 parties to a conflict where communities are involved,
21 again, underlining the word "communities." I would
22 think that one way to explain -- to try to -- I've
23 selected one case that I might give a quick rundown on
24 to show you how this might be applied.

25 Back in 1978, I picked up the

1 "Post Intelligencer" in Seattle. It may have been
2 1977, come to think about it. There was an article --
3 the headline on an article on the front page of the
4 "P.I." said, "Race war in Barrow," and I think
5 Ms. Buchholdt will remember this appeared particularly
6 -- that's when I met her and her family, but they -- we
7 had never been to Barrow, we had never been north of
8 Fairbanks, and I proceeded to go ahead and go up there
9 to conduct the assessment that I've mentioned --

10 MS. WALKER: Bring the mike closer to you.

11 MR. HUGHES: Sorry -- to conduct that
12 assessment that I've referred to, and to make a long
13 story short, yes, there was tension, racial tension, in
14 Barrow in these periods; no doubt about that. There
15 had been a double homicide in which two whites,
16 Caucasians, had been killed by a shotgun blast out on
17 the point outside of Barrow itself. And various other
18 incidents or unresolved grievances had become a part of
19 discussion expanded by rumor and so on.

20 But in the background of that
21 situation, I think once we got into those precipitating
22 incidents, we began to be aware of a much larger
23 problem, and that is media coverage of events in places
24 like Barrow in that period. We were able to -- working
25 down through a long series of developments, we hit upon

1 -- after consultation with a wide range of parties,
2 Alaska Eskimo Whaling Commission, Alaska Human Rights
3 Commission -- we eventually came up with a formulation
4 of an approach to this problem and tried to go beyond
5 the precipitating incidents toward a more broader type
6 of approach.

7 We decided that we would pull together
8 a broadly cosponsored conference on Native Alaskans and
9 the media. It ended up that we had a fairly broad
10 grouping of representatives from the Alaska Federation
11 of Natives, Alaska Human Rights Commission, the
12 University of Alaska, the Department of Journalism, the
13 North Slope Borough, and other organizations, and the
14 community relations service, of course. But in a
15 series of preparatory meetings -- Associated Press and
16 the "Anchorage Times" were also involved in
17 cosponsorship -- we've been planning meetings from
18 Anchorage to Barrow and back. The "Anchorage Times"
19 editor made this first visit to Barrow as a part of
20 this planning process.

21 The meeting, itself, that finally came
22 off was a one-day workshop in Anchorage. I think it
23 was successful, very successful. For the first time,
24 we were able to develop a listing of -- well, first of
25 all was the communication, the cultural awareness, you

1 might say, that took place over part of the people
2 involved in media of what the Bush communities or the
3 smaller communities were like, some of the problems
4 they experienced, and they realized the damage that had
5 been done by that headline or that A.P. story that had
6 gone out across the entire U.S. And, also, it was
7 printed in the New York City media on the very day that
8 the North Slope Borough was floating a bond issue on
9 Wall Street, and it had to be withdrawn because of the
10 jeopardy that it had -- that the news -- actually, what
11 most people felt was exaggerated news or what the
12 effect of that was. But the A.P. had no contacts in
13 Barrow outside of the white community or white
14 officials who happened to be living there. They had no
15 one with whom to check, that had the other side of the
16 story, so to speak, therefore, they went to the press
17 with whatever contact information they had, beating the
18 deadlines and so on.

19 Anyway, through the process of joint
20 planning, this collective effort -- rather than moving
21 first from communication to cooperation and finally to
22 collaboration. These are the three C's that I -- it's
23 more than a play on words, I think. But moving through
24 all of this, we've developed a complete state-wide
25 listing of media contacts, persons that were willing to

1 participate with media, serve as media contacts in Bush
2 communities throughout the state. We were able to
3 generate a scholarship through participants and
4 scholarships for Native Alaskans in the School of
5 Journalism and so on.

6 This was the beginning, but from that
7 point on, I think there was a number of collaboration
8 efforts. We became aware of much collaboration and
9 sensitivity in some of the media from that point. It's
10 not like an injection or inoculation that you give and
11 it lasts forever. I'm sure we're way overdue for
12 another such conference, but --

13 CHAIRWOMAN WALKER: Don't pray for that too
14 soon. Excuse me for interrupting. I know what you're
15 saying.

16 MR. HUGHES: Okay. Well, that's an example of
17 conciliation, a response to what was reported to us or
18 where there was a perception of violence, and we were
19 able to work on down through this long-range approach
20 with that kind of a -- what I thought was a creative
21 approach to a problem.

22 Moving on to a second form of
23 resolution --

24 CHAIRWOMAN WALKER: Excuse me. Were you
25 attempting to address each question?

1 MR. HUGHES: Not each one. If, by the end, I
2 have not answered the questions that apply --

3 CHAIRWOMAN WALKER: No, I'm looking at our time
4 here. If you can speed it up a little bit and move on.

5 MR. HUGHES: Okay. When we talk about formal
6 mediation, back in 1982, a young black man, age 23,
7 Caselle Williams (ph), was standing on the porch of his
8 home in east side in the Mountain View area of
9 Anchorage. He was standing on the veranda and he was
10 taking potshots with a rifle at various individuals who
11 passed by; anyone who was exposed to his vision, he was
12 apparently shooting at them.

13 The Anchorage Police Department was
14 called, a sharpshooter was assigned late in the day to
15 -- after about -- waiting for a period of about two to
16 three hours, they finally decided that the sharpshooter
17 would be assigned to take him out, and he was shot and
18 killed. The reaction was predictable. There was
19 immediate shock, of course, in the minority
20 communities, but especially in the black community of
21 Anchorage.

22 Again, to make a long story short, it
23 was after some period of time and after generation of a
24 lot of tension, frustration, outrage, we were able to
25 arrange mediation between, in this case, the NAACP, the

1 Alaska black leadership conference and the Anchorage
2 Native Caucus, on one hand, a coalition, and the
3 Anchorage Police Department.

4 After about 18 to 19 hours of
5 mediation sessions on four different occasions, I
6 believe it was, we were able to fashion an 18-point
7 agreement, a written/signed agreement, in which each of
8 the parties indicated what they would do to resolve or
9 to confront the problems that had surfaced in the wake
10 of the shooting.

11 Always, when this kind of situation
12 occurs -- I say a shooting of this unwarranted use of
13 deadly force -- there is -- this is a precipitating
14 issue which a whole lot of additional unresolved
15 grievances will bubble out and will need to be
16 resolved, as well. This was an attempt to deal with a
17 whole range of issues in the wake of that shooting. We
18 were able to deal with affirmative action, promotion
19 boards, we were able to revise the firearms policy to
20 make it a much more restrictive firearms policy, and
21 provided for contingency arrangements whereby in the
22 event of any crisis in the future affecting members to
23 the agreement, that there would be immediate
24 communication. So there was a provision for a crisis
25 response between the parties.

1 The last item in that agreement
2 provided for periodic review of, one, the
3 implementation of the agreement, second is the revision
4 of the agreement as needed, and, thirdly, the renewal
5 of working relationships. Again, I'm using my play on
6 words: review, revise and renew. But this was the
7 process -- that was the purpose of a series of periodic
8 review sessions that were conducted every three to four
9 months. This eventually became -- they became involved
10 in bringing in other parties to this from the Korean
11 Human Rights Committee, for example, and other
12 communities wanted to be involved. They wanted to be
13 -- I withdrew from the process. I couldn't come here
14 that often, besides, it was ideal that it be localized.

15 And so that group evolved into, within
16 the first year after the mediation agreement, into the
17 Anchorage Minority Police Community Relations Task
18 Force. That's where that one began. It's met monthly
19 ever since, and recently here in Juneau, the same
20 grouping of something like 18 to 20 organizations
21 meeting representatives, of which meet monthly, began
22 that pattern that has developed here, and about two
23 weeks ago, it was being considered -- or is now being
24 considered out on St. Paul, the same general idea in
25 the wake of a shooting by a law enforcement officer

1 there of a Native Alaskan.

2 CHAIRWOMAN WALKER: Excuse me, Bob. Could I
3 ask you to kind of wrap it up.

4 MR. HUGHES: Okay. I'll wrap it up. I'd like
5 to read this statement about mediation and that will be
6 it. This is a statement that we wrote actually about a
7 Fairbanks mediation of -- a school's mediation, but I
8 think it wraps up a lot of what we would say about
9 mediation.

10 "The mediation process used in
11 Fairbanks represents a model that can be successfully
12 applied to a wide range of issues confronting
13 governmental bodies and minority communities throughout
14 Alaska. As the parties in Fairbanks found, mediation
15 short-circuited what would otherwise have been an
16 extended litigation process of a year or more. The
17 legal expenses alone would have strained operational
18 budgets already impacted by the deepening financial
19 crisis in Alaska. At the end of litigation, a winner
20 and a loser would have been determined, further
21 alienating the parties involved.

22 "In contrast, the mediation process is
23 a win-win situation. Mediation can resolve issues
24 quickly, at no expense to the parties involved" -- at
25 least community relation service mediation -- "Instead

1 of an arbitrary legal solution, the end result is a
2 voluntary mutual agreement outlining collaborative
3 approaches to commonly accepted problems. More
4 significant than the words written on paper, however,
5 are the working relationships which are developed
6 between key leaders and officials, giving life and
7 flexibility to the agreement. In time, parties working
8 creatively toward common goals often find themselves
9 addressing areas far beyond the scope of the original
10 problem." Thank you.

11 CHAIRWOMAN WALKER: Thank you. Mr. Hughes,
12 would you kindly let us have a copy of your statistics
13 that you read earlier? I would like a copy, anyway,
14 please, and even if you ask the guy in the office to
15 xerox me a copy, that would be fine.

16 And I'd like to say for the record,
17 Mr. Hughes is well-known here in Alaska for his efforts
18 in this field from all over the state, but I met him
19 back early in the '70's when Juneau was going through
20 the model city plan, and he helped us to keep from
21 destroying each other here because that was a pretty
22 high time in this community, believe me, and I just
23 feel very proud and honored to have been able to work
24 with someone like Mr. Hughes. I had to say that.

25 Are there any questions for

1 Mr. Hughes?

2 MS. BUCHHOLDT: Mr. Hughes, just last week I
3 was asked by the post office in Anchorage to join a
4 panel where they had -- there were problems in the work
5 force at the post office because there are a lot of
6 minorities, basically Koreans and blacks, but the white
7 employees resented the fact that some of these people
8 were speaking their own language at work. I wonder if
9 you would conduct more like a community relations
10 diversity awareness type of thing? Would that be
11 something that you would be working on -- you say in
12 Alaska, in Anchorage?

13 MR. HUGHES: We have done cultural awareness or
14 cross-cultural communication-type workshops for groups
15 like staffs of institutions. We've never tried a post
16 office, however.

17 MS. BUCHHOLDT: Well, the reason why is that
18 most of the supervisors are white and the employees are
19 minorities, blacks, Asians, and the white supervisors
20 have little understanding of the cultural background of
21 these people, and when they speak their language when
22 they're at work, they seem to resent that, so there's
23 pressure that's going on in that work force. So I was
24 just thinking, in light of your skills and ability to
25 conduct these kinds of workshops and sessions, I was

1 wondering if an invitation from, say, the Filipino
2 Community of Anchorage would encourage you to come to
3 Anchorage to do a workshop -- and it would include
4 everybody, not just Asians, but anyone who wants to
5 learn, particularly, those who are employed who are not
6 usually invited to come to a panel or discussions and
7 say that they don't understand their duties as
8 employees and their obligations to conduct themselves
9 in a manner that is acceptable in the work force.
10 Would you be willing to do that?

11 MR. HUGHES: We'd certainly be willing to meet
12 with you and see if there was some sort of program that
13 could be worked out on that, yes.

