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UNITED STATES COMMISSION ON CIVIL RIGHTS
MICHIGAN ADVISORY COMMITTEE

IN THE MATTER OF:)
THE CONSULTATION ON)
AFFIRMATIVE ACTION)

Hearing in the above-entitled cause.
9:00 o'clock a.m..

June 18th, 1996
Westin Hotel
Detroit, Michigan
VERNITA HALSELL-POWELL
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APPEARANCES:

CHAIRMAN: JANICE FRAZIER

COMMITTEE MEMBERS: PETER KOBRAK

JOAN WEBKAMIGAD

MARYLOU OLIVAREZ-MASON

PRINCE HOLLIDAY

ROLAND HWANG

ROBERT GORDON

JACK MARTIN

SUE HAMILTON-SMITH

ELLEN HA

Also Present: CONSTANCE DAVIS

Director, Midwest Regional
Office

PETER MINARIK

Midwest Regional Office

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1 CHAIRMAN FRAZIER: The meeting of the Michigan
 2 State Advisory Committee, U.S. Commission on Civil Rights
 3 is called to order at 9:30 a.m.. Good morning I'm Janice
 4 Frazier, Chairperson of the Michigan Advisory Committee to
 5 the United States Commission on Civil Rights. With me
 6 today are other members of the Advisory Committee. We
 7 have a few members that have not arrived as yet, but I'm
 8 sure they will be here shortly, given the weather and
 9 location. Right now I'd like to begin on my right and I'd
 10 like for each of the members to introduce themselves.

11 MR. KOBRAK: Peter Kobrak.

12 MS. OLIVAREZ-MASON: Marylou Olivarez-Mason,
 13 The Commission on Spanish Speaking Affairs.

14 MR. HWANG: Roland Hwang from Lansing. I work
 15 for the Michigan Department of Attorney General.

16 MR. HORTON: Robert Horton.

17 MS. HAMILTON-SMITH: Sue Hamilton Smith from
 18 Detroit. Executive Vice President Detroit, Inc..

19 MS. HA: Ellen Ha from Detroit.

20 CHAIRMAN FRAZIER: We are here today to
 21 conduct a consultation on affirmative action. The
 22 jurisdiction of the Commission includes discrimination
 23 over the denial of equal protection of laws because of
 24 race, color, religion, sex, national origin, disability or

1 in the administration of justice.

2 The proceedings of this meeting are
3 being recorded by a public stenographer and the
4 information received at this meeting will be formally
5 submitted to the Commission in the form of a report.

6 At the outset I want to remind everyone
7 present of the ground rules. This is a public meeting
8 open to the media and to the general public. We have a
9 very full schedule of people who will be making
10 presentations today within the limited time we have
11 available. The time allotted for each presentation will be
12 strictly adhered to. This will include a five minute
13 overview by each participant on the panel summarizing the
14 essential points of their position papers. Please do not
15 read your position papers. Please just give us an
16 overview. After these opening comments by the panel
17 members the Advisory Committee will be afforded the
18 opportunity to ask questions of the participants. To
19 accommodate persons who have not been invited but wish to
20 make statements to the Advisory Committee, we have
21 scheduled an open session today at 5:00 p.m..

22 Though some statements made today may
23 be controversial, we have strived to ensure that no person
24 or organization is defamed or degraded by any members of

1 this Advisory Committee or any participant. Any
 2 individual or organization that feels defamed or degraded
 3 by statements made in these proceedings will be given an
 4 opportunity to respond. The Advisory Committee deeply
 5 appreciates the willingness of all participants to share
 6 their views and experience on affirmative action here
 7 today. And with that, I will call our first presenter,
 8 Vijay Mahida, Metco Services, Inc..

9 VIJAY MAHIDA

10 METCO SERVICES, INC.

11 Good morning. You will pardon me for
 12 reading my statement, only I won't read the whole paper.
 13 I give you only two minutes for that. The U.S. Civil
 14 Right Commission, Affirmative Action Equal Employment
 15 Minority Business Enterprise, Women Owned Business
 16 Enterprise and Disadvantaged Business Enterprise, all of
 17 which mean program to reduce or alleviate
 18 discrimination, past, present and maybe in the future.
 19 Regardless whether one is applied or having a business.
 20 To these Americans who fall into the categories; that is,
 21 African Americans, Hispanic Americans, Native Americans,
 22 Asian, Pacific Islander and women, discrimination is a
 23 real day to day thing. We all know it is there, but its
 24 very difficult to prove. To me as an Asian Indian

1 American for quite sometime in my -- quite sometime in my
2 status as an employee I've felt discriminated. It was
3 sudden and I could not prove it. I felt frustrated. I
4 didn't look towards the federal, state and in Michigan
5 case man -- Michigan County programs. These programs
6 convinced me that if I had started my own firm having
7 excellent education and experience, that the set aside
8 program would jump start my business enterprise.

9 A little bit about myself. I'm a
10 professional engineer in the State of Michigan. I'm
11 a professional surveyor in the State of Michigan and I'm a
12 certified public accountant. Currently I'm in law school
13 trying to get my, complete my package ace an attorney.
14 However I felt convinced without the programs I would have
15 very little chance of success. The programs of the
16 federal, state and county government did, in fact, help me
17 and my associates succeed in making a brand new business
18 into a growing concern. My associates and miss are very
19 grateful for all the assistance given to us. That's why
20 I'm here. Today we are a successful, reputed firm in the
21 Detroit area. We have a real goal of non discrimination.
22 We encourage all minorities; female and non minorities to
23 better themselves with us. For that I have two examples.
24 I have with me Roseanna Santos who had a high school

1 education in the city of Detroit and for six months after
 2 graduation did not have a job. She came to us, we give
 3 her a job and in a very short time people would call me,
 4 who is that person you got there? She's an excellent
 5 person and I said well we give her an opportunity and
 6 that's what she got from us. Today she's a vice president
 7 of the company. She's been with us for 13 years. She's
 8 married, has two children, a house of her own and I think
 9 that she would retire with us when she reaches 65 years.
 10 That's a success story of a tax paying citizen who was
 11 given an opportunity. Also, that she's contributing to
 12 the societies also in an additional ways.

13 Another example is slightly different
 14 that her name is Terry Russell. Her grandparents came
 15 from Greece. So she's a Greek American born here in
 16 Detroit. Went to high school. She -- to the Greek people
 17 she's too American and to the Americans she's too Greek.
 18 So she needed her -- so, she's neither here nor there.
 19 So, she asked me, who am I Dr. Mahida, and I said you are
 20 who you are. Just do what you think, what is best for you
 21 and go from there. Today she's also a vice president for
 22 marketing, owns ten percent of the company, expected to
 23 gets 30 percent of the company down the road, an excellent
 24 person who was given an opportunity to better themselves.

1 That ends my presentation, but I have
2 two suggestions about the phasing out and the small
3 business definition. The is about a Section 8 A program
4 is correct about the term limit. Once a firm is a growing
5 concern, the term limits of ten years is fair and I do
6 support that. However, a small business definition being
7 on an average sale of \$1.5 million for a past 3 years is
8 obsolete. This definition is nearly ten years old. \$1.5
9 million ten year ago is not the same as \$1.5 million
10 today,. This limit should be inflation adjusted and
11 should be around \$3 million average for the last three
12 years. That would not phase out small businesses who are
13 still doing the same \$1.5 at that point and still is like
14 3 today. The same numbers basically. That end my
15 comments. I'm available for questions.

16 CHAIRMAN FRAZIER: Thanks Dr. Mahida. Are
17 there questions from members of the committee?

18 If not, thank you very much.

19 MR. MAHIDA: Thank you.

20 CHAIRMAN FRAZIER: Mr. Kenneth Smallwood,
21 Personnel Resources.

22 KENNETH SMALLWOOD

23 PERSONNEL RESOURCES

24 My paper is entitled, Folklore of

1 Preferential Treatment. The following, you know, this
2 subject for 30 years, you get in all the controversies and
3 it becomes a major controversy. I remember, I'm a member
4 of the bar in Jersey City, New Jersey years. Ago they
5 didn't allow women in. There I remember a bar. They had
6 a sign that no discussions of politics or religion, so I
7 guess now the sign has been expanded to no decision of
8 politics, religion or right to work, right to life or
9 affirmative action. So, anyway, I thought it was
10 important to flesh through our history of preferential
11 treatment and what I found was major programs which you
12 called closet affirmative action that weren't called that,
13 but in many guise. It had that result that benefited
14 white males. So if a white male to say a government never
15 helped me. The fact that I show in my paper in the 30
16 some odd source books and articles and of course I ran it
17 by my friends at an Eastern University. One friend was
18 the head of the Humanities Department and since it's
19 history I thought he could help me, but he specialized in
20 British Labor History. He gave me the American history
21 guide and he said I was on the right track. So, the
22 problem is we're led to believe that status intervention
23 in the free market is not good, but that's what happened
24 in the development of this country. The first big

1 business was the railroad. It is couldn't have been built
2 east or west, you know, without the government assistance.
3 And as I said, copies of my paper are on the back table
4 there and about three trillion dollar affirmative action
5 program that is benefited white males. Just to take one
6 industry in time, the oil industry. The tax codes, the
7 oil depletion allowance and use oil itself we're talking
8 about a trillion dollars that benefited white males. I
9 am for quotas; that's \$36 billion of that and then
10 President Truman, he gave money to the Middle East to
11 placate the Arab leaders and to get influence there
12 because that's where a lot of oil was. Then Truman also,
13 and there was, I guess, separate from the Marshall Plan
14 Getz monies to represent the European markets of the
15 Middle East oil, but for American companies. In 1953 the
16 Submerge Land Act where costal there law allowed costal
17 states to take public land away from the public and to
18 turn it over to private companies. And that's \$180
19 billion dollars to those companies. Government subsidies
20 to tankards and ETA gave money to refineries to experiment
21 with the scrubbers, I think they called it, from smoke
22 stacks that stopped oil pollution because, of course,
23 these oil companies they needed help. Their income was
24 rather low. Then the oil shall was leased from public

1 lands and I believe it was hundreds of thousand of acres.
2 The acreage contained about two hundred thousand barrels
3 of oil and now about -- and that was about 800 billion
4 dollars and then loans to build refineries in Europe, \$235
5 million. Then Marshall Plan, the railroads, the use of
6 public land for farmers and ranchers mineral rights.
7 About \$600 billion dollars from public land by mining
8 companies, and they pay no taxes. Subsidized land grants,
9 of course during the time where disenfranchisement of
10 blacks.

11 Now if I have a minute left, I just
12 want to touch on quotas. I had the opportunity to work
13 for the Federal Civil Service Commission in Washington and
14 the surprise was that there was a quota system. It's the
15 Apportionment Act and each federal agency, the
16 headquarter's positions were called departmental positions
17 and the field office agencies, they were field positions.
18 No quotas there. But the departmental positions, they
19 were all added up that each state, based on population,
20 was entitled to so many of these positions and they kept a
21 regular log of how many were field and how many, whether
22 there -- they were over or under. But what happened
23 because Washington, D.C. is between Virginia and Maryland,
24 they were thousands over their quota. Whereas, if you

1 were from Nevada or from the State of Washington, Oregon,
2 California, the government wasn't paying travel, they were
3 thousands under their quota. So what it meant was to help
4 the places under the quota get more of their jobs, a score
5 of 75 from the west could and would go ahead of a score of
6 90 on many of the exams from Maryland and Virginia because
7 they were thousands over their quota because they were so
8 close. Now, nobody talks about this, but I worked with it
9 for five years before I went to the National Labor
10 Relations Board and I'm sure that there's some laws on the
11 books, anybody can check it out if they care to.

12 Minorities has lost its meaning because everybody today is
13 a minority except the white male heterosexual. You know,
14 they added women, Asians and Hispanics and, you know, and
15 the list kept getting longer to include everyone. But,
16 the apportionment laws, as I said, doesn't have much
17 impact now because it was a way for veterans and we had
18 Korean, we had 20 million veterans. So that impacted
19 against veterans and, you know, in a non meritorious way.

20 And one book I thought was very important was American
21 Apartaid by Denton and Massey. I believe they got a grant
22 and they had this book published by Harvard University
23 Press and they did about, I think years of research in the
24 city and they came to the conclusion that access to the

1 housing market is just note there for black people and
2 housing is very important because the zip code, besides
3 shelter, your zip code means your peer group, the
4 education of your children, the safety, the equity,
5 insurance, and a whole lot of other things and you don't
6 have access to zip codes, you're not in the main in any
7 competition.

8 Another thing I touched on, of course,
9 I know through the might of hypocracy, but finally I'd
10 like to close on something on reverse discrimination. If
11 you people have really thought about what real reverse
12 discrimination would be, that would be the reverse of
13 discrimination that happens to black people. So if
14 reverse would mean that blacks would be disproportionately
15 in decision-making positions throughout the country, we'd
16 have say 70 black U.S. Senators and 300 blacks U.S.
17 Congressmen and 40 black governors and CEOs of Fortune 500
18 companies maybe would have 300 of them college presidents
19 and all over the list. And they would use this power to
20 discriminate against white people for 300 years. White
21 people would be lynched and live in ghettos and be
22 unemployed, have poor health and short life and be
23 disproportionately in the prison system and the whole
24 scenario. Now that is, of course, it never happened, it

1 never will happen. That would be real reverse
2 discrimination. So when people understand that it kind of
3 stretches their thinking. And as part of the healing
4 process, if we're going to starts to do something about
5 polarization and division here, so fortunately, you know,
6 I can keep the dialogue going and I'm here to learn and
7 that's what it's all about. You've got to keep an open
8 mind because 30 years of reading a thousand books on this
9 subject, I must have changed my mind on a lot of things
10 many, many times. Because if you get facts and they don't
11 change you, there's no growth.

12 So the rest of what I have to say is in
13 my paper. So I've probably gone over my five minutes, so
14 thanks very much for hearing me.

15 CHAIRMAN FRAZIER: Thank you, Mr. Smallwood.

16 I'm going to allow Ms. Milhouse to go
17 next and after she has completed her five minutes then I
18 will entertain questions.

19 DONNA MILHOUSE

20 AAA MICHIGAN

21 Good morning, I am Donna Milhouse. I
22 have been a practicing attorney for 15 years in Detroit.
23 It is truly a pleasure to have the privileged opportunity
24 to address the Advisory Committee on this important issue.

1 I am a proponent of affirmative action. Affirmative
2 action, in my estimation, means any conscious effort to
3 include African Americans and other under represented
4 ethnic groups and women as full participants in society,
5 particularly with respect to education and employment
6 opportunities. There is no question in my mind that
7 affirmative action is necessary. This necessity emanates
8 from the historical and continuing preferential treatment
9 enjoyed by white males to the detriment and exclusion of
10 African Americans and women. The history of oppression is
11 particularly acute with respect to the African Americans.
12 It is accompanied by consciously cultivated and deeply
13 ingrained notions of racial superiority and entitlement.
14 It is precisely because of this that mere prohibitions
15 against discrimination do not go far enough in breaking
16 down solidly entrenched barriers and creating meaningful
17 opportunities. Since oppression and discrimination
18 particularly against African Americans was
19 institutionalized, government sanctioned and endorsed by
20 the judiciary for years, it's only fitting that the
21 government take the lead, and it has, in affirmatively
22 creating vehicles of inclusion.

23 Affirmative action as it stands now is
24 only mandated by employers and certain narrow

1 circumstances, including federal contractors and those
2 employers receiving federal or state or local funding.
3 While these programs may need to be revamped to ensure
4 greater compliance, there is certainly no justification
5 for dismantlement. It is particularly troubling that here
6 in Michigan the legislature is entertaining, as we speak,
7 significant scale cuts to affirmative action programs.
8 One involves, and I discuss these in my position paper,
9 one involves a proposed state Constitutional amendment to
10 specifically prohibit public employers and institutions of
11 higher education from granting preferential treatment to
12 individuals on the basis of race, sex and other protected
13 categories. A second proposed measure seeks to impose a
14 host of prerequisites on public employers which must be
15 satisfied before adoption or implementation of affirmative
16 action programs. And a third measure that's being
17 considered would preclude educational institutions and
18 employers from adopting different cutoff testing scores
19 with respect or on the basis of race, sex or other
20 protected categories. These I believe are unfortunate
21 developments and signal an unwillingness to acknowledge
22 the continuing need for racial parity in our society.

23 What also is particularly troubling to
24 me is the use of civil rights laws and Constitutional

1 protections to dismantle affirmative action programs. I
 2 think that the use of these laws in that fashion is
 3 completely contrary to the intent and the spirit of these
 4 measures. Civil rights laws and constitutional protection
 5 certainly were not enacted in response to any
 6 discrimination being suffered by white men on account of
 7 race or gender.

8 As an attorney, of course, I approached
 9 my position paper from a legal perspective somewhat and
 10 what I'd like to do is to quote from justice, United
 11 States Supreme Court Justice Harry Blackmond, his
 12 dissenting opinion in Regents of the University of
 13 California versus Backi which I believe captures the very
 14 essence of what must be accomplished in order to affect
 15 remedial change and move closer to a racially balanced
 16 society. And Justice Blackmond said, and I quote in his
 17 dissenting opinion, "I suspect that it would be impossible
 18 to arrange an affirmative action program in a racially
 19 neutral way and have it successful. To ask that this be
 20 so is to demand the impossible. In order to get beyond
 21 racism, we must first take account of race. There is no
 22 other way. And in order to treat some persons equally, we
 23 must treat them differently. We cannot, we dare not, let
 24 the equal protection clause perpetuate racial supremacy.

1 The history of inclusion in this country has been far from
2 exemplary. Indeed it has been shameful. The sooner all
3 members of our society become welcomed and productive
4 participants, the less divisive this country will become.
5 Achieving real and meaningful diversity in all segments of
6 academics, economic and social life requires dispelling
7 long held notions of superiority and can only be
8 accomplished through concerted and deliberate efforts.
9 Attempts to retreat from action which affirmatively seeks
10 to remove obstacles to inclusion and creates genuine
11 opportunities for groups which traditionally and
12 continually face opposition must be resisted. We simply
13 can not afford to ignore the realities of the past, the
14 challenges of the present and the promises of the future
15 with respect to race and gender issues in America." Thank
16 you.

17 CHAIRMAN FRAZIER: Thank you, Ms. Milhouse and
18 Mr. Smallwood. Are there questions of panel members?

19 Mr. Kobrak?

20 MR. KOBRAK: Mr. Smallwood, I'm intrigued with
21 your institutional examples of racism, the oil companies
22 and subsidies and that kind, the disproportionate to white
23 males. The question I have of you is rather unfair to
24 heap on you because it is something I'm puzzling about.

1 MR. SMALLWOOD: That's fine. Go ahead.

2 MR. KOBRAK: You don't mind joint therapy
3 here. The individual solutions like affirmative action
4 pit person against person. The advantage of an
5 institutional support is that it doesn't appear in the
6 form of subsidizing individuals. It has another societal
7 goal. How do we deal with the legitimacy of giving some
8 individual advantages over others in a way that will have
9 meaning for white Americans in the society today?

10 MR. SMALLWOOD: Well, my best answer would be
11 we're working towards that. It's very difficult because
12 in a democracy the majority rule and the majorities are
13 white people and we only can accomplish what most of them
14 are willing to allow. And there hasn't been much.

15 One of the interesting things in the
16 housing survey was that the white comfort on integrated
17 neighborhood was only 7 percent integration. So when it
18 goes beyond 7 percent, they move. And that's kind of a
19 surprise to me. And then there's this whole animosity to
20 so-called social engineered. When my research showed the
21 Supreme Court decision of 1886 of Santa Clara versus the
22 Southern Pacific Railroad. At that point Anaconda owned
23 California and that decision was a decision that said that
24 a corporation which is a group of people now has a

1 protection of an individual as far as the 14th Amendment
2 and that was Santa Clara was trying to tax the railroad
3 and the railroad went to court and said it was arbitrary
4 and it didn't have due process itself. Well, the portion
5 of that decision is that it opened the door for holding
6 companies and interlocking directorates which led to the
7 trust and the concentration of capital there is beyond
8 labor. You know, until labor unions were legitimate and
9 it helped a few people to control many corporations, you
10 know, kind of get out of hand. If you study that, you go
11 into that, you'd see it had vast ramifications. So maybe
12 that doesn't answer your question, I don't know.

13 CHAIRMAN FRAZIER: What are some suggestions
14 or remedies that you might have?

15 MR. SMALLWOOD: Well, after looking at
16 statistics on poverty in the mis-education of children and
17 homelessness and 27 million people getting food stamps,
18 some of those people work for the minimum wage. So,
19 indirectly, we're subsidizing marginal businesses. While
20 looking at those problems, probably affirmative action is
21 a peripheral issue. What I'm saying is the focus should
22 be on the poor people rather than the middle class. So,
23 the chief beneficiaries of affirmative action have been
24 white females. Of course there's a reason for that. They

1 have the education, better colleges and that was
2 originally now nailed down in the 1979 study at the
3 Wharton School. They did a study of the Ma Bell consent
4 decree, AT & T five years later and what they found that
5 the white female got into management because Ma Bell
6 recruiters had got them from the better colleges. And the
7 benefit for the blacks, they moved up from janitors to
8 learn craft jobs; cable, placers telephone installers and
9 blue collar foremen of the craft when the white ones had
10 went to sales and management. So that continued. So, my
11 recommendation would be if you focus on eliminating the
12 ghettos and opening up housing markets, then we can move
13 on from there. But I would say that would be, on the
14 other hand, the beneficiary of affirmative action would
15 be, of course, the white males that through the old boy
16 network had access to the Savings and Loan money where
17 with little or no collateral, because they knew somebody.
18 In one case the man only had collateral of \$2,000 and
19 borrowed several million. I don't know, I never heard of
20 any black person or minority getting that kind of money.
21 So, white female, white males had access to the Savings
22 and Loan money. We all have to pay for that just like
23 we're all paying for environmental clean up. You know, we
24 didn't mess up the environment, but when it comes to all

1 chipping into help the disadvantaged, then we slam the
2 door and so on. No, this is free enterprise. You people
3 are lazy, you've got to do something. But when it comes
4 to cleaning up the mess the corporations made; the
5 environment and bailing out the Savings and Loan people,
6 we all have to pay our share. So, that's the kind of thing
7 that happen in the democracy.

8 The minority needs help. They're
9 out voted in the legislature because they don't have the
10 representatives.

11 CHAIRMAN FRAZIER: Ms. Milhouse, may I ask
12 you, are you speaking as an individual or are you
13 representing your corporation?

14 MS. MILHOUSE: I am most definitely speaking
15 as an individual and the views I express here are not
16 necessarily representative of Detroit Michigan AAA.

17 CHAIRMAN FRAZIER: I just wondered in your
18 corporate world whether or not you have seen any exemplary
19 programs that are not mandated by federal law?

20 MS. MILHOUSE: I don't know that I have
21 actually seen any exemplary formal programs. I think one
22 of the points that I make is that I think that we need
23 some legal mandates in order to encourage people to
24 actually view this as an important issue to view racial

1 parity as an important issue and to implement these
2 programs. I have, though, seen companies who are very
3 active and conscious in making sure that representation of
4 African Americans and women and other ethnic groups are
5 increased. I think that a lot of times which what may be
6 even speaks louder than words is when companies and
7 businesses realize that it makes economic sense frankly to
8 have a diverse population. Many companies and businesses
9 have customers who are diverse and vendors and do business
10 with other companies with a diverse population and it just
11 makes good business sense to increase the level of
12 diversity in companies and I have seen those measures
13 taken to achieve more racial parity among the work force.

14 MR. GORDON: You spoke very articulately and
15 I enjoyed your presentation. You indicated as we've heard
16 from advocates of the position that we don't need federal
17 laws anymore. Is the economics and economic necessity in
18 the marketplace which is going to increase affirmative
19 action and bring -- and help them bring minorities in the
20 workplace and help them rise. So I question how do we
21 answer the proponents of that position that we still need
22 the support of statutes and federal laws? What are those
23 laws that would be necessary to help encourage that?

24 MS. MILHOUSE: Well, I think that the laws

1 that are currently in place do assist. Those laws are
2 very narrow. It's really very curious to see the public
3 outcry and furor over affirmative action when affirmative
4 action in terms of mandated obligatory requirements do not
5 really impact the majority of the employer population. I
6 think that it is very difficult to dispel notions of
7 superiority and entitlement automatically and that just to
8 say we have a law that says you cannot discriminate is
9 just simply not enough. It just is not and I think that
10 affirmative action laws should be expanded and affirmative
11 action means again just creating opportunities for
12 qualified. I think that we make the mistake of thinking
13 that these jobs and opportunities are being given, just
14 handed out to unqualified persons, but to qualified and
15 talented individual, African Americans, other ethnic
16 groups and women. So that they are brought into the
17 mainstream of society. We have seen, history has shown
18 that without these mandates it does not happen. It just
19 simply does not happen.

