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Meet.
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v.2

1 STATE OF ILLINOIS)
) SS
2 COUNTY OF COOK)

3 UNITED STATES COMMISSION ON CIVIL RIGHTS
4 MINNESOTA ADVISORY COMMITTEE

5 IN THE MATTER OF:
6 RESOURCES DEVOTED TO LOCAL
7 AND FEDERAL CIVIL RIGHTS
8 ENFORCEMENT IN MINNESOTA

9 _____/
10 REPORT OF PROCEEDINGS, taken in the
11 above-entitled cause, taken before MS. KARON J.
12 ROGERS, Chairperson of the Minnesota Advisory
13 Committee to the United States Commission on Civil
14 Rights, taken on the 1st day of September, A.D.,
15 1994 at the Crown Sterling Suites, Universal Room,
16 425 South 7th Street, Minneapolis, Minnesota,
17 taken at the hour of 9:00 o'clock a.m..

18 APPEARANCES:
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Reported by: Ms. Vernita Halsell-Powell, CSR

CCR
3
Meet.
370
v.2

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1 CHAIRPERSON: MS. KARON J. ROGERS
2 COMMITTEE MEMBERS: MS. CAROLINE BYE
3 MR. ALBERT DE LEON
4 MR. THOMAS HAYES
5 MS. GERALDINE KOZLOWSKI
6 MR. LEE RUIZ
7 MS. MARY RYLAND
8 MR. ALAN WEINBLATT
9
10 STAFF: MR. PETER MINARIK
11 MS. CAROLYN WHITFIELD
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21
22
23

I N D E X

| | <u>PRESENTERS</u> | <u>PAGE</u> |
|----|--|-------------|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | Minneapolis Department of Civil Rights | |
| 6 | Kenneth White, Executive Director | 326 |
| 7 | | |
| 8 | St. Paul Department of Human Rights | |
| 9 | Josephier Brown, Director | 353 |
| 10 | | |
| 11 | Minnesota Indian Affairs Council | |
| 12 | Anita Fineday | 394 |
| 13 | | |
| 14 | Spanish Speaking Affairs Council | |
| 15 | Roy Garza, Director | 399 |
| 16 | | |
| 17 | Southeast Asian Refugee Community Home | |
| 18 | Hoang Tran | 406 |
| 19 | | |
| 20 | | |
| 21 | | |
| 22 | | |
| 23 | | |

1 (The meeting was reconvened at 9:25 a.m.)

2 CHAIRPERSON ROGERS: Today's session is
3 officially begun. This is the meeting of the
4 Minnesota Advisory Committee to the U.S.
5 Commission on Civil Rights. We are engaged in a
6 factfinding meeting focused on the resources
7 devoted to local and federal civil rights
8 enforcement in Minnesota.

9 Before we start, the same rules that
10 I read yesterday apply to today's meeting, and we
11 will now have a presentation from Kenneth White
12 who is the Director of the Minneapolis Department
13 of Civil Rights, and you have an assistant with
14 you. Would you please introduce her and then have
15 her spell her name, for the record?

16 MR. WHITE: This is Sylvia Neblett, she's
17 a Special Assistant to the Executive Director, and
18 she's here today to help me field some of the
19 questions that are made in the presentation.

20 CHAIRPERSON ROGERS: Could you spell
21 your name?

22 MS. NEBLETT: S-y-l-v-i-a N-e-b-l-e-t-t.

23 CHAIRPERSON ROGERS: Thank you.

1 KENNETH WHITE, EXECUTIVE DIRECTOR

2 MINNEAPOLIS DEPARTMENT OF CIVIL RIGHTS

3 Madam Chairperson, Committee

4 members, I appreciate the opportunity to present
5 before your body today. As you know, I am Kenneth
6 White, I am the Executive Director of the Civil
7 Rights Department. I have been in the Department
8 three and a half months. Prior to that I was
9 Affirmative Action Administrator for the
10 University of Minnesota for approximately 15
11 years.

12 Before my presentation, I'd like to
13 make some comments, some observations about the
14 civil rights movement here in our nation.
15 Recently I have been somewhat confused. I read
16 the newspapers, I listen to the 6:00 o'clock news,
17 and I'm not sure whether this is 1964 or 1994. We
18 talk about a high school principal canceling proms
19 to prevent interracial couples from attending. We
20 talk about civil rights groups protesting
21 Confederate flag being flown at a state capitol in
22 South Carolina. We talk about black Secret
23 Service Agent being denied service at a

1 restaurant. We talk about skinheads in Montana,
2 we talk about Klan activity in Wisconsin. We talk
3 about a woman going to court to gain admittance to
4 an educational institution. I thought the civil
5 rights movement of the '60s and '70s eliminated
6 all of this, well it didn't. Racism, sexism, and
7 homophobia still exists even in Minnesota in the
8 '90s. Racial graffiti is scrawled on cars and
9 crosses are burned even in the Twin Cities. In
10 1964 you were told that we won't hire you, in 1994
11 we just don't hire you. We must continue to fight
12 the struggle and gain for equality for all
13 protected class persons. Discrimination has come
14 more sophisticated; therefore, civil rights
15 enforcement agencies must become more
16 sophisticated. We must have the resources to
17 upgrade skills of investigators. We need
18 resources for continuing education. We need
19 resources to maintain adequate staff to enforce
20 the civil rights ordinance and to make Minneapolis
21 a place where no prejudice is a reality.

22 Currently the civil rights
23 department employs 24 staff members. This number

1 has fluctuated between 22 and 24 over the last ten
2 years. Currently there are ten staff members
3 assigned to investigation, and six staff members
4 assigned to do compliance work, and the rest are
5 administrative and support staff. The average
6 case load for investigators is 40. Between 1991
7 and 1993 the average case load was 50.5. Between
8 1982 and '83 the average case load was
9 approximately 64. In 1989 the average case load
10 was 33. In the last ten years 3,000 complaints
11 were filed with the Minneapolis Civil Rights
12 Department. That averaged about 300 complaints
13 were filed in '85 and again in '90, 368 complaints
14 were filed in the Department. In 1989 only 202
15 complaints were filed with the Department. In
16 May, 1994 the Department took in 51 complaints in
17 one month, the most ever for the Department. The
18 Department funding in 1987 the budget was \$1.1
19 million. In '91 it was \$1.5 million. Currently
20 it's \$1.3 million. However, we have been asked to
21 reduced the budget by 3 percent for fiscal year
22 '95, which may result in the loss of a position.
23 As for support from the City Council, it's there,

1 however if any request from the Civil Rights
2 Department has a price tag attached to it, I think
3 it would be a different thing. Probable cause
4 finding over the last five year average about 14.3
5 percent. In 1992 16.3 percent of the cases closed
6 were probable cause and 40 percent were settled
7 and 35 percent were no probably cause. We're in
8 the process now of working on an agreement with
9 EEOC through the State Department of Human Rights.
10 We will be compensated for age discrimination.
11 Currently we have a contract with EEOC where we
12 get paid \$450 per case we investigate. This
13 correlates to \$52,000 per year. However the
14 average cost of investigating a complaint is
15 approximately \$3,000. Currently we are not
16 receiving any dollars from HUD. We are in the
17 process of pursuing substantially equivalency
18 certification, however that leads to the
19 modification of our ordinance, and this may or may
20 not happen. If we were to receive certification
21 from HUD, we would get probably an additional
22 \$65,000 per year.

23 That pretty much concludes my

1 presentation. I guess I'm prepared to field
2 question at this point.

3 CHAIRPERSON ROGERS: Thank you, Mr.
4 White. Do we have questions? Alan?

5 MR. WEINBLATT: Mr. White, I have one
6 nitty gritty and the other to go back to your
7 opening comments.

8 MR. WHITE: Sure.

9 MR. WEINBLATT: Yesterday I raised with
10 her Honor the Mayor the possibility of seeking in
11 those cases where there is a finding of
12 discrimination in addition to whatever other
13 remedy may be available to the complaining party,
14 the additional remedy of costs to the Minneapolis
15 Human Right Department, whether it be \$40,000 or
16 \$3,000 or whatever number is determined by the
17 concept of charging the party found to have
18 committed an act or acts of discrimination with
19 the cost of investigation. And I'd like you to
20 comment on that. And secondly, if you could then
21 go back to your opening comments and give us the
22 benefit of your experience in telling us about
23 what we as a community, statewide community ought

1 to be doing about putting those 1964 questions
2 behind us and moving on into hopefully a brighter
3 day?

4 MR. WHITE: Committee member Weinblatt,
5 in response to your first question is that I have
6 already made the decision that I'm going to pursue
7 administrative costs for all probable cause
8 findings. It's allowed for in the ordinance and
9 that's something I will pursue. As a matter of
10 fact, we've got a strategic planning meeting with
11 the management staff next week and that's one of
12 our first priorities. This is -- this will enable
13 us to cover some of the costs that we are
14 basically spending for investigation of these
15 charges. In response to the second part of

16 Your question, I think that the Civil
17 Rights Department is an enforcement agency,
18 however I don't think that they should be held
19 responsible for the total civil rights movement in
20 the Twin Cities. I think each and every one of us
21 should be a part of it, and we must preach and
22 practice Minneapolis is no place for prejudice.
23 And I think we all must pitch in. My job is

1 outlining the ordinance, but I think that each one
2 of us should contribute something in the civil
3 rights movement.

4 MR. WEINBLATT: Years back I remember on
5 every bus -- I can't say every bus, but on a large
6 number of buses there would be prejudice reduction
7 signs on the inside, do those still exist?

8 MR. WHITE: Not that I know of. Let me
9 just talk about some of the things I plan to do.
10 One of things I think is really important is
11 because we become more visible in the community.
12 When I say we, the Civil Rights Department. I
13 think that we need to take a proactive approach to
14 preventing discrimination. We need to go back to
15 the community. One of the things that I was at
16 the Native American Center the other day and one
17 of the things that we talked about was that Native
18 Americans don't come downtown. One of reasons
19 they don't come downtown because they don't see
20 Native Americans come downtown. So they were
21 wondering if there was a way we could dispatch a
22 staff person to their center where they feel more
23 comfortable because interestingly, when I look at

1 the number of complaints filed, Native Americans
2 don't file that many complaints as compared to
3 others, and one of the reasons is, I'm sure, is
4 that they don't come downtown because they don't
5 see Native Americans when they come downtown. So
6 that's something that we're going to look at real
7 closely and we're going to work out some way where
8 we can dispatch a staff person to some of the
9 community centers on a periodic basis during the
10 coming months.

11 MR. RUIZ: Madam Chair?

12 CHAIRPERSON ROGERS: Yes?

13 MR. RUIZ: Mr. White, you did make
14 reference to specifically racial percentages of
15 complaints. Do you happen to have any, as an
16 example, for age discrimination, do you find
17 significant portion being protected classes other
18 than age?

19 MR. WHITE: The most significant number
20 of cases that we receive are based on race, based
21 on race in the employment area, and they are,
22 majority are filed by African Americans.

23 CHAIRPERSON ROGERS: Thomas?

1 MR. HAYES: Mr. White, do you get many
2 complaints from the disability community?

3 MR. WHITE: And the only way I can
4 respond to that is by looking to the notes in
5 front of me, and based on what I see in front of
6 me, no, we do not receive that in comparison to
7 other complaints.

8 MS. RYLAND: Mr. White, and Madam Chair,
9 the Department staff in your Department, how are
10 they divided by race and how many are there?

11 MR. WHITE: We have a staff of I think
12 24. I think each ethnic group is represented on
13 my staff.

14 MS. RYLAND: So that when you were
15 talking about having Native Americans go to some
16 center to make them feel more welcome and at home,
17 you have a choice of Native Americans to send?

18 MR. WHITE: Right. I would place a
19 Native American investigator at that center in the
20 Native American Center.

21 CHAIRPERSON ROGERS: Caroline?

22 MS. BYE: Madam Chair, Mr. White, I
23 understand that you're a part of the Minneapolis

1 Civil Rights, but I'm just wondering do you have
2 any thoughts at all for the outstate areas? I'm
3 from Duluth and I see the beginnings of a lot of
4 prejudice developing and a lot of questions that
5 the people are asking. Some of it is a direct
6 result of news stories that either the media or
7 the newspapers present and we've had some tragic
8 events that have happened and they have really
9 been played upon. So there's a lot of
10 conversation about it and a lot of feelings and
11 I'm just wondering if there's any long range plan
12 for some of the out state areas before that wave
13 gets so big that it can't be conquered.

14 MR. WHITE: I don't think that you treat
15 it any different than you would in Minneapolis.
16 I think you need to confront the situations, you
17 need to have open dialogues. The public needs to
18 be educated, so we have to continue to dialogue
19 about the issues, and when there are issues of
20 discrimination, civil rights issues or whatever
21 that you're concerned about, they need to be
22 confronted. If there's something that was
23 expressed in newspapers that you feel is

1 insensitive to of protected class persons, then
2 you need to make that known to the newspapers.

3 CHAIRPERSON ROGERS: Thomas?

4 MR. HAYES: Mr. White, do you have any
5 disabled people on your staff?

6 MS. NEBLETT: Yes, we do. We have one,
7 actually there are about four people. One has
8 some mobility impairment as well as I say three
9 people with unseen disabilities.

10 MR. HAYES: Seen?

11 MS. NEBLETT: Such as diabetes, heart
12 disease, things like that.

13 MR. HAYES: Okay, thank you.

14 CHAIRPERSON ROGERS: Alan Weinblatt?

15 MR. WEINBLATT: Madam Chair, Mr. White,
16 can you give us an idea of the areas of
17 discrimination that are involved for the most part
18 in the work of your office? I would believe it
19 would be employment and housing, what beyond those
20 two?