14 MS. BUCHHOLDT: Okay. Thank you.

15 CHAIRWOMAN WALKER: Any questions?

16 MR. GUTIERREZ: No, I have no questions at this
17 time.

18 CHAIRWOMAN WALKER: Thank you. Thank you both
19 very much.

20 Paula Haley? I'll give her a chance
21 to get up here. This is Paula Haley, executive
22 director for the Alaska Human Rights Commission.

23 MS. HALEY: Thank you for inviting me here
24 today to talk about the state's enforcement efforts in
25 the area of civil human rights.

1 In a letter I received on September 3,
2 your committee asked me to respond to specific
3 questions, and if agreeable with you, I will answer
4 those questions and then make my general comments.

5 How many complaints has our agency
6 received during the last three fiscal years? I did
7 speak with Mr. Pilla and get permission to give you
8 that information by calendar year, because that is how
9 we maintain our data. In 1990 -- and I will give these
10 numbers because I think they're significant in two
11 ways: one is those cases that were filed with us for
12 processing first, and the other is the total number for
13 the state. So that means cases that may have been
14 filed with the Anchorage Equal Rights Commission, a
15 local enforcement agency, or the Equal Employment
16 Opportunity Commission, a federal enforcement agency.

17 In 1990, ASCHR received 255
18 complaints. There were 400 total in the state. In
19 1991, ASCHR received 371. There was a total of 519.
20 And in 1992, ASCHR received 437. There was a total of
21 547. Clearly from these statistics, we, at the Alaska
22 State Commission for Human Rights, received the vast
23 majority of claims of discrimination, far more than the
24 other enforcement agencies.

25 And between 1990 and 1992, calendar

1 year end, we saw a 63 percent increase in complaint
2 filings. The reality is at the same time we have seen
3 an increase in complaint filings, we've seen an
4 increase in inquiries. 4,250 Alaskans contacted the
5 Human Rights Commission in 1992, and that's a fairly
6 dramatic increase over past years, and many of those
7 may not have complaints of discrimination. They may
8 have complaints that are demonstrating on fairness in
9 the work place or in housing, and one of our jobs is to
10 try to refer them to other entities, other
11 organizations that can help.

12 How do we advise our constituency in
13 Alaska about the complaint process? Well, there are
14 several ways. One example of advice is a statutory
15 requirement that employers post notices regarding
16 sexual harassment with our phone number and the phone
17 number and address of EEOC. We also have education
18 materials. I presented some to Mr. Pilla to present to
19 you, which includes various things, annual reports,
20 which not only gives statistics, but gives examples of
21 the kinds of cases we accept. We have leaflets. We
22 have been fortunate to get some grants over the past
23 several years from the Department of Housing and Urban
24 Development. We have posters. We actually have a
25 videotape working with high school students on

1 prejudice and housing discrimination that will be
2 available to every school district in the state. We
3 also, of course, have our number in every telephone
4 directory across the state. So those are some examples
5 of how we inform our constituency. And I guess the one
6 thing I would say is our constituency is everybody,
7 because everybody is protected under the Alaska laws
8 against discrimination, everyone in this room, everyone
9 in this state.

10 How many employees are employed by our
11 agency statewide? Of this total, how many have direct
12 responsibility for civil rights monitoring and is this
13 sufficient, why or why not? We have 15 employees
14 statewide, 14 in Anchorage, one in Fairbanks. If
15 everyone's goal is to monitor and to enforce civil
16 rights -- or human rights in the state of Alaska, we
17 don't have other duties. But if you want to know who
18 actually works on cases, reviews cases, takes cases to
19 hearings out of that number, that excludes, perhaps,
20 secretarial and other administrative staff. Eleven are
21 directly responsible.

22 The key is that of this 15, this
23 number 15 represents a 42 percent reduction in
24 commission staff since fiscal year 1984, and yet the
25 commission now has more complaints than it has in the

1 prior 17 years. It has more complaints than it saw
2 since the wind-down work on the Alaska Pipeline, and
3 for those of you who were here in the state, I arrived
4 shortly after that. That was a time of great downturn
5 in the economy and losses of jobs. But with that year
6 as an exception, we had more complaints than in any
7 other time in our history.

8 I think that the loss of staff clearly
9 slows down the processing of complaints, and there are
10 those who would argue, I think appropriately, that
11 justice delayed is, indeed, justice denied. I guess
12 the question is, is that there are only two ways to
13 resolve this problem, even with increased efficiency:
14 one is additional resources, which I don't think any
15 civil rights enforcement agency sees on the horizon,
16 and the other would be a reduction in filings. If
17 fewer Alaskans file, we'll catch up with complaint
18 processing, but, generally, those are the only two
19 things that seem to affect the speed with which we can
20 process. Though I must underscore that no Alaskans are
21 being denied our services, they are being requested to
22 bear with us and exhibit more patience than in the
23 past.

24 One thing I think that is fortunate is
25 that we have made great progress. In 1990, most of our

1 complaints were youthful. You heard the director from
2 OFCCP talk about aging. Anyone who has inventory
3 enforcement cases worries about aging of the cases, and
4 we are seeing that happen. We'll continue to try to
5 work smarter, but recognize that at some point there's
6 a diminishing return.

7 Do we believe that officials in charge
8 of civil rights responsibilities has the status of
9 authority position in the administrative hierarchy to
10 make certain that civil rights needs and goals are
11 afforded an appropriate priority?

12 THE REPORTER: Excuse me, ma'am. Could you
13 slow down, please?

14 MS. HALEY: Okay. I'm reading you their
15 questions that were written --

16 THE REPORTER: I don't have them. I'm sorry.
17 I'm the court reporter.

18 CHAIRWOMAN WALKER: She has to record it.

19 MS. HALEY: Perhaps, then, so I don't -- I know
20 you only gave me 30 minutes, I can refer to the number
21 of the question that you wrote out and then just
22 provide my answer more slowly. Because if I read off
23 the lengthy questions, I may not have time to answer
24 them.

25 But I think that the question of where

1 our status is in authority, we have a commission of
2 seven individuals who are responsible for setting
3 policy on human rights issues and acting as judges in
4 hearing cases. I think that they have adequate status
5 of authority to exercise these important functions.
6 The Office of the Governor is where the Human Rights
7 Commission resides for administrative purposes, but it
8 is clear that we are a unique agency in government, as
9 are our sister and brother agencies across the state,
10 because our function includes, if appropriate,
11 prosecuting the state for acts of discrimination.

12 So I am hired by the Alaska state
13 commissioners, and I work for them. I don't think, if
14 you look at the history, which is very rich in Alaska,
15 that civil rights has been given short shrift over the
16 years; I don't think that's true, and the current
17 administrator has been remarkably supportive of us.
18 But I think the question is, as we expand rights for
19 individuals, we must provide additional resources or we
20 frankly have no business expanding the rights. An
21 example being in 1987, the Disabled Bill of Rights
22 became law in the state of Alaska, and our agency was
23 mandated to enforce it and never received additional
24 funds to enforce it. So I hope that answers your
25 question about our relative status.

1 Does our agency offer -- this is the
2 question, again -- does our agency offer training in
3 civil rights to program officials? If so, what type of
4 training is offered? We do offer civil rights
5 training. It's clear by statute that working for
6 prevention of civil and human rights violations is part
7 of our mandate, but I cannot say that when you look at
8 enforcement mandate and you look at resources, that
9 enforcement mandate is not our primary concern. If I
10 have people who are alleging they have been victimized
11 by discrimination and I have to choose whether I
12 process their case or I send that person who would
13 process their case out to do an educational
14 presentation, I will process the case.

15 So as we have seen diminished resource
16 availability, we have seen fewer educational outreach
17 presentations. But I will also note that the state of
18 Alaska does have the productivity improvement center,
19 which is housed in the Department of Administration,
20 Division of Personnel and EEO, which provides training
21 on many of these subjects, at least as they pertain to
22 employment, and that training is provided, as far as I
23 understand, to both public-sector and private-sector
24 employees. So there are some other resources, and
25 certainly there are many private resources for

1 training.

2 The kind of training that I do -- I'm
3 the primary trainer at the agency. These days, most of
4 my trainings are on sexual harassment or the Americans
5 with Disabilities Act, and those are, I guess, exciting
6 new topics for employees and employers to discuss, as
7 much as anything else, but we can provide general
8 trainings, and all of my staff can go out and provide
9 20 to 30-minute training on the state law and our
10 process.

11 What specific actions does your agency
12 take to implement its civil rights responsibilities,
13 nondiscrimination laws and policies? The actions we
14 take, of course, include primarily the accepting of
15 complaints of discrimination that are jurisdictional
16 with us. Very briefly, we can process complaints of
17 discrimination in the areas of employment, housing,
18 acts by financial institutions, acts of the state or
19 its political subdivisions, which would be cities and
20 boroughs, and in areas of public accommodation,
21 businesses open to the public, such as hotels and
22 restaurants.

23 We provide protection to individuals
24 based on race, sex, age, physical/mental disability,
25 parenthood, marital status, national origin, and I'm

1 sure probably as I list them, I may have left something
2 out. We have very comprehensive coverage. We can
3 process the investigation of a case. We are mandated
4 to be impartial. When someone comes to us, we do not
5 advocate for the individual, nor do we represent the
6 person charged. We're the civil rights police. We
7 have to investigate to see if we can find substantial
8 evidence of discrimination. If we find substantial
9 evidence, we are authorized to go forward to public
10 hearings, and, if necessary, we have several cases that
11 demonstrate it up to the supreme court and back down
12 and back up as we need to to enforce the law.

13 You asked how our agency collects,
14 maintains, and evaluates racial and ethnic data to
15 determine compliance and how we measure the impact of
16 substantive and civil rights programs. Our agency is
17 not responsible for collecting or maintaining such
18 data, except within the context of an investigation.
19 If it was relevant to claim a discrimination that was
20 brought against a particular company or a particular
21 landlord, then we would compile that data, but we do
22 not have a general monitoring function outside our
23 enforcement function. Examples of where that data
24 would be maintained is in OFCCP, sometimes the Division
25 of Administration, Personnel, and EEO for the state,

1 and, in some instances, other federal agencies.

2 How many of our compliance actions of
3 the past three years have been forwarded to the Equal
4 Employment Opportunity Commission for further action?
5 The answer to that is none. If we find that we have a
6 problem with discrimination in the state of Alaska, we
7 go forward to public hearing and, as I said before, to
8 court ourselves. In fact, when we have cases that we
9 think are significant -- sometimes we seem to be
10 bartering with the Equal Employment Opportunity
11 Commission, because they think it's litigation worthy
12 and they may want to take it forward, and we also think
13 it's litigation worthy and we want to take it forward,
14 but we have not, in any instance, at least in my recent
15 five-year tenure, sent anything to them. We have the
16 ability to take it forward, and it's our job to uphold
17 the state law.

18 The past three fiscal years you wanted
19 information on our recommendations of federal fund
20 termination for programs in violation of our civil
21 rights laws. We do not have that authority, and our
22 agency does not recommend federal fund termination for
23 programs.

24 Can we impose sanctions for failure to
25 comply with nondiscrimination laws? If so, what

1 sanctions have been imposed by our agency per year for
2 the past three fiscal years for failure to abide by
3 civil rights laws in Alaska? We can provide, what is
4 called in the business, make-whole relief. We do not
5 provide compensatory damages or special damages or
6 punitive damages, nor can we provide what is normally
7 considered penalties, civil penalties. And I think
8 that probably until very recently, that was not a
9 marked difference from what could be provided in other
10 forums, but those of you who have been following the
11 Civil Rights Act of 1991 and the Federal Fair Housing
12 Act of 1988 see that the newer federal laws do allow
13 many damages that the state law does not consider.