20 MR. SMALLWOOD: Mr. Gordon, can I say
21 something briefly about the Fair Housing Act because I've
22 said this is a democracy when it was first the fatal
23 immortal compromise is that it was not enforcement for a
24 generation, then when it was enforced, they got an

1 inadequate budget, many communities refused to take
2 federal money because they don't want fair housing. So,
3 you have a law, but there are limitations.

4 MR. HWANG: I know that there's been a lot of
5 examination with respect to affirmative action programs in
6 terms of mending, not ending it. So there has been
7 historical discrimination in certain populations, but are
8 there certain ways that affirmative action programs in
9 your view should be mended, i.e. no historical
10 discrimination in a certain employer. Are there certain
11 notions as to how these programs can be mended? If
12 there's any problem or should they be continued as is? Do
13 you have any position on that?

14 MS. MILHOUSE: I think if we view
15 affirmative action as creating opportunities for people
16 then everyone should be doing that. I mean I don't see
17 where that is limited to a particular employer or a
18 particular, you know, type of employer. Certainly where
19 there has been a showing and these are very often
20 difficult to prove a showing of manifest discrimination,
21 which, by way the Supreme Court inquiries, you know, then
22 certainly those affirmative action programs usually are
23 mandated by either consent decree by the courts or there
24 is some obligation to institute them. And that may mean

1 making sure that your representation of African Americans
2 or other under represented populations and women met a
3 certain level. But in terms of just in general I think
4 that all employers should be and it makes sense for all
5 employers to be more inclusive in their quest for
6 employers and also in terms of the educational system that
7 we should seek measures to reduce and strike down barriers
8 to inclusion. We've been using affirmative action,
9 affirmatively taking steps in the past to exclude these
10 groups. Its now time to flip the coin and take
11 affirmative steps to include these groups.

12 MR. MARTIN: Mr. Smallwood, many
13 individuals who would benefit from affirmative action
14 programs and other social programs don't vote. How do we
15 deal with that issue?

16 MR. SMALLWOOD: I think that when people like
17 Jesse Jackson, the Urban League and the NAACP is working
18 on that program and the people that are dealing with it
19 are community leaders. There's one industry which is
20 covered in my paper I didn't have time to talk about is he
21 construction industry and union construction in cities,
22 what I call mechanical crafts. They earn \$50,000 a year
23 with overtime and that's probably the last area where just
24 a high school education will get into an apprenticeship

1 that you can earn that kind of money.

2 So, I get the impression most people
3 think affirmative action has worked. It has worked for
4 middle class blacks and white people -- white women. But
5 these blue collar people, direction is what works for
6 them. I'm talking about community organizations like
7 Harlem Fight Back in New York headed by Jim Haughton,
8 the Brotherhood Crusade in Los Angeles led by Danny
9 Bakewell, in Chicago, the Chicago Black United Communities
10 led by Eddie Read. Their slogan is nobody works unless we
11 work. If you remember on t.v. truckloads of white workers
12 going to L.A. to rebuild a city. They were stopped.
13 There was no affirmative action. People were out there
14 with iron pipes and 2 by 4s. Nobody works unless we work.
15 So that's a sad commentary of government enforcement. But
16 that's what's opened up the construction industry. In
17 Seattle an ex-marine started it, Tyree Scott, and in other
18 cities. And I know these people and I spent a lot -- part
19 of my life helping them cast doubt on the labor laws. I
20 served with the NLRB, so they believe in voting, getting
21 people to vote, but in the meantime, they direct people in
22 directions because that feeds their families and helps
23 them send them to college.

24 MR. MARTIN: Haven't there been some labor

1 groups that pairs to help -- that have paired with
2 communities groups so they establish committees?

3 MR. SMALLWOOD: There have been a major
4 failure. After the drop out rate, a lot of them are
5 starved. They worked them while they are apprentices
6 because they are cheaper labor. It's a successful program
7 for white males, but I say you see before the Civil Rights
8 Act was passed in 1964, effective a year later in Title 7,
9 70 percent of white journeymen didn't go through
10 apprenticeship, they knew somebody, showed up on the job
11 and got up to speed at journeymen rates because the Davis
12 Bacon Act says you have to get a training program if
13 you're not a journeymen. Special rates have to be set by
14 the government, 70 percent. Okay, well, once the law was
15 passed, the unions changed. Everybody has to go through
16 an apprenticeship. Apprenticeship became the eye of the
17 needle for weeding out blacks, mis-training them so they
18 never would become journeymen. And the Bureau of
19 Apprenticeship and Training which Whitney Young called,
20 and it's still some truth to it, a rest home for retired
21 white business agents. They just weren't producing the
22 journeymen and also five percent of the mechanical crafts
23 plumbers, pipefitters, elevator constructors, sheet metal
24 mechanics, electricians. Maybe I left someone out. Still

1 95 percent of white males and this is 30 years after
2 affirmative action so, you know, well, its all in the
3 paper if you want to read it. But what I'm saying is some
4 unions have tried to help, but others it's been just a
5 guise because they knew that most of the blacks weren't
6 going to get through the apprenticeship program. If they
7 did they're going to starve them so they're going to have
8 to leave the industry.

9 CHAIRMAN FRAZIER: Thank you. I have one more
10 questions from Ms. Sue Hamilton-Smith and then we will
11 have to take our next presenters.

12 MS. HAMILTON-SMITH: This is a short one to
13 Ms. Milhouse. You referenced three, I believe, bills that
14 are pending in the State legislature of Michigan.

15 MS. MILHOUSE: Yes.

16 MS. HAMILTON-SMITH: I wonder if you have
17 ready access to those bill numbers or are they included in
18 your paper?

19 MS. MILHOUSE: They are included in my paper.

20 MS. HAMILTON-SMITH: Thank you.

21 CHAIRMAN FRAZIER: Thank you very much both
22 of you.

23 Good morning. We welcome our next
24 presenter who is going to be Mr. Ronald Hall, Michigan

1 Minority Business Development Council.

2 RONALD E. HALL

3 MICHIGAN MINORITY BUSINESS DEVELOPMENT COUNCIL

4 Thank you. Good morning, I am Ronald
5 Hall of the Michigan Minority Business Development Council
6 or the MMBDC as it's normally called. Today I take this
7 opportunity to speak on behalf of our Board of Directors,
8 our almost 700 MBE members and 334 corporate members.
9 Today I want to focus your attention on the part of
10 affirmative action or as we call it affirmative purchasing
11 which seeks to include minority businesses in the economic
12 mainstream of this state and country including set asides.

13 CHAIRMAN FRAZIER: Excuse me just a second.

14 You were not here earlier and so I have asked that you
15 have five minutes to summarize what your comments are
16 rather than to read your paper, so I don't know how you're
17 approaching it, but I wanted to make sure that you knew
18 the ground rules.

19 MR. HALL: Okay. Basically just what I'm
20 saying is minority businesses have, unless there's some
21 sort of affirmative action program in place, minority
22 businesses will not enjoy their rightful place in the
23 economy. And embedded in my paper is testimony of what was
24 happening here in Michigan prior to 1970 when evidence was

1 being gathered about the lack of business growing in
2 minority firms. In fact, our research indicates that it
3 was .0007 percent going to minority businesses. Morris
4 Hood enacted some legislative act, public law 428 was
5 passed in 1980 which created goals of 7 percent for
6 minority businesses in contracts and 5 percent for women
7 owned businesses. And throughout the '80s this program
8 continued to grow and in fact, by the late '80s, 1987 to
9 be specific, 15.7 percent of all dollars spent in state
10 contracts were spent with minorities and women businesses.
11 When the road builders brought a suit in 1988, that was
12 ultimately held was ultimately ruled on by the Supreme
13 Courts. It essentially struck down set aside programs.
14 The gist of it is that Public Act 428 was not a set aside
15 program, but it was goal-oriented. However, when the
16 road builders brought suit, that was heard, virtually all
17 businesses with minorities in the state ceased to exist.
18 We know. We have some statistics that speak to this
19 because Morris Hood in 1990 began to have hearings to try
20 to re-establish the fact that there needed to be some sort
21 goal-oriented effort on behalf of the state to include
22 minorities and women. And in gathering information and
23 data to do that, we found that -- we found out that only
24 two percent of the business of the state was going to

1 minority and women; whereas MDOT, the Michigan Department
2 of Transportation which does still have a federal mandate
3 to set aside programs for minorities and women. MDOT was,
4 is constantly and continues to do 15 percent. So, we know
5 the results when there is some sort of mandate to do
6 business with minority firms, goal, mandate, you name it.

7 Affirmative action, in my opinion,
8 should be about inclusiveness, it's not about excluding
9 anybody else, but it should be about including and making
10 the playing field more level. That's the gist of what
11 this paper says here. And, of course, we know that
12 there's attacks on affirmative action now that's going on
13 in Washington DC. From my own vantage point, the question
14 that I'm asked for is what happens to MMBDC's programs,
15 particularly our mission statement which indicates that
16 we're in business to create opportunities for minority
17 firms with major corporations to bring about more
18 procurement opportunities. That's what we do, and I can
19 tell you private corporations in America understand that
20 for the first time in America it makes good business sense
21 to do business with minority firms. We know that the
22 minority population in the United States is going to
23 double by the year 2010 from the statistics in 1990. Four
24 out of five people entering into the work market by the

1 year 2000 will be minorities and women. Even today as I
2 sit, minorities and, well blacks and Hispanics in
3 particular constitute over \$400 billion of purchasing
4 power and in today's global economy, any corporation who
5 ignores that segment of the population is ludicrous and I
6 can tell you that our private corporations have gotten the
7 message. They are developing programs with more
8 diversity. People of color now have halitosis and
9 dandruff and they're driving cars on television. We're
10 seeing all of this as a result of what's happening in
11 America. It makes good business sense to be more
12 inclusive and that is not being translated in the public
13 sectors and I believe we're going to have to do something
14 about it.

15 CHAIRMAN FRAZIER: We'll come back to you in
16 just a few minutes. Ms. Hoffman?

17 EMILY HOFFMAN

18 WESTERN MICHIGAN UNIVERSITY

19 Good morning. Thank you for inviting
20 me. I'll be reading a small section of my paper. It will
21 be five or six minutes. The subject of greatest
22 controversy concerning affirmative action is whether or
23 not the implementation of affirmative things results in
24 discrimination against white males. I was fortunate in

1 studying with an imminent labor economist, Professor
2 Ronald Walaka (phonetic), who noticed that under
3 affirmative action white males were for the first time
4 having to compete for good jobs. Prior to affirmative
5 action white males had a distinct advantage in getting the
6 most desirable jobs. The reason for the favoritism was
7 quite straightforward. Typically the person with the
8 authority to hire or promote was a white male.

9 Understandably since the familiar seems safer than the
10 unfamiliar, those white males in charge of employment
11 decisions preferred to hire other white males.

12 It should be carefully noted, most
13 likely in the face of white males that there's a real
14 distinct difference between the loss of the advantage of
15 being discriminated for and of actually being
16 discriminated against, which would be reverse
17 discrimination. Notwithstanding the emotional reaction
18 that they are one in the same. The implementation of
19 affirmative action in the higher education labor market
20 might be considered to serve as an example of non
21 discriminatory hiring for other labor markets and academic
22 hiring. The most qualified person is supposed to be
23 offered the job. They are both objective and subjective
24 criteria used to determine who is the most qualified, but

1 they should be applied equally to all the applicants. If
2 it should happen that a male candidate and a female
3 candidate for instance are judged to be equally the most
4 qualified, the female candidate probably would be hired if
5 the ratio of male to female faculty in that department is
6 much greater than the ratio of male to female faculty in
7 that field nationwide. As an example of the application
8 of affirmative action to a non academic labor market,
9 consider the method of police department promotions and
10 what appears to be a reasonable and fair system. The
11 promotion procedure in many large police departments is
12 that police personnel applying for a promotion take an
13 examination to see if they are qualified for that
14 promotion. In general, those who receive the highest
15 scores above a predefined minimum level are the ones
16 promoted. However, some police departments have decided
17 that blacks can be considered as sufficiently qualified
18 for promotion, even if they score lower than some whites.
19 As a result, those departments were able to promote
20 greater numbers of blacks than would be otherwise
21 possible. For example suppose whites made a score of 80
22 to be considered qualified for promotion while blacks need
23 a score of only 70. Understandably this results in
24 resentment by those whites who receive a score say of 75

1 which was above the black minimum, but below the white
2 minimum and who; therefore, were not promoted, even though
3 blacks with lower scores were promoted. It's a very
4 different value judgment to decide if this procedure is
5 right or wrong. In any case, it should be considered as a
6 short term expedient, not a permanent solution. However,
7 before deciding that affirmative action is a unique
8 abberation in our society's otherwise level playing field,
9 let us consider some cases of unequal treatment which our
10 society does seem to find justified or at least condones.
11 For example, veterans preference is an instance where we
12 have decided that there is good reason for making an
13 exception from strictly equal test score criteria in an
14 appointment also to civil service positions. Veteran's
15 preference consists of awarding extra points to
16 examination scores based on a person's status as a
17 veteran. While it generally seems quite a different
18 emotional context, veteran's preference is mathematically
19 equivalent to allowing black police promotion applicants
20 to meet a lower criteria than white police promotion
21 applicants.

22 In a different area, some students are
23 admitted to college based on their athletic ability or
24 their status as a child of an alumnus and not strictly

1 according to high school grades and college admission test
2 scores. Here again our society departs from strictly
3 merit based decisions, yet while there is relatively
4 little public complaint about these procedures, there
5 tends to be a public human cry when lower passing scores
6 are required of minority persons. Why does our society
7 approve of non equal policies in the case of veterans,
8 athletes and children of alumnae, but not in the case of
9 minorities? Rhetorical question.

10 Properly applied affirmative action
11 does not require a need not result in discrimination
12 against white males. Indeed, affirmative action has
13 operated successfully; and therefore, affirmative action
14 should be continued until the inequities of labor market
15 discrimination have been eradicated. Unfortunately,
16 affirmative action is not a band-aid, not a cure for the
17 problem of illegal discrimination. We have had
18 affirmative action without legal implementation since
19 World War II and with government enforcements since the
20 1960s. But we have not yet succeeded in providing equal
21 employment opportunities to all members of our society.
22 Our society, our country is changing. The laws of our
23 great nation require that all citizens be treated equally
24 without regard to gender, race, religion or any other

1 discriminatory characteristics. Yet, we all must admit
2 that although however noble an intent may require active
3 governmental policies to bring the intentions contained in
4 the words of the law to actuality in society. Affirmative
5 action is just that policy and with respect to bringing a
6 truly level playing field to the workplace.

7 CHAIRMAN FRAZIER: Thank you very much. Are
8 there questions? Mr. Hwang?

9 MR. HWANG: Mr. Hall, since you represent the
10 Minority Business Development Council, can you address
11 what is happening post 1988 with the minority contractors?
12 Are they becoming subcontractors? Are they going in with
13 other contractors? Are they getting smaller, lowering
14 their costs to try to become competitive? What is
15 happening to those minority contractors?

16 MR. HALL: In my opinion, the private sector
17 is being more proactive. Since 1992 I've seen a dramatic
18 increase in that advocacy for the reasons I stated earlier
19 and its particularly being driven by the big three. I
20 know we're in an automotive state, but General Motors is
21 the number one company in the world, the number one
22 corporation in the world. In 1984, 62 percent of Cadillacs
23 sold to Americans were sold to people of color. In 1994,
24 28 percent of Cadillacs sold were being sold to people of

1 color. The Japanese sent the auto industry a wake up call
2 in the '80s and basically launched us into a grab ball
3 competition, downsizing, right sizing and what have you.
4 But simultaneous to that the, growth of minorities in
5 America is increasing and we constitute a greater market
6 for corporations who are conscious of the bottom line.
7 Two and two and a half years ago Mr. Yeaton, the president
8 of Chrysler gave a speech that said by the year 2010 30
9 percent of Chrysler's products will be in the hands of the
10 minority community in America or Chrysler will be out of
11 business. That's how serious they are. Ford Motor Company
12 in 1987 took their top management on a retreat and they
13 demonstrated for every percentage point they penetrate the
14 minority community with their products meant \$20 million
15 to the bottom line. It doesn't take a rocket scientist to
16 figure out why these companies have embraced cultural
17 diversity like they never have before. As I said before,
18 it makes good business sense.

19 What we're arguing about now is public
20 dollars. Affirmative action, at least in terms of my --
21 what I'm interested in which is purchasing. I mean
22 education is a whole other issue and I have some opinions
23 about that as well. But we're talking about public
24 dollars in the United States. Minorities are getting less

1 than two percent, so what are we arguing about for crying
2 out loud? I mean we've got to have affirmative action.
3 We've seen what happens in the states that do away with
4 it. Those public dollars are not going to the minority
5 community and yet they're collecting our tax dollars and
6 that's what we're really talking about. So, I've seen an
7 increase of advocacy in the private sector, a decrease in
8 the public sector.

9 MR. GORDON: Actually you may have just
10 answered one of my questions which was, with the changing
11 demographics and what's becoming mandatory to include
12 minorities in the business community, my question really
13 was why do we need federal or state statutory mandates for
14 affirmative action? I think you may very just answered
15 that. It is the public sector that is not impacted by the
16 changing demographics the way it should have been.

17 MR. HALL: Exactly.

18 MR. GORDON: My other question, since you
19 answered that one, I have to have an opportunity to ask my
20 other question. There's been historically great debate
21 between quotas and goals and whether you need quota less
22 goals, really whether quotas, whether goals can remain
23 goals and how you distinguish between them. Particularly,
24 in the public sectors. I'd like you to comment on this,

1 that in your perception, perspective, the quota/goal
2 debate.

3 MR. HALL: The Win decision was rendered in
4 the road builder's case set aside programs ruled
5 unconstitutional. We had a governor here, Governor
6 Blanchard whose attitude was, he was extremely
7 disappointed. He talked about it publicly. He made
8 public comments to all of his department heads that while
9 set asides were ruled unconstitutional, he still expected
10 for goals to remain. That they should make every effort
11 to continue to support minority businesses. And he took
12 that attitude. And we didn't see a significant drop until
13 we had a Republican governor who went in and I happened to
14 like Governor England personally, but we have not been
15 able to hear one iota from that governor about how he
16 feels about minority businesses in terms of advocating
17 that their department should do everything they can to
18 make sure that minorities are included. So, in effect,
19 we've become invisible under that scenario. And so
20 without any spoken goals or any agenda being referenced by
21 our state leaders. We've become invisible and when we
22 become invisible, people tend to do business with people
23 who look like them and I haven't seen too many state
24 minority purchasing agents.

1 MR. GORDON: Thank you.

2 CHAIRMAN FRAZIER: Mr. Kobrak?

3 MR. KOBRAK: Mr. Hall, you drew a contrast,
4 and I didn't catch the agencies, which was interesting
5 between them the percentage of minority purchasing and the
6 Michigan Department of Transportation and what was the
7 other agency?

8 MR. HALL: Just general purchasing by the
9 State of Michigan and --

10 CHAIRMAN FRAZIER: Management and budget.
11 They do all the rest of the purchasing.

12 MR. KOBRAK: And you found significant
13 difference in terms of where the laws were being enforced
14 and not enforced. That's a very interesting contrast that
15 you're able to draw there.

16 MR. HALL: The Michigan Department of
17 transportation is handling federal dollars and because
18 they're handling the federal dollars, the federal set
19 aside programs are still in place and so they are able to
20 utilize that to make sure that 15 percent in of what
21 they're purchasing goes to minorities. The State of
22 Michigan management budget department that does all their
23 other purchasing is under no constraint to do anything
24 like that.

1 MR. KOBRAK: And their percentage is what?

2 MR. HALL: Less than four percent.

3 MR. KOBRAK: Dr. Hoffman, you're the first
4 speaker today who has articulated, even used the term,
5 some concern about social contract that you've got to
6 worry about somehow meeting majority expectations, even
7 while you're righting minority wrongs and I was interested
8 in your contrast between veteran's benefits where you can
9 make a justification in terms of individuals and children
10 of alumni where there really is no basis for making that
11 kind of justification. Why are we able to accept the
12 children of alumni getting preferential treatment if we're
13 not willing to accept minorities getting preferential
14 treatment?

15 MS. HOFFMAN: I cannot really answer that.
16 First of all, the children of alumni that would tend to be
17 only -- it's mostly going to be the case of small private
18 colleges where that occurs, so it isn't a big issue to
19 affect all that many people, okay. There's no answer to
20 that. The answer to my rhetorical question is basically
21 much of the public tends to be racist, unfortunately.
22 That also we cannot spend very much time worrying about
23 what society thinks. My own mother is against affirmative
24 action and I told her I was coming here to speak about

1 that. She thinks its unfair to white males, but she's --
2 if the public is mistaken, they're mistaken. We go by the
3 laws of the land and not uninformed public sentiment.

4 MR. KOBRAK: What if we were to approach the
5 higher education problem differently and I wonder if they
6 might not be comparable things elsewhere. If a
7 disproportionate number of people who do not attend
8 college are minorities because they're low income might
9 not a solution be to raise the amount of money available
10 for minorities -- well for poor people across the board to
11 go to college and thereby eliminate the minority stigma?

12 MS. HOFFMAN: Right. In my paper I called
13 for expanding affirmative action to include the poor, low
14 income disadvantaged people and that affirmative action is
15 a band-aid. If you removed the band-aid, following the
16 analogies, the person could bleed to death. In other
17 words, it's a band-aid, it's better than nothing, it's
18 needed, but it's not the cure. We have -- 30 or more
19 years have gone by. We have to address the underlying
20 problem of poverty that not everyone is going to be
21 equally qualified. There is not equal opportunity right
22 now, okay, and we have to address equal opportunity from
23 birth and do much more to help poor children. Even for
24 the fortunate under privileged people who do get admitted

1 to college, the system works against them. They cannot
2 get credit for remedial courses and in their Freshman year
3 they have to take full credit courses because it's
4 required to stay in college that you take a certain number
5 of credit hours per year. And yet we have a lot of
6 students, some of them are minorities, but in other words,
7 their main problem is poor, disadvantaged. They're
8 entering college under prepared and then they fail. They
9 drop out and colleges don't have a solution to that and
10 then we can go back to the high schools and the elementary
11 schools and the pre school years that we must try and do
12 something to get good educations for everyone. That's
13 where it has to start on.

14 And affirmative action has definitely
15 been successful. In the paper that I cite, in my paper a
16 study by Jonathan Leonard, he found affirmative action has
17 definitely increased employment for women and minorities.
18 Now his findings were different than the ones Kenneth
19 Smallwood quoted. Kenneth Smallwood just before said
20 white females had been helped the most by affirmative
21 action, at least at AT & T I think he said. Whereas, the
22 study by Johnathan Leonard is a broader study. It says
23 black males have been helped the most in employment
24 followed by black females, followed lastly by white

1 females. Well, I cannot resolve that. I don't know who
2 has been helped the most. The point is affirmative action
3 does work, it has helped increase employment. I'm not
4 that old, but I'm not that young I can remember
5 being affirmative action that in the academic area people
6 were hired through who they knew, over the phone. There
7 was no public advertisement of job openings, okay. And to
8 eliminate affirmative action, you would be going back o
9 the bad old days.

10 CHAIRMAN FRAZIER: I have a question.

11 Mr. Hall, do you or your organization
12 invest any monies into lobbying efforts with state
13 legislators in order to ensure that the public sector
14 dollars in this state in the future will in the future be
15 driven in the same way that the private sector dollars
16 are? Since you who have so many of the fortune 500
17 companies represented on your board, have you approached
18 them in anyway to assist?

