

# TRANSCRIPT OF PROCEEDINGS

U.S. COMMISSION ON CIVIL RIGHTS

MEETING OF THE  
IOWA ADVISORY COMMITTEE

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**U.S. COMMISSION ON CIVIL RIGHTS**

Pages 1 thru 162

Waterloo, Iowa  
December 20, 1999

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MEETING OF THE  
IOWA ADVISORY COMMITTEE  
TO THE  
U.S. COMMISSION ON CIVIL RIGHTS

The above-entitled matter came on for hearing  
at the Starlite Village Hotel, Waterloo, Iowa, on  
Monday, December 20, 1999, 6:30 p.m.

BEFORE: Iowa Advisory Committee

Gail Weitz, Chairperson

Joe Dan Coulter

Ann Friauf

Dinh VanLo

COPY

Office of the Civil Rights Commission

Melvin Jenkins, Regional Director

Ascension Hernandez, Civil Rights Analyst

JILL M. ELLINGSON - CERTIFIED SHORTHAND REPORTER

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## P R O C E E D I N G S

CHAIRPERSON WEITZ: The meeting of the Iowa Advisory Committee to the U.S. Commission on Civil Rights shall come to order. For the benefit of those in our audience, I'll introduce myself and my colleagues. My name is Gail Weitz. I'm from Lone Tree, Iowa, and I'm the acting chair of the advisory committee tonight due to the inability of the chair, Lenola Allen-Sommerville, was unable to attend tonight's meeting.

I'd like to introduce the other members of the committee. Mr. Joe Dan Coulter from Iowa City, Ann Friauf from Cedar Rapids, and Mr. Dinh VanLo from Des Moines. I would like to introduce the staff from the Commission's regional office in Kansas City.

To my left, Mr. Melvin Jenkins, Regional Director. And Ascension Hernandez will be sitting at the end of the table. He's the civil rights analyst. Joanne Daniels is in the back of the room. She's the administrative assistant.

The U.S. Commission on Civil Rights is an independent, bipartisan agency first established by Congress in 1957 and reestablished in 1983. It is directed to investigate complaints alleging that

1 citizens are being deprived of their right to vote  
2 by reason of their race, color, religion, sex, age,  
3 disability, or national origin or by reason of  
4 fraudulent practices.

5           We study and collect information relating  
6 to discrimination or denial of equal protection of  
7 the laws under the Constitution because of race,  
8 color, religion, sex, age, disability, or national  
9 origin or in the administration of justice; appraise  
10 federal laws and policies with respect to  
11 discrimination or denial of equal protection of the  
12 laws because of race, color, religion, sex, age,  
13 disability, or national origin or in the  
14 administration of justice; serve as a national  
15 clearinghouse for information in respect to  
16 discrimination or denial of equal protection of the  
17 laws because of race, color, religion, sex, age,  
18 disability, or national origin; submit reports,  
19 findings, and recommendations to the president and  
20 Congress.

21           The Commission has 51 advisory committees,  
22 one in each state and the District of Columbia.  
23 Each is composed of citizens familiar with local and  
24 State civil rights issues. The members serve  
25 without compensation and assist the Commission with

1 its fact finding, investigating, and information  
2 dissemination functions.

3           The Iowa Advisory Committee to the U.S.  
4 Commission on Civil Rights is here to conduct a  
5 community forum and to receive information on the  
6 status of race relations in Waterloo, Iowa. In  
7 addition, the committee will receive information on  
8 how and where to file discrimination complaints from  
9 federal officials.

10           At the outset I want to remind everyone  
11 present of the ground rules. This is a public  
12 meeting, open to the media and the general public,  
13 but we have a very full schedule of persons who will  
14 be providing information with the limited time we  
15 have available. The time allotted for each  
16 presentation must be strictly adhered to.

17           This will include a presentation by each  
18 participant followed by questions from committee  
19 members. To accommodate persons who have not been  
20 invited but who want to make a statement, we have  
21 scheduled an open session this evening shortly after  
22 the last invited speaker and again tomorrow  
23 morning.

24           Anyone wishing to make a statement during  
25 that period should contact Ascension Hernandez for



1 scheduling, and Mr. Hernandez has arrived. He's  
2 down at the end of the table here. Written  
3 statements may be submitted to the committee members  
4 or staff here today or by mail to the U.S.  
5 Commission on Civil Rights, 400 State Avenue, Suite  
6 908, Kansas City, Kansas 66101.

7           Though most of the statements made today  
8 may be related to general race relations, we want to  
9 ensure that all invited participants and any that  
10 sign up for the open session do not defame or  
11 degrade any person or organization.

12           In order to ensure that all aspects of the  
13 issues are represented, knowledgeable persons with a  
14 wide variety of experience and viewpoints have been  
15 invited to share information with us. Any person or  
16 any organization that feels defamed or degraded by  
17 statements made in these proceedings should contact  
18 our staff during the meeting so that we can provide  
19 a chance for a public response. Alternately, such  
20 persons or organizations can file written statements  
21 for inclusion in the proceedings. I urge all  
22 persons making presentations to be judicious in  
23 their statements.

24           The advisory committee appreciates the  
25 willingness of all participants to share their views

1 and experiences with the committee. The director of  
2 the central regional office to the U.S. Commission  
3 on Civil Rights, Mr. Melvin Jenkins, will now share  
4 some additional opening remarks with you.

5 MR. JENKINS: Thank you. It is indeed a  
6 pleasure to be in Waterloo this evening. The U.S.  
7 Commission on Civil Rights through its advisory  
8 committee approximately 25 years ago issued a report  
9 called Walk Together Children, which was an  
10 assessment of race relations in Waterloo.

11 Here it is 1999. We are back in Waterloo  
12 to take another assessment to see how far racial  
13 relations has progressed in that number of years.  
14 So often we are asked in our many travels in the  
15 United States that we cover, "Why is the U.S.  
16 Commission on Civil Rights still an important  
17 entity? Why are you still being funded by  
18 Congress?"

19 Well, the answer is very simple. We have  
20 not eradicated racism in this country. We have not  
21 dealt with all the civil rights laws that are  
22 necessary to pursue equal justice for all. When you  
23 look in terms of the Waterloo Human Relations  
24 Commission, that's one of the reasons why we are  
25 here, to take an assessment of how far race



1 relations has progressed, whether or not there is a  
2 real need for a Human Relations Commission in the  
3 City of Waterloo and whether or not there is a  
4 commission that's really needed on the state level.

5 When we take an assessment on race  
6 relations, we try to obtain information, to use that  
7 as a benchmark as to the progress that's needed in  
8 this country. When we look in terms of 1999, we  
9 still see some of the secondary and second  
10 generation problems connected with education, the  
11 push-out rate, dropout rate, suspension rate in  
12 public schools.

13 When we look at public accommodations,  
14 years ago we could not meet in a place like this  
15 hotel because of discrimination and segregation.  
16 When we read the press, recently we saw a major case  
17 being brought by the Justice Department in a major  
18 public accommodation case against a major chain of  
19 hotels.

20 Here it is 1999 and we're still trying to  
21 take an assessment of the status of civil rights.  
22 What will occur in the year 2000 and afterwards?  
23 Will we be back in Waterloo come the year 2005, 2010  
24 again taking an assessment? How far do we have to  
25 go in terms of race relations in this country? How

1 far do we need to go?

2           These are some of the things that we want  
3 to try to obtain some information on this evening.  
4 Hopefully with the information that we will receive  
5 we will put in a final report to the citizens of  
6 Iowa, and if appropriate, we will have  
7 recommendations for change and for strengthening  
8 race relations or perhaps more to increase the  
9 funding efforts of the local Human Rights Commission  
10 or even the State Human Rights Commission. These  
11 are some of the concerns that we have and the reason  
12 why we are here.

13           We're not only going to take an assessment  
14 of race relations here in Waterloo, but we're moving  
15 around the United States area, including most of the  
16 southern states, trying to get a real assessment of  
17 the racial progress of this country. Hopefully we  
18 can issue a report concerning the progress that's  
19 been made and what needs to be done for the coming  
20 century. Thank you.

21           CHAIRPERSON WEITZ: I'd like to remind  
22 everybody we have a list of speakers here, and I'll  
23 call out your names once. You can come up to the  
24 front here to our left, and you have--everybody has  
25 ten minutes for a presentation. That will be

1 followed by ten minutes of questions from this  
2 board, and then we'll move on to the next  
3 presenter.

4 If the person's name is called and they're  
5 not in the room or if they arrive late, I'll go back  
6 over the list so that nobody will be missed. And  
7 I'd like to start the meeting with John Halverson.  
8 He's the director of the Office for Civil Rights,  
9 Kansas City.

10 MR. HALVERSON: Thank you very much for  
11 inviting me this evening. As was just said, I'm the  
12 regional manager of the Office for Civil Rights, and  
13 it's the Office for Civil Rights in the U.S.  
14 Department of Health & Human Services. And the  
15 Office for Civil Rights in the U.S. Department of  
16 Health & Human Services has the important job to  
17 ensure that all federal funds spent for a program  
18 such as Medicare, Medicaid, community health  
19 centers, welfare programs--and I can go on for a  
20 long time--are spent without discrimination.

21 I'm very pleased to say that less than a  
22 year ago we were fortunate enough to receive--or to  
23 be given a new director. He is an energetic,  
24 aggressive director. His name is Thomas Perez. He  
25 joined us, again, less than one year ago, and his

1 enthusiasm and willingness to roll up his sleeves  
2 and work has proved to be infectious.

3 I believe that you will see through my  
4 remarks that the Office for Civil Rights is growing  
5 and fulfilling an important role in ensuring equal  
6 treatment for all. I'm going to present a written  
7 statement, so for brevity of time I'm going to skip  
8 down some.

9 I'd like to talk a little bit about  
10 complaints. The Office for Civil Rights accepts  
11 individual complaints of discrimination based on  
12 several laws. I once counted and found we had 13  
13 laws that we enforced, of which about six are so  
14 obscure we've never seen a complaint.

15 But, for example, we enforce the law that  
16 says it's illegal to discriminate with regard to  
17 race in public broadcasting. I have no idea why we  
18 have that one. But the major laws we enforce are  
19 Title VI of the Civil Rights Act of 1964, Section  
20 504 of the Rehabilitation Act of 1973, Title II of  
21 the Americans with Disabilities Act of 1990, the  
22 Hill Burton Act, which ensures that hospitals who  
23 received Hill Burton construction funds in the  
24 1940s, '50s, '60s, and '70s do not discriminate on  
25 the basis of race, religion, sex, disability, or any

1 other factor not related to the ability of the  
2 hospital to provide services. So you can see we  
3 have a lot of laws that we enforce.

4 When we receive a complaint--a complaint is  
5 a written allegation of discrimination--we give it a  
6 thorough investigation and try to do that as timely  
7 as possible. After the completion of the  
8 investigation, we will let the complainant and the  
9 recipient know the outcome. If we find no  
10 discrimination, the complainant can appeal to our  
11 headquarters. And that's a good system.

12 However, over the years we've learned that  
13 the complaint process often only helps one or two or  
14 at most a few people. So we have been working to  
15 change our policies because we only have 225 staff  
16 nationwide, and our region has only seven  
17 investigators and two investigator--assistant  
18 investigators.

19 We need to find a way to focus our work  
20 where the problems are. We need to-- Instead of  
21 always reacting to complaints, we determined that we  
22 need to become proactive. Thus, the Office for  
23 Civil Rights has developed a whole series of high  
24 priority activities that we put our resources into.

25 There are five high priority areas. We

1 believe these will have the most effect given our  
2 limited resources. These areas are minority health  
3 disparities. You may be aware of a recent series of  
4 studies that show when you take into account  
5 everything from income to socioeconomic status,  
6 differences in the quality and quantity of health  
7 care received by minorities still exists.

8           The Department of Health & Human Services  
9 has funded a major study through Georgetown  
10 University which showed that after controlling for  
11 every factor black males and females receive less  
12 aggressive treatment when they enter emergency rooms  
13 because of complaining of chest pains.

14           The second area of critical importance is  
15 managed area. We're moving to a new health care  
16 system, a system controlled by organizations such as  
17 HMOs, PPOs, and others which manage care. So power  
18 has moved to a relative few number of individuals  
19 running these massive organizations.

20           We are concerned that when these  
21 organizations become Medicaid providers that they  
22 market their services in minority areas. We are  
23 concerned that when clinics are located, they're  
24 located so that people who need them can get to the  
25 clinics. A clinic across a freeway from an area

1 where African-Americans reside or where a lot of  
2 people with disability reside might as well be on  
3 the other side of the moon sometimes. We're also  
4 concerned about participation of minority physicians  
5 as doctors who can provide care in these  
6 organizations.

7           And finally, services to persons who can't  
8 speak English, in our usual government euphemisms,  
9 persons with limited English proficiencies, and  
10 we're concerned that services be provided in a fair  
11 way to persons with sensory impairments. Material  
12 is provided in braille. If an HMO provides a  
13 training class, do they provide an interpreter to  
14 someone who's deaf?

15           The third area is welfare reform. As you  
16 all know, our welfare system was greatly changed in  
17 1996. Persons on welfare now have two years to get  
18 off welfare and a five-year lifetime cap. To get  
19 off welfare means to work. Thank God the economy is  
20 doing well. But are minorities being slotted into  
21 medial jobs while nonminorities receive better  
22 training and jobs in offices that may lead to future  
23 growth and promotions? We don't know this. We need  
24 to look at it.

25           Are persons with disabilities being



1 routinely shunned away from employment? Because 20  
2 percent of a caseload can be exempted from  
3 employment and kept on welfare indefinitely. People  
4 with disabilities want to work. I don't know anyone  
5 who wants to remain on welfare.

6 We found cases where persons are not  
7 properly tested for learning disabilities. If an  
8 individual has a learning disability, time limits on  
9 tests have to be relaxed. Persons need to be taught  
10 in different--in a different way reflecting the  
11 learning disability.

12 Or are these persons receiving reasonable  
13 accommodations for services? For example, a recent  
14 study shows that 40 percent of the welfare  
15 recipients of TANF--and that's Temporary Aid to  
16 Needy Families--in Kansas have learning  
17 disabilities. Yet only 20 percent can be accepted.  
18 So what happens to the other 20 percent? Are people  
19 getting appropriate training?

20 The next issue is the most integrated  
21 setting issue. The Olmstead (phonetic) decision of  
22 the Supreme Court has mandated states to follow the  
23 most integrated setting framework as proposed in the  
24 ADA for deinstitutionalizing those with the severest  
25 of disabilities who have often been warehoused in

1 nursing homes and other noncommunity-based  
2 settings.

3 We, OCR, are working with states to  
4 accomplish this. It is extremely complicated with  
5 Medicaid, Medicare, aging services, services to the  
6 developmentally disabled, substance abuse, and  
7 mental health funding all being--needing to be  
8 coordinated in order to ensure people receive fair  
9 treatment.

10 Finally, the issue of refugees is  
11 critical. It has been established that over 10  
12 percent of those in America now in the population  
13 use another language rather than English as their  
14 primary language. In the health care and social  
15 service arena, English only makes no sense. Someone  
16 entering an emergency room may have an infectious  
17 disease. The virus will not be smart enough to take  
18 time off until the sick person learns English, thus  
19 it is critical that services be provided in other  
20 languages where necessary.

21 The issue of refugees has become large.  
22 Recently we've learned that St. Louis is the third  
23 largest center for receiving new refugees. Many  
24 persons are moving into the state of Iowa. Recently  
25 I've met with State officials from throughout the

1 region, and it is universally stated that the  
2 biggest need now is for services to be provided in  
3 English as well as other languages to ensure equal  
4 access.

5 Just one or two more very brief items. I  
6 was asked to comment on any problems in this area.  
7 About four years ago we received an allegation from  
8 an individual working for the Iowa Department of  
9 Health that patients were being illegally dumped  
10 from hospitals in central and eastern Iowa to the  
11 University Hospitals in Iowa City. We selected a  
12 series of hospitals and looked at patient records  
13 and found that this was not the case, I'm glad to  
14 say.

15 Finally, the Office for Civil Rights is  
16 proactive. We triage complaints. Complaints in the  
17 highest--our high five areas get the most attention,  
18 because we believe that they will provide the most  
19 bang for the buck. Complaints that are in other  
20 areas are investigated, but as soon as we see  
21 there's no violation, we will stop the  
22 investigation. It makes no sense with our scarce  
23 resources to treat each complaint as if it's going  
24 to the Supreme Court.

25 Finally, we are here and want to

1 participate in conferences. We'd like to provide  
2 technical assistance to anyone who is interested.  
3 We would like to accept any opportunity to speak to  
4 get the word out about services to persons with  
5 limited English proficiency or other concerns about  
6 welfare reform.

7           We have recently developed two major  
8 guidances. One reflects services to persons with  
9 limited English proficiency and is being rewritten  
10 and will come out in the next two months. And the  
11 second guidance is a major document explaining  
12 specific things that could be illegal that have been  
13 done in the area of welfare reform. This document  
14 was written by our office. It was cleared by the  
15 Department of Education, the Justice Department, and  
16 the White House Policy Council, so it comes from the  
17 highest levels. Again, we are more than willing to  
18 go out and talk, to participate, to work with anyone  
19 willing to hear us.

20           I was riding in in a taxi from the airport  
21 this evening, and the driver asked me what I was  
22 doing here, and I said I had come for this  
23 conference, and his comment is he thinks that this  
24 town is about half minority. He said, "Of course,  
25 we're not driving in the eastern part of town.

1 Someone was shot recently, and cabs don't want to go  
2 there anymore," and he made the comment that either  
3 do pizza deliverers. Sometimes a place to really  
4 learn about a town is to ask the cab drivers. I  
5 don't know if that's true, but that's at least this  
6 individual's perception. And if that's true, we  
7 have some red lining problems here. That's it.

8 CHAIRPERSON WEITZ: We're now going to open  
9 the committee for questions. Do you have any  
10 questions, anyone?

11 MR. HERNANDEZ: Mr. Halverson, just for the  
12 record, you mentioned a complaint four years ago.  
13 Has there been any formal complaints to HHS OCR from  
14 the Waterloo area?

15 MR. HALVERSON: No, there haven't been. I  
16 could check our records, but I don't recall any, and  
17 I'd be glad to do that for you.

18 MR. HERNANDEZ: Thank you very much.

19 MR. JENKINS: John, with the scarce  
20 resources of seven staff persons that you have and  
21 you have a jurisdiction of at least four states to  
22 cover and you've outlined the priorities in terms of  
23 what's sent in from your national office, how then  
24 do you target from your regional office to carry out  
25 the mandate of what's sent in from the national

1 given the fact that you have seven staff persons?

2 MR. HALVERSON: Well, actually we have  
3 nine, but seven investigators and two assistants,  
4 right. Again, we investigate complaints that come  
5 in. I've been going around the region talking to  
6 all kinds of people seeing where the problems are,  
7 and we've selected as our major target areas the  
8 issues related to most integrated setting and issues  
9 related to refugees because those are both areas  
10 where we've been approached a lot by the public and  
11 by policy makers to work. They are also the areas  
12 where we think at this point we can use our scarce  
13 resources in the best possible way.

14 MR. JENKINS: Okay. With your resources,  
15 how do you conduct follow-up or outreach services?  
16 You know, there are a lot of persons who probably  
17 don't know about the Office of Civil Rights HHS.  
18 How do you get the word out to them?

19 MR. HALVERSON: We need help. If you know  
20 of any conferences related to civil rights, we'd  
21 like to be invited. We have a travel budget. The  
22 Department now has an individual who's working in  
23 the area of press relations.

24 Last week I was on television in Kansas  
25 City on local access, for example. It will be

1 broadcast four times on the cable channel. Tomorrow  
2 I'm flying to St. Louis, and Wednesday morning I'm  
3 doing a similar half-hour program about our office  
4 with one of our investigators that will be aired on  
5 the St. Louis cable channel.

6 So we're trying to involve more media and a  
7 lot of face-to-face work, and I'm on the telephone a  
8 lot, and my staff are talking to people. We have a  
9 mailing list that is growing. If anyone wants to be  
10 on it, please give me your card. I'm about to set  
11 up a list serve on the computer where we can send  
12 material instantaneously through the use of e-mail,  
13 which is almost becoming universal now.

14 MR. JENKINS: One final question. Do you  
15 have a 1-800 telephone number?

16 MR. HALVERSON: Yes. Our 1-800 number is  
17 1-800-368-1019.

18 MR. JENKINS: And that's for persons who  
19 want to file a complaint?

20 MR. HALVERSON: Yes. And that number is  
21 good nationwide, and it will ring into the region  
22 you're in.

23 CHAIRPERSON WEITZ: I wanted to ask a  
24 question in regard to managed care.

25 MR. HALVERSON: Yes.



1           CHAIRPERSON WEITZ: I'm wondering how it's  
2 possible to determine if someone is not being  
3 properly treated, in other words, the insurance  
4 companies decide what type of coverage or treatments  
5 the insuree is going to receive. How can you  
6 influence the type of treatment people receive?