14 Question number 12, does our agency
15 have enforcement capability? If so, have we
16 coordinated with other civil rights enforcement
17 agencies, federal or state, and identify the other
18 agencies. First of all, yes, we have enforcement
19 authority. We can go directly to superior court, we
20 can go to superior court to enforce an order of the
21 commissioner's after a public hearing, we can go for a
22 temporary restraining order, and we can go and are in
23 the process, I think now in two instances, of going
24 forward to enforce our subpoena power because we do
25 issue subpoenas when we find we have uncooperative

1 respondents to complaints.

2 So we do have enforcement power. We
3 do coordinate our efforts with other civil rights
4 enforcement agencies. Most notably, we coordinate with
5 the Equal Employment Opportunity Commission, with whom
6 we have a contractual relationship, and we coordinate
7 with the Anchorage Equal Rights Commission, which is
8 local, not state or federal, but also has similar
9 authorities for enforcement through a work-sharing
10 agreement. We have, in the past, coordinated efforts
11 with Health and Human Services' civil rights office.

12 I've worked, over the many years I've
13 been in this business, very closely with Bob Hughes, as
14 you've indicated many of you have. I've also worked
15 with, at times, OFCCP, where we had overlapping
16 jurisdiction and one or the other of us has brought a
17 complaint to resolution first and we have shared
18 information. So those are some examples, but they're
19 probably not exhaustive of our coordinating efforts.
20 There are some limitations on how we coordinate because
21 we have a strict confidentiality provision in our law,
22 so we have to be very sure that we're not violating
23 anyone's rights when we share information with other
24 agencies.

25 What types of unusual problems and

1 concerns does our agency face in serving the state of
2 Alaska? I think the problems that enforcement agencies
3 nationwide face are very similar, for the most part,
4 more activity, more complaint filing, less resources to
5 do the job we are charged with doing. But Alaska has
6 certainly one unique problem, and that is its vast
7 size.

8 I have always believed that the best
9 investigation is an on-site investigation where the
10 investigator actually goes out to the site of the
11 alleged discrimination and talks with the people
12 involved. Obviously, we do not do on-site
13 investigations in all of our cases. We don't have the
14 budget to fly to Barrow, to Bethel, to Kodiak, to
15 Ketchikan, to Klawock whenever a complaint is filed,
16 and I think that it's not simply a challenge for our
17 day-to-day work because I think it impacts the way we
18 work sometimes with federal agencies when either they
19 expect us to do an on-site in every case, and sometimes
20 the Department of Housing and Urban Development did
21 when we had a contractual relationship with them, or
22 they just don't understand that to get from Juneau to
23 Barrow or from Anchorage to Barrow is our travel budget
24 for half the year. I mean, it's an extraordinary
25 challenge, so I think that's an unusual aspect that

1 sometimes the people with whom we work in
2 Washington, D.C. don't quite understand until they
3 visit, then they understand.

4 You wanted to know about the level of
5 cooperation between our agency and the Equal Employment
6 Opportunity Commission. Let me explain what the nature
7 of our relationship is so you can better understand
8 when I describe how cooperative it is. We have a
9 contractual relationship. That means, for the most
10 part, that they have the money and we get the money.
11 We get the money for doing work we would have to do
12 anyway, so it's money to augment or support our
13 enforcement activities. But it is certainly money
14 that's very important to us. Without that money, we
15 would have fewer than 15 staff people. I would have
16 probably 11 or 12 staff people.

17 And so as with all of those kinds of
18 contractual relationships, it's not really an even
19 bargaining position, and I think that has been the
20 struggle for fair employment practice agencies across
21 the country, is when we negotiate contracts, how much
22 do we say we're going to do, what's the dollar amount
23 attached to it, and that has been challenging over the
24 years with the D.C. office.

25 Our relationship with the Seattle

1 district office, which has direct liaison
2 responsibilities with us, has never been anything but
3 cooperative. It is a wonderful relationship, and I
4 think personally, though I haven't visited every
5 regional office in the country, that we have one of the
6 best, here and Seattle. But the one thing I will tell
7 you is those negotiations and that cooperation is
8 improving. This is the first year that I actually --
9 just coming from a commission meeting, my commission, I
10 was able to tell them that I had a delightful
11 negotiation of a contract. It wasn't a "they say" and
12 then I say, "No, that's not great," and they say, "Too
13 bad." It was actually give and take, so I think things
14 are improving, even with the headquarters in
15 Washington D.C., and that may be that times are
16 changing there. I can't really tell you why.

17 I've talked a little bit about our
18 jurisdiction. I think I've given to the advisory
19 committee members a copy of our statute, which I think
20 is important. I look at it every time someone asks me
21 a question, because as many years as I've been doing
22 this, each section, each provision, has a slight
23 difference from the others. So you can't assume, for
24 example, all categories are protected in financial
25 institutions because they're not. So there are

1 differences amongst the protections.

2 I've also provided three annual
3 reports which cover the years you've asked about, which
4 I think will give you more detailed statistics, not
5 just the numbers, but the nature of the cases, and I
6 encourage the audience to take as many of the materials
7 as I've left. I don't want to carry them back, but,
8 also, I think the annual report provides good
9 information, and the two posters are brand-new: one
10 was developed under a HUD grant, and the other is in
11 honor of our 30th anniversary of the human rights
12 commission.

13 What I would also underscore is some
14 recent statistics because I think they are significant.
15 We're always preparing statistics for our commissioners
16 because they have many of the same questions that you
17 all have of me. Two of the things I think that I'd
18 like to underscore is that we're seeing that the nature
19 of complaints -- and you can't put numbers on this --
20 are more arduous than in the past.

21 The one danger in enforcement of civil
22 and human rights, and I think it's safe for me to say,
23 is that enforcement can drive discrimination
24 underground. What we look at is the gentile
25 discrimination, "I'm not going to use a racial epithet,

1 but I'm going to keep that person out of my work
2 force." So that made, over the years, discrimination
3 more challenging to prove. It is not easy to prove a
4 case of discrimination. But I am sorry to say --
5 although, when it comes to catching someone in the act,
6 it helps us -- that the nature of discrimination is
7 returning somewhat to that overt, open, hostile, and
8 hateful form of discrimination.

9 The shocking nature of the work place
10 situation, whether it's sexual harassment or racial
11 harassment or harassment against a person because of
12 his or her disability, is quite shocking, and that
13 worries me because that, I think, speaks to society as
14 a whole, letting down and thinking, "It's okay to
15 behave this way. It's acceptable." And that worries
16 me because I think that, you know, hateful acts can
17 lead ultimately to violence, and we're just one piece
18 in the process, and hopefully we can stop it. So
19 that's one observation.

20 The other observation -- and let me
21 give you a quick example of that. We just sent two of
22 our supervisors, they're investigators, but they're
23 supervisory investigators, Evelyn Ramos and Helen
24 Sharet (ph), to Kodiak, Unalaska, and St. Paul, and if
25 you're Alaskans, you know what those hold in common.

1 It's the fishing industry that we were looking at, and
2 the reason we sent these two people is that Helen is
3 fluent in Spanish, and Evelyn is fluent in Tagalog, and
4 we had issues between Filipinos and Latinos, and we
5 needed to have these investigated in the language of
6 the people that had complained, and it was also helpful
7 to talk to the respondent representative in their
8 language.

9 We probably will not prove
10 discrimination in the majority of those 28 cases,
11 although, there are some that are close, but what I
12 found was horrifying, if you will, that even though we
13 couldn't say, "Yes, this person who is from Mexico is
14 being treated badly," so were all the other people.
15 And so we found, again, a situation where we may not be
16 able to do anything, very bad conditions in some of
17 these institutions, but we cannot do anything because
18 we don't have the power. So, again, troubling times,
19 troubling situations.

20 The second thing is that for the first
21 time ever -- most of our complaints historically have
22 been either race or sex, you know, gender, sexual
23 harassment, "I'm being treated badly because I'm male
24 or because I'm female." The first time ever, this past
25 four months, the most complaints were filed based on

1 physical or mental disability, and I think we're going
2 to continue to see that trend develop. Those cases
3 have been going up, those as well as the cases based on
4 age, but this is the first time that was the number one
5 category filed, and we'll need to follow that because
6 they are complicated cases, and I think they take more
7 time to investigate than other cases. That means more
8 resources and we're going to be slowed down even more.

9 Just to close, the commission is in
10 its 30th year in civil rights enforcement, and I would
11 like to read a letter we received to celebrate our 30th
12 year from Roy Peratrovich to Chairman Aaron Isaacs,
13 that was presented for our time capsule earlier this
14 week.

15 "Dear Mr. Isaacs: In celebration of
16 the 30th anniversary of the state's Human Rights
17 Commission on September 13, 1993, you have asked me to
18 commemorate the occasion by sending a summary of my
19 thoughts on human rights in Alaska.

20 "I am often reminded of the long
21 journey toward civil rights that my parents, Roy and
22 Elizabeth Peratrovich, began nearly 50 years ago, 20
23 years before Dr. Martin Luther King shared his dream
24 that awoke America and forever changed it for the
25 better.

1 "My parents were deeply concerned by
2 the mistreatment of our native people and outraged by
3 the flagrant discrimination that was taking place
4 throughout the state. Mom and dad led the earliest
5 battle against discrimination in Alaska.

6 "It was the presentation made by my
7 mother to the combined Territorial Legislature of
8 Alaska in February 1945 that led to passage of the
9 Alaska Anti-discrimination Law that is now a part of
10 the state constitution. This is what I will always
11 proudly remember first about human rights in Alaska.

12 "The Alaska Human Rights Commission
13 must continue to ensure the rights of all citizens of
14 the state. My father was a proud member of the first
15 commission 30 years ago. The commission's work has
16 been arduous but productive. I wish you many more good
17 years of service.

18 "Discrimination is not a part of human
19 nature; it is a learned behavior and most often begins
20 at home. It is my dream that through education of our
21 young people, discrimination will eventually cease."

22 I think that successes in the area of
23 human rights in Alaska over the years have been many,
24 but there are also still many challenges, and
25 enforcement of laws alone are never going to be enough.

1 We must remember that, as with the existence of police
2 departments, though they are necessary, murders will
3 not end because they are in business. I believe
4 Alaskans will continue to seek us out and seek out the
5 federal agencies that you've heard from, but I
6 certainly hope that Alaskans work amongst themselves,
7 one by one, human to human, to reduce prejudice because
8 it takes everyone's efforts.

9 And, again, my apologies for speeding
10 through this. I know we were running 15 minutes
11 behind, and I had at least 30 minutes of testimony, so
12 if you have any questions, I'll be happy to do my best
13 to answer them.

14 CHAIRWOMAN WALKER: I have one request. Could
15 you see that the recorder gets a copy of that letter so
16 that she can enter that into the record, please?

17 MS. HALEY: Certainly. I can send her a copy
18 of the letter. I'd be happy to --

19 CHAIRWOMAN WALKER: I appreciate that.

20 MS. HALEY: -- give you anything you need.

21 CHAIRWOMAN WALKER: I'd like it to be in the
22 packet when it goes to D.C.

23 And my question -- I asked the
24 representative from the governor's office this morning,
25 Mr. Gullufsen, I referred to a letter that I received

1 from the Office of Fair Housing and Equal Opportunity,
2 and Mr. James E. Brown had sent his response in answer
3 to questions similar to those that you just responded
4 to. And with regard to cooperation between other
5 agencies, he indicated that at one time, their office
6 did have a relationship with your office, and that this
7 relationship ended when the state and the City of
8 Anchorage failed to pass legislation which would make
9 their law substantially equivalent to federal law. So
10 the contract ended for him because the state and
11 Anchorage couldn't follow the federal law. Would you
12 explain what those conditions were? Mr. Gullufsen was
13 unable to do so.

14 MS. HALEY: Sure. I've probably been to, in
15 the past five years, ten conferences on that subject.
16 The 1988 Federal Fair Housing Amendments Act was one of
17 the most sweeping changes to discrimination laws that
18 our country has ever seen. And in addition to
19 enhancing the rights of individuals to fair housing by
20 adding things like protection for individuals with
21 physical and mental disability and families with
22 children, it changed the method of enforcement, allowed
23 for punitive damages, and allowed for either side, once
24 a charge was found to be supported by evidence of
25 probable cause, to go to court.