19 MR. HALL: We've attempted to be a little
20 more proactive than that. While I have some personal
21 views which I have shared with the committee this morning,
22 as an organization we are 501C3 and cannot lobby. We have
23 established a Minority Legislator's Advisory Committee and
24 we meet at least once or twice a year with the minority

1 legislators in Lansing for informational reasons to find
2 out what's going on. If we aren't being told what
3 contracts are coming down, what sort of projects is the
4 state engaged in that we might be able to get our members
5 involved. I did make some strong statements that I will
6 stand by in terms of the lack of procurement that this
7 state is engaging in, but by the same token, I do have
8 lines of communication with the state purchasing folks. I
9 was always able to come down and take part of a purchasing
10 conference that we had and we're trying to track to see if
11 anybody got any business out of it. So, while we can't
12 gets a public statement out of the governor, we are
13 attempting to mitigate the situation by being proactive in
14 meeting and continue to say what folks ought to be doing.

15 CHAIRMAN FRAZIER: Thank you. Ellen?

16 MS. HA: Yes. My question is for I guess
17 both of you. Something that Mr. Smallwood said this
18 morning really struck me at least and that is when he
19 indicated that minority definition of minorities has now
20 broaden to include just about anybody and everything
21 except white male. And even in my own time I believe that
22 to be a very true, accurate definition of what my belief
23 of what minority has become. In that sense, when we talk
24 about affirmative action being a band-aid to include all

1 socially disadvantaged and all those social evils, are we
2 including too much? And at the scope of affirmative
3 action do you think that maybe we're straying away from
4 what was originally included to be affirmative action or
5 should other avenues and should we have different sorts of
6 policies for a -- for different types of the social
7 classifications and should affirmative action be applied
8 differently for different groups of people for different
9 programs.

10 MR. HALL: I'll take a shot at it. To me
11 affirmative action is more about cultural diversity. We
12 talk to our corporate members, we're talking to them about
13 diversifying their supplier base to be more inclusive of
14 the marketplace. And getting back to Peter's question
15 earlier, I'm just an example. The president of the
16 University of Michigan was our speaker at a luncheon last
17 year and I had the occasion to talk to him over lunch
18 about affirmative action how it affected the University of
19 Michigan education sector. He basically was very, very
20 much against it. He said affirmative action at the
21 educational level is about cultural diversity, the same
22 thing I'm talking about it and being inclusive of the mind
23 and talent of people in the United States and that he and
24 the University of Michigan used affirmative action and

1 cultural diversity to make sure that rural poor people in
2 the peninsular who did not have the benefit of proper
3 education who could not pass test scores, could get into
4 the University of Michigan. It doesn't necessarily have
5 anything to do with race, but they used a lottery to make
6 sure that these students was culturally diverse because in
7 the academic community he feels as though we need to take
8 advantage of all of the ethnic groups that are available
9 in this country. And then he gave a story of how he was
10 raised on a rural farm in Iowa and could not ever have
11 gotten into Harvard unless they had a cultural diverse
12 affirmative action program. They reached out to different
13 areas of the country and, in fact, those notices will say
14 that it's harder to get into Harvard if you live in their
15 backyard than it is if you live in rural America or in
16 different places in America. But it's Harvard's way of
17 making sure they get the benefit of mind of everybody in
18 America and I think that's what it is about. And, of
19 course, when he got there, he was able to perform and show
20 that he could do the work and I think that speaks to what
21 I don't think we're diluting it. I think folks try to
22 take away from what we're talking about in terms of
23 identifying minorities. For instance we don't include
24 white women in our minority classification, but that

1 doesn't mean that white women don't face problems and
2 hurdles in the marketplace and my original works very
3 well, very close with women organizations, but when I talk
4 to corporations, we ask them to report on their minority
5 dollars and if its in their best interest, like K-Mart,
6 they have a very active women's program with 75 percent of
7 the purchases made at K-Mart are made by women, it would
8 be stupdi if they didn't have a program for women. So
9 they talk about how many dollars they spent with women,
10 but they talk about how many dollars they spent with
11 minorities and that's how it should be. Don't cut the pie
12 smaller, include people in there -- women in there. Cut
13 the pie wider. I hope I've answered your question.

14 MS. HA: Thank you.

15 CHAIRMAN FRAZIER: I think we could go on all
16 morning with this particular discussion, but in the
17 interest of time we have 4 presenters between now and noon
18 I think I'm going, with the permission of the committee,
19 maybe opted to continue the discussions and go straight
20 through and then have a longer break at lunchtime? Do I
21 have your permission to do that? Thank you.

22 ROBERT L. WILLIS

23 Attorney At Law

24 Good morning, thank you so much. I

1 think I came earlier to see if I could get some clues from
2 some of the presenters. I'm glad to see this committee.
3 There are so many of you I know from other hats that I
4 wear and so I feel very comfortable addressing you.

5 First of all, my name is Robert Willis,
6 I'm an attorney. I work for the State of Michigan so I
7 tell people I have a private clientele. I work as an
8 Assistant Attorney General but I am not speaking with the
9 hat of an Assistant Attorney General, just as an attorney
10 who understands some civil rights laws and has a burning
11 desire to ensure that fairness is available to all people
12 I've also been active in this community as recent
13 president of the Southern County Branch of the NAACP,
14 active in Detroit and many, many other things. I think a
15 discussion on affirmative action is just by its very
16 nature different. I think I'm getting close to
17 pronouncing it as a tool that is no longer available. The
18 Supreme Court has, through its evolution, starting with
19 the case of Backi in 1978 through the case of Hoffwood has
20 applied the standard that they call strict scrutiny.
21 Strict scrutiny says that we're going to take good look at
22 any affirmative action plan and make sure that it is
23 serves a compelling government interest and before we get
24 to that point we're going to make sure that there's clear

1 evidence of racism in employment, environment or in an
2 academic environment. Two things have changed with that.
3 First of all, strict scrutiny is stricter. We don't know
4 what it is, but until the case of Hoffwood, strict
5 scrutiny would say we can have an academic environment
6 that considers because it is important to have diversity
7 in an environment. Hoffwood is the University of Texas
8 case that suggests that diversity is no longer compelling
9 governmental interest. Diversity is now just something
10 that would be nice, but not compelling. They also talk be
11 the factual predicate. Again in Hoffwood the court was
12 concerned, the 5th Circuit Court was concerned that the
13 University could not defend specific acts of
14 discrimination that it's affirmative action plan was
15 trying to eradicate. It was a plan that had been in
16 effect for over ten years, maybe as much as 15 years, so
17 and because they could not bring in specific demonstrable
18 incidents of racism that they were trying to cure. This
19 court opined that affirmative action could not be used, so
20 the 5th Circuit Court case of Appeal, Hoffwood I think is
21 going to be reviewed if the Circuit Court is going to be
22 as consistent as cases across here, with cases like
23 Adaran. My guess is it's going to be nearly impossible to
24 develop and sustain an affirmative action plan. And I

1 think one of my concerns is affirmative action is a tool,
2 its only a tool, its a method of eradicating the current
3 effect of past discrimination and as a tool its design --
4 but I don't think people of color wake up everyday and
5 say, you know, I'd like some affirmative action today, I
6 would like some civil rights today. I would like to make
7 sure that I have special treatment in academia or in the
8 job. I think what people of color, what minorities, what
9 people who are not considered majority population in the
10 country want on a daily basis to be relieved from the
11 sting, from the burden of racism and affirmative action
12 was a tool that would assist anyone from the sting -- to
13 allow anyone to be relieved from that sting of racism. I
14 think if it no loner exists, it will be reviewed in
15 advance of the Copley decision by the Supreme Court in the
16 very near future. I think though my concern is not
17 necessarily the legal -- I think its someplace else. Also
18 they politically we have a few people, the Grahams and the
19 Pete Wilsons who have used affirmative action. In fact,
20 misused it to get national attention. You can see them.
21 We can't have a quota, it's wrong. Affirmative action has
22 not allowed quotas since 1978 with Backi. You said
23 well, we can't do race norming. Race norming is the
24 perceived adjusting of scores based on racial

1 considerations. African Americans who make two points,
2 Spanish Americans will get one and a half. If you adjust
3 the scores at least so the testing process from a level,
4 perceived to be fair, we can't do race norming anymore.
5 We have to put an end to it. Race norming has been
6 illegal. 1991, with the advance of the civil rights bill
7 that was signed by our last president. What we get is
8 hysteria, a lot of heat and because it seems to be so
9 effective, in a way, it is a wedge because it seems to
10 attract media attention. Pete Wilson had a run at the
11 highest office of the land. I think that is the use of
12 the tool. I think it is the use of the tool. I think the
13 other side of that is people of color are in a position to
14 hear this. We can see, maybe not all of us can tell you
15 what the reaction of the Supreme Court is going to be, but
16 we can see the victory of the conversation that comes out
17 of our political atmosphere. We can hear the Pete Wilsons
18 and the Grahams and in this community the David Jacks that
19 says you don't, we're giving them an advantage. We are
20 now -- we now have a country that is open and above board
21 for all and I don't know why they want special treatment?
22 Why do they want something that we're not giving
23 ourselves? Again, it's not true. It's not a request for
24 special treatment. It's not something you wake up to

1 everyday and say gee, I'd like my share of affirmative
2 action. I wake up everyday and say I would like racism to
3 not impact me and I would like racism to not impact my
4 family. When people of color hear they, what they've said
5 here's a tool, a tool that's been effective for years that
6 in some ways have brought people to go sometimes in the
7 workplace by force, sometimes in academia by force, the
8 net effect I think is a stronger country, a diversified
9 work force, the ability to use the talents of all of us.
10 And what we see is those doors closing and when those
11 doors close, we see that there's a different tactic we
12 have to take. In one point I told my kids and so many of
13 us will tell our children that it is okay the door to the
14 world will be open to you. You have no fear, go into the
15 workplace and try hard. I am not sure. I'm not as
16 comfortable with that saying as I used to be. I would
17 wonder if it makes sense to say to my kids, we will buy a
18 house in Stilton Heights, buy a house in other communities
19 where the appearance of opportunities for housing is not
20 there. I wonder if I could? You could listen to the
21 conversation on the radio, black talk/white talk that
22 seems to say that from oftentimes not very complimentary
23 ways, they are the enemy. It is clear we now have to do
24 something about it. We now have to arm ourselves and I've

1 heard that we have -- we have to arm ourselves with
2 weapons. We have to arm ourselves and create our own
3 separate from the larger communities or we have to make
4 sure we keep those minorities on the other side of Benton
5 Harbor. It used to be something that was said in polite
6 companies, said with soft words,. Now the adjectives are
7 blunt. Now we can say it, say the N word and the H word
8 and the every other word that we have and you can say it
9 openly and out in the air and what happens is you will
10 find someone who picks up and says, yeah you're right, we
11 have to do it that way. I guess my concern is, and it's
12 difficult trying to cover such a large area in five
13 minutes and I really thank you very much for the
14 opportunity, I guess my concern is I don't see a door to
15 open up anything between people. I see it closing.

16 I was given an analogy this morning. I
17 thought it was interesting. One, if you took bees and you
18 had a major bee hive and you put one bee hive on top of
19 the other, you would get this huge swarm of bees and each
20 swarm would do everything they could to kill each other.
21 But, if you put if same two bee hives together and you
22 open up a small hole large enough for one or two bees to
23 fly through, what you'll get over time is a very large,
24 very working community, that you would get the input of

1 the bees of both bee communities. I thought civil rights
2 was the tool that opened up the little hole. I think this
3 turn of political legal events is what's closing the hole
4 and I think when the two bee hives get together, I think,
5 metaphorically speaking, they're going to go out there and
6 destroy each other.

7 I think I've gone over my five minutes.
8 I would welcome any questions.

9 VICE CHAIRMAN MARTIN: Thank you Mr. Willis.
10 May I now have questions from the committee? Mr. Hwang?

11 MR. HWANG: Mr. Willis, I can understand where
12 they may have the rationale to talk about diversity is
13 nice, but not a compelling interest. But, isn't examining
14 historical under representation still part of the
15 equation?

16 MR. WILLIS: No, I don't think they reached
17 that. I think what they are saying in Hoffwood and
18 Adaran, now you have to find the identifiable act of
19 racism and place a cure on that. Strict scrutiny has
20 become so strict and so fine in its approach that you have
21 to find the act. And I think the only way you're going to
22 do that is someone says here's the act and I'll leave my
23 business card with you for future reference. I'm not sure
24 we're going to get that.

1 MR. HWANG: I guess -- let me make an example.
2 .1 percent penetration for contractors under
3 representation of a student body. How do you make the leap
4 when its so apparent, given the numbers that's shown that
5 it's drastic? How do you translate that into justifying
6 the affirmative action program because you thought you
7 were looking for justification?

8 MR. WILLIS: It's no longer there. I think
9 the rules have changed to the point where its no longer
10 there. We're saying now that minority students would have
11 to come in fully qualified in employment, in academia, and
12 I think if we had to look at a place we have long
13 struggled in, whether or not does k-12 education should be
14 9 years. That can we make sure that all of our students
15 are prepared to go into academia, go into the workplace.
16 We haven't made that commitment. We have only said when
17 we gets to the point where they're rewards, you will no
18 longer be eligible.

19 MR. GORDON: Mr. Willis, we've heard earlier
20 today that because of the changing demographics and what
21 success there has been in affirmative action and cultural
22 diversity that at least in the private sector maybe we
23 don't need -- maybe the private sectors is taking care of
24 itself and working on inclusion and its really in the

1 public sector, the public dollars, where affirmative
2 action programs are necessary. I throw out the question
3 to you. Do you agree with that and if not, why not?

4 MR. WILLIS: I guess not completely. Today
5 we have something along the lines of five percent of
6 minority. We have employment in unprecedented numbers. I
7 think corporations need to be, the more money they can get
8 in some situations and in that situation, just the part of
9 the proper motive, the doors are open. I wonder what
10 happens when the cyclical economy starts cycling back to
11 where it was and now we have to make some kind of
12 decisions. Decisions that's not so important for
13 marketing, for profits, but other kinds of decisions. I
14 would really wonder. I think you're right, something
15 needs to be done in terms of public sector, particularly
16 with the kinds of contracting numbers that we have but its
17 -- I wish I had an answer to that. I think that would be
18 -- I wish I had an answer.

19 VICE CHAIRMAN MARTIN: Mr. Willis, is it your
20 view that workplace diversity in middle management level
21 is what it was five years ago?

22 MR. WILLIS: I think it is. In some
23 situations it has increased and I think a lot of work has
24 gone into that. Sometimes it has increased because

1 there's direct pressure. If you don't do something, then
2 maybe we'll get in trouble. I have heard of employment
3 situations, a company says we need to hire minorities.
4 I've never asked where the did the need come from? Its
5 marketplace or legal pressure. But, yes, I think its
6 increased. I think its definitely beneficial and I think
7 there's some secondary gains there that this community,
8 particularly around Detroit metropolitan area, that are
9 growing, unlike the West Bloomfield Southfield that now
10 have large populations of minorities. These folks are
11 middle class. They are the first generation of middle
12 class and I think it's absolutely clear that we have
13 increased to the middle management, upper management and
14 we even had a CEO Fortune 500 company in the last two
15 years.

16 VICE CHAIRMAN MARTIN: You think that Pete
17 Wilson, Phil Graham when they tried to make affirmative
18 action a national issue, to hell with the --

19 MR. WILLIS: I think it got their name on the
20 front page, but I don't think it was enough to sustain an
21 entire campaign. And like so many things that get your
22 name on the front page, it does provide a lot of heat
23 and--

24 MR. GORDON: You had recited the recent

1 Supreme Court case, not so recent to the history of the
2 Supreme Court, reducing affirmative action programs, make
3 it more stringent, the criteria for it. What impact have
4 you seen in the community as a result of those cases?

5 MR. WILLIS: Again, I see affirmative action
6 as a tool. What I see in the community is people
7 recognizing that the tool is no longer available and
8 thinking I am not going to try. That is not a route, a
9 major amount -- may not be one that I can follow. I need
10 to do something else. I will create my own community. I
11 heard discussions. There's a community and I can't think
12 of it it's Upstate New York that created a barter and the
13 idea is in a only people who recognize this is a real
14 point of exchange could then engage in spending. Its like
15 a barter system and I have heard people talk, well, let's
16 have a black dollar. Its not illegal. We can have a
17 barter system and one thing we can do is to make sure its
18 fair and also it wouldn't be taxed. So if there are
19 schemes and ideas and but I think more than the schemes
20 and ideas that may or may not work is the belief that you
21 have to do something else because the doors are no longer
22 open.

23 MR. KOBRAK: You do describe kind of a mixed
24 system to the employment to some extent has improved in

1 some areas. The affirmative action vehicle seems to be
2 closing I think is what you're arguing. But why is our
3 younger generation so much more pessimistic than your
4 generation about the situation?

5 MR. WILLIS: I think I heard a word of
6 enthusiasm from my parents that said now the doors are
7 thrown open in a way they've never been thrown open. My
8 parents told me that in order to make it in this world I
9 have to work twice as hard to get half as far and it's
10 something I learned to believe and the doors were thrown
11 open. I saw optimism. I think my kids are seeing the
12 doors closed and I think what they're seeing is pessimism
13 and with both situations the glass may be half full. But
14 I think they can also look at the direction that it is
15 going and hope one of the things that, I've seen it, I
16 think its hard for me to reckon with is that a number of
17 us have moved up middle class and I need to say I am a
18 product of affirmative action. A number of us who have
19 reached middle class have had a hard time teaching our
20 kids the same kind of discipline, the same kind of things
21 saying this is what you need to do to reach middle class.
22 I'll telling you well the doors are closed. Well its more
23 difficult because -- and do I have an answer? Again I
24 think I have some things that I just can't answer.

1 MS. HA: Actually I have a question do you
2 believe that currently there is a leadership and a
3 movement for civil rights and affirmative action
4 presently?

5 MR. WILLIS: I think the difficulty of
6 leadership is one that in essence reflects on the
7 progress. At one point we can all say that we were
8 probably in a pre civil rights environment. We all lived
9 in the same side of the track. We all had essentially the
10 same kind of income. We had the same -- all faced the
11 same type of burden everyday. Now we don't -- there are
12 some of us who have two cars, two chickens and a hut and
13 we have -- there is no person that can speak for the group
14 of us in any context. So there's a leadership. I can't
15 recognize it is. I think though there's more belief in
16 principle the fact that we are going a certain way were a
17 -- that now needs to be checked -- were a number of other
18 things which a leadership of ideas rather than people and
19 not have a feel formatted in every situation, but
20 leadership of ideas.

21 VICE CHAIRMAN MARTIN: You're in Oakland
22 County, right?

23 MR. WILLIS: Yes, I am working with the
24 NAACP.

1 VICE CHAIRMAN MARTIN: What's the employment
2 situation in the county with relation to minorities?

3 MR. WILLIS: I think it's one of the wealthier
4 counties in the state.

5 VICE CHAIRMAN MARTIN: Public state, county,
6 level?

7 MR. WILLIS: No it hasn't and there is very
8 little leverage to make a difference. The County
9 essentially will say it's including, like those numbers
10 are just horrendous.

11 VICE CHAIRMAN MARTIN: Do you think a part of
12 that problem is the function of fact that the minorities
13 frequently don't vote in numbers they should?

14 MR. WILLIS: I think that that could be true
15 in Southfield, but if you look at the numbers across the
16 county, we are approximately 78 percent of overall
17 population and because we tend to move with our children
18 it's been estimated that we may be 5 percent of the voting
19 population with those types of numbers. Unless there's
20 goodwill from the employment sector, we don't have the
21 political strength to do it. Oakland County has
22 an affirmative action plan that is probably 25 years old.
23 I've taken a look at it. My belief is that it's still
24 good many but no one else is taking it as it seems. No

1 one really cares what's going on with it.

2 VICE CHAIRMAN MARTIN: Okay. Thank you very
3 much.

4 MR. WILLIS: I have a copy of my statement on
5 diskette.

6 VICE CHAIRMAN MARTIN: Would you please make
7 sure that Peter Minarik receives that before you leave?

8 MR. WILLIS: Thank you so much.

9 VICE CHAIRMAN MARTIN: Thank you.

10 CHAIRMAN FRAZIER: We have a short break.
11 We're waiting for Gail Nomura of the University of
12 Michigan and perhaps she's held up by weather.

13 (A brief recess was taken.)

14 CHAIRMAN FRAZIER: Thank you we're ready to
15 get started again and may I welcome everybody who is just
16 coming. There are a few newcomers to the group. I would
17 also like to just briefly go over the ground rules since
18 you were not here earlier today to hear. I'm asking that
19 you limit your presentation to five minutes and that you
20 not read your prepared work, that you give an overview of
21 what's contained. You may start at any time.

22 GAIL NOMURA

23 UNIVERSITY OF MICHIGAN

24 Certainly there's a great deal of

1 confusion again with affirmative action and Asian
2 Americans and so on my position paper as a history and I
3 thought the best thing to do is to talk about the history
4 of Asian Americans in the United States to place them
5 within historical context for their place in any program
6 dealing with affirmative action. I thought that it was
7 important for us to understand the legacy and the
8 continuing legacies of discrimination and past exclusion
9 of Asian Americans from full participation in our American
10 society.

11 I also got into the topic of the great
12 diversity within Asian Pacific American community,
13 including some of the generational and class differences
14 that have emerged due to different types of legislative
15 immigration policies. I thought that that was also
16 important to understand some of the rather confusing,
17 sometimes conflicting views that are represented by
18 representatives of various Asian American groups and I do
19 not present myself as a representative of an inclusive
20 homogeneous view of Asian Americans.

21 I think that one of the problems facing
22 Asian Americans with the affirmative action issue is the
23 ways in which Asian Americans have been portrayed.
24 Sometimes by poets of affirmative action, using Asian

1 Americans as the model minority that is claimed to be an
2 example of a reason why affirmative action is not
3 necessary. And we can go into the various details as to
4 the inadequacies of this kind of use of, false use of
5 model minority might know what they had that places Asian
6 Americans at a disadvantage, both with respect to
7 coalition building with other groups of color as well as
8 in this affirmative action context.

9 Asian Americans know that racism and
10 sexism exist and its alive and well in the United States
11 and they support affirmative action measures through
12 eradicating discrimination. However, they have mixed
13 views as to the interpretation and implementation of any
14 affirmative action which has been perceived by many Asian
15 Americans as to have been implemented, interpreted in a
16 way that had a negative impact on the Asian American
17 community. And this is particularly true in its
18 application dealing with higher education and
19 misunderstandings that come from that as well as ideas of
20 over representation of Asian Americans.

21 I think I just want to conclude by
22 asking you to consider the history of exclusion and impact
23 and one of the most obvious impacts of the legacy of over
24 a hundred years of exclusion, restrictions of Asian

1 American immigration naturalization rights is the effect
2 of certain numbers.

3 This whole idea of over
4 representation is a curious idea since there was federal
5 legislation that ensured that there would be a permanent
6 under representation of Asian Americans in the United
7 States due to the fact that if we had had unrestricted
8 immigration during periods in which there was unrestricted
9 immigration in the United States, what would be the
10 percentage of Asian Americans in the United States? At
11 this point it rather galling for Asian Americans to look
12 around and says within our small -- its very easy to be
13 so-called over represented as many of you understand. We
14 are often the one and only token Asian American on
15 anything, in any position; and therefore, that seems to be
16 the upper limit quota. One of us in any spot and often
17 not even one because at 3 percent of the population
18 sometimes we don't even merit the one token position. So
19 I think basically my premise was to look at the
20 legislative action, federal legislation which has
21 indirectly intervened and study the growth of Asian
22 Americans in social opportunities, economic and political
23 opportunities. And the last thing, legacies of this,
24 despite the fact that we may have some upper income Asian

1 Americans in our community, that does not prevent them
2 from suffering the impact of, negative impact of racism
3 and sexism and anti Asian violence and other types of anti
4 immigrant sentiment projected against our community. Many
5 of us wondered how many generations, how many hundreds of
6 years do we have to be in the United States before we are
7 recognized as Americans?

8 CHAIRMAN FRAZIER: Is there anything else you
9 want to add?

10 MS. NOMURA: I think you're supposed to have
11 some questions.

12 CHAIRMAN FRAZIER: Yes. Well, if there are
13 questions from the committee members, we'll entertain
14 those questions at this time?

15 MR. HWANG: In your work as an historian,
16 have you examined how affirmative action programs have
17 been successfully applied and inclusive of Asian
18 Americans?

