UNITED STATES COMMISSION

ON CIVIL RIGHTS

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CRISIS OF THE YOUNG AFRICAN AMERICAN

MALE IN THE INNER CITIES

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CONSULTATION

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THURSDAY,

APRIL 15, 1999

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The consultation was held in the Congressional Room, Holiday Inn, 451 New Jersey Avenue, N.W., Washington, D.C., at 8:30 a.m., the Honorable Mary Frances Berry, Chairperson, presiding.

PRESENT:

MARY FRANCES BERRY, Chairperson
CRUZ REYNOSO, Vice Chairperson
CARL A. ANDERSON, Commission (via telephone)
YVONNE Y. LEE, Commissioner
RUSSELL G. REDENBAUGH, Commissioner
(via telephone)
RUBY G. MOY, Staff Director

STAFF PRESENT:

KIMBERLY ALTON
DAVID ARONSON
SICILIA CHINN, Parliamentarian
KI-TAEK CHUN
PAMELA A. DUNSTON
BETTY EDMINSTON
FREDERICK D. ISLER
TRICIA JEFFERSON
EDWARD HAILES, JR.
CAROL-LEE HURLEY
LISA KELLY
JOSEPH MANALILI
DEBORAH REID
PETER REILLY
JESSICA ROFF
MARCIA TYLER
JEANENE WAITE
AUDREY WRIGHT
CHRISTOPHER YIANILOS

COMMISSIONER ASSISTANTS PRESENT:

CHARLOTTE PONTICELLI
KRISHNA TOOLSIE
EFFIE TURNBULL
MICHELLE YOSHIDA

A-G-E-N-D-A

A-G-E-N-D-A (Cont'd.)

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

(8:56 a.m.)

CHAIRPERSON BERRY: This consultation of the United States Commission on Civil Rights will now to come to order.

First, I'd like to swear in any court reporters, clerks, interpreters, or signers. So, could any of you who are court reporters, clerks, interpreters, signers, and various things stand up.

And then, are all the court reporters, clerks, interpreters, and signers present in the room standing up now?

Okay, you're it. Okay.

Raise your right hand.

Do you swear or affirm that you will perform your responsibilities to the best of your abilities?

(Simultaneous affirmative answers.)

CHAIRPERSON BERRY: Of course you will, right? You will, too. All right.

Also could you ask whether anyone is in need of interpretation? Could we ask if the signers

ask if anyone needs sign interpretation?

No one does? Okay. Thank you.

OPENING STATEMENT

CHAIRPERSON BERRY: Good morning and welcome to this public two day consultation of the U.S. Commission on Civil Rights here in Washington. I am Mary Frances Berry, chairperson of the commission and I will be presiding over this event.

The scheduled presentations of overview panelists and consultants will commence at 10:00 a.m. and conclude tomorrow -- I think the microphone went off. I see Reverend Anthony, too -- at 4:45, as indicated on the agenda.

Before I detail the purpose and scope of this, these proceedings, I would like to introduce myself further and then allow other members of the commission to introduce themselves.

In addition to serving as the chairperson of the commission, I am the Geraldine R. Segal Professor of American Social Thought and professor of history and adjunct professor of law at the University of Pennsylvania in Philadelphia, Pennsylvania. My

tenure with the commission dates back to forever. I've been on the commission forever and I was vice chair from 1980 to 1982. I have served as a commissioner since that time and was designated chairperson by President Clinton November 1993. I was reappointed to this position and designated chairperson again on January 22nd, 1999 by President Clinton.

Joining me today are the vice chair of the commission, Cruz Reynoso and Commissioners Yvonne Lee And Commissioners Carl Anderson and Russell Redenbaugh, who could not be here for this consultation but who are on -- hooked up to us electronically so that they can hear the proceedings and that they can follow them.

Let me let the other commissioners introduce themselves further.

You've got one, Vice Chair. Go right ahead.

VICE CHAIRPERSON REYNOSO: Yes. I'm Cruz Reynoso, Vice Chair of the Commission.

(Whereupon, microphone went off.)

VICE CHAIRPERSON REYNOSO: ...school of law in Los Angeles, California. I'm also associated at special counsel with the law firm by the name of Kaye, Scholer, Ferman, Hayes, and Handler. I must say that I have been looking forward to this consultation dealing with very real and serious, and difficult issue in the area of civil rights.

CHAIRPERSON BERRY: The Vice Chairperson is too modest in introducing himself.

He was also a State Supreme Court justice in the State of California and was the first Latino to be a state supreme court justice in California, and served wonderfully well the people of that state and the nation.

Commissioner Lee.

COMMISSIONER LEE: Good morning. I am Yvonne Lee. I'm a principal of Y. Lee Asian Community Affairs based in -- a public affairs firm based in San Francisco, California.

CHAIRPERSON BERRY: Commissioner Anderson.

COMMISSIONER ANDERSON: Good morning, Madam Chair.

CHAIRPERSON BERRY: Good morning.

COMMISSIONER ANDERSON: I was appointed to the commission in 1990. I'm currently serving in my second term. And I am the vice president of a graduate school of theology in the Washington, D.C. area, the John Paul II Institute for Studies on Marriage and Family where I also teach family law.

CHAIRPERSON BERRY: Commissioner Redenbaugh.

COMMISSIONER REDENBAUGH: I was appointed to the commission in 1990. I'm a practicing economist and investor and I live in Philadelphia.

CHAIRPERSON BERRY: Among other things. Yes.

Finally, I would like to introduce the staff director of the commission who is sitting down to my far left, Ruby G. Moy. I don't see -- is the general counsel here? And our deputy general counsel and project director for this consultation project, Edward A. Hailes, Jr., who is to my left.

I would also like to express our special gratitude to the members of the crisis project team

from the Office of General Counsel and it's team leader, attorney advisor, Deborah A. Reed.

This consultation will focus on the civil rights issues growing out of the crisis confronting the young African American male in the inner cities. There are issues around opportunity for other males, poor white males, in various areas of the country, some groups of Asian American and Pacific Islanders in the country. Latinos of various groups, Hispanic Americans, Native American Indians or Indian people as they like to be called mostly, and the commission has projects on the books to deal with some of those issues, too.

But today, we're focusing on the issues growing out of the urgent crisis confronting the young African American male in the inner cities. In other words, we are concerned with those factors which distinctly contribute to the disproportionate numbers of young African American males in the inner city who find themselves losing the struggle to survive as demonstrated by their rates of morbidity, unemployment, under employment, and incarceration.

Young African Americans are over represented among high school drop outs, under represented on college campuses, and disproportionately lack access to health care and treatment. In fact, young African American males, by some of the documents that we have before us, have almost no access to health care in the inner cities once they have post-natal care and the shots and vaccinates that you get to go to school, and that's the end of it.

Within the broad range of issues that may be covered in examining the causes and consequences of this crisis, we're concentrating on criminal justice, education, employment, entrepreneurial opportunities, and health care. Although few people today argue that there is no crisis among young African American males, a point that we often emphasized by our colleague, the late Judge A. Leon Higginbottom, Jr., who was a member of this commission until his untimely death in December, 1998, and he was very much interested and concerned about making sure we did this project.

Although there are people who might say there's no crisis, reasonable people will say that

there is a crisis. But they will disagree about the causes and effects of it an dhow best to prioritize resources. What do we do to address these urgent conditions?

When the commission holds a proceeding like this, it does so for the purpose of identifying issues in a particular area and then later determining whether those issues should be pursued by holding public hearings. We also can ask our state advisory committees to follow up on recommendations that are made that as a result of reports that are done after a hearing of this kind.

We invite, in this proceeding, people who are expert from the outside to come in to help in the process of identifying the issues, explaining them, and figuring out what should be done. Over the next two days there are 14 consultants who we selected who will present summaries of papers they prepared for us on the issues that are the subject of this consultation.

So, the work, most of the work, was done before we got here today. We have the papers. They

did the papers over time. We've read the papers. And they are going to summarize what's in them. And these consultants have been selected because they are experts and have experience in these areas.

In addition to the consultants, we will hear from approximately 11 other presenters representing a broad array of interests related to the crisis. We will hear from federal officials, recognized leaders in the civil rights, human rights, religious, business, and law enforcement communities, also.

We expect to hear good news and we expect to hear bad news. We expect to be informed about the barriers young African American males continue to confront. We also expect to learn more about the increasing number of programs and best practices that are being initiated to offer hope and opportunities for young African American males in these areas of education, health care, and employment.

As the Supreme Court of the United States explained in a famous case concerning this, famous to us, this commission, this commission does not

adjudicate. It does not hold trials or determine anybody's civil or criminal liability. It does not issue orders nor does it indict, punish, or impose legal sanctions.

It does not make determinations depriving anyone of life, liberty, or property. In short, the commission is not a law enforcement agency and it does not and cannot take any action which will affect an individual's legal rights. But we take seriously, however, our mandate under the law which is to find facts which can be used as a basis for legislative or executive action, or action by people in the communities that will improve the quality of life for all inhabitants of these United States.