1 It also had a provision that required
2 all the agencies -- they're called FEPA's, Fair
3 Employment -- I'm sorry, FEPA's, FHAPS. I've got my
4 acronyms mixed up -- Fair Housing Assistance Program
5 Agencies to renew their relationship with the
6 Department of Housing and Urban Development by
7 demonstrating substantial equivalency to the federal
8 law. Our law here and our law in Anchorage is not
9 substantially equivalent. To become substantially
10 equivalent, we needed to make changes that would make
11 us -- at one point, I was told identical twins to the
12 federal law. I presented the challenges that that
13 created to our commissioners, and over the years, they
14 made the decision to not, themselves, seek out a
15 legislator to put this through.

16 Let me just describe some of the
17 challenges. In a time of dwindling resources to be
18 told that you have to pay to take the case to court
19 when you already have an administrative process, it
20 could be quite expensive. At a time of diminishing
21 resources, to go in and say, "Well, people who suffer
22 discrimination in housing can get punitive damages, but
23 the people that experience discrimination in employment
24 don't get punitive damages." Again, very difficult.

25 Our commissioners did not think this

1 was the time to try to change our law that
2 dramatically. We are not alone. What Mr. Brown -- and
3 I know him very well -- is describing -- I do not
4 believe he has anyone in his region who is
5 substantially equivalent. I do not believe that there
6 are -- half of the state is further substantially
7 equivalent. And when I went to a conference as
8 recently as July, the Department of Housing and Urban
9 Development was most worried about this situation,
10 because this means that the relationship not only
11 affects the complaining party and the respondents, the
12 landlords, the realtors, because there's no longer what
13 I guess you could call one-stop shopping for these
14 people, but it means that if we have a case and we go
15 ahead and investigate it, that person who brings the
16 case to us has every right to go to HUD, and we will
17 have duplicate investigations. HUD will have to do the
18 work. We will not be able to do it for them anymore.

19 But, again, I want to put this in
20 context. We only had 12 cases that were in that
21 co-filed status in the years that we're talking about,
22 and I think part of the reality is was it worth --
23 well, certainly to the convenience of those 12 people,
24 but for the money we would receive from HUD to overhaul
25 our law that radically at a time when things aren't

1 very certain in this field.

2 CHAIRWOMAN WALKER: Thank you. Have you any
3 questions for Ms. Haley?

4 MR. GUTIERREZ: No, it seems like you covered
5 everything pretty well, Ms. Haley.

6 MS. HALEY: Thank you. Good to see you all.

7 CHAIRWOMAN WALKER: I guess it's all fresh in
8 your mind. I knew that you had a board meeting. Thank
9 you so very much.

10 The next respondent will be
11 Commissioner Jerry Covey, but I guess he sent a
12 representative.

13 MR. STEWART: Commissioner Covey couldn't be
14 here and extends his regrets. My name is Dave Stewart.
15 I'm the human resources manager.

16 CHAIRWOMAN WALKER: All right. Come right up
17 here. Mr. Stewart is from the Alaska Department of
18 Education. Thank you for representing the department.
19 Please give your name for the record.

20 MR. STEWART: My name is Dave Stewart,
21 S-t-e-w-a-r-t. The commissioner and I did go through
22 the questions that the advisory committee sent and
23 asked for a response from the Department of Education.
24 There was some question in our mind as to the context
25 of the information you were requesting, so we made a

1 couple of assumptions and then I provided some
2 information outside of that context. I'll explain that
3 as we go.

4 One of the things I think is important
5 to note is that Alaska, unlike some states, has a
6 decentralized educational system. The function of the
7 department is primarily as an advisor and consultant.
8 We're charged with a statute as provided in
9 consultative services to districts which provide
10 education programs. The department operates three
11 schools for direct provision of education services, but
12 the 54 independent school districts in the state are on
13 their own programmatically.

14 With that out of the way, I have a
15 copy of our responses, some of the demographic
16 information, and then a book that we recently prepared
17 called the Report Cards to the Public, which I'll
18 explain with the last question I have from the advisory
19 committee.

20 You asked us 11 questions, and I'm
21 pleased to give you the answers. I'll give those to
22 you in writing, and I'll go through them and answer any
23 questions that you have.

24 CHAIRWOMAN WALKER: We'd appreciate that.

25 MR. STEWART: The first question deals with the

1 number of complaints alleging racial discrimination
2 that we've received over the last three years. One of
3 the contextual questions that we had at this point was
4 whether you were speaking systemwide with the
5 educational system in Alaska or with the department.
6 We can't answer the question systemwide because
7 questions that involve the U.S. Department of
8 Education, Office of Civil Rights, or even the Alaska
9 Commission on Civil Rights with educational issues
10 don't come to the department. They go directly to the
11 responding district. The department had one complaint
12 in calendar year 1989, two in 1990, and two in 1991.

13 In answering the second question, "How
14 does your agency advise its constituency in Alaska
15 about the complaint process?" We took the word
16 "constituency" to mean the employees and the associates
17 in the Department of Education, and as Ms. Haley
18 pointed out, there are posting requirements, both state
19 and federal posting requirements, and I would answer
20 the question first by saying all of the required
21 postings are done in all of the statewide work places.

22 We additionally added the department's
23 human rights -- or a civil rights representative, who's
24 named as the deputy commissioner, to those posters, as
25 well as my name as the human rights -- human resources

1 manager for the department for contact. There are a
2 number of complaint venues available on civil rights
3 issues, and both the deputy commissioner and myself
4 would tend to advise on the appropriate complaint
5 process or complaint venue from the Alaska Commission
6 on Human Rights to the federal EEOC or the Office of
7 Federal Contract Compliance.

8 THE REPORTER: Excuse me, the what?

9 MR. STEWART: The Office of Federal Contract
10 Compliance.

11 THE REPORTER: Okay. Can I get you to speak
12 up, please?

13 MR. STEWART: Certainly. Question number
14 three, "How many employees are employed by your agency
15 statewide? Of this total, how many have direct
16 responsibility for civil rights monitoring and/or
17 enforcement?" There are 585 employees in the
18 Department of Education located in 13 offices across
19 the state. Headquarters, here in Juneau, the offices
20 around the state are primarily commission offices, the
21 Professional Teaching Practices Commission Office in
22 Anchorage, the Council and the Arts Office in
23 Anchorage, and the Division of Vocational
24 Rehabilitation has offices statewide in 12 other
25 locations. Of these, there are three employees with

1 the department directly charged with civil rights
2 responsibilities, those being the commissioner, the
3 deputy commissioner, and the human resources manager.
4 There are individuals in the Division of Educational
5 Programs and Support who have responsibility for
6 counseling with districts on matters brought to them
7 through the office of civil rights. The
8 bilingual/bicultural education specialist, special
9 education specialist on various other programs funded
10 through federal receipts have their own office of civil
11 rights advisers.

12 The question, "Is this number
13 sufficient to carry out an acceptable level of
14 effectiveness? Why or why not?" We believe it is.
15 Based on the number of complaints received by the
16 department, we believe we can intercept difficulties,
17 either pro-actively or as they come to us, and deal
18 with the issues before complaints are necessary.

19 Question four, "Do you believe that
20 the official in charge of civil rights responsibilities
21 for your agency has the status, authority, and position
22 in the administration hierarchy to make certain that
23 civil rights needs and goals are accorded an
24 appropriate priority among agency activities?" The
25 deputy commissioner is delegated publicly as the civil

1 rights coordinator for the Department of Education, and
2 we believe, yes, as second in command of the
3 department, he has the appropriate status and position
4 to make sure the policies are carried out.

5 Question five deals with training.
6 "Does your agency offer training in civil rights to
7 program officials? If so, what type of training is
8 offered?" We broke this into two types of training:
9 employee training in supervisory responsibilities and
10 the various civil rights laws and regulations are
11 carried out, both, in new employee orientation and
12 regular refresher sessions, if you will. We also
13 provide training in responsibilities under the laws
14 prohibiting sexual harassment in the Americans with
15 Disabilities Act.

16 Substantive program training, that is,
17 programs offered in the individual school districts,
18 are counseled by their respective specialists in the
19 Department of Education. Those include issues of
20 equity, bilingual/bicultural education, cultural
21 diversity appreciation, and programmatic concerns like
22 that. The special education coordinator for the
23 Department of Education deals with issues involving
24 accessibility and other special education needs.

25 Question six, "Does your agency

1 operate its substantive programs in isolation from
2 civil rights compliance and enforcement programs
3 without regard to their civil rights implications?"
4 The answer is no. Every programmatic activity,
5 especially those educational efforts that go into the
6 districts on a consultative basis, are reviewed for
7 issues of equity, cultural appreciation, and issues
8 that might affect their civil rights implications.

9 "What specific actions does your
10 agency take to implement its civil rights
11 responsibilities, nondiscrimination laws, and
12 policies?" Aside from the posted policy statements
13 prohibiting discrimination in issues of employment,
14 training events renew and refresh the department's
15 commitment to its responsibilities. The recruitment
16 efforts for placing positions in employment in the
17 Department of Education are carried out under the
18 auspices of the state's office of Equal Employment
19 Opportunity and the guidelines established by the
20 Division of Personnel.

21 The state's policy manual, when it's
22 published, will include a statement that, in selection
23 processes, all considerations being equal, and this
24 mimics the policy that's been in place in the
25 Department of Labor for some time, that all of their

1 considerations being equal, if there are underutilized
2 candidates on the eligible list, the underutilized
3 candidate will be placed.

4 Question eight, "How does your
5 department collect, maintain, and evaluate racial and
6 ethnic data to determine compliance? How does your
7 department measure the impact of substantive and civil
8 rights programs?" There are two ways: one, for the
9 purposes of employment, the Department of Education
10 relies on the state's office of Equal Employment
11 Opportunity for its demographic data and its
12 determination of underutilization in the job classes
13 that we have.

14 The district report card, that report
15 that I referred to earlier, you'll note it by the
16 mauve-covered book, it's about a half-inch thick. That
17 collection of data is a series of reports produced by
18 each local school district in compliance with state
19 law, that the districts each must hold public hearings,
20 and their respective district, to gather information on
21 the effectiveness of its programs in all areas that it
22 needs to consider. Those reports are compiled in this
23 book, and I think you'll find it interesting to look
24 through.

25 Question nine, "What types of unusual

1 problems and concerns does your department face in
2 serving the State of Alaska?" I think Ms. Haley hit it
3 on the head when she said the size of the state is one
4 of the biggest issues. The geographic diversity
5 pocketing, if you will, of diverse cultures makes the
6 centralized enforcement of -- or centralized
7 dissemination of information very difficult. There is
8 an annual symposium, there are teacher education
9 events, held both in Anchorage and Juneau, throughout
10 the year, specifically the teacher education
11 opportunities that are made available at UAA and UAS
12 during the summer. Both serve to attempt to get around
13 some of this geographic isolation.

14 Question ten asks us to, "Describe the
15 level of cooperation between your department and other
16 state agencies in Alaska with which you collaborate."
17 On most issues, when we impact or impinge on other
18 state agencies in the executive branch, I think the
19 level of cooperation is very high. The department has
20 relations, if you will, with all of the school
21 districts and various offices in those school
22 districts. By and large, most of those are very
23 positive and very productive.

24 Question eleven, "Please describe the
25 functions and responsibilities of the Alaska Department

1 of Education. What is the total number of students
2 served by your agency? Please provide an ethnic
3 breakdown of this total." I've included the excerpt
4 from Title IV, which defines the Alaska Department of
5 Education, and I won't read all of these. Basically,
6 it's included in the written statement. But I will
7 report that the total enrollment for fiscal year '93,
8 October 1st of '92, of the 54 independent school
9 districts and the schools operated by the department,
10 there were 120,116 students enrolled in grades
11 K through 12. In addition to that, there were another
12 2,000 children reported enrolled in pre-elementary
13 programs over which the department exercises the same
14 general supervision.