19 MS. NOMURA: In the early years Asian
20 Americans were included,. I'm more familiar with the
21 higher education issues and that's very, very complex, too
22 complex to fully discuss at this point. But in early
23 years Asian Americans were included in so-called equal
24 opportunity programs and it was a class kind of

1 prerequisite to inclusion into these programs. There were
2 Asian Americans applying to be included into programs
3 looking at under representation in certain kinds of
4 fields. Well, this presently does occur. For instance,
5 at the University of Michigan I think that they were
6 successful at least in opening opportunities to many of us
7 in the field. I think that more broadly from affirmative
8 action programs were not making specific preferences or
9 goals or timetables that included Asian Americans, but did
10 force Universities to look at a more diverse population
11 and that opened the doors for Asian Americans. It's
12 a rather complex issue, but with the new arrival of
13 immigrants and our population has doubled, these censuses,
14 so we have larger numbers of students going into higher
15 education right now. Also higher numbers of those that
16 come from certain kinds of income that would provide some
17 access to higher education and so forth. Its a little
18 complicated.

19 One of the issues, of course, is
20 California and this is Michigan, but California is one of
21 these tough zones. A look at affirmative action kind of,
22 since there is a high pool of Asian Americans entering
23 there.

24 MR. MARTIN: Could you take a minute to

1 summarize the history of Asian Americans in the United
2 States?

3 CHAIRMAN FRAZIER: Very quickly.

4 MS. NOMURA: It's immigration restrictions
5 right, we're the first melting group designated as a whole
6 class, a whole country that was prohibited from entering
7 the United States. We're the only group that by race was
8 discriminated, prohibited from acquiring naturalization
9 rights as a, such a fall off of that led to many other
10 restrictive legislation privileges, other types of
11 occupation, education, segregation and so forth.

12 This is not actually well known and we hope that it gets
13 better known about; and thereby, federal legislation as
14 well as state legislation itself often confused exclusion
15 and restriction of Asian American -- Asian immigrants
16 occurred only in the west, the American west. But there
17 was a national policy and that's why I talked about the
18 direct federal intervention that skewed the development
19 of communities and kept us segregated, stunted in our
20 growth and limited, extremely limited in our opportunities
21 and that continues now. As we know the usual cliché is
22 to talk about the glass ceiling and we know that the power
23 structure in the upper echelon has not changed. We may
24 get these entry level positions, but do we have jobs that

1 are commensurate to our abilities, talents and education
2 and we can show you that our income level and our
3 occupation status does not match that, compared with
4 whites with similar backgrounds.

5 MR. MARTIN: When are they removed?

6 MS. NOMURA: They're removed very gradually.
7 Some of the immigration laws go back to World War II where
8 we were fighting for supposedly for freedom and liberty
9 and we were ashamed that we were discriminatory against
10 our so-called ally countries, immigrants from those
11 countries. So in '43 it was a repeal of the Chinese
12 exclusion law which granted Chinese immigrant rights,
13 naturalization, immigration. But only a token immigration
14 quota of 1 to 5 a year. Then there was an immigration
15 exclusion ending for Filipinos, South Asians; that is,
16 people from the Indian sub continent in '46. In '52 by
17 Congressional Act, race was removed as a bar to
18 immigration and naturalization, but again Asian countries
19 are given a quota of generally one hundred equal to that
20 of Monaco and its not until '65 when the Immigration and
21 Naturalization Act which then gave equal immigration
22 quotas to all countries of the world, including Asian,
23 that immigration was then more freely allowed to this
24 country and that leads then to that pent up back log of

1 immigrants to the United States.

2 One of the things that people don't
3 realize is that also in '65 we gave references to certain
4 types of immigrants and that also skewed our population;
5 and therefore, those professional classes were given
6 higher preference as well as family unification which is
7 what Asian Americans do support. But as such, you know
8 that led to the doubling of our population in the United
9 States, but also led to higher increased numbers of
10 immigrants; those who come in the post civil -- I'm
11 sorry, civil rights era that perhaps do not have a
12 historical knowledge of the history of Asian Americans,
13 the long held theories of Asian Americans in the United
14 States.

15 Also, the 1975 fall of Saigon led to
16 the immigration of large numbers of refugees of Southeast
17 Asia with various economic and social disadvantages coming
18 with that status.

19 CHAIRMAN FRAZIER: I have just a point of
20 clarification. There was one other group in this country
21 who was -- you were speaking about not being granted
22 naturalization rights -- that was not even considered
23 human many at some point in their histories. So I don't
24 want you to think you're the only ones that were

1 discriminated against in terms of immigration and
2 naturalization.

3 MS. NOMURA: Yes, I understand that.

4 CHAIRMAN FRAZIER: I just heard you say we
5 were the only group, that's the only thing.

6 MS. NOMURA: By race after the Civil War
7 because the naturalization laws then were changed after
8 the Civil War to include whites and those of African
9 descent. And thereafter, the only group that was
10 discriminated against was, by race, those of Mongolian
11 race and also those Indian descent South Asian descent who
12 were, in fact considered heathens was crazy, ethnographical
13 (phonetic) races, categories at that time as white.

14 So, in general, Asians were after 1970
15 the only group. So, of course, we understand the long
16 history of African Americans in the United States.

17 CHAIRMAN FRAZIER: Sue?

18 MS. HAMILTON-SMITH: If you could give some
19 examples the way in which the model minority has
20 disadvantaged the Asian community in terms of
21 participating in existing affirmative action programs?

22 MS. NOMURA: The model minority myth is very
23 complex. There are many things written on that and its
24 also interesting, of course, as we point out; one, we're

1 considered the model minority. I think we would less
2 chafe on this if we were called the model American. But
3 when you're called the model minority, obviously there's
4 somebody manipulating this and using it to their own
5 advantage. It's a very divisive use and it pits one group
6 of color against another. Supposedly we have achieved
7 success despite or in spite of any kind of discrimination
8 that, in fact, no affirmative action is needed to do this
9 by sheer willpower of wanting to succeed, it's very
10 damaging. Of course it's not true. We look at our own
11 population. Where are we? Have we really achieved
12 success and how do you achieve success? How do you define
13 this kind of success? We can go by income and so forth.
14 Sometimes I don't even like to look at those kinds of
15 things. I can tell you about income discrepancies of
16 which of course there are more Asian American family
17 members that produce that family income that's supposedly
18 a high family income. The disparity between education and
19 actual job occupation status and so forth. But I think
20 that it's very damaging for those in the Asian American
21 community to believe that somehow by their own sheer will
22 they can overcome what they see around a racist society.
23 It prevents or hinders at least some of the coalition
24 building that some of us are very committed to. I think

1 that the model minority is very damaging. I think that it
2 is very destructive and we have seen through that and its
3 not -- it's a myth.

4 MS. HAMILTON-SMITH: Thank you.

5 CHAIRMAN FRAZIER: You said something about
6 being socially excluded and if that goes along with the
7 whole myth of being the model minority, has it caused
8 other minority groups to perhaps not do the coalition
9 building with Asian Americans?

10 MS. NOMURA: Yes. I think Asian groups are
11 still seeing to this very day as we talk about forever
12 foreign. I can be here. We've all been asked and I said
13 before how many generations do we have to be here to be
14 considered Americans, right? And so with other ethnic
15 groups, racial groups, other ideological groups and so
16 forth. We still have sort of a scapegoat as foreigner
17 taking away foreign jobs. I'm sorry, American jobs,
18 American opportunities. And this greatly hinders us.
19 There's a great divide there that segregates us into
20 ghettos and previous decades and separated us and
21 segregated us from larger society. There is -- certainly
22 were the usual conventions, the restrictive covenants that
23 prevented us from living freely as most other groups of
24 color in cities, residential areas, suburbs, country

1 sites. We were prevented from owning land. We were
2 prevented from interracial marriages, socially restricted,
3 even in religious groups how freely were they able to
4 participate in even churches.

5 MR. GORDON: What areas would you believe that
6 affirmative action programs would be helpful for Asian
7 Americans and what kind of affirmative action programs has
8 either historically been helpful or would you believe it
9 would be helpful?

10 MS. NOMURA: I think Asian Americans and
11 again I would have to be very careful when I'm talking
12 about Asian Americans in the --

13 MR. GORDON: It's a large, very diverse
14 group.

15 MS. NOMURA: Yes. In my opinion, I think we
16 have to consider the present to this day anti immigrant
17 sentiment and anti Asian bias that is I think embedded in
18 American society. When I walk into a classroom, when I am
19 in committees, when I'm in larger society, I still think
20 I'm perceived as this foreigner in a somehow does not
21 belong. As now when you hire people, you hire people that
22 are just like you or one of us and I think that Asian
23 Americans are never perceived by the larger society as one
24 of us. So I think that affirmative action gives you that

1 opportunity to become one of the teams to be able to show
2 our talents and to succeed in that kind of way. But I
3 think that many misunderstandings occur that keep those
4 doors closed, that keep promotions closed to us. In part
5 I've heard engineers been told that well, we never ask you
6 anything about supervisory positions because you Asians
7 don't like to take leadership roles and you're not vocal,
8 you're not oral. In fact, those that accuse us of not
9 going into political office when, of course, we were not
10 able in the earliest generations to even run for office
11 since we were not allowed to become citizens. But if you
12 look at the State of Hawaii where I'm from, we were quite
13 active in politics. As soon as we were able to get a
14 generation that was able to vote and able to run for
15 office, yet it was thrown up to us in our face so many
16 times that these kinds of stereotypes and images of us as
17 being passive. When you look at the legal record, every
18 restrictive legislation, law, code, we've always
19 contested, both through the court system, through informal
20 systems, diplomatic channels and subversive channels, but
21 we were not passive and yet again that stereotype not only
22 the model minority myth, but has and deserved what they
23 got because they're passive and that is, of course, a
24 perpetuation of a way of characterizing a group to hold

1 them down to continues that kind of oppressive measures
2 against them. So as for affirmative action, I would
3 really want various -- there are so many different
4 programs and policies I think that each corporation, each
5 well in federal legislation that we examine what are the
6 goals of this particular program and to see how that is
7 applied to Asian Americans and to eliminate these kind of
8 historic biases against Asians and misunderstandings and
9 myths and negative stereotypes of Asian Americans. So
10 that were given equal we wants only equal treatment and
11 justice and that's all that we're seeking and think that
12 affirmative action programs must consider the inclusion of
13 Asian Americans in any of its programs and policies
14 because I do see a good legacy in the present day of
15 continuity and Asian, anti Asian sentiment in the United
16 States that prevents our full growth in the community, our
17 full growth as individuals.

18 MR. KOBRAK: Dr. Nomura, in the Michigan
19 Civil Service, the highest average salary is male
20 oriental. The second --

21 MS. NOMURA: Asian.

22 MR. KOBRAK: Excuse me the second highest is
23 female Asian and the third highest is male white. First
24 the -- the first of two questions is do you think that's

1 partly due to affirmative action or do you see that due to
2 other dynamics?

3 MS. NOMURA: One of the problems in this is
4 that I don't know your statistics. I'm wondering how many
5 are you basing this on and how --

6 MR. KOBRAK: This is the statistics for the
7 Michigan Civil Service.

8 MS. NOMURA: And how many Asians does that
9 represent? My daughter in her school represents all of
10 Asians in her school. So she happens to have the highest
11 position in the student body, then all Asians would have
12 that kind of average. I don't know anything about the
13 statistics. I don't doubt that you're accurate in that,
14 but I hesitate to make any kind of comment on that
15 specifically. If in general you're talking about national
16 norms or--

17 MR. KOBRAK: This is the State of Michigan.
18 No, I'm talking about the State of Michigan, the people
19 who are in the state civil service --

20 MS. NOMURA: I'm wondering --

21 MR. KOBRAK: I don't know what the aggregate
22 is, so I'll let that go. My students, just out of memory,
23 are in those positions. Their feeling is they have a
24 glass ceiling, the kind that you're talking about, but its

1 at a very high level, so they usually feel that. The same
2 question which intrigues me in terms of this thanks to you
3 you've partly educated me over the years coming to testify
4 to us and I guess I see the Asian American community
5 having the kind of bifurcated problem. Some well off and
6 then a large number who are less visible, not so well off
7 and you have trouble getting the second problem out in the
8 open. But what, you know, you do succeed in doing and
9 this is what I'm curious about is unlike the other
10 minorities, Asian Americans are continuing to go to
11 college in high numbers and I'm very disturbed about the
12 fact that that's not happening proportionately for black
13 Americans. To what do you attribute that success?

14 MS. NOMURA: That will take too long to
15 discuss. It's the usual, asking why one group does better
16 than another? There are studies now being done, in fact,
17 by student PhDs looking at white Asian comparisons and I
18 can refer you to several of these kind of dissertations.
19 It gets a little tiresome to have certain kinds of
20 questions phrased in a certain way. We're not just
21 bifurcated in one end the super star person that can have
22 immigrated from Asia refugee from Viet Nam two years ago,
23 valedictorian, goes on to the top Harvard and medical
24 school and so forth and then the poor Vietnamese that has

1 or the Mung student that doesn't have -- comes from a
2 family that has been dessimated by the war, does not have
3 the education is living in the inner city Detroit so
4 efforts. We have a full range, actually but we're
5 portrayed in that kind of way but either we're the super
6 star the refugee. Many of our students dislike that
7 bifurcation that's imposed on them and the images why are
8 we succeeding in these kinds of rates? I can give you
9 some of the quotes on that, but I would say that, you
10 know, to then say why is it that other groups don't
11 succeed? I think that we have our history of African
12 American history, Latino history, native American history
13 to look at some of legacies and continuing discrimination
14 that occurs in those kinds of ways and then to say if you
15 look at the Asian American then you're saying does that
16 not apply the same kind of advancement? Does it apply? I
17 think that there are too many complicating factors on
18 this, including the fact that we have selectively stunted
19 certain types of immigration. If Asian we have let in
20 certain type of immigrants from Asia and you know those
21 kind of money capital, educated immigrants that then are
22 able to give that kind of capital boost up for their own
23 children. The kind of feelings of those certain kind of
24 immigrants that education is the only way you have. And

1 so they will devote whatever kind of style that money that
2 they can give to achieve those kinds of things. There's
3 high cost also in the focusing only on high education when
4 we say has it actually paid off? Has that kind of
5 education paid off in the kind of job and level of status
6 that these people have achieved?

7 MR. KOBRAK: I'm interested that you kind of
8 resist the notion of norms that might be helpful. I guess
9 I don't see myself -- let me finish my question then you
10 can answer it -- as having asked you a stereotypical
11 question where I twisted one end against the other. What
12 I was really asking you is there's one group that is
13 fairly well off and then a continuum and then the group
14 that you've been most concerned in your testimony over the
15 last couple of times that have not had the same advantages
16 and what intrigues me is the norms that -- and the faith
17 that not just those coming from the better off families.
18 But also I've had a number of students from the poorer
19 Asian American families and the data seems to indicate
20 they're coming to college as well as I think the question
21 is not so much what are other groups doing badly, but we
22 can learn from what you're doing well. I don't think
23 that's a stereotype question.

24 MS. NOMURA: Its how you mean well and what

1 groups are doing well. But also people have been looking
2 at the immigrant phenomenon and that's why they've been
3 doing some new research on Russian immigrants, white
4 Russian immigrants and there's comparative studies for
5 Russians, comparing supposedly white Russians with Korean
6 immigrants and what they're coming down to is immigrant
7 syndrome, particularly in the past few decades in which
8 there's a big -- into this idea that you can achieve and
9 the vehicle for that, at least for the children, the
10 younger generation is education. So, there are ways in
11 which studies have been done now looking at ways in which
12 we can encourage and fuse that kind of idea, make it a
13 reality for other groups. Not only false kind of myths,
14 but a reality that everyone gets equal access to quality
15 education that indeed does give them the skills and talent
16 and create the opportunity for these skill talented
17 educated people who are coming up through our better
18 education system to achieve in a larger society, to get
19 rid of all glass ceilings and even entry ceilings. And so
20 yes I think that there needs to be some understanding of
21 why, how people are inspired and how many actual
22 opportunities are created, not some sort of false kind of
23 dedication to a kind of way to achieve and to shut them
24 off at the end. I'm really worried about the ways in

1 which any real opportunities have not been open -- have
2 not been opened up and its kind of confusing rhetoric and
3 they're attacking and scapegoating certain groups, holding
4 certain other groups on certain kinds of pedestal and not
5 really examining how you creates a much more open and
6 equal society for everyone without there kind of--

7 CHAIRMAN FRAZIER: Roland?

8 MR. HWANG: Not to give any testimony but
9 just to make a point with respect to needing some
10 imperical research, but I think that the Asian Americans
11 are under represented in state civil service employment
12 just like other groups of color. But that if there is an
13 area where there are some numbers that are accountable,
14 they're in the Department of Mental Health. And so there
15 are a number of psychiatrists of Asian American descent
16 and they sort of ask you the numbers, but I think the
17 point of research would be to compare those numbers with
18 those people in mental health and to see how they compared
19 with psychiatrists in the private sector or what other
20 sectors there are and to see whether they're on the same
21 income levels as those that are, you know, outside of the
22 state civil service. Just a point of information for this
23 imperical research. But just to address this question
24 for--

1 MR. KOBRAK: There's also long history of for
2 instance our skilled trades. Lots of studies on that as
3 to the discriminatory practices of our unions and our
4 various trades and I come from a union state. I'm a card
5 carrying union member, so forth. But there are some
6 problems in the contracts and we look at Asian American
7 representation on these non professional levels. I wonder
8 where affirmative action policies might be able to address
9 those kinds of issues also. I don't think that anybody
10 can say that Michigan Asian Americans are overpaid, over
11 represented in the highest level. And they --

12 CHAIRMAN FRAZIER: I'm sure without some
13 statistics to back us up. I don't know that we can even
14 entertain that debate at this time.

15 Are there any questions from the group?
16 Any further questions from the committee members?

17 Thank you for coming to us again. As
18 Peter Kobrak said enlightening us each time that you come.

19 We're going to break for lunch at this
20 time and hope that those of you who are here for the
21 afternoon will come back. It's about 12:15 now, we will
22 reconvene at 1:30.

23 (A lunch recess was taken at 12:15 a.m.)

24 AFTER RECESS

1 CHAIRMAN FRAZIER: Good afternoon ladies and
2 gentlemen. We're about to begin the afternoon session of
3 this consultation. I want to welcome those of you who
4 have just arrived to the Consultation on Affirmative
5 Action that is being undertaken today by the Michigan
6 Advisory Committee to the U.S. Commission on civil rights.
7 I would like to just remind you again of -- again those of
8 you who are just coming in this afternoon that we would
9 like for you to take about five minutes in terms of your
10 presentation and we're asking that you not read verbatim
11 your report, but that you give us an overview of what it
12 contains. Now, if your report is timed for five minutes
13 then there's an exception there. We would like to have
14 you give us the gist of you or your organization would
15 like to say on the issue. And I'll begin with my Jeannie
16 Jackson, Detroit Medical Center.

17 JEANNIE JACKSON

18 THE DETROIT MEDICAL CENTER

19 First of all I want to thank you for
20 inviting me. I really appreciate being here. I am the
21 equal employment manager for the Detroit Medical Center
22 and also owner and president of EEO Monitoring
23 Consultants. Most of all, a black female who has
24 benefited from affirmative action and I came here to give

1 you a little bit different viewpoint on it, more from a
2 cultural diversity standpoint. My background is
3 affirmative action. I was an equal employment planning
4 analyst in private industry and also a compliance officer
5 with the Office of Federal Contract Compliance for ten
6 years. So I audited companies for affirmative action plus
7 I was in private industry side and also wrote affirmative
8 action for companies which I do now as a consultant. In
9 the paper I give you more of background, but I won't go
10 into that, just the body of the paper. I'm taking a
11 little different stance on this. We've heard about
12 affirmative action for the last 30 years. All the
13 arguments for and against it. Of course I am for it. So,
14 what I wanted to talk about a little bit is some different
15 concerns that Americans have right now. I've been hearing
16 from colleagues and people that I do consulting for and
17 groups that I talk with about their concern about the
18 immigration and people coming in illegally and I want to
19 kind of tie that into affirmative action.

20 Some of the concerns that I've heard
21 about and that Americans have been talking about is in the
22 immigration, is over population threatened environment
23 growth of illegal immigration, seeming lack of government
24 control, crime and disease, burden on school, burden on

1 the welfare rolls and language barriers. I think at a
2 time when the economy is lacking for jobs and the pressure
3 is on, especially at the lower level for jobs, that's when
4 we're not as tolerant of people coming into our country
5 from other countries. We want to be protective of those
6 jobs because they're not enough to go around for what we
7 think are ours because we're here. But, we also forget
8 where we came from. We all came from somewhere else other
9 than the native American. So, you know, we have to
10 remember that, we have to remember the fact that we
11 immigrated here from somewhere else and just because we've
12 been here longer does that give us the right to say, okay
13 we got to shut the door and not let anybody else in?
14 Well, I'm not so sure about that. There's pros and cons
15 for both. I won't go into that, but I just wanted to
16 mention some of the concerns for people that I've talked
17 to about immigration.

18 Time Magazine conducted a pole
19 reflective of the fact that three quarters of those polled
20 felt that the national current policy has gotten out of
21 hand and the government should limit immigration more
22 strictly. In many cases the new wave of immigrants appear
23 to be poor and have fewer job skills to bring with them
24 than previous immigrants. I think that is the concern.

1 Of course there are many who have come here who are highly
2 educated who will find jobs. But I think a lot of concern
3 is people will come here and there are a lack of jobs and
4 then to have people come here and work at a lower rate,
5 you know, illegal immigrants coming. That's a concern of
6 people. But I think we have to look on the other side of
7 the coin and feel that we can benefit from other cultures.
8 We can all learn.

9 Also, yes, people have come here, yes
10 they're illegal immigrants. But also people come here and
11 share with us their differences in music and art and
12 literature and we've had many, many experiences have
13 taught us many things with that. So I think that's a good
14 thing. We're affirmative -- where affirmative action is
15 concerned is that we need affirmative action. We can't be
16 totally consumed and concerned with the immigration of
17 people from other countries and not consider and keep in
18 the forefront the fact that we're all here, we're all in
19 the same situation of struggling for jobs. Affirmative
20 action is important, we need it. If we do not have laws
21 to force people to do the right thing, we'll go back to
22 those days; the good old boy syndrome days. People have a
23 wrong notion of affirmative action that we've arrived.
24 That everybody's okay now, that women and minorities are

1 looked upon as equal and we can just -- if we're educated
2 and we have the right experience, we can just move right
3 into the jobs and everything's fine. That's not true. If
4 we don't have those laws to protect people, we'll go worse
5 than what we did before. We'll go back to days that we
6 haven't even thought about it. It will be worse because
7 one thing there's negative connotation on affirmative
8 action and through years that's been built up, people have
9 looked at it as a privilege of minorities. Its not a
10 privilege, it was just a right to be treated equally and
11 we will go backwards. Not only will we go back to the
12 time we came from where we weren't treated equally, now it
13 will be a hostile environment if we don't have laws to
14 protect people. People always want to bring people into
15 the workplace that look like them and the people that have
16 the jobs, the majority are still non minority and men and
17 we all know the statistics behind those. So my contention
18 is that we have to have the laws, they're necessary. I
19 certainly have benefited by them as a black female and if
20 we don't have them, we're not up to parity. We have not
21 reached that. I doubt if we have reached that. We'll
22 reach it in a time where there is not a majority and
23 that's coming, too. That's coming to a point where people
24 of color will be the majority, but right now that's not

1 here. At that point when the people of color are the
2 majority, we won't have to worry about that because people
3 will be scrambling to get anyone for the jobs they need.
4 They will want people who are educated and who have the
5 skills, but we're not there and because we're not there,
6 we've got to keep in mind we need these laws. We've got
7 to have them or we will go backwards. What I'd like to do
8 is just ask for your support for affirmative action laws
9 and Executive Order 11246 and I would like to mention,
10 that the Detroit Medical Center did give testimony to the
11 state legislation on state laws that are pending. I'm
12 sure you've heard about the different House bills that are
13 pending on abandoning preferential treatment. There's
14 always been preferential treatment. If you go to somebody
15 and you bring them on, we've had it, its not going to go
16 away. Why do we have to talk about preferential treatment
17 when it comes to minority.

18 So the Detroit Medical Center stands on
19 this as they support affirmative action with or without
20 the laws. Even if the laws were to go away, go off the
21 books today, the president of the Detroit Medical Center
22 has pledged his supports of affirmative action. And I'm
23 here to mention that today and tomorrow say that there's
24 no other way. If we don't have them I can see major

1 setbacks. I can see uprising and things I don't even want
2 to think about.

3 So I just want to say that I would
4 recommend that the U.S. Commission on Civil Rights
5 formally and publicly support continuation of the
6 Executive Order 11246 as amended and thank you.