7           MR. HALVERSON: I'm not sure at this point  
8 if we can really influence the type of treatment,  
9 but we can influence things like site location,  
10 provision of materials, and alternative formats,  
11 making sure that persons with limited English  
12 proficiency are served. It appears that some of the  
13 major HMOs now are moving away from the insurance  
14 person making the decisions back toward the  
15 physician making the decisions. We are also asking  
16 for vastly increased resources with the backing of  
17 our secretary so that in the future if we need to we  
18 can hire medical consultants to do the very thing  
19 you're discussing.

20           MR. VAN LO: Dinh VanLo from Des Moines,  
21 Iowa. I just have a question concerning refugees.  
22 Thank you very much for raising that issue. My  
23 question is, they have new law saying that if  
24 refugees commit crime, they need to be deported to  
25 their own original country.

1           And there have been case that refugees  
2 supposed to be deported, but the original country do  
3 not accept them, so then they are retained in this  
4 country after serving their sentences, but they're  
5 still retained indefinitely. What is the Office of  
6 Civil Rights supposed to act on this one?

7           MR. HALVERSON: I don't know. We probably  
8 wouldn't have jurisdiction. That's something the  
9 Justice Department would be involved with. Our area  
10 is only in the area of health and social services,  
11 but I understand that's a big problem.

12           MR. VAN LO: It's a communication issue as  
13 well as their rights as well.

14           MR. HALVERSON: Yes.

15           MR. VAN LO: Thank you.

16           MR. HALVERSON: Thank you.

17           CHAIRPERSON WEITZ: Any other questions?  
18 Thank you, Mr. Halverson.

19           (Short pause.)

20           CHAIRPERSON WEITZ: For the record, would  
21 you please state your name and your mailing  
22 address?

23           MS. MOSES: Althea Moses, 901 North Fifth  
24 Street, Kansas City, Kansas 66101.

25           CHAIRPERSON WEITZ: Thank you.

1 MS. MOSES: Thank you. Good evening. I'm  
2 here representing the Environmental Protection  
3 Agency, and my role and responsibility there is I am  
4 the environmental justice program manager. This  
5 evening I have brought a colleague, Pradip Dalal,  
6 and he is a Title VI contact for our region.

7 First of all, I'd like to establish that  
8 the Environmental Protection Agency is a committed  
9 commission for protection of human health and the  
10 environment. Before I begin with some information  
11 regarding the environmental justice program and EPA,  
12 I'd like to allow Pradip the opportunity to talk  
13 about the complaint process through the Office of  
14 Civil Rights at our office and EPA headquarters  
15 office in Washington.

16 MR. DALAL: My name is Pradip Dalal, and I  
17 am the EO specialist in the office under the  
18 direction of Nat Scurry, the regional director of  
19 Office of Civil Rights. Among other things, I'm  
20 also responsible for Title VI complaint process.  
21 There is one paper in your folder regarding that  
22 civil rights and EPA. I'm going to read the  
23 statement here.

24 "Title VI of Civil Rights Act of 1964  
25 prohibits recipients of federal financial assistance

1 from discriminating on the basis of race, color, or  
2 national origin in their programs or activities.  
3 Title VI itself prohibits intentional  
4 discrimination. Under EPA's Title VI implementing  
5 regulations found at 40 C.F.R. Part 7, EPA-funded  
6 agencies are prohibited from taking acts, including  
7 issuing permits, that are intentionally  
8 discriminatory or have a discriminatory effect based  
9 on race, color, or national origin.

10 "EPA's Office of Civil Rights is  
11 responsible for the agency's administration of  
12 Title VI. All Title VI administrative complaints  
13 are processed and investigated by OCR.

14 "To file a complaint alleging a violation  
15 of Title VI or EPA's Title VI regulations, you  
16 should submit a written, signed, and dated statement  
17 that provides an avenue for the Office of Civil  
18 Rights to contact you; describes an alleged  
19 discriminatory act that if proven true may violate  
20 EPA's Title VI regulations; is filed within 180 days  
21 of the alleged discriminatory act; and identifies a  
22 recipient of EPA financial assistance that allegedly  
23 committed a discriminatory act.

24 "You should mail your complaints to the  
25 address below, or you may send it via facsimile to

1 (202)260-4580." The address is the Office of Civil  
2 Rights, U.S. Environmental Protection Agency, Mail  
3 Code 1201, 401 M Street, SW, Washington, D.C.  
4 20460.

5 And the process is on the backside. It is  
6 very lengthy process, but the important thing is  
7 that the complaints must be filed within 180 days  
8 after the act. So that is the important thing.

9 And besides that in your folder we have  
10 just a number of phone numbers for you. Ann Goode,  
11 Director of Office of Civil Rights in Washington, D.C.,  
12 her number is 202-260-4575. Nat Scurry, Regional  
13 Director of Civil Rights, 913-551-7040. Office of  
14 External Program, Region VII, that is an 800 number,  
15 800-223-0425.

16 Althea Moses' phone number is, she is EJ  
17 Coordinator, 913-551-7649. And Rupert Thomas is  
18 also Title VI Coordinator, 913-551-7282. And  
19 myself, Pradip Dalal, Title VI Coordinator,  
20 913-551-7454. And our mailing address is US EPA,  
21 Region VII, 901 North Fifth Street, Kansas City,  
22 Kansas 66101.

23 MS. MOSES: I'd like to talk with you a  
24 little bit about the Environmental Justice Program  
25 and EPA. After protest studies and many complaints,

1 on February 11, 1994, President Clinton signed  
2 "Federal Actions to Address Environmental Justice  
3 in Minority Populations in Low-Income Populations,"  
4 Executive Order 12898.

5 Specifically the complaints dealt with the  
6 implementation and the way EPA did business. We  
7 were accused of issuing permits disproportionately  
8 in low-income and minority communities, doing  
9 inspections less frequently at facilities which were  
10 located in low-income and minority communities.

11 And when we found violations, it seemed  
12 that our violations were lower for those facilities  
13 which were located in low-income and minority  
14 communities. As a result, we have the executive  
15 order, and EPA has an aggressive Environmental  
16 Justice Program within all ten regions across the  
17 country. I'm here representing Region VII, which is  
18 responsible for Kansas, Iowa, Nebraska, and  
19 Missouri.

20 There is a fact sheet within the folder  
21 that I've provided to you regarding environmental  
22 justice and the program. What I'd like to do is  
23 briefly describe the Environmental Justice Program  
24 at Region VII and a little bit of how it functions,  
25 because that's not what's stated in the fact sheet.

1           The role that the Environmental Justice  
2 Program plays at Region VII is one of facilitation,  
3 one of catalyst as in changing the way we do  
4 business, outreach, and education. We are educating  
5 the public with regards to the decision-making  
6 process and how to impact the decision-making  
7 process, ensuring fair treatment, and meaningful  
8 involvement of low-income and minority citizens and  
9 also providing outreach and education materials  
10 regarding environmental and health-related issues  
11 which specifically address concerns within  
12 low-income and minority communities.

13           We also have a small grant program which  
14 provides direct assistance to environmental justice  
15 communities, and when I say environmental justice  
16 communities, I mean communities that are 25 percent  
17 or more low income or minority. And these grants  
18 allow communities to address their priority issues,  
19 not our priority issues.

20           EPA defines environmental justice as fair  
21 treatment of all races, income, and cultures with  
22 respect to the developmental, implementation, and  
23 enforcement of environmental laws, regulations, and  
24 policies. Fair treatment implies that no person or  
25 group of people should shoulder a disproportionate



1 share of negative environmental impacts resulting  
2 from the execution of environmental programs.

3 EPA is not the only federal agency with  
4 responsibility for ensuring environmental justice,  
5 but we are the lead agency with that  
6 responsibility. Region VII is committed to ensuring  
7 environmental justice within Region VII. Thank you.

8 CHAIRPERSON WEITZ: Are there any questions  
9 from the panel?

10 MR. JENKINS: Let me just digress for a  
11 minute. Some of you can hear the noise next door.  
12 I have filed an official complaint with the hotel.  
13 This is indicative of race relations here in  
14 Waterloo. This is the reason why the U.S.  
15 Commission on Civil Rights is here today.

16 We have made a complaint to no avail. I  
17 have put the hotel on notice that the U.S.  
18 Commission on Civil Rights will not pay, will not  
19 pay for this meeting room because of the action that  
20 is going on next door. We have asked the  
21 cooperation of those persons over there. We have  
22 asked the cooperation of the hotel. The reason why  
23 we're here in Waterloo twenty-some years later is  
24 for race at the local level. The thing speaks for  
25 itself. I'm sorry I missed your presentation, and I

1 do apologize, but if there are questions from the  
2 panel, please feel free to ask.

3 MR. HERNANDEZ: I guess for the record I  
4 want to know if the Environmental Protection Agency  
5 complaint system or the environmental justice unit,  
6 have they received any complaints from the Waterloo  
7 area?

8 MS. MOSES: To date we have not received  
9 any complaints from the Waterloo area.

10 MR. HERNANDEZ: Title VI complaints?

11 MR. DALAL: Title VI also has not received  
12 any complaints.

13 MR. JENKINS: Could you talk in terms of  
14 your outreach services?

15 MS. MOSES: Yes. And maybe I should  
16 expound. You asked the question have we received  
17 any environmental justice or Title VI complaints.  
18 One of the hurdles that we are faced with within the  
19 Environmental Justice Program is the lack of  
20 knowledge regarding environmental and health-related  
21 issues.

22 The fact that so many of the health  
23 concerns within the low-income and minority  
24 communities are related to environmental or agitated  
25 by environmental issues. And so part of what we're

1 doing with the Environmental Justice Program is a  
2 lot of outreach and education just getting  
3 information out to let people know that if you are  
4 an asthmatic, it may be due to environmental  
5 concerns, and it may not be just your heredity,  
6 okay; that if you are suffering from some sort of  
7 cancer or leukemia, that it may be a result of an  
8 environmental hazard rather than just God or  
9 something like that.

10           So at any rate, that's a big hurdle that we  
11 have to overcome is the lack of knowledge. It seems  
12 that in other portions of the country, the more  
13 people become aware of environmental and  
14 health-related issues, the more complaints we see in  
15 other areas. What we anticipate is that we will be  
16 faced with perhaps future complaints as people  
17 become more knowledgeable regarding the environment  
18 and that relationship.

19           MR. JENKINS: Just for the record, the  
20 Louisiana Advisory Committee to the U.S. Commission  
21 on Civil Rights met last Thursday in Baton Rouge as  
22 a follow-up to a report that we issued some years  
23 ago on environmental justice in Louisiana. That  
24 committee has voted to revisit environmental justice  
25 in Louisiana on the heels of several site extensions

1 there. This is something that's of an utmost  
2 importance to us as a body, U.S. Civil Rights  
3 Commission, environmental justice, because of some  
4 of the things we pioneered years ago.

5 And as a follow-up, a lot of folk do not  
6 know about environmental justice, and I guess you  
7 handle the four-state region. And one of the things  
8 that we're looking for, is there a way that persons  
9 can contact you to provide information to them,  
10 either via speaking or written materials on things  
11 like that? Because oftentimes it's just like folk  
12 really don't know whether or not-- "I'm sick."  
13 Like you said, is it because of environmental items  
14 or what? And the thing is for your agency to be  
15 able to provide information to the general public is  
16 the avenue that we're looking for.

17 MS. MOSES: Yes. And the fact sheet that  
18 is in the folder there, on the backside of the fact  
19 sheet, you will see a list of publications which are  
20 available from our regional office as well as  
21 contact names and phone numbers. We are more than  
22 happy to visit communities and participate in  
23 outreach and education venues.

24 This year we are looking forward to getting  
25 out in all four states and participating in minority

1 and low-income community activities. And so the  
2 phone numbers that are listed there are the best way  
3 to move forward on that.

4 MR. JENKINS: Because this is the first  
5 time that we've had your agency to attend one of our  
6 community forum hearings in the four-state area, and  
7 I'm quite sure as Ascension and my other staff  
8 members put on these types of forums, we will begin  
9 contacting you more so you will be able to have more  
10 impact on outreach services.

11 MS. MOSES: Thank you. Thank you.

12 CHAIRPERSON WEITZ: Thank you.

13 (Short pause.)

14 MS. MUHAMMAD: I'd like to say good  
15 evening.

16 CHAIRPERSON WEITZ: For the record, would  
17 you please state your name and address?

18 MS. MUHAMMAD: Yes. Safiyyah Muhammad,  
19 U.S. Department of Education's Office for Civil  
20 Rights. The address is 10220 North Executive Hills  
21 Boulevard in Kansas City, Missouri. And I am  
22 representing Angela Bennett this evening, who is the  
23 office director.

24 And as you've heard from several agencies  
25 this evening, we are too a civil rights agency, and

1 our mission is to ensure the equal access to  
2 education and to promote educational excellence  
3 throughout the nation through vigorous enforcement  
4 of civil rights.

5 Our agency is primarily responsible for  
6 resolving complaints of discrimination in the area  
7 of Title VI of the Civil Rights Act of 1964, Section  
8 504 of the Rehabilitation Act of 1973, Title IX of  
9 the Education Amendment of 1972, and the Americans  
10 with Disabilities Act of 1990.

11 In addition to resolving complaints, OCR  
12 also provides technical assistance to recipients of  
13 federal financial assistance, and we also are  
14 charged with conducting periodic reviews to  
15 determine a school district or a recipient's  
16 compliance with those federal laws. And in addition  
17 to the other regs that I stated there, we also have  
18 jurisdiction under the Age Discrimination Act of  
19 1975.

20 There are approximately 15,000 school  
21 districts that receive federal funds and about 3600  
22 colleges and universities. The Waterloo School  
23 District receives approximately \$2,647,000 from the  
24 Department in federal financial assistance. So as a  
25 result of the school district receiving those funds,

1 they have to comply with the regs that we just cited  
2 or stated.

3 Again, there are approximately 51 million  
4 students that attend elementary and secondary  
5 schools and about 14.4 million students that attend  
6 colleges and universities throughout the nation that  
7 we have enforcement authority over.

8 I was asked to talk about OCR's complaint  
9 process. Our agency processes complaints that are  
10 received within 180 days. If for some reason a  
11 person files a complaint that's beyond the 180-day  
12 time frame, they can request a waiver. However,  
13 they have to have specific reasons for requesting  
14 that waiver, and then it's up to the office director  
15 to determine or to decide whether or not the waiver  
16 is granted.

17 Nationwide OCR receives approximately 5,000  
18 complaints a year, and from 1974 through 1999, we  
19 have received about eight complaints from the  
20 Waterloo School District. In 1997 we conducted a  
21 proactive review here in the Waterloo area that some  
22 of you may be familiar with. That review centered  
23 around racial harassment and incidents and  
24 discipline in the Waterloo School District.

25 The school administrators worked very



1 cooperatively with our office to resolve the  
2 compliance review and to enter into an agreement  
3 that ultimately will result in some policies and  
4 procedures being changed, school administrators  
5 being trained to deal with cultural diversity, and  
6 looking at the referral of minority students for  
7 disciplinary sanctions. We found from that review  
8 that often minority students were overly discouraged  
9 for their percent of student population.

10 Under Title VI of the Civil Rights Act of  
11 1964, some of the issues or areas that we looked at  
12 in complaints are ability grouping, discipline  
13 policies and procedures, the assignment of students  
14 to classes, racial harassment, student housing on  
15 college campuses, and academic grading.

16 Under Title IX of the Sex Discrimination  
17 Act of 1975, we looked at equal opportunity in  
18 interscholastic or intercollegiate athletics. We  
19 look at the treatment of students as it pertains to  
20 pregnancy and the admission to postsecondary  
21 institutions on the basis of race.

22 Under Section 504 and Title II, we look at  
23 various areas there, accessibility of school  
24 facilities and programs, whether or not disabled  
25 students are able to access the school buildings or

1 to have an opportunity to participate in various  
2 extracurricular activities as well.

3 We look at the number of students who are  
4 placed in special education programs and whether or  
5 not placement policies and procedures in accordance  
6 with Section 504 of the Rehabilitation Act have been  
7 followed. We also look at the number of students  
8 who are suspended and expelled that have a  
9 disability.

10 At the postsecondary level we look at the  
11 types of academic adjustments and modifications that  
12 are provided to disabled students in those  
13 institutions, and we also look at the auxiliary aids  
14 and services that are provided to students.

15 How does OCR resolve complaints? Basically  
16 we like to resolve the complaints within the 180  
17 days. If we can work out a resolution with the  
18 recipient or the institution, we'll do that. If we  
19 can't, we'll go through the full investigative  
20 process, and what that entails is collecting data,  
21 gathering information, analyzing that information.

22 And I should back up and say that in the  
23 Kansas City office we have four complaint processing  
24 teams. Those teams handle the complaints. They  
25 conduct the compliance reviews and also provide the

1 technical assistance. We'll go out again and work  
2 with the school district to achieve voluntary  
3 compliance.

4 Now, oftentimes we're very successful in  
5 obtaining the voluntary compliance. However, if a  
6 school district believes they have not discriminated  
7 against a student, they welcome the investigative  
8 process, and then we'll go through the full  
9 investigative process and issue findings and make a  
10 determination as to whether or not the regulation  
11 has or has not been violated. As part of that  
12 process, we talk to parents, students, and other  
13 school officials to gather information to help us  
14 achieve or arrive at those particular findings.

15 Once we have reached a resolution, the  
16 recipient of the federal funds, the school district  
17 or the university, receives a letter from our office  
18 stating that we have resolved the complaint, and we  
19 will work with them to monitor the action items that  
20 are in those agreements.

21 Currently we are monitoring the Waterloo  
22 School District. We conducted a review in 1997. We  
23 have received very good participation from the  
24 district, and I will be meeting with the Waterloo  
25 School District on tomorrow to talk about the

1 progress they have made in terms of implementing the  
2 plan.

3           Basically that's how we resolve complaints,  
4 conduct reviews, and provide technical assistance.  
5 We have brought several materials for you to take,  
6 to look at. There's information over there  
7 pertaining to how to file a complaint with our  
8 office. The Kansas City office has jurisdiction in  
9 six states, Iowa, Nebraska, Missouri, Kansas, and  
10 North and South Dakota.

11           We are available to provide technical  
12 assistance to any of our recipients at any time the  
13 request is made, and we also on a regular basis  
14 answer technical assistance questions via the  
15 telephone. Again, we have information over there on  
16 racial harassment incidents from the federal  
17 register, also information on sexual harassment as  
18 well, again, information on how to file a complaint,  
19 and general information about the Office for Civil  
20 Rights. Thank you.

21           MS. FRIAUF: A point of clarification. You  
22 mentioned you had received 5,000 complaints last  
23 year.

24           MS. MUHAMMAD: Nationwide.

25           MS. FRIAUF: Nationwide. And then from

1 Waterloo. And then you proceeded to list discipline  
2 and grading and things. Were those the similar  
3 kinds of complaints that came from Waterloo, or was  
4 that all of your complaints?

5 MS. MUHAMMAD: The complaints that  
6 specifically came from Waterloo dealt with-- We had  
7 several that dealt with racial incidents, treatment  
8 of students, and if I could just see from my list  
9 here--

10 MR. JENKINS: Give us a little bit more  
11 detail.

12 MS. MUHAMMAD: Okay. Let's see here. One  
13 complaint we received from Waterloo dealt with the  
14 assignment of staff, counseling, and tutoring and  
15 suspension of students. Another complaint we  
16 received dealt with the demotion, dismissal, and  
17 disciplinary action of administrators or teachers.  
18 We received another complaint that dealt with  
19 evaluation and placement of special ed students.  
20 Also this complaint dealt with student harassment.

21 In 1997 we received a complaint dealing  
22 with racial harassment. Another complaint in 1997  
23 dealt with disciplinary criteria and racial  
24 harassment. '97 again we had two complaints dealing  
25 with the grievance procedures and due process

1 procedures by the Waterloo School District.

2 So the majority of the complaints dealt  
3 with racial incidents, disciplinary actions, or some  
4 type of demotion or dismissal of staff on the basis  
5 of race. Also in 1997 the review we conducted again  
6 dealt with the suspensions, expulsions, and the  
7 methods of disciplinary sanctions or methods in  
8 which discipline was administered to the students  
9 and racial harassment. In '98 we received one  
10 complaint that dealt with referral of minority  
11 students to special education.

12 MR. JENKINS: What was the response by the  
13 school district to those allegations, and what type  
14 of remedial action was taken?

15 MS. MUHAMMAD: The response from the school  
16 district has been very good. We worked with--I can  
17 call names, I guess--with Walter Cunningham,  
18 Dr. Cunningham. Currently I'm working with Bernard  
19 Cooper. That's who I'll be meeting with tomorrow.  
20 Formerly we met with Ray Richardson, who was very  
21 instrumental in assisting our office in coming up  
22 with the action plan that Waterloo has developed.  
23 We have had very good interaction with  
24 Superintendent Swartzendruber.

25 So our working together-- Our relationship

1 with the district has been very good. They have  
2 provided us with documentation to show that they are  
3 implementing the plan they have agreed upon.  
4 However, this plan is not complete, and we will be  
5 discussing that on tomorrow, the areas that are  
6 outstanding and what OCR will need for the district  
7 to be in full compliance.