It is my further hope that this proceeding will inspire all person of good will to grapple honestly and openly with the very real problems that confront young African American males in our inner cities. I'm sure that my colleagues share in my hope that this proceeding will lead to most dialogue that will educate the nation on these problems, encourage sensitivity in the resolution of them, and aid

generally in increasing real opportunities and life expectancies for young African American males in the 21st Century.

Also, let me turn to some more technical aspects of this proceeding. The record of this proceeding will remain open for 30 days, until May 16th, 1999, for inclusion of any materials sent to the commission after the consultation has concluded tomorrow. Anyone who wants to submit information relevant to these proceedings may do so during this time period in accordance with the commission's rules and those will be included in the record of the proceeding.

This session will recess for lunch at 12:45 and reconvene at 1:45. Scheduled presentations are expected to conclude at 3:45 p.m. at the latest. We will reconvene tomorrow at 9:15 following a public meeting of the commission. We have a meeting in the morning which will commence at 8:30.

Thank you for your attention. I will now introduce those who are about to greet us, as soon as I find the piece of paper that tells me what I'm

supposed to read. Somebody give me a piece of paper.

The first presenter is representing Mayor Anthony Williams is Mr. William Highsmith.

Could you come forward, please.

He is the Mayor's special assistant in the Office of Planning and Economic Development. Whenever we hold proceedings in any city, the Mayor of that city or the mayor's representative, gives greetings to the commission. That is something that they're supposed to do. Also, all government agencies are required by law to cooperate with this commission.

Please proceed, Mr. Highsmith.

WELCOMING REMARKS

MR. HIGHSMITH: Thank you, Chairperson Berry, other commissioners, and officials.

Good morning. My name is Bill Highsmith, Jr., and I am here on behalf of Mayor Anthony Williams to welcome you and to express the administration's keen interest in your work here today. No where is this crisis of young inner city African American male more acute than right here in the nation's capital. Now, Washington, D.C. should be a source of pride for

all Americans. Indeed, it can, and should be, the best city in America, yet here in our nation's capital some very alarming statistic exist.

One in four young men spend time in prison. Forty percent of our children did not graduate from high school. The juvenile crime rate greatly exceeds the national average, and foster care children here in the District languish in the welfare system for an average of three and a half to four years. That's twice the national average. And 98 percent of the those children are African Americans.

AUDIENCE PARTICIPANT: What percent?

MR. HIGHSMITH: Ninety-eight percent. Yes.

The U.S. Capitol, as we know, is our national symbol of freedom and opportunity, yet just a few blocks from this very location there are neighborhoods where hope and opportunity have vanished, where young men bleed to death in the streets. Tourists love to visit the national mall where Dr. King proclaimed a simple dream, a dream for a better future. Yet, not too far away there are

schools where African American males test well below average in both reading and math. And there will be no better way, no better future, for these young people until we, first of all, being to improve our local schools.

Now, the Mayor's committed to taking the first steps here in the District. He's launched a major initiative for children and youth that seeks to partner with community organizations. Together, together we can provide after school programs to keep our young men productive and out of trouble during these particularly critical after school hours during the week.

We also plan to expand opportunities for summer youth in employment and implement a youth to careers and entrepreneurship program to target high school drop outs, and think creatively to engage them in non-traditional and educational and vocational training.

The Mayor is also making new resources available for child care and early childhood development programs that are proven to reduce crime

and make sure children are ready to learn. Our children, particularly those most at risk, those that we've just identified, desperately need these programs and Mayor Williams is committed to implementing these programs.

But it's not enough to simply provide our young African American men with a good education. We must make sure that real opportunities exist beyond graduation. And in order to do that, we have to have a strong and maintain a strong local economy where economic opportunities and job training opportunities, and jobs, are available, both downtown and in the neighborhoods, because that's what's going to keep a lot of the neighborhood stable.

Ultimately, our Nation's Capital will not live up to its true potential if we allow this generation of African American males to slip into poverty and despair. And it's going to take all of us. We can do better and it's our hope, and Mayor William's hope, that today's dialogue will bring forward new ideas that will help us address these challenges. And again, we commend you and look

forward to working with you wherever possible.

Thank you for this opportunity.

CHAIRPERSON BERRY: Mr. Highsmith?

MR. HIGHSMITH: Yes, ma'am.

CHAIRPERSON BERRY: If I could take the opportunity to ask you a few questions because I have time to and you're a resource. And you are, obviously, a young African American male.

MR. HIGHSMITH: Well, thank you.

CHAIRPERSON BERRY: Is that true?

MR. HIGHSMITH: Forty is young, I guess.

CHAIRPERSON BERRY: In addition to working for Mayor, you're a young African American male. The Mayor is sort of a young African American male, sort of.

You are the president of 100 Black Men of Greater Washington, D.C., is that correct?

MR. HIGHSMITH: That's correct.

CHAIRPERSON BERRY: And that's the local arm of 100 Black --

MR. HIGHSMITH: The national --

CHAIRPERSON BERRY: -- Men of America?

MR. HIGHSMITH: Right.

CHAIRPERSON BERRY: And what I would like to know from you, and you are a lawyer and you are a person who exercises leadership, apparently, have leadership abilities and potential based on the position that you hold. And in these activities with youth, you've got some experience.

What do you think, forget about the Mayor's got a program to do this and that, and we're going to do this, and that, and the other. What do you think is the most effective way to deal with the urgent crisis of young African American men in the city of Washington that you've dealt with? What are their urgent problems and forget, you know, the statistics and whatever.

I'm talking about your experience now. Close the little paper that you gave.

MR. HIGHSMITH: Right. What we've seen, and just from the program activities that we've done with the young people in this area is that one-on-one interaction, small group interaction, small group counseling, really makes a difference. Because we

have programs where we deal with children from the elementary level through high school.

And we're finding that in most of the elementary levels, there's just not that source at home in -- not in all cases but in many cases, to just give them options. To show them options. To show them other alternatives to what they have been previously exposed to.

Just to cite as an example, this past weekend we have a -- we have a Saturday academy that we operate with a local elementary school, John Burrows Elementary. We took a group of kids to a local television station where they spent the morning with the local news anchor, one of the few meteorologists, African American meteorologists, in this area. And after about a few minutes, we saw some of the kids -- one kid went over to the computer board.

Another one kind of went over to the sound station. One sat in front of the camera and pretended to be the reporter. One was giving the cues to the guy behind the cameras. And in just those few

minutes, we saw maybe four different career possibilities emerge. And these kids would have never otherwise been exposed to even those types of options if it weren't just for some of the activities that we're doing.

And a lot of times it doesn't take a lot of hands on. A lot of times it's just exposing young people to these options, to options that they otherwise wouldn't see.

CHAIRPERSON BERRY: And how old were these kids and for people who don't, where is John Burrows?

MR. HIGHSMITH: John Burrows is located in Northeast Washington, D.C., not too far from Catholic University. These kids were fourth graders, third, fourth graders. So, they were basically 10, 11 years old. And for all of them, that was the first time ever in a studio.

They just -- questions ranged from how much do you make to the reporters they met. They were able to just be exposed to something different from not just watching the television from that side, but seeing what happens around on the other side.

And that's one of the missions that we have in our local chapter is to expose young people through this Saturday academy to options. Some of them are fun. Some of them are serious, culturally -- cultural programs. And just being there for them. We're each paired with them, one-on-one, so we are an extra resource for them.

So, I think that's a lot of what it takes. Just hands on, spending the time, exposing them to other options.

CHAIRPERSON BERRY: How many people do you have in your chapter and do you have a sufficient number to provide the kinds of services like that that you think that children need in those situations? And, what is the response of African American men, generally, who could help to try to get involved with helping children on this basis?

MR. HIGHSMITH: Well, our chapter is one of the newer chapters in the 100. We're approximately three years old. We have about 45 members. We try to -- I guess one of the problems that you incur by having an organization with a number of professionals

is that their time constraints are tight.

So, we try to have a mixture of programs and activities whereby some of our members who can spend longer hours in school tutoring can do that. We have some programs where, just like the Saturday events, where you can only take a little bit of time here and there.

So, we try to make sure that all those who are participating in our program have something to contribute. Now clearly, we could always use new members and always could benefit from other arms. Now, one of the initiatives that the national chapter of the 100 has just taken on is to partner with UPS to create 100 new stars program. And the goal of that program is to basically allow folks who are not necessarily members of 100 Black Men of America to be able to work with us on our programming, mentoring. So, we're doing outreach to local businesses.

So, although you're not necessarily a 100 member, you're still helping us. You're under the 100 tent in helping us achieve what it is we're trying to achieve through tutoring, mentoring, in school

counseling.

So, of course -- and then the resources are -- we could always use a few more resources but through this volunteer program that helps where the resources are short.

CHAIRPERSON BERRY: Are you going to propose that among the things that the Mayor is going to do about this problem, that he have some kind of partnership with a group like yours to expand mentoring, which is the one thing that you say, the one-on-one, you think that's central to trying to solve the problem. How about a public/private partnership to try to include more people ;and find ways to involve more people to engage in these sort of face to face activities if you think that's central to what ought to be done?