7 CHAIRMAN FRAZIER: I'm going to hold questions
8 until after we hear from Ms. Watson.

9 JOANN NICHOLS WATSON

10 NAACP, DETROIT BRANCH

11 Thank you for this opportunity. I am
12 Joann Watson and I'm the Executive Director of the Detroit
13 NAACP, President of the National Anti Klan Network, Senate
14 For Democratic Renewal which is carrying the major
15 responsibility for the investigations and monitoring the
16 white supremacy groups in America and also currently we're
17 very busy trying to organize and help provide support for
18 those persons in congregations victimized by the bombing
19 in the black churches.

20 "It will be impossible to arrange
21 affirmative action programs in a racially neutral way and
22 have it successful. To ask that this be so is to demand
23 the impossible. In order to get beyond race, sometimes we
24 must take account of race. There is no other way. And in

1 order to treat some persons equally we must treat them
2 differently. We cannot, we dare not let the equal
3 protection clause perpetuate racial supremacy." These are
4 the words of Supreme Court Justice Blackmond in the 1978
5 Backi decision. One little noticed fact in the
6 affirmative action debate across the country is that many
7 of the principal underlying affirmative action, including
8 the use of quotas have been accepted in the spheres
9 outside of race and sex without a peep from those persons
10 who were anti affirmative action. Take, for example, the
11 for compensation, for past injustices. There is this
12 government's payment of \$1.2 million to the families of
13 Japanese Americans who sent World War II in interment.
14 The payment to the Japanese also affirmed -- Japanese
15 Americans also affirmed the notion of sons paying for,
16 atoning for the sins of their fathers? Nearly one third
17 of those who pay taxes last year and therefore,
18 contributed to the reparation payments were born after
19 World War II, they could have not supported the government
20 policies of putting Japanese Americans in prison camps.
21 That was an immoral, racist, illegal policy, by the way.
22 Like affirmative action there was a remedy for past wrongs
23 and one of quotas.

24 In 1986 the administration negotiated a

1 trade agreement with the Japanese under which this country
2 set a quota, a goal, if you will, of American
3 manufacturers to gain 20 percent of Japan's market in the
4 computer chips. The policy, though highly contentious, is
5 still in force. Yet, some people who were often backers
6 of free trade say purchasing decisions should be based
7 solely on quality and merit have generally not criticized
8 this kind of quota as a manipulation of the market. Also
9 so far as business and industry is concerned, affirmative
10 action is not just a moral matter, it's good business.

11 White males already make up a minority
12 of the work force and 85 percent of new recruits between
13 now and the year 2000 will be women or persons of color.
14 So, firms with a good track record of producing non white
15 managers and managing people from different backgrounds
16 will, of course, enjoy greater advantage of recruiting and
17 motivating workers and have higher profits. Firms that
18 continue to favor only white males will find themselves
19 fishing in a shrinking pool of perspective employees and
20 lower profits. Bottom line, white men, while
21 constituting about 29 percent of the work force, still
22 hold about 95 of every 100 senior manager positions
23 defined as vice president and above. Also white people,
24 according to the work force taking nearly 40 percent of

1 all jobs nationwide compared to 30 percent three decades
2 ago.

3 This information is drawn from a report
4 by the Glass Ceiling Commission and it uses 1990 census
5 data and the results of surveys by consulting firms to
6 discuss the corporate landscape for women and people of
7 color and to identify barriers to their advancement.
8 Principally the fears and prejudices of white male
9 executives on the lower rung of the corporate ladder. One
10 of the speakers to follow me, wonderful Mr. William Brooks
11 is one of the authors of that glass ceiling report, may I
12 say. The report cited various studies that the glass
13 ceiling exists because of the perception of many white
14 males that as a group they're losing the corporate game.
15 Their losing control and losing the opportunities. Many
16 middle and upper level white male managers view the
17 inclusion of people of color and women in management as a
18 direct threat to their own chances for advancement,
19 according to that report. These male managers also should
20 know, however, that they stand no better odds of reaching
21 the top today than they did 30 years thing. There's
22 always been competition, however the face of it has
23 changed. White men, according to this report have circled
24 the wagons against challengers whom they view not in terms

1 their merit, but in terms of color and sex.

2 Across the country Commission members
3 have heard hundreds of top and middle level managers, male
4 and female, report that white males are stymied the
5 progress of people of color. And when those who do break
6 through are often shunted to the ante rooms of Executive
7 suites, dead end staff jobs like community affairs, human
8 resources and public relations. According to the recent
9 New York Times, CBS poll, most Americans sat they object
10 to blacks being given preferences in jobs and college
11 admission, but they don't mind the advantage being given
12 to white women. The American public, according to this
13 poll, also believes, like the politicians, that African
14 Americans dominates the fruits of the present affirmative
15 action, but it's not true. Mary Barry testified years ago
16 that white women have been the biggest beneficiaries and
17 black women certainly have not kept pace with white women
18 nor black men, according to attorney Ron Arnold
19 (phonetic), Executive Director of the Lawyer's Conference
20 for Civil Rights Under Law. And in the mid '60s for white
21 women were less than five percent of law schools, now
22 they're 45 percent. The critics of affirmative action
23 often claim their goal is a truly color blind society
24 that's supposed to offer equal opportunity to all but the

1 challenge to affirmative action are not being carried out
2 in a vacuum. Many review limit part of an overall attempt
3 to roll back the rights of all disenfranchised people of
4 color, women, and the poor. The challenge to affirmative
5 action; therefore, cannot be regarded as well-intentioned,
6 albeit misguided efforts to achieve a color blind society.
7 They're an integral part of a much broader effort to take
8 back the limited political and economic power, limited
9 power that lets me say people of color and women have
10 achieved in recent decades. Unless we all want to see the
11 clock turning back, we must make a defense of affirmative
12 action and human rights at top priority. Quite frankly
13 America's failure to safeguard and protect the rights of
14 all people while allowing those most vulnerable to be
15 scapegoated and villianized has laid the foundation and
16 fuel the fires of hatred now exploding across black
17 churches in the south and would strengthen the white
18 supremacy movement across America. Affirmative action has
19 never been a cure all, but it certainly has been a
20 prescription, if we don't want to declare the patient
21 dying or dead. To kill affirmative action would be to
22 provide assisted suicide for human rights in America.
23 Thank you very much.

24 CHAIRMAN FRAZIER: Thank you, Ms. Watson, Ms.

1 Jackson. Are there questions from the committee?

2 MR. GORDON: Ms. Jackson, actually both of
3 you can answer the question. You obviously both believe
4 that affirmative action should continue. My question for
5 you in what specifically both government and in the
6 private realm do you consider to be an effective
7 affirmative actions programs which should be exhorted or
8 implemented?

9 MS. JACKSON: Well, I believe Executive Order
10 11246 is effective. Now there are some changes that are
11 needed, I grant you that. They were implemented at an
12 time that things were different and some of the paperwork
13 that's involved there is not necessary, but we all know
14 that even the people that enforce that law. But I think
15 what we need, we continue to need goals. They are not
16 quotas as people often want to say they are. They're not,
17 they're not mandatory made goals. It's good faith efforts
18 and it's goals to try to find qualified women and
19 minorities for positions. So we still need the goals. We
20 need good internal audit reporting by companies. They
21 need to have something in place to show what are they
22 doing to get qualified women and minorities? What are
23 they looking at in their work force in how are they
24 training people? What kind of programs do they have to

1 bring people up to train them and many people that have
2 benefited that are not minorities and women, non minority
3 males that have benefited from those programs. So,
4 affirmative action helps everyone, not just minority and
5 women. So I think those two areas, the goals, the
6 internal reporting, we still need in order to have good
7 affirmative action efforts.

8 MS. WATSON: I agree with my colleague
9 totally. I would add to that that any corporate entity
10 which benefits from what is sometimes called subsidy, what
11 I call a form of welfare, anyone who receives a subsidy or
12 write off in any form from the federal government from the
13 Congressional legislation ought to, by mandate, have
14 levels of adherence to affirmative action, equal
15 employment and injustice to all persons as a matter of
16 course. Its a question of compensation and it's a
17 question of reparations.

18 CHAIRMAN FRAZIER: Mr. Martin?

19 MR. MARTIN: Ms. Jackson, in your comments you
20 indicated that one reason for the anti immigration
21 syndrome in this country was competition for low wage jobs?

22 MS. JACKSON: Yes.

23 MR. MARTIN: Is their any research that you
24 can offer to support that contention?

1 MS. JACKSON: Yes. The article that I got
2 that idea from was the special issue of Time, The New Face
3 of America and in that article they had many examples of
4 why Americans are threatened by the influx of immigration
5 flow that's different than before.

6 One of the comments I made was the fact
7 that before it was felt that the more immigrants brought
8 more skills here, maybe carpentry or things they had
9 learned in their country. But now we're having an influx
10 of immigrants that don't necessarily have skills. Some
11 do, some don't. I think there are more, they are poorer
12 than before. So now equal our concern about well there
13 are only a few jobs here and now I have to compete not
14 only with the people that are here, but with the people
15 that are coming here and a lot of that is due because we
16 don't have the enforcement at the borders. We always hear
17 about not having enough INS agents to stop the illegal
18 immigration, people becoming in. So people are concerned.

19 It was a poll done in that special
20 issue of Time where a cross section of Americans and asked
21 them what they thought about it and that was one of the
22 issues, the fact that we have illegal immigrants here that
23 are taking our jobs. That was one thing that was
24 mentioned in that article.

1 MR. MARTIN: That was not a scholarly
2 article, was it?

3 MS. JACKSON: No.

4 MR. MARTIN: Because I would think if you
5 just look around Michigan you see so many minimum wage
6 jobs advertised and they don't seem to be people to fill
7 them.

8 MS. JACKSON: That's true. Now perception
9 might not be true. That was their perception. It wasn't
10 necessarily true. It was just what American people think
11 is happening with immigration.

12 MS. HAMILTON-SMITH: Ms. Watson, as it
13 relates to affirmative action efforts that have been
14 successful, could you share with the committee and the
15 audience and hopefully this will go to the federal
16 government some of the goals and accomplishments of the
17 Fair Banking Alliance.

18 MS. WATSON: Yes. The Fair Banking Alliance.
19 I thank you for asking the question Sister Smith. Detroit
20 has been blessed with opportunities to come together among
21 human rights and other activist groups and just monitoring
22 groups; The National Lawyer's Guild, NAACP, the Urban
23 League, Booker T. Washington Business Association, New
24 Detroit and others and as really in response to decades

1 and decades of red lining and disenfranchisement in the
2 financial institutions, major financial institutions in
3 this city. We came together and developed a monitoring
4 and a tax for some implementation that called the
5 financial institutions to task relative to their loan
6 policies, their employment, their access to people of
7 color and suppliers and vendors and have turned it around.
8 They have the most impressive multi level agreements that
9 have been adopted with major banks of any city in the
10 country at this point approaching \$3 billion has been
11 negotiated by this team of persons who have worked with
12 the banks not -- there have been no protests and other
13 levels of public demonstration, although there have been
14 some tough meetings that have resulted in now every single
15 bank having a person of color as a senior vice president
16 which was not in place prior to this fair banking alliance
17 coming together. But the \$3 million has been earmarked
18 using affirmative action principles. Using affirmative
19 actions principles we negotiated certain levels of money
20 for those persons who are seeking mortgages for those who
21 are seeking special loans for small and mid size
22 businesses and big businesses. There are now some banks
23 that for every travel agent they use who is not a person
24 of color, they now use a person of color for their travel

1 and their landscaping, for the supplies that they
2 purchase. And it's been a major break through in terms of
3 making the goals of affirmative action and equal
4 opportunities real throughout Detroit. Of course it's not
5 been a process that was cured all the ills of the
6 financial industry, but it's been outstanding and its
7 really an international one because one of the banks that
8 we've worked with, Michigan National Bank has merged with
9 the Australian National Bank and therefore, the kinds of
10 agreements that have been negotiated have international
11 proportion because they also apply now in Australia and
12 not just America. The National Bank of Detroit, which is
13 one of the nation's largest and also Comerica Bank make up
14 those three major financial institutions in Detroit that
15 are a part of this \$3 billion agreement that has not just
16 been leveled on paper, but is monitored by a committee and
17 we meet quarterly to work with the banks to make sure
18 there is access and inclusion and a win-win support team
19 to make sure that affirmative action equal opportunities
20 become the mainstream of becoming the norm in the
21 financial industry in Detroit.

22 CHAIRMAN FRAZIER: I'd like to know if any of
23 those senior vice presidents have the authority to approve
24 loans at the institutions?

1 MS. WATSON: We don't like the empty
2 promotions, Ms. Frazier. I thank you very much for asking
3 the question. As a matter of fact, sometimes to the fact
4 to help our own people understand opportunities there's,
5 you know, Bill Brooks taught me some frank talk some years
6 back and I'll never forget a brother who we had to work
7 with -- everybody's my brother and my sister, but this
8 brother worked for a particular bank and when we were
9 pushing for senior vice president of color, he was trying
10 to save and apologize and move his CEO off the hot seat
11 and beginning to make statements like he might not be
12 qualified. So we had to work with him and first of all
13 tell him to be quiet and remember how he got there. But
14 we also provided levels of recognition and provided a
15 leadership succession program which we helped them draft
16 for this particular institution looking at, in some cases,
17 women who had been there the 26, 27 years toiling doing
18 outstanding work but never getting on that track to senior
19 vice president. Senior vice presidents are not born,
20 they're made, they're nurtured, they're mentored and
21 they're monitored and they're assisted and there are those
22 kinds of internal success that have given us the most
23 pride in the Fair Banking Alliance.

24 CHAIRMAN FRAZIER: Thank you for your answer

1 to that question and my second questions is we've heard
2 testimony this morning that really kind of supports the
3 idea that in the State of Michigan we are moving away from
4 major problems with major institutions in terms of their
5 understanding of the need for diversity and their ability
6 to work within their community to move many of them,
7 especially the larger corporations. The problem as it has
8 been reported to us seems to be that government, public
9 sector, there has been a retrenchment. Is there anything
10 that you can offer in terms of strategy, in terms of ideas
11 to help within the State of Michigan to see that if that
12 in fact is the case that we not continues to lose ground?
13 Has your organization been in the forefront of any efforts
14 to prevent that?

15 MS. WATSON: Oh, heavens yes, we have. The
16 NAACP has taken a very major role under our president,
17 Rev. Wendell Anthony in addressing what we have been able
18 to testify about. In fact, we've had an affirmative action
19 hearing and a testimony for the citizens of Detroit held
20 in a major college in Detroit a year ago and also
21 conference on when hate groups come to town. One of the
22 things we were able to documents, were able to pick up
23 from our witnesses is there has been a retrenchment and
24 the level of commitment, even public commitment to

1 affirmative action at the state level. For example, some
2 report that relates to African American and other people
3 of color advancing to technological and business sectors
4 are not even being kept anymore. Certain statistics and
5 data are not even being maintained at the state level
6 which is a warning sign. You also have levels of funding
7 that have been decreased across the board and things have
8 become commonplace and in most states in terms of
9 citizen's rights and programs equal just basic service
10 citizen access program, not necessarily equal opportunity.

11 Now there's been cuts. They've been
12 assailed, and of course the city and the state that has
13 the highest African American -- of people of color, the
14 City of Detroit has been, quite frankly, in the eye of the
15 storm as far as it's state policy, state direction. I
16 would add to the first comment you made; however, we're
17 also working very closely with companies and big business.
18 We do note that the position that everything is okay and
19 big business and institutions in Detroit, Michigan that
20 all is well, even when you see people of color sometimes
21 in high places monitoring it's needs. We have seen
22 retrenchment among people of color at the highest levels.
23 Certain departments that very always had strong monitoring
24 when people of color and women who have been able to

1 operate with power to making policy decisions, many of
2 those have been retrenched or removed. And the fact that
3 there is a major utility in this city, a major utility in
4 this city that only had one black board member on it's
5 board. That person died, the person who died happened to
6 be president of another utility. Eighteen months ago,
7 other than the storm of protests they received from the
8 NAACP, most people in the city are not aware that this
9 company, this major utility that all of them pay something
10 to every month, has not replaced this major African
11 American male with another person of color or even a woman
12 on its board. And that kind of business is going on all
13 the time. They think it's a federal retrenchment and
14 corporate statements and other statements and political
15 statements anti affirmative action have had an impact on
16 corporations and businesses industry, and they're very
17 much in need of monitoring and certain levels of
18 involvement from people like you, from people like us.

19 CHAIRMAN FRAZIER: Thank you. Questions?
20 Peter?

21 MR. KOBRAK: Ms. Watson you've worked a lot
22 with hate crimes as well as affirmative action.

23 MS. WATSON: Yes, sir.

24 MR. KOBRAK: To what extent are the hate

1 crime groups picking up on affirmative action as one of
2 their complaints and how do they view it, if they are?

3 MS. WATSON: It's interesting that in the
4 infamous David Duke when he was running for Governor, now
5 Lord have mercy, he's running for Congress. But David
6 Duke, when he was running for governor was among the first
7 planks of his platform was total abolishment, eradication
8 of affirmative action in his 20 point plan. Some of those
9 plans have been resurrected in America in recent years
10 through some folks in Congress. But David Duke who was an
11 acknowledged, a publicly avowed member of the Klu Klux
12 Klan is a representation of the kind of wedding of some
13 level of white supremacy and the hate group and some level
14 of political circles and sometimes religious circles.
15 There's a church in Michigan and a church called the
16 Identity Church and this church preaches that Jews are the
17 product of Eve mating with Satan and that black people are
18 pre Adam. They actually teach this, that we're the
19 descendants of beasts. So when you have this identity
20 church business going on connected with many of the
21 extremists, anti government groups like the militia which
22 is a very large group in Michigan, tied into the white
23 supremacy groups. This young man who was thought to be on
24 trial this summer for the Oklahoma bombing. At the time

1 of his arrest, had in his hands one of the bibles of white
2 supremacy and I'm certain that there's a connection,
3 there's a reason why those Freeman in Montana hoisted the
4 confederate flag just moments before they gave themselves
5 up to the officials of this government. So, there's a
6 connection in the hate group and the so-called right wing
7 extremist movement in America and it's one that has been
8 tracked, has been monitored. The Senate for Democratic
9 Renewal, the National Anti an network is busy working with
10 a lot of groups, including Tom Turner see who used to be a
11 campaign manager for George Wallace, now is among the key
12 advocates of justice in the south. We'll be talking to
13 him tomorrow about his role in suing the Knights of
14 the Klan because they have clear evidence connecting them
15 with one of the church fires in the south. So, the
16 connection between the white supremacist group, the anti
17 government movement, the far right and some religious
18 extremists and some hate talk which we also want to cite
19 as a grave concern. 77 percent of the talk in America is
20 hate, in our opinion, and the two most listened to
21 broadcasters, Rush Limbaugh, G. Gordon Liddy and you know,
22 G. Gordon Liddy said on the air that if the ATF agent
23 comes to your home, get your gun and aim for the head.
24 So the hate is being recycled and perpetuated across this

1 country at an alarming rate, and this is no time to
2 abolish affirmative action against a backdrop of all the
3 hate, violence, racism spilling over in America.

4 CHAIRMAN FRAZIER: Roland, and then we'll
5 have to go on.

6 MR. HWANG: I'd like to just make a comment,
7 something that you said about hate. Hate is one of those
8 elements that you can't control and you can start off
9 hating groups, different groups of people and eventually
10 it comes full circle and I think that's to some degree
11 what we're seeing with the militia movements and the anti
12 government movements that it's coming back home to roost.
13 Just that comment. I really don't want to--

14 I have a question for Ms. Jackson. You
15 made reference to the commitment of the DMC to continue
16 with affirmative action programs, notwithstanding any
17 obligation if the political landscape should change. I
18 was just wondering beyond the civil rights groups that
19 have taken a position regarding affirmative action has
20 their been any monitoring or organized response with
21 respect to legislative efforts in the state legislature to
22 do away with, scale back, limit affirmative action, the
23 ability to monitor affirmative action programs?

24 MS. JACKSON: Yes, there are three bills now

1 in the House, one is Resolution -- and I have the numbers
2 of the other ones in my paper, banning preferential
3 treatment and I've been active with State Representative
4 Floyd Klak. He has developed a group of people to all
5 industries to come together to try to figure out how we
6 can get the word out about how these bills are going to
7 hurt us all. We have been meeting on a pretty regular
8 basis becoming up with ideas and mainly getting the word
9 out about what these bills actually mean. People don't
10 know. Like in California when they passed the bill, the
11 same kind of bills they have there, when they passed the
12 bill the way it was worded, it made people think that it
13 was a good thing, you know, the preferential treatment was
14 bad, this was going to hurt them the way it was worded
15 when these same people were actually polled about what
16 they thought about affirmative action. It was helpful,
17 they said, yes that should. They didn't even
18 understanding the bill in the first place. What
19 Representative Floyd Klak gotten on the band wagon said
20 I'm going to nip in the bud. When those bills came out,
21 he sent out notices to organizations to give them -- to
22 tell what their position was and it was open to everyone.
23 Of course people came and there were many more people that
24 came, probably ten times as many that support affirmative

1 action that came to tell their testimonies about how it
2 many help them and how their companies were doing and they
3 should support it and so he has gotten this group together
4 and I'm responsible for getting that word out and some of
5 the companies in the Detroit area. So we've been meeting
6 and the ACLU is part of that. They've been meeting in
7 different other large organizations, small organizations,
8 individuals, many that are just interested that have been
9 led by affirmative action that have been meeting to talk
10 about what is our next step, how do we get the word out
11 and get information to these people on these opinions and
12 how it would hurt us if they should be passed. So things
13 are happening and to a great extent.

14 CHAIRMAN FRAZIER: I'll thank both of you
15 very much for taking the time this afternoon to come here
16 and share with us your knowledge. We really appreciate
17 it.

18 MS. JACKSON: Thank you.

19 MS. WATSON: Thank you very much.

20 CHAIRMAN FRAZIER: Our next presenters are Ann
21 Malayang and Patricia Bell, so we're going to hear from
22 John Blackwell.

23 ANN MALAYANG

24 Asian American Center for Justice

1 Good afternoon. As you know, my name
2 is Ann Malayang and I'm a Filipino American, in case some
3 of are you wondering. I'd like to thank you for this
4 opportunity to speak with you this afternoon. I basically
5 want to summarize the paper that I wrote and I just handed
6 it to Peter. Now, I would just like to say first at the
7 outset that I am not an expert on the affirmative action
8 issue. All I know is what I've read about and also from
9 personal experience. Basically my paper was broken down
10 -- is broken down into three sections; historical
11 perspective of the history of Asian Pacific Americans here
12 in the United States, and the second section dealt with
13 model minority myths, concepts, and then I sort of kind of
14 tied it into anti Asian or anti immigrant sentiment and
15 affirmative action.

16 I'm not sure how much you've heard
17 about the history of Asian Pacific Americans, but I notice
18 that Professor Nomura is here so I may be -- Professor
19 Nomura is here, so I might be saying the same thing she
20 said. Just to enforce whatever she said, the Asian
21 Pacific Americans have a long history here in the United
22 States, the first recorded Asians to come here was a
23 priest from China in the year 489 A.D.. He stayed with
24 the Native American Indians for about 40 years and then

1 returned to China. In the 1600s, Chinese and Filipinos
2 landed in Mexico on the ships from the Manilla Galleon.
3 The first recorded settlement of filipinos was in New
4 Orleans in the 1700s.. As a matter of fact, one of the 46
5 founders of what we now know as Los Angeles was Filipino.
6 The first Asians that arrived here in large numbers were
7 the Chinese back in 1848 after gold was discovered in
8 California. They began arriving about 1849 as labored
9 indentured servants, not only in California, but all over
10 the United States. During the reconstruction era,
11 southern plantation owners imported Chinese laborers and
12 northern industrialists also used Chinese laborers as
13 strike breakers because they worked for less money than
14 those that belonged in the union. When the Central
15 Pacific Railway completed its part of the railroad in
16 1869, its work force, including 12000 Chinese, over 90
17 percent of its work force. The Chinese worked in mines,
18 fisheries, farms, all kinds of different jobs all along
19 California and other parts of the United States. Various
20 laws were written to target the Chinese.