8           The district will not-- The monitoring  
9 will not end until all requirements of this  
10 agreement has been satisfied to OCR from the  
11 district, so we may be monitoring this plan for  
12 another year or two.

13           CHAIRPERSON WEITZ: I have a couple  
14 questions. First of all, do you coordinate any  
15 actions that you take or any information you get at  
16 the State level, or are you--do you remain separate  
17 from the State Department of Education?

18           MS. MUHAMMAD: We are separate from the  
19 State Department of Education. However, we have  
20 worked very closely from time to time with persons.  
21 Judge Brown, who was formerly of the State, the  
22 Judge worked with us in identifying some of the  
23 problem areas in Waterloo. Tom Anderson works very  
24 close with us.

25           We have conducted joint reviews at other

1 school districts with the State Department.  
2 However, we did not conduct a joint review here in  
3 Waterloo. So the State will provide us certain  
4 information as to school districts that they view  
5 may have some types of concerns that the Office for  
6 Civil Rights may need to address.

7 CHAIRPERSON WEITZ: Can I ask if your plan  
8 of action for Waterloo schools if that includes  
9 equity coordinators within the schools or any  
10 provisions for minority hiring?

11 MS. MUHAMMAD: One of the provisions in the  
12 agreement was for the Waterloo School District to  
13 assess the need for additional minority  
14 administrators and staff, and as a result of this  
15 review, it's my understanding that equity  
16 coordinators have been added.

17 The equity committee, they were supposed to  
18 bring on at least two or three minority staff, and  
19 it's my understanding that that has been achieved,  
20 so, yes, that was one of the recommendations that  
21 was made.

22 CHAIRPERSON WEITZ: I'm sorry. Could you  
23 clarify the two or three equity coordinators?  
24 Within the Waterloo School District or within each  
25 school?



1 MS. MUHAMMAD: In the district. It's my  
2 understanding that at least one or two persons have  
3 been added in the equity position for the district,  
4 and that's one of the items we will clarify on  
5 tomorrow because it was not clear from the  
6 documentation that we received.

7 CHAIRPERSON WEITZ: Okay.

8 MR. COULTER: Is there a pattern or do you  
9 detect a pattern or a trend in any of the  
10 complaints, this series of complaints? And if you  
11 do, how does it compare with, say, other eastern  
12 Iowa cities, Davenport or Des Moines or Cedar  
13 Rapids?

14 MS. MUHAMMAD: I didn't bring any  
15 information on the other districts in Iowa.  
16 However, I do know that in 1996 we conducted a  
17 minorities and special ed review in the Davenport  
18 School District that we're currently monitoring  
19 there. There was over-representation of minorities  
20 going into the special ed program. We have not  
21 received a large number of complaints from the  
22 Davenport area, but we had some concerns about  
23 representation of the minority students going into  
24 the program.

25 Cedar Rapids, I'm not aware of any

1 complaints against that particular school district.  
2 And Des Moines, we have extensive activity in  
3 Des Moines, some dealing in the race area as well as  
4 students in special ed. Now, in terms of Waterloo,  
5 we have seen a pattern of more racial types of  
6 complaints or incidents in the Waterloo School  
7 District.

8 CHAIRPERSON WEITZ: Can I ask, are there  
9 alternative high schools? I'm familiar with  
10 Dubuque, Iowa, has Central High Alternative High  
11 School for students who in general have problems in  
12 the public school system. Is there such a school in  
13 Waterloo? And if there is, is there a higher  
14 representation from the minority groups?

15 MS. MUHAMMAD: I am aware of at least two  
16 alternative schools here in the Waterloo area.  
17 One-- And there seems to be more minority students  
18 in those particular schools. They do have a waiting  
19 list for one of the schools. I can't tell you the  
20 name of the school offhand, but that program was  
21 very successful.

22 And a number of students wanted to attend  
23 that school simply because they did not feel as  
24 though they fit into the regular or traditional  
25 school environment, and this program offers more

1 individualized instruction for the students, and  
2 students are able to make different choices.

3           There's another alternative school here in  
4 Waterloo that dealt with students who had attendance  
5 problems, for some reason didn't seem to get to  
6 school, and those are the two programs that I am  
7 aware of. However, I do think there's a need for  
8 additional ones here in Waterloo, but there are at  
9 least two.

10           MR. VAN LO: You said schedule to be  
11 finished in 180 days, but according to my  
12 understanding is this investigation should be  
13 finished by '97, so I'm saying that you are doing  
14 full investigation of Waterloo School District.

15           MS. MUHAMMAD: What I said is we'd like to  
16 resolve complaints within that 180-day time frame.  
17 However, we recognize that all cases cannot be  
18 processed within 180 days, depending on the  
19 circumstances of the cases. With monitoring reviews  
20 such as what we conducted here in Waterloo, there  
21 was a proactive review that will require monitoring  
22 for a couple of years because it's one thing to just  
23 submit paper and say, "Here we are."

24           OCR actually looks for actual documentation  
25 and implementation of what we have agreed to. It's

1 one thing to just send a bunch of records, but we  
2 come back out. We go through the records to ensure  
3 that what the district has put on paper they're  
4 actually implementing. So in those instances it may  
5 take us three, four years to get out of the  
6 monitoring.

7 MR. VAN LO: So it also means that the  
8 community or the community leaders of the community  
9 to look out for it for three, four years, "Hey,  
10 we're done. Let's forget it."

11 MS. MUHAMMAD: You mean once the agreement  
12 has been fulfilled?

13 MR. VAN LO: Once the agreement has been  
14 done on paper and in another four years OCR is gone  
15 now, they're going back to the same place again.

16 MS. MUHAMMAD: Well, that may happen.  
17 However, community persons are always free to file a  
18 complaint or to inform OCR that, "The district is  
19 not implementing the agreement, and here are others  
20 areas of concern." They're not precluded from  
21 filing additional complaints.

22 And again, in our letters we tell the  
23 school district, "Failure to implement this plan  
24 will result in this case being reopened," so that  
25 caveat is always there for us to come back and take

1 a look at what's going on.

2 Also we try to build in our plans community  
3 involvement for community persons to actively  
4 monitor what's going on in the school district  
5 because our office is located in Kansas City,  
6 Missouri, so we don't know all the time what's going  
7 on if we're not getting that feedback or information  
8 from persons here in the community.

9 MR. VAN LO: The other thing you say is  
10 school district have hired an equity coordinator.  
11 Is that a teacher or an administrator?

12 MS. MUHAMMAD: I think it's an  
13 administrator.

14 MR. VAN LO: Are they put off somewhere in  
15 the corner?

16 MS. MUHAMMAD: I will say since that's a  
17 concern you're raising I will find out tomorrow for  
18 sure. Are there any other questions?

19 CHAIRPERSON WEITZ: Thank you.

20 (Short pause.)

21 CHAIRPERSON WEITZ: Good evening. For the  
22 record, could you please state your name and  
23 address?

24 MS. WILSON: My name is Myrtle Wilson, and  
25 my address is 400 State Avenue, Kansas City, Kansas

1 66101. I am here today representing Robin Herndon  
2 (phonetic), the HUD director of service for the  
3 Office of Fair Housing and Equal Opportunity in  
4 Kansas City, Kansas. I am here to discuss our  
5 programs, which are many.

6 HUD's mission is to provide decent, safe,  
7 and sanitary home and a suitable living environment  
8 for every American. HUD's goals are to fight for  
9 fair housing, increase affordable housing and home  
10 ownership, reduce homelessness, promote jobs and  
11 economic opportunities, empowering people and  
12 communities and restoring the public trust.

13 The mission of the Office of Fair Housing  
14 and Equal Opportunity is to enforce the Fair Housing  
15 Act and other civil rights laws by taking proactive  
16 steps to identify and to combat discrimination in  
17 both its most obvious and more subtle forms.

18 FHEO must ensure the rights of equal  
19 housing opportunity and free housing choice without  
20 discrimination based on race, color, religion, sex,  
21 national origin, disability, or family composition.  
22 Our major duties and responsibilities are to ensure  
23 that sale and rental housing and associated services  
24 such as lending and appraising are available to all  
25 Americans within their price range on fair and equal

1 basis.

2 We also promote geographic mobility for  
3 low-income and minority households. We ensure that  
4 programs of other federal agencies which affect  
5 housing choice also further fair housing and the  
6 availability of housing and related services. We  
7 promote substantial equivalency among state, local,  
8 and community organizations involved in providing  
9 housing.

10 FHEO is governed by the following  
11 authorities: The Fair Housing Act, or Title VIII of  
12 the Civil Rights Act of 1968 as amended; the Civil  
13 Rights Act of 1964, Title VI; Housing and Urban  
14 Development Act of 1968, Section 3; the Housing and  
15 Community Development Act of 1974, Section 109; the  
16 Rehabilitation Act of 1973, Section 504; Age  
17 Discrimination Act of 1975; and the American  
18 Disabilities Act of 1990, Title II.

19 Because we have so many programs, I'm only  
20 going to discuss a few of the programs, the ones  
21 that have major impact and get the most bang for our  
22 buck in processing cases. The first program that  
23 I'm going to talk about is the Fair Housing Act. It  
24 mandates that FHEO receive and process complaints of  
25 housing discrimination based on race, color,

1 religion, sex, national origin, handicap, or  
2 remedial status. Under this statute we also collect  
3 racial and ethnic data and require that all HUD  
4 housing and community development programs  
5 affirmatively further fair housing.

6 Under the Fair Housing Act, it is illegal  
7 or unlawful to refuse to rent or sell housing;  
8 refuse to negotiate for housing; make housing  
9 unavailable when in fact the housing is available,  
10 show apartments or homes only in certain  
11 neighborhoods; set different terms, conditions, or  
12 privileges for the sale or rental of a dwelling;  
13 provide different housing services or facilities;  
14 advertise housing in preferred groups--to preferred  
15 groups of people only; refuse to provide information  
16 regarding mortgage loan; to deny mortgage loans; or  
17 impose different terms and conditions on mortgage  
18 loans.

19 You can't deny property insurance. You  
20 can't conduct property appraisals in a  
21 discriminatory manner. It's unlawful to make  
22 certain-- It is unlawful to refuse to make certain  
23 modifications or accommodations for persons with  
24 mental or physical disabilities, including those  
25 persons that are HIV--that have HIV and AIDS-related



1 illnesses and persons recovering from alcohol or  
2 substance abuse.

3 Individuals cannot harass, coerce,  
4 intimidate, or interfere with anyone exercising or  
5 assisting someone with his or her housing rights.  
6 You can't deny anyone access to membership in a  
7 facility or a service such as a multiple listing  
8 service or in the sale or rental of housing.

9 And it is illegal to advertise or make any  
10 statements that indicate a limitation or a  
11 preference based on race, color, religion, national  
12 origin, sex, remedial status, or handicap. This  
13 prohibition against discriminatory advertising  
14 applies to the one exemption that we have, which is  
15 called Miss Murphy's Law for single-family dwellings  
16 and owners--owner-occupied dwellings that are  
17 otherwise exempt from the fair housing law. An  
18 additionally, this is one that we are having--we are  
19 receiving a number of complaints, and people are  
20 very unhappy with this regulation right now. You  
21 can't fail to design and construct housing in a  
22 successful manner.

23 And when the fair housing law was amended,  
24 it required that new buildings that were erected  
25 after March 13, 1991, that had an elevator and four

1 or more units required that public and common areas  
2 be accessible to persons with disabilities, that  
3 doors and hallways must be wide enough for  
4 wheelchairs, and all units must have an accessible  
5 route into and through the unit, accessible light  
6 switches, electrical outlets, thermostats, and other  
7 environmental controls.

8           It also required that reinforced bathroom  
9 walls be built to allow for later installation of  
10 grab bars if they were needed and that kitchens and  
11 bathrooms would be accessible to people in  
12 wheelchairs. For buildings that had four or more  
13 units with no elevator and they were built after  
14 March 13, these standards only applied to the ground  
15 floors. These standards do not replace more  
16 stringent standards that are enacted by State or  
17 local laws.

18           The other program area that I wanted to  
19 talk about is Section 109 of Title VIII of the  
20 Housing and Community Development Act, which  
21 requires that no person in the United States shall  
22 on the grounds of race, color, national origin, sex,  
23 religion be excluded from participation under any  
24 program or activity funded in whole or in part with  
25 community development funds.

1           Section 109 also provides that any  
2 prohibition against discrimination on the basis of  
3 age under the Age Discrimination Act of 1975 or with  
4 respect to otherwise qualified persons with  
5 disability as provided in Section 504 shall apply to  
6 any program or activity funded in whole or in part  
7 by these funds.

8           Under this program a recipient may not  
9 be--based on race, religion, color, national origin,  
10 or sex be denied any facility, services, financial  
11 aid, or other benefits provided under the program or  
12 activity. They can't be denied. They must provide  
13 any facility, service, financial aid, or other  
14 benefits which are different or are provided in a  
15 different form from that provided to others under  
16 the program and are subject to--subject an  
17 individual to segregated or separate treatment in  
18 any facility in relationship to the receipt of  
19 services or benefits under a program.

20           If a person believes that they have been  
21 treated differently in this area, they have 180 days  
22 from the date of the alleged discrimination to file  
23 a complaint. The complaint has to be in writing,  
24 and it should identify the program area and the  
25 parties that they want to file against, and it has

1 to include the most recent date of the alleged  
2 discriminatory act. And the final piece to this  
3 puzzle is that the complaint letter has to be  
4 signed.

5 Other laws that we cover are 504 and  
6 Title VI. We also are required to do monitoring of  
7 the Fair Housing Assistance Program. I talked  
8 earlier about us promoting substantial equivalent  
9 agencies, and the Fair Housing Assistance Program is  
10 a program that deals with substantial equivalent  
11 agencies, and what we try to do with this program is  
12 to encourage State and local agencies to become  
13 contract agencies with our department so that they  
14 can assist us with the caseload that we have.

15 The funding for this program is  
16 noncompetitive, and the only major requirement is  
17 that we have to conduct an annual assessment each  
18 year to determine whether or not that agency--the  
19 agencies are complying with our rules and  
20 regulations.

21 CHAIRPERSON WEITZ: I hate to interrupt,  
22 but your ten-minute time limit.

23 MS. WILSON: I'm sorry.

24 CHAIRPERSON WEITZ: That's quite all  
25 right. Is there any closing statement you want?

1 MS. WILSON: Okay. Well, I really want to  
2 talk about the--our complaint process for filing  
3 complaints, fair housing complaints. Anyone who  
4 believes that they have been discriminated against,  
5 they have the right to file a complaint with our  
6 office, or they can file with a local office. They  
7 can call our office in Kansas City, and we have an  
8 800 number. Our 800 number is 1-800-699-9777. Or  
9 they can call collect. It's 913-551-6993.

10 Once we receive the complaint, they'll be  
11 notified about the complaint as well as the person  
12 that they're complaining against. We will receive  
13 notification of what is being alleged. HUD will  
14 investigate the complaint. We try immediately to  
15 resolve the complaint. Once that happens, if we can  
16 resolve it, the case is closed where no one is  
17 admitting guilt.

18 If it's not resolvable, then we will  
19 complete a full investigation. We try to do it  
20 within 100 days. If we can't, we notify the parties  
21 that we can't do that. If we find no cause, the  
22 parties are notified of our decision for no cause.

23 If we find cause, whereas in the previous  
24 part of the investigation HUD has been a neutral  
25 party, we become an advocate for the complainant,

1 and we represent the complainant throughout the  
2 administrative process. Once we make a  
3 determination of cause, each party is given the  
4 opportunity to elect as to where they want to go,  
5 federal court or an administrative law judge, and we  
6 complete our process that way.

7           The other piece of the reason that I'm here  
8 tonight is I wanted to-- We have had a number of  
9 complaints about housing conditions in the City of  
10 Waterloo. There have not been official complaints.  
11 We've received some fair housing complaints, but in  
12 the area of the 109 CDBG program, we've received a  
13 number of unofficial complaints, and we are very  
14 concerned about this. We are going to be coming to  
15 the City of Waterloo in April where my staff and I  
16 will be doing a full investigation of that program  
17 area. I'll stop.

18           MR. VAN LO: What you're saying is the City  
19 of Waterloo have problem with housing? They don't  
20 have enough housing for poor?

21           MS. WILSON: Well, we've received a number  
22 of complaints. And I was looking. In Iowa we  
23 receive almost 300 complaints a year. In our office  
24 regionally, which covers four states, we receive  
25 approximately 1200 complaints or inquiries a year,

1 so that's one-third of the complaints.

2 In Waterloo we received, oh, about ten  
3 complaints this year, and I don't know if that's  
4 because--the number is low because people are not  
5 aware of what their housing rights are or if there  
6 is no problem, but we have reason to believe that  
7 there are problems, and that's one of the reasons  
8 that we want to come and take a look at the city.

9 Also the Waterloo Human Relations  
10 Department has submitted and been approved for a--to  
11 become a contract agency with our office, and one of  
12 the things that we do is we give the agencies money  
13 to provide education and outreach in the community  
14 to inform citizens of what their rights are. So we  
15 hope that that will have some impact on the state of  
16 housing in Waterloo.

17 MR. VAN LO: Of the ten complaints, how  
18 many are related to the moving of the apartment  
19 complex?

20 MS. WILSON: Well, when I looked at the  
21 complaints, they were varied. Some of them were  
22 based on refusal to rent. Some were on--in lending,  
23 and some were based on familial status, so it covers  
24 the whole gamut. Now, if that should happen and  
25 they do move the apartment complex, I'm sure that we

1 will receive a great deal more complaints than what  
2 we have right now, but right now the number is not  
3 very high.

4 CHAIRPERSON WEITZ: Are the number of  
5 complaints coming from a specific-- You said the  
6 apartment complex is going to be moved?

7 MS. WILSON: Well, I don't know what's  
8 going to happen with the apartment complex. I would  
9 think that it's not going to be moved, but, you  
10 know, if 600 people are displaced, then that's going  
11 to create some problems.

12 I don't know what the housing stock here is  
13 in Waterloo, but oftentimes it is-- We find that  
14 families with children have a difficult time finding  
15 housing. They incur quite a bit of discrimination,  
16 and in Waterloo and looking at-- I mean in the  
17 state of Iowa in looking at the complaints that are  
18 coming to our office, the majority of the complaints  
19 are based on race. So with those two factors, I  
20 would think that it would have a negative impact  
21 should that come to pass.

22 CHAIRPERSON WEITZ: Any more questions?

23 MR. COULTER: What is your understanding of  
24 the status of public housing? Are there any issues  
25 in that?



1 MS. WILSON: The status of public housing?  
2 I'm not--

3 MR. COULTER: In Waterloo.

4 MS. WILSON: I really can't answer that. I  
5 think that's a question more that Herman Ransom  
6 (phonetic) probably can answer. I'm looking at it  
7 from fair housing perspectives, so I couldn't tell  
8 you. I can't answer that question.

9 MR. HERNANDEZ: Madam chair, question.

10 CHAIRPERSON WEITZ: Yes.

11 MR. HERNANDEZ: Just to be sure, because  
12 Waterloo Human Rights Commission doesn't have  
13 equivalency status, any fair housing complaints  
14 would have to be lodged with what agency?

15 MS. WILSON: They could be lodged with HUD,  
16 or they could be lodged with the Iowa Civil Rights  
17 Commission in Des Moines. It has-- They can only  
18 file with local agencies. They couldn't go to Cedar  
19 Rapids. I mean they could go to Cedar Rapids, but  
20 Cedar Rapids would have to refer the complaint to  
21 Iowa or-- Well, they would have to refer to our  
22 office, and we in turn would refer it to the Iowa  
23 Commission to process.

24 MR. HERNANDEZ: Thank you.

25 CHAIRPERSON WEITZ: So what you're saying

1 is the City of Waterloo does not have any agency in  
2 place that handles complaints for renters? There's  
3 no other agency in the City of Waterloo or--

4 MS. WILSON: Well, the City of Waterloo  
5 does have an agency, but it is not equivalent with  
6 our agency, so that agency does have the capacity to  
7 investigate complaints under their ordinance, but it  
8 would not be a complaint that they could waive to  
9 the department.

10 MR. JENKINS: What process is there for the  
11 local agency to become a federal agency of HUD? Are  
12 you guys working towards that goal, or--

13 MS. WILSON: Yes.

14 MR. JENKINS: Where are you? I'm sorry I  
15 missed your presentation. I'm trying to get some  
16 heat in this room. Go ahead. I'm sorry.

17 MS. WILSON: Waterloo, the City of Waterloo  
18 has a an agreement. Once they sign the agreement  
19 and it is sent to our office, Robin Herndon will  
20 sign that agreement, and we will send it to  
21 headquarters. Once our assistant secretary, Edward  
22 Plasma (phonetic), signs that document, they will  
23 receive a contract for \$115,000 in which to help  
24 them to get their agency up and running and to store  
25 it--the education and outreach process, because

1 that's one of the pieces that we require that  
2 agencies do.

3 MR. JENKINS: Again, I apologize for  
4 missing your presentation.

5 (Short pause.)