MR. HIGHSMITH: Well, I talked to the Mayor about this. In fact, the Mayor is a member of our chapter. And, yes, so, of course, he's dedicated to this effort. He assists us in efforts wherever possible. But that is one -- definitely something we can approach and discuss with him to try to bring in

some of the private sector partners to create this. Because one of the things he's always saying is come out of the stands and get down on the field.

So, this is an opportunity and the national has embraced that as well by reaching out through the UPS program.

CHAIRPERSON BERRY: All right. Well, thank you very much and thank you for --

MR. HIGHSMITH: Thank you. Appreciate the opportunity.

CHAIRPERSON BERRY: -- representing the Mayor and thank you for your help.

MR. HIGHSMITH: Thank you.

VICE CHAIRPERSON REYNOSO: Thank you.

CHAIRPERSON BERRY: Reverend Lewis Anthony, could you please come forward.

Reverend Anthony of the Metropolitan Wesley AME Zion Church is chairperson of the District of Columbia Advisory Committee to this commission. He has -- he'll tell you in his statement more about himself and his involvement.

And welcome to you, Reverend Anthony, and

thank you for all your work with the District of Columbia Advisory Committee.

REVEREND ANTHONY: Thank you, Madam Chairman.

I am the Reverend Lewis M. Anthony, Chairperson of the District of Columbia Advisory Committee. In the time honored custom of the state chairman welcoming you to the jurisdiction where you perform your work, I am profoundly honored to welcome the imminent chairperson who is a friend and scholar, and the other distinguished members of the commission, and its imminent lawyers and leader to the District of Columbia as you consider one of the most important civil rights issues of this time, the plight and future of African American men.

Not far from this hearing room in the Capitol there is a restored chamber of the United States Supreme Court. In that room, nine justices of the Court rendered judgment in the case of Dred Scott v. Sanford. There, seven of the nine justices determined for Mr. Scott, as they had for no other human in American history in jurisprudence, that he

was not human.

It is my abiding conviction at the plight of African Americans in general, and African American males in particular, is deeply rooted in the continuing and, for some, irrebuttal assumption that somehow Dred Scott's descendants are still not quite human and therefore worthy of respect and fairness. A deletion from the Declaration of Independence, a fraction in one part of the Constitution, cargo and property in another part, and a fugitive to be apprehended in a third, African American males have had a hard time making it to the melting pot. Thus, we welcome these hearings because they will focus needed attention to this continuing dilemma.

Second, we welcome you here because the matters before you are important matters of civil rights, the very purpose of this commission. While some may wish to question your study today, as I'm sure they have, the commission's investigation is both important and proper. The three civil rights amendments to the constitution sought to give those who had been emancipated constitutional rights that

are today dangerously threatened by public policy, legislative enactments, and general indifference.

The 13th Amendment abolished slavery but stated that people could be made to work for free if they broke the criminal law. Now that our prisons are bursting with young African American males, one must ask when stocks are being traded on the New York Stock Exchange and $100 billion of profits were made in the last year, whether this amendment's intent is being eroded or nullified.

The 14th Amendment sought to guarantee equal protection of the laws and grant the privileges and immunities of citizenship. Yet, with rising assaults on affirmative action and judicial standards of review that determine that discrimination can only be established if the alleged infraction were open, obvious, and notorious, more subtle discrimination goes unpunished.

The 15th Amendment guaranteed the right to vote. Yet, with, as it has been estimate, 1.6 million African Americans, who are mostly male, forbidden to vote because of prior criminal convictions, one must

ask the question, is this amendment's intent in jeopardy? Ironically, not by Klan violence but by public policy and operation of law.

Finally, we welcome you to today's proceedings because I personally know the importance of your work. For, you see, I have known the pain that comes from being dressed in the garments of professional Washington but being passed by by cabs. I know the penetrating pain that comes from the probing eyes of merchants who watch me as I enter their stores and browse at their wares.

As this commission has adopted our report on discriminatory lending practices, we know too much and too well that in this city of monuments and freedom to justice, that there are two precious gifts that -- that these two precious gifts often elude ebony sons and daughters.

To our nation's shame, African Americans are still first only in war, last always at peace, and too often least in the hearts of their countrymen. Education says that they are unruly and as the Bell Curve suggests, limited to learn. Psychology says

that they are neurotic and suffering from attention deficit disorders that require medication. Sociology says that they are at risk and dysfunctional. And jurisprudence says that they are criminal. And politics says they are expendable.

Thus, we welcome you to the needed discussion. One we hope will help our nation finally answer the great question of Frederick Douglas. The question he posed was simply this. Whether American justice, American liberty, American civilization, American law, and American christianity could be made to include and protect alike and forever all American citizens in the rights which have been guaranteed to them by the organic and fundamental laws of the land.

I leave you with the familiar but nonetheless challenging words of Langston Hughes, "There is a dream in a land with its back against the wall, by muddled names and strains sometimes this stream is called. There are those who claim this dream for theirs alone, a sin for which we know they must atone. Unless shared in common like sunlight and air, the dream will die for lack of substance

anywhere. The dream knows no frontier or tongue. The dream no class or race. The dream cannot be kept secure in any one locked place, this dream today embattled with its back against the wall. To save the dream for one, it must be saved for all. A dream of freedom."

Thank you for the opportunity of welcoming you also thank you for your recent appointment to this duty.

CHAIRPERSON BERRY: All right. Thank you very much, Reverend Anthony.

Did you want to say something? Yes, Vice Chairman.

VICE CHAIRPERSON REYNOSO: Yes, Reverend Anthony, I know that when we had occasion to appear before you and you appeared before us, you had indicated an interest, obviously, in the role of the churches in dealing with some of these very seemingly untractable issues. And I was interested in the remarks of the Mayor's representative and his emphasis on one-to-one. And obviously churches are sort of experts at that.

So, I just wondered if you might share with us what your own church is doing and what you think needs to be done to provide more of that one-to-one support to, particularly, young African American males?

REVEREND ANTHONY: Sure. In our congregation, we are involved in several pursuits in this regard because we understand this to be the reason for our existence.

We have in our congregation a good number of reformed pharmaceutical distributors that have become a part of our experience as we've gone out to try to improve some lives. We do several things.

First, we have programs that are targeted for young children in particular, but also we work very carefully with our young little young men. And then we work cooperative, from time to time, with Emory which is an elementary school in our neighborhood.

And then we, through our youth group, attempt to try to give our kids a sense of moral compass. This is probably the first group of young

people, irrespective of ethnicity, that really comes to life without a sense of moral compass. They're not so much immoral as they are amoral which is more dangerous. An amoral person, of course, is a person who has not come to know that there are boundaries and limitations. And so, through our youth group we personally attempt to address these issues by weekly meetings and by a great deal of counseling that goes on with the youth leadership in the church.

And then we work cooperatively with our other churches to do similar things. I should say broadly that many churches are involved in these aspects. But I should also say that many churches need to be encouraged to be involved in these aspects and find themselves slightly estranged from the process because all too often the church sometimes is separated from its purpose.

VICE CHAIRPERSON REYNOSO: In that regard, I wonder if you have a rough estimate of how many teenage African American males attend church with some regularity?

REVEREND ANTHONY: Well, the numbers, as I

understand them, are not as great as we'd like them to be. The general attendance of young people, that is to say, people probably in their teen years, maybe up to the early 20s, is just not as high as it once was. It surely isn't anything close to what it was in the '50s. And it's kind of leveling off. Plus, our young people today are becoming theologically what we call syncretists.

A syncretist is a person that kind of takes different faith ideas and throws them all a pot and that's what they believe. And so, a conviction to belong to any one particular group is something which kind of eludes the thinking of many young people. And therefore, statistically, the numbers would tend to go down though I think it would be unfair to suggest that this crowd is not searching very acutely for spiritual direction. If you sit down and you listen carefully, and critically, to some of the pronouncements in rap music, you will find that these themes are there even though they are often buried by other lyrics.

VICE CHAIRPERSON REYNOSO: Thank you.

CHAIRPERSON BERRY: So what do you do

about that, Reverend Anthony? I mean, rather than just saying, as you have, and it's true, that fewer young African American males are going to church. I mean, we know when we go to church that we see a lot of women in the church, every church, whatever denomination it is, and we see a lot of older people who are getting closer to the stone and perhaps are seeking to make sure that they can ease their way across Jordan, as it were.

But, what do we do, even if we understand that that this syncretism that you talked about, what -- is there something in that, or some way, if spirituality and if a church structure some how as a network is important in terms of saving people from some of these things that we talk about the exist, what do we do to try to engage them or get them involved, or something?

REVEREND ANTHONY: Well, for example, in our neighborhood, which has had varying reputations for difficulties and challenges, I mean, we just go out. Which is what I believe we ought to do. We and the young ones in the neighborhood get along rather

well because our men go out every Wednesday. And they know them and they know us.