21 In 1854 the California Supreme Court
22 ruled that Chinese immigrants were not allowed to testify
23 against a white persons. Notice 1870s when there was an
24 economic downturn, the Chinese became the scapegoats and a

1 movement to exclude the Chinese began. In 1870 the
2 Naturalization Act excluded Chinese from citizenship and
3 prohibited entries of the wives of the laborers. In 1882
4 the Chinese Exclusion Act was passed prohibiting Chinese
5 laborers from entering into the U.S. and the Supreme
6 Court, the United States Supreme Court eventually upheld
7 the law as Constitutional and two cases 1889 and 1893.
8 The act was supposed to last only ten years, but it kept
9 being extended on a number of occasions. Many Chinese
10 during the first half of the 19th Century were detained on
11 what is known as Angel Island in the San Francisco Bay
12 before they could be brought into the mainland and they
13 were, at that time they were subjected to intense
14 interrogation. Some stayed for more than two years on the
15 Island and there were numerous suicides that took place at
16 that time.

17 In 1883 the Japanese began replacing
18 the Chinese as a source of cheap labor and thereafter
19 various laws were again enacted to limit the Japanese
20 immigration and the Naturalization Act was extended to
21 exclude other Asians from obtaining citizenship. Numerous
22 other laws were put into effect during the early 1900s and
23 in 1941 as you know, that's when Pearl Harbor was attacked
24 and Executive Order 9066 was signed in 1942 rounding up

1 more than 120,000 Japanese, 75,000 were Japanese Americans
2 and they were incarcerated in interment camps. The order
3 stated that the enemy had to be evacuated to the
4 interment camps. But, despite what the U.S. thought as
5 enemies, they allowed certain Japanese Americans to fight
6 in the military during the World War II and the 442nd
7 Regiment of the combat team became the most decorated unit
8 during World War II.

9 Essentially in the immigration of
10 Asians -- really this came into full force after 1965 when
11 amendments to the Immigration and Naturalization Act
12 abolished national origin as the basis for allocating
13 immigration quotas. Today, 80 to 90 percent of
14 immigration of the Asian Pacific nature, entered through
15 the U.S. through the family categories. As a result of
16 those amendments, Asian Pacific American are now the
17 fastest growing minority group in the United States,
18 although we only made up 2.9 percent in the 1990 census.
19 Between 1980 and 1990 are a slight increase over 95
20 percent compared to whites in the 1980 s who made up 83
21 percent of the population, they only increased 36 percent
22 during the '80s. African Americans also in 1990 made up
23 12.1 percent of the population increased 13.2 between 1980
24 and 1990. Hispanics, 9 percent of the population, grew 53

1 percent. The Bureau of Census really does not reject what
2 the Asian Pacific population will be in the next century,
3 however, all the studies done by groups interested in
4 Asian Pacific American issues say that there will be 17 to
5 20.2 million Asian Pacific Americans in the year 2020 which
6 will be an increase of over 145 percent. As--

7 CHAIRMAN FRAZIER: May I ask you, in the
8 essence of time, I know that there are some succinct
9 points that you probably want to leave today and if you
10 could just focus on those things that you think are
11 positives or negatives as it relates to the Asian American
12 population and affirmative action.

13 MS. MALAYANG: Basically I think the main
14 issue is that I state all this history just so that people
15 will know that to defeat the model minority myths that
16 people have of Asian Pacific, we have been excluded all
17 through the years we've been here. We have been
18 discriminated against all through the time that we've been
19 here. The model minority myth is a tool of oppression
20 that in two ways it denies the existence of present day
21 discrimination against Asian Pacific Americans and it also
22 legitimized the oppression of other racial minorities and
23 poor whites. There are several critiques of this model
24 minority image. One critique is it ignores the history of

1 Asian Pacific Americans. Another one is that it also
2 ignores the history of African Americans history. We
3 can't combine in -- we can't just look at one minority
4 group's history and make an overall assumption of what
5 civil rights or affirmative action programs should be just
6 based on that. For example, during the 1992 riots much
7 focus was put on the racial issues between black and
8 whites. However there was no discussion with regards to
9 the problems in the law that the Korean Americans faced
10 during that riot. Another critique is the glass ceiling
11 effect that Asian Pacific Americans experience despite
12 their educational attainment. Unpublished subpar data
13 here in Michigan shows that Asian Pacific Americans with a
14 Bachelor's earn \$4,000 \$4,500 less than whites, and if you
15 break that down to individual incomes, not just household
16 income, Asian Pacific Americans have the lowest median
17 income here in southeast Michigan. A 4th critique of the
18 model minority myth is that it doesn't take into account
19 the different patterns among the various groups in the
20 Asian Pacific American community. For example, the
21 Laotian community, the poverty rates there is over 67
22 percent. In the Mong community, its over 65 percent. The
23 Cambodians, over 46 percent, and the Vietnamese over 33
24 percent.

1 Finally, the model minority myth
2 ignores the fact that again Asian Pacifics are not
3 discriminated against because the myth is perpetuated that
4 because the Asian Pacific Americans do have, a lot of
5 successful. I think overall the reason why they do have
6 the higher education, that they are there is so, is that
7 race is not taken in as a factor in the immigration issues
8 because it's characterized as foreign policy as opposed to
9 domestic policy. The immigration discussion is looked
10 upon as separate from domestic issues and civil rights
11 issues in particular. There are a long line of Supreme
12 Court cases that essentially says you can discriminate
13 against this group because on an immigration, based on the
14 race and I think that's added to by judiciary and Congress
15 perpetuated discrimination against those who are
16 considered foreign. And we've seen that in violence
17 against Asian Americans. I think you're familiar with a
18 chain store and also a more recent incident that happened
19 here in Grand Rapids where a white male, former high
20 school hero was given a light sentence for killing a Mong
21 resident. Also in college settings, I know there's a
22 great debate, especially out in the West Coast that
23 affirmative action programs should not -- that Asian
24 Pacific Americans should not be included in affirmative

1 action programs. However, I think just for the sake of
2 being diverse, we need to be considered into affirmative
3 action programs. Just even to recognize the fact that
4 Asian Pacific Americans do exist.

5 Again, in the employment setting we
6 experience the glass ceiling.

7 CHAIRMAN FRAZIER: I'm going to have to call
8 time. We're at about ten minutes. Would you like to have
9 use one closing statement?

10 MS. MALAYANG: Basically I think if main
11 point is that we have to shift the paradigm of what is now
12 between black and white and to include other people of
13 color into the discussions of affirmative action. Thank
14 you.

15 CHAIRMAN FRAZIER: We'll get back to you on a
16 question and answer basis. Mr. Blackwell, Ms. Patricia
17 Bell, who is going first?

18 MS. BELL: The lady.

19 PATRICIA BELL

20 FEDERAL GUIDANCE COUNSELOR

21 We are together on this particular
22 issue, so we will be doing the dialogue which is what
23 we've done since we started. When I was asked -- let's
24 put it this way, I was asked, Patricia, do you have an

1 opinion on affirmative action? I said yes. Then I get a
2 letter which I'm very grateful for inviting me to this
3 August body to do this position paper. Well, I realized I
4 didn't know nothing about affirmative action, that I was
5 stuck on stupid and there was no way I was going to give
6 any credence or write anything about affirmative action
7 until I did some research. And as I was going across the
8 country, this was in March, I was going across the
9 country, was talking to people about it as I was going
10 across the country. And so when I got back home I called,
11 I said could I have a little more time? So in the
12 meantime I was talking to John and we both realized that
13 as lay people whether we've been through the process, I
14 was a pioneer, one of the pushers back in the early days
15 that opened up avenues and once those avenues were opened,
16 I was able, because of good networking to take advantage
17 so I too knew affirmative action was very positive. In
18 fact, it's what we might call democracy in action because
19 what it does is it opens the doors and when the door is
20 open, I'm going to push through. All I ask is just open
21 the door. So, anyway we begin to do our research and our
22 research and we will share with you succinctly what our
23 research covered and we're just getting really started on
24 what we will be doing in the future so other uninformed

1 people who have opinions, and that's why we're in all this
2 trouble, they've got opinions but they're uninformed
3 opinions. We hear things and we hear she said he said.

4 JOHN BLACKWELL

5 I'm John Blackwell and I'd just like to
6 say thank you again for allowing us to speak to you. In
7 the process of doing so of the research as well as the
8 interviews, I went out and asked a number of people what
9 is affirmative action and to my surprise many people had
10 no idea as to what affirmative action was. As you will
11 find from our objective when you read our paper, we've
12 stated that affirmative action is so misunderstood from
13 the lay person's perspective that it's considered just
14 another form of discrimination. Being the history buff
15 that I am, I felt that it was necessary to look into the
16 history of affirmative action and in the midst of looking
17 for that history, I found that affirmative action existed
18 for many, many years. Of course then under a different
19 name.

20 As I looked back, I found that the
21 pilgrims as well as the early American Indians needed a
22 form of affirmative action. As we look at the 13th
23 Amendment, oftentimes called the Dread Scott Amendment
24 which was enacted in 1865, we find probably our first real

1 point here as far as affirmative action is concerned.
2 There are many acts that follow that particular Amendment.
3 The Civil Rights Act of 1866 which guarantees the same
4 rights to white citizens as to the former slaves. We
5 found 13th, 14th and 15th Amendment also played a vital
6 role. As we move through history, the civil rights act of
7 1875 proved that discrimination was wrong in the private
8 sector. This would go through a number of factors,
9 Veteran's Preference Act of 1944 which is a one over time
10 mentioned we talk about the later ones, the Equal Pay Act
11 of 1963, Title 7 of the Civil Rights Act of 1964 and of
12 course President Johnson had the Executive Order which
13 added to helping the Civil Rights Act of '64, plus the Age
14 Discrimination Act, Veterans Vocation Rehabilitation Act,
15 Freedom of Information Act. All of these acts we're
16 hoping, according to the authors, can be taken care of
17 with simple affirmative action.

18 MS. BELL: And then we get to my favorite
19 part, the promise and the practice. The promise of
20 equality, fair opportunities and all of these wonderful
21 things. And one of he things that is having the promised
22 40 acres and a mule first affirmative action program and
23 had that been enacted, the ground would have been leveled
24 and we would not be here today. We know that no matter

1 what we do it's always going to be discrimination. What
2 we want to do is to take the steps we want to reduce it
3 and we need affirmative action as a tool for helping to
4 reduce that. Some of the fears that people have is that
5 they feel that the protected groups and the people who are
6 benefiting, that while their income gains are rising,
7 they're so afraid that they're going to get too much or
8 the people are going to be satisfied. So that is one of
9 the fears and then that fear gives rise to reverse
10 discrimination. If we can get rid of the Afro phobia
11 because the only time we hear reverse discrimination is
12 when affirmative action is viewed in a black/white
13 context. That's when reverse discrimination comes up,
14 people become afraid of it and if we can get people to
15 forget that and really look at the opportunity and all the
16 problems that could be solved by getting rid of some of
17 the fears of affirmative action and trying to learn more
18 about file. For example, nobody, and that had been
19 touched on earlier, the Veteran's Preference Act, the GI
20 Bill, nobody has ever said anything against that bill. It
21 has never been touched and 35 years ago that was started
22 and people are still getting benefits from that. In fact,
23 the best beneficiary from that is today, the white male.
24 White females, even black males have not or black females

1 have gotten all of the many advantages as the white male
2 in that GI Bill of rights, even though most -- because we
3 were not all allowed, it wasn't that many of us that
4 were allowed to be in the service. So we need to look at
5 some of these; that's just one example. Then there's
6 another thing that in our many, many travels, behavioral
7 changes. People say well laws can't change behavior, laws
8 can't change attitudes, but laws can change behavior. And
9 if in the change of behavior people gain new experiences,
10 they're added to their attitude change soon to follow and
11 there is research to support that there's a great deal of
12 research that supports that and then I talked to some
13 businessmen in the State of Michigan. And as I was
14 traveling down south and some of them said well, you know
15 the law really helped because if they gave me a problem
16 and I brought on the knowledge I could say that's what the
17 law says. And so the law gave them some help. But again
18 in my own experiences in the early '50s when I was one of
19 the pioneers of integrating schools in Kentucky, what
20 happened was the experience that brought on these changes.
21 If you never had any experience of being with other
22 people, you can't bring about these attitudinal changes
23 that are absolutely necessary. I think that one of the
24 things that we failed to take advantage of in America is

1 that we must have an educated citizenry and since our
2 citizens, they are ignorant and I have a PhD and there's a
3 lot I haven't had time to learn about and when I realize
4 just all of the emotion and rhetoric that surrounds this
5 affirmative action, it really is scary when you stop and
6 think that it only means open the door and there's going
7 to be a fallout, some people are going to move on, some
8 are not. So there's really no worry. It means
9 competition, competition in the real old fashioned sense.

10 MR. BLACKWELL: I think, in conclusion, in
11 1964 President Lyndon Johnson gave a speech at how Howard
12 University and there I think he sums up what we are trying
13 to say today. Many of you do not take a person who for
14 years has been hobbled with chains and liberates him,
15 bring him up to the starting line of a race and say you're
16 free to compete with all the others and still justly
17 believe that you have been completely fair, thus its not
18 enough just to open the gate of opportunity. All our
19 citizens must have the ability to walk through those
20 gates. We thank you.

21 CHAIRMAN FRAZIER: Are there any questions?
22 No questions. Thank you very much, now we are scheduled
23 for a short break? Do you need a break right now? Let's
24 go then.

1 WILLIAM C. BROOKS

2 GENERAL MOTORS CORPORATION

3 Thank you for having me here. It's
4 certainly a pleasure. My name is Bill Brooks, Vice
5 President of General Motors Corporation and at the outset,
6 I would like to say I'm in my third career and affirmative
7 action has certainly helped me and when I move to the 4th
8 one, its going to help me in that one, too.

9 I had the opportunity to serve as
10 Assistant Secretary of Labor in the Bush Administration.
11 One of my responsibilities was overseeing the Office of
12 Federal Contract Compliance. I had responsibility for all
13 of the affirmative action programs in this country, Arthur
14 Fletcher having been the first assistant secretary of
15 labor for ESA and his role and he is a former Chairman of
16 the Commission of Civil Rights. His role was to get
17 boarding passes for minorities and women. I happen to be
18 the second African American. I will be the second African
19 America in that role. My job was to provide upgrade and
20 one of the reasons I went to Washington really was
21 Elizabeth Doyle's insistence that I certainly would have
22 the opportunity to develop the reflecting around the glass
23 ceiling that was prevalent there and is still prevalent.
24 It's the great opportunity then of having worked for me a

1 fine person, outstanding individual who happens to be the
2 Regional Director of the U.S. Commission on Civil Rights,
3 Ms. Connie Davis, who got me through my tour down there.

4 I would give you today a General Motors
5 position on affirmative action and very briefly and answer
6 questions. In General Motors we believe diversity is
7 essential to our capabilities and success for winning in a
8 global marketplace. To that end, affirmative action is a
9 viable solution for achieving diversity from a race and
10 gender perspective in the short term. As a result of the
11 changing demographics of the work place, affirmative
12 action goals can aggressively be achieved. Is it our
13 further belief that due to these changing demographics as
14 well as the changing worker attitude, it is essential for
15 General Motors to move beyond affirmative action and to a
16 critical mind set of managing diversity, defined as a
17 process of creating an environment that works for all.
18 Principles related to managing diversity will, in the long
19 term view, position General Motors to enhance it's
20 capability in understanding the needs of customers around
21 the world and to vigorously develop, design, manufacture
22 and market products and services that meet and exceed
23 customer expectations.

24 In that regard, General Motors stands

1 firm on its commitment to affirmative action as movement
2 into principles related to managing diversity. On March
3 25, 1996 Jack Swift, Chairman of the Board, CEO, President
4 of GM reaffirmed GM's position on affirmative Action and I
5 might add last year he was invited to the White House
6 where the President was thinking about what to do with
7 affirmative action. And at that meeting with a small
8 group of people help advised the President that General
9 Motors could care less about who was in Washington and
10 what they felt. That affirmative action is an integral
11 part of our system and we would not move back and forth,
12 depending upon the whims of politics. That we have our
13 targets set and we were moving beyond the principles and
14 the numbers that you might have in affirmative action.
15 And I'd like to quote a statements that he made and sent
16 to all of our officers and all of our leaders. "Concern
17 is being voiced that the momentum for minorities and women
18 and the nation's commitment to affirmative action is
19 diminishing. Let me stress this is not so at General
20 Motors. As important as this debate is, let me say
21 bluntly, we do not see any advantages in simply keeping up
22 with current attitudes or laws. When it comes to
23 affirmative action, we will continue to press the envelope
24 where at the same time we will be moving to a broader

1 concept; that is, managing diversity. As a global
2 company, we want to fully benefit from a diverse work
3 force. Our commitment to diversity extends beyond the
4 doors of our company. It includes our dealerships, our
5 suppliers and in the many communities where we operate.
6 In our industry, as in this nation, our diversity is our
7 strength. There diversity is more than merely part of our
8 national heritage, it is part of our national pride.
9 Having people of widely different ethnic, racial and
10 social backgrounds in our corporation has not slowed our
11 pursuit of excellence, it has accelerated it. We will
12 continue to do everything possible to bring minority group
13 members and women to General Motors in a mainstream of the
14 economy. We cannot, we must not waste this talent.
15 Progress must continue at General Motors, it will
16 continue." Using affirmative action as a tool for
17 creating a diverse work force is needed for the short
18 term. Managed diversity is a future state tool that will
19 allow GM to effectively compete on a global basis to
20 ensure world leadership in transportation product and
21 services. Managing diversity for us is really not an
22 option. For example, in GM the people who are 55 years of
23 age and older, 78 percent are white males, 22 percent are
24 women and people of color. Of those 27 years of age and

1 younger, 51 percent are women and people of color and 49
2 percent are white males. So you see in our early
3 retirement programs most of the people who are leaving or
4 the time to leave are white men. And last year we brought
5 in 41 percent of new people we brought in were women and
6 people of color. Therefore, we see the work force
7 changing right before our eyes and for us managing
8 diversity is not a legal, social, moral issue, its a
9 business imperative. And if we are to be able to compete
10 globally, we have to manage diversity and those are the
11 people who are going to win and that's the mindset of our
12 leadership at General Motors. Thank you very much.

13 CHAIRMAN FRAZIER: Are there questions?

14 MR. GORDON: Now that General Motors, as well
15 as our other corporations, have acknowledged and
16 recognized the business mandate to diversify, what roll,
17 if any, do you see for the government in affirmative
18 action?

19 MR. BROOKS: I have had a couple of very
20 extensive conversations with the Secretary, Bernie
21 Anderson, who is responsible for these. One, I believe
22 that affirmative action has changed dramatically. The
23 world has changed and as I tell people, I can't understand
24 why America is so enamored about affirmative action and

1 don't want anybody to touch it. If it's done so much in
2 the last 30 some years, why is it that we have 1 percent
3 or so of the Fortune 1000 CEOs women and minorities? I
4 think it has failed miserably; therefore I think it needs
5 to be changed. I think it has to be focused more on the
6 upper end of the companies. I think there's a role and at
7 the same time also I think that there should be some
8 reward for people who do it well. You shouldn't have to
9 continue 30, 40 years with all that onerous paperwork if
10 you're doing the job. I think you need to focus on people
11 who aren't doing the job and get them up to speed and when
12 I say that I mean in our case if we were to live by the
13 letter of the law in affirmative action and be able to get
14 past any review, we would be flunking from a business
15 perspective because we don't get the right people. You
16 can't worry about the numbers game and win this game in a
17 global economy, you've got to get the people and if you go
18 to a business school today or engineering school over half
19 of the students are going to be women and if you get the
20 best students, you'll come out there with women. And if
21 you're playing that number game quotas or goals, you'll
22 end up with just dealing with that number. So I think you
23 need to arrive, in fact I'm very pleased that Secretary
24 Anderson came to Detroit recently. He visited with me and

1 we deliberated on I say enhancing the system.

2 CHAIRMAN FRAZIER: You say focus on people who
3 are doing the job right. What kind of incentives have you
4 thought about? What kind?

5 MR. BROOKS: The only incentive I would ask
6 for is to preclude or stop having these companies get
7 involved in all of these affirmative action plans and all
8 the administrative review.

9 CHAIRMAN FRAZIER: Without adequate record
10 keeping of some sort, how would you ever know who is doing
11 it right and who is not?

12 MR. BROOKS: I wouldn't say recordkeeping, I
13 say all these report. I mean knowing what you have in
14 this jar of jelly beans and what the flavors are is, a
15 part of doing business today and people who say they don't
16 know who is in their work force, its hard for me to
17 understand because once you set up that computer system,
18 it makes sense to understand. You see, if you have to
19 treat people as individuals today, there may be locations
20 in the world you cannot send a women. There may be places
21 that you can't send a certain nationality person, but
22 there may be places where you want to send a specific
23 person. Its no accident that when the President of Libya
24 was here and wanted to do a deal to get business with him,

1 that I was the one who met with him. There was no
2 accident that I hosted the President of Botswana because
3 they wanted to speak to somebody who is like me. It's no
4 accident that Shirley Young a Chinese American, is one of
5 our main speakers in our dealing with China. I mean so we
6 have to know people. We need to know people who speak
7 certain languages, particularly in Mexico, Venezuela or
8 those countries or people who speak French. So we can't
9 go away from understanding who is in our work force.

10 MR. HWANG: Mr. Brooks, given the policy
11 statement on behalf of General Motors from Mr. Smith, has
12 there been an effort to create a position or a dialogue
13 on, let's say the Motor Vehicle Manufacturer's Association
14 or the National Association of Manufacturers or the
15 Conference Board, those boards that GM participates on to
16 sort of develop a unified policy?

17 MR. BROOKS: No, we have not. It's hard
18 enough to take care of our own business.

19 MR. MARTIN: Mr. Brooks, in GMS below age 55
20 employment tier, is there any perceived threat to
21 diversity or affirmative action? I mean, anything been
22 vocalized to management?

23 MR. BROOKS: You know, as we start our
24 diversity efforts Dr. Roosevelt Thomas, you probably know

1 who has written the book Beyond Race or Gender, in fact
2 the brand new book, the forward is written by Jack Smith.
3 Chapter 10 of that book is about GM's case study on
4 managing diversity. We have Roosevelt and I have done I
5 think 56 four hour sessions starting with our Board of
6 Directors down. In fact we're going next week to Paris
7 and London and we've been to Mexico and we've come down
8 through the organization. When you get halfway down,
9 people become threatened because you're talking about
10 change and change is not easy for people and people start
11 seeing the fact that white males may not have it, in their
12 judgment, as good as they used to have it in. In every
13 one those sessions, I have to make this statement, that
14 the white male myth is very easy to deal with. All you
15 --it's a leadership issue -- all you as leaders have to do
16 is always tell the truth, layout all the facts because
17 sometimes when you have three women promoted or three
18 minorities promoted and you can have 15 whites promoted at
19 the same time, they will say nobody's getting promoted but
20 women or minorities. So you have to keep all the facts
21 out on the table and leaders can't take off their bars and
22 get down and say oh how bad things are for us white men.
23 I had young white man a guy fly from San Francisco to
24 Detroit and he asked me the question about 26, very sharp,

1 is there going to be a place in industry for me, a young
2 white man like me, Mr. Brooks? And we talked all the way
3 and. I gave him Roosevelt's book to read and he's now one
4 of our major spokespersons on diversity. But if I would
5 have said to that young man, you know what Paul, things
6 going to be bad for you white boys, he would have left
7 there and I would have relinquished leadership.

8 I believe that when we have or competed in this country
9 like Japan, 99 some percent literacy, Korea, Poland and
10 Hungary, virtually 100 percent literacy, we cannot afford
11 not to utilize anybody who is white, black, brown or
12 yellow in both genders. We do not have enough. We may
13 become a second rate nation in a global struggle if we
14 don't utilize all of our people. And I think leaders have
15 to say that and not allow people to sit back and stew in
16 this world worried about if I'm going -- am I going to be
17 a part of this new system or not.

18 MR. MARTIN: When you discuss diversity in
19 your touring foreign operation, is that a foreign concept
20 to them? Do they understand what the issues are?

21 MR. BROOKS: One of the most fascinating
22 things happened when Roosevelt and I was down there in
23 Mexico. 160 of their leading executives, which included
24 Mexican, African American males, African, white females,

1 Americans, people from Italy, Spain, they do not have the
2 words that equate to affirmative action, but they do
3 understand how to deal with people who are different and
4 as far as diversity, as Morgan mentioned, than sex, then
5 gender, than race. In that particular country we're
6 having cars engineered in Germany and U.S. , manufactured
7 there and shipped to other places. It is a diversity
8 issue and they understood, probably better than any. The
9 Personnel Director Kean Kenyan, an African, was in one of
10 our sessions and he indicated that you're really right on
11 target talking about managing diversity. We had an
12 African American male come to Kenya, managed our work
13 force and flunked because he couldn't manage diversity.
14 He looked at all the work force as being the same, when
15 there were 12 tribes nine different languages and a
16 number of those tribes hated each other, and understand
17 because they all looked the same to him, but if he just
18 studied long enough, he would have known how to
19 distinguish one from the other.