6 CHAIRPERSON WEITZ: State your name and  
7 address for the record.

8 MR. WHITCOMB: My name is Bill Whitcomb. I  
9 am with the Department of Justice, the Community  
10 Relations Service out of Kansas City, Missouri. And  
11 I would like to read you a statement, no more than  
12 two or three paragraphs, and I will top that with a  
13 couple comments in terms of what our office is doing  
14 in preparation for Y2K, and I think that a lot of  
15 folks will be interested in that.

16 As I said, my name is Bill Whitcomb,  
17 Community Relations Service. This agency is an arm  
18 of the Justice Department, very unique inasmuch as  
19 that we kind of work as a juxtaposition between the  
20 prosecution and law enforcement. We consider  
21 ourselves sort of the peacemakers in the community.

22 We are an arm of the U.S. Department of  
23 Justice and help to settle race relation problems  
24 voluntarily rather than in the courts or the  
25 streets, created by the Civil Rights Act of 1964.

1 It is the only agency which Congress has assigned  
2 the task providing direct help to communities to  
3 resolve disputes, disagreements, or difficulties  
4 relating to discriminatory practices based on race,  
5 color, or national origin.

6 CRS, Department of Justice, helps  
7 communities at the request of State or local  
8 officials or local citizens and organizations. The  
9 agency may also assist on its own volition or motive  
10 when it suspects that peaceful relations among  
11 citizens are threatened or violated. We  
12 occasionally do respond to court-related referrals.

13 CRS's basic resource is its men and women  
14 who are knowledgeable of and are experienced in the  
15 technique of the emerging field of racial and ethnic  
16 dispute resolution. The multiracial, bilingual  
17 staff works individually or in teams but always in  
18 the agency's role of objective third party,  
19 neutral. This is very important.

20 The role involves application of  
21 conciliation mediation techniques in the  
22 problem-solving process. The approach is flexible,  
23 geared to cope with specific community disputes  
24 ranging from disagreements in education, law  
25 enforcement--and this is one area that we have put a

1 great deal of emphasis on in the past two or three  
2 years, especially with the racial profiling that  
3 many of us have heard about in the news, and that is  
4 occurring in many states--housing, health and  
5 welfare services, and those associated with American  
6 Indians' claim to land, hunting and fishing rights,  
7 the influx of refugees, and, of course, white  
8 supremacist groups.

9           And we've worked with many agencies and  
10 organizations, one being the NAACP, which some may  
11 be present in this room today. I think the NAACP  
12 and Anna Williams and some of those folks. Human  
13 rights organizations and coalitions, we feel if we  
14 work with them, can help foster a positive social  
15 climate by bringing together groups to work for  
16 increased understanding and to condemn acts of  
17 bigotry.

18           The holding of peaceful rallies, which  
19 we're involved in, by coalitions of responsible  
20 local groups designed to express a repudiation of  
21 bigotry is another method of mobilizing a community  
22 voice of decency in the face of Ku Klux Klan and  
23 other white supremacist organizations.

24           We feel that by working with churches that  
25 the churches can exercise their own moral authority,

1 speaking out in sermons and publications and taking  
2 a lead in organizing community response. Business  
3 and organization labor should also be solicited for  
4 that kind of support. We feel that it is not merely  
5 a black problem when a cross is burned or a Jewish  
6 problem when a swastika is scrawled on the wall but  
7 a community-wide problem for everyone to respond to.

8 Our national director, Rose Oachee  
9 (phonetic), has charged that stereotypes are alive  
10 and kicking and that that translates into racism,  
11 and we have recently embarked upon a national-wide  
12 effort in President Clinton's race relations  
13 symposium and also his race relations dialogue, and  
14 we've been a very integral part of that initiative  
15 throughout the country. And until whites, it is  
16 felt, begin the battling of discrimination on a  
17 personal level, the struggle will continue.

18 There is increased awareness by states of  
19 the seriousness of violence motivated by bigotry and  
20 a gradual rise in the number of states that  
21 expressly address this problem. Statutes dealing  
22 with this problem were enacted in many of the  
23 states. And Iowa, I think, is one of those states  
24 that does not have a State statute addressing or  
25 responding to racial motivated violence.

1           One of the things I'd like to tell the  
2 group that race relations issues, response to racial  
3 violence, is the number one priority on the Attorney  
4 General's list. We have been working in concert  
5 with the FBI in preparing our agency along with  
6 other agencies and State agencies and federal  
7 agencies in developing a preparedness or contingency  
8 plan in what we feel may--what may happen the eve of  
9 the year 2000.

10           Yes, we do help respond to--counter  
11 extremism. Extremists' activity that pose a threat  
12 to civil rights of citizens require the attention of  
13 all law enforcement agencies and including  
14 ourselves. Even up to this point, I have received a  
15 number of calls from extremist groups who have  
16 indicated that they plan to do or cause destruction  
17 on the eve of year 2000, and these kinds of inquiries  
18 are directed to the local branch of the FBI.

19           I don't know if Iowa has such a contingency  
20 plan. I probably will be contacting Don Nickerson,  
21 who is your USA here, to see whether or not a  
22 contingency plan is in place. We do feel overall  
23 that more State legislation is needed, and we feel  
24 that in some kind of way this will at least pose  
25 some kind of deterrent to the advent of these kinds

1 of activities in the various states. Questions?

2 MR. JENKINS: With respect to your agency,  
3 what are some of the types of cases you've worked on  
4 in Iowa in the last three or four years? Narrow it  
5 down to perhaps Waterloo and Black Hawk County.

6 MR. WHITCOMB: I received a call-- Our  
7 agency received a call from a resident here who--  
8 First of all, she complained about what had happened  
9 in the Black Hawk County Jail, and I think at that  
10 time there was an African-American that was found  
11 hung.

12 That incident precipitated or was a trigger  
13 incident for the examination of other issues, and  
14 one, which was mentioned earlier, there was contact  
15 made with the school district where there was a  
16 perception of disparaging treatment in terms of  
17 discipline, and I had talked with a couple school  
18 officials, including the superintendent, but we did  
19 not get involved in any kind of resolution process  
20 relative to that issue.

21 There was concerns relative to law  
22 enforcement, which I worked with the Chief of  
23 Police, Bernie Koehrsen, here extensively. We have  
24 always provided technical assistance and training to  
25 the department and Chief Koehrsen has always been



1 receptive to our response to incidents that have  
2 occurred in this area and including the perceived  
3 prevalence of youth gang violence and drug violence  
4 in the community.

5 CHAIRPERSON WEITZ: Any questions from  
6 anybody? When you say you worked with the police  
7 department, do you also get involved in the hiring  
8 practices of the police department itself?

9 MR. WHITCOMB: We don't get involved.  
10 Certainly if there is a perception or if there is a  
11 lack of minority or ethnic representation, we  
12 encourage the departments to develop some kind of  
13 affirmative approach in dealing with that. Whether  
14 or not the City or the police department have an  
15 affirmative action plan, I don't know. Usually in  
16 police departments there's always-- You know, there  
17 is a lack of available individual interest in law  
18 enforcement. Therefore they cannot attract those  
19 kinds of individuals.

20 I don't know what the ethnicity of the  
21 police department in Waterloo, Iowa, is. You know,  
22 last I heard, it was about 2 percent of the total  
23 department, maybe less than that. And that's  
24 something that probably Chief Koehrsen can address  
25 tomorrow.

1 MS. FRIAUF: You said you received some  
2 calls from some groups that thought they'd cause  
3 problems for the Y2K situation. What types of  
4 groups did you say? White supremacy groups?

5 MR. WHITCOMB: It is well established that  
6 there are some white supremacy or extremists groups  
7 you've probably heard in New York and New Orleans  
8 and in other places who are making preparations to  
9 cause disruption throughout the United States. And  
10 of course, the Federal Emergency--Federal Emergency  
11 Management Agency is making preparation to respond  
12 to that, including local, State, and federal law  
13 enforcement agencies.

14 This is speculation, you know, because they  
15 have arrested some proposed terrorist groups, and so  
16 we think-- Based on that and based on some of the  
17 things that's been said, we think this might be a  
18 reality, so we're preparing for that eventuality.

19 MS. FRIAUF: In this area is what my  
20 question is. Locally?

21 MR. WHITCOMB: This is nationwide, and it  
22 is up to the United States Attorney to be involved  
23 in that preparedness plan. And we hope and I  
24 suspect that Don Nickerson, your U.S. Attorney for  
25 the Northern District of Iowa, will be a part of

1 that process, I'm sure, and, of course, your local  
2 FBI agencies.

3 MR. JENKINS: Bill, based on your  
4 background and expertise, how would you assess race  
5 relations here in Waterloo?

6 MR. WHITCOMB: I think, you know, race  
7 relations in Waterloo is similar to a lot of small  
8 communities that they're so isolated and nowhere to  
9 turn. Even if there are problems, you know, where  
10 do you go to get those kinds of concerns addressed?

11 And I find with a community such as  
12 Waterloo, you know, unless a triggering incident  
13 occurred, you wouldn't know it existed. And that's  
14 where we begin to examine some of the things, the  
15 underlying causes or factors of race relations in  
16 that particular community. And I don't know if-- I  
17 don't know if hearings such as this will bring out  
18 those folks who have been personally affected by  
19 racism or bigotry in the community. Like I said,  
20 when an incident occurs, that trigger incident  
21 usually prompts an examination of other institutions  
22 in that community.

23 MR. JENKINS: Is that what occurred in  
24 Dubuque some years ago?

25 MR. WHITCOMB: Absolutely.

1           MR. JENKINS: The trigger incident there  
2 was what?

3           MR. WHITCOMB: The trigger incident was the  
4 moving, the movement, or displacement of people in a  
5 predominantly, you know, white neighborhood that  
6 caused a lot of-- There's supremacist groups who  
7 rally behind that kind of cause. It attracts those  
8 kinds of individuals.

9           I would imagine if there was something  
10 significant that happened socially or politically in  
11 Waterloo that would be appealing to, say, the white  
12 people's party or the church addenda, which is  
13 prevalent in this area, you'll get that kind of  
14 response like you did in Dubuque when you had the  
15 Ku Klux Klan.

16           You had the church identity, which  
17 attracted the Guardian Angels, which used to  
18 counter, you know, a response to those  
19 organizations. You had the police, who are sort of  
20 in the juxtaposition in terms of what they can and  
21 cannot do based on constitutional limitations, and  
22 so it can pose a very serious problem that's very  
23 disruptive.

24           MR. JENKINS: Once your agency becomes  
25 involved in a situation like that, what are the

1 sorts of types of things that you bring to the table  
2 to mediate? What types of examples can you give us?

3 MR. WHITCOMB: I want to make sure that the  
4 community is prepared. I want to make sure that  
5 there is appropriate and adequate law enforcement to  
6 respond to those incidents, especially when property  
7 and lives are threatened. And oftentimes law  
8 enforcement up until the last ten, fifteen years  
9 have been very reluctant in responding to these  
10 kinds of incidents. Even if there was a physical,  
11 you know, property complications, that was not high  
12 on their priority.

13 We want to make sure and bring those  
14 elements together so that appropriate response can  
15 be made. We found this though true, as you well  
16 know, Mr. Jenkins, with the church burning that  
17 occurred in the past two or three years that the  
18 last five, ten years there was a lack of partnership  
19 among State, local, and federal, you know, law  
20 enforcement jurisdiction. And a lot of times what I  
21 can bring to the table is bring those parties  
22 together and say, "Hey, here's what the response  
23 needs to be."

24 CHAIRPERSON WEITZ: Can I just ask one  
25 question of clarification? Do you think a big part

1 of some of the problems in Waterloo is the fact that  
2 people-- There are agencies in place or avenues  
3 where people can complain, but they're just not  
4 aware of them, so things get to the point nobody  
5 knows where to put their frustrations?

6 MR. WHITCOMB: I'd like to think of  
7 community--traditional-based community  
8 organizations, NAACP or the Hispanic organization or  
9 whatever or Jewish-based services, can be that  
10 vehicle where those complaints can be directed to  
11 and channeled to the proper authorities.

12 We need to know who they are and what  
13 they're doing, and that's what we don't know.  
14 People do not know what to do when those kinds of  
15 activities occur in their community, and that's  
16 something that I think all communities can work on.

17 CHAIRPERSON WEITZ: Thank you. We're going  
18 to take a five-minute break.

19 (Short recess.)

20 CHAIRPERSON WEITZ: Next is Mr. Cliff  
21 Coney, President NAACP Waterloo chapter. For the  
22 record could you state your name and address,  
23 please? Your mailing address.

24 MR. CONEY: Cliff E. Coney. I'll just give  
25 you my work address.

1           CHAIRPERSON WEITZ:   That's fine.

2           MR. CONEY:   715 East Fourth Street,  
3   Waterloo, Iowa.   Okay.   I'd just like to say  
4   greetings from the Black Hawk County Branch NAACP.  
5   As you know, the practices of racial hatred and  
6   discrimination have not gone away.   Therefore the  
7   efforts of the Black Hawk County NAACP, Waterloo,  
8   Iowa, continue since I took over as president of the  
9   local branch in January of 1999.

10           For those of you who may know or who don't  
11   know the beginnings of the NAACP, William English  
12   Walling (phonetic) and his wife, a journalist who  
13   had just returned to America from czarist Russia,  
14   were in Chicago when the Springfield riot broke out,  
15   and both went at once to investigate.   They were  
16   amazed and horrified to see the killings, the  
17   robblings, the reckless wounding of innocent people  
18   in the hometown of the great emancipator.

19           Deeply moved by the sights he encountered,  
20   Walling wrote a stirring article which was published  
21   by the independent old-time defender of women's  
22   rights.   Mary White Hovington (phonetic) read the  
23   article and was so shocked by the description of  
24   rioting and brutality that she immediately wrote  
25   Mr. Walling asking him about the possibility of

1 doing something about it.

2           Months later Walling, Hovington, Dr. Henry  
3 Martin, all white, met in a little room of a New  
4 York apartment. It was then and there that the  
5 National Association for the Advancement of Colored  
6 People was born. The first NAACP office was in New  
7 York, the New York Evening Post Building on Vessey  
8 Street (phonetic), New York City. So were the  
9 beginnings of the NAACP. Locally for the Black Hawk  
10 Chapter, we have six officers and a 19-member  
11 executive committee, and I am the 25th local NAACP  
12 president of Black Hawk County.

13           The thing that I want to--couple things I  
14 want to report on is that we had--we just had  
15 another successful Freedom Fund Banquet held on  
16 October 23, 1999, which is the main fund-raiser  
17 every year that keeps us afloat and keeps us being  
18 able to operate financially. Our theme this year  
19 was "Back to School, Stay in School," which is one  
20 of our top local issues because of the high minority  
21 dropout rates in the City of Waterloo within the  
22 Waterloo schools.

23           So the number one issue or several issues  
24 that I wanted to talk about that we are looking at  
25 very closely and monitoring these situations are,



1 again, the local Waterloo School District rebuilding  
2 of the schools, how it will affect minority students  
3 in terms of busing, boundary lines for attendance,  
4 location of schools, et cetera; the high number of  
5 minority prisoners in the Black Hawk County Jail and  
6 within the state of Iowa; the continued lack of  
7 economic development on the east side of town and  
8 how it affects the economic conditions of our  
9 neighborhoods in terms of housing, jobs, safety  
10 issues, et cetera; and number four, a new ordinance  
11 that is being proposed by the Waterloo Chief of  
12 Police that would give them the authority to impose  
13 fines on people whom they have reason to believe are  
14 hanging out for the reasons of suspected  
15 drug-related activity.

16 I have that ordinance with me. It's kind  
17 of lengthy, but some of those-- We have met with  
18 the Chief about that ordinance. It's basically a  
19 fine that would be imposed upon people violating two  
20 conditions out of ten of that ordinance for  
21 suspected drug activity. We've already given him  
22 our position on that. Number one, we'd have to get  
23 clearance from the national office to give a  
24 position on that, and, number two, knowing probably  
25 what they would say, we'd probably be opposed to

1 that ordinance.

2 A couple other things I would like to  
3 comment about is there's a lot of things that I  
4 think that, first of all, the NAACP is in the  
5 business of eradicating racism and discrimination  
6 based on race, creed, color, religion, and gender.  
7 To win this war against discrimination and problems  
8 of racism, it's going to take the efforts of many  
9 white people just like in the beginning of the  
10 organization.

11 And during our banquet in October, we  
12 recognized the efforts of FBI Agent Randy Van Gant  
13 (phonetic) from the FBI. He deserved recognition.  
14 He got the President's Award because of his  
15 investigation of cross burning and pike burning  
16 cases that occurred across northern Iowa that  
17 occurred in July and August of 1997. Due to his  
18 investigation, there was a Howard Sawyer (phonetic)  
19 and a Nicholas Lehee (phonetic) who received  
20 sentences for their involvement in these cross  
21 burning cases. So that was a successful case  
22 investigated by him and took many hours of  
23 investigation and resulted in convictions of at  
24 least two individuals.

25 I would like to also-- If you recently

1 read articles in the paper, we talked about-- There  
2 was another article that talked about a person that  
3 was--by the name of Jane Elliot, who was responsible  
4 for the blue-eyed, brown-eyed racism experiment from  
5 Riceville, Iowa. And then just recently in the  
6 paper within the last week, there was a high school  
7 teacher who had the idea to make a plaque that was  
8 honoring the labors of Rosa Parks.

9           So there's been several cases where I think  
10 white people have come forward and started to  
11 recognize things that they can do to help win this  
12 war and eradicate the same problem that we are  
13 trying to fight against, and I think----I think  
14 that's what it's going to take, and I think the  
15 NAACP is alive and well in Black Hawk County and has  
16 its share of problems.

17           A lot of the problems-- I talk to people  
18 on a daily basis, and they say, "Well, what are you  
19 doing? What kind of cases are you working on?" A  
20 lot of my responses are I'm not at liberty to  
21 discuss a lot of the problems in detail, because the  
22 problems that-- If a person comes and has a  
23 problem, number one, that--we treat that very  
24 confidentially. A lot of times we don't publicize  
25 certain things that we're working on until a case is

1 resolved or because of just the confidential nature  
2 of the problem.

3 So I can't say other than fund-raisers or  
4 other than public things that we want the public to  
5 know, membership drives, those kinds of things that  
6 we can publicly announce and talk about, but a lot  
7 of the everyday, common complaint-type problems that  
8 we deal with are strictly confidential. Thank you.

9 CHAIRPERSON WEITZ: Questions?

10 MR. JENKINS: You mentioned that one of the  
11 things that concerns the NAACP is the dropout  
12 problem. Could you be a little bit more expansive  
13 on that? Because we have a representative from the  
14 Office for Civil Rights Department of Education  
15 present with us this evening, and coupled with that  
16 not only dropout problem, but have you reviewed any  
17 problems dealing with suspension rates, push-out  
18 rates?

19 MR. CONEY: I don't have a lot of numbers  
20 on suspension rates, but in '95, '96, the Waterloo  
21 dropout percentage was running about 13.5 percent;  
22 '96-'97, 10.8 percent; '97-'98, 11.1 percent;  
23 '98-'99, 9.1 percent; and I think '99-2000 we're  
24 down a little bit lower than that.

25 These trends or figures, you know, looking

1 at them, you can see that they're on the decrease,  
2 but at the same time when you look at the total  
3 student population as a whole, it's very high  
4 compared to a community like Cedar Falls. Cedar  
5 Falls is maybe not quite 1 percent, 1 percent  
6 dropout rate.

7 MR. JENKINS: The percentages you've given,  
8 is that the total percentage of dropout rate or the  
9 percentage of black dropout rate?

10 MR. CONEY: Those are total.

11 MR. JENKINS: Of that total, what  
12 percentage can you attribute to black dropout rate?

13 MR. CONEY: I don't have those figures. I  
14 don't have the minority dropout rate, but another  
15 article that I wanted to make mention of within my  
16 amount of time is that there was an article in the  
17 paper called "Making the Grade," and it talked about  
18 minority students making great strides academically  
19 in Waterloo High Schools.

20 In '97-'98, 53 out of 196 students had a  
21 grade point average of 2 point or above. '98-'99,  
22 86 out of 200 students, African-American males, had  
23 a 2 point grade point average or above. Females,  
24 '97-'98, 129 out of 200 students had a 2 point  
25 grade point average or above. '98-'99, 135 out of

1 200 students, African-American females, had an  
2 average grade point of 2 point or above.

3 If you read the article and really studied  
4 the article and looked at the individuals involved  
5 here, you would-- This has-- Aside from my duties  
6 as president of the NAACP, this gets more into my  
7 job as a senior counselor with the University of  
8 Northern Iowa Education Counseling Program.

9 All of these individuals, these students in  
10 these articles, are what we call in programs that  
11 wasn't mentioned in this article, programs that are  
12 called College Access Program, namely called the  
13 Trio programs, which is Upperbound Talent Search.  
14 EOC, Upperbound Math, Science, those programs are  
15 associated with the Trio programs. That was not  
16 mentioned in this article.

17 And I think that plays a significant part  
18 of their--of the reason why they're achieving at the  
19 level that they're achieving. I'm concerned about  
20 the number--the great number of students that are  
21 not maybe in College Access Program such as these  
22 and are falling through the cracks every day.