And point of fact, we had a little situation that happened last night that was rather humorous. We had a meeting -- we have a meeting going on in the congregation. It's one of these district meetings so there's great numbers of people who are using the people. Some of the neighbors got put beside because they couldn't park their cars.

And ironically, the ones who were complaining were some of the few neighbors but the persons who are often times involved in some drug activity or they hang out but that we minister to. Their uniform comment was, I don't understand what they're tripping about. They says, these people come out and they help us.

So, I mean, the solution, a solution, is that you have to go out. As the preceding speaker indicated, mentorship becomes rather critical because this is the first -- well, you're an imminent historian in your own right and I use your books often. And one of the things that comes out in some

of your writings is that after emancipation, people immediately formed families. So that by the beginning of this century, 80 percent were all in families.

Well now, the whole thing switched around so that nearly 80 percent of us are not in families. Most people don't have a clue about who the daddy is. You have these multiple relationships going on and then this suffocating preoccupation that somehow life is devoid unless I have somebody, so anybody works.

There has to be a targeted type of intentional understanding on the part of educators, church leaders, and others, that the paradigm that they knew before no longer exists. I think that part of the reason why we're having educational problems is that we're educating a child that doesn't exist. We come to that classroom with pedagogical assumptions that are no longer borne in reality.

And consequently you're trying to juxtapose it on the kid and it doesn't work. He didn't come from a mommy/daddy home where he was told, as I was when I was a kid, he's here to learn and if he gives you any trouble, you know what to do. More

often than not he came from confusion. The sociologist says he's at risk and disadvantaged. The school psychologist says he needs to be medicated. He had to walk through a war zone in order to get to school and then you tell him ought to learn. Get a life.

I think that when we begin to target in these matter becomes more important. But I'm particularly disturbed at what seems to be the public policy indifference to the outcomes of judgments that have been made largely by government. Where jails are filling up, where the crime rate is going down but the prisons are being -- more prisons are being constructed. And we're willing to give through mandatory minimum sentences as much as $150,000.00 for renewable scholarships and then balk at the same time to give that same money to educate children for usefulness.

I once engaged some members of Congress on this matter. I said, well, you know, make me a member of the House today. So they knew it wasn't going to happen. They said fine. I said, well, why don't we

have a war on ignorance? And I proposed that we give to every kid who deserves it, particularly inner city kids, $150,000.00 for education to be parcelled out in $30,000.00 increments over five years. How many do you think would pass?

Well, they looked at me like I had lost my mind. But I looked back at them. I said, well, you're already doing it. Mandatory minimum sentence, five years, $30,000.00 a year. That's $150,000.00 and it is renewable.

Now, when we can find that type of income for what will predictably limit you to the future, and then strip you of rights so that if this statistic is accurate -- i've researched. I haven't found much to contradict it. But 1.6 million African American people who can't vote because they've bene in jail and there's not that many of us in the country.

If the rate continues unabated, in years you'll have a bunch of disenfranchised people by operation of having gone to jail or broken some law. And while we all deserve different levels of correction, I don't know that we ought to forever take

away somebody's franchise and right in that regard.

So, if we could change the paradigm. Get out of the building. Understand that the kids are really different and it's no fault of theirs. But that the hardest ones still are looking for somebody that will do the essential things that got us to where we are and it takes a little time. It takes more time today because maturity has now moved up. People now mature at 30 rather than in the early 20s which is problematical for the rest of us but nonetheless the reality in which we live.

And so, when churches get more attuned to this and when educators get more attuned to this, and people who can speak will talk about the public policy implications of certain actions, then we can make some progress. Otherwise, history will subsequently record that through operation of law, the laws that were enacted to make sure that freed men, have all been erased.

CHAIRPERSON BERRY: Tell me, I want to ask you just one other thing and then I'll let you go. You have some experience with the police?

REVEREND ANTHONY: Yes.

CHAIRPERSON BERRY: I don't mean that you've been in jail or a criminal. But you were a chaplain for the Metropolitan Police Department and you spent some time with police under circumstances where you might be able to tell us everything you just said about how the teenagers have changed, how the kids have changed. And so that the young black male that you're dealing with in school is not the same as before while the assumptions are the same. Do the police, then, have the same perception of the reality of who they're dealing with?

I mean, is their perception of who they're dealing with more real than the perception of those who are trying to educate them according to how they used to do or what kind of families they used to have? So, are the police, in fact, dealing with, when they deal with young black males, some of them do, as people who are aggressive, who have a potential of violence, who are different, who have all these different ideas, and who have changed, is their perception of reality more in accord with what is

really going on than that of other institutions in the society?

REVEREND ANTHONY: Well, Chief Monroe is coming at some point to speak to you. I know it is in the mind of Chief Ramsey to try to retrain the department to exercise more sensitivity in this matter. Because what generally happens is, I think, because it's happened to me, not necessarily here but in other places, people just see you and they assume. And they shouldn't make those assumptions. And a great deal of effort is going on in the police community nationally to try to get people to the place of understanding that you shouldn't necessarily assume anything but that you should really have something tangible.

We've all seen the stories all over the place about pulling people over on the road when you're guilty of driving while black and this type of thing. Chief Ramsey is really trying to get organized in this focus and it will take a little while because assumptions are assumptions. You see a pair of baggy pants and you see a less than conventional hair style.

I'm always envious because there was a time when I had it and now I'm losing it. So, but nonetheless, too often the assumption is just by virtue of that presentation, that these are people who have to be watched.

You've encountered the experience, for example, where somebody went into a store and a group of whites and a few blacks. The blacks walked in the store and they were being watched by the security while the other folks cleaned the place out. And they walked out. So, I mean, those things are real and I think the policemen are people, contrary to popular belief, and unless people are sensitized, just like teachers ought to be, just like preachers ought to be, they'll make the same faulty conclusions that others make.

CHAIRPERSON BERRY: It's sort of like what the Mayor of New York told us in a hearing about how the people are concerned about too many illegal immigrants in the country. They're always focused on the Mexican border and people down there are coming across. When the largest group of illegal immigrants,

in New York for example, he told us, are Irish immigrants who are there illegally. And that nobody ever says anything about them. They just come in there and while people are saying, oh boy, we've got to watch that Mexican border. Anyway --

REVEREND ANTHONY: This is why it becomes imminently clear. The President has tried it with varying degrees of success, that people have to understand where the real problems are and to understand that whether you like it or not, we're all here. And it's not going to work unless we all get along and best that one invests in that pursuit than to pursue these canards and these old ideas which don't get you anywhere but in confusion.

CHAIRPERSON BERRY: Okay. I want to thank you --

Yes, Commissioner Lee wants to ask you something.

COMMISSIONER LEE: I have a quick question for you. The scholars and researchers, and the consultants, has stressed overwhelming that on the importance of educating the African American males

takes everybody from the community. Can you give us a sense of where the religious community is at in terms of working with school districts and other educators in assuring quality education to our kids?

REVEREND ANTHONY: We have an after school activity, tutorial type of thing. And may churches have those types of efforts. Many churches in this community are partnering with the elementary schools, particularly, in their neighborhoods but sometimes higher level schools, to try to address these types of issues. I think churches are becoming more sensitive to the necessity of it and just opening up their doors so that people will have some place to go other than to the places where more often than not people are likely to get in trouble.

Now, our tutorial is basically run by -- we're blessed to have some educators in the congregation and they make available their time to help the kids from the neighborhood. And then, in my own right, I teach some classes trying to get people basic skills so that they can be able to negotiate in the larger world.

COMMISSIONER LEE: Do you think the school district has been outreach -- not outreaching, reaching out to the religious community to be a partner in this or is it just a --

REVEREND ANTHONY: I think there was an initial reticence because of the judicial announcements, and the whole notion of separation of church and state and this type of thing. But now we're in the age of faith based -- it's interesting. Just change the application, everything's okay. Now we're into faith-based partnerships and in the consequence of those faith-based partnerships, these types of things are beginning to happen.

COMMISSIONER LEE: Thank you.

CHAIRPERSON BERRY: Thank you very much, Reverend Anthony.

REVEREND ANTHONY: Thank you.

CHAIRPERSON BERRY: And again, we so much appreciate the service of the D.C. Committee and we're going to be looking to you to help us in D.C. in following up on the recommendations that are going to come out of this inquiry.

REVEREND ANTHONY: And we thank you again for taking unto yourself our report because we thought it was a very important one on the financial lending practices. And also, you should know for the record, that your Mark Patino is one of the great treasures of public service and we value him greatly. And he serves quite well.

CHAIRPERSON BERRY: All right. Fantastic. Thank you very much for being here.

We are going to take a five minute break while we gather the panelists for the overview session. I said five minutes so that means it will be seven minutes, right? All right.

(Whereupon, the foregoing matter went off the record at 9:45 a.m. and back on the record at 9:56 a.m.)