21 MR. WHITE: Sex discrimination and
22 employment. Then after that would be disability,
23 employment, housing, in the areas of employment,

1 housing and public accommodations, disability in
2 employment.

3 CHAIRPERSON ROGERS: Al?

4 MR. DE LEON: Kevin, how much of your
5 support do you get from the Mayor herself and the
6 City Council with respect to your budget and
7 operations?

8 MR. WHITE: Maybe in a couple of months
9 I'll be better able to answer that question.
10 Right now I've been asked to reduce the budget by
11 3 percent. We're going through a budget process
12 right now and since this is being my first time
13 through, I'm not sure what's going to happen. I'm
14 going to make some requests, I'm going to try to
15 ignore the 3 percent reduction and accept what
16 happens.

17 MR. DE LEON: My second question Kenneth
18 is with respect to contract compliance. How do
19 you monitor contractors who are out of compliance
20 and what kind of penalties and sanctions does your
21 department impose?

22 MR. WHITE: Now there is an area whereas
23 that I somewhat differ with the ordinance because

1 for contractors that are out of compliance,
2 there's a specific procedure that you must follow
3 to basically get any action taken against a
4 contractor that's out of compliance. What I want
5 to propose is that some of that authority be given
6 back to the Director to determine that a
7 compliance -- that a contract is out of compliance
8 and we can take some immediate actions. The way
9 it's outlined in the ordinance right now, it could
10 take a couple of months to determine that a
11 contractor is out of compliance, and by that time
12 the person or the contractor could be finished
13 with the project.

14 MR. DE LEON: Where the contractors are
15 in full compliance, do you have any recognition of
16 those contractors to the public and the community
17 to kind of reward their efforts to comply with the
18 goals?

19 MR. WHITE: I think that's something
20 that we can look at because I do agree that if
21 they're doing a good job, they should be
22 recognized. I guess one of the other things -- I
23 guess since we talk about contract compliance, I

1 may as well mention one of the other things I'm
2 proposing is I'm proposing that the Minneapolis
3 Civil Rights Department adopt the contract
4 compliance goals that were established last year
5 by the State Department of Human Rights because I
6 think they are more aggressive and they will
7 result of some current data, I'm not exactly sure
8 when our goals were established, what date is
9 used, but we will be in the near future adopting
10 those goals.

11 MR. DE LEON: Each department of the
12 city presents to you almost on an annual basis an
13 affirmative action goal and as you monitor that.
14 How many departments now are out of compliance in
15 their affirmative action goals, do you know?

16 MR. WHITE: In city departments?

17 MR. DE LEON: Yes, city departments.

18 MR. WHITE: That's handled by the
19 affirmative action office, not my office.

20 MR. DE LEON: That's a separate office.

21 MR. WHITE: Right, two separate offices
22 with the separate reporting lines.

23 MR. DE LEON: Right.

1 CHAIRPERSON ROGERS: Lee Ruiz?

2 MR. RUIZ: Thank you, Madam Chair. Mr.
3 White, is it your perception that the minority
4 community support and have confidence in the Civil
5 Rights Department as is witnessed and as example
6 by the Native Americans that invited you to
7 participate as one example? Are there other
8 exammples? What are your perceptions?

11
9 MR. WHITE: And please understand I've
10 only been there three months, so I don't really
11 have any real perceptions, but it was my plan from
12 the beginning to reach out to all of the
13 communities, that's just part of the way I
14 operate. So when I look at this, it gives me some
15 indication that for some reason some communities
16 have not found a place with the Department. So
17 it's part of my goal to reach out with those
18 communities and find out if there's a problem. So
19 I don't know, but if I was a betting person, I
20 would believe that there is some problems with
21 their comfort level with the Department at this
22 time.

23 CHAIRPERSON ROGERS: I realize that you

1 have only been in office three months, but I'm
2 wondering if you're aware of any efforts by the
3 City Council to eliminate your department all
4 together?

5 MR. WHITE: That's interesting. Once I
6 was appointed, no, not appointed, nominated, prior
7 to confirmation that was the first time I heard of
8 that. And so one of the things that I made it a
9 point to do in the confirmation process is to ask
10 this question, are you inviting me over here with
11 the intent of closing the Department? And I got a
12 unanimous no, that they were in support of the
13 Department and the Department would be there.

14 CHAIRPERSON ROGERS: I have two other
15 questions and I'm not sure if your three months in
16 office is a blessing or a hinderance, but here
17 goes. We heard from two speakers yesterday,
18 including the Mayor, and something that you hinted
19 at today that Minnesota nice does not allow for
20 our citizens, our communities to even acknowledge
21 racism, to acknowledge that they have racist
22 attitudes or that they allow racism to permeate on
23 our daily lives, and I believe that that is true.

1 I think that there are many ways that that has
2 come to light. One term that was thrown about
3 quite a bit in our community last year was
4 Minnesota Nice, Minnesota Ice. And I'm wondering,
5 given that how you feel that we are going to rid
6 ourselves of the burdens of racism if this idea
7 that citizens can assume some of the
8 responsibility is more rhetoric than it is real.

9 MR. WHITE: Madam Chairperson, in
10 response to that, I think what we have to do is we
11 have to continue to dialogue the subject. I think
12 that in some cases Minnesota Nice may be
13 associated with somewhat I guess ignorance. It's
14 just not understanding what's actually going on
15 and not understanding what civil rights is about.
16 Not understanding that this may be perceived as
17 this. So I think it's -- we need to make a major
18 effort in educating and talking about
19 discrimination, talking about civil rights so that
20 we can -- we can't use that as I didn't know,
21 okay, and that's the only way I see that we can
22 get at it is just being more knowledgeable about
23 differences and being able to accept differences

1 and celebrate differences. But we have to talk
2 about it. We cannot just sit in our communities
3 and talk amongst ourselves. We must reach out to
4 other communities and discuss the subject and
5 Minnesota ice is going -- Minnesota Nice is going
6 to have to rid themselves of the Minnesota Ice.

7 CHAIRPERSON ROGERS: I think in comment
8 it seems like it's -- some people know I have a PR
9 background -- that it's a major campaign that the
10 city needs to embark upon because we focused on
11 other things and we've allowed civil rights,
12 excuse me, the eradication of civil rights and
13 racism to really creep up where it's as thick as
14 the air. After sitting here yesterday and already
15 today you can just feel that it's as thick as the
16 air that we're breathing. So it just seems like
17 there's a major campaign that your office might
18 consider generating so that we do have the bus
19 signs and the billboards and things like that. So
20 it starts to become messages that we hear and
21 breathe everyday.

22 MR. WEINBLATT: And I associate myself
23 with those comments, and in addition empathize

1 greatly with the task that faces you in the time
2 of diminishing resources. And one of the things
3 that we're really interested in is in this era of
4 diminishing governmental resources, of what real
5 priority is enforcement of civil rights to the
6 policy making folks. It's easy when it's enough
7 money.

8 MR. WHITE: One of the things is when I
9 first came to the Department and I thought that
10 being over at the University, which is just less
11 than a mile away, was that I wasn't even familiar
12 with what the Civil Rights Department was doing.
13 So I assumed that if I didn't really know what was
14 going on, there were a lot of other individuals
15 out there like me. So, one of the first things I
16 did was when I came on board I took our public
17 information person and we sat down and we talked
18 about strategies as to how to get the department
19 more into the community, take about the proactive
20 things that we can do. As a matter of fact, just
21 as early as this morning had a conversation about
22 a possibility of an event recognizing one of the
23 founders of the Department, Gleason Glover, who

1 just passed recently, and we're going to sit down
2 and talk about doing something in his name. And I
3 think these are things that we have to continue to
4 do and let folks know that we're there and what
5 they have to say. And if they have problems
6 coming downtown, then we will come to the
7 community.

8 CHAIRPERSON ROGERS: I have one final
9 question and that is again yesterday we heard
10 testimony from the Minnesota Department of Human
11 Rights that things were in order. That Department
12 was operating much like a well-oiled machine. And
13 then during our public session we heard from
14 enforcement agents that either worked or used to
15 work in the Department and what they told us is
16 that there's a reward system for cases being
17 closed with being found no probable cause and
18 that's really alarming to me because it sounds
19 like the Department that is supposed to be
20 functioning for the people is actually functioning
21 against the people. And the people that are
22 supposed to be engineering that work are being
23 rewarded not to perform or to close cases before

1 justice has been administered to the people that
2 need that justice. And so I'm wondering do you
3 have such a system in your department or how does
4 it work in your department?

5 MR. WHITE: No, I don't have a system of
6 that nature. One of the things that the system
7 that is in place as how we investigate complaints,
8 we have a tier system, a three tier system which I
9 am dismantling because I don't think it's an
10 effective and efficient way to investigate
11 complaints. So, within the next month or so I'm
12 going to revamp, redo the whole investigative
13 process and hopefully we will have a better
14 process in place in the next two or three months.

15 CHAIRPERSON ROGERS: Okay. So your
16 objective is to serve the people.

17 MR. WHITE: Exactly. That's our mission.

18 CHAIRPERSON ROGERS: And you're assessing
19 that the current process does not do that or--

20 MR. WHITE: It's my assessment that it
21 does not do that in an efficient and effective
22 manner. Some of the things that I have observed,
23 and please understand that I've only been there

1 three months and these are only my observations,
2 is that I think that we can produce a better
3 product in a shorter period of time. We need to
4 revise and fine tune some things. I think also
5 it's important that the investigators, the staffs
6 are expert in the field. They should be more
7 knowledgeable on civil rights than anyone else in
8 this city, and that's my goal, to make the whole
9 staff experts. And with an expert staff and an
10 effective and efficient process, I think we serve
11 the public better.

12 CHAIRPERSON ROGERS: Those are words that
13 we've heard consistently; quality, training, and
14 efficiency. I wish that for your department.

15 MS. BYE: One more question, Madam
16 Chairman? This is for Sylvia. I'm wondering if
17 you could maybe classify or give us some
18 information, background on the Minneapolis Civil
19 Rights Department's working in cooperation with
20 the Minnesota Human Rights Department?

21 MS. NEBLETT: Okay. I'll do the best
22 that I can. Madam Chair, Ms. Bye, the Department
23 of Civil Rights and I've only been with the

1 Department of Civil Rights for three years, during
2 that time period there has been what I would call
3 an informal working relationship. The
4 relationship that Mr. White spoke of earlier
5 concerning the age cases is a formal relationship
6 that has just been initiated. Other than that,
7 like I said, it has been an informal relationship
8 with the directors from both the Civil Rights
9 Department, the State Department of Human Rights,
10 as well as the St. Paul Department of Human Rights
11 meeting on a regular basis to discuss the issues
12 that arise in reference to this particular agency.

13 MS. BYE: Any help or cooperation in
14 training or investigations?

15 MS. NEBLETT: Oh, sure, sure. And I guess
16 that's what I mean by informal. If the Department
17 of Civil Rights has had expertise that they could
18 lend to the State Department of Human Rights or
19 even St. Paul or vice versa, that would be done
20 just by asking.

21 MS. BYE: Well, how would you then
22 evaluate the effectiveness of the Minnesota Human
23 Rights Commission from where you are in

1 Minneapolis?

2 MS. NEBLETT: The state?

3 MS. BYE: Yes.

4 MS. NEBLETT: I have never heard of
5 people being rewarded for, you know, dispensing or
6 getting rid of cases before they were fully
7 investigated. I used to work at the Department of
8 Human Rights a number of years ago and I had never
9 known that to be part of the work. I was just
10 surprised to say the least. I have never known
11 them to be anything other than hard working. They
12 have a tremendous case load and it's not even
13 close to anything like our department has. So
14 their process is going to be slower, definitely,
15 but other than that, I have never heard of rewards
16 for not doing your job basically.

17 MS. BYE: Thank you.

18 CHAIRPERSON ROGERS: You just invited a
19 follow up question though. In your experience,
20 what was the length of time, the number of days
21 needed to bring a case to closure at the
22 Department, the State Department?

23 MS. NEBLETT: Let me give you some

1 perspective. I worked there back in 1985, okay,
2 and at that time it was probably around a two year
3 average. It took about two years probably from
4 start to finish. You have your exceptions, but
5 probably an average and, of course then there
6 weren't that many cases probably at that time
7 either.

8 CHAIRPERSON ROGERS: I'll just say that
9 the information we received yesterday as about 305
10 days average, so something's changed from when you
11 were there. Thank you for your presentation.

12 MR. WEINBLATT: Could I just ask one more
13 question, please? Sir, this is really kind of a
14 spread. You've indicated that your either target
15 case load or actual is about 40 per investigator.
16 Did I get that correctly?

17 MR. WHITE: Yes.

18 MR. WEINBLATT: To what can you
19 attribute, if you can, the fact that it appears to
20 be a case load at the state level of 60 and our
21 witnesses who are still present this morning from
22 the EEOC indicated a case load of, again if I
23 heard correctly, of 84.

1 MR. WHITE: What was your question again?

2 MR. WEINBLATT: Should I draw anything
3 from that?

4 MR. WHITE: We have a smaller number of
5 total cases and the case, average case load will
6 increase because as part of my plan is to pull off
7 some of the investigators and reassign them to
8 contract compliance because we want to start doing
9 some desk audits. So by doing that that will
10 increase the case load of investigators. I just
11 think that it has something to do with the number
12 of investigators assigned to investigate
13 complaints.

14 MS. NEBLETT: As well as our
15 jurisdictions. We only have jurisdictions over
16 the City of Minneapolis.

17 CHAIRPERSON ROGERS: Thank you.

18 Okay. We'll have a ten minute break.

19 (A brief recess was taken.)

20 CHAIRPERSON ROGERS: We're back in session
21 and before we hear from our next speaker, I want
22 to hear a message from our member, Albert DeLeon.