23 MR. JENKINS: How are you addressing that  
24 concern with the local school district?

25 MR. CONEY: I work with the president of

1 the board in my office, and I get a lot of  
2 information from him, and he keeps us informed, and  
3 we met with the superintendent of schools and raised  
4 some of these concerns with him. This past summer  
5 we started a program called the Focus Program  
6 sponsored by the University.

7 We started out with about 21 dropouts,  
8 young men, young ladies who are dropouts from  
9 secondary schools, spent the whole summer doing  
10 activities with them, trying to encourage them,  
11 motivate them, bringing in motivational speakers,  
12 working with them on different academic activities  
13 to return to school.

14 In the fall of this year, approximately 12  
15 out of 21 of those students returned to school. So  
16 I can't think--help but think that that had a  
17 positive--that program had a very positive impact on  
18 those students deciding to return to school.

19 CHAIRPERSON WEITZ: Can I ask you in regard  
20 to that new ordinance that the police department has  
21 proposed, have any of those preconditions been  
22 looked at by a lawyer?

23 MR. CONEY: He's going to talk tomorrow,  
24 and I'm sure he's going to bring this ordinance up,  
25 and I'm going to let him address that, but we have a

1 legal redress committee within the NAACP, and the  
2 national NAACP would also have lawyers on staff that  
3 would look at that type of ordinance too before it  
4 could be--a position would be given. Like I said  
5 before, I think I know--already know the answer to  
6 that, you know, when it gets that far to national.

7 CHAIRPERSON WEITZ: Has this been  
8 recently?

9 MR. CONEY: Yes, just recently. It hasn't  
10 passed-- I don't think it's passed any readings of  
11 the City Council yet.

12 CHAIRPERSON WEITZ: And I don't want to--  
13 But it came from the police department itself.  
14 These preconditions came directly from the police  
15 department it's your understanding?

16 MR. CONEY: Well, the Chief is the one  
17 that's proposing the ordinance, and then I imagine  
18 it would be the City Council too, and the Iowa Civil  
19 Liberties Union has already been on record of  
20 opposing this ordinance and so has the Waterloo  
21 Human Right Committee, who Walter Reed will probably  
22 be addressing that also.

23 MR. HERNANDEZ: Mr. Coney, one question. I  
24 guess I'd like to ask you to answer the question,  
25 how do you see the status of race relations in



1 Waterloo from the standpoint of a historical sense?  
2 Back in 1910 there was a semblance of a ministerial  
3 union. There was-- All the black community was  
4 segregated in a triangle, I think the railroads,  
5 Mobile Street, and another street over there. I'm  
6 not-- It doesn't come to mind, but there's--  
7 Waterloo has the largest black population in Iowa.

8           You know, when I was here a couple of days  
9 talking to folks, I saw some semblance of economic  
10 development on East Fourth Street. Is the black  
11 population, is the minority population in Waterloo  
12 accessing programs that are available to all folks?

13           MR. CONEY: In terms of economic development?

14           MR. HERNANDEZ: Yes. And do they get along  
15 enough that they can--

16           MR. CONEY: I think we have a lot of work  
17 to do in those terms. I don't see any real growth  
18 in economic development on the--especially on the  
19 east side of Waterloo over the years. Ever since  
20 the rioting periods in the late '60s, early '70s  
21 where a lot of the East Fourth section of Waterloo  
22 was burned down in rioting and a lot of the  
23 businesses relocated, moved, and kind of made a  
24 ghost town of that area along Fourth Street, several  
25 blocks of Fourth Street, until this day there's been

1 little or no effort to rebuild any type of sizable  
2 economic development that I can see, other than, you  
3 know, some bars or that type of business that I  
4 don't really call economic development.

5 I think that there needs to be a lot of  
6 effort in that area to fulfill the promise that was  
7 made years ago by the City to get some things going  
8 along Fourth Street in terms of businesses so that,  
9 you know, people can--more people can be employed,  
10 more businesses can be established, more people can  
11 be business owners. That kind of thing I think is  
12 very sorely needed.

13 MR. JENKINS: Let me follow up on that with  
14 a hypothetical. If you could be king for a day in  
15 Waterloo, in Black Hawk County in terms of race  
16 relations, what type of edicts would you hand down  
17 to better race relations in this particular city and  
18 in Black Hawk County? You mentioned economic  
19 development. What else? What other things would  
20 you hand down and say, "These are the things that we  
21 need for better race relations, to implement  
22 immediately for better race relations. These are  
23 some of the things that we need to do on a long-term  
24 basis to better race relations in Waterloo and in  
25 Black Hawk County," if you could be King for a day?

1           MR. CONEY: Well, first of all, I think  
2 that people have to realize, you know, you talk  
3 about the brain drain that's leaving Iowa. You talk  
4 about the--because of, you know, lack of  
5 opportunities within the state with our young  
6 people. I think that we need to do a better job  
7 with getting the powers-that-be to understand that  
8 they have to come up with solutions to that  
9 problem. Otherwise it will continue to happen, and  
10 people will--young people will continue to leave at  
11 more alarming numbers.

12           There's no-- As far as opportunities for  
13 minorities here, that's always historically been a  
14 big problem, that there's a large number of  
15 minorities, young people, that do not want to stay  
16 within the state because they just can't find  
17 opportunities in employment. They can't find  
18 opportunities in education. They can't find a lot  
19 of opportunities that they need to stay here.

20           MR. JENKINS: Is that based on race, or is  
21 it based on just a lack of economic development in  
22 the whole state?

23           MR. CONEY: I think a lot of it's based on  
24 race, because there's definitely economic  
25 development going on in certain parts of the city

1 and certain parts of the state but not in all parts  
2 of the city and the state.

3 MR. JENKINS: Now, follow my line--

4 MR. CONEY: I mean economic development  
5 now, what they call economic development is  
6 what--within the community is the building of  
7 prisons. You talk to somebody about what the  
8 definition of economic development is, well,  
9 prisons, I guess. That's the latest economic  
10 development. And what are the prisons for? To  
11 house and incarcerate people.

12 You know, you're not talking about economic  
13 development in terms of new businesses, in terms of  
14 creating opportunities for young people, in terms  
15 of, you know, all the way across the board equal  
16 opportunities for everyone.

17 MR. JENKINS: Now, let me take this to the  
18 next extreme. Envision me as a young professional.  
19 Convince me to move and live in Waterloo based on  
20 race relations. In other words, what are some of  
21 the positive attributes of this community that one  
22 can build upon and be open to invite young  
23 professionals to move here?

24 MR. CONEY: Relatively probably the  
25 small--a small community. Some positive things?

1 Small community, maybe safe, safety in terms of  
2 crime, that kind of thing, good education system.  
3 We have the university right here. You know, we  
4 have-- There's some positives along with the  
5 negatives that would--that would tend to attract  
6 people. But in order to keep them here once they've  
7 maybe gone through the schools, that's where the  
8 challenge begins.

9 MR. JENKINS: Because so often you hear a  
10 lot of companies say, "Well, we'd like to hire more  
11 minorities and females, particularly minorities, but  
12 we don't have anything to offer in this community."  
13 Then the owners go on. Members of minorities say,  
14 "Look, these are the things that we offer here.  
15 You hire folk. We will take care of them."

16 You know, a lot of corporations, a lot of  
17 folk just simply use that as an excuse not to  
18 recruit minorities, that, "We have nothing here that  
19 will entice you to stay here," but I'm hearing that  
20 Waterloo has a lot to entice people to stay here in  
21 terms of the smallness, hometown atmosphere, that  
22 type of thing. But then why aren't more minorities  
23 coming here is the question I leave for the  
24 community to answer.

25 CHAIRPERSON WEITZ: Thank you.

1           MR. CONEY: Well, a lot of minorities that  
2 come here, they stay a few years, and then they  
3 leave. They don't tend to stay for the long run.  
4 They stay a very short while, and then they leave.  
5 But I mean I work with young people every day.  
6 That's my job I do every day.

7           And I think more young people would stay if  
8 there was more opportunities for them provided for  
9 them in terms of employment, good jobs. In terms of  
10 good jobs I mean decent salaries, those types of  
11 things, but you can't really say that we don't have  
12 the qualifications anymore, we don't have the  
13 education anymore. That's not true. I work with  
14 them every day, and they are qualified. They do  
15 have education. They are ready. They just don't  
16 have the opportunities in terms of someone that's  
17 willing to say, "I'm going to give you a chance."

18           If John Deere felt anything true about  
19 their affirmative action programs that they have in  
20 place, they would have looked at their younger,  
21 particularly African-American males, especially  
22 males, and females, but I mean especially males, and  
23 said, "Hey, I think we should be obligated to try to  
24 do something about keeping more minorities within  
25 the company."

1           But instead they just look strictly at  
2 their bottom line profit picture and just said, you  
3 know, "Last in, first fired." And that's just their  
4 policy, and one of these days it's going to be back  
5 to almost 100 percent Lily white company, which I  
6 don't think is a very good picture to look at in  
7 terms of with the minority population as high as we  
8 have in the city of Waterloo to look at a big  
9 company like and then go out there and not even be  
10 able--probably could count the number of minority  
11 employees, especially within the white-collar  
12 workers probably on one or two hands.

13           I think that's a very sad scenario for a  
14 worldwide company like John Deere. And in answer to  
15 your question, unless you seek changes in those  
16 types of areas, which they had to have a lot of  
17 pressure on them years ago to even begin to hire  
18 some minorities, it's just a sad situation as far as  
19 community is concerned.

20           MR. JENKINS: So am I hearing that really  
21 the agreement begs to be reviewed from an extensive  
22 civil rights review to find out what's going on in  
23 terms of race relations, what's going on in terms of  
24 equal opportunity employment, what's going on in  
25 terms of housing?

1           MR. CONEY: That's right, and who's  
2           benefiting from that.

3           MR. JENKINS: Exactly. One final point I  
4           want to follow up on. In terms of the local  
5           university, University of Northern Iowa, has that  
6           university partnered with the minority community to  
7           recruit and retain minority students and also  
8           professional staff, including professors?

9           MR. CONEY: They're starting to. You know,  
10          there's a lot of work to be done there too.

11          MR. JENKINS: We will talk further.

12          MR. CONEY: You had a question?

13          MR. COULTER: I was going to ask you if you  
14          were aware of Maytag and some of the relationships  
15          they've had in the City of Des Moines in terms of  
16          partnering for the Pep program at some point in the  
17          black community.

18          MR. CONEY: Was I aware of that?

19          MR. COULTER: Yeah. Are you or do you know  
20          of the Urban Education Network? It's a group of  
21          urban education people. I think-- I'm wondering if  
22          people who are in the educational system like  
23          yourself and who have good knowledge of the  
24          community might be needed to be more in the loop or  
25          to begin to look outside of Waterloo for some ways



1 of dealing with a situation that I think you've  
2 portrayed pretty accurately and is pretty  
3 disappointing, especially in comparison of other  
4 companies maybe not quite as big as John Deere.

5 MR. CONEY: We have Michelle T. Meyers  
6 (phonetic) here. She'll probably talk about  
7 partners in education. There's a lot of that type  
8 of activity going on within the Waterloo schools in  
9 a lot of private industry and private businesses.  
10 But my feeling, again my personal feeling, is once--  
11 That's fine in the beginning stages in the early  
12 stages when young people are in school and they're  
13 going through school.

14 But when they graduate, then where do you  
15 go from there? Do you just stop it and let those  
16 young people who you formed these partnerships and  
17 these--you know, given all this assistance to, do  
18 you just let them fall through the cracks, or, you  
19 know, is that the end of your responsibility?

20 Or do you go on further than that and say,  
21 "Hey, you know, we formed a partnership with you  
22 ever since you were in elementary school, and we  
23 followed you all the way through college  
24 graduation. Now I'm going to provide a job for  
25 you"? That's the part that's not being done.

1           And my challenge would be for, you know,  
2 people to look at it on that end and say, "That's  
3 where the doors have to be opened somehow to keep  
4 young people here, keep that brain drain from  
5 happening," because in the future I think Waterloo  
6 is just going to be more of a retirement community  
7 and more older people, and the young people are just  
8 going to be nonexistent unless opportunities for  
9 them open up in the future. And people that are in  
10 the power--or have the power to do something about  
11 this I think need to provide more opportunities, you  
12 know, across the board.

13           MR. VAN LO: As president of NAACP, what do  
14 you think about the relation between minority and  
15 City of Waterloo? Do you rate them bad, very bad,  
16 needs strongly to improve, fair, very fair? What do  
17 you say?

18           MR. CONEY: Like specifically maybe the  
19 police department?

20           MR. VAN LO: Just as a minority coming to  
21 this town. How would I feel?

22           MR. CONEY: If you were a minority?

23           MR. VAN LO: If I were a minority, I come  
24 to this town, and I'm asked this question, would I  
25 feel welcome, not welcome, whatever?

1 MR. CONEY: You would probably sense that  
2 there was a lot of things wrong.

3 MR. VAN LO: Okay. So it needs strongly to  
4 be improved?

5 MR. CONEY: You probably wouldn't-- You  
6 wouldn't get the feeling that the red carpet was  
7 probably rolled out for you. I can say that.

8 MR. VAN LO: If there is any carpet at  
9 all?

10 MR. CONEY: Maybe not. I mean I talked to  
11 principals at schools. I talked to people that have  
12 come in for new professionals, and they tell me  
13 right off-- I had a principal at East High School  
14 where I worked over a number of years, and he told  
15 me that he wanted to live on the east side. He was  
16 told not to by certain powers-that-be, real estate  
17 people, those kinds of things.

18 And like--I think like you mentioned a  
19 while back, the problems that started way back-- Or  
20 Mr. Jenkins mentioned the problems that started way  
21 back with the east side, west side, the division of  
22 the city as a whole in terms of black population,  
23 white population, well, that division is still  
24 encouraged. It's almost like, you know, that's a  
25 no-no.

1           If you talk about the Waterloo schools,  
2   that's a no-no. Enroll your kids anywhere but the  
3   Waterloo schools. Hudson, Cedar Falls, all the  
4   outlying areas. I know of a number of teachers,  
5   people that work within the Waterloo schools, but  
6   their daughters and sons don't attend Waterloo  
7   schools. They go to other schools themselves, which  
8   amazes me because, you know, if the school is good  
9   enough for you to work at and draw a paycheck, then  
10   why is it not good enough for your sons and  
11   daughters?

12           CHAIRPERSON WEITZ: Thank you.

13           (Short pause.)

14           CHAIRPERSON WEITZ: Would you state your  
15   name and your mailing address?

16           MS. STEVENS: Terry Stevens, 1629 Ackermant  
17   Street, Waterloo. Race relations in Waterloo are  
18   not good at all. I won't bite my tongue. First of  
19   all, I'd like to start out by saying that a  
20   sophisticated form of racism and racial  
21   discrimination are both alive and well in this  
22   city. You need only look at data involving  
23   educational attainment or lack of, unemployment,  
24   housing patterns and problems, community growth and  
25   development, the high numbers of our youth that are

1 arrested and incarcerated, and the media portrayal  
2 of our youth and our community.

3           The depiction of our youth in both print  
4 and broadcast media continues to either show them in  
5 an uncomplimentary light, downplays their  
6 contributions to this community, or totally ignores  
7 their accomplishments. It's evidenced by the  
8 following two cases. Recently a series done by the  
9 Orlando Sentinel and recently run in the Waterloo  
10 Courier were articles focusing on youth crime  
11 accompanied by pictures of African-American youth  
12 each day.

13           This continued stereotyping of our children  
14 as wild, uneducated, non-caring criminals only  
15 further fuels the fire of racial hatred shown by  
16 some segments of this community. Or like the case  
17 of Roosevelt Stewart, a talented young  
18 African-American who excelled academically  
19 throughout his school career in Waterloo, but it  
20 took his tragic death for him to receive the  
21 recognition and the public accolades that he and  
22 many other African-American youth are denied.

23           Let me continue my remarks with two  
24 statements. First of all, most of us would concede  
25 that African-American youth are disproportionately

1 represented as illiterate, under or unemployed, teen  
2 parents, and those incarcerated in secure  
3 facilities. What is happening to the youth of  
4 Waterloo, Black Hawk County, and the state of Iowa  
5 is not an isolated situation. Rather it is part of  
6 a national trend to ignore the special needs of  
7 these children.

8           There's a big difference though. Here in  
9 Waterloo this community stands a much better chance  
10 of saving our lost youth than many other communities  
11 around the nation because of our location, because  
12 of the size of our community, because of public and  
13 private resources.

14           Secondly, although I truly believe that  
15 many of us are on the same page in terms of  
16 recognizing the issues that plague our youth, few of  
17 us are in accord about how we should circumvent,  
18 reduce, and eventually eliminate many of the  
19 problems, and even fewer of us are willing to put  
20 forth the effort in terms of dollars, human  
21 resources, physical facilities, and community  
22 support. This type of collaborative effort would  
23 provide educational, social, recreational, and  
24 cultural lifestyles and cultural prevention and  
25 intervention programs that could help redirect the

1 negative lifestyles many of our youth find  
2 themselves involved in.

3 Many youth in general in this area but  
4 African youth in particular are forced into the  
5 criminal justice system because the other systems  
6 that they have been involved with have failed them.  
7 Internal family strife riddled with the effects of  
8 joblessness, poverty, poor education, and poor  
9 parenting as well as substance abuse have turned our  
10 children into pseudoadults who are trying to make it  
11 on their own by whatever means necessary.

12 Even though African-American students in  
13 this district far outnumber other groups, we still  
14 exist within an educational system that has been and  
15 continues to be unresponsive to the cultural  
16 differences and the educational needs of  
17 African-American children while at the same time  
18 making special provisions for the education of other  
19 children.

20 These actions continue to alienate our  
21 youth to the extent that those who do not drop out  
22 of what is often a hostile learning situation are  
23 later sometimes pushed out by an element of  
24 educational caretakers whose attitudes are, "I have  
25 my education. It's up to you to get yours. I don't

1 care if you learn or not."

2 Yet we are asked to believe that our  
3 children have the right to not only a fair education  
4 but also an excellent education where they have as  
5 much of an opportunity to achieve and be recognized  
6 for their achievements as do Caucasian youth. This  
7 is not the case.

8 There are many paper programs that on the  
9 surface are helping our children and that show  
10 individuals within the school district are receiving  
11 and implementing training programs that assist with  
12 diversity education and equity issues.

13 This is not true, because if you look back  
14 over the years at federal dollars that have been  
15 pumped into this community in terms of education,  
16 you need only ask yourself, "Well, if we put all  
17 this money and we have this special program, that  
18 special program, this special program to bring our  
19 children up to par, why are we losing more of our  
20 children each year to the educational system?"

21 Much of the responsibility for equity  
22 issues are now handled by the human resource  
23 director of the school district who, of course, is a  
24 member of the district staff. What is needed is a  
25 nonpartial individual who has no ties to this



1 district and who will not rubber stamp policies,  
2 procedures, administrators, and staff.

3           Regarding the criminal justice system and  
4 African-American youth, our young people are being  
5 turned into manufactured criminals because as a  
6 community of parents, educators, employers, and  
7 other support systems, we have failed to address the  
8 needs of too many of our African-American children.  
9 There are some who make it out. There are few who  
10 get out, but overall the masses of our children are  
11 being ignored.

12           African-American youth are far more likely  
13 to be arrested and detained than are Caucasian  
14 youth. They're also more likely to be rearrested,  
15 readmitted to secure facilities, and have longer  
16 stays in confinement than do the Caucasian youth.  
17 These repeat offenders keep law enforcement  
18 officials, juvenile officers, judges, social  
19 workers, and prison contractors gainfully employed.

20           But vast numbers of our youth are not  
21 rehabilitated and go on in the future to become  
22 adult criminals. So now you can couple a criminal  
23 record with a lack of education, poverty,  
24 oppression, and racial discrimination, and you can  
25 almost ensure that these individuals will not enjoy

1 the benefits of gainful employment in this community  
2 and therefore will probably spend much of their life  
3 as either a parolee or an inmate in Waterloo.

4 Economic stability. Data on the types and  
5 levels of education of our youth diminish the  
6 possibility that large numbers of them will be able  
7 to adapt to the increasingly technological world in  
8 which we live. Advanced classes are practically  
9 null and void for most of our African-American  
10 youth.

11 Accordingly, the future composition of the  
12 area's work force will be almost devoid of  
13 African-Americans. If many of them cannot attain  
14 gainful legal employment, they will do whatever  
15 anyone else of any other color will do. They will  
16 find a way to survive.

17 Clearly until we address the underlying  
18 racial disparity between African-Americans and  
19 Caucasian youth in the areas of education,  
20 employment, and social development, we will continue  
21 to see escalating numbers of our children caught up  
22 in the criminal justice system for years to come.

23 Solutions lie with parents, educators,  
24 employers, and community organizations coming  
25 together to more equitably distribute the knowledge,

1 the wealth, and the development in the Waterloo  
2 community. Waterloo has been in a state of  
3 monitoring for decades.