OVERVIEW PANEL

CHAIRPERSON BERRY: This first panel is an overview panel and what they will do is discuss generally the topics of this proceeding before we get to the people who will discuss specific topics. So, what I'd like to do is to ask the Deputy General

Counsel, Eddie Hailes, to call forward the ones who are here and we will begin with them. And the others will join the panel as they come in.

Could you do that, please, Ed.

MR. HAILES: Would Mr. Bright, Mr. Pierce, Mr. Monroe, Mr. Hilary Shelton, and Mr. Brian Jackson please come forward at this time.

CHAIRPERSON BERRY: The names, they need -- Mr. Monroe, your name is right? That's your name. And you're not Hilary Shelton, so --

MR. HAILES: Madam Chairperson, I should say, we did receive notice that Mr. Hilary Shelton had an emergency and will not be here in time to appear on this panel.

CHAIRPERSON BERRY: Now, first, the sign interpreter, could you ask if your services are needed.

Thank you.

Assistant Chief Ronald Monroe is a life-long resident of the District of Columbia. He's one of only about three people who are life-long residents of the District of Columbia.

Were you born here, too?

ASST. CHIEF MONROE: Yes, I was.

CHAIRPERSON BERRY: You're one of about two people, you and Eleanor Holmes-Norton were born here.

ASST. CHIEF MONROE: Thank you. I'm in good company.

CHAIRPERSON BERRY: Yes.

He has served as a member of the Metropolitan Police Department since 1979 and during his tenure with the department, he has served in many capacities. He has come up through the ranks. He was a sergeant, a lieutenant, and so on. He has -- was in charge of an investigative platoon in the Narcotics and Special Investigations Division in the early '90s.

And he has been in the 4th District as a sector commander, these in a neighborhood which had the highest concentration of violent crime and narcotics. And he was promoted to the rank of Commander and assumed command of the 4th District. And then, in 1997, and in 1998, he was promoted to rank of Assistant Chief in charge of the Northern

Region.

He's been trained at the FBI Academy as well as the Senior Management Institute for Police. He is a college graduate, the University of the District of Columbia. And he also earned a master's degree at Johns Hopkins University.

Mr. Bryan Jackson is the Associate Deputy Attorney General of the U.S. Department of Justice and he is a lawyer, a graduate of Xavier University. Is that right?

MR. JACKSON: That's correct.

CHAIRPERSON BERRY: And of Southern University Law School, am I correct?

MR. JACKSON: That's right.

CHAIRPERSON BERRY: And we appreciate him coming to help us.

Mr. Bright, who had not given me anything to read before just now has given me an article of his to read to you. No. I will do that. On discrimination, death and denial and tolerance of racial discrimination infliction of the death penalty. He is the Director of the Southern Center for Human

Rights in Atlanta. He has lectured at the Harvard and Yale Law Schools.

He is a law graduate of the University of Kentucky and he has represented defendants on death row among other things. And we're so happy that he arrived here just right before we got ready to start.

We're going to begin by asking each of you to summarize your views and then, or to speak for about ten minutes, and then we will ask you questions. I'm going to begin with -- let's see, is it commander or chief? Chief?

ASST. CHIEF MONROE: Assistant Chief.

CHAIRPERSON BERRY: You're a chief now?

ASST. CHIEF MONROE: Yes.

CHAIRPERSON BERRY: Assistant Chief. Chief Monroe.

ASST. CHIEF MONROE: Thank you, Ms. Berry, and thank you, panel, for giving me the opportunity to address you this morning. I'll read from prepared remarks. That way I won't ramble and we can stay within the ten minute time frame.

I'm Assistant Chief Ronald Monroe of the

Metropolitan Police Department. Chief Ramsey would have liked to have been here but he's unable to be here because of a prior obligation. However, i'm privileged to represent him discussing such an important topic as the status of African American males in our inner cities.

Chief Ramsey is well aware of the many issues related to this topic that must be addressed if we as a society are to continue moving forward into the new millennium. As you know, the image and stature of the department has slowly eroded over time. This is a very important issue because police play a very important role in urban America.

If the perception in the community is that our officers are not of the highest caliber, they will not be respected and looked up to by our young men. This can only lead to conflict. We must improve our image.

We have worked very hard over the past year to do that by increasing the training our members receive. The Chief believes that each member of the agency is a critical part of the rebuilding effort and

encourages them to use their energy and aspirations for the betterment of our department and our city.

While it is an exciting time to be a member of the Metropolitan Police Department, it is also a difficult and troubling time for law enforcement. Chief Ramsey understands all too well, and probably better than most police executives in the country. In a speech he recently gave to a graduating class of our recruit officers the Chief reflected that, "In far too many of our communities today, relations between police officers and residents have become strained. Regrettably, these divisions are wider and more common place in our communities of color.

Part of this strain between police and community involves perceptions that are created by certain high profile incidents, the death of Ahmadad Dialo in New York City or the beating of Rodney King in Los Angeles. But there is also a growing fear in many communities that the police simply do not treat all people equally and with respect and dignity at all times. Many residents of these communities are not so

much afraid of getting into physical confrontations with the police but afraid of being treated with suspicion, disrespect, and derision by officers.

The situation is difficult, troubling, and ultimately counter productive to what we're all trying to achieve, which is safer and healthier communities. But this situation is also the reality in which all of us as police officers and community members now find ourselves.

The good news is that as police officers, we can now be part of the solution to this problem. We can now help bridge the divisions between police and community and help find new and common ground for working together towards our goal of safer streets. Change of this type will not come through bold pronouncements or new policies from police headquarters. No true change, meaningful change, lasting change, will come through -- It will come through everyday contacts and communication between police officers and residents, one-to-one, person-to-person."

And I -- I believe that pretty much

reflects the Chief's views. Now, here's some of my thoughts on the subject.

It is clearly the responsibility of police executives to use innovative approaches to improve relations between police officers and young African American males. However, so much more needs to be done if we are to have a healthy and safe society. As long as young African American males are disproportionately represented among high school drop outs, the unemployed, and almost every other demographic category with negative connotations, America will not be able to achieve its full potential.

Although there has been meaningful research in these areas seeking solutions to many of these problems, much remains to be done. And more importantly, the findings of the research must be acted on.

These problems, many of which are excruciating difficult to solve, must not be avoided. We, as a society, cannot continue to act as if they do not exist or are not our responsibility to help

resolve. Nor can we surrender to the overly simplistic belief that our young African American males are just being incorrigible and locking them away is the answer. Although there are certainly people in our society that need to be imprisoned, many do not. The expense of trying to address what in many cases are social problems through incarceration is simply too high in both dollars and wasted lives.

We, as a society, must come to form partnerships that produce the synergy needed to address these issues. We must not allow bigotry, born of ignorance, to keep us from creating the sense of community needed to keep America strong and competitive in the 21st Century.

Earlier I spoke of our young African American males and I want to emphasize that fact. They are ours. They are not brought there from another planet. They come from no place else. There is no planet for us to ship them to. We must understand that as surely as the fiscal deficit left unattended would have placed this country into financial receivership, the human deficit left

unanswered will lead to moral bankruptcy, not just for our young men but for all of us.

Thank you.

CHAIRPERSON BERRY: Thank you very much, Chief Monroe. There will be some questions for you.

We've been joined by another panelist who I will introduce in a few minutes. But, first let us go to Mr. Brian Jackson who is the Associate Deputy Attorney General of the United States in the Department of Justice.

MR. JACKSON: It is an honor for me address the commission today. Under your able leadership, the commission has explored issues of enormous importance, not just to minorities but to all Americans. And we commend you and all the commissioners for your commitment to addressing these problems. The United States Department of Justice appreciates the opportunity to join in the dialogue of this most compelling issue.

Let me at the outset observe that the last six years have marked a notable decrease in crime in virtually every category in the United States. More

specifically, crime perpetrated by juveniles has declined over the past two years. And while some may glow with pride over our success in fighting crime over the last few years, the stark reality is that much more remains to be done.

The statistics reflecting black male victimization, for instance, remain especially troubling. Young black males age 12 to 24 experience violent crime at a rate significantly higher than rates for other black males. And that rate almost doubled the rate for white males in the same age group.

The FBI's uniform crime report shows that black males between the ages of 12 and 24 were 14 times more likely to be the victims of homicides than were members of the general population. Similarly, the incarceration rates of young black males portray the stark reality that far too many of our African American youth eventually enter the criminal justice system.

The Bureau of Justice statistics estimates that black men are almost six times more likely than

whites, young black men, to become involved with the criminal justice system. And more often than not, they will become involved in the criminal justice system from their mid-teens to about the age of 25.

The Washington-based sentencing project, a representative of which I know will be testifying before the commission, offers even more stark figures. They estimate that one in three young black males, specifically between the ages of 20 and 29, are imprisoned, on probation, or parole.

These figures, as exceptionally compelling and distressing as they are, cry out for committed, sustained action from government, the private sector, educators and others. So, while those of us in the criminal justice system take satisfaction in the every decreasing crime rates, we cannot grow complacent.