23 MR. DE LEON: Thank you. Madam Chair,

1 and members of the Commission, it will take me
2 just one or two minutes and I would like to
3 address you not only as a member of the
4 Commission, but as a senior citizen. I feel like
5 I'm the oldest in the room, you know, but I missed
6 the evening session and I have listened to what
7 was mentioned for the record this morning. I
8 really have very serious concerns about what was
9 the assembly last night and in the process and
10 fairness and since the Commissioner of Human
11 Rights was not in the session last night, I was
12 wondering what is the pleasure of the Chair and
13 the members of the Commission on giving
14 Commissioner Beaulieu the opportunity to come and
15 visit with us before we adjourn today and respond
16 to those concerns, and I'm just interested in
17 fairness, that's all. He can always decline the
18 invitation or whatever, but it's really a very
19 important and a serious issue that you give him
20 the opportunity to talk before. That's all I want
21 to put on the record, Madam Chair.

22 CHAIRPERSON ROGERS: Thank you for the
23 suggestion. We have acted on that. Mr. Minarik

1 has placed a call or --

2 MR. MINARIK: Yes.

3 CHAIRPERSON ROGERS: Are we waiting for a
4 response?

5 MR. MINARIK: I'm going to try again in
6 about 15 minutes.

7 CHAIRPERSON ROGERS: So we may have an
8 opportunity to readdress Mr. Beaulieu before we
9 conclude today's session.

10 We now have Mr. Josephier Brown who
11 is the Director of the St. Paul Department of
12 Human Rights. Welcome.

13 JOSEPHIER BROWN, DIRECTOR

14 ST. PAUL DEPARTMENT OF HUMAN RIGHTS

15 Good morning. Thank you for
16 allowing me this opportunity to come before you to
17 give my views on the subject that you're talking
18 about.

19 Chairperson Rogers, my name is
20 Josephier Brown, I'm Director of the St. Paul
21 Department of Human Rights. I'm pleased that the
22 Commission in it's wisdom has decided to take a
23 look at the level of resources that are provided

1 to agencies that are being charged with the task
2 of enforcing laws that protect our civil and human
3 rights.

4 I've been asked to present my
5 perspective on the topic of levels of resources
6 and what impact the levels have on our ability to
7 provide services. I venture to say that I won't
8 say anything spectacular that you haven't heard
9 before. Specifically the level of resources and
10 services and agencies have and continue to
11 decrease. I worked in the field of human rights
12 for over 20 years. All of that experience has
13 been in federal Department of Defense or local
14 city government positions. My current position as
15 the Director of St. Paul Department of Human
16 Rights began in July, 1989, so my comment will be
17 limited to that experience and some of the things
18 that have happened during that tenure.

19 In July, 1989 the St. Paul Human
20 Rights Department consisted of 17 professional and
21 support staff. Of that number eight were
22 investigators, four in the enforcement unit, three
23 in the contract compliance unit, and one

1 affirmative action investigator. Since 1988
2 investigative staff has been reduced by 37
3 percent. There are now five investigators, two of
4 which are supervisors. The question then becomes
5 what impact has this reduction had on the
6 investigative staff, on our service level? Now
7 it's important to note that the reduction not
8 occur at one time. Rather one year we had two
9 positions that we lost, the next year we had
10 another and these were losses due to budget cuts.
11 Consequently, the Department was in a position to
12 reorganize around the staff reductions without an
13 unmanageable disrepresentation in service. The
14 obvious initial impact of the staff reduction was
15 an increase in the case load of the remaining
16 investigators.

17 By the way, I haven't spoke to the
18 fact that we also lost support staff. I'm just
19 talking about investigators here. As reduction of
20 staff continues to be we had to revise our intake
21 procedures. We eliminated face to face interview
22 with complainant and began mailing intake forms to
23 complainants with instructions. Individuals that

1 had mustered enough courage to contact our office
2 to file complaints were told to fill out the
3 series of forms, have them notarized and mail them
4 back to us. Now the instruction we've provided
5 were complete, but instructions could not guide
6 the complainants as in the face to face interviews
7 towards focusing on factual information related to
8 the specific changes and giving enough information
9 that that we need to further the investigation.

10 As you might imagine, we had a very
11 poor return rate. Most complainants did not
12 bother to complete the forms and our follow up
13 found that out of 182 complainants that were
14 mailed intake forms, the return rate was 34
15 percent. 34 percent of the people returned the
16 form then continued to pursue their complaint.
17 The Department has discontinued this practice;
18 however the staffing pattern remains the same. So
19 we had to do something else to make sure we had
20 continued service. So we're tightening up our
21 intake procedures. We also have increased the
22 number of investigative dates allowed for cases.
23 At one point we were at 120 days. We're up to 180

1 days now. Finally, our probable cause findings of
2 1989 were between 15 to 29 percent. Currently our
3 probable cause determinations are around ten
4 percent.

5 Now I offer that data without any
6 evidence of a direct correlation between our
7 reduced probable cause rate and the reduction in
8 resources, but I suspect there's some connection
9 here. In contract compliance the impact was the
10 reduction in the number of scheduled compliance
11 reviews on companies that provide goods and
12 services and the number of onsite scheduled visits
13 to construction sites. And as you're aware,
14 there's a direct correlation between the
15 visibility of staff on job site compliance reviews
16 and the number -- and the employment of women and
17 people of color on these jobs. Technical
18 assistance on how to provide, with the provisions
19 of the human rights ordinance was provided to all
20 contract ordinances, this includes development of
21 affirmative action. Also man resources to achieve
22 this activity had to be reduced.

23 Finally, the flipside of enforcement

1 is the elimination of discrimination through
2 prevention. When resources are scarce prevention
3 suffers, as in the case of St. Paul. Now I fully
4 recognize that the economic situation of the
5 country that it is just pulling itself out of
6 affected all areas of employment, unfortunately
7 when budget needs to be cut, one of the first
8 areas that's considered is human rights and civil
9 rights enforcement. The irony to this is when the
10 economy turns down, complaints turn up. At the
11 federal level you're aware the U. S. Department of
12 Housing and Urban Development has contractual
13 relationships that provide funds to state and
14 local enforcement agencies to conduct case
15 investigation for housing discrimination. In 1990
16 the federal government passed the Fair Housing
17 Amendment Act. The state and local agencies who
18 continue the contractual relationship in receiving
19 funds from HUD, but only if the housing division
20 of their respective laws were substantially
21 equivalent to the federal fair housing laws. The
22 application of the substantially equivalent
23 standards would appear to have it's emphasis on

1 the equivalent size, on personal size, a percent
2 or image of federal law. The City of St. Paul in
3 responding to HUD's analysis of our procedures has
4 twice amended our legislative code.

5 Unfortunately, we are still not substantially
6 equivalent and cannot receive federal assistance.
7 Some of the federal requirements are in direct
8 opposition to state statute, consequently
9 equivalency at the local level required amending
10 state law also.

11 Now, we can do this, however there
12 are situations where we feel that state and local
13 laws as enacted will achieve the same results as
14 intended by the federal law. We have a conflict
15 there. Possibly you can help us with that.

16 As the smallest of the three
17 enforcement agencies here in Minnesota, resources
18 that were provided by HUD for us were very
19 significant. I would like to continue to renew
20 our contractual relationship with the HUD office,
21 however we have given up to this point on trying
22 to meet the qualifications at this time.
23 Hopefully we will be able to revisit this in the

1 near future and again have that relationship with
2 HUD to help us with our investigation.

3 Now let me conclude my remarks by
4 responding to an observation that your advance
5 person, Mr. Minarik, thought might be of interest
6 to the Committee. The Human Rights Director is
7 appointed by the Mayor of St. Paul from a list of
8 three candidates submitted to the Mayor by the St.
9 Paul Human Rights Commission. The Commission also
10 appointed by the Mayor conducts a national search
11 which includes a two day practice and a public
12 forum to determine the top three candidates. Once
13 appointed, the Director may be removed at any
14 time, without cause with 2/3rds of the members of
15 the Human Rights Commission. The Director is not
16 subject to removal as a result of change in the
17 administration. That seems to be a different
18 strategy on structure than most areas. That
19 concludes my remarks, madam Chair, members of the
20 committee. I'm ready to respond to questions.

21 CHAIRPERSON ROGERS: Thank you.

22 Questions? Lee?

23 MR. RUIZ: Mr. Brown, than you for your

1 comments. In your opinion, given the recent
2 constraints and increase in resources and so
3 forth, is it your perception you enjoy the support
4 of the community of color in the St. Paul area
5 communities?

6 MR. BROWN: That's my perception. I say
7 it kind of hesitantly because I'm not sure in what
8 capacity that I want to respond to the support
9 piece. One of the questions that the Chairman
10 asked the previous speaker was if there was an
11 effort to do away with or eliminate the
12 Department. At one point in St. Paul that was an
13 issue and the community of color came out in
14 support of the Department and would not let that
15 happen. It's my opinion that that's still the
16 situation in St. Paul.

17 MR. RUIZ: A follow up, Madam Chair. Are
18 your various groups represented on the commission
19 currently?

20 MR. BROWN: On the Commission, not every
21 group, but we have a 11 members Commission
22 appointed by the Mayor and we have representatives
23 from most of the protected classes and I can name

1 almost all of them.

2 MR. RUIZ: A good balance?

3 MR. BROWN: A good balance, yes.

4 CHAIRPERSON ROGERS: Alan?

5 MR. WEINBLATT: How about from the other
6 side? Do you feel, put aside the budget issue for
7 just a few moments, do you feel that you have the
8 political support of the current mayor and the
9 city council in the work of the department?

10 MR. BROWN: We have strong support from
11 some council members, tacit support from other
12 council members, not so good support from other
13 council members. The Mayor supports the Human
14 Right's Department, and one of the things that I
15 did when I came on was to make sure that the Human
16 Rights Department was an integral part of the
17 Mayor's team. Before I became the Human Rights
18 Department, for instance, did not sit on the
19 Mayor's cabinet and I thought the Mayor needed to
20 have that input on his cabinet and positioned the
21 Department to be part of that meeting with those
22 decision making areas that affected the City of
23 St. Paul as a whole instead of sitting outside

1 waiting for things to happen. In that capacity,
2 the Mayor does support the Department.

3 MR. WEINBLATT: And knowing that you're
4 responsible for a presentation of a budget cut,
5 what has happened with respect to the Department's
6 budget over the last four or five years and in
7 your professional judgment, what, if any, increase
8 in budgetary support do you believe is required to
9 fulfill the job which you're charged?

10 MR. BROWN: The Human Rights budget has,
11 as indicated, been reduced over the last five
12 years only in the staff, but also in line item
13 issues such as papers and supplies, training, so
14 forth, have been reduced. I support the three
15 issues that most of your testimony in terms of
16 protectively providing our services, that's
17 training, efficiency --

18 CHAIRPERSON ROGERS: Quality.

19 MR. BROWN: Yes. To that extent,
20 financial resources would be necessary in
21 sufficient amounts to make sure that that happens.
22 You can argue about how much that takes to do that
23 and we always are looking for way of doing it in a

1 cost effective manner. You spoke about training
2 in cooperation between the various enforcement
3 agencies. If the state department has the training
4 that we're aware that they're having, we can
5 probably send one or two there. That wouldn't
6 cost as much, but we can do those kinds of things.
7 But in terms of the dollar amount of what is
8 bottom line that we can work with, I don't have a
9 clear sense of that. But, yes, we do need to have
10 sufficient financial support to do those three
11 areas, make sure that happens.

12 CHAIRPERSON ROGERS: Caroline?

13 MS. BYE: Chairman Rogers, Mr. Brown,
14 maybe you could tell us a little bit about the St.
15 Paul Civil Rights Department's working cooperation
16 with the Minnesota Human Rights Department and
17 give us a little idea of what you feel about their
18 effectiveness?

19 MR. BROWN: Madam Chairperson,
20 Commissioner Bye, we've had a relationship with
21 the State Department of Human Rights at one point
22 we had a formal work sharing agreement with them
23 where we would receive cases from them and we

1 would submit to them cases that we have that
2 presented conflict of interest for our
3 investigators. Specifically the St. Paul charter
4 requires that the City Attorney's office
5 represents the city's interest. So when they're
6 representing the Human Rights Department, the
7 Human Rights Department has a case against another
8 city department, then that raises a conflict of
9 interest position. In situations like that, we
10 were able to refer those cases to the state. The
11 state also referred cases to us. So we had a
12 formal relationship at one point. That particular
13 piece is not there. Most of the interaction we
14 have now is of an informal basis. We do meet and
15 we have met regularly once a month with the
16 Commission. The Commission of the State
17 Department, myself and the Director of the City of
18 Minneapolis Civil Rights Department. But again,
19 that was an informal relationship that we had to
20 make sure we all were aware of what was going on
21 in the state. How effective is the Department?
22 Some people rate that on how often they get in the
23 paper. At one point the Commission was in the

1 paper quite a bit on those things. I don't
2 necessarily make that connection, but the people
3 in the community, the community kind of gets a
4 sense of what's going on when they see things like
5 that happen.

6 In terms of the cases, our cases, as
7 I indicated, investigators, we try to keep around
8 120 days. I'm aware that the state case load is a
9 lot longer. I don't know if that's an indication
10 or not. We have a smaller area of jurisdiction
11 that we work with. The state Human Rights
12 Department has a larger territory.

13 MS. BYE: You were talking about formal
14 agreement and informal agreement and now you're
15 working on an informal agreement with them as far
16 as meeting. How frequently do you all meet or do
17 you meet at all with the Minnesota Commission on
18 Civil Rights?