4           Ever since I was a child everybody has been  
5 monitoring Waterloo in terms of employment, in terms  
6 of housing, in terms of education. What we need  
7 here is enforcement of civil rights. What we need  
8 are sanctions for violations of laws that protect  
9 people of color. Otherwise the status quo will  
10 remain.

11           A look at the issuance of Community  
12 Development Block Grant funds and other federal  
13 programs will show that it's easier for an  
14 established business to receive dollars for  
15 advancement than for low and moderate income  
16 individuals to establish and/or maintain new  
17 business. Are there any questions?

18           MR. JENKINS: I will defer to my colleagues  
19 before I begin.

20           MR. COULTER: I'm particularly concerned.  
21 What is your role in the educational system here in  
22 the Waterloo community?

23           MS. STEVENS: I have been called in as a  
24 consultant in the Waterloo community. I have worked  
25 with parents. I have worked with youth. I also

1 have been involved in the juvenile justice system  
2 whereby a lot of the youth I work with, I work with  
3 transition programs between the juvenile court  
4 system and the Waterloo Community School.

5 For years I served as the chair of the  
6 equity community for the Waterloo Community School  
7 District. We've been fighting for years to bring  
8 these educational equity issues to a halt. Nothing  
9 has been done.

10 MR. COULTER: May I ask you a couple of  
11 follow-up questions specifically about that? You  
12 are very knowledgeable about these affairs. We've  
13 heard from the Department of Education people that  
14 finally there was an equity coordinator. Is that in  
15 fact the case?

16 MS. STEVENS: To my knowledge, there is not  
17 an equity coordinator per se, but many of these  
18 duties have been given to people, other people. The  
19 human resources director, I believe, has gotten a  
20 lot of these issues to deal with. I don't believe--  
21 And I'm saying that from my heart. I do not believe  
22 that there is an individual whose main job and  
23 position is to take care of equity issues within the  
24 community--or the school district.

25 MR. COULTER: Do you think that's what

1 needs to be done?

2 MS. STEVENS: Most definitely.

3 CHAIRPERSON WEITZ: But it was--but it  
4 would be a job somebody wants to hold within the  
5 school system, and doesn't that influence how far an  
6 equity coordinator is going to go?

7 MS. STEVENS: That's why I feel it should  
8 not be someone from within who has years of  
9 commitment and loyalty to the school district but a  
10 person who is nonpartisan whose job is, whose  
11 commitment to, whose dedication is to come in and  
12 squeak out all of these equity issues.

13 MS. FRIAUF: I assumed that since you were  
14 listed as an educational consultant that you worked  
15 for the school system. You do not?

16 MS. STEVENS: No. I am a private  
17 educational consultant. I have consulted with the  
18 school. I have consulted with the University of  
19 Northern Iowa and other areas.

20 MS. FRIAUF: I'm sorry. That was my own  
21 mistake. I just assumed.

22 MS. STEVENS: I have worked for Waterloo  
23 Community Schools before, but I am not in that  
24 capacity here.

25 CHAIRPERSON WEITZ: You don't have to

1 answer this question, but when you do-- And I  
2 sincerely mean that. When you do work with school  
3 officials and when you do work with people at the  
4 University of Northern Iowa, do you come away with  
5 the impression that they're just trying to soothe  
6 you and get you out the door, or do you come away  
7 with the impression that there's some good people  
8 here that are trying to work against change--for  
9 change, but for whatever reason things are working  
10 against them?

11 MS. STEVENS: There are some good people  
12 who are trying to get some things done. I would in  
13 no way say that everybody in the school district or  
14 the university setting are not interested in these  
15 issues, but they're powerless. Many of them are  
16 untrained.

17 Many of them have not the slightest idea of  
18 how to deal with people of color, you know,  
19 regardless of what color they are, so my stance is  
20 get somebody who's comfortable dealing with these  
21 things, who is not tied to the district, who has to  
22 answer to the district per se to get these things  
23 done.

24 MR. JENKINS: Have you met with the  
25 representative or representatives from the

1 Department of Education office and arranged to talk  
2 in terms of some of your concerns about the local  
3 school district?

4 MS. STEVENS: Yes, I have.

5 MR. JENKINS: And what has been the  
6 response from that department?

7 MS. STEVENS: Well, as the sister over here  
8 said, they have been working with the school  
9 district to some extent. This school district is  
10 really sophisticated in the way that it covers  
11 things up, makes things look like they're not, and  
12 "We are really doing our best to do a good job here  
13 for all kids. We want everybody to have an  
14 excellent education."

15 But if you look at the statistics, you look  
16 at the data, you look at the dropouts, you look at  
17 the referrals, you can find that there's not a whole  
18 heck of a lot of difference in what's been going on  
19 over the years. And I am a product of this school  
20 district, so, you know, I've been a student. I've  
21 been a parent. I've been a community volunteer  
22 within this school district, and there are not a lot  
23 of changes that have been made.

24 MR. JENKINS: Again, let me use this  
25 hypothetical reference. Not only in terms of

1 education, but employment, administration of  
2 justice, just general race relations, if you could  
3 be ruler of this community for one day and  
4 everything that you say would be put into practice,  
5 how would you--what would be some of the edicts that  
6 you would hand down, not only in terms of education,  
7 employment, and general race relations?

8 MS. STEVENS: The very first thing I would  
9 do would be to dismantle the systemic institutional  
10 racism that exists in this city. I would do that by  
11 if you haven't done your job by functioning and  
12 getting the people in here we claim that we're  
13 getting in here, if you have not learned from the  
14 training that we keep spending these thousands and  
15 millions of dollars on how to work with people and  
16 make things change, you got to go, point blank. Get  
17 out and let's start over.

18 Okay. That's the first thing I would do.  
19 The second thing I would do would be to find people  
20 who really care, you know. It's one thing to have a  
21 job you punch in at 9, you punch out at 5, and  
22 you're supposed to do these things, but you need  
23 people who care about what's going on in here.

24 Those are the people that would be hired.  
25 They would be trained together. They would help



1 develop a plan for this community in terms of  
2 education, economic development, and recreation and  
3 cultural activities. We don't even have those in  
4 this community. So the people who would be involved  
5 would develop the plan according to the laws of this  
6 country. They would not only be monitored, but they  
7 would be sanctioned if they were not doing them, and  
8 they would be rewarded if they were.

9 MR. JENKINS: In terms of race relations  
10 dialogue, a couple of years ago the President  
11 indicated that he wanted to push race relations  
12 dialogue throughout the nation. Was anything done  
13 in Waterloo concerning a dialogue to bring the races  
14 together to begin to work on a general plan to  
15 better race relations in this community? And if so,  
16 what came out of it? If not, why not?

17 MS. STEVENS: I believe that there were  
18 several youth from this community that were sent out  
19 to participate in some of the talks on the east  
20 coast. There are now racial dialogue groups that  
21 are sponsored, I believe, through the Waterloo Human  
22 Rights Commission. We don't need any dialogue.

23 With all due respect, we don't need to talk  
24 anymore. We need to do some things. People need to  
25 be forced to take action on what is going on. We've

1 talked about all these issues. I'm 49 years old,  
2 and we've talked about these issues since I was in  
3 intermediate school.

4 MR. JENKINS: So in other words, we have  
5 reasonably good laws on the books in terms of civil  
6 rights, but it's the lack of enforcement that's  
7 prevalent throughout this community?

8 MS. STEVENS: The lack of enforcement and  
9 the lack of people who are not only qualified but  
10 committed to making changes in the area of human  
11 rights and civil rights.

12 MR. JENKINS: Okay.

13 MR. HERNANDEZ: You were describing with  
14 somewhat of a timeline of black inmates, black  
15 people going into prison. Have you been able to  
16 pinpoint who they are? Are they high school  
17 graduates? Are they dropouts? Or at what point do  
18 they enter the criminal--the judicial system?

19 And the reason I say this is that I saw a  
20 real nice--well, an alternative school right next to  
21 a health center, and the OCR person said there's at  
22 least two alternative schools. Are they not working  
23 for the black youth, the minority youth in town?

24 MS. STEVENS: You're speaking of Expo,  
25 which is an alternative school for children who just

1 can't swing in the regular school setting. The  
2 other is called an Educational Discipline Center, so  
3 by its name it tells you what they're really seeking  
4 there. You know, they're seeking to discipline  
5 children in a manner that makes it more conducive  
6 for them to be in the mainstream of education.  
7 They're working to some extent, but there are small  
8 numbers of students involved in these settings.  
9 It's not like you have a lot of our children  
10 involved in that--in those two alternative schools.

11 In terms of entering the juvenile justice  
12 system, the children are getting younger and  
13 younger. Eleven-year-olds, you know, and you can  
14 see eleven-year-olds any time of the day out on the  
15 strip selling drugs. I'm not a big proponent--a big  
16 fan of the police department because over and over I  
17 see police cars ride right past the activity over  
18 and over, but they see it happening, but then when  
19 there needs to be a quota, then police are busting  
20 everybody that they want to bust. Okay?

21 Our kids are going into the criminal  
22 justice system, and they're staying in there until  
23 they become adults. There's no break in the cycle  
24 that allows them to come out of that system,  
25 redirect their lives, and no longer be involved in

1 the criminal justice system as an adult. So the age  
2 is starting younger, but it's continuing.

3 MS. FRIAUF: I have another question. You  
4 mentioned that a lot of the people who are holding  
5 positions where they might be able to make some  
6 changes are not doing their jobs. Why do you think  
7 they're not doing their jobs? What is the  
8 undercurrent or what is causing people to be afraid  
9 to make waves? Is that-- That's the feeling I'm  
10 getting from you, that there's an undercurrent  
11 nobody wants to disturb this status quo.

12 MS. STEVENS: Because on the surface  
13 Waterloo is a nice place to live until you live  
14 here. That's one of the factors. The second factor  
15 is people are afraid-- Some of the people are  
16 afraid of losing their jobs.

17 MS. FRIAUF: Of losing their jobs.

18 MS. STEVENS: And it's not like they don't  
19 lose their jobs. When you stand up around here, you  
20 lose your job. Okay? One of the other factors is  
21 some of the other people don't really care. It's a  
22 job. Those are the three factors that I see that  
23 prevail.

24 CHAIRPERSON WEITZ: You didn't mention at  
25 all that it's wrong. Do you think that even enters

1 into anybody's equation?

2 MS. STEVENS: If it does, it slips out the  
3 other side of the brain real quick.

4 CHAIRPERSON WEITZ: Thank you.

5 (Short pause.)

6 CHAIRPERSON WEITZ: For the record can you  
7 state your name and address?

8 MR. GOODSON: My name is David W. Goodson,  
9 419 Douglas Street, Waterloo, Iowa. That's 03.  
10 Ready?

11 MR. JENKINS: Yep.

12 MR. GOODSON: Okay. I've got so much  
13 stuff, I don't know where to start in the short  
14 amount of time. First of all, when the other  
15 officials get here in the morning, don't believe  
16 them. I'll warn you.

17 MR. JENKINS: Why not? Go on.

18 MR. GOODSON: Because things are not as  
19 good as they are going to tell you they are. But  
20 first, I guess, as the-- You have me down as the  
21 community enabler. I'm also going to wear my other  
22 hat tonight, which is the minister of social justice  
23 with the Koinonia Ministries, which is headed by  
24 Reverend Helen Seenster, and I cross those hats  
25 because most of what I do under both hats have a lot

1 of overlap.

2 I was asked to deal with the issue I think  
3 basically pertaining to community or race relations  
4 and law enforcement and that kind of thing, and so,  
5 again, it really is a lot, so I'm going to have to  
6 try and talk fast and get through some of this  
7 stuff, and then I'm sure I'll have a few questions  
8 from you.

9 But let me deal with first the relationship  
10 with law enforcement and the black community. And  
11 let me get this out on the table first. We all know  
12 that there are good cops. Of course, I'm going to  
13 talk about the other perspective, that there are  
14 some cops that are not so good. We know that there  
15 are some good cops.

16 One of the things that strikes me in terms  
17 of this particular administration here in Black Hawk  
18 County, particularly with Chief Koehrsen, is  
19 sometimes the perception that he creates in the  
20 community, the perception that the black community  
21 is so violent and so crime ridden and so gang  
22 turbulent, and in many articles in the newspaper  
23 he's created that image that the black community--  
24 I remember one particular article he said that, "Now  
25 East Fourth Street is safe to walk down at night."

1 Prior to that it wasn't safe. And all of my life I  
2 could walk down East Fourth Street and be safe.  
3 Most of my life most white folks could walk down  
4 East Fourth Street and be safe, even today.

5 So I think that's very important when you  
6 have City officials of law enforcement creating that  
7 kind of image and playing on the fears and ignorance  
8 of a white community, and so I think that's very  
9 important, and it's critical.

10 We have been in one sense fortunate in  
11 Waterloo that we haven't had the kinds of cases, the  
12 Rodney Kings, the Hablo Rojemas (phonetic) and  
13 those--the Johnny Damages (phonetic), and those kind  
14 of cases. We know police brutality across the  
15 country is an epidemic, but we have been fortunate  
16 in Waterloo that we haven't had those cases to that  
17 severity.

18 However, when that environment and  
19 atmosphere is created, it's only a matter of time  
20 that it is inevitable, and I think part of this  
21 administration is creating that kind of an image of  
22 the black community of Waterloo. I could go on to a  
23 lot more than that, but--

24 MR. JENKINS: For the record, let me  
25 address this point because of some legal

1 requirements here. Regarding the allegation and  
2 your statement, have you met with the Police Chief  
3 to bring this to his attention, these perceptions  
4 that he supposedly has created in the white  
5 community? And if so, what has happened?

6 MR. GOODSON: No, I haven't. I haven't met  
7 with him specifically about those allegations. I'm  
8 making those allegations on some of the news  
9 articles that's been printed and his--and some of  
10 his comments, that kind of thing.

11 MR. JENKINS: But in fact you have not met  
12 with him to address those points?

13 MR. GOODSON: No, absolutely not. One of  
14 the other things, just before I move away from law  
15 enforcement, one of the-- I used to work with the  
16 Black Hawk County Youth Shelter, and we used to take  
17 the youth on different outings, baseball games,  
18 football, basketball, all sorts of things.

19 And one of the things I observed and I  
20 think many African-Americans in our community  
21 observed is that any time-- I've observed it every  
22 single time. I don't know about-- And many of us  
23 have probably observed this, but-- And it's sort of  
24 a small thing, but I think it's an important thing.

25 Every time I've observed law enforcement,



1 you know, patrolling, security at basically white  
2 events, like baseball games out at the stadium and  
3 sometimes basketball games at west side--West High  
4 versus East High, those law enforcement officers are  
5 basically calm and relaxed, and they visit with  
6 people, and they talk to the people and so forth.

7 But every single time I've observed them  
8 sort of in the East High games, black community,  
9 those kind of settings, they're always combat  
10 ready. Do you understand? They always have their  
11 game face on. Something has got to happen, so  
12 you've got to be ready. You've got to be alert.  
13 You can't socialize. You can't-- So I think those  
14 are small things, but I think they're very important  
15 things in terms of attitudes towards one community  
16 versus another community.

17 Let me move into the area with the  
18 community--I mean the County Sheriff's office. In  
19 terms of that there's-- We're always concerned--  
20 And we're concerned in many of these areas,  
21 education, all these areas, and we're always  
22 concerned in terms of recruitment, retention for  
23 hiring, and those kinds of things, the treatment of  
24 inmates in the jail.

25 There's been a series of complaints and

1 lawsuits against the County Jail for treatment of  
2 inmates, whether or not they're giving them their  
3 medications on time, physical harm, so forth and so  
4 on, and one of the things that's real important to  
5 me and I think others is that.

6 But, again, I can't cover everything.  
7 Again, hiring and retention of African-American  
8 staff. The County Sheriff's Department had an  
9 opportunity when they built a new jail to hire--  
10 There was two positions, booking clerks and the  
11 master control technicians. I think there was like  
12 seven or eight booking clerk positions and seven or  
13 eight master control technician positions.

14 And I met-- I worked for the County at  
15 that time. I worked for the Black Hawk County Youth  
16 Shelter. It's the same shelter. And I met with Tom  
17 Pounds, who is the personnel director. We met over  
18 the course of months, because I said I'm  
19 particularly concerned about those positions because  
20 all they required was a high school diploma. The  
21 starting pay I think was 11, \$12 an hour, benefits  
22 and so forth.

23 So I said, "Well, minorities should be  
24 qualified for that," you know, high school diploma.  
25 And out of those positions, I believe I'm correct, I

1 believe that I'm correct that there was only one  
2 African-American hired at that time, and that person  
3 worked within the county, so he was transferred  
4 over.

5           There's a situation right now going on at  
6 the Sheriff's office, and that's with a young lady  
7 who was a deputy who's just been terminated, Deborah  
8 Sallis. And during that termination-- I call it  
9 wrongful termination to date. Before the ruling  
10 comes, whatever they rule on, it was a wrongful  
11 termination. She is basically terminated for what  
12 is known as a common practice.

13           I don't know what kind of positions you  
14 hold. I've been a counselor, and I've been some  
15 other things, but I know-- It's one of those  
16 things. I analogize it with another case that  
17 happened in Black Hawk County. That's the case of  
18 Willie Bradford, who worked at Pathways. He wrote a  
19 letter for a young man who's in prison. He's a  
20 substance abuse counselor. But he didn't get the  
21 release of information signed first, so the agency--  
22 In the letter contained, you know, "Give an  
23 African-American male a chance. The system is  
24 already overridden with black males." The jurors  
25 didn't like the language in the letter. The judge

1 sent the letter back to the agency. The agency  
2 wrote the letter--the judge a letter and said,  
3 "We'll deal with the situation." They fired him.  
4 Okay?

5 Now, this is a common practice that it's--  
6 You're not supposed to write letters and give  
7 information before you get a release signed, but  
8 many people do. Many counselors do. They write a  
9 letter or they'll get information from this person.  
10 They'll get the release signed later. It's one of  
11 those things that you're not supposed to do, but  
12 it's really a common practice on the job.

13 And so that's sort of what happened in this  
14 case with Deb Sallis. What she was terminated for  
15 was a common practice among all the deputies, but  
16 they singled her out and terminated her, selective  
17 termination, selective prosecution, the whole nine  
18 yards.

19 MR. JENKINS: Again, for a legal  
20 requirement, did she violate a procedure?

21 MR. GOODSON: Yeah.

22 MR. JENKINS: Okay. She violated the  
23 procedure, and she was dealt with by the system.  
24 Regardless of what type of practice had been going  
25 on before, she violated the procedure.

1 MR. GOODSON: Well, if we want--

2 MR. JENKINS: Did she violate the procedure?

3 MR. GOODSON: Absolutely.

4 MR. JENKINS: Okay. Let me back up to  
5 something else again to clean the record up. You  
6 indicated a couple of--at the new jail at least one  
7 black was hired for that position. Do you know how  
8 many blacks applied for that job?

9 MR. GOODSON: I know a few applied-- I  
10 don't know how many, but that was one of the reasons  
11 I met with Tom Pounds, to assure that  
12 African-Americans got into the pool of applications.

13 MR. JENKINS: But you don't know how many.

14 MR. GOODSON: I don't know how many. So,  
15 let's see. Again, let me see.

16 CHAIRPERSON WEITZ: I'm sorry to interrupt,  
17 but about one more point you have time for. Then  
18 we'll have questions.

19 MR. GOODSON: Okay. The last thing, I  
20 guess, to move away from that, is I guess criminal  
21 justice system overall, particularly in Black Hawk  
22 County, I think we get the picture across the  
23 country there's a problem. The statistics is over  
24 50 percent now African-Americans incarcerated inmate  
25 population.

1           The Black Hawk County about-- And I have a  
2 copy of it. I'm going to give you guys a copy, and  
3 you can make copies of it for one another, but--  
4 I've got to find a copy. But anyway, it must have  
5 been 1992, 1993, and when Ms. Terry Stevens was  
6 talking about, you know, we've studied, we've  
7 studied, we've looked at this, we've had dialogue  
8 and on and on and on and on, there was a study done  
9 by Professor Keith Pruitt (phonetic) at the  
10 University of Northern Iowa to determine whether  
11 there was bias in the Black Hawk County court system.

12           His study came back. Years prior to that  
13 they studied it before. Yes. As a result of that  
14 there was a committee formed called the Equality in  
15 the Courts Task Force, and at the time I was a  
16 member of that committee made up of Judge  
17 Rothschild, Attorney Brad Harris, Attorney Bruce  
18 Braley, Assistant County Attorney Stephanie  
19 Wright--she's now a federal attorney--and a couple  
20 other attorneys.

21           And what we did in that task force in the  
22 Equality in the Courts Task Force was look at three  
23 particular areas, when the criminal defendants are  
24 charged; number two, the setting of bails and  
25 pretrial release; and number three, sentencing.

1 And, of course, in all those particular areas-- I  
2 won't go into the details. A lot of the stuff is in  
3 the report.

4 In all of those areas they found bias, and  
5 they even surveyed judges and surveyed prosecutors  
6 and surveyed lawyers and law enforcement, and  
7 basically everybody says, "Well, yes,  
8 African-Americans, minorities, seem to be at a  
9 disadvantage," and lots of stuff is in there.