To the contrary, we must do even more, to be vigilant in our efforts to ensure that in our zeal to reduce crime and make our communities safer for all citizens, we do not act in a manner so reckless as to unintentionally, or intentionally, disregard the fundamental constitution of protections enjoyed by all

citizens, particularly young black males.

Government has a responsibility in seeking solutions to the problems that beset our community of young black males. The criminal justice community, for instance, has the obligation to ensure that criminal justice policies do not unfairly assume that young black males, as a group, pose an inherent risk of danger to the community at large.

Attorney General Janet Reno and Deputy Attorney General Eric Holder have consistently conveyed this theme to all segments of the law enforcement community. They recognize, as to so many others, that young black men simply cannot themselves be the victims of unlawful profilings and other forms of police misconduct by those in the law enforcement who, as Professor Randall Kennedy observes, use race as a proxy for dangerousness and criminality.

In addition, the Justice Department recognizes that we must be committed to doing all we can to help create a culture of integrity among all law enforcement agencies in the United States, especially those that interact most frequently with

young black males in the inner cities.

For too long, insensitive and ineffective police practices have resulted in a culture of distrust for police and prosecutors, all of which has resulted in the inability of the criminal justice system to deliver justice to those most often in need of it.

Fortunately, more and more members of the law enforcement community are responding to the crisis of young black men in our inner cities with innovative efforts and a renewed commitment to becoming a part of the solution. The Department of Justice, through our Office of Justice programs and community oriented policing services, better known as our COPS program, is helping local and state agencies develop new resources and new ideas to deliver such a policing services like community policing programs where police, an d even prosecutors, become a part of the communities they serve.

This innovative concept, which has been undertaken with great success here in the District of Columbia, enables us to make communities safer by

increasing our presence in those communities and establishing relationships with the citizens that we serve so that we can change the whole dynamics of the relationship. Where police officers and prosecutors become partners with residents and not adversaries.

Some to her non-traditional approaches have been -- have resulted in noteworthy, and indeed, laudable efforts, such as conflict resolution programs for young people offered by so many police departments today and efforts to educate police officers to deal with young black men as is now happening, for instance, in Winston-Salem, North Carolina where police recruits are required to serve as mentors to at risk children.

Madam Chairperson, the solution to the crisis facing young black men cannot be addressed solely be enacting tougher laws a or by placing more officers on the street. Indeed, the criminal justice system alone cannot do it. Instead, we must form critical partnerships with business leaders, community leaders, educators, members of the faith community. This crisis must be addressed in a comprehensive way

to ensure best results. We must commit ourselves to improving economic opportunities for young black men who all too often commit crime out of a sense that the future holds no hope for them.

These private, public sector partnerships that I've alluded to can directly help us, I think, to enable our young black men to understand that there are real opportunities and real hope for their futures. And also may result in real safety for our communities.

We look forward to working with the commission in exploring possible solutions to the crisis that afflicts young black men. And once again, we appreciate the opportunity to participate in this dialogue.

Thank you.

CHAIRPERSON BERRY: Thank you. There will be some questions after we've gone with the -- hear the presentations.

I guess Mr. Bright, since you were here before our -- Mr. Pierce, we'll go to you next. And I invite you to --

MR. BRIGHT: I'd be delighted to yield, Madam Chairwoman, if you --

CHAIRPERSON BERRY: No, no. I don't want you to -- Well, we usually go with the Government first, but hey, there's no book that says you have to do that. Do you want to hear from the Government first?

MR. BRIGHT: I'm used to that practice, I can tell you that.

CHAIRPERSON BERRY: Oh, you are. Okay. Then I don't want to do anything that you are accustomed to, so let's go with Mr. Pierce first. Let's do the Government first.

We are pleased that Mr. Pierce, Raymond Pierce, is here with us. In 1993, he was appointed by President Bill Clinton as a Deputy Assistant Secretary for the Office of Civil Rights at the U.S. Department of Education. Mr. Pierce directs and supervises all policy development operations within the Office of Civil Rights which has the same mandate that this commission has in terms of race, gender, disability, age.

During his term as Deputy Assistant Secretary, they have done a lot of things with a lot of compliance reviews stepped up, looking at a lot of areas. He's been a civil rights attorney in Little Rock, Arkansas. He has been a labor relations attorney. He has been involved with the Cleveland branch of the NAACP. And he served on the Congressional Black Caucus Education Brain Trust.

He is a lawyer. Graduated from Syracuse University and is a -- has his law degree from Case Western Reserve University School of Law.

Thank you very much, Mr. Pierce. And what we're doing here is summarizing, or reading, or making an opening statement. And then we're having -- for no more than ten minutes. And then we'll have questions when everyone has presented.

MR. PIERCE: Yes, ma'am.

Thank you, Madam Chairwoman and other members of the panel. On behalf of Secretary of Education, Richard Riley, we appreciate the invitation to join your panel. Also on behalf of Assistant Secretary Norma Kantu.

I will be brief in terms of statistical analyses. I think you all are very well knowledgeable in terms of the education scenery for African American males in this country. We are over represented in the bad categories and under represented in the good categories.

In the field of education, however, I think it is safe to focus in on a couple of issues. And that is, one would be special education and the misuse of special education, particularly as it is known in the field as tracking. And also, in the field of racial harassment and the correlation between racial harassment and the over representation of minority males in discipline in your more integrated school settings.

The Office for Civil Rights has conducted, as you mentioned, Madam Chairwoman, quite a number of compliance reviews across this country on the subject of the over representation of minority students in special education. We have found statistical disparities as high as 80 percent, sometimes 90 percent in some school districts across this country.

We have agreements in a number of school districts around this country and state-wide agreements to address this issue.

But what you primarily have is not just an inconsistent use but an abuse of the special education program.

Special education, we know, is a good thing for our children who have need for special services, whether it's mental or physical disability, dyslexia, some types of learning deficiency. But unfortunately, the reality is, and has been for too long, that special education is being used for behavioral issues, discipline issues. Where it is not so much an issue where a child has been evaluated and determined to have some type of learning disability that can be addressed through some type of scientific and educational method, but Johnny or Darnell is in the back of the class acting up. The teacher does not know what to do. She refers -- He or she refers that child for evaluation for special education.

You have a huge backlog. The school psychiatrist may show up once every other month. He

has, or she has, a stack of children to interview. He or she interviews that student for about ten minutes, makes a determine, bingo, that child is in special education.

And unfortunately, the laws of 504 which are -- surround special education, are not well implemented too often and instead of an individual development plan for the eventual exiting of that child from special education, that child remains in special education too often in school districts where it is a watered down curriculum with very little challenge. And around about the fourth or fifth grade this child will look for a challenge somewhere and he will find it in the streets as Chief Monroe talked about. And someone will challenge that child to carry a gun or sell drugs. And he's looking --

I have a son myself and he loves to be challenged. And if he can't find a challenge in school, he'll find it in the streets. And he'll do the wrong thing. And the next thing you know, it's Chief Monroe's issue.

So, I'm not going to go through the

statistics. Those are all over the place on special education, the exclusion of minority students, particularly African American males from your gifted and talented honors programs, misuse of tests, tests designed for one purpose and being used for another. Limited opportunity for multiple test taking. All account for extremely low representation of minority males, particularly African American males, in your honors classes or your gifted and talent programs that could possibly lead to college or post-secondary education.

But I'd like to concentrate on what some of the remedies could and should be --

CHAIRPERSON BERRY: That would be great.

MR. PIERCE: in those areas.

CHAIRPERSON BERRY: Remedies, yes.

MR. PIERCE: Yes, remedies.

And in the area of special education, I think that given that this nation is caught up in school reform, I mean, you can't go to a town now, whether it's Detroit, Cleveland, Baltimore, Boston, D.C., and school reform is taking place, because

cities are trying to revitalize themselves. And school districts are seen as an intricate and indispensable part of that city revitalization.

Well, school reform has to go hand-in-Hand with addressing those issues that particularly impact on minority males. And this issue of the misuse, abuse, of the special education system must be addressed. And we cannot continue to have a situation where we are under staffing our special education forces to the point where we have the scenario that I painted earlier. It has to be seen as an important component of the education system.

You cannot have untrained evaluators. You cannot have evaluators that are showing up once every other month. You cannot have evaluators conducting a five minute interview determining the life of a child soon to be a man. You cannot have that. There has to be systems of accountability placed there, just like we're working to put, and have placed, systems of accountability in Title I. Just like we have systems of accountability in testing and proficiency tests for graduation, we must have systems of accountability in

the use of the special education systems.

Section 504 must be enforced but there's a lot of -- a great deal of training that needs to go along with that, also. Otherwise, the children will be continued to track into non-challenging curriculum.

Another issue aside from special education and the total abuse of special education. Often times we see school districts attempting to use innovations to address these issues. And one particular innovation I believe is noteworthy for this panel and that is single sex education. All girl schools, all boy schools.

You know the situation in Detroit ten years ago. The Garrett case. Black males dropping out of school left and right, landing in the hands of the police or worse, dead. African American mothers going to the superintendent saying please, my God, do something. The superintendent, seeking to stabilize the situation, pulling together an all male academy, getting some strong male role models in front of these students, and the next thing you know, you fall into a Title IX issue. Discrimination on the basis of sex.