20 I'm going to speak in London next week
21 at the request not of General Motors, but the request of
22 some foreign companies who want who say one of the major
23 issues they have in becoming global companies in a
24 shrinking world is how to manage diversity around the

1 world. Then we're going to Paris and speak to our french
2 operations here with France. We will speak to them a
3 little differently, obviously, than here, but the concepts
4 are essentially the same.

5 CHAIRMAN FRAZIER: Thank you very much for
6 sharing with us this afternoon and giving the insight
7 you've given to global diversity. I'm sure it will help
8 us.

9 MR. BROOKS: Thanks very much.

10 CHAIRMAN FRAZIER: We'll break at this time.
11 Let's take about ten minutes.

12 (A brief recess was taken.)

13 CHAIRMAN FRAZIER: Thank you. We're ready to
14 begin now we have a quorum and who is speaking for --

15 VICTOR MARSH

16 I am, Victor Marsh on behalf of my
17 boss, the Honorable Ricardo Soloman, Chairman of the 15
18 member of the Wayne County Commission. My name is Victor
19 L. March and I bring you greetings on behalf of the
20 legislative arm of the county government as well as the
21 2.2 million residents of our nation's 7 or 8th largest
22 county, depending on who you ask. The Wayne County
23 Commission has legislative oversight of the counties \$1.6
24 billion budget. We represent 43 cities, villages and

1 townships. Wayne County has a County Executive form of
2 governance and it's the Executive Branch of government,
3 charged with the equal employment opportunity, affirmative
4 action monitoring and enforcement of the county's policy
5 in this regard.

6 I took the liberty to invite Mr. Ron
7 Miller to my left who in his capacity as Deputy Director
8 for the county's office of Human Relations is our
9 designated hitter to executives in charge of EEO,
10 affirmative action enforcement. We're proud of our
11 record in affirmative action in Wayne County. In February
12 of 1969 the county allocated its first dollars to this
13 effort and created the Office of Human Relations and by
14 March of '69 appointed its first Director. The Department
15 is now headed by the Honorable Irma Clark. In 1973 Wayne
16 County endorsed and subsequently adopted the Detroit plan
17 as the most effective means of achieving equitable
18 minority participation in the construction trade industry.
19 The Detroit plan was formally adopted as the affirmative
20 action plan for Wayne County on March 13th, 1973. On
21 December 12th, 1990, the Equal Contracting Opportunities
22 Ordinance was developed by Commission Chairman Solomon,
23 created a small business purchasing program in Wayne
24 county. For the record, I have brought three documents

1 with me to be entered into the official record of this
2 hearing today. The first is the copy of the Ordinance I
3 just referenced by Chairman Solomon and all of you have a
4 copy of that and the second and third pieces are copies of
5 the Wayne County Human Relations Division's 1995-96 and
6 1994-95 goals and objectives and major activities report
7 listed directly from the county's budget book for those
8 years. I want to defer to Ron Miller at this time to
9 discuss the activities of the division just briefly
10 because I know we have a five minute total presentation
11 time. Ron is really the technocrat in this area and
12 representing the Commission. I guess you could call me
13 the Bureaucrat.

14 MR. RON MILLER: Good afternoon and thank you.
15 The human relations division is responsible for the
16 operations and performance of five programs and
17 investigative review of discrimination complaints inside
18 county government in and out. This is the part of
19 resolution set forth by the Board of Commissioners of the
20 County of Wayne, now referred to as the Wayne County
21 Commission. The resolution establishing contract
22 compliance procedures for the implementation of the Fair
23 Employment Practices Program was established May 4th,
24 1970. The remaining programs are the County Base

1 Enterprise, Small Business Enterprise, Minority Women
2 Owned Business Enterprise, Registration and United States
3 Department of Transportation, Disadvantaged Business
4 Enterprise Program. These programs are the results of the
5 original purchasing resolution 83-138 adopted June 16,
6 1983 and amended on August 2nd, 1992 with resolution
7 92-168 to address the need for accounting base and small
8 business enterprise recognition. In addition to the
9 minority women owned business enterprise registration
10 program was established to identify the goods and services
11 these firms could provide to Wayne County for purchasing
12 resolution which identified additional duties and
13 responsibilities for the human relations was amended again
14 on July 7th, 1994 with Resolution 94-457 to adjust the
15 apportionment of credit given to a county-based firm per
16 contract. Human relations has also been assigned the
17 responsibility of certifying firms as disadvantaged
18 business enterprises for the airport, as described in
19 federal regulation 49 CFR 523 for the Federal Aviation
20 Administration. The May 4th, 1970 resolution establishing
21 fair employment practice require human relation to make
22 investigative inquiries into the equal employment
23 opportunity practices of vendors contractors to ensure
24 Wayne County guidelines are being met.

1 MR. MARSH: Madam Chairman, pages 4 and 5 of
2 the document in front of you. Page 4 chronicles the
3 legislative history of affirmative action in Wayne County
4 government and Page 5 is a historical chronology of the
5 Office of Human Relations in Wayne County government.

6 Peter asked us --

7 CHAIRMAN FRAZIER: Which document are you
8 reading?

9 MR. MARSH: The very first document from my
10 remarks Madam Chair, you're the only one with the copy of
11 that. Peter asked us to put this on disk and we complied
12 with that. We are ready for your questions.

13 CHAIRMAN FRAZIER: I was just about to say
14 can you give me some idea of the percentage amount of
15 procurement that you do annually or perhaps using last
16 year as a benchmark in Wayne County with DBE firms county
17 wide and that includes both your regular purchasing
18 departments as well as your airport purchasing?

19 MR. MILLER: Unfortunately, I can't give you
20 that information. I am not part of purchasing. We are
21 part of corporation counsel, so I will not know that I'm
22 sorry.

23 CHAIRMAN FRAZIER: Okay. Do you have goals
24 that you are aware of county wide in terms of the amount

1 of business that you do annually. Is your goal somewhere
2 around 25, 30 percent? Is there a Wayne county goal that
3 you've established?

4 MR. MILLER: As far as the set aside
5 itself, there is no set goal as far as that is concerned
6 because we're still working on a disparity study so we can
7 set goals; however we do have goals set in the
8 disadvantaged program out at the airport where it's
9 required for ten percent as far as federal Aviation
10 Administration is concerned, but we set goals at 30
11 percent trying to make sure we achieve the ten percent and
12 better.

13 MR. MARSH: Let me just add on that the
14 biggest program economic development program to hit Wayne
15 County in nearly 30 years will be the expansion of
16 Metropolitan Airport. Chairman Solomon has set forth a
17 floor of 40 percent to have minority participation in
18 every phase of that. To put it in some sort of economic
19 perspective the Renaissance Center that we are in right
20 now is only a \$320 million deal 25 years ago and of course
21 you know that General Motors bought this building for \$74
22 million just a few weeks ago.

23 CHAIRMAN FRAZIER: Are there any questions,
24 other questions from any other members then?

1 MR. GORDON: What do you perceive as being
2 government's role in affirmative action?

3 MR. MILLER: The continued effort to monitor
4 firms and to assure that as they say "qualified"
5 minorities get positions in companies and attain those
6 positions and keep those positions and after having --
7 and not having a turnstyle so they are in the door and out
8 the door and just to meet the goals and meet contract
9 needs.

10 MR. GORDON: Should the government have
11 been setting those goals for private industry?

12 MR. MILLER: Based on the fact how
13 affirmative action came about, it was originally set forth
14 by private industry, then the government came in the loop
15 of adjusting to affirmative action, we see the government
16 as a good arm to keep a monitor on it. But it would be
17 appreciative if all the main corporations that started it
18 continue their efforts to affirmative action.

19 MR. MARSH: I just want to add to that, Mr.
20 Gordon. I cut my teeth on affirmative action for then
21 Mayor Coleman Young. I was part of the team that wrote
22 the affirmative action program for the Detroit Water and
23 Sewer Department. Executive Order 6 and Sue you might
24 want to help me out because that was the main thrust of

1 the Mayor's program in every job classification in the
2 water department, we had a target of 45 percent women and
3 55 percent minorities in every category. The Mayor was
4 very serious about that and it really sets the pace for
5 affirmative action in the police departments and fire
6 departments all over this nation. And I think in going
7 back to Bill Brooks' comments, leaders must lead,
8 especially if elected leadership.

9 CHAIRPERSON FRAZIER: So does that mean that
10 you believe that government can and should--

11 MR. MARSH: Oh definitely we need to be out
12 front.

13 MS. HAMILTON: Mr. Miller, I need to ask you
14 for some clarification. If I understood this correctly,
15 did you say you have a 30 percent goal in an effort to
16 reach a ten percent --

17 MR. MILLER: Right, as mandated by the FAA
18 that ten percent of any federal projects at the airport
19 about at ten percent goal. To achieve that many times you
20 probably want to go over it a little bit because you have
21 a tendency to have fallout. When you award a contract
22 vendors will -- contractors will list 50 minorities and
23 so forth, but when it comes down to actually signing
24 there's been problems with signing these particular

1 individuals, the contracts and so forth, then you have a
2 lot of fallout. So what we're trying to do is really
3 boost up the goal to achieve the goal.

4 CHAIRMAN FRAZIER: I might add, I don't know
5 what the current goal is in terms of what has been
6 achieved, but signs I do have some dealings with the
7 airport I can honestly say that the ten percent is a given
8 by federal law. I don't think that Wayne county has ever
9 settled for ten percent and so the 30 percent is a real
10 goal and that includes not only the construction end of it,
11 maintenance, but its also really kind of relates to
12 concessions. And they've far exceeded ten percent. Mr.
13 Martin?

14 MR. MARTIN: Mr. Marsh, is there any overt out
15 kind of resistance to Chairman Solomon's initiatives at
16 the airport?

17 MR. MARSH: I'm sure there are, Mr. Martin,
18 but they haven't reared their ugly head in our suite in
19 the 4th floor of the county building as of yet. But we
20 expect some resistance. The opportunity for the
21 commission to lead on this matter is extraordinary. As
22 you know, not only does the county executive and Northwest
23 Airlines have to have approval of the Commission, but the
24 other airlines and also the FAA as well. So, we feel

1 very confident about our position.

2 CHAIRMAN FRAZIER: Do you fell equally
3 confident about your position now that the county
4 Executive has given over the total construction and design
5 and airport to Northwest?

6 MR. MARSH: To Beck Tell --

7 CHAIRMAN FRAZIER: Not Beck Tel, Northwest
8 Airline. Do you think you'd be able to still achieve the
9 goal?

10 MR. MILLER: Let me explain a little bit
11 about that design concept, whole concept. Northwest has
12 been assigned duties and responsibilities for their main
13 terminal, mid field terminal. The runways, taxiways which
14 are the other part of the infrastructure will be built by
15 Wayne County. It is upon commission itself and the County
16 Executive to work out a working relationship with
17 Northwest to get DBE participation in the part where
18 Northwest is providing new money for the terminal.

19 MR. WALSH: The Northwest portion of that
20 deal is about \$600 million and there's still a billion
21 dollars of the other infrastructure that is going to be
22 under Wayne County control.

23 MS. HAMILTON-SMITH: Given the amount of
24 construction, new construction that Wayne County is

1 engaged in, has the government had any conversation with
2 the building trades about their past practices and any
3 efforts and initiatives they may have to be more
4 inclusive?

5 MR. MILLER: I've talked with Ms. Ann Harrell
6 from the U.S. Labor Department in the area concerning a
7 couple of firms already, but we are going to talk more.
8 That's why it's very important 11246, it helps a great
9 deal there. Are quite a few firms that have already
10 contacted me because of the apparent threat on affirmative
11 action that they see as though affirmative action is
12 dying, they go by the way side and they don't need that.
13 But in all actuality, it's hard for Wayne County to itself
14 to start a project and have regular citizen clientele
15 travel our regular by ways and seeing jobs performed by
16 mostly white males and it's hard to explain, and believe
17 me I get enough phone calls already about that very
18 concern.

19 CHAIRMAN FRAZIER: Are there other
20 questions? If there are no further questions I would like
21 to thank you both of you for appearing before us and for
22 leaving your materials.

23 Our next presentation will be made by
24 Jacqueline Morrison from the Detroit Urban League and Mr.

1 Jimmy Myers. Will you come up to the speaker's table,
2 from the America Association for Affirmative Action.

3 Let me reiterate, probably for the
4 fourth time today that I'm very pleased that you took the
5 time out to come and speak before this body. We are
6 asking that you limit your remarks to five minutes and
7 that you give us an overview of what is contained in your
8 paper rather than read it verbatim. Thank you and we'll
9 start with Ms. Morrison.

10 JACQUELINE MORRISON

11 MICHIGAN URBAN LEAGUE

12 I'd like to thank you Michigan Advisory
13 Committee to the U.S. Commission on Civil Rights for
14 inviting the Urban League to participate in this very
15 critical consultation session. My name is Jacqueline
16 Morrison, I'm Senior Vice President at the Urban League
17 and I'm here representing Ronald Griffin, President and
18 Chief Executive Officer who, unfortunately, could not
19 attend. He obviously thought it was important because I'm
20 here to share some of the thoughts of Mr. Griffin and the
21 Urban League.

22 The Urban League is one of 114
23 affiliates of the National Urban league headquartered in
24 New York who was formed to assist African Americans

1 migrating from the rural south to the north to help them
2 adjust to conditions and complexities of the new
3 community. We have a broad based that we represent and we
4 fulfill our mission of assisting African Americans and our
5 people of needs through service, research, and advocacy,
6 and affirmative action and ensuring equal opportunity for
7 those that we serve is critically important to us. But I
8 wanted to start my remarks with an African proverb which
9 says: "Only when you have crossed the river can you say
10 the crocodile has a lump on its snout." I am certainly a
11 beneficiary of affirmative action; however, I do believe
12 that America's affirmative action policy has failed. The
13 New York Times recently has reported that during the last
14 three decades of affirmative action preferences; the
15 proportion of the poorest African Americans has grown.
16 While many already upwardly mobile African Americans have
17 benefited enormously, far too many of the less fortunate
18 have been left behind. In many cases there have been
19 preferences inherent in the affirmative action policies
20 that have caused it's inefficiency. In many ways it has
21 served as an entitlement program for middle and upper
22 classes. Many of the poor still seek to benefit from
23 America's affirmative action policies. It has not had a
24 major impact on poverty and, in fact, it has been a failed

1 racial remedy. But all of this does not mean that we have
2 to throw it out. Failure is not final. I've been on a
3 diet for the last ten years and I just keep trying.
4 Affirmative action is important in our community. There
5 have been great accomplishments in terms of diversifying
6 the work force. It helped to diversify the work force and
7 we will continue to need affirmative action policies in
8 the future. The unemployment rates for African Americans
9 is still twice that of whites. Only 1 in 7 African
10 American families are middle class compared to 1. 3 white
11 families. It's a proven method for providing women and
12 minorities an equal opportunity to gain access to the
13 mainstream. We know that our nation is becoming
14 increasingly racially diverse, but at the same time it is
15 becoming economically and socially polarized and so
16 affirmative action in this environment needs to be
17 reassessed, it needs to be re-engineered and we need to
18 look at it again. Employers and leaders, community
19 leaders and politicians, and the government must recognize
20 and address the changes in demographic profile in the
21 country and make a commitment to diversify the work
22 force, whether its called affirmative action or not. But
23 more importantly, to ensure that opportunities get to
24 those who need that opportunity the most. Now is

1 definitely not the time to stop government spending for
2 affirmative action. In fact, we should be reducing
3 government spending and government waste and re-doubling
4 our efforts to improve our affirmative action policies.
5 Many scholars, civil rights activists, political leaders
6 have researched and addressed and thought about
7 affirmative action and what needs to be done. For me it
8 was a recent reading of the book by Tony Brown, Black
9 lies, White Lies that helped me understand why we must
10 retain affirmative action and to improve upon it by
11 creating what he called affirmative opportunities. He
12 used the parable of the prodigal son that's how come I
13 could relate to that because I heard that many, many
14 times. We know the story very well. I think perhaps this
15 parable is a blueprint for breaking the cycle of racial
16 animosity and relieving our economic crises. The parable
17 is a lesson in love, compassion and fairness for it tells
18 the story of a son who left the father's home, squandered
19 all his riches and came back saying he was not worthy to
20 be the son and the son who stayed home and did believe,
21 kind of got angry when he came back and the father
22 welcomes him and killed the fatted calf and embraced him
23 and loved him. His compassion and his fairness towards
24 his son, the weaker son at that point, is what affirmative

1 action needs to be looking at, strengthening the weakest
2 chain in our community. I believe that in the final
3 analysis it will be love, compassion forgiveness and
4 fairness that will drive the country's productivity and
5 gross domestic product. As we stick to strengthen the
6 weakest link in our community, affirmative action and
7 affirmative opportunity will be critically important and
8 in that they'll be critical. We must not continue to
9 support a privileged class affirmative action system in
10 this country. What we have to say yes to a system of
11 affirmative action and affirmative opportunities that are
12 based on need, not gender or race or sexual preference.
13 Thank you.

14 CHAIRMAN FRAZIER: Thank you Ms. Morrison.
15 And now we'll have Mr. Myers speak and we'll take
16 questions after you have completed your presentation.

17 JIMMY MYERS

18 AMERICAN ASSOCIATION FOR AFFIRMATIVE ACTION

19 I'm with the American Association for
20 Affirmative Action and that's a professional association
21 of affirmative action practitioners. It's a volunteer
22 organization. It's a national organization and I'm the
23 Midwest Regional Director for the Association. The
24 regions are divided the same way the region, the federal

1 region is, so this is Region 5.

2 My paper is entitled, Affirmative
3 Action and the Politics of Humanism and what it attempts
4 to do is, well it starts by giving a brief history of how
5 we came to be gathered here and even talking about
6 affirmative action. It talks about how mainstream America
7 is being influenced by a white Supremacist agenda who have
8 done more to mis-educate and mis-inform the population
9 about the true benefits of value of affirmative action
10 than affirmative action professionals have and ordinary
11 people have in educating the population as to what
12 affirmative action is about. And so it talks about how
13 humanism as a philosophical position is distorted and
14 mis-applied and used as a harsh label to, in fact,
15 dehumanize certain segments of the population so that
16 benefits can be taken away without any concern for
17 conscious. Humanism is a philosophical position that
18 holds that people have within themselves the power to
19 control their own lives, their own destiny without any
20 need for divine guidance or intervention. That whatever
21 the human being can conceive, then the human being alone
22 can achieve. Now there's a very profound Christian Rights
23 movement underway in the United States that has been
24 influenced by right wing extremists organizations into

1 believing that Jews are satanic and evil and were
2 murderers of Christ and that African Americans are pre
3 Adam, that means before Adam, they're not really people,
4 they're more akin to the beast in the field. And after
5 years of putting forth this doctrine, they put forth, they
6 also step up and support anti Washington Legislation, 2nd
7 amendment issue of the right to bear arms and align
8 themselves with people who are legitimately concerned
9 about say abortion for religious reasons and they begin to
10 resonate to an agenda that they don't know is not their
11 own.

12 So this paper attempts to put some of
13 that into context and it defines affirmative action. It
14 shows how the political process is used to further the
15 objectives. It shows how or attempts to show how this
16 humanism label is used to alienate and make estranged
17 certain segments of our population instead of providing a
18 solution to the problem. People are given someone else to
19 blame. We blame welfare, we blame Hatians, we blame
20 immigration policy, African Americans, Native Americans,
21 Asian Americans and people resonate to this because if in
22 this paper proposed to show how people are being
23 manipulated into taking stands against affirmative action
24 based on their agenda that's being put out. So that's the

1 essence of what I have to say.

2 CHAIRMAN FRAZIER: Questions?

3 MR. HWANG: I have a question for you Ms.
4 Morrison. I recently read an article arguing against
5 affirmative action indicating that it was an economic
6 class following race problem as predicates to that and
7 then given your testimony indicating that poor African
8 Americans are being left behind in the affirmative action
9 process. How would you address that issue and yet still
10 be supportive of affirmative action programs?

11 MS. MORRISON: Well, I think that as we look
12 at affirmative action programs, we need to take that fact
13 into consideration as we modify them to make them more
14 meaningful. You know I don't know the answer. I think
15 that it does require a study that needs to be taken
16 into consideration. Affirmative action programs need to
17 be adjusted so that this does not continue. So that those
18 who are left behind, in fact, can benefit from affirmative
19 action creating affirmative opportunities. I don't know
20 the answer to how the program should be adjusted, but the
21 fact that we do have a growing class distinction in our
22 society, then we need to pay more attention if we're
23 committed to equal opportunity to all pay more attention
24 to those who are, in fact, being left behind because

1 perhaps the affirmative action system that we've
2 established is not helping people that we think it should
3 be.

4 CHAIRMAN FRAZIER: May I ask you do you have
5 any kind of monetary guidelines for determining poor
6 because as I'm listening to you, you know, all of us that
7 came out of my community in Montgomery Alabama who
8 benefited from affirmative action were poor, we just
9 didn't know how poor we were until we got someplace
10 against which it could be measured.

11 MS. MORRISON: Well, I guess the point that
12 I'm making is that in our community, I'm not -- you can
13 use federal guidelines for, but poverty has many issues;
14 cultural poverty, social poverty, economic poverty. But
15 the opportunity of affirmative action has afforded are not
16 inclusive of all and if you look in our community and you
17 look at those who aren't making the cut, who don't even
18 get to the point where they're satisfactorily completing
19 high school to apply to college or perhaps an affirmative
20 action policy may exist that would benefit them, then we
21 need to look at that system a little bit further. So I'm
22 speaking of poverty in a very broad sense, both economic
23 poverty, cultural poverty, social poverty that there's
24 just far too many people in our societies, African

1 American, Hispanic, whatever race, who perhaps could
2 benefit from a revised revamped affirmative action policy,

3 CHAIRMAN FRAZIER: Mr. Martin?

4 MR. MARTIN: Mr. Myers, has your association
5 designed any programs to educate the population with
6 respect to issues of affirmative action?

7 MR. MYERS: We have and part of that
8 education campaign involves doing things just like this as
9 a national organization in an office, a person in
10 Washington who has access to some of the national leaders.
11 Some of the national board members have appeared on
12 television on various talk shows, that sort of thing.
13 There are training programs that occur periodically.
14 We're planning one right now for October 12th through the
15 14th in Chicago. And so it will be the program, it will
16 be a conference where we hope to get the word out sometime
17 before the election so that people will have a clearer
18 understanding of what's involved.

19 Part of the misunderstanding about
20 affirmative action, if I could back up just a bit to give
21 some history of how it was developed, the concept of
22 affirmative action grows out of a demand for the payment
23 of reparations for the descendants of former slaves. It
24 was placed squarely in front of the Kennedy administration

1 in 1963 as a serious proposition and its been reported
2 that the President didn't like the idea of even entering
3 into that discussion. And out of that came a possibility
4 of some kind of, as the president referred to it, positive
5 affirmative action to address the demands that were being
6 placed for reparation. So, as it has developed and
7 evolved over the years, one thing I'd like to make clear
8 that it wasn't intended to end poverty or all of society's
9 ills, it was a limited approach to achieve a limited end.
10 To that extent it has been successful. Social problems
11 that we have today won't be resolved through even the most
12 effective affirmative action program. We hope to get this
13 message out. Between the period of say 1965 and now there
14 has been more mis-education about affirmative action than
15 there has been education, and with this major assault on
16 affirmative action occurred. There was no civil rights
17 organization to reach back and to reactivate, it had to
18 start all over again. I can say that there is a brand new
19 network that's in place that has arisen as a direct result
20 to this challenge of affirmative action and its entirely
21 new configuration of people, new players. White women
22 have benefited from affirmative action more than any
23 other single group and they're very active in getting the
24 word out. So hopefully some of these misconceptions can

1 be corrected.

2 MR. KOBRAK: Mr. Myers, I'm not clear why you
3 introduced humanism into your analysis of affirmative
4 action and you were very good about being very brief and I
5 wondered if you would explain that linkage?