15 CHAIRWOMAN WALKER: I appreciate the fact that
16 you did prepare a written statement, too. This
17 morning, if you heard the testimony, we could spend two
18 days or a week on just education.

19 MR. STEWART: Yes.

20 CHAIRWOMAN WALKER: And that leads me to my
21 question. I'd just like to know -- I know that the
22 local school districts carry the basic responsibility
23 of what goes on in their community, but what oversight
24 do you have in terms of monitoring or sanctions or --
25 what do you do to this community if they are not in

1 compliance, if anything?

2 MR. STEWART: The State Board of Education
3 adopts levels of performance inspected by the district.
4 Those levels of performance are communicated to the
5 districts through the Department of Education, and in
6 monitoring activities -- that is, a specialist in a
7 given area goes out to a school district, for example,
8 to look at the effectiveness of a bilingual/bicultural
9 program. They look at enrollment, they look at
10 pass-through, they look at the appropriate use of funds
11 delegated to that particular purpose. If in their
12 year-end audit they find some misapplication of
13 funding, that amount of money can be withheld from
14 their next year's appropriation. That's the sanction.

15 Programmatically, the responsibility
16 of the department devolves to a mediation setting where
17 they will go in and show demonstratively how a program
18 is being ineffective and counsel the ways to improve
19 that program. The department doesn't have enforcement
20 authority to go out and actually cause a major change;
21 they can't set aside a curriculum, for example. They
22 can strongly urge the replacement of a particular
23 curriculum item.

24 CHAIRWOMAN WALKER: Any other questions for
25 Mr. Stewart? I have a million, but I'm limited to

1 time.

2 MS. BUCHHOLDT: I know, as Rosalee said, the
3 local school districts have responsibilities that we
4 don't have in the Department of Education, but the
5 ongoing complaints I hear are that there are still not
6 enough Native teachers in the state and there are not
7 enough minority teachers or a person who is Hispanic.
8 It was mentioned the fact that there are not
9 Spanish-speaking teachers in the school districts in
10 the state. Could you comment on that?

11 MR. STEWART: The issue of certification,
12 that's -- I don't have anything to do with
13 certification, so I'm not prepared to comment on the
14 number of people that come through the certification
15 system. The efforts of recruitment and the employment
16 of teachers in the districts, again, is a district
17 item. It's not the department's issue. I'm not sure I
18 can make a statement on that.

19 MS. BUCHHOLDT: Well, do you have the ability
20 in the Department of Education to withhold monies for
21 the bilingual/bicultural program if they don't hire
22 enough minority teachers in the district?

23 MR. STEWART: I don't know. I don't know. I
24 will find out as quickly as I get back and let you know
25 before you're done, but I didn't come prepared to

1 answer that.

2 MS. BUCHHOLDT: We do have a ten-day period for
3 you to respond.

4 MR. STEWART: Terrific.

5 MS. BUCHHOLDT: Okay. Thank you.

6 MR. GUTIERREZ: Are you primarily the
7 administrative agency for the Board of Education?

8 MR. STEWART: Yes.

9 MR. GUTIERREZ: So is there an administrative
10 arm that the commissioner can use to present to the
11 Board of Education for a change of policy for the
12 school districts?

13 MR. STEWART: I would think the commissioner's
14 office would be that item.

15 MR. GUTIERREZ: Would that be in relationship
16 -- would that also -- for example, if the commissioner
17 wanted to, he could say, "We want affirmative action
18 plans from all the school districts, and we would like
19 -- we would recommend that the Board of Education
20 consider this request and vote on it"; is that correct?

21 MR. STEWART: Yes.

22 MR. GUTIERREZ: Has that ever been done?

23 MR. STEWART: Not to my knowledge.

24 MR. GUTIERREZ: You live here in Juneau?

25 MR. STEWART: Yes.

1 MR. GUTIERREZ: And earlier this morning there
2 was testimony that there's a 50 to 60 percent dropout
3 rate among Alaska Natives. Is there anything that the
4 administrative agency could recommend to the Board of
5 Education to deal with those issues?

6 MR. STEWART: I have some personal thoughts on
7 that issue, but I'd reserve those for written comments
8 that I would submit with my own signature. The issue
9 of dropout is something of paramount concern to the
10 commissioner currently. As a matter of fact, many of
11 the issues of Alaska in 2000 are aimed at eliminating
12 -- or at least attempting -- to reduce the dropout rate
13 by the provision of alternative education, different
14 sorts of educational programs to eliminate that dropout
15 situation. Beyond that, I can't say.

16 MR. GUTIERREZ: Now, is there a Federal
17 Department of Education that provides federal funds?

18 MR. STEWART: The Federal Department of
19 Education provides a good deal of funding for the
20 program services we provide to the districts.

21 MR. GUTIERREZ: Now, are there some
22 requirements regarding civil rights or affirmative
23 action?

24 MR. STEWART: Sure, the Office of Civil Rights
25 has several sets of requirements that are involved in

1 the application of those funds, bilingual/bicultural,
2 special education.

3 MR. GUTIERREZ: Would it be possible for you to
4 provide us the address of the civil rights section for
5 the Department of Education?

6 MR. STEWART: Sure.

7 CHAIRWOMAN WALKER: If there are no further
8 questions -- I appreciate your coming, and give
9 Commissioner Covey my regards, and thank you again for
10 your written responses.

11 If you don't mind, I'd like to take a
12 five-minute break.

13 (Off record)

14 CHAIRWOMAN WALKER: Our next presenter will be
15 Mr. Ray Jose. He's a member of the board of directors
16 of the Filipino Community. He's also a past-president.

17 Mr. Jose?

18 (Filipino witness testifies with heavy accent)

19 CHAIRWOMAN WALKER: Thank you, Ray. Before I
20 go on, I'd like to ask the interpreters, were you able
21 to understand?

22 INTERPRETER: Yeah.

23 CHAIRWOMAN WALKER: I got an indication from
24 the reporter that she was --

25 THE REPORTER: I had a very hard time. I'm

1 sorry.

2 CHAIRWOMAN WALKER: That's a perfect example,
3 and that means that you're going to have to get
4 bilingual.

5 (Laughter from audience and panel)

6 CHAIRWOMAN WALKER: But in case you didn't, I'm
7 going to take the liberty of paraphrasing just a couple
8 of things, high-points.

9 I believe one thing he was speaking to
10 was parental rights and how laws interfere with the way
11 they want to raise their children. That's just an
12 oversimplification, but that's one idea, how we have
13 laws in this state that interfere with their parental
14 rights.

15 One other point is that he was trying
16 to describe the community activities that the Filipino
17 Community carries out in order to supplement school
18 activities, the things that they feel the school is
19 lacking that the Filipino Community tries to do to
20 supplement those.

21 And the last part of his discussion
22 had to do with a disabled man who is caught in this
23 catch 22 with the agencies and feels that there needs
24 to be some help or some direction in order to help
25 organizations, such as his, to help their people to get

1 out of that trap that people find themselves in when
2 they need help. I know the situation he's talking
3 about, so -- and that person does need help. But it's
4 that agency round-robin that's giving him trouble.

5 Does that help you some?

6 THE REPORTER: Yes.

7 MR. JOSE: And one thing, it's not that he's --
8 he was just diagnosed for heart failure and then
9 diabetes and some other parts of his body, I think.

10 CHAIRWOMAN WALKER: Well, that's disabled.

11 MR. JOSE: Yeah, disabled.

12 CHAIRWOMAN WALKER: We were just sitting there
13 talking about the fact that the language in the
14 sciences change so much -- you know, there's the
15 vocabulary -- the ADA or the disabled vocabulary, the
16 education jargon, so it's very difficult to stay on top
17 of what everything means, so, in general terms, I'm
18 just going to use the word "disabled." It's probably
19 politically incorrect, but we'll use that for now,
20 anyhow.

21 Are there any questions for Mr. Jose?

22 MR. GUTIERREZ: Yeah, I have one, Ray. You
23 mentioned that you had gone to Legal Services. They
24 can refer you to other attorneys --

25 MR. JOSE: No, that's one of the handicaps that

1 we're having, because when I called, I talked before to
2 the Alaska Legal Services' lawyer, but when I was
3 asking this lady who was representing us, I said, "I
4 need her to sign this form for an attorney." And they
5 said, "No, she's not an attorney, she's a paralegal."
6 I said, "Oh." And then -- we are shopping for any
7 attorney who wants to help, anyway, but it's really
8 hard.

9 MR. GUTIERREZ: Maybe I misunderstood this
10 morning, but there was a supervisor for Alaska Legal
11 Services this morning, and I assume that she was an
12 attorney.

13 MR. JOSE: Oh.

14 MR. GUTIERREZ: You may want to go back and
15 find out.

16 MR. JOSE: Okay.

17 MS. BUCHHOLDT: There is also a program for --
18 the Alaska Bar Association has a pro bono program where
19 you can get services for free. I don't know to what
20 extent they would provide you with that, but I know
21 that they are available in Anchorage. They may not be
22 here in Southeast.

23 CHAIRWOMAN WALKER: Yes, we do.

24 MR. GUTIERREZ: They're here.

25 MS. BUCHHOLDT: Okay. Well, they do have --

1 call your bar association. They do have -- they're
2 pro bono, they call them pro bono programs.

3 MR. JOSE: Yeah, I've heard of them before, pro
4 bono, but not --

5 MS. BUCHHOLDT: I know they give free service
6 to those people who deserve it, but you might check
7 into that and see if they have some --

8 MR. GUTIERREZ: Yeah. That works out of the
9 Alaska Legal Services, too.

10 MR. JOSE: Oh.

11 MR. GUTIERREZ: So they assign you an attorney.
12 Make sure you get all the information, written and
13 everything, and then talk to the supervisor.

14 MR. JOSE: Yeah, I've got to call him Monday.
15 Yeah, thanks for the information.

16 CHAIRWOMAN WALKER: If there are no more
17 questions, thank you so much. I appreciate your input.

18 The next presenter will be Remond
19 Henderson, president of the National Association for
20 the Advancement of Colored People, the Juneau branch.

21 Please state your name for the record.

22 MR. HENDERSON: Thank you, Madam Chair and
23 members of the advisory committee. My name is
24 Remond Henderson. I'm here as president representing
25 the Juneau branch of the NAACP. I'd first like to

1 thank you for giving me the opportunity to address you
2 this afternoon. I believe you've provided an excellent
3 forum for minorities in the community to address their
4 concerns, and I'll provide you with comments that will
5 hopefully be formally taken into consideration at the
6 national level.

7 The Juneau branch of the NAACP was
8 recently established and has not brought any civil
9 rights complaints to the attention of federal, state or
10 local agencies, although a subcommittee of the
11 organization did intercede in a recent altercation
12 between an African American youth and a white youth in
13 which the African American youth was taken into custody
14 and the white youth was released. The African American
15 youth was subsequently released after members of the
16 NAACP spoke with the proper authorities.

17 Therefore, as a newly established
18 organization without issue to any formal complaints,
19 however, I will provide you with some comments
20 concerning the civil rights climate in the community.
21 On many occasions, it is stated by non-minorities that
22 racism does not exist in this community or the state of
23 Alaska. To state this is totally inaccurate. A more
24 accurate statement would be that racism in the
25 community and the state does not exist to the degree

1 that it exists in the lower 48. Because the state does
2 not have the volume of hate crimes or violent
3 activities that occur in the lower 48, those that do
4 occur are considered isolated incidents. Collectively,
5 however, these incidents cannot be ignored. We are,
6 however, thankful that such acts are minimal, and,
7 therefore, this is not a major area of concern at this
8 point in time with the NAACP.