Civil rights laws were never fought to deprive or be a bar to these types of remedies. But unfortunately, that is the case. And we must, and we actually are grappling with this issue right now. Because the school districts around this country look for innovation, single sex education for girls and for boys. And they're running smack dab into the decisions. And -- Virginia Military Institute and the resolution in the Citadel.

We must allow for some avenue whereby these, if you want to even call it an experiment because it's nothing new. Single sex education is nothing new -- can be allowed in a way that's still enforces civil rights and protects the civil rights of both male and female. We know the argument to the other side and that is that you would be stereotyping girls or stereotyping boys, or in this particular sense, racially stereotyping folks.

You can never have an all black male school. That is against the law. You cannot have it by law. You cannot say this school is just for black males. We know you cannot do that just like you

cannot have a school just for white males. That's just unacceptable.

But, the issue is can you have an all male school in a predominately black school district, where the school is going to be predominately black male anyway. Can you have an all female school in a predominately black school district which is going to be all black females anyway? So, it doesn't become a Title VI or a race issue. It's a gender issue. And I would offer to you that gender equity issues are not the same across the races. They're just not the same.

My graduation class of Syracuse University, I sat with the black students when I was ready to graduate and they were all women. And all the brothers were not graduating. This is not uncommon. We seem to lose our way along the way. So, these types of innovations should be allowed an opportunity to breath and we're concentrating on policy right now to correct that and address that. But I do believe the U.S. Commission on Civil Rights should be knowledgeable about that, get involved, and make commentary on that subject.

The last issue I'd like to comment on is in the arena of school reform that this nation is appropriately, and frantically, caught up. We're looking at teacher training. The Title II, the Lighthouse Project, passed. It has been appropriated. You have schools of education across this country partnering with local school districts to train teachers for the unique needs of urban and rural America. So that Michigan State University School of Education, in partnership with a Detroit public school district, would have a program to train its teachers for the unique needs of Detroit.

Well, I would submit, and offer, that this -- the information we have in terms of that grade, around about the fourth grade where black males tend to fall off, that that ought to be incorporated into the application process. University of Michigan School of Education and you're application to receive these funds. What do you intend to address this issue? More interactive activity for the males. We know what happens in the third -- kindergarten through the third grade. It's interaction. Around the fourth

grade, children are asked to sit down and receive a lecture. And it's hard for a boy to do that.

So, in closing, I would say very quickly, that as we go forward and work with our schools of education that are producing our teachers, that this issue needs to be put in front of them and schools of education need to say what they intend to do to incorporate that knowledge in their base of information.

Thank you.

CHAIRPERSON BERRY: Thank you. There will be some questions. Thank you very much.

Mr. Bright, please proceed.

MR. BRIGHT: Thank you very much. It's an honor to be here. I appreciate the opportunity. And let me start by sort of segueing from education back to the criminal justice system with a case that I think is all familiar of a young man in McDuffy County, Georgia who got in a fight at school and the principal came to break it up and he hit the principal. And he was taken down to court. This was only two months before he was to graduate last year

and he was sentenced to two years in the county jail. Never been in trouble before in his life. So now he won't graduate from high school and he'll spend two years in the McDuffy County Jail.

I come to you with a perspective of one who travels across the south representing people in criminal cases and trying to do something to bring about the realization of our constitutional promises in the criminal justice system and the court -- and the corrections system. And what I find is what Joseph Lowery, the president emeritus of the Southern Christian Leadership Conference has said, is that our criminal justice system is the part of our society least effected by the civil rights movement.

As I go around the south, I see some changes here and there but when I go in the courtroom, I still see what we've always seen which is often the only person of color who's in front of the bar is the defendant. You go to Columbus, Georgia, which is 35 percent African American and you can see Jimmy Lee White's capital trial. He was the only person of color. A black man from Detroit. The jury was all

white. The lawyers were all white. The judge was white. African Americans are under represented in every place in the criminal justice system.

We tolerate race discrimination in the criminal justice system we wouldn't tolerate anywhere else. I think of a judge in Florida who in a case said, well, since the nigger mom and nigger dad are here, let's just go on and put them on today. And the Florida Supreme Court said that judges in the future should avoid the appearance of impropriety.

Now, if that judge had been a sports caster at CBS, he would have lost his job. But he's still presiding. And I could give you many other examples but there's not enough time.

The result of all this is a criminal justice system I think that in many ways is insensitive, whether intentionally or not. We know that young African American males, the group that you're interested in, are more likely to be arrested, more likely to be stopped. David Cole has written his book which I commend to you, No Equal Justice. But more likely -- a young African American male is more

likely than a white person to be stopped by the police, to be arrested by the police, to be put in a choke hold by the police, to be abused by the police, to be denied bail when they have that bail hearing to decide whether they're going to be in the community pending trial or whether they';re going to be locked up in jail pending trial. More likely to be convicted when they finally come to trial. Much more likely to be put in jail than on probation. More likely to get a harsher sentence and much more likely to get the death penalty than life imprisonment.

One of the things that I gave the commission was a study that the Atlanta Constitution did of 2.4 million sentences in the state of Georgia over the last, since 1990. And the findings, in my view, are shocking, that a white person is 30, depending on the category of crime, a white person in Georgia is 30 to 60 times more likely to be put on probation than a black person. Even a white person who has a worse record.

And, that's probably the most critical decision that our criminal justice system is making,

or one of the most. Bail is another critical one. But here is the question of whether a person is going to go in the community and be in a drug program, or an alcohol program, or a jobs program, or whether they're going to go off to the Georgia Department of Corrections where the only program today is for inmates to walk four miles. That's the only program.

There's no college educations any more because the Pell Grants were taken away. As soon as the Federal Government did that, the state took away it's Hope Scholarships for those folks. And whether one goes to the prison and walks four miles a day or stays in the community and has the support of their family and the institutions in the community may determine whether that person spends the rest of their life as a useful and productive citizen or whether they spend the rest of their life in trouble with the law.

The result of this is that two-thirds of the prison population in Georgia, and you see this reflected all over the south. I just mentioned Georgia because this study was done there. Two-thirds

of the prison population is African American in a state whose population is only 27 percent African American.

Of course, we know that with regard to severity of sentences, the death penalty, we know that even though in the deep south where I practice in what's called the Death Belt, where 90 percent of all the executions have taken place, that although the victims of crimes in those states, 60 percent of the victims of murders in Alabama, Georgia, Mississippi, Texas, these states, are African Americans. And yet, if you look at death rows in those states, 80 percent of the people are there for crimes involving white victims.

The Supreme Court in McCluskey v. Kemp said that this is just inevitable. There's nothing really we can do about the fact that there's these gross racial disparities. And the Court also expressed a fear that if it dealt with the racial disparities in the death penalty area, it would have to deal with it in other areas as well. What Justice Brennan called the fear of too much justice. And it was a fear well-founded.

We saw that in a case in Georgia involving drug sentencing there. Georgia has two strikes and you're out. Prosecutors can file a -- can make a person serve a life sentence for a second drug offense. And when the case of Stevens v. State came before the Georgia Supreme Court, 98.4 percent of the people serving life sentences for a second drug offense were African American. That's 98.4 percent again in a state that has a population -- One percent of the eligible whites got that sentence. Sixteen percent of the eligible African Americans. And the Georgia Supreme Court said that doesn't even raise a question that requires a hearing before the court. We're not even going to look into the reason for that racial disparity.

The McCluskey case basically says hands off. We're just going to look the other way. Again, in no other area of American life would that kind of difference, that kind of disparity, be tolerated, in housing, in education, in any other area. And it's really been a green light, the McCluskey case has been a green light for discrimination in the criminal

justice system.

In Louisiana, 39 of the last 43 people to be sentenced to death have been people of color. That's 39 of last 43 people added to Louisiana's death row. And one of the reasons for that is because the people making the most critical decisions, the prosecutors, whether to charge people, what to charge people, whether to resolve these cases with a plea bargain or whether to move them on to trial and seek life without parole or seek a lesser sentence, or seek the death penalty or lesser sentence.

If you study prosecutors, and one of my friends did it, he called it the ivory snow study, because the prosecutors in this country are about 99 and nine-tenths white. And the people that are making these decisions, and I think sometimes it's blatant racism and sometimes it's unconscious racism. I said when the judges -- when the study of probation came out in Georgia, I think so many of our judges, and there are only a handful of African American judges in Georgia and almost all in Atlanta, that when most of these judges look out and see a young white person

there, they see a troubled youth that needs help. And when they look out from the bench and see a young African American there, they see a thug who needs to be put in prison. And they may not even be aware of that but that's exactly the stereotypes which our judges bring.

You take a community like Columbus, Georgia, just to go back there. We did a study there one time and found that 70 percent of the victims of crime there were African American. An even larger percentage of the people accused of crimes were African American. And yet, all the people making the decisions in the system were white men. All ten prosecutors. I take that back. One judge was a white woman in the four superior court judges.