10 And so bottom line is as a result of all of  
11 this, you know, study, study, study, you know, I  
12 think it's just indicative that we have to move  
13 beyond the studies and the dialogue. The dialogue  
14 is good. Walter Reed and the Human Rights  
15 Commission, the Study Circles, the dialogue is  
16 good. Those things are creating environments that  
17 people can really come together and work together.  
18 There are some things that have come out of that.

19 Some young ladies have started a cultural  
20 restaurant type of deal, and some other folks have  
21 done this and that. So dialogue for me is always  
22 good, but we also need some aggressive approaches to  
23 deal with situations too. I had-- That would be my  
24 last point.

25 I had a note from someone. I don't know if

1 we'll have time, but they knew that I had dealt  
2 quite a bit--well, pretty extensively with the local  
3 educational system and what was called the PDK  
4 report that came out a few months back, and it's  
5 very--it's startling.

6 MR. JENKINS: What type of report? I'm  
7 sorry.

8 MR. GOODSON: It was a PDK report that was  
9 done at the Waterloo School District. They hired an  
10 audit--a school curriculum audit management team to  
11 come into the district to analyze basically  
12 everything in this district. If you want a couple  
13 details on it, I can share that.

14 Basically due to some of the problems that  
15 was going on in the district and has been going on  
16 for quite some time, the PDK report-- Let me just  
17 talk about that for about two minutes. The PDK  
18 report, what the auditors said--and keep this in  
19 mind, keep this in mind, because the auditors that  
20 they hired were the best auditors in the country.  
21 They're the best auditors in the country.

22 They've been doing this school curriculum  
23 audit management for years, and not only that, not  
24 only that, they said this is the first time that  
25 that many auditors, that level of expertise has ever



1 come together to do one of these audits. So I  
2 called it the dream team because it's the first time  
3 in history they came together and did that type of  
4 an audit.

5 And what they do when they go into a school  
6 district and they point out in the report is that  
7 they tell you what they look for. They tell you  
8 their standard and their criteria, and they tell you  
9 the things that they look for. They tell you what  
10 they found, and then they give you recommendations.  
11 Okay?

12 And so in their criteria, part of their  
13 criteria says that they have a 22-tier criteria, and  
14 school districts, whatever district they go to, the  
15 district has to meet at least 70 percent of that  
16 criteria in order for them to qualify their school  
17 as functioning effectively and curriculum, policy,  
18 and the works.

19 Waterloo Community School District met zero  
20 of the criteria. They failed on every single  
21 category, met zero of the criteria. Then when they  
22 go into the findings and recommendations, they  
23 found--they list out disparities and that kind of  
24 thing and equity issues and so forth.

25 And the recommendations, they found that

1 the most serious problem, which in a community group  
2 that we have we focused on this thing, but anyway  
3 the most serious problem in the Waterloo Community  
4 School District is the achievement gap based on  
5 race, minority and majority students, and it gives  
6 some statistics on achievement, out-of-school  
7 suspension, teacher/student ratio in terms of race,  
8 and it's horrendous.

9           At the secondary level there's 40-- There  
10 was. I think, Bev Smith (phonetic) has hired a few  
11 more, but there were 41 black teachers at that time,  
12 which represented 5.5 percent of the teacher  
13 population. And there were 1400 or so students,  
14 which represented, I think, 26 percent of the  
15 population. White students was 3,600 and some white  
16 students representing 70 some percent of the  
17 population, and the white teachers was 695 white  
18 teachers, representing 92 point some percent of the  
19 teacher population.

20           Well, I don't want to get bogged down with  
21 numbers and stats, but that was one of the critical  
22 issues in terms of this school district, and it's  
23 still going on. I heard people talking about equity  
24 issues and what's going on with that, and I agreed  
25 with Terry Stevens that we need an outside person

1 who doesn't have the connection and ties to the  
2 district to come in.

3           However, they have assigned Bev Smith, who  
4 is the assistant superintendent, to deal with the  
5 equity issues, and as far as people in the district,  
6 she's the best person in the district to deal with  
7 the issues, but we would much rather see an outside  
8 person do that.

9           CHAIRPERSON WEITZ: I'll open up the floor  
10 to questions now. Where is the result of that study  
11 at, the PDK? Have the results been published?

12           MR. GOODSON: Yeah. I don't have that with  
13 me. I didn't intend on--

14           CHAIRPERSON WEITZ: That's fine.

15           MR. GOODSON: Yeah, but you can get copies  
16 of that through the administration building, but I  
17 do have that also.

18           CHAIRPERSON WEITZ: Thank you.

19           MR. GOODSON: Thank you.

20           MR. JENKINS: Go off the record for a  
21 minute.

22           (Discussion off the record.)

23           MR. VAN LO: You just said that some  
24 employee had been fired because they have violated  
25 some procedures, but if my understanding is right,

1 if Caucasian or the white person violated the  
2 procedures, they are not getting fired.

3 MR. GOODSON: Absolutely, absolutely.

4 MR. JENKINS: Do you know that for a fact?  
5 Can you stand and say that for a fact?

6 MR. GOODSON: Did I see it? No, I didn't  
7 see it.

8 MR. JENKINS: Do you have any proof of  
9 that?

10 MR. GOODSON: In that particular case?

11 MR. JENKINS: In his example.

12 MR. GOODSON: In the particular case of  
13 Deborah Sallis with the County Sheriff's--

14 MR. JENKINS: We've covered that already.

15 MR. GOODSON: No, I do not. In the case,  
16 for instance, the Willie Bradford case who also  
17 worked as a counselor, yes, I have proof because I  
18 was a counselor. I did the same thing. Okay? And  
19 other counselors did the same thing.

20 I would talk to you because I knew you as a  
21 probation officer. He's my client, and he wasn't  
22 here today. I couldn't get a release signed, so I  
23 gave you information. You gave me information. He  
24 come in the next day. I say, "Well, sign this  
25 release. I talked to your PO." It's common

1 practice, and those are the kinds of things that  
2 happen more often to black folks or minorities than  
3 anybody else.

4 MR. JENKINS: But his question was, if a  
5 white person did that, would that white person be  
6 terminated?

7 MR. GOODSON: No.

8 MR. JENKINS: Do you know that for a fact?

9 MR. GOODSON: Yeah.

10 MR. JENKINS: Because you may have to  
11 defend that statement. In all honesty, you may have  
12 to defend that statement.

13 MR. GOODSON: Okay.

14 MR. JENKINS: Okay.

15 CHAIRPERSON WEITZ: Thank you.

16 (Short pause.)

17 CHAIRPERSON WEITZ: Would you state your  
18 name and your mailing address, please?

19 SISTER KATHLEEN GRACE: I'm Sister Kathleen  
20 Grace. I worked at 320 Mulberry in Waterloo, Iowa.  
21 I work for the Catholic churches in Waterloo, Iowa,  
22 and I was basically hired because a lot of Hispanic  
23 people were moving into Waterloo mainly to work at  
24 the IBP meatpacking plant, and part of my job  
25 description includes working with humanitarian needs

1 and advocacy.

2           And there are three areas that I'd like to  
3 talk about. One is the conduct of the police  
4 department or what I see as discriminatory  
5 practices. About two months ago, several teenagers  
6 were in a car, and they were stopped, and I'm not  
7 sure what the infraction was. But this one  
8 17-year-old boy was in the backseat of the car, and  
9 he was asked to show his ID papers, which at the  
10 point he didn't have valid identification papers, so  
11 he was taken to jail, and now he's on probation  
12 through the juvenile court system.

13           But the problem I have with that is that  
14 it's not the regular practice of the police  
15 department to check the identification papers of  
16 everybody in the car when they make a basic stop.

17           The other thing that happened, several  
18 years ago a Hispanic man had stopped at the  
19 police--at the gas station on the corner of Bishop  
20 and Independence, and while he was pumping gas, the  
21 police stopped and asked him for his identification  
22 papers, which he didn't have.

23           And I did call and complain about that, and  
24 I was told that the police had a right to do that  
25 because he fit the profile of people that don't have

1 correct identification papers. But, you know,  
2 that's not a practice either. Or, you know, who  
3 fits the profile?

4 I think the other thing--and this is  
5 unfortunate--but in Waterloo you're basically  
6 illegal until you can prove otherwise if you look  
7 like you're Hispanic, and that's just a fact.

8 Okay. The other thing that happened, this  
9 is in the area of housing. Right next to me is a  
10 rental property, and that rental property was rented  
11 to a Hispanic family, and when they moved, which was  
12 last April, another family said, "Well, we would  
13 like to live in this house. Would you ask the  
14 landlord if they can--if we can live in this  
15 house?" So I asked the landlord if they could live  
16 in this house, and she said, well, she would have to  
17 think about it.

18 Then she came back and she told me, no, she  
19 wouldn't let them live there because they had more  
20 people living in the house than their contract said  
21 could live there, and she came to the house once,  
22 and there was a party going on, and they weren't  
23 there. And I happen to know what that situation  
24 was, and the couple just left to go buy some more  
25 food because there were a lot of people. You know,

1 it wasn't that they opened their house to the world.

2 And then she said also, "I have called  
3 around, and other people say that Hispanics let  
4 their relatives move into their house," which is  
5 kind of a fact, but I told her that that's illegal  
6 because you can't--you can't punish another family  
7 for what the first family does just on the basis  
8 that they belong to the same ethnic group.

9 And I didn't pursue it any farther because  
10 she said she wasn't going to rent. She was going to  
11 sell, which eventually that's what she did. She  
12 sold the house rather than rent it to anybody else.  
13 But that was one instance, but there's a lot of that  
14 generalization in Waterloo, according to what ethnic  
15 or racial group you happen to belong to.

16 The third comment I have is kind of  
17 regarding equal opportunity, and I kind of get the  
18 feeling that equal opportunity means I can offer a  
19 public service and say everybody's welcome, and  
20 that's equal opportunity, and it doesn't matter if  
21 the program is designed so it's accessible to all  
22 people or not.

23 I think Ms. Stevens was kind of getting  
24 around to that too in the educational system. And  
25 just looking specifically at the educational system,



1 children come into Waterloo-- And I realize it's a  
2 big issue, you know, but they come into the school  
3 system, and depending on the amount of English that  
4 they have, they are put into just English only--or  
5 English as a Second Language classes.

6           Okay. But it's not until they can speak  
7 English enough to go in. It's until the semester is  
8 ended. Then they take a test. Then they either  
9 start all over or they go to West High, which at  
10 that point they're put into classes where they sort  
11 of either sink or swim.

12           And some of them because of their  
13 educational background are not really prepared to  
14 maybe be in ninth grade math or maybe being in tenth  
15 grade math. So, you know, they have access, but  
16 it's not fitting what they need. And like I checked  
17 into-- I mean you really need to get a G.E.D. if  
18 you're going to advance at all in this country, and  
19 basically to get a G.E.D.--even to get to start, you  
20 have to be able to speak English and read at an  
21 eighth grade level.

22           Well, there are children that are, you  
23 know, going through the school system that really  
24 can't read at an eighth grade level because we're  
25 not really set up so that the educational system

1 isn't really giving equal opportunity to advance to  
2 these children. So that's pretty much my  
3 statements.

4 CHAIRPERSON WEITZ: Thank you. Questions?

5 MR. COULTER: Let me follow up on your last  
6 point. Is it your perception that people that have  
7 been put into ungraded classes or into special  
8 education classes are--they're at some point,  
9 regardless of where they are in their educational  
10 development, dumped, if you will, when they begin  
11 high school?

12 SISTER KATHLEEN GRACE: I think-- I don't  
13 know if they're dumped when they begin high school,  
14 but I think when they begin high school, they're  
15 kind of assigned to these classes whether they  
16 really fit there or not.

17 MR. COULTER: How are they assigned? What  
18 is your understanding of how they are--when they--  
19 What triggers their being sent to high school?

20 SISTER KATHLEEN GRACE: Okay. What  
21 triggers them being sent to high school is basically  
22 they were--

23 MR. COULTER: Age?

24 SISTER KATHLEEN GRACE: Yeah. They were  
25 either in the middle grades--I mean in the middle

1 school and left there and moved on to high school,  
2 or they maybe came in when they were 14 or 15. They  
3 moved to the country when they were 14 or 15, went  
4 through that semester of English as a Second  
5 Language, passed the test, and then they're put in  
6 high school, and then they're put in maybe like  
7 ninth grade math.

8 CHAIRPERSON WEITZ: It's more a process  
9 where they only have to be proficient in  
10 understanding English. They don't have to be  
11 proficient in the subject material.

12 SISTER KATHLEEN GRACE: The subject  
13 material.

14 CHAIRPERSON WEITZ: And there's no-- The  
15 only testing they get is language based.

16 SISTER KATHLEEN GRACE: Right.

17 CHAIRPERSON WEITZ: And is anybody  
18 concerned-- Aside from you, is anybody else  
19 concerned with this issue? Are they working on it  
20 within the school district? Is there a committee or  
21 a group of people concerned about this?

22 SISTER KATHLEEN GRACE: Well, I don't know  
23 that there's a committee working on it. I know  
24 there are some individual teachers that have spoken  
25 to me that are concerned about it, but I think--I

1 think it goes back to the administration, and I  
2 think it goes back to dollars, you know, of hiring  
3 teachers for small classes or whatever.

4 MR. VAN LO: Do they have bilingual help at  
5 all? Do they have bilingual help?

6 SISTER KATHLEEN GRACE: Bilingual help?

7 MR. VAN LO: I mean do they have Hispanic  
8 person who can help those kids?

9 SISTER KATHLEEN GRACE: Not very many. I'm  
10 not sure in the high school just-- I know there's--  
11 I'm not even sure about that.

12 MR. VAN LO: What you say also is that they  
13 are in ESL one semester, and after that that's it.

14 SISTER KATHLEEN GRACE: Yeah. And in that  
15 ESL class there's no one that's bilingual  
16 Spanish-English.

17 MR. VAN LO: But they do help.

18 SISTER KATHLEEN GRACE: Right.

19 MR. VAN LO: And they take a test in one  
20 semester. According to research it takes more than  
21 a semester to become proficient in English. I'm  
22 very amazed that they can do that. I've been here  
23 23 years, and I still do not speak good English  
24 here, and I wonder, but you say, yes, they have a  
25 program, but they do not have a bilingual program.

1           SISTER KATHLEEN GRACE:   No.

2           MR. VAN LO:   They also receive fund from  
3 the federal government.

4           SISTER KATHLEEN GRACE:   Uh-huh.   And I  
5 think they maybe use some of that funding--I'm not  
6 real clear on the whole funding, you know--more for  
7 the younger children or the grade school program.   I  
8 know they have one bilingual teacher in the grade  
9 school program that teaches--   I think she teaches  
10 like four, five, and six or something like that.

11          MR. VAN LO:   How is the dropout for  
12 Hispanics?

13          SISTER KATHLEEN GRACE:   It's high.   It's  
14 high for two reasons, to be honest.   It's partly  
15 high because traditionally in Mexico when people,  
16 you know, are poor, which they're basically coming  
17 from that culture of poverty, they're expected to  
18 leave school and go to work at an early age, but  
19 they're also dropping out because of frustration  
20 with not being able to learn.

21          CHAIRPERSON WEITZ:   How many schools in the  
22 Waterloo School District have an ESL program in  
23 place?   Is it in place within every school building,  
24 or is it only particular schools that are listed as  
25 having an ESL program and everybody has to go to that?

1           SISTER KATHLEEN GRACE: Basically that's  
2 what it is. I think the grade schools there might  
3 be three sites. I'm not sure. There's two or three  
4 sites. The junior high, I think there's one site,  
5 or the middle school. And the high school there's  
6 one site.

7           MR. VAN LO: One more question. You say  
8 that the police stop some people Hispanic and ask if  
9 they have their ID. My question is this. When they  
10 go to school, is there any school teacher asking for  
11 IDs or anything?

12           SISTER KATHLEEN GRACE: They do, but the  
13 school district is very accepting of all students in  
14 the district coming to school, whether they have  
15 legal papers or not. And the superintendent even  
16 came out in the paper saying that he would accept  
17 every child in the district.

18           MR. VAN LO: So they don't ask any question.

19           SISTER KATHLEEN GRACE: Right.

20           MR. HERNANDEZ: Just-- I want to get a  
21 sense for the Hispanic community here in Waterloo.  
22 In 1990 there was 531 Hispanics. When did IBP come  
23 to Waterloo?

24           SISTER KATHLEEN GRACE: In 1992.

25           MR. HERNANDEZ: And what is the current

1 population?

2 SISTER KATHLEEN GRACE: I don't know. When  
3 people ask me, I say about 2,000, and I think that's  
4 pretty close. I think somebody that does better  
5 came up with 1500 some, but I'm not sure that  
6 everybody was counted, but that also includes  
7 professional people like professors at UNI and--

8 MR. HERNANDEZ: So there's a history of,  
9 let's say, some eight years of Hispanics in the  
10 Waterloo School District.

11 SISTER KATHLEEN GRACE: Uh-huh.

12 MR. HERNANDEZ: Now, for each Hispanic  
13 student, they get money, State money; right?

14 SISTER KATHLEEN GRACE: Uh-huh.

15 MR. HERNANDEZ: And my understanding is  
16 that because they need to help with ESL they get  
17 extra money--

18 SISTER KATHLEEN GRACE: Uh-huh.

19 MR. HERNANDEZ: --for supportive services.  
20 Now, do you know if the school district has  
21 Hispanics--has Hispanics on their advisory  
22 committee, the ESL advisory committee?

23 SISTER KATHLEEN GRACE: I'm not sure, but I  
24 don't know of anybody that's on the committee.

25 MR. HERNANDEZ: And I just heard you say--

1 You answered my other question, that Hispanics are  
2 dropping out, so--because of frustration and not  
3 being able to maybe understand the instruction, I  
4 guess.

5 SISTER KATHLEEN GRACE: Right.

6 MR. HERNANDEZ: And there's no bilingual  
7 staff in the school district?

8 SISTER KATHLEEN GRACE: I can't say there's  
9 no-- No, there is some bilingual staff, but I don't  
10 specifically know of a teacher at West High School  
11 that's bilingual, but there could be.

12 MR. HERNANDEZ: And do you know how they  
13 spent all that money that comes in for  
14 non-English-speaking students?

15 SISTER KATHLEEN GRACE: Well, they have the  
16 high school class, and they have, you know, grade  
17 school classes, and I think, you know, some of the--

18 I know some of the grade school rooms have  
19 teachers' aides. Whether they're all bilingual or  
20 not, I'm not sure, because we also-- Another thing,  
21 in fairness, we also have another population, which  
22 is Bosnian, which is also not English speaking, so,  
23 you know, the money is split.

24 CHAIRPERSON WEITZ: Could I ask you just to  
25 stay seated. I need some advice. Terry Stevens



1 would like to be recognized. I need some advice.

2 She had something to add. Can I recognize her?

3 MR. JENKINS: Who?

4 CHAIRPERSON WEITZ: Terry Stevens. Can I  
5 recognize her off the record or do you want-- Off  
6 the record.

7 (Discussion off the record.)

8 CHAIRPERSON WEITZ: State for the record  
9 your name and mailing address.

10 MR. BURT: My name is Pastor Jay R. Burt,  
11 pastor of the Mount Calvary Baptist Church, located  
12 202 Sumner Street here in the fair city in Waterloo,  
13 Iowa. Ready? Well, first I want to thank you for  
14 letting me come out at 10:00 at night, but--in this  
15 cold weather. Thank you.

16 I think there's a huge problem here in  
17 Waterloo in all facets, as you heard earlier today  
18 and as you're about to hear now. I am a member of  
19 the Eastside Ministerial Alliance, and if I was to  
20 name all the other groups and stuff I'm involved in,  
21 that would take care of all of my opening minutes,  
22 but I want to say there is a huge problem.

23 And if I can go down the list here in terms  
24 of the list you provided for me in terms of police  
25 and community relations, I think there needs a lot

1 of work. I believe the work needs to be in the face  
2 of sensitivity towards ethnic groups, people of  
3 color. I think there should be work in terms of  
4 being able to have understanding, clear  
5 understanding, on that all.

6 Because you're African-American don't mean  
7 you stole somebody's television. Or because you're  
8 Hispanic don't mean you're illegal. I think these  
9 things need to be brought forth. There's a divider  
10 between the community and the Waterloo Police  
11 Department as well as law enforcement agencies based  
12 upon that ignorance of the facts, and I think that's  
13 causing us to have in a sense for some people real  
14 irreparable relations with law enforcement  
15 agencies.

16 I have tried to build bridges. Eastside  
17 Ministerial Alliance has tried to build bridges, but  
18 it takes two people to make it work. It takes two  
19 areas to make it work, so I believe that there is a  
20 huge problem there, and it needs to be addressed by  
21 the parties sitting at the table. We can't just  
22 sweep it under the rug, and we can't ignore it.

23 As far as fair housing concern, I think  
24 there's a problem there as well simply because there  
25 is an unsubstantiated rumor going around that

1 realtors are telling certain people not to buy  
2 houses on the east side of Waterloo. I'm very proud  
3 of the east side of Waterloo. It's a good place. I  
4 think it's growing.