9 However, we will continue to monitor
10 two areas and will intervene when necessary, and these
11 areas are situations involving altercations between the
12 individuals who are minorities with groups of
13 individuals that are non-minorities. And, secondly,
14 incidents in which members of the minority community
15 are stopped by police officers for what appears to be
16 no just cause, which may or may not result in an
17 arrest or further prosecution. There are many, many
18 incidents of this that are reported, and it's very
19 difficult to statistically provide you with those
20 numbers at this point in time, but I can attest to that
21 situation from personal experience myself.

22 As recent as two weeks ago from today,
23 I was stopped by a police officer at approximately
24 11:45 p.m. I was driving down Egan Drive and turned
25 right to go up Main Street and then turned into a

1 parking lot, the Sealaska parking lot, drove around
2 inside of the parking lot, came back out of the other
3 side of the parking lot, turned right, proceeded down
4 the street, and as I was coming -- proceeding down the
5 street, a large truck doing about 40 miles an hour came
6 up behind me and honked its horn and turned right and
7 was speeding off and making a tremendous amount of
8 noise and just took off.

9 I turned left and a police officer
10 pulled me over and indicated that I had not stopped at
11 a stoplight five minutes ago. When I inquired as to
12 why he did not stop the truck that was doing 40 miles
13 an hour and with no mufflers and that type of thing, I
14 was informed that he didn't see the vehicle, nor did he
15 hear the noise. So that's firsthand experience, and
16 when I hear members in the minority community report
17 incidents of this nature to me, I believe that occurs.
18 So we're going to be monitoring that. We've been
19 involved with a task force that's looking into that
20 particular issue.

21 The subject of major concern to the
22 NAACP is in the area of education right now. Simply
23 stated, the NAACP feels that there aren't enough
24 minority teachers in the Juneau School District. We
25 would like to see an increase in the number of African

1 American, Alaska Native, Hispanic, Filipino, and other
2 minority teachers. We believe that the instruction of
3 the work force should be representative of the
4 community, and the students feel at the present time
5 this is not the case.

6 As an example, preliminary work that's
7 been performed by a subcommittee of the NAACP indicates
8 that of approximately 1,000 students in the Juneau High
9 School District, approximately 38 percent are minority
10 of the approximate 100 teachers. There are only two
11 minorities of which none are African American or Alaska
12 Native. These statistics are preliminary and will be
13 confirmed with the school district, but if they are
14 confirmed and are accurate, they're simply unacceptable
15 ratios.

16 It also appears that there are a
17 number of minorities who drop out with no reason cited
18 or who are placed in special education programs. We
19 believe this further warrants some investigation. So
20 this is the area that's been the most concern to the
21 NAACP at this point in time, and we're going to be
22 focusing on that.

23 Again, I want to thank you for giving
24 me the opportunity to provide you with comments and
25 would be happy to entertain any questions that you

1 might have. I tried to be as brief as possible,
2 recognizing that you may have received similar comments
3 by further testimony.

4 CHAIRWOMAN WALKER: Thank you so much for your
5 input. Yes, we have. There seems to be a pattern
6 around here.

7 Are there any questions for
8 Mr. Henderson?

9 MR. GUTIERREZ: Well, basically, it looks like
10 you're gearing towards an area that I'm concerned
11 about, and that's the education program. And it
12 appears like the State Board of Education is the one
13 we're going to do a lot of work with because they
14 apparently make administrative rules and regs. that
15 affect all the districts, and I want to thank you.

16 MR. HENDERSON: Thank you. We'd be happy to
17 assist with any matter that we can, and perhaps some
18 lines of communications would be in order.

19 MR. GUTIERREZ: Well, yeah, if you could just
20 provide us those statistics that you came up with from
21 the Juneau area, that will give the staff something to
22 work with.

23 CHAIRWOMAN WALKER: I'd appreciate a copy of
24 your statement.

25 Did you have --

1 MS. BUCHHOLDT: Yes. I did ask Mr. Stewart
2 earlier with the Department of Education concerning the
3 lack of minority teachers in the school districts
4 throughout the state, and, of course, he said he was
5 not in charge of certification, but I hope he'll
6 provide us some information on why we are so lacking in
7 this area. So I'd be interested in an answer, and we
8 might get some answers for you which you might be able
9 to obtain from us.

10 MR. HENDERSON: Thank you.

11 CHAIRWOMAN WALKER: Thank you for your input.

12 At this time, the floor is open for
13 individual comments which would relate to employment,
14 housing, and education. If you have a special
15 experience that you would like to share or if you
16 simply want to make an observation of the community as
17 a whole or the state, this does involve the state,
18 you're certainly welcome to do so. I'm not sure
19 whether anyone signed up, did they? But I will still
20 allow the time -- yes, and please state your name for
21 the record.

22 MS. DESOUC A: My name is Rita DeSouca,
23 D-e-S-o-u-c-a, and I'm the executive director for
24 Alaskans Living with HIV, and our job is to do
25 prevention education statewide and we also do advocacy

1 services. And I'm kind of tired, just got back from
2 Fairbanks this morning, and accidentally found out
3 about this meeting at the airport. I really wish this
4 was better advertised. I think the more voices heard
5 from, the better the Civil Rights Act will reflect all
6 of us.

7 I want to address my comments to
8 people who are HIV positive, and I have been to Juneau
9 and I have been to Anchorage and Fairbanks and Barrow
10 and Southeast Alaska and several other communities
11 talking to people who are HIV positive and people with
12 AIDS who are experiencing discrimination in housing,
13 jobs, and experiencing hate crimes and violence, as
14 well. I did want to pull up some notes here.

15 I have heard from members of the gay
16 community who are HIV positive who have experienced
17 discrimination, I have heard from members of the
18 straight community who are HIV positive who are
19 experiencing discrimination, and I have heard of a few
20 members -- a few persons have come into my office who
21 are straight and because they have the HIV disease,
22 they are perceived as being gay. I have heard from
23 people who are gay who are HIV negative who are
24 perceived as having the disease simply because they are
25 gay. I have also heard this from people throughout the

1 state who are Native, white, black, Filipino, et
2 cetera.

3 The problem that I have heard and I
4 have come across -- I want to kind of give you a case
5 scenario because I think this young man typifies what a
6 person who has AIDS, who was HIV positive, encounters
7 in discrimination and in the system. Most of these
8 people I have referred to various resources, including
9 Alaska -- if they are on SSI, I have referred them to
10 Alaska Legal Systems, I have referred them to the Human
11 Rights Commission, I have referred them out to other
12 agencies.

13 It is very unusual for a person who is
14 HIV positive or for a person with AIDS to follow
15 through on this for several reasons, and this is kind
16 of a good example. A young man came into my office who
17 was perceived as being gay, who was perceived as having
18 AIDS. In fact, this young man was straight, he was
19 married, and he did have AIDS. He was given medical
20 leave off of his job because of suspicion of having
21 AIDS. He will not pursue it. The way he would have
22 pursued it was -- and this is where the confidentiality
23 problem comes in, and I would also like to state for
24 the record that confidentiality is an extreme problem
25 in this state.

1 I recently did a survey of 55
2 different social service agencies, community-based
3 organizations, public health services, and lack of
4 confidentiality ran rampant through all of those. It
5 was the number two complaint. So when a person who is
6 HIV positive or a person with AIDS comes forward, in a
7 situation like this young man, if he was to go and
8 pursue his legal rights with the Human Rights
9 Commission or the civil rights laws, he would have to
10 go back to his job, and it would be exposed in his job
11 if he pursued this, that, in fact, he was HIV positive
12 or did have AIDS.

13 The confidentiality problem is
14 exacerbated by the fact that we have many small
15 communities in this state. Of all the people, and I
16 have heard it up and down this state, who have
17 experienced discrimination who are HIV positive or who
18 have AIDS, I have yet to see one pursue this.

19 Another problem that exacerbates this
20 is the fact that a person who is ill does not feel
21 well. It is hard enough for a person who does feel
22 well to follow through on litigation and follow through
23 a very lengthy, timely process. And, quite frankly, a
24 person who has AIDS does not have the time to go
25 through a lengthy process and red tape.

1 So, I guess in summarizing, what I
2 would like to say is somehow this needs to be addressed
3 and there needs to be some kind of a confidential,
4 comfortable environment for a person to come forward to
5 exercise their rights if they have been discriminated
6 against, and I know this is a very touchy issue, but I
7 have not seen anybody deal with this issue. I also
8 hope that I mentioned that there was some gay people
9 that approached me who were HIV negative and were being
10 discriminated on their jobs because they were perceived
11 to have AIDS. In a few of these situations, these
12 people were violently beaten by fellow employees.

13 So I guess the most important issues
14 that I want to make here is confidentiality throughout
15 the system that would make it comfortable for a person
16 who is being discriminated against who is HIV positive
17 or has AIDS to be addressed, and, number two, if they
18 do come forward, that they be protected from further
19 violence and discrimination.

20 CHAIRWOMAN WALKER: Thank you. Are there any
21 questions?

22 MR. GUTIERREZ: Well, I have some. It's my
23 understanding the state has pretty strict regulations
24 regarding confidentiality, and most employers -- I
25 understand most employers have the same kind of rule

1 when it comes to medical records. Is that not being
2 taken into account?

3 MS. DESOUCA: That is correct technically. I
4 have heard from -- this is not just from people who are
5 HIV positive or who have AIDS, but people within the
6 public health system and people within community-based
7 AIDS organizations and others in social service
8 agencies themselves telling about the lack of
9 confidentiality. It is very serious -- we have a
10 recipe in this state that we have -- even Juneau is a
11 very small community, and we know that -- you know,
12 sometimes people find out things about you before you
13 even know it yourself, even in a community of 30,000
14 people in Juneau; we even have that problem here. But
15 even especially more we've heard this in the rural
16 Alaskan villages.

17 MR. GUTIERREZ: Given that you've gone
18 throughout the state and studied this issue, do you
19 have any recommendations that people have made
20 regarding this?

21 MS. DESOUCA: That's a tough one. I'm still
22 kind of stuck on that. One of the penalties for a
23 person who is, say, for instance, a health aide out in
24 the villages, or sometimes when we have testing
25 centers, for instance, like the Juneau Public Health

1 Center -- typically, when I went up there and saw the
2 way that they handle their documents, I was told by
3 nurses that actually worked there that confidentiality
4 and testing does not work because that file with that
5 person's name is in that office, and there are many
6 people who can look into that file; it is not a hard
7 thing to do. There are many people who can look into
8 that file, and, in fact, that is the way that some of
9 these people were exposed as being HIV positive.

10 The worst penalty for that, and this
11 penalty does not work, is to be fired from your job,
12 and for a lot of people, that is not enough of a
13 penalty; I can say that. It is not enough of a penalty
14 just to be fired from your job for being found out to
15 give out the name of a person who is HIV positive or
16 has AIDS. If, in fact, that was enough of a penalty,
17 it would not be happening on the scale that it is
18 happening in this state.

19 So the only thing that I can think of
20 is further motivation, some kind of criminal penalty,
21 for doing that, and I think that that is in order, in
22 fact, because of the incredible discrimination and
23 violence, in many cases, to a person who is outed, so
24 to speak, and is in danger from being exposed by
25 someone in the community.

1 CHAIRWOMAN WALKER: Well, Rita, I know that
2 confidentiality is a federal offense, you know, lack of
3 confidentiality is a federal offense and a state
4 offense, I know that, and I'm at a loss to understand
5 when you say that they can't be punished.

6 MS. DESOUCA: This is what I was told by the
7 administrators, and some of the administrators --

8 CHAIRWOMAN WALKER: Well, I would suggest that
9 you, just for the heck of it, take it to the bar
10 association for a discussion one Friday. They meet
11 over at the Westmark every Friday at noon and see what
12 they say. I'm almost sure whoever told you that made a
13 dreadful mistake.