6 MR. MYERS: Well, there is an era that some
7 people refer to as an era of wedged politics where a lot
8 of highly visible talk show hosts, political
9 practitioners, politicians attempted to drive a wedge
10 between the American people and separate them into groups.
11 Had each group positioned against each other and an
12 instrument for doing that is affirmative action and also a
13 new instrument and that is with the concept of humanism.
14 Humanism refers to many, as I mentioned earlier, people
15 being accused of being God less people. That they believe
16 when Louis Farrakhan said to the Million Man March
17 audience that you should go back to your community thief,
18 start your own businesses, protect your black women
19 instead of brutalizing them, instead of abusing them. If
20 we have a commitment to do this, then we can do it. That
21 particular statement of his was separated from a number of
22 other remarks that he made and became the subject of
23 various talk show radio programs for a period of time.
24 And the criticism was that Mr. Farrakhan, if you don't --

1 the reason that you're you and your people are having the
2 problem that you're having is because your religion of
3 humanism that's your distorted view of what's possible.
4 If you don't have the Divine hand of the Lord guiding your
5 way, then your people will always be in the position that
6 they're in right now. That resonated throughout the
7 country. That's the way people are beginning to refer to
8 certain groups of people, in my opinion, in an effort to
9 dehumanize them. When that happens, there is no conscious
10 there. A person can be justified in committing any number
11 of atrocities against people. So I'm very concerned about
12 that, of these labels being pinned on people to take away
13 their humanity at every turn and their message is being
14 directed at people who are themselves truly religious who
15 are very fundamentalist Christian who begin to believe
16 that maybe there is something about the religion of Louis
17 Farrkhan or his followers or people who intend to go back
18 to their communities and attempt to do something on their
19 own that somehow they may be outside of the religious
20 mainstream and we don't need to give them a second
21 thought. We can justify turning our backs. We can
22 justify police brutality, church burnings, a lot of other
23 unspeakable acts. So its being used as an instrument to
24 further divide the American population is my point,

1 CHAIRMAN FRAZIER: I would like to just ask
2 you to hold that until the open session if there's some
3 things that you still don't understand about the concept,
4 self help versus religion is basically what he's talking
5 about and you do it outside of religion, then there's
6 something wrong with it.

7 I would like to ask if there are any
8 other questions from the committee members? And I'd like
9 to bring on our final two presenters and then we'll come
10 back and I know that someone here has indicated that there
11 were some people in the audience that spoke earlier that
12 they'd like to question again. So if you could just stay
13 around for a few more minutes, maybe another 15 or 20, we
14 would like to have an opportunity to talk to you, even if
15 it is one on one. Thank you.

16 At this time I would like to call Dr.
17 Paula Allen-Mears and Mr. Horatio Vargas, new Detroit,
18 Incorporated.

19 Good afternoon, welcome. I thank you.
20 Dr. Allen-Mears I think you're going to be the first one
21 to present and then we'll go to Mr. Vargas.

22 DR. PAULA ALLEN-MEARS

23 UNIVERSITY OF MICHIGAN

24 Thank you. I'll be brief and to the

1 point. I am pleased to have this opportunity to address
2 the Advisory Committee. I'm here to report to you on
3 behalf of James Durestat, President of the University of
4 Michigan in Ann Arbor and to deliver his position
5 statement on affirmative action. I have brought this
6 afternoon a statements on diversity as well as an article
7 that I will be talking about in my remarks.

8 A bit of history about the University
9 of Michigan to clarify it's support of affirmative action.
10 University of Michigan is probably one of the most
11 outstanding universities in the United States. It
12 considers itself the Harvard of the midwest. You probably
13 have heard that before. But the University of Michigan
14 has consistently been at the forefront of higher education
15 grappling with these difficult issues such as morality and
16 promoting equality. From our earliest beginnings the
17 University of Michigan focused on making a university
18 education available to all economic classes. At our
19 founding we attracted students from a broad range of
20 European and ethnic backgrounds. Also the University of
21 Michigan was the first large university in America to
22 admit women in 1869. Consistent with this history, I now
23 will share select themes found in the most recent
24 statements of Duerstat entitled Affirmative Action,

1 Diverse University Policy Benefits Everybody. Its a
2 different spin on affirmative action, something that we do
3 not talk about. This particular article was published in
4 the Detroit Free Press and you have a copy of it. We have
5 worked hard to improve our recruitment of staff, students
6 and faculty of colors at the university. In this
7 statement several important points are made in support of
8 affirmative action. Please allow me to enumerate some of
9 them. First universities always have considered varieties
10 of factors in admitting students who are otherwise
11 qualified academically. At some institutions preference
12 is sometimes given to students of alumni. We strive for
13 geographic representation, students who stand out because
14 of special talent in art, music, writing and sometimes
15 other areas are favored. Second, universities try to
16 assemble an entering class that is diverse in many ways
17 because this enriches the educational experience for
18 everyone in the classroom and in extracurricular
19 activities. Third, non minority students benefit directly
20 from academic programs designed to help other students.

21 In the position statements prepared by
22 President Duerstat there are several convincing
23 illustrations. These illustrations include such programs
24 as the Women in Science and Engineering Program and the

1 Undergraduate Research Opportunity Program. Though those
2 programs were originally targeted for women and/or
3 minority students, they have enriched the academic
4 environment for other students. Fourth, students are not
5 the only ones who benefit from such efforts, faculty
6 members at the University of Michigan is more open,
7 rigorous and fair process than ever before sites to
8 affirmative action initiative practices and policies that
9 are in place that assure a more objective evaluation for
10 qualification of hiring staff and administrator as well as
11 faculty. These policies and practices do not involve
12 quotas. Fifth, diversity is essential to any university
13 as we approach the next century unless we draw on the vast
14 diversity of people and ideas. We cannot hope to generate
15 the intellectual and social vitality we need as a country
16 to respond to changing conducts.

17 In summary, our historic role at the
18 University of Michigan has been to provide a world class
19 educational opportunity to all students who have the
20 ability to succeed. Affirmative action programs help not
21 just minority groups or women or the disabled, they
22 benefited all groups, white included. I thank you for
23 this opportunity to address the panel.

24 CHAIRMAN FRAZIER: Thank you. Mr. Vargas?

1 HORATIO VARGAS

2 NEW DETROIT, INC.

3 Good afternoon, I'd like to commend
4 you, all of you for staying this late and listening to
5 presentations. My name is Horatio Vargas and I'm the
6 Manager of Race Relations at New Detroit and I'm here
7 representing Mr. William J. Baccum, President of New
8 Detroit. New Detroit is the nation's first urban
9 coalition. It's a coalition of leaders from
10 community-based organizations, labor, business, community,
11 education and clergy. Funded by corporate donations and
12 foundation grants, new Detroit is dedicated to the
13 promotion of cultural and ethnic diversity, increasing
14 minority economic development and enhancing quality and
15 life of the citizens within and beyond the metropolitan
16 Detroit area. What I have put together for you and I
17 failed to pass out copies, but I do have copies, are
18 several activities that new Detroit undertook within the
19 last two years and reviewing affirmative action and asking
20 our board of trustees to take action. The first was a
21 statement, a summary on affirmative action that was shared
22 with race relations committee of New Detroit which was the
23 committee that took responsibility and in reviewing the
24 topic and preparing the recommendation for the Board of

1 Trustees.

2 Also, in the material was excerpted
3 from written testimony that was presented by the former
4 New Detroit President Charlie J. Williams to the House
5 Judiciary and Civil Rights Committee of the Michigan House
6 of Representatives to talk against several bills that were
7 submitted by legislators to amend affirmative action in
8 Michigan and also-- well to eliminate affirmative action
9 and to amend the Elliott Larson Civil Rights Act. Also,
10 the document talks about two actions that were taken; one
11 in 1995, which was a reaffirmation of an action taken by
12 the board in 1988 and it basically reaffirmed New
13 Detroit's position on affirmative action. In 1988 New
14 Detroit had worked with various community-based
15 organizations and corporations and try and promote the
16 need for affirmative action. In its activities there was
17 a document that was presented and prepared which is
18 Affirmative Action Detroit Style and an update. This is
19 the second booklet that was prepared. The first basically
20 covered some of the -- and I gave a copy to staff persons
21 so that it would be included in the material. It talked
22 about the various corporations that have been committed to
23 affirmative action and also listed the number of employees
24 they had and a break down.

1 In March of 1996 New Detroit also took
2 again a position on affirmative action which again
3 basically reaffirmed its previous decisions and also makes
4 significant commitments. One of them was to try and
5 assist in forming a broad based coalition of appropriate
6 groups and individuals to support and promote affirmative
7 action programs. The second was to take the leadership
8 role again in providing the necessary advocacy to supports
9 affirmative action and the third one was to offer its
10 support and assistance by hosting a dialogue for the
11 purpose of formulating an advocacy strategy to support and
12 enhance affirmative action and this is something that
13 through the race relations committee is being planned for
14 this fall and we would like to say that this committee and
15 others would participate in planning for this strategy. I
16 think that the presidential election is going to be very
17 crucial and the candidates need to understand, along with
18 the parties, the need and the importance of continuing
19 affirmative action. Thank you.

20 CHAIRMAN FRAZIER: Questions from the
21 committee?

22 I have one question. Dr. Allen-Mears,
23 some of us have read in recent years continuing problems
24 at the University of Michigan with what I would call race

1 relations. What kind of permanent steps have you taken to
2 ensure that these kind of things are not occurring and I
3 know in some cases it's been reported that some minority
4 students felt threatened, unsafe.

5 DR. ALLEN-MEARS: I'll be happy to comment to
6 that. I don't want to portray that we are a perfect
7 institution. We are struggling with diversity like many
8 other institutions and in this society that we live in
9 today and really a university is only a microcosm of a
10 larger context. But I must say that the deans of the
11 University of Michigan as well as the president have
12 engaged in extensive dialogue about how we can change the
13 climate of the institution. We've made some gains in
14 terms of the recruitment of minority students, faculty as
15 well as staff, but now our objective is to tackle the
16 climate to make it conducive and hospitable to all of its
17 citizens and there are a number of programs around race
18 relations in the dormitories. In my own school we
19 celebrate diversity. We celebrate MLK Day, Martin Luther
20 King Day there. There are opportunities to engage in
21 dialogue about how differences contribute in unique ways
22 to the intellectual life of the institution. Even with
23 those initiatives underway and some of which are being
24 developed as I speak, we still have a long way to go to

1 change the climate. And as you know, as numbers increase,
2 sometimes there's polarization, there's more fear and
3 threats and a way of addressing that is to provide
4 opportunities for discourse, for dialogue in order to get
5 a better understanding of what each of us brings to the
6 institution and not -- we're not there because we are
7 female or a person of color or that we are a white male.

8 CHAIRMAN FRAZIER: Thank you.

9 MR. MARTIN: Mr. Vargas, the affirmative
10 action resolution adopted by New Detroit Board, was that
11 adopted unanimously? Was there any dissenting?

12 MR. VARGAS: Yes, it was unanimously.

13 CHAIRMAN FRAZIER: Further questions? Mr.
14 Gordon?

15 MR. GORDON: I do have a question for Dr.
16 Allen-Mears. My question is how the University of
17 Michigan has achieved increased reputation both in terms
18 of students, faculty, departments heads. Where you are
19 now? Where you came from? What your roles are and how
20 you've accomplished that and avoided quotas?

21 DR. ALLEN-MEARS: I don't have all the data
22 on the various units. I can speak for myself. Within the
23 School of Social Work there are certain objectives that I
24 set. For example, I'd like to have 25 percent of our

1 students being of minority status. And we recruit, we
2 aggressively identified applicant pools and we go after
3 them. That takes time, energy as well as diversion of
4 funds because it requires effort to locate and to identify
5 large pools of applicants who will qualify and meet the
6 admissions criteria. But there are no quotas. There are
7 goals and objectives.

8 MR. GORDON: How do you define minorities for
9 purposes of doing your activities?

10 DR. ALLEN-MEARS: Racial and ethnic
11 minorities. Jim Duerstat has one initiative. Its
12 referred to as the Michigan Mandate. That particular
13 program targets minority students. Then he has another
14 initiative, it's entitled Women's Agenda and that
15 particular agenda is to make Michigan a more hospitable
16 place for women throughout the institution, whether you're
17 a female student in engineering or you are a female dean
18 and a person of color. It's to bring attention to the
19 need of diversifying along the gender lines as well.
20 Objectives have been set, but no particular targets, no
21 number has been identified. It varies. Each unit --
22 since we are a decentralized campus, I have my particular
23 targets, but the Dean of the Medical School may have is
24 another target or he may have a more need to increase his

1 or her racial composition. Being that I have a School of
2 Social Work, automatically I attract a broad group of
3 students from different economic classes as well as racial
4 and ethnic background. The Medical School dean may not
5 have that automatic mechanism, the goal and objective to
6 attract and he or she may have to work harder at it. But
7 if you would like more information, I would be more than
8 willing to get for you responses to your questions.

9 MR. GORDON: Thank you.

10 MR. HWANG: I'm familiar with the Minority
11 Students Service Office and the Office of Minority
12 Affairs. I was just wondering to the extent that they
13 have an effect that they have an effect at the unit level,
14 do they have an imposed program for each of the units or
15 is that decentralized as well?

16 DR. ALLEN-MEARS: We draw upon that. It's
17 centrally located. It's a resource to all the various
18 academic units on the campus. I have an Office of Student
19 and Multicultural Affairs in the School of Social Work.
20 Many of the respected academic units have a comparable
21 unit and that is a hub that we pull from for resources,
22 expertise and direction. Does that answer your question?

23 MR. HWANG: Yes.

24 CHAIRMAN FRAZIER: Any other questions?

1 If there are no other questions. Thank
2 you very much.

3 I think we've come to the end of our
4 day. We can now go into -- we can now close session and
5 go into open public session.

6 Are there additional persons who wish
7 to speak at this time or are there questions from the
8 audience?

9 MS. HAMILTON-SMITH: Madam Chair I think that
10 we should that note of the fact that several of our
11 speakers have talked about the reluctance or downright
12 lack of participation by the State of Michigan in keeping
13 statistics that would allow us to monitor and; therefore
14 abdicate for the citizens of this state. When we had our
15 last public hearing on the issue of disparate discipline
16 and a report was generated, I think that report would have
17 been even more effective if the State of Michigan will
18 kept proper statistics. And again, we're in a situation
19 where speaker after speaker came to us and talked about
20 their inability to keep statistics. I certainly agree
21 with Bill Brooks that people keep statistics. It leaves
22 me speechless that in this age of computers there are
23 individuals who want us to believe that keeping statistics
24 is somehow difficult. I think that it's the

1 responsibility of the State to advise the public of how
2 public dollars are being spent inside our educational
3 institutions and also inside just a general operation of
4 government. And it's the responsibility that this
5 Commission has, as I understand it, keeps citizens aware
6 of issues that affect equity and justice in our state.
7 It's difficult for us to do that when we can't receive the
8 proper information. So I think it ought to be noted in
9 this record that we ought to note in some correspondence
10 to the state this lack of ability answer the questions
11 seems less than possible.

12 CHAIRMAN FRAZIER: It's duly noted and
13 recorded.

14 MR. MINARIK: If you want to recess this
15 particular part of the session with respect to the
16 affirmative action consultation, but we will have to have
17 an open session at 5:00 o'clock because it was announced
18 in the register.

19 CHAIRMAN FRAZIER: We're probably going to go
20 to the private session after this. Mr. Martin is poking
21 me. Dr. Bell would you and Mr. Blackwell return?

22 MR. MARTIN: I think you indicated that you
23 conducted a survey that indicated that people aren't that
24 knowledgeable regarding affirmative action issues. Could

1 you tell us a little bit about the survey results and the
2 samples?

3 MS. BELL: It was not a formal survey. I took
4 a few notes. What was happening that the point I was
5 traveling a quilting circuit and so because I had so
6 little knowledge, I was asking along the way and I was
7 asking people just what is affirmative action what did
8 they know about it. And so that was what I picked up from
9 my informal -- no, I did not formalize it. The time was
10 short, we had talked about writing out an official, a
11 formal one and really doing it, but the time was just too
12 short and the person with whom I was traveling suffered a
13 terminal illness. So, therefore, I was not able to do as
14 much as I would have liked to.

15 MR. BLACKWELL: Let me just say, Dr. Bell got
16 into this and had got me the into it after she already
17 started. One of the very first thing I needed to do was
18 to fine out exactly what was going on with the term
19 affirmative action. And, therefore, I spent a lot of time
20 just generally talking with people. Many of them being
21 educators, many just plain everyday people and that's how
22 I came up with the fact that so many people did not
23 understand what affirmative action was.

24 MS. BELL: The people that I talked to, it was

1 a diversity of people and they were predominantly white
2 female.

3 I was down in Kentucky and I was, I
4 said I was on this quilting circuit and I just, as I met
5 up with people standing in the line waiting for food or
6 all of these things, I would engage in conversation. So
7 it's really began to intrigue me and that's why as soon as
8 I got back, I asked if I could have more time because I
9 knew I had to participate in this project.

10 MR. MARTIN: Thank you.

11 CHAIRMAN FRAZIER: We will recess until 5:00
12 o'clock.

13 PUBLIC SESSION

14 CHAIRMAN MARTIN: Good afternoon ladies and
15 gentlemen, I'd like to call to order the public session of
16 the Michigan Advisory Committee to the U.S. Commission on
17 Civil Rights and I guess the first presenter will be Mr.
18 Howard Simon representing the America Civil Coalition.

19 MR. SIMON: Thank you very much. It's an
20 honor to appear before the Advisory Committee to the
21 Michigan Advisory Committee to the U.S. Civil Rights
22 Commission. I've never had the privilege of doing so,
23 though I know some of you individually. I've never had
24 the privilege of appearing before you as a body. I was

1 not invited to be a presenter, but I nevertheless have a
2 prepared statement which I guess I'm requesting at this
3 time that it be included as part of the consultation and I
4 can --

5 CHAIRMAN MARTIN: It will be and you can give
6 that to Peter.

7 MR. SIMON: And I'll give that to Mr. Minarik.
8 What I would like to do is just briefly summarize it and
9 then let the rest of the statement stand for itself. This
10 is just two or three points I would like to make.

11 CHAIRMAN MARTIN: Mr. Simon, excuse me we've
12 limited the other speakers to five minutes. If you need a
13 little more since there's nobody here --

14 MR. SIMON: I hope to use less.

15 CHAIRMAN MARTIN: Okay.

16 MR. SIMON: Let me just say that I'm here
17 representing the Michigan affiliate of the American Civil
18 Liberties Union. I'm the Director. I have been the
19 Director for the last 21 years, since 1974. I'm not an at
20 attorney. My previous career is in academia. I have a
21 PhD in legal and world and political philosophy from the
22 University of Minnesota and taught at various colleges in
23 the Midwest for about ten years before I received the
24 position as Director of the Michigan affiliate of the

1 American Civil Liberties Union. I'm here to try to
2 re-enforce the view of the American Civil liberties Union
3 that while there may be no single measure that can be used
4 to eradicate discrimination, we believe that affirmative
5 action remains a moral imperative as well as an
6 indispensable strategy for addressing discrimination in
7 this country. I think discussions of discrimination
8 suffer from too much over simplification and rhetoric,
9 especially now in this presidential election season and
10 too few specific examples in which affirmative action is
11 justified based on some judicial or other finding of past
12 discrimination and whether it's been a clear benefit to
13 society. Let me give you one good, concrete example.
14 Back in the early 1970s, a group of African Americans
15 challenged the Alabama State Public Safety Department and
16 in longstanding practice of excluding blacks from all
17 positions. In the 37 years history of the Alabama Highway
18 Department, not one African American person had ever been
19 hired. A federal court issued an affirmative action
20 order. The department had to hire one black trooper for
21 each white trooper hired until African Americans
22 constituted 25 percent of the entire work force. Now
23 there is some people that would like these days to
24 characterize that 25 percent as a quota. And does the

1 ruling of the Court in this particular case show that
2 affirmative action means little more than quotas. I don't
3 think it does. I think quotas are illegal, bias
4 practices, have been so pronounced in some cases that the
5 Courts have exercised their power under the 1964 Civil
6 Rights Act to impose a range of remedies as in this case
7 from Alabama that I mentioned, including hiring goals and
8 timetables which estimate the number of women and
9 minorities who would have been hired if there were no
10 discrimination. These goals are flexible, remedial,
11 narrowly tailored instruments of inclusion, while quotas
12 were used historically to exclude members of some ethnic
13 groups from work places or educational institutions. Now
14 there are lots of other examples of which I think
15 affirmative action would be justified, like correcting
16 discriminatory employment practices in the Alabama
17 Department of Highway Safety. There are good examples
18 here in Michigan. Our organization was responsible
19 perhaps for the largest most extensive example by which a
20 federal court imposed affirmative action on an employer
21 also back in the mid 1970s in our case of Stamps versus
22 Detroit Edison which I'm sure you're familiar with. It
23 was probably the most, as I said the most extensive
24 monetary award to the victims of discrimination and

1 perhaps the most extensive affirmative action program
2 imposed on a private employer.

3 There are other good examples involving
4 the Wayne County Sheriff's Department and; of course, if
5 there's a success story anywhere in the country of
6 affirmative action, it exists in another case in which we
7 amongst many other groups involved with and that is
8 defending the affirmative action program of the Detroit
9 Police Department. I would suggest that you study that as
10 an example of how that has both addressed the effects of
11 past discriminatory employment practices and how it has
12 benefited society generally.

13 Let me just conclude by saying that it
14 is our view that in, as I say, both affirmative action
15 when its used to address the past effects or excuse me the
16 present effects of past discrimination. It's both
17 beneficial to society, has opened up employment
18 opportunities for women, for members of racial minorities.
19 It has benefited society as well. Now there are some
20 people out there that I think that are engaged in what can
21 only be called I think a dis-information campaign about
22 affirmative action. There are those who want to equate
23 remedial goals with quotas, as I mentioned, and painted {a
24 an} cartoon characterization of affirmative action and say

1 that what affirmative action means is the promotion of
2 unqualified people who are hired or promoted over
3 qualified people solely on the basis of race or gender.
4 Now if one accepts that characterization of affirmative
5 action, I don't think anybody here would support
6 affirmative action. But that is not affirmative action.
7 That is a cartoon characterization of affirmative action.
8 That's not what affirmative action has been about.
9 Affirmative action has been about opening up the
10 educational institutions and primarily employment
11 opportunities for people who have been shut out of those
12 opportunities for decades and decades in this country. It
13 is, as to conclude, and as I say in the statement, not
14 only an indispensable strategy for addressing
15 discrimination in this country, it's, I think a moral
16 imperative, and with that I'll let the rest of my comment
17 stand in my statement and I thank you for the opportunity
18 to appear before you and for staying so late on this
19 lovely afternoon to hear what I have to say. Thank you.

20 CHAIRMAN MILLER: Thank you, Dr. Simon, for
21 coming. My apologies for not starting the meeting
22 precisely at 5:00 o'clock. Why don't you be seated. We
23 may have some questions.

24 Questions from my colleagues? Okay

1 thank you very much. It's in the record.

2 MR. SIMON: Thank you very much.

3 (The meeting was concluded at 5:20 p.m.)

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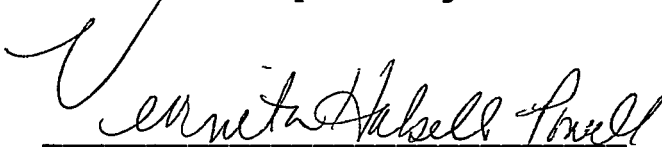
1
2 I, VERNITA HALSELL-POWELL, the undersigned
3 Notary Public in and for the State of Illinois, do hereby
4 certify:

5 That the annexed and foregoing testimony of the
6 witness named herein was taken stenographically before me
7 and reduced to typewriting under my direction;

8 I further certify that I am not a relative or
9 employee or attorney or counsel of any of the parties to
10 said action, or a relative or employee of any such
11 attorney or counsel, and that I am not financially
12 interested in the said action or the outcome thereof;

13 I further certify that the proceedings, as
14 transcribed, comprise an accurate transcript of the
15 testimony, including questions and answers, and all
16 objections, motions, and exceptions of counsel.

17 IN WITNESS WHEREOF, I have hereunto set my and
18 affixed my official seal this 13th day of August, 1996.

19
20 

21 NOTARY PUBLIC in and for the
22 State of Illinois.

23 Certificate No. 0084-001831
24