19 MR. BROWN: It was once a month at one
20 point.

21 MS. BYE: At one point. Now what is it?

22 MR. BROWN: Well, we are waiting now for
23 Director of Minneapolis to get on board so we have

1 been to that process I've met with them on a
2 couple of occasions, but we haven't met as a group
3 since Kenneth White was appointed.

4 MS. BYE: I see, thank you.

5 CHAIRPERSON ROGERS: Al?

6 MR. DE LEON: Madam Chair, members of the
7 Commission, I serve on the St. Paul Human Rights
8 Commission so I don't know whether I can ask any
9 questions or not. Maybe I should ask it in the
10 Asian language so that will be better, but you
11 know I have served on the Commission for how long
12 now, Josephier?

13 MR. BROWN: Eight years.

14 MR. DE LEON: I've been the oldest there
15 and they've been asking me to leave everytime, you
16 know, but I paid too much parking ticket in that
17 place, you know. My concern Madam Chair, members
18 of the Commission, and maybe Josephier you can
19 help me. There was this article two or three days
20 ago in the newspaper, I think St. Paul where it
21 mentioned nepotism in the City of St. Paul
22 Department heads, you know, hiring their wives and
23 their children and then on the other side of the

1 newspaper it said minority children having hard
2 time getting employment in the city. And it
3 mentioned department heads, you know, who have
4 hired their wives or their children. Did you read
5 that, Josephier?

6 MR. BROWN: Yes, I did, Commissioner.

7 MR. DE LEON: Can you reflect on that
8 because it concerns me being a commissioner of
9 Human Rights in the City of St. Paul in terms of
10 equal opportunity, you know. I don't know, maybe
11 nepotism is a policy of St. Paul. I don't know
12 whether it is or not, but now it's having
13 difficulty for us, you know, whether I should get
14 married to somebody, you know, I don't know. But
15 can you reflect on that part because I was very
16 bothered by that.

17 MR. BROWN: Madam Chair, Dr. DeLeon,
18 we're structured in a very strange way. That is,
19 you work hard, you try to get ahead and when you
20 get there, you wait to ensure that your kids,
21 wife, these people that can benefit from the hard
22 work that you've done and the place that you are.
23 So, on one side of that your son comes to you and

1 says Dad, I want to work. I want a job. Can you
2 help me? And Dad says, son, I'll talk to my boss
3 and see if I can do something for you. And if he's
4 in a position of doing that, then that works.
5 That works well I suppose if, and I use this term,
6 the playing field was level. That is, if I as a
7 black man was sitting next to the table with
8 someone that's not a person of color and my son
9 asked me the same question and I was able to do
10 the same thing for him or her. That's not the
11 case. As indicated in that article, one of the
12 reasons that people of color kids are not getting
13 summer jobs is because there were no people of
14 color in positions of authority to be able to say
15 yes son, daughter, I will talk to someone and see
16 if I can help. As indicated in the article
17 there, no one indicated that they pulled strings
18 in order to get that to happen. So, you wonder
19 about that. On one hand that's something that you
20 would want to do for your kid, help them get
21 ahead. On the other hand, if the system doesn't
22 allow, which is the other part of what the article
23 says, the system doesn't allow women and people of

1 color to get to the point where they can make
2 those kinds of decisions.

3 CHAIRPERSON ROGERS: Thomas?

4 MR. HAYES: Yes. Mr. Brown,
5 does your department have a work sharing agreement
6 with the EEOC?

7 MR. BROWN: Madam Chair, Mr. Hayes. No,
8 we do not. Fortunately though we have pursued
9 that effort and we have been in contact with our
10 regional EEOC office and they have informed me, to
11 my great pleasure, that the application that we
12 sent to HUD asking for one has been forwarded to
13 Washington with the recommendation that we would
14 enter a work sharing agreement with EEOC.

15 CHAIRPERSON ROGERS: Lee?

16 MR. RUIZ: Thank you, Madam Chair. Mr.
17 Brown, I happen to agree with you. I live in St.
18 Paul. There are very few people of color in
19 authoritative positions, but the few that are
20 there are they less, you know, through the
21 retrenchment that's going on in St. Paul, slashing
22 budgets? Are you monitoring that what few people
23 that we do have there will continue to be there?

1 MR. BROWN: Madam Chair, Mr. Ruiz, I
2 don't monitor that officially. I monitor it
3 unofficially because it's something I'm interested
4 in. But there is a Director of Affirmative Action
5 who has the task of making sure that that does not
6 happen. And as you indicated, there are very few
7 people of color in positions that have authority
8 in St. Paul. To my knowledge now those that have
9 been there are still there and the Mayor, in fact
10 the Director of Affirmative Action was just
11 appointed by the Mayor who is an African American
12 female.

13 CHAIRPERSON ROGERS: Alan?

14 MR. WEINBLATT: Madam Chair, thank you.
15 Mr. Brown, for the sake of rounding out my
16 personal check here, can you give me an idea of
17 the average case load of the investigators in the
18 St. Paul Department?

19 MR. BROWN: Madam Chair, Mr. Weinblatt,
20 yes, we are the smallest, as I indicated, of the
21 three agencies and our case load and jurisdictions
22 is not as wide as the others. Our investigators
23 average 30 to 40 cases at any given time. Most of

1 those cases, in fact about 61 to 70 percent of
2 them are employment cases based on race. Our next
3 highest case load then is housing and we recently
4 added sexual orientation to our ordinance and we
5 had cases alleging discrimination based upon that
6 basis. So, at one point about 8 percent of our
7 cases were on sexual orientation. Sexual
8 harassment is the next highest case load. We were
9 having increased complaints for AIDS
10 discrimination and we haven't yet had an increase
11 in disability.

12 MR. WEINBLATT: Is there any funds
13 whatsoever in the St. Paul Department or as far as
14 in any other department for prejudice reduction
15 promotion object?

16 MR. BROWN: Madam Chair, Mr. Weinblatt,
17 in one of the things that I tried to do when I
18 first came is change the mindset of people within
19 the City of St. Paul, and particularly in the City
20 Hall itself. And that is that enforcement of the
21 St. Paul Human Rights Department is an enforcement
22 agency and we act on those issues. But they also
23 are preventative and should be engaged in

1 prevention. I had an idea for a prevention
2 campaign as far back as 1990 that has finally come
3 to some fruition. But in direct answer to your
4 question, most of the funds for this campaign has
5 come from public and private sector. I've been
6 able to secure funds for what I call a social
7 positive prevention strategy based around the
8 premise at St. Paul, prejudice isn't welcome. It
9 hasn't been launched yet. We're still putting
10 some final touches on it, but it's based on the
11 premise that the majority of us, and I believe
12 from St. Paul have a compassion to social ideas.
13 We don't condone the kind of things we talk about,
14 the cross burnings. We don't condone any
15 vandalism of Kosher kitchens or vandalism of
16 synagogues and so forth. These are things that's
17 happened in St. Paul. In each case the community
18 came out in support of the victims of those
19 incidents, both the target of the incident and the
20 community itself.

21 You may be aware that we had a cross
22 burning incident a couple of years ago that went
23 all the way to the Supreme Court and was

1 responsible for a lot of laws being changed
2 because they said we did it the wrong way. We
3 were cognizant of that kind of thing, too. But,
4 my premise is that if the community is okay with
5 coming out publicly in support of things after it
6 happened, they should also be there to come out to
7 prevent these kinds of things. So how are we
8 going to do that? It's my premise that the things
9 that lead to cross burnings, the things that lead
10 to vandalizing Kosher kitchens are the small
11 things that happen day to day. Most of us have
12 been in situations where we're in a conversation,
13 someone says something that offends us; did you
14 hear the one about the black guy, blah, blah,
15 blah? It offended you but you didn't say
16 anything. You sat there and listened to it. So
17 the question is why did you not challenge that
18 individual and say that's inappropriate, you
19 shouldn't say that. I wish you wouldn't say it in
20 my presence. Why did you not do that? Because
21 our culture, our environment doesn't allow us to
22 do that. So the purpose of this prevention
23 strategy is to change that to make it okay for me

1 as an individual to say challenge and say that and
2 hopefully by challenging the small things, it
3 prevents the seeds from being sown to prevent
4 things from happening. So how do you do that? If
5 everyone was sitting here with a pin on his lapel,
6 prejudice isn't welcome, a little pin that looks
7 like this, prejudice isn't welcome, even if we
8 were complete strangers, we never knew anyone, we
9 have set a standard in this room that prejudice
10 isn't welcome. Now if someone walked in here that
11 was predisposed to saying something of a negative
12 nature, they can see the pin and they would think
13 twice about it. What does that mean? They have
14 some idea what prejudice is and they would
15 probably not engage in that kind of behavior.
16 However, if someone were ignorant or not aware of
17 what you were talking about and were to say
18 something like that, I would suspect that now we
19 would be empowered to challenge that individual.
20 Even if you were complete strangers, we know that
21 we've made a connection between one another by
22 just simply wearing a pin that prejudice isn't
23 welcome.

1 One of the things that we've had
2 happen in the City is that one of the major
3 department stores has got into trouble by their
4 clerks following people around and looking at them
5 and trying to see if they're going to steal
6 something. I submit that not all agents do that.
7 Not all sales people are involved in that kind of
8 thing. If I walked into this store and saw the
9 sales person with a pin on that said prejudice is
10 not welcome. I've had mine on, we've set a
11 connection between our relationship and
12 interaction the way we're going to deal is
13 different. I've had people come to me in my
14 office. In fact, one lady came with tears in her
15 eyes telling about a situation that she overheard
16 about the local stores, the proprietor and a
17 customer were talking about something that
18 affected her so much she was so offended that she
19 came to my office and wondered what they could do
20 about it. I would have challenged the individual
21 right there. She wouldn't, she could not do that,
22 but if she had a pin on that prejudice isn't
23 welcome, she would not have to say anything at

1 all, just by wearing that pin she established a
2 standard with her that individual may not have
3 said that. So, for those Minnesota Nice people
4 that have good intentions, but aren't willing to
5 step forward and say verbally that prejudice isn't
6 welcome and challenge that, they can help set that
7 environment wherever they go; where the
8 individuals go that wear the pin, wherever they
9 gather, they set standards that prejudice isn't
10 welcome. So the model behind the campaign that
11 once you wear the pin or distribute it, you vow to
12 challenge negative behavior wherever you encounter
13 it. That's the commitment that you make by
14 displaying the pin, and that's a media campaign
15 which talks about the bus shelter, things on the
16 buses and posters. And there's an image that
17 comes out with that that goes along with the
18 slogan that prejudice isn't welcome. But that's
19 what we're trying to do in the City of St. Paul.

20 CHAIRPERSON ROGERS: Geraldine?

21 MS. KOZLOWSKI: I have a question, Madam
22 Chair. Mr. Brown, back to the nepotism issue, is
23 there anything being challenged about that and are

1 the funds that the wives and children are they
2 public funds for the program?

3 MR. BROWN: Madam Chair, Ms. Kozlowski,
4 to my knowledge there's no challenge to that
5 issue. There are no laws against it and in most
6 cases, like I said, none of the people that are
7 currently employees indicated that they've pulled
8 any strings to get their relatives hired. That
9 they are, in fact, going through the normal
10 process and continue with other people.

11 MS. KOZLOWSKI: But the jobs or -- where
12 are the funds coming from to pay for these jobs?
13 Is this public funds?

14 MR. BROWN: Public funds.

15 CHAIRPERSON ROGERS: Mary?

16 MS. RYLAND: Madam Chair, Mr. Brown, are
17 these pins available somewhere that say prejudice
18 is not welcome? I think there should be a booth
19 at the State Fair right now that's putting them
20 out for free.

15

21 MR. BROWN: Madam Chair, Commissioner
22 Ryland, I have at this point developed the large
23 posters and small posters. Small posters, by the

1 way, what I'm suggesting is I'd like to walk down
2 the street in the City of St. Paul and see every
3 house displays a small poster and by displaying
4 this poster, what they're saying in this house, in
5 this neighborhood, prejudice isn't welcome, and
6 I'll challenge that. The pins will be available
7 in October and small and large posters. I have
8 tee shirts and the image on the back that says
9 prejudice isn't welcome and a lot of the young
10 people are in search of the tee shirts. The
11 program I had hoped to kick it off for the school
12 system for the school year, but Mayor Coleman
13 wanted some finetuning to it. So he's going to
14 kick it off later. It already started in St. Paul
15 Public School system. They adopted a program,
16 they are writing curricula around the theme of
17 prejudice isn't welcome. They have the kids --
18 the kids are going to work on this also in the St.
19 Paul School system. The pins will be available in
20 October.

21 MS. RYLAND: I just want to add, I'm just
22 thinking that we have a, in Duluth in northern
23 Minnesota, the Northland Foundation with kids plus

1 programs that are and I'm going back and suggest
2 to them that they might like to do prejudice is
3 not welcome.

4 MR. BROWN: Interestingly enough,
5 McDonald's is getting a way -- is connected with
6 the program called Young Heroes, Today's Young
7 Heroes, and they're asking young kids to submit
8 names of other kids that have done something that
9 could be something good or something like that.
10 So they're putting a twist on it. If you nominate
11 someone that's of another race that have done
12 something in the area of civil rights, then they
13 will give them one of the human rights buttons
14 that say prejudice isn't welcome.

15 CHAIRPERSON ROGERS: My question goes
16 after the perception of your department by
17 protected citizens, what is that, in your view?