14 MS. DESOUCA: Several people have told me that.
15

16 CHAIRWOMAN WALKER: That is a serious offense.

17 MS. DESOUCA: Are you referring to the
18 confidentiality strictly related to HIV positive or
19 AIDS or --

20 CHAIRWOMAN WALKER: Well, any medical. That's
21 considered medical, as far as I'm concerned, and
22 anything dealing with medical, whether it's alcoholism
23 or whatever it is, that's confidential.

24 MS. DESOUCA: Part of the problem, Rosalee, is
25 out in the villages -- and I've heard this, and this is

1 where a lot of it is going on -- we have one health
2 aide, and usually that health aide is related to
3 somebody who knows somebody who knows somebody, and I
4 have been told that the worst thing that could happen
5 to them is for them to be fired from their job, and if
6 you know what a public health aide goes through being
7 out in a village in Alaska, you know that they may be
8 relieved to be fired from their job.

9 CHAIRWOMAN WALKER: Well, I'm wondering if that
10 aide really understands the severity of keeping that
11 confidential, you know. In a small village like that,
12 everybody knows everybody's business, and it may not be
13 anything that this individual feels that it's wrong to
14 tell, and so it may be something like in the training
15 of that health aide, that that person should be made
16 aware that you do not talk about this, ever, to
17 anybody, and that might help.

18 But I do have another question. You
19 were speaking of the inability of the client or the
20 patient to follow through with a lengthy process, and I
21 agree, I understand that, but I know I've read hundreds
22 of proposals from these various agencies that are
23 supposed to be helping people to overcome or to survive
24 and so forth. Invariably, they will put in there, "We
25 are going to walk this person through these processes."

1 Do you ever hold them to that? Let's say this person
2 was a JAMI client, you know, and I'm just throwing that
3 out because I am a member of their organization so I
4 can talk about them, and suppose they were one of their
5 clients and you found that this person needed some
6 assistance or some support to follow through with the
7 medication or follow through with whatever. Do you
8 hold them to that, you know, say, "Hey, you wrote that
9 in your proposal. Why aren't you doing that?"

10 MS. DESOUCA: We certainly do, and that's part
11 of my job, Rosalee, but the problem is, and you will
12 hear this over and over again, and you heard it from
13 Paula, from the Human Rights Commission, and you will
14 hear it from everyone, is that we are so short staffed,
15 we cannot get to everyone, and especially a person who
16 has a terminal illness who does not have the time to go
17 through red tape. This is an advocacy service, and
18 even myself, right now -- we're so short staffed.
19 Basically, I am one person and --

20 CHAIRWOMAN WALKER: Oh, you're an advocacy?

21 MS. DESOUCA: That's correct.

22 CHAIRWOMAN WALKER: Which one is the service
23 for the one -- ALHIV?

24 MS. DESOUCA: That's correct, Alaskans Living
25 with HIV. We do prevention, education and advocacy

1 services. We are the only community-based AIDS
2 organization that does the whole state. So to give you
3 an idea about how difficult it would be to advocate for
4 everyone who is discriminated against, you are looking
5 at the only person in the state that can do that.

6 CHAIRWOMAN WALKER: Well, what does Shanti do?

7 MS. DESOUCA: Shanti does prevention,
8 education, case management, and outreach services.

9 CHAIRWOMAN WALKER: Okay. And they would be
10 the ones, I guess, to kind of walk them through.

11 MS. DESOUCA: They would refer any
12 discrimination cases to me.

13 CHAIRWOMAN WALKER: Oh, okay.

14 MR. GUTIERREZ: They would be the ones to
15 outline some kind of confidentiality clause to them on
16 the AIDS?

17 MS. DESOUCA: Confidentiality clause and
18 statements differ with different -- in different work
19 places. For instance, we had a call from
20 Washington D.C. from Dr. Richard Kolomoray (ph) calling
21 upon ALHIV in a situation that they were getting calls
22 from the villages, so many calls about lack of
23 confidentiality in the villages, that the people in the
24 villages were calling back to Washington D.C.,
25 bypassing Indian Health Services here in Alaska, and

1 bypassing their Native corporations, who they perceived
2 to be part of the problem.

3 Dr. Kolomoray called me and asked me
4 as an advocate, and, actually, as a pretty good person
5 to take this on, if I would put together a grant
6 proposal of what it would take to be able to go and
7 test in the villages and keep confidentiality honored,
8 and I told Dr. Kolomoray that -- I think he just about
9 fainted when he saw the grant proposal that we put
10 together. It was very good, but he about fainted when
11 he saw the travel expenses, so I faxed him a picture of
12 Alaska over to the East Coast, and I said,
13 "Dr. Kolomoray, on top of that, it's not like you just
14 go from one airport to the other and rent a car." And
15 I explained to him how big Alaska was, and what it
16 would be like to go out to these villages, and how
17 expensive it was.

18 So what I decided was to go up and
19 talk to Indian Health Services about this problem.
20 This is my job, and, of course, any time we deal with
21 Native problems, we deal with very sensitive issues.
22 The Natives saw this as us interfering in their
23 business when, in fact, we do not have the time, the
24 resources, or anything else to deal with a problem of
25 this magnitude. What I proposed to them was that if

1 they could take care of their confidentiality problem,
2 that this would not be an issue. This was their people
3 calling Washington, D.C. with this problem. And this
4 is not just in the rural communities. This is
5 everywhere with HIV positive and people with AIDS.
6 It's a very, very difficult situation.

7 I think the main point I'm trying to
8 make is, is there are some things that are very
9 difficult to a person who has a terminal illness and
10 who is dealing with discrimination and who is dealing
11 with a body that is falling apart on them to have to
12 exercise their civil rights. This is not an easy
13 question to answer. I just wanted it on the record so
14 someone would know that this problem is very real and
15 very prevalent.

16 CHAIRWOMAN WALKER: Thank you so much for
17 enlightening us.

18 MS. DESOUCA: Thank you and thanks for the
19 excellent idea of talking to the bar association. I
20 love a captive audience.

21 UNIDENTIFIED AUDIENCE SPEAKER: I just wanted
22 to say that the federal government has stipulated that
23 HIV and AIDS is an authorized handicap condition, and
24 if people are being terminated from their job and being
25 impacted by it, they have a right to file a complaint.

1 CHAIRWOMAN WALKER: Thank you.

2 Jenny Bell?

3 MS. BELL: My name is Jenny Bell. I'm the
4 chair of the Juneau Minority Community Police Relations
5 Task Force, and I also represent Alaska Native
6 Sisterhood Camp II, and there's a special committee on
7 human rights that I chair, as well.

8 So just briefly about the police task
9 force, I think you heard testimony from several
10 communities regarding the task force throughout the
11 day. We do have representation from the different
12 minority communities, from the aged community, the
13 disabled community, AWARE also has a seat on that to
14 represent women and children's issues. We have a teen
15 advisory, two members from the teen group, and they
16 realize that they can only serve in an advisory
17 capacity since they're not old enough to vote, but they
18 keep us in tune with what's happening with the teens in
19 Juneau. We have the gay and lesbian community that
20 serves on the task force, the housing community.

21 This task force was modeled after the
22 Anchorage Police Task Force that I served on a couple
23 of years ago with a broader representation, and I think
24 it has done a lot of work getting the communities
25 together to address issues that they want to discuss or

1 work with JPD, and JPD also serves on the task force in
2 an advisory capacity. And we also ask the Human Rights
3 Commission to have a member sit on the task force, and
4 I believe Don Mercer will be doing that, as well. We
5 have NAACP as one of our members -- actually, we have a
6 whole list, the Filipino Community and different
7 communities, throughout Juneau.

8 In listening to the testimony that was
9 provided today, it seemed like education is one of the
10 very important areas that we need to discuss. I see
11 education as -- you know, the State Department of
12 Education and what they need to be doing or should be
13 doing. I also see education that we need to pass on to
14 our different communities, and I also see the need for
15 a vehicle to get information to our people regarding
16 meetings such as this, and especially if we're talking
17 about protecting our civil rights, or what have you. I
18 almost feel that our people -- we educate and train
19 those who are in a position and work in these different
20 departments, and I think we need to filter that on down
21 to our people, our local people.

22 One of the things that I feel, as
23 well, in discussing Indian Health Service or the Bureau
24 of Indian Affairs, there seems to be an attitude within
25 the state that whenever it comes to Native issues that,

1 "Well, that's Indian Health Service's problem" or
2 "That's the Bureau of Indian Affairs problem," and
3 sometimes I feel that the Native community gets pushed
4 around in terms of who do we go to to get any
5 resolution of any of our complaints, and I think those
6 two entities are the ones that should be watched in
7 terms of any civil rights violations.

8 Just recently, there was an article in
9 the paper regarding education within Juneau, and it
10 talked about the dropout rate, and it listed the
11 various housing communities where these kids come from,
12 Cedar Park, Geneva Woods, and it listed poverty as one
13 of the reasons that the kids aren't getting the
14 education that they need. I'm not sure what we can do
15 about that, you know. We could give people more
16 employment or take care of their poverty. Sometimes I
17 don't feel that is the only -- I was really dismayed
18 that they just listed poverty as an issue. I think
19 it's sometimes just plain and simple, as you heard from
20 the testimony earlier, that, you know, it's racism
21 within the school system, not only with the teachers or
22 when there are students making racist remarks and the
23 teachers don't address it. I think it needs to be
24 addressed.

25 I've been really pleased in reading

1 the paper throughout the state that there have been
2 active minority groups addressing this issue in
3 Anchorage and here in Juneau, as well. I went before
4 the school board at one of their meetings that they --
5 you know, they have cross-cultural training on
6 sensitivity, and I think that's really good to put out
7 positive things about different cultures, but I think
8 racism also needs to be in there, that it should be
9 stated that they should have racism training within the
10 school systems throughout the state.

11 The other area that is of great
12 concern to me is the employment within the law
13 enforcement entities, and I strongly feel that, you
14 know, hiring more minorities is only part of the
15 answer. Having a police task force is another part of
16 the answer in addressing any discrimination or police
17 brutality that goes on throughout the state, but I also
18 feel that the law enforcement entities need to hire
19 more minorities, and not only hire them, but -- just
20 from personal experience, I have a brother -- this is
21 where part of this is coming from -- that's been in law
22 enforcement for 11 years and he hasn't advanced
23 anywhere. He has tried and tried and tried, and they
24 will hire, but they will not promote. They will not --
25 you know, he has watched individuals come from out of

1 state and get hired over him. He has applied to go
2 back to the AST academy in Sitka and it hasn't
3 happened. So he's now going to resign and go into the
4 medical field, which he's good at that, too.

5 I used to supervise up in Anchorage
6 for the VPSO, the Village Public Safety Officers
7 program, in the Cook Inlet area, and had the ability to
8 also watch AST and their hiring practices within the
9 local police department. I think it's good that we
10 have these police task forces. There's one here in
11 Juneau and one in Anchorage. I received a call last
12 week about St. Paul Island to have something similar
13 set up, and it brings to mind that it does happen, and
14 I think it took the Rodney King case to bring it to
15 light that it happens. It happens right here in our
16 own town, in the small villages, and that the police
17 task force at the municipal level is a way of
18 addressing that.

19 I would like to see similar types of
20 task forces or groups take a look at VPSO or AST
21 throughout the state. When you talk about Natives who
22 don't speak up, they're there, and it's like they don't
23 see any reason why they should, especially in a small
24 community. I think there needs to be some way for them
25 to know that they can file a complaint if something is

1 happening, and I don't think they have that.

2 I'm also part of another group, the
3 ACLU, who is going to try and do public hearings
4 throughout the state on police brutality, and I think
5 that would be real interesting.

6 CHAIRWOMAN WALKER: Before we have -- is there
7 anyone else that wants to speak? One, two -- all
8 right. I was hoping that you were going to talk about
9 the police task force. I'm aware that here in Juneau
10 for the first time -- I think Jenny is the first
11 individual that our police force has ever put on the
12 screening team when they start to hire, and we were
13 concentrating on the unemployment and housing and
14 education. And I was hoping that you would speak to
15 what you've experienced and our police here in Juneau.
16 This is a new thing we were trying to do here, and
17 Jenny has been the first individual, outside of the
18 police or the legal field, to participate in this
19 group, and if you could just very briefly tell the
20 group about that.