5           We're trying to change the face, get rid of  
6 any type of stigmas that's in there that's causing  
7 people not to want to live there, and I think it's  
8 very unfair. I can't substantiate it. It's rumor,  
9 but in my profession as a pastor, I have to listen  
10 to my parishioners, so when they're saying things  
11 like that, that the east side of Waterloo is not a  
12 good place to live, I believe that's not fair, and I  
13 think it's untrue.

14           And so I believe that as far as equal  
15 housing is concerned, with everything being set up  
16 that they can put all the ghettos and all the  
17 low-income houses on the east side and put all the  
18 nice houses and put all the nice condominiums on the  
19 west side or the south side. It depends how you  
20 look at it. And these things need to be done.

21           63 Corridors, what I've been pretty much  
22 pushing to help get built up, is still barren in  
23 terms of facilities for our youth. It's barren in  
24 terms of shopping malls or businesses, and I don't  
25 think enough is being done to put balance in the

1 City of Waterloo. If you look in the City, if you  
2 come in through the south--through 380, you'll find  
3 there's a whole bunch of development going on down  
4 there. So I believe that's a problem there, and I  
5 think there's a lot of work that needs to be done  
6 there.

7 Education has always been a problem. I  
8 think personally--and this is my personal  
9 feeling--that we're moving toward segregation  
10 again. I think we're moving towards the blacks on  
11 one side, the whites on one side. I don't know if  
12 it's by design or not. I can't say, but I can see  
13 it happening.

14 The Eastside Ministerial Alliance has  
15 worked very hard to provide housing for the people  
16 that need assistance in a down payment. We are  
17 trying to promote racial unity because we're a  
18 multidenominational and multirace organization, and  
19 we've been trying to work very hard to provide  
20 unity, but with those obstacles in the way,  
21 sometimes our tasks become somewhat difficult.

22 So I believe that our president, which is  
23 Reverend Ted Keys, who is the president of the  
24 Eastside Ministerial Alliance, under his leadership  
25 we have worked very hard, and I think we've taken

1 advanced strides in trying to heal a community.  
2 Sometimes it don't look like we are, but we are, and  
3 sometimes it takes the quiet approach to get big  
4 things done.

5           So in closing, I want to say that I'm glad  
6 to see that somebody's here to listen. I just hope  
7 that it goes beyond listening and goes into doing.  
8 I believe recommendation could be brought forth to  
9 the City of Waterloo. By comparison to other  
10 town--cities, we're a town, but if they want to use  
11 the term City of Waterloo, I hope something can come  
12 down in the sense of financial, in the sense of  
13 consultants or something to come down to help build  
14 these bridges that's so desperately needed here in  
15 the City of Waterloo.

16           MR. COULTER: It doesn't seem right to pick  
17 on you at such a late hour, but I'm going to  
18 anyway. African-American people make up  
19 approximately a third of the population in the Town  
20 of Waterloo.

21           MR. BURT: Excuse me? Where does he come  
22 up with African-Americans as far as what the  
23 demographics are saying right now? I thought it was  
24 more like 17 percent, 18 percent.

25           MR. COULTER: I'm basing that on enrollment

1 in the public schools. K through 12 enrollment is  
2 approximately one-third. I realize you're working  
3 very hard in the community, but where is your  
4 community? Where is the African-American community  
5 in terms of political power, in terms of electoral  
6 office? I've noticed--and it just occurred to me  
7 now, and I'm glad I caught you--that we don't  
8 actually have anybody on our community list to talk  
9 about that. So would you please describe--

10 MR. BURT: Well, there's Deborah Berry  
11 (phonetic), who's just been elected as councilwoman  
12 for the Fourth Ward. In the audience we have Leon  
13 Mosley, who is on the County Board of Supervisors;  
14 Norman Granger, who is on the County Board of  
15 Supervisors, I believe; Robert Smith, who I believe  
16 is the president of the Waterloo Community School  
17 Board; and Miriam Tyson on--she represents the  
18 Eighth District, I believe, of the Hawkeye Community  
19 College.

20 MR. COULTER: I think that's very  
21 impressive. I wish we were hearing from some of  
22 these individuals, and perhaps we would have some  
23 time at the end where we could. I apologize for, as  
24 I say, picking on you to describe that feature, but  
25 it seemed to be missing from the picture.

1 MS. FRIAUF: You mentioned that you're from  
2 the Eastside Ministerial--

3 MR. BURT: Alliance.

4 MS. FRIAUF: --Alliance. Now, is there a  
5 Westside Ministerial Alliance? And do you ever get  
6 together?

7 MR. BURT: No. There's three religious  
8 groups in the City of Waterloo. One is the Black  
9 Hawk Area Religious Coalition, and then there's the  
10 Ecumenical Coalition from the City of Cedar Falls,  
11 and we all cover a wide variety. We have ministers  
12 across the City of Waterloo, and we have ministers  
13 from Cedar Falls. We have ministers from the west  
14 side as well.

15 MS. FRIAUF: But you all belong to one  
16 ministerial association. You do have opportunities  
17 to come together.

18 MR. BURT: Oh, yeah, absolutely. In fact,  
19 we just recently came together and had dinner. The  
20 Ecumenical Coalition, Black Hawk Area Religious  
21 Coalition, and Eastside Ministerial Alliance  
22 recently had dinner.

23 MS. FRIAUF: Do you ever have opportunities  
24 to talk about economic development?

25 MR. BURT: Well, we talk about a lot of

1 things. Economic development is one of them. I do  
2 a lot of it. I happen to be also on a commission  
3 of--the Planning and Zoning Commission for the City  
4 of Waterloo, so we talk about those things.

5 The problem is that we can talk till we're  
6 blue in the face to people, even the right people,  
7 but if they choose not to take action upon it, then  
8 we're just blowing hot air, which is what we need in  
9 this room right about now.

10 MS. FRIAUF: Well, the reason I questioned  
11 you about that is because the gentleman from the  
12 NAACP mentioned needing economic development to keep  
13 the young people here, and it just seems to me that  
14 each one of these ministerial associations has  
15 people in their churches that ought to be able to  
16 head on this issue somehow.

17 MR. BURT: You know, you're absolutely  
18 right. That's probably why the south side is being  
19 built up and not the east side. Who do you want to  
20 listen to? What are you going to take time to-- Is  
21 you going to come to the Eastside Ministerial  
22 Alliance meeting and listen, have sincere concerns,  
23 and then do something with it? Or are you just  
24 going to come and listen, put in the file,  
25 eighty-six, and then go on about your business?



1           The south side, which is represented mostly  
2 by the Black Hawk Area Religious Coalition, which I  
3 think is an excellent group, their development is  
4 happening more in that area, so what you're saying  
5 is actually a true statement, but the east side of  
6 Waterloo and African-Americans, particularly the  
7 youth as well as the older people, are not  
8 benefiting from it.

9           MS. FRIAUF: But it would benefit the whole  
10 city is what I'm trying to say. If you could work  
11 with these other groups in terms of benefiting the  
12 whole city, maybe you could get a little more  
13 development on the east side.

14           MR. BURT: If you lived in a house and the  
15 house had the same identical house across the street  
16 from each other and the only thing that separated  
17 them was a street and the City came and mowed your  
18 grass, took care of everything, actually put a deck  
19 on the back of your house and I lived across the  
20 street and they refused to come over and do the same  
21 for me, even though I was just right across the  
22 street, what would you say?

23           MS. FRIAUF: I'd be real upset.

24           MR. BURT: Yeah. Thank you.

25           MR. COULTER: Describe to me the

1 African-American business community in Waterloo,  
2 what you know of it. I realize I'm asking you a lot  
3 of questions.

4 MR. BURT: Well-- I don't mind the  
5 questions if you're ready to hear the answers. The  
6 thing is that as far as business is concerned in the  
7 African-American community, we have some but not  
8 many. We can use more. A lot of people have great  
9 ideas for starting businesses. They don't have the  
10 capital nor the support from higher powers to make  
11 it happen.

12 I believe that we have a lot of  
13 African-Americans here that can successfully run a  
14 business. I believe that if they're given the  
15 opportunity they'll be able to do so, but sometimes  
16 we don't get the tax breaks or write-offs or  
17 abatements or things that are given to other people  
18 on the side. Proof do you want?

19 MR. COULTER: I mean that's serious, and if  
20 you can document those kinds of things, that's the  
21 kind of thing that ought to be--go into the  
22 different regional representatives here, because,  
23 you know, if you're not getting the kind of loans  
24 that other folks are getting to start their  
25 business, that's illegal. That's wrong.

1 MR. BURT: Yes, it's wrong, and it's  
2 illegal, but who am I going to tell?

3 MR. COULTER: You can tell us, and you can  
4 tell the Department of Justice and the Department of  
5 Education or whoever the relevant thing is. Yeah,  
6 you can make the complaint, and they'll do something  
7 about it.

8 MR. BURT: Well, that's why I'm here. If I  
9 didn't think that it was a remote possibility that  
10 something might be done, I'd be at home in my bed.  
11 So I'm here-- I am saying that just for that  
12 purpose, and I think it's important that we  
13 recognize that we can look through the phone book  
14 and see representation of African-Americans. I  
15 believe Walter Reed from the Human Rights Commission  
16 here in the City has a book of African-Americans,  
17 and I believe the business section is very skim.  
18 There aren't very many, and you can see that for  
19 yourself as far as documentation. So these things  
20 are available.

21 And as I said, in this city I just don't  
22 want to leave anybody out, we have got the Hispanic  
23 community. We've got the Bosnian community. And  
24 there is a teeter-totter effect going on here.  
25 Right now the teeter-totter is up for the Bosnians.

1 I don't blame the Bosnians. If somebody told me I  
2 could come to a place and be good and have  
3 everything set up for me and everything, I'd go  
4 there too, but I blame the people who set this up,  
5 because they should have set it up as being equal  
6 for everybody, not just one particular group or  
7 because that's the group of the month.

8 CHAIRPERSON WEITZ: Just one. Who do you  
9 think would be more effective in Waterloo in regards  
10 to race questions, a charismatic leader that could  
11 get people together and motivate them behind  
12 critical issues or a group of people that are  
13 strongly committed that are focusing on a few  
14 issues? Who do you think-- What do you think  
15 Waterloo needs more now?

16 MR. BURT: From an idealistic point of  
17 view, I would think a group of people would be ideal  
18 simply because you can bring forth different things  
19 to the table. You bring different concepts,  
20 different things instead of something coming out of  
21 a charismatic leader and being a dictator. I think  
22 a group would bring it together, but each group has  
23 got to have a sincere desire to make change or  
24 effect change to make things happen for the  
25 betterment of everyone.

1           CHAIRPERSON WEITZ: And do you think this  
2 is the focus? Do you think the problem is focused?  
3 In other words, groups can get together, but  
4 everybody has their own idea of what needs to be  
5 done first? Do you see that as a problem?

6           MR. BURT: Well, I see the main problem is  
7 not so much sitting together. I think if we sit  
8 together with our sincerest desire, I think we can  
9 get things done, but the problem is I don't think  
10 the people that has just the authority and power is  
11 coming to the table with sincere desires. I don't  
12 think they coming there, so therefore we've still  
13 got a lot of talk and no action.

14           CHAIRPERSON WEITZ: So what you're telling  
15 me is minority communities know what they want as  
16 far as goals and ideas.

17           MR. BURT: I think we pretty much know what  
18 we like. We don't like jails being built on the  
19 east side or recreation centers being put on the  
20 west side. That kinds of messes you up. The kids  
21 have to go way down to the University to the YMCA  
22 where one was downtown. Things that's here--  
23 Constantly people arguably get into situations where  
24 they can get into nothing but trouble, whereas  
25 everything recreational and everything that's good

1 for diversions for, excuse me, white community is on  
2 the west side where they're at. You don't need a  
3 mathematician to figure that out.

4 MR. COULTER: Would you see the potential--  
5 Because, you know, in designing this two-day session  
6 this evening and then tomorrow, it seems to me we've  
7 got two major gaps. We aren't hearing from the  
8 political community, and we're not hearing from the  
9 business community. Would you favor carrying forth  
10 a more extensive information gathering talking type  
11 of exercise so that we could have all the inputs?

12 MR. BURT: You mean more meetings? My wife  
13 would not like you. But what are you asking me?

14 MR. COULTER: I'm-- I would like to know  
15 whether you felt that it would be useful to hear  
16 from some of the people that we are not hearing from  
17 this evening, particularly those who represent the  
18 political activity, the County, and then the  
19 area--regionally and the City itself as well as what  
20 exists of the business community, which seems to me  
21 to be critical that we understand how that works or  
22 isn't working.

23 MR. BURT: My father used to say that you  
24 can get all the information you can and put it in  
25 categories and you take what you can use at a time,

1 so I believe, yes, it would be necessary. It's  
2 something that's worthwhile to put together to hear  
3 from everyone.

4 I think all sides should be present. I  
5 think they need to be accounted for, and I think if  
6 you're going to make any type of recommendation or  
7 any type of--any type of social or anything of that  
8 magnitude, you're going to need to hear from  
9 everyone.

10 CHAIRPERSON WEITZ: Thank you very much.  
11 What we'll do now is conduct an open session.  
12 Anyone is free to speak. Okay. Then because I'm  
13 just a temporary chair, I need assistance. Melvin's  
14 going to clarify that.

15 MR. JENKINS: At the beginning of the  
16 session, we asked those persons who wished to speak  
17 this evening to see Ascension Hernandez or Joanne  
18 Daniels in the back. If there are persons who want  
19 to make a presentation before this panel this  
20 evening, you need to see Ascension or Joanne.

21 What we can do at this time, if somebody  
22 wants to make a presentation, please raise your  
23 hand. If not, then we will adjourn, recess until  
24 tomorrow morning. Are there persons who want to  
25 make a statement this evening? We do have a time

1 slot tomorrow I think at 11:20 till noon that  
2 persons will be able to speak in open session also.

3 MR. GOODSON: Are you talking about  
4 presentations or questions?

5 MR. JENKINS: No, questions we will not  
6 handle. If you have a statement to make--

7 MR. JACKSON: What about community  
8 concerns?

9 MR. JENKINS: Or either community  
10 concerns. If you have something that you want to  
11 share, then I will ask that you talk to Ascension  
12 Hernandez before you make a presentation. If you  
13 want to do it this evening, that's fine. If not, we  
14 do have a slot tomorrow from 11:20 to 12 noon. So  
15 do we have anybody who wants to speak this evening?  
16 Okay. Let's take a five-minute break until these  
17 persons can see Ascension, and then we will  
18 reconvene.

19 (Recess taken.)

20 CHAIRPERSON WEITZ: We'd like to reopen the  
21 session for two people to give their statements.  
22 The first person I'd like to call is Sauya Jackson.

23 MR. JACKSON: Good evening. My name is  
24 Sauya Jackson. I've been a resident of Waterloo  
25 since I was about six or seven years old. I've been



1 listening to the discussions today, and I guess I  
2 just want to give more or less a community point of  
3 view of if you guys are here to define or make, I  
4 guess, an assumption whether or not Waterloo is--we  
5 need help in dealing with the racial issues, yes,  
6 easy answer, which is yes, because business-wise  
7 when you go to the parts of the city where the  
8 majority of African-Americans live, there is no  
9 economic development.

10 Education-wise, just like a few people  
11 touched on, we have a very--a large disparity  
12 amongst the African-American students and the  
13 Caucasian students. There's a lot of areas we can  
14 touch on. I just wanted to voice my little small  
15 opinion and just give you an idea what I feel needs  
16 to be done.

17 First of all, I believe the black community  
18 needs to come together more or less with groups such  
19 as churches and whatnot. We do not have that unity  
20 that I feel we need to overcome our problems within  
21 the society. There's a lot of issues since I  
22 believe that-- I believe there's a lot of issues.  
23 I didn't prepare a statement. I'm just pretty much  
24 speaking from my heart, and I don't have no  
25 statistics in regards to pretty much what everybody

1 else came with. I just wanted to touch on a few  
2 things and, again, give you a community point of  
3 view.

4 I believe that-- I also believe if you're  
5 not part of the solution, you're part of the  
6 problem. That's where I'm trying to take a more  
7 active stand in my community as a black male to help  
8 out in the education. I might become a tutor. I've  
9 never done that before in my life.

10 I just wanted to be quick. I didn't touch  
11 on a lot of bases that I wanted to touch on, but  
12 just a quick idea of where the community stands.  
13 There's a major problem in Waterloo, and we do need  
14 help, and that's pretty much it. Thank you.

15 CHAIRPERSON WEITZ: Maleika Patterson?

16 MS. PATTERSON: My name is Maleika  
17 Patterson, and I just wanted to, you know, give you  
18 a quick point of view from an outsider. I'm a  
19 22-year-old black female professional that was  
20 recruited to come here to Waterloo, so a lot of the  
21 questions that you talked about were talking about  
22 how would a young black person or a young minority  
23 person feel coming to Waterloo, so I wanted to give  
24 you--touch on a couple of things about that.

25 I wanted to touch on three things, one,

1 recruitment of black professionals to Waterloo; two,  
2 the educational system as I've seen it; and three,  
3 community development. I've only been here for six  
4 months, so everything that I'm saying is based on  
5 opinion and what I've seen and been involved in.

6 But one, with the recruitment of black  
7 professionals in Waterloo, there's not going to be a  
8 lot because, one, there's not enough recreational or  
9 cultural activities here. As a matter of fact, it's  
10 to the point where I came in and started to put on  
11 cultural activities here so I could have something  
12 to do and other people could have something to do.

13 Also I'm a single person, but if I had a  
14 husband, where would my husband work, you know?  
15 That's another concern that a lot of people might  
16 have. And places to live, you know, in Waterloo. I  
17 don't see that they're-- When I was searching for a  
18 place to live, I didn't see that there were many, I  
19 don't know, I guess equitable houses from what I saw  
20 on the--in the Cedar Falls area.

21 Let's see. Well, when I first got here, I  
22 lived in Cedar Falls in a hotel, and I went  
23 searching for houses, and the first thing that  
24 people in Cedar Falls told me was not to live in  
25 Waterloo. It was a dangerous people to live.

1 People in my job told me not to live in Waterloo.  
2 It's a dangerous place to live. There's not good  
3 housing to live over there, basically, "That's not a  
4 good place for you to be at."

5 I ended up living in Waterloo anyway  
6 because I'm from Kansas City, and that didn't bother  
7 me. The educational system, I am a mentor in  
8 the--at West High School, and I go in and I mentor  
9 young women. What I see in there is a lack of black  
10 role models.

11 There are not very many black teachers  
12 there, and there definitely aren't any black female  
13 teachers there, and I think that's going to have a  
14 very direct impact on women growing up in this  
15 community. I'm hearing horror stories of counselors  
16 moving children into roles where they're not  
17 prepared to go into the educational system. These  
18 are just things that I hear. I can't substantiate  
19 those. I'm just saying what I've heard.

20 I'm also seeing students that are slipping  
21 through the cracks. I also tutor, and I see  
22 students that are juniors in high school that do not  
23 know how to do their multiplication tables, and  
24 that's a problem. I'm seeing students that, like I  
25 said, they're not prepared for college.

1           They're not getting the classes. They  
2 don't know how to fill out their sheets and take  
3 their next semester classes. They don't know what  
4 credits they need to have to go to college, and  
5 that's really a serious problem that I see.

6           As far as community development, on the  
7 east side of Waterloo, I don't see any restaurants.  
8 I see very few black businesses. If you are over  
9 there and you are doing something, you have to go  
10 all the way to Cedar Falls or out by the west side  
11 of Waterloo to find some place to eat. That's a  
12 problem.

13           I don't see a great commitment from the  
14 employers--the big employers in Waterloo to make  
15 changes to help minority--bring minorities into  
16 their businesses, bring them up through their  
17 businesses. And I see that's a problem. I don't  
18 see any kind of community commitment from the  
19 employers here, and I see that Waterloo is very  
20 segregated.

21           So all these when you say is Waterloo a  
22 good place to live, I guess I'm a different type of  
23 person because I seek out opportunities where I can  
24 make changes, but for someone that's just coming in  
25 here and looking at this place from the outside, it

1 would not be a place for a young black professional  
2 to want to live because the opportunities to grow,  
3 the opportunities to develop things are not there.  
4 So that's all I wanted to say. Thank you.

5 CHAIRPERSON WEITZ: We'll now recess until  
6 8:30 tomorrow morning.

7 (Proceedings concluded at 10:45 p.m.)  
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## C E R T I F I C A T E

I, the undersigned, a Certified Shorthand Reporter of the State of Iowa, do hereby certify that I acted as the official court reporter at the hearing in the above-entitled matter at the time and place indicated.

That I took in shorthand all of the proceedings had at the said time and place and that said shorthand notes were reduced to typewriting under my direction and supervision, and that the foregoing typewritten pages are a full and complete transcript of the shorthand notes so taken.

Dated at Des Moines, Iowa, this 12th day of January, 2000.

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JILL M. ELLINGSON, C.S.R.  
CERTIFIED SHORTHAND REPORTER