18 MR. BROWN: The perception is, part of
19 that I get from one of the things that the city is
20 involved in now is a reinventing government kind
21 of effort. Mayor Coleman is strong on that. One
22 of the things that is coming out of that is
23 assessing just that how are you providing services

1 to the community? We're talking about evaluating
2 tools and asking the community, not my perception
3 of what's there, asking the community what is
4 happening in terms of the services in our
5 department. We've always been afraid of that. We
6 talked about this for a long time in the
7 department. To the extent that we have found
8 probable cause, the cases, we will probably get a
9 positive response. To the extent that we have
10 found against complainants, we probably would not
11 get a real good response in terms of assessing
12 that area, and also assessing the public at large.
13 How we work there, I think we've a better record,
14 a good record with the public at large. We're out
15 as much as possible selling our wares. Most of
16 our efforts, a lot of our efforts now are in the
17 Asian community. We have developed, for instance,
18 our literature in the seven different languages.
19 We think that we have that kind of response. The
20 other way I can judge some of that is the Asian
21 community is reluctant to come see us, extremely
22 reluctant to come see us. We work hard to make
23 that connection between the Asian community. We

1 have people on staff that can respond to those
2 concerns. I have had situations now where they
3 have come to us voluntarily to seek our help, and
4 that to me was a real coup to have that happen.

5 Based on that kind of evidence, I
6 suggest that we have a positive relationship with
7 the community. It could always be better. That's
8 just my position.

9 CHAIRPERSON ROGERS: And its too bad
10 because my question goes after testimony that we
11 heard yesterday that Minnesota Department of Human
12 Rights is considered a non player. What I'm after
13 is if you feel that someone who feels that they
14 have been discriminated against, feels that they
15 have an ally in your department. Are people more
16 apt to contact your department or more apt to just
17 suffer and let it go? Can you tell by the
18 numbers? Do your numbers support any story?

19 MR. BROWN: Yes. One of the issues I've
20 always said every time I get an opportunity to say
21 something about something else, I say something
22 about this, which is call us, let us determine it,
23 if you have a case or not. If you think something

1 is happening, don't wonder about it, call us. So,
2 we have on the average now I pick the latest
3 numbers 150 calls a month to our office. Out of
4 that we refer probably 50 percent of them to an
5 appropriate agency, but they've called us to ask
6 do I have a charge? This is what's happened to
7 me. And out of that we will get out cases. So,
8 if you judge from the fact that we're saying the
9 people call us, let us determine, let us help you
10 sort through the issue there and we find out if
11 you have a case. If we don't, we'll refer you to
12 somebody else so they are willing to make that
13 phone call.

14 CHAIRPERSON ROGERS: You're getting the
15 calls?

16 MR. BROWN: Yes.

17 CHAIRPERSON ROGERS: And then my second
18 question, the final question goes after the
19 numbers versus quality issue and I think I
20 understand that the number correlates directly
21 with funding. You have to produce cases so
22 there's a numbers game there, but do you feel any
23 pressure to forego quality in your work to make

1 sure the numbers are high enough to keep our
2 funding in place and an honest answer, please?

3 MR. BROWN: There's some of that, I'll
4 admit there's some of that. Most particularly
5 though we had a relationship with HUD. We were
6 reimbursed for the HUD cases that we had and we
7 would do so many cases and there was a minimum
8 that we had to produce so there was some pressure
9 there. With regard to our own cases, we have some
10 internal pressure. Our production says that we
11 want cases, people feel would not like to have
12 cases drag on for months and months and months,
13 and so we try to push for 120, 180 case resolution
14 time. That's an internal pressure and that's
15 something we can work with and change as
16 necessary. But our procedures allow us to do
17 that. As I said before, the case to case
18 interview solves a lot of that because we get a
19 lot of things. We get some real clear, precise,
20 definite kinds of things by sitting down and
21 talking to the individual. By spending an hour,
22 an hour and a half talking to them, it saves us
23 three or four days down the road. So our cases

1 don't suffer by putting a time limit on the number
2 of days if we have a process that's efficient that
3 we can address it. Sending the forms out it
4 doesn't happen. They come back, they're not
5 complete, we don't know exactly what they're
6 talking about. It's not focused on the issue. We
7 send it back to them, this kind of thing, it's
8 inefficient, it doesn't work. That then becomes a
9 problem. There's some of that, yes, there's some
10 pressure.

11 CHAIRPERSON ROGERS: So then I have a
12 follow up question. What would you do with more
13 money?

14 MR. BROWN: What would I do with more
15 money? Training is important too. Training is
16 very important. It's one of the things that
17 doesn't happen in our field is that there's not a
18 lot of room for anything to happen in terms of
19 growth and promotion and so forth, training
20 becomes key, particularly with laws that change
21 all the time. You need to be aware of those
22 changes all the time. So, to the extent that we
23 can make sure that our people know what's

1 occurring and provide a part of that to their
2 investigative skills is important.

3 I would do more training with money.
4 I would make sure that we have appropriate staff
5 in order to make sure that people aren't
6 overworked and burned out.

7 CHAIRPERSON ROGERS: Alan?

8 MR. WEINBLATT: Just for the follow up on
9 that and one other comment. You indicated the St.
10 Paul city charter provides the city attorney's
11 office to provide legal representation. Is there
12 stability in that service? Does it come from a
13 knowledgeable person or persons? And secondly, we
14 receive any of that training on legal developments
15 from city attorney's office?

16 MR. BROWN: Madam Chair, Mr. Weinblatt,
17 that's a very interesting question. We have
18 discussions about this from time to time. We have
19 a city attorney representative that advises the
20 Department. When cases go to the city attorney's
21 office, it's divided up the way a normal cases
22 will be just -- the district attorney may get it
23 this time, another attorney may get it another

1 time. So, there's no consistency there in terms
2 of knowledge of any given attorney with civil
3 rights cases, and we have argued and had
4 assessments and stuff about that particular issue.
5 There's no training provided from the states
6 attorney's office to us. Fortunately, the Human
7 Right Department has been fortunate in that it has
8 had several staff members that were licensed
9 attorneys on staff and they have been able to tap
10 into that knowledge there.

11 CHAIRPERSON ROGERS: Lee?

12 MR. RUIZ: Just one more, thank you,
13 Madam Chair. Mr. Brown, I was on the St. Paul
14 Human Rights Commission ten or so years ago.
15 That's when I had all black hair and I guess I
16 would agree with your assessment in the Spanish
17 community. I can attest to the fact that during
18 that period of time that you were taking the mail,
19 very little interest in pursuing anything, but now
20 the perception is that especially in St. Paul
21 you're doing the best job that you can under the
22 circumstances, and with all due respect, I don't
23 perceive a conflict of interest anymore because

1 I'm no longer a member, but just coming to Mr.
2 Brown's defense, that he's doing a very credible
3 job under the circumstances.

4 CHAIRPERSON ROGERS: Geraldine, last
5 question.

6 MS. KOZLOWSKI: We were told earlier that
7 the American Indian community in Minneapolis is
8 very reluctant to make complaints because they do
9 not recognize anyone downtown. Is this true for
10 also for St. Paul or are American Indians filing
11 complaints with your office?

12 MR. BROWN: Madam Chair, Ms. Kozlowski,
13 St. Paul has a small Native American community,
14 but an active one. We have on our commission a
15 Native American who works in the school system and
16 we are constantly communicating with her through
17 her and the Native American community. She has
18 come to us quite often and said I've got someone I
19 want to come in and talk about things, and I
20 support that issue. So, from that perspective we
21 have the same kind of stigma of being downtown St.
22 Paul. It may be little and that kind of thing,
23 but to the extent they will come, I think we have

1 because we have worked closely with her so it's
2 not a wall that they won't come in.

3 MS. KOZLOWSKI: Okay.

4 CHAIRPERSON ROGERS: Mr. Brown, could you
5 submit a detail of the numbers of cases and the
6 racial breakdown and even age to Peter Minarik?

7 MR. BROWN: Yes, I can do that.

8 CHAIRPERSON ROGERS: Okay, thank you for
9 your testimony. We have two minutes while the
10 next panel assembles.

11 (A brief recess was taken.)

12 CHAIRPERSON ROGERS: We're back in
13 session and we have four presenters during this
14 segment and they are going to proceed in the order
15 of alphabetical order for their last names,
16 showing fairness and impartiality to all four.
17 I'm going to ask each of the presenters to limit
18 your opening remarks to five minutes so that the
19 committee can hear from all of you and we will
20 start with Mr. Lester Collins.

21 LESTER COLLINS

22 Good morning. Truthfully I guess I
23 don't really know where to begin. I've done an

1 enormous amount of thinking around the issue and
2 was kind of relating to one of the panel members
3 in terms -- not panel members but audience in
4 terms of concerns. Majorily I guess I'm
5 concerned -- maybe I should explain or you already
6 know what the Council of Black Minnesotans do. We
7 are a charter responsible to advise the Governor
8 and legislature on issues affecting the African
9 American population here in Minnesota. And I know
10 that Sam Meyers and others have already talked
11 with you so I'm assuming you're pretty much aware
12 that the population of African Americans here in
13 Minnesota was estimated to be about 84,600. The
14 Council estimates that that's probably about a
15 hundred thousand or more individuals. There's a
16 considerably large population of African
17 individuals here as well. We are charged to
18 report their concerns equally so. One of the
19 things that has recently occured as we deal with
20 issues around immigration and other related
21 issues, particularly as it relates to the African
22 population and we share those in common with the
23 Asian, Hispanic populations and we have met and

16

1 talked about those concerns just for a moment.
2 The population as it relates to Africans that come
3 here to Minnesota, unlike other immigrants or
4 refugees, these individuals come, for the most
5 part as parolees and it's an ongoing concern that
6 we do have and that they are equally unreserved,
7 overly educated, in most cases unemployed as are a
8 large number of individuals, meaning African
9 Americans in the State of Minnesota.
10 Statistically I thought that I would kind of spare
11 you unfortunately I guess what I term is kind of
12 the misery index in terms of unemployment and
13 other things as it relates to individuals here
14 within the state, but I'd be more than happy to
15 supply you with that and that I do have it.

16 The concerns I guess that I would
17 like to share are pretty much coupled around the
18 fact that we are also charged with the legislative
19 mandate. The council has been responsible for
20 approximately 60 pieces of legislation since it's
21 inception in terms of last session for us that
22 ended not too terribly long ago. We had about 12
23 pieces of legislation that we carried or were

1 responsible for. Some of that legislation dealt
2 with small business or access in terms of funding
3 and those kinds of things; particularly as it
4 relates to start up businesses and those kinds of
5 concerns.

6 I guess in the five minutes,
7 probably the two that I have now, mainly I guess
8 my concerns are the number of phone calls that are
9 increasing probably very much based on the fact
10 that as the councils are better known. Every time
11 we hold a meeting we will hold a meeting in
12 conjunction with Sam Meyers, the Humphrey
13 Insitute in terms of civil rights meetings.
14 We've had an African American dialogue not long
15 ago in conjunction with the Humphrey Insitute and
16 many of the concerns that were shared there had to
17 do with process, it had to do with equal access,
18 it had to do with housing related calls in terms
19 of discrimination. And while we don't handle
20 anyone on a direct basis, we try to make the
21 appropriate referral and we work closely enough
22 with the Human Rights Department and other
23 departments to know the same thing that I'm sure

1 that you've heard, but I also want to confirm is
2 that in most cases we're talking about people's
3 frustration with how long that process takes. And
4 we are also sympathetic to the whole concern that
5 generally because of the lack of resources;
6 meaning individuals and cutbacks in those
7 departments. We work very closely with Dave
8 Beaulieu in that particular regard and so we were
9 very much aware of the fact that those resources,
10 particularly as it relates to investigations and
11 other things are not there.

12 The most recent of concerns I think
13 that we have probably dates back on a larger scale
14 to last year basically as it relates to hiring and
15 more as it relates to investigations around equal
16 access and fair employment and each one of the
17 council have worked very much in conjunction with
18 trying to get more investigators; particularly as
19 it relates to the Department of Transportation in
20 terms of violations as it relates to the number of
21 individuals on jobs and how contracts are let and
22 those kinds of things. Obviously I've -- my mind
23 is racing about a hundred miles per minute. So,

1 I'm going to stop to allow others and maybe I can
2 kind of think more specifically in terms of kinds
3 of things that I can bring before you. Obviously
4 I have a number of things, but where to start
5 within five minutes, I'm not sure.

6 CHAIRPERSON ROGERS: Lester, I promise
7 you we will come back to you with questions.

8 Anita Fineday is here from the
9 Minnesota Indian Affairs Council.

10 MS. FINEDAY: Yes, that's correct.

11 ANITA FINEDAY

12 MINNESOTA INDIAN AFFAIRS COUNCIL

13 I'm here today presenting on behalf
14 of Alfred Emerson who is the Chairman of the
15 Minnesota Indian Affairs Council who is unable to
16 be here today and I do have a one page prepared
17 statement that I'd like to enter into the record
18 and I'd like to make some comments.

19 As you said, my name is Anita
20 Fineday. I'm currently the attorney for the
21 Rechas band of Chippeway in northern Minnesota and
22 Alfred Peterson is the Chairman of our
23 reservation, so he asked me to attend in his place

1 today. And one of the comments I would like to
2 make really relates directly to rural Minnesota
3 and the Native American population in northern
4 Minnesota and in rural Minnesota. I'm an
5 attorney there. I work for the reservation and I
6 do a wide variety of cases. I've been working for
7 the reservation for three years and a lot of
8 people come to me, a lot of people come to my
9 office and a lot of people come to me to express
10 their complaints about the system. So, a lot of
11 the information that I get from the community and
12 from the broader community I get a lot of it
13 from -- I get a lot of information. We have a
14 Minnesota American Indian Bar Association and
15 there are about 40 attorneys practicing law in the
16 State of Minnesota who are of Native American
17 descent. And we do get a lot of information about
18 the Native American community and the one thing
19 that I can tell you about the Native American
20 community in Minnesota is that there's a lot of
21 fear. There's a lot of fear among the Native
22 American community and it has appeared in several
23 ways. One of those ways is on the reservation as

1 a sovereign nation we have our own license plates
2 and our own registration system for vehicles of
3 members and many of our members are afraid to have
4 those license plates on their vehicles. They are
5 afraid to purchase them and they are afraid to
6 have those license plates on their cars because
7 they fear reprisals. They are afraid of law
8 enforcement reprisals and also reprisals from
9 other members of the community. So that to me has
10 told me over the years that there's a lot of fear
11 in our Indian community.