21 MS. BELL: Yes, I would love to do that. On
22 several occasions, there was one -- well, actually
23 three: to select a police sergeant and then to select
24 new police officers and then the chief of police, and
25 in selecting the chief of police, I'm glad they put as

1 much effort into it as they did. By the time I was
2 done with that process, I really felt like they paid
3 attention and listened to what I had to say, whereas
4 when they selected the new police officers, I didn't
5 feel like -- "Why did they pick these individuals?"
6 because they interviewed 45, and they picked one woman
7 and two other individuals, and I was kind of like, "Why
8 would they do that?" I felt like we went through the
9 process and they didn't even pay attention to what we
10 had to say.

11 So my last experience was in selecting
12 the police, where it was very thorough, and I felt that
13 -- and I did really feel out of place. I mean, they
14 were all law enforcement individuals in there, city
15 attorneys, but I thought the questions were very good,
16 and we each had an opportunity to voice our input in
17 all the different scenarios that they put the chief of
18 police through.

19 CHAIRWOMAN WALKER: I want to give the others a
20 chance. I certainly appreciate it. And I just wanted
21 to throw out, too, you mentioned the article on poverty
22 and what it does to education. I'd like to point out
23 to you, and anybody else who will listen, that
24 practically every African American or black leader we
25 had came out of poverty, so we all don't fail because

1 we've come up through poverty, and I don't know when
2 people will understand that.

3 MS. BELL: Thank you.

4 CHAIRWOMAN WALKER: Thank you. Did you have
5 any questions?

6 MR. GUTIERREZ: Oh, let's see. I was thinking
7 of a question.

8 CHAIRWOMAN WALKER: I'm sorry. I forgot.

9 MR. GUTIERREZ: Well, it skipped my mind.

10 CHAIRWOMAN WALKER: All right. Mr. Gregovich?

11 MR. GREGOVICH: I'm Robert Gregovich of the
12 organization called Advocacy Services of Alaska. We
13 have federal and state grants to go to bat for the
14 mentally ill and developmentally disabled people to see
15 that their rights are taken care of and established.

16 I've just got three points that I've
17 made during the course of the day here. First of all,
18 I'd like to thank you three very much for leading the
19 show here today. It's been quite interesting to me.
20 This is the first time I can recall this really ever
21 happening, and I'd encourage you to do this again. I
22 think this is just great for this community to have
23 this happen.

24 I'm concerned a little bit about the
25 fact that there has not been more of a focus on some of

1 the issues that are involved with the disabled --
2 people who are disabled, however, it's also part of
3 their responsibility to also come forth when there is
4 that kind of discrimination on their part, but it's
5 very difficult sometimes for mentally ill people and
6 for developmentally disabled people to get up the
7 motivation and the initiative to come forth with these
8 kinds of things; however, I think if we keep pushing
9 and whatever with forums like that, this is going to --
10 we're going to see more of it.

11 I'd just like to mention one other
12 thing, and that is that if I've -- and I think I'd like
13 to entertain some response from you on this because I
14 think I've learned something here today, but I think
15 it's just really, right now, a hypothesis rather than a
16 conclusion, and that is that, what seems to be
17 complicated in ways that we have devised systems
18 whereby the regress of grievances in a number of areas
19 has taken place, we have a number of different agencies
20 to deal with the problems, but they're very
21 complicated, it seems, and so I have come up with a
22 concept. It's not really a new one, it's just that
23 I've sort of revised it, and it's that you shotgun it.
24 Instead of saying which agency first and what logical
25 progression you proceed in, you proceed with

1 everything, I mean, all at the same time. You go to
2 the Juneau Human -- the relations committee, and you go
3 to the Human Rights Committee, you go to the Department
4 of Labor, you go to a number of these, you know. I
5 can't think of them all right now. Really, it depends
6 on the problem, but that's the sense that I get,
7 because there's no real logical progression you go in,
8 you know, in this kind of thing. Do you think that
9 that's correct?

10 CHAIRWOMAN WALKER: I do. I know it's correct,
11 but I don't know what anyone else thinks.

12 MR. GUTIERREZ: There's nothing in Alaska that
13 says you can't do that.

14 MR. GREGOVICH: My comments are finished.
15 Thank you.

16 CHAIRWOMAN WALKER: Thank you for being with us
17 all day.

18 MS. BUCHHOLDT: I think what you have to do is
19 have the persistence to do that, because most of the
20 time, you know, to go to all these agencies takes a lot
21 of stamina to get their response or even -- you know,
22 one of the problems we sometimes encounter in our
23 advocacy, and I'm talking about the Filipino Community,
24 is that when you call an agency, the important people
25 you want to speak with are at a meeting, and although

1 they do return your call, and I know that they do
2 return my calls, most other people say they never hear
3 from them, so I wind up being the bird-dog for
4 everybody, which is not exactly what I want.

5 But this is why we need to train a lot
6 of other minorities to have the same capability as some
7 of us already have gained through hard work and
8 experience, and I think that maybe -- this commission
9 has been working on that. We have seen a lot of
10 members of the state advisory committee who have come
11 and gone and have become active in their villages and
12 communities, so we need a lot of people to participate
13 and learn about the process, which some of us learn the
14 hard way.

15 MR. GUTIERREZ: Just a word of caution on your
16 shotgun effect type of deal. The agencies may have
17 some memorandums of agreement that if you file with
18 one, they will allow that one to take the brunt of the
19 investigation. They just don't want to do double
20 investigations, and that could happen. And they'll
21 counsel you on your rights as to what's available for
22 you, and I think that's already in place.

23 MR. GREGOVICH: And I really wouldn't mind that
24 so much if they were to do that and had those
25 memorandums of agreement and had those working things,

1 but it's their trouble to do that rather than us having
2 to figure out what agency to go through first and get
3 their memorandum of agreement and find out all of those
4 things. You just -- you do these things in sort of a
5 blanket way and you put them sort of on -- you get them
6 going and whatever. It gets them away from --

7 MR. GUTIERREZ: This is what I would call a
8 good example. The State Human Rights Commission has a
9 little brochure that's very nicely laid out, and it
10 gives you exactly what they can do for you and what
11 your responsibilities would be. It's kind of simple
12 and laid out.

13 CHAIRWOMAN WALKER: Thank you, Mr. Gregovich.

14 Do we have a Ms. Claudia Paige?

15 MS. BROWN-PAIGE: My name is
16 Claudia Brown-Paige, and I'd like to know, how does the
17 Office of the Human Rights Commission investigate a
18 complaint against the state or their office or the
19 Office of EEO when they all work for the state? I
20 mean, how is that taken care of?

21 CHAIRWOMAN WALKER: Would you have an incident
22 or example?

23 MS. BROWN-PAIGE: Well, there was an incident.
24 I know of someone who did work for the Office of EEO,
25 and they were terminated unjustly. They were out on

1 medical leave and under the doctor's care. It was a
2 workman's comp. complaint, and the director of EEO at
3 the time fired that person and said they abandoned
4 their position, and they were still under the doctor's
5 care. This person tried to get a lawyer to represent
6 them and it was so hard to get someone in Juneau to go
7 up against the state. It was brought to the attention
8 of the Human Rights Commission, also, and nothing ever
9 happened with it. So I was just wondering, how do they
10 take care of their own complaints?

11 MS. HALEY: If I might answer, just so you
12 understand that we are part of state government, which
13 is typical of enforcement agencies across the country,
14 you know, we sit in government. We do frequently bite
15 the hand that feeds us, and by that I mean we
16 investigate, I would say, a huge number, because the
17 state is a large employer of cases against the State of
18 Alaska, and if you look at our hearing cases, we do not
19 hesitate to take them to public hearing and take the
20 cases up to the Alaska Supreme Court. I could imagine,
21 though I can't speak to the particulars of any case,
22 our relationship with the Office of EEO is not a
23 relationship that we are working so-called together.
24 They are representing the respondents, the state
25 department, when we investigate a case.

1 So, in fact, at times, our
2 relationship with them may be adversarial, and it has
3 been at times. If we got a case where someone said the
4 EEO director was involved in an unfair discriminatory
5 practice -- because we work with them all the time;
6 it's not because we have any particular favoritism
7 towards them -- we would probably ask EEOC to
8 investigate that case so no one could say, "You're not
9 being impartial." So that's normally what we would do,
10 but we do not reject state cases. In fact, if you look
11 at our hearing cases, and I only brought you one annual
12 report, a number of them are against the State of
13 Alaska. So we walk a very fine tightrope, and that's
14 why I work for the commission of seven people. I do
15 not -- they're the ones who hired me.

16 MS. BROWN-PAIGE: Well, I was just wondering
17 because nothing ever came out of it.

18 MS. HALEY: And I can't speak to the particular
19 merits, but I can tell you that the same is true in a
20 whole number of other states. I mean, if the
21 government is going to set up an enforcement agency, it
22 has to reside somewhere, but the executive branch has
23 to make sure that it doesn't interfere, and I can tell
24 you that I have never received a call from the
25 executive branch saying, "Don't pursue this" or "Drop

1 this" or "You're in trouble" or "You're going to have
2 some problems," because I think they realize the
3 problem would then compound itself.

4 MS. BROWN-PAIGE: Okay. Well, I just wanted to
5 know if there was anybody investigating you guys.

6 MS. HALEY: If someone were to charge our
7 agency, the state commission, with discrimination,
8 obviously, we wouldn't investigate ourselves. We would
9 send it to the Equal Employment Opportunity Commission.

10 CHAIRWOMAN WALKER: Thank you very much.

11 MR. PURKETT: I had a question. Hi, my name is
12 Paul Purkett, and you pointed out a folder that you
13 had, Mr. Gutierrez.

14 MR. GUTIERREZ: (Holds up folder)

15 MR. PURKETT: Yeah. There aren't any out there
16 on the front desk, and I was wondering where we could
17 acquire one?

18 CHAIRWOMAN WALKER: That young lady right there
19 (indicating).

20 MR. GUTIERREZ: The State Human Rights
21 Commission is the one that put this out.

22 CHAIRWOMAN WALKER: I really appreciate your
23 attendance today, and the whole day has been very
24 enlightening. Mr. Pilla, would you care to say what
25 happens after this? Mr. Pilla is the regional director

1 for us.

2 MR. PILLA: Don't get me in trouble with my
3 boss. I'm a civil rights analyst.

4 CHAIRWOMAN WALKER: Okay. Then you say who you
5 are.

6 MR. PILLA: Tom Pilla, civil rights analyst
7 with the western regional office of the Commission on
8 Civil Rights. Yes, the transcript will be received
9 from the court reporter, and it will be sent back to
10 our Washington D.C. office for the advice of the
11 commission. The advisory committee may decide to
12 produce a report based on the testimony that it has
13 received today. It may or may not include
14 recommendations to state or federal agencies. That's
15 entirely up to the state advisory, if they want to use
16 the transcript of proceedings and the information they
17 receive in the mail during the open period of time for
18 the admission of such documents. But the material will
19 be sent back to the Commission on Civil Rights, which
20 is a federal fact-finding agency, and it's filed with
21 the Library of Congress, and it's also sent to the
22 appropriate Congressional delegations.

23 CHAIRWOMAN WALKER: Thank you, and don't forget
24 you have ten days, or you can pass the word to others
25 who might want to file some written testimony. You

1 have ten days, and you can get the address from
2 Mr. Pilla, and I think there are some other materials
3 outside that you can get the address to which you can
4 send any written testimony you might want to submit.
5 Again, thank you very, very much for attending. We're
6 adjourned.

7 (Hearing adjourned at 4:33 p.m.)

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