12 There are many volatile issues
13 regarding Indian people in Minnesota, specifically
14 in Minnesota today. One of those volatile issues
15 concerns the Malax band of Ojibwa of Minnesota who
16 recently had their hunting and fishing rights
17 recognized by the federal courts. I know that
18 after conversations with the attorneys on the
19 Malax band that there has been violence, there has
20 been personal confrontations against Malax band
21 members because of the tensions that have arisen
22 as a result of this treaty decision, and I know
23 that many of the Malax band members fear reprisals

1 against them because of the recognition of this
2 hunting and fishing rights that has always
3 existed, but has just now been recognized by the
4 federal courts.

5 Another volatile issue in Minnesota
6 for Indian people has been Indian gaming. Our
7 Indian casinos on many of our reservations have
8 been successful. They have helped us decrease
9 unemployment on the reservation and with that has
10 come a lot of animosity from the non Indian
11 community, a lot of resentment towards Indian
12 people for what is seen as special rights and what
13 is seen as something that has been given to Indian
14 people. And there's a lot of animosity. We see a
15 lot of animosity and I see that on the reservation
16 and I hear that from other Indian people in
17 Minnesota. A lot of resentment towards Indian
18 people because many of our band members have
19 employment now, many of our band members are able
20 to buy new cars now, many of them for the first
21 time are really seeing some amount of success.
22 It's far from being across the board for all
23 Indian people in Minnesota, but we have seen some

1 improvement along those lines.

2 I was present at a visit that was
3 paid in northern Minnesota by the state Public
4 Defender's Office, John Stewart, who is the chief
5 Public Defender for the State of Minnesota, and
6 Mr. Stewart appeared in Bell Train Man (phonetic)
7 County Court on a Monday morning. When the
8 officers brought in prisoners who had been held
9 over for the weekend and Mr. Stewart and some of
10 his staff made the comment that it reminded them
11 of Mississippi, of what Mississippi had been like
12 in the '50s and '60s because it was an all white
13 judicial system from the baliff to the Court
14 Reporter, to the Court adminstrator, to the Judge,
15 to all of the attorneys, it was an all white
16 system, and all of the prisioners who had been
17 bound over on that particular weekend, all of them
18 who were bought in were Indian, they were all, all
19 of them Indian. He was stunned. Of course he
20 doesn't get to northern Minnesota very often, he
21 doesn't make those appearances in our small county
22 court system very often, and I think he was
23 genuinely stunned to see the system and all white

1 system and all Indian defendants that were brought
2 in who had been bound over. So that system is
3 very much still alive and in place in northern
4 Minnesota today.

5 The other thing that I hear are
6 reports of fear by our teenagers and reports of
7 police misconduct and police abuse against
8 teenagers. I've had several teenagers come to me
9 and say that they've been picked up for curfew
10 violations and that they had been beaten by the
11 police officer. I encouraged them to make reports
12 and they would not. They told me that their
13 parents would not allow them to report this
14 because of their fear, their fear of reprisals.

15 I don't know if I've used up my five
16 minutes, but I would just say that from my
17 experience in northern Minnesota with the Indian
18 community in rural Minnesota, things have not
19 changed very much.

20 CHAIRPERSON ROGERS: Okay. We next will
21 hear from Roy Garza who is the Director of the
22 Spanish Speaking Affairs Council. Mr. Garza.

23 ROY GARZA, DIRECTOR

1 SPANISH SPEAKING AFFAIRS COUNCIL

2 Thank you very much. Madam Chair
3 and members of this Commission. As you just
4 pointed out, my name is Roy Garza, I'm Director of
5 the Spanish Speaking Affairs Council, a position
6 which I have held since June of '93. First I want
7 to thank you for the opportunity to very briefly
8 speak with you on the issue of resources available
9 to address issues of discrimination within our
10 community. Being asked to speak for five minutes
11 reminds me of a comment by Senator Humphrey when
12 he was asked to speak for five minutes. He said,
13 I can't even clear my throat in five minutes. I
14 want to assure you although I can clear my throat
15 in five minutes, I'm not sure how much more I can
16 say and so let me just focus my thoughts on two
17 very brief comments. The first is the mission of
18 our Council is to promote the social, economic,
19 and political development of businesses owners,
20 Hispanic, Latino and migrant farm worker community
21 and the key strategy that we use to achieve that
22 mission which has already been touched upon by
23 Lester Collins is to advise the Governor and the

1 legislature on the needs and concerns and ways to
2 address the problems within our community. Our
3 Council as such does not receive any monies for
4 investigatory or enforcement activity. That is
5 that the state Department of Human Rights and some
6 of the local commissions such as the one that
7 Josephier Brown directs. That's the role of our
8 Council and responsibility.

9 Secondly, since I joined the Council
10 as I said in June, '93, I noticed a pattern of
11 calls coming into our office about issues of
12 discrimination and racism and as a result of that
13 steady stream of calls, I convened a meeting back
14 in July or August of '93 with Commissioner
15 Beaulieu of the Department of Human Rights. He
16 confirmed the fact that their Department has seen
17 a "dramatic increase" of cases of discrimination
18 towards Hispanics and Latinos in the state. As a
19 result of those discussions, we decided to embark
20 on a state wide study to examine the extent and
21 the nature of racism discrimination against our
22 community in the state. Essentially we held
23 public hearings similar to this one in some of the

17

1 cities with high concentration of Latinos and that
2 included about seven cities in northern, southern
3 and central Minnesota. We found two issues that I
4 think pertain to this meeting. The first is that
5 we found and documented a pattern of
6 discrimination in law enforcement, employment,
7 housing, health and human services directed at
8 Latinos and Hispanics. For example, in southern
9 Minnesota in the Worthington Tracey area we found
10 the police department randomly stopping cars with
11 Texas drivers licenses, not to ask for a drivers
12 license, but to ask for proof of citizenship.
13 Never mind that you have to have probable cause
14 for stopping individuals as Mr. Weinblatt knows
15 very well as an attorney and never mind the
16 overwhelming majority of our communities are
17 citizens, yes, many of us come from the southwest
18 primarily from Texas, but the last time I checked
19 Texas is part of the United States and therefore
20 we're U.S. citizens, yet we have seen a dramatic
21 increase of border patrol raids in the street and
22 there have been eight border patrol raids in
23 southern, central, western Minnesota and all those

1 eight raids have occurred at Mexican work sites
2 netting 241 illegal Mexicans, I'm sorry, 240
3 illegal mexicans. The other one, the 241st was a
4 Mexican American that's a person like me and Mr.
5 Ruiz who are Americans of Mexican descent. That
6 is, we were born and raised in the United States
7 and as such we are citizens. We've also
8 documented in many of these raids the police
9 department accompanied the border patrol in those
10 raids. When we made that issue with the police
11 department chief of Minneapolis, his response was
12 that the border patrol were concerned about
13 violence and that the police department
14 accompanied them as a way to protect the border
15 patrol raid. After we checked that issue further,
16 we found that border patrol folks are empowered to
17 carry weapons and so they don't need the
18 additional help of police officers, yet that's a
19 pattern that's been documented in the state.

20 Another example of that pattern of
21 discrimination is in central Minnesota around the
22 Wilmer Lynchville area. There we found employment
23 counselors referring Mexican and Mexican American

1 applicants to the lower paying service industry
2 jobs around chicken and turkey processing
3 companies instead of higher paying
4 paraprofessional and professional positions.
5 There was as a form of discrimination in northern
6 Minnesota, specifically in Moorehead and East
7 Grand Forest we found school district personnel
8 referring Mexican American children at the time of
9 enrollment to English as a second language and
10 remedial courses although their primary language
11 was English. These are children whose only
12 language is English. They don't need English as a
13 second language courses. They don't even speak
14 Spanish, but they were making these decisions at
15 the time of enrollment based on what they looked
16 like. They looked brown, they had dark hair
17 therefore they must not speak good English. On
18 that case, the Department of of Human Rights did
19 file the charge and presently they're in
20 concilliation I understand.

21 The other finding that I think is
22 pertinent to this meeting is that our community
23 has lost faith in the Department of Human Rights

1 in responding to their concerns. Over and over
2 again we've heard many of our folks express
3 concern that they have no faith in the Department
4 of Human Rights to investigate and address their
5 complaints. When we spoke to Commissioner
6 Beaulieu about that issue, his response was that
7 it's simply a staffing capacity problem. They
8 don't have the resources to respond in a timely
9 manner. For example, the Department of Human
10 Rights only has one bilingual enforcement officer
11 to cover a state with 32 communities or 21 cities
12 with high concentration of Latinos and Hispanics.
13 Related to is 56 percent of 70,000 Hispanics in
14 this state relies on the use of the Spanish
15 language as the language to communicate with the
16 outside world, yet when you consider that and the
17 fact that the Department of Human Rights only has
18 one bilingual enforcement officer, it makes sense
19 that the Department of Human Rights does not have
20 the ability, the capacity to respond in a timely
21 manner to complaints filed by our office. Bottom
22 line is that our Department is not entitled to
23 use -- not entitled, but is not receiving justice

1 and equality or opportunity when it comes to
2 issues of discrimination and racism. Why?
3 Because the resources are simply not there, be it
4 at the state, the city or the county level. That
5 in essence is the remarks that I wanted to share
6 with you. I'll be more than happy to respond to
7 questions.

8 CHAIRPERSON ROGERS: Thank you, Mr.
9 Garza. We will now hear from Hoang Tran who is
10 representing the Southeast Asian Refugee
11 Community.

12 HOANG TRAN
13 SOUTHEAST ASIAN REFUGEE COMMUNITY HOME
14 Good morning members of the
15 Commission. As you know my name is Hoang Tran,
16 I'm Vietnamese. I'm currently president of the
17 Southeast Asian Refugee Community Home or search.
18 We are in search of something in a new homeland.
19 That's the reason why we use the name of the
20 organization. I was trained as a lawyer, but for
21 my years in Minnesota I have been working
22 completely on almost all my time was working for
23 the Southeast Asian refugee. I came to Minnesota

1 in September, '85 and I was hired firstly as
2 employment counselor at the Center for Asian and
3 Pacific Islanders and later on I became executive
4 director of this agency in February, 1986 until
5 July, 1992 when I was fired.

6 My concern, I have two concerns.
7 The first concern is the discrimination against
8 the Southeast Asian refugee by the non refugee.
9 When I talk about the refugee, I mean the Southeast
10 Asian, I mean Maong, Cambodian, Laotian and
11 Vietnamese and for thoe people I have been working
12 for all my time.

13 And the second concern is the
14 discrimination against me, myself as a Vietnamese
15 by non refugee members. The fact I think that
16 this as a dream of my life which was destroyed and
17 so I'm not sure I could summarize in five minutes,
18 but I will do my best and I will leave and when
19 it's over, you please cut me. I talk about the
20 community first.

21 When I was hired as a executive
22 director of the Center for Asian and Pacific
23 Islanders, the organization had less than \$3,000

1 in a savings account and with a staff member, not
2 including myself and I was given the organization
3 to raise funds to make the organization survive
4 and to raise funds to pay my own salary, too. And
5 I have been working there from 1988 and I tell you
6 right away that I was working full time and I was
7 going to law school full time. I was a lawyer in
8 Viet Nam and a lawyer in France and when coming
9 here I went to law school here and so I was
10 working and going to law school, but I think that
11 I have a dream that we need to have a new home for
12 all southeast Asian. Anyway, the Center for Asian
13 and Pacific Islander was the unique organization
14 in the Twin Cities area which served all, any
15 group of refugees and that's the reason why I was
16 selected to work for all the refugee and even the
17 name of the center was for an Asian, but the
18 situation was that the funds come only from the
19 office. I mean, the funds not the office of the
20 refugee resettlement of the U.S. Department of
21 Health and Human Services was used to receive only
22 for southeast Asian refugees because the reason
23 why we receive the money. And so I mean that even

1 the name of the organization was the Center for
2 Asian, but we received the funding from the
3 government to serve the southeast Asian and we got
4 funding from the office of refugee resettlement
5 through the Department of Human Services. We call
6 not the viet refugee and refugee assistance, but
7 the Asian Refugee assistance.

8 Returning to the issue. In 1988 I
9 started talking. I was talking to an Asian who
10 agreed to help us to build a community center and
11 we started a community center for the Southeast
12 Asian refugee. In general we call for Asian
13 refugee at that time. At the end of '88 I
14 graduated from law school, but it's not related to
15 here. What I mean is that I stayed with the
16 Center to raise funds and to build the community
17 center. We worked for about three years until the
18 end of 1991. I raised about -- I got approval
19 about half a million and until June, '92 we got
20 approval on about \$1 million on the \$1.1 million
21 project. And so the money contributed by the
22 private for Asian was \$550,000 and we bought the
23 building at East Franklin and 22nd Avenue. The

1 building was a half a million dollar building and
2 we bought at about \$400,000. But, when we bought
3 that building, it's the beginning of the end of my
4 working there because there was, I tell you it's a
5 multi ethnic board and so we have more than 50
6 percent of the refugee and the remaining we have
7 Caucasian American, other Asian and so when we got
8 the building, I bought the building in November,
9 1991 and a take over was prepared by the non
10 refugees. They started by using the ethnicity of
11 the staff against each other. They started by
12 encouraging a Maong to file a complaint with the
13 Human Rights saying that I'm Vietnamese and I
14 discriminated against her. Later on they used a
15 Cambodian and Laotian to file the Human Rights
16 charge against me. They said that I treated the
17 Vietnamese staff better. And returning to the
18 issue, I would like to mention that I called into
19 the office the statistics of the census, 1990
20 census. We got about 38,000 refugee and in general
21 in fact there may be about 55,000 Laotian
22 refugees.

23 And so returning to the issue, they

1 organize it, even though the charge was later
2 dismissed by the Department of Human Rights, but
3 they used it to take over the organization. They
4 used ethnicity, the discrimination, they used all
5 the human rights goals and so they took over the
6 organization and in July they fired me without any
7 reason. They said that I cannot get to the --
8 firstly they disagree with the refugee member who
9 resigned and when the refugee member makes a
10 position statement with the signature upon seven
11 refugee members of the 13 board members director,
12 they disagree and three refugees resign and so
13 they became the majority and later on they removed
14 two other refugees from the Board and after that
15 they fire me. And so they got the majority. And
16 I think what I would like to mention here because
17 there are many details in this, I have a book like
18 this I may write it in the future, but I think
19 that the strategy was that using the ethnicity,
20 the refugee against the non refugee to take over
21 the organization, and I think that's the saddest
22 thing of my life is now. After using up about
23 \$300,000 of saving in six years for the

1 organization, they sold the building and the
2 building when I bought was about 427,000 and they
3 sold it for \$300,000 and they used it for
4 operational purposes. And so I mean what I mean
5 in this case we want to have a community center
6 for the Asian refugee and if we were almost
7 achieving it and we almost have it because on one
8 \$1.1 million and the money was in, we bought the
9 building and we remodeled the building and so they
10 sold the building. Consequently, we lost
11 everything and I don't know when we could make it
12 again. And for me personally I can have a lot of
13 detail, but I can summarize, but I file the
14 complaint with the EEOC and Minneapolis and I
15 learned that EEOC and Minneapolis made it
16 determination even though I'm a lawyer but I'm not
17 familiar with the issue, I don't have anything to
18 talk about the investigation, but what I mean is
19 that the fact that strategy was used to make the
20 refugee against the refugee and for me personally
21 I suffer, but while I overcome this and now I
22 started building from scratch and that's the
23 reason why you see my name and Southeast Asian

1 Refugee Community Home. The reason for this --

2 CHAIRPERSON ROGERS: Mr. Tran, I'm sorry,
3 I need to limit you to those remarks and we will
4 get back to you in follow up questions should any
5 of the committee members wish to ask you a follow
6 up question.

7 Thomas?

8 MR. HAYES: Yes. I'd like to ask is it
9 Ms. Finedy?

10 MS. FINEDAY: Fineday.

11 MR. HAYES: You have the Indian
12 reservations as a sovereign nation, how do you or
13 do you relate to the Department of Human Rights of
14 the State of Minnesota or the EEOC?

15 MS. FINEDAY: That's an interesting
16 question. There has been a dispute among the
17 tribes and with the State Department of Human
18 Rights as to whether the State Department of Human
19 Rights has any jurisdiction on the reservation and
20 to the best of my knowledge they do not conduct
21 investigations on the reservations, but have
22 limited their investigations to the urban
23 Indian -- and urban Indian complaint that they

1 would have. But, I do believe that there is a
2 general concensus that the EEOC does have
3 jurisdiction on the reservation.

4 MR. HAYES: Thank you.

5 CHAIRPERSON ROGERS: Alan?

6 MR. WEINBLATT: My question is mostly
7 addressed to Mr. Collins and Mr. Garza and that is
8 that you've both mentioned that the role of your
9 councils is to bring to the attention of the
10 executive and legislative bodies the interests of
11 your respective councils. My question is kind of
12 simple. Who is out there yelling about the loss
13 and reduction in financial support for the
14 investigative functions of the Human Rights
15 Department? Who is yelling and screaming to the
16 Governor and to the legislature about a fair share
17 of financial resources of the state investigation
18 and who is out there screaming and public arena in
19 the media describing loss of at least the
20 financial committment to the enforcement of the
21 promises that was made by our human rights laws?

22 MR. COLLINS: Since my name I think is
23 alphabetically puts me first. Actually I guess I

1 would answer that question increasingly a younger
2 population of individuals as I see it. Ages
3 ranging generally from about 18 or so to like
4 early, you know, 30s. A population more
5 increasingly I believe that are males, African
6 American males in our community. I would say
7 coupled with increasing concerns from grandparents
8 and not necessarily even the immediate parents of
9 these youth or young adults. In a broader sense,
10 a pretty broad spectrum of individuals and I don't
11 know that from the standpoint of naming it
12 resources or naming it as reduction, you know, and
13 in monies or funds as much as we've spoken in
14 terms of just the number of phone calls. I'm
15 concerned that particularly for the council, I
16 think at the time that we begin to get calls of
17 the nature that we do and the variety it generally
18 means that people are focused, they don't know
19 exactly how to access the system, they're
20 frustrated, you know, with it increasingly and
21 also that the length of time that things seem to
22 take in terms of the number of phone calls, very
23 honestly what happens with the Council,

1 particularly speaking for the Council of Black
2 Minnesotans, is that we try to end that call. We
3 try to prevent putting this person in a position
4 where they've got to make three, four other phone
5 calls. And so we have established a kind of
6 relationship at least I have with the Human Rights
7 Department where you generally, because of
8 association on other committees, are making
9 referrals to what was then a Delores Fridge or
10 someone that you basically knew and knew they
11 would handle it at least in such a way that there
12 was, as an aside, at least a little therapy that
13 occurs if there wasn't much else that was
14 provided. But, to answer your question
15 specifically, in terms of who those individuals
16 area, it's a cross section of community
17 organizations, you know, coming to us, making
18 referrals to the council particularly because of
19 the level that we operate. But I would say that
20 again, in terms of number of phone calls I get,
21 generally they seem to be what I would term as
22 younger African American male individuals, but
23 clearly across the board, depending upon whether

1 we're talking housing, depending upon whether
2 we're talking, you know, employment related kinds
3 of concerns, but there's definitely an increase,
4 almost to the point where Roy was mentioning that
5 we certainly are not funded to act in an
6 investigative capacity. I'm not so certain that
7 we're even in one sense we're mandated or charged
8 with the responsibility. One thing I should make
9 clear and I don't know if it has been pointed out,
10 but the council basically I don't think any of us
11 have more than too much more than like four
12 individuals at the most, Indian Affairs Council
13 may have more just by virtue of the fact they have
14 a few more different locations. But again, a cross
15 section of individuals generally I think would
16 characterize for us or to my recollection as being
17 younger.

18 MR. WEINBLATT: My question is a little
19 different. My question is who is chaining
20 themselves to the Governor's rail, in front of the
21 Governor's office and yelling and screaming for
22 more money for enforcement to keep the promise
23 that was made by our existing laws on saying to

1 Eve Anderson, the speaker of the House who is
2 saying to Roger Moe, the head of the Minnesota
3 Senate, that the priority to keep the promise is
4 by providing the money necessary to enforce the
5 promise or wipe the promise off. The screaming
6 and yelling is my question.

7 MR. COLLINS: I guess I would answer that
8 specifically as the council probably themselves.
9 Generally people are coming to us making those
10 concerns known and every opportunity that I can
11 recall we have that opportunity or when we tried
12 to get access directly to the Governor or to
13 anyone else, I would say we are probably that
14 voice and it gets to be a pretty lonely place up
15 there, but with a, only again because of the
16 capital state office building. All these places
17 are places generally that are still yet foreign to
18 our community. They don't see it as a place that
19 you can go and get a remedy to concerns.

20 MR. GARZA: My answer is along the same
21 lines as Lester's, and that is many of our
22 community folks are yelling, but their yells are
23 not real yells, they're whispers. They are

1 whispers because they are not being here, but even
2 when policy member were our community, it's an
3 attitude of indifference. So, I agree with
4 Lester. It's really up to the councils and for
5 those of us who care about civil rights to do that
6 yelling. However, when our council yells, we get
7 canned and told to not talk about issues until a
8 later date. In fact, when we came up with the
9 funding from this study, we attempted to have a
10 meeting with state policy makers to talk about his
11 issue and to essentially do some of that yelling
12 and hold them accountable. The response was one
13 of denial. The reason of we shouldn't be talking
14 about those issues publicly. Now is not the time
15 to talk about racism in the state. Wait until
16 after the November elections was the message. And
17 so I really do believe that the yelling is really
18 up to those councils and up to the Human Rights
19 staff. Those of us who care about human civil
20 rights. Lester has already pointed out that in
21 order for us to do the yelling from an operational
22 level, we simply don't hae the capacity to direct
23 our time and energies and efforts to collecting

1 the ammunition, the data to make credible,
2 reliable yells, if you would.

3 Bottom line is I think there isn't
4 enough yelling and I'm hoping that as we move
5 along the legislative process related to the
6 fundings from this study that we talk about other
7 ways to address issues of discrimination within
8 this state. For example, I attended a session
9 recently with the Attorney General's office about
10 the Attorney General's office playing a role in
11 addressing human and civil rights complaints
12 because the current system is not working for our
13 community. The Human Rights act must work for
14 everybody else, but it doesn't work for our
15 community because much of what we've heard, much
16 of what we've found through our testimony is
17 already illegal, but it's still happening, and so
18 the act as we know it now, that is the Human
19 Rights Act, is meaningless and it doesn't work for
20 us. It's like having a hamburger without the
21 hamburger itself. The main ingredient simply
22 isn't there and so that law to us is frankly a
23 joke because it doesn't work. I'm not sure Alan,

1 if that answers your question.

2 MR. WEINBLATT: Yes, that does.

3 CHAIRPERSON ROGERS: Lee?

4 MR. RUIZ: Thank you, Madam Chair. Your
5 testimony today and those that preceded you
6 clearly indicates instances of discrimination are
7 increasing where the resources are decreasing. It
8 had been suggested as a matter of recourse and
9 remediation to the City of Minneapolis that when
10 an agency finds probable cause, that that violator
11 be assessed the charge for the investigation as a
12 way of mitigating expenses. That precedent to
13 that is the state because in their administrative
14 law judge hearings there are charges assessed to
15 the party that's responsible. Perhaps that's a
16 united front the various councils could suggest
17 that to policy makers. That is why assess me and
18 everybody else a fee, if you will, in the taxes
19 when I didn't do anything wrong, you assess the
20 guilty party so to speak, the use of your service
21 the way the State of Minnesota appears to be
22 doing. Will you support such a thing? It's going
23 to be my intent to send a copy of this report to

1 the State government policy makers to tell them
2 something is wrong in that law. This is not being
3 enforced.

4 MR. GARZA: Just to follow in
5 alphabetical order, let's let Lester respond first
6 and then I'll answer.

7 MR. COLLINS: I guess to give a very
8 short answer, I will support it. I think that's a
9 very viable means of approaching it.

10 MR. GARZA: Absolutely. Our office would
11 support such an effort. In fact, we presently are
12 in discussions with the Attorney General's Office
13 proposing ways to strengthen the existing
14 discrimination laws in this state because, as I
15 said earlier, what's needed is laws that have
16 teeth, and as you already pointed out, the laws we
17 have now are toothless, and so without a doubt we
18 would support that. It would be kind of hard for
19 us not to support something that we would
20 initiate.

21 CHAIRPERSON ROGERS: Anita and Hoang,
22 would you like to respond to that question as
23 well?

1 MS. FINEDAY: I would respond that, very
2 briefly, yes, that would be an excellent idea and
3 yes we would support something like that.

4 CHAIRPERSON ROGERS: Okay, what about you
5 Mr. Tran?

6 MR. TRAN: My impression is that we, in
7 many situations we were almost always excluded
8 from these things. The reason for this, we are
9 normally because due to our suffering during the
10 colonies of France since the 19th Century and
11 after the war with Viet Nam War, we never, very
12 rarely speak out our concern. And the other
13 reason is that we are new to this problem. Since
14 even though at the end of this year we have been
15 present in this country for almost two decades,
16 but you know that we came here in the specific
17 circumstance, we come here to survive, and so we
18 don't know the systems very well. Surely we
19 support everything you have for us, but I think
20 that normally we left out. And by the way, I
21 would like to mention that again the matter I said
22 before because it seem like the takeover, but in
23 fact it's not, it's -- there was -- I have

1 evidence about all this discrimination, but we
2 don't have time. I would be willing to for any of
3 you who wants to know more about it, I will be
4 glad because when we talk about the fact like
5 this, it's like a takeover, there's no problem,
6 but the discrimination is in this matter.

7 CHAIRPERSON ROGERS: Let me say to all of
8 you that because of time limitations that we do
9 invite you to put any information that you would
10 like to come before this body in writing and you
11 can submit that to Peter Minarik at our Chicago
12 office and that will be assembled and we will have
13 the opportunity to review that information.

14 Questions on this side? Al?

15 MR. DE LEON: Mr. Tran, you felt that you
16 were terminated because of your status as a
17 refugee?

18 MR. TRAN: I think that I should say with
19 a non refugee are very well educated people and my
20 answer is yes and no. No in the sense that they
21 don't speak, they don't publicly say that you're
22 fired because you are a refugee. Nobody would say
23 that, but in fact after that they plan, they have

19

1 a planning -- firstly before firing me, they got a
2 white American to be Asian consultant of the
3 organization, without respecting my employment
4 procedure, and later on when they fired me, they
5 used a Vietnamese to be temporarily in the
6 administration. It's a pretext. We all know
7 that. And about some months later they replaced
8 this person firstly by a white female, and later
9 on the person they hired as a consultant come back
10 and he's still there and he's a white American and
11 he's never have any productivity, he's never been
12 working with the refugee, he never been working
13 with the refugees, southeast Asian refugee before,
14 and that's -- if that answers your question.

15 MR. DE LEON: Yes, thank you.

16 CHAIRPERSON ROGERS: I have a couple of
17 questions. After a day and a half even the number
18 of stories that we've heard from the different
19 agencies that are set up to enforce the civil
20 rights laws suggest that it's rough out there, and
21 I think each of you have talked about some kind of
22 indication that you're receiving from the groups
23 that you're representing that discrimination is

1 high. Talk to us about that. Can you, let's say,
2 let's compare 1994 to 1990, just a four year span.
3 Are we better off, or are we worse off, Mr.
4 Collins? And I'll ask you to give us, in the
5 interest of time, a very direct answer.

6 MR. COLLINS: I have been with the
7 Councils of Black Minnesotans I think for about
8 eight years, so just judging it by that particualr
9 time frame, I think that television probably has
10 helped some. I think that the council's activity,
11 involvement in the community in terms of raising
12 issues at hearings that have occurred have helped.
13 Therefore, people are somewhat more aware,
14 although I think they are still yet confused about
15 how to access the system, how to make these things
16 known other than by way of phone calls to perhaps
17 our offices or other offices, there's absolutely
18 no doubt in my mind that from '90 to '94 or over
19 an eight year span, based on the phone calls that
20 I separately kind of keep relating to issues of
21 discrimination in housing, employment and other
22 areas, and my frustration with the fact that I
23 don't have the resources or the adequate time to

1 be able to address them or even to effectively
2 refer them is also a frustration, that there's
3 absolutely no doubt in my mind that there is an
4 increase in that time frame and continues to grow.

5 MS. FINEDAY: I would have to say that
6 because this is 1994 and because of many of the
7 things that have occurred in the Indian community,
8 that tensions are higher now, that the level of
9 tension and fear and animosity between Indian
10 community and the non Indian community are much
11 higher now than they were in 1990.

12 MR. GARZA: I would say that we are worse
13 off. My reasons are three fold. First, there's
14 very little consequences for those folks who act
15 in a racist and discriminatory manner. As I said
16 earlier, there are no teeth to existing human
17 rights laws, at least at the statewide level. The
18 other reason was that we're worse off is because
19 in terms of our population, our community has
20 grown by 68 percent from 1980 to 1990. In fact,
21 some cities have experienced an even more dramatic
22 increase. Wilmer, Minnesota, for example, has
23 experienced a three hundred percent increase in

1 Hispanics and so as a population grows, so does
2 the problem. So, for that reason I believe with
3 all my heart that racism is alive and well and
4 thriving in this state.

5 MR. TRAN: Yes, I believe it's worse.

6 CHAIRPERSON ROGERS: Okay. Alan?

7 MR. WEINBLATT: We also were told that
8 discrimination has become much more sophisticated
9 and that perhaps the reason why it has been
10 allowed to permeate our society is because our
11 enforcement systems have not been upgraded to
12 match the sophistication. What do you think about
13 that? And we'll go quickly down the line again.

14 MR. COLLINS: As you asked the first
15 question I guess I somehow thought about the
16 second question that you hadn't asked, and I think
17 that's exactly the case. I don't know, again,
18 based on just the time frame, how to elaborate on
19 it anymore, but I can say that it's very true, it
20 has grown more sophisticated and perhaps the
21 system, particularly in terms of resources or
22 bodies to be able to investigate as testers or
23 otherwise certainly are limited, and I think

1 that's very true.

2 CHAIRPERSON ROGERS: Is it mostly in
3 employment or is it--

4 MR. COLLINS: I think employment,
5 definitely housing has even gotten just the way
6 things are turning, people are a little more hip
7 about what it is they should say or how they turn,
8 you know, turn a family away or whatever. So, I
9 think clearly across the board.

10 CHAIRPERSON ROGERS: Anita?

11 MS. FINEDAY: Yes, I would agree that it
12 has become more complex, it has become more
13 sophisticated and that the enforcement mechanisms
14 have not kept up, have not. I think, as someone
15 said, there are things now that people would not
16 say. People know not to make certain comments,
17 but those attitudes come out in other ways that
18 are much more difficult to really pin down and
19 detect, and yes, there's a lack of enforcement,
20 and a lack of investigators, and a lack of a
21 system that people can rely upon to enforce and
22 investigate the situation.

23 MR. GARA: Needless to say, I agree with

1 the sentiment behind your question, and as I said,
2 I believe that racism and discrimination has
3 become embedded in most public and private
4 systems. It becomes institutionalized. For
5 example, I don't mean to pick on my own city, St.
6 Paul, but in St. Paul I think that racism has
7 become embedded in the hiring practices to the
8 point where out of the 3,000 full time city
9 government employees, only 90 or two percent are
10 of Latino/Hispanic descent. And while three
11 percent are African American, not to say anything
12 about Asians, who hardly appear on the payrolls in
13 the city government jobs. That to me is an
14 example of institutional racism where the policies
15 and practices of the City of St. Paul prohibits or
16 that brings out people from our community for city
17 government positions.

18 MR. TRAN: Yes, I believe that it's most
19 sophisticated in three kinds of things; firstly,
20 the people who practice discrimination are, who
21 are well-educated to know the system and the
22 victim of discrimination are those who don't know
23 the system. And in addition to this, as I

1 mentioned earlier, they suffer too much in the
2 past and for some things they just forget it
3 because they have to pay attention to their normal
4 life. And in the third sense is that human rights
5 laws in our system is new with anybody who came
6 from the Southeast Asia. We didn't know, and even
7 me I said that I'm a lawyer, but I can never say
8 that I understand human rights law very well. On
9 the contrary, I don't know much about it. And so
10 I think that it's silently passing under the
11 ground and I believe that my personal belief is
12 that it will last at least more, at least in one
13 more decade before we could have some
14 appropriation about it.

15 MR. WEINBLATT: I would ask each of you
16 to talk to us as in some way a translator to the
17 community. Can you each tell me, your own views,
18 what are the potential consequences of the
19 community not facing up to the frustration that
20 Lester describes or the fears that Ms. Fineday
21 describes or the tensions that you all describe
22 what do you see as a consequence for our society
23 if those are not addressed now?

1 MR. COLLINS: I think it makes for a very
2 volatile situation similar to the resurgence in
3 Los Angeles. I think people have a tendency to be
4 so depressed that they resort to a more extreme
5 answer to resolving or feeling, you know, how
6 problems should be resolved. And again, I would
7 kind of come back to I think our younger
8 population is growing less tolerant, you know, of
9 waiting for dealing with what they see and I think
10 that's very dangerous.

11 MS. FINEDAY: I think that it results in
12 a great loss to all of us. A great loss for an
13 appreciation of the diversity and the resources,
14 the human resources that are available that are
15 not allowed to expand and grow and reach their
16 full potential. I believe that that's a great
17 loss for all of society that these segments are so
18 downtrodden and become -- I think I would agree
19 that our youth really have very little hope. Very
20 many of them see very little potential for their
21 adult lives. Very many of them don't see any
22 point in getting an education, don't see any point
23 in doing anything with their lives. They really

1 see very little hope and it's that great loss for
2 all of society.

3 MR. GARZA: Well, I agree with both
4 Lester and Anita that we will come to see a
5 community more divided along race and class lines.
6 And secondly, we'll see a community that will be
7 even more polarized. I have worked with the
8 county, the city, and now the state and I have
9 seen that system from within and I have tried to
10 address problems of race within the bureaucracies
11 and I've come to the conclusion that that doesn't
12 work very well. Those strategies simply don't
13 work. I think we really need to go back to the
14 lesson of the '60s and take to the streets because
15 the strategies within the system is not working
16 and the problem is getting worse. And so I think
17 Lester hit the nail on the head when he says that
18 we are fastly moving in the direction of Los
19 Angeles. I hear the anger, the frustration with
20 my community throughout the state and I think
21 that's the direction we're moving towards. And I
22 don't say that to be an alarmist, but it's my
23 perspective.

1 MR. TRAN: Yes, for the Southeast Asian
2 Refugee, I believe that the reaction would be the
3 same, even it would be slower because the Asian,
4 Southeast Asian are very slow in their reaction to
5 something. But the most damning influence may be
6 on the youth, the Asian youth. And in our city we
7 see in recent years the gangs matter became more
8 and more important, and for the elderly, people of
9 middle age, people like me, we don't care. We
10 care about the future of our children and for
11 us -- I talked to many people of my age that are
12 of the older age, they are thinking of going back
13 to Southeast Asia, even though if we come back
14 there we are no longer Asian, we are not American
15 yet, so we may start another kind of asylum in our
16 own kind of country, and that's the consequences,
17 and I think that for the Southeast Asian.

18 CHAIRPERSON ROGERS: Mary?

19 MS. RYLAND: There have been several
20 references to hope for our children or our putting
21 whether or not we're putting a burden on our
22 children or helping them to face up and do
23 something through education or whatever. But my

1 question is, do you see -- well further, I'm
2 hearing about many programs in schools now of
3 diversity and the education of younger and younger
4 children on these matters, I don't recall that a
5 few years ago there were those opportunities in
6 the classrooms. Do you see that there really are
7 more of such classroom programs in the curriculum
8 and that there's hope that those will pay off and
9 that as that group gains power in communities that
10 things will get better, do you see that that's
11 happening through education?

12 MR. COLLINS: I'm going to be very frank.
13 I have a daughter that just turned 18 and so I
14 speak from like a high school perspective. I
15 think probably because I'm her dad and the nature
16 of what I do, coupled with a number of other
17 parents who are state related employees or who
18 operate in similar capacities, I guess I have to
19 say that I do believe that there is hope. I don't
20 know if it's necessarily occurring through the
21 school, but I think that because of what they
22 read, they do read our community papers, many of
23 them, and so they are aware of the issues dealing

20

1 with whether there's police brutality or
2 harrassment related kinds of concerns, we do have
3 a populatiOn of individuals I think that are
4 determined not to tolerate or take the kind of
5 things that have happened. So to answer your
6 question, I guess the answer is kind of yes and
7 yet I do believe that there's a need for the
8 Native American schools. I think there's a need
9 for Afrocentric schools. I think that it
10 increases a certain kind of awareness, that's very
11 important. So the answer is kind of yes, but no
12 we haven't nearly arrived and I'm concerned about
13 who it is that is imparting this information, you
14 know, to our children.

15 MS. FINEDAY: I would very briefly say
16 that I believe that some of the educational
17 programs in the schools do provide some hope for
18 our children. My daughter has attended the
19 first -- there's an all nations magnet school in
20 St. Paul and I would say excellent things about
21 this school as far as providing support for
22 children of minority background and that school
23 has attracted students and has provided -- for the

1 first time I had ever seen children crying on the
2 last day of school because they did not want to
3 leave. It was an excellent, excellent experience
4 for the minority children who attended that
5 school. So, yes, I would say there are positive
6 things happening in schools.

7 MR. GARZA: I would agree to a certain
8 extent and that is, yes, I think there are some
9 quality diversity programs within schools that are
10 effective and that are worthwhile and that are
11 working. However, I also believe that cultural
12 diversity programs has become a Minnesota
13 industry. Everyone is talking about diversity and
14 I think it is because it's an attempt to position
15 organizations to respond to a new era. The fact
16 is that we live in a multi cultural, multi racial,
17 multi ethnic, multi lingual society and many
18 organizations, government included, are attempting
19 to reposition organizations to give the impression
20 that they're trying to address the needs of the
21 population. At the risk of sounding cynical,
22 that's what happens when you work for government
23 for as many years as I have. At the risk of

1 sounding cynical, I think that cultural diversity
2 problem within the school and within other arenas
3 is an attempt to reposition those organizations.
4 I question the sincerity of some of those
5 programs.

6 CHAIRPERSON ROGERS: Hoang?

7 MR. TRAN: I think you're bringing for us
8 indiscretion, that is the plan we use. When I say
9 we, we mean the Southeast Asian refugee community,
10 we try to just to deal with the issue of
11 discrimination. We don't talk about
12 discrimination because for Asians we believe it's
13 a fact, no matter where we live; in France or in
14 England, in any case. And so what we think is
15 about our children and that was -- about two weeks
16 ago there was a request for proposal from the
17 Department of Education and we are submitting that
18 proposal for our children in the public school,
19 and I believe that that's the way we trying to
20 help solve the problem. We don't talk about
21 discrimination, we talk about cross cultural issue
22 and we explain in some cases we explain to our
23 children that that view to means an understanding

1 of ignorance and that's the way we try to come to
2 the problem.

3 CHAIRPERSON ROGERS: I want to thank all
4 four of you for your presentation today. Now
5 after listening to you, I'm thinking that the
6 same -- it seems that the same institutions and
7 the people within those institutions that advance
8 racism and discrimination in our society are the
9 same people in institutions that turn around and
10 are flabbergasted and dismayed by the social ills
11 that that racism and discrimination creates. It's
12 mindboggling. And with that, we will adjourn and
13 we look forward to getting more information from
14 all of you and Peter, we've got a lot of work to
15 do.

16 (The meeting was adjourned at 12:20 p.m.)

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C E R T I F I C A T I O N

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I, VERNITA HALSELL-POWELL, a Certified
Shorthand Reporter and Notary Public within and
for the County of Cook, State of Illinois, hereby
certify that I reported in shorthand the testimony
given in the above-entitled cause, and state that
this is a true and accurate transcription of my
shorthand notes so taken as aforesaid.

VERNITA HALSELL-POWELL, CSR No. 084-001831

Notary Public, Cook County, Illinois