So, here is the decisions being made about the African American community, both the victimization of the African American community and how to deal with those who have engaged in crimes, all those being made by people whom they have never even been in that community.

I have given you also a law review article

that I wrote. It talks about the death penalty, but it basically sets out the failure of our criminal courts to come to grips with these problems. Our unwillingness even to wrestle with the problem of race. To just pretend it isn't there. To just kind of whistle past the courthouse without dealing with these racial disparities. But it applies just as well in every other area.

And I talk there about the tolerance of racial discrimination in the court system. I think what we have to ask is are we going to have a zero tolerance policy for race discrimination in the criminal justice system.

And I'll end with just saying what bothers me the most is that in our society which is getting increasingly diverse, our court systems are less and less diverse. I was just at Columbia Law School last night and they were telling me that the black law journal is moving, I believe from UCLA there, because there are no black students left at UCLA. They had to move the law journal. And of course, that's great for Columbia but it doesn't say much for the California

system or Texas, or other places.

And we're going to have a state like Texas which is going to be very racially diverse in terms of the African American people there, the people of Hispanic descent there, and yet the Texas Court of Criminal Appeals in the last election lost its only African American member. The courts are elected state-wide.

The courts in Houston, for example, a very diverse city, all Republican, all white just about, because of the way in which they're elected. and so, we don't have courts that reflect the diversity of our population. And unless we do something about this, and if you have this hearing 50 years from now, somebody else will be sitting here telling you that the criminal justice system is the part of our society least effected by the civil rights movement.

Thank you.

CHAIRPERSON BERRY: Thank you very much, Mr. Bright.

Does any commissioner have any question for the presenters before I -- I have a lot. But I'll

go to everybody else first.

Vice Chair -- Let me ask, Commissioner Anderson, Commissioner Redenbaugh, do you have any questions at this time?

COMMISSIONER REDENBAUGH: Go ahead, Carl.

COMMISSIONER ANDERSON: None for me at the moment, Madam Chair. Thank you.

COMMISSIONER REDENBAUGH: And none for me.

CHAIRPERSON BERRY: All right. Vice Chair?

VICE CHAIRPERSON REYNOSO: Like you, I have a lot of questions, too.

I'd like to start with education because it seems to me that that's where we catch the youngsters earliest. I was in a place called Little Rock, Arkansas recently, just a couple of weeks ago, at a conference dealing with civil rights and affirmative action. And I heard there one local judge, African American, and one professor, African American, among others, but those two were from Little Rock. Both of them seemed to be of the opinion that Little Rock had changed little since -- in the last 45

years in terms of the relationship of African Americans and whites.

That surprised me. I asked you that because the focus of the country, of course, on Little Rock many years ago was on education. And in fact, the judge said that he had declined to attend the celebration that took place in Little Rock in terms of integration because of his strong feelings that not that much progress had taken place in education.

I take it you're from there. At least, you practice there. I just wonder if you have a somewhat different perspective? I confess that I left that weekend conference with sort of a sense of pessimism about what was going on in our country in terms of education, and particularly as it related to race. What -- Be a little bit more optimistic, if you can.

MR. PIERCE: Well, Commissioner, I was in Little Rock two weeks ago myself. I didn't come back with pessimism. I was on a fishing trip. I came back with 40 pounds of catfish. All filleted.

But, let me see if I can't answer this

way. And Little Rock could apply to any town in America. Let me give this real life scenario to you. I used to practice for the John Walker law firm which is what's left of the Cooper versus Aaron, Thurgood Marshall, Wiley Ranton structure in Little Rock. And I was in a diner with Mr. Walker one day for lunch and black folk, white folk, all eating in the same diner. And we were on our way out and John Walker stopped at a table and said hi, Orville, how you doing. And they chatted for a little while and we walked out.

And I said, who was that? He said, that was Orville Faubus. And I said, who is Orville Faubus? And he said, ah, he said, that's what's wrong with you young people. I was young. He said, you don't know your history. That's the man who stood in the door and stopped the Little Rock Nine, so forth, so on.

It's not so much that I didn't know my Arkansas history. I was raised in Cleveland, Ohio. It's just that I looked back in that diner and I saw black folk and white folk all eating in the same diner and seemed to be getting along pretty well. What

happened. So, I saw progress in that one moment.

But let me talk about the schools. I think a town like Little Rock, as Cleveland and other school districts that have been tied in school desegregation for 40 years, 30 years, lost the focus on quality of education. Lost the focus on the bottom line preparing a child for the man power, people power needs of this nation. And you see the trees and forget the forest. And got caught up in racial balances that you would never achieve for a variety of reasons. And that might be a statement people would take issue with.

But I see now, people are beginning to see that, wait a minute. We're losing the education here. We're losing preparation of the child. And I beginning to see the focus now on bottom line accountability. And I think that's actually a good thing.

In terms of race relations in towns like Little Rock across this country, of course they could be improved. But you're focusing on education. I'm focusing on education right now. That's where my

concentration is. And I think the bottom line focus needs to be on comprehensive school reform for the complete education of a child. And I do see some hope there.

VICE CHAIRPERSON REYNOSO: Our staff prepares a report for us when we're going to have a meeting like this. And they do a very good job. But there was something lacking in it this time. I haven't had a chance to tell the staff. And that was, they focused on the issues but there was somewhat of a lack, it seemed to me, of a historical perspective. And I was interested in your discussion on gender based educational classes, for example.

What was there in Little Rock, or in other places, that 30 or 40 years ago produced young African American males that were more integrated in the community than we hear is true today in terms of education, in terms of churches, in terms of police-community relations? Can you help us in that regard?

MR. PIERCE: Everything that these gentlemen talked about. Strong community structure, strong families, strong teachers who created a

nurturing environment.

VICE CHAIRPERSON REYNOSO: Why has that been weakened, which is the implication of what I heard, in the last 10, 20, 30, years?

MR. PIERCE: I think that's 35 years. A number of factors, sir.

Unfortunately, and I'm not starting with this because it's the largest, but unfortunately one of the down sides of desegregation or integration, the dismantling of the apartheid system of public education, unfortunately one of the sad by-products was the release of many African American faculty and administrators who had a strong love and appreciation for their children. They were the first to get fired when you talk about unifying school districts. That's just the reality there.

The shutting down of black schools in a predominately black neighborhood because they were predominately black and that was perceived to be against the law. And integrate and bused the black children to the white schools. You lost a community resource there. When you shut down a black school in

a black community, yo uno longer have a black -- a community source. So, the children have no affiliation, no affection for their neighborhood education institution. People still look at the school.

The influx of drugs. The moving and migration of African Americans from the inner city to the suburbs, bringing in -- loss of jobs. I mean, everything that I'm sure you all know about it, all adds to a significant negative impact on the education systems.

And then you have an abandonment of the education system by the civic and business community. Because everyone who had any money either moved out or placed their child in a private institution. All those factors together. But I'm beginning to see a turn around personally.

VICE CHAIRPERSON REYNOSO: Well, thank you.

Mr. Monroe, after at least the early years, youngsters, and again, the material prepared for us indicates, that the greatest criminality by

youngsters, teenagers, happens between 2:00 in the afternoon and 8:00 in the evening during the week. Obviously that means -- to me it means after school when the youngsters are not fully occupied in school and apparently don't have other things to do.

And I was interested in your comments that you believed that things are beginning to turn around in such a way that the police can be part of the solution, I think you said, instead of part of the problem. Now, I must confess that you also indicated that sad to say, much of the image of the police-community relations is established by high profile incidents like the Rodney King incident, for example.

Though, I should tell you that as a commissioner, as a lawyer for many years, the greatest number of complaints that I would get from minority communities, particularly latino and black, were precisely those types of incidents. So, I was not surprised. I know the mayor in Los Angeles and every other public official expressed great surprise as to what had happened in that incident. I confess that I was not. So, I'm not sure that within the minority

community it's those high visibility incidents that create those reactions.

It seems to me more in terms of the literally hundreds of phone calls that I get, I think it's many little incidents of impoliteness. In a -- I remember a call about some folk, happen to be chicanos, having a picnic in a public park and they're being approached by some officers with an impolite fashion. Nothing happened but that helped create that not a good relationship.

So, I was just pleased to get your observation that you think our -- things are beginning to change.

What -- How do we deal, if the report we got is correct, that the criminality comes up during that time, with that element of criminality so folk don't end up in the criminal justice system as Mr. Jackson and Mr. Bright have descried?

ASST. CHIEF MONROE: Your raise a couple of very interesting and correct questions. Let me explain.

The high profile cases are what -- those

are the cases that we're bringing to the community at large.

VICE CHAIRPERSON REYNOSO: To the public. That I agree with.

ASST. CHIEF MONROE: To -- because, if you live in middle class America, pretty much most of your contacts with the police will be -- they will tend to be positive contacts. Now, that's whether you're a person of color or not. Obviously if you're a person of color, you might receive a -- more negative comments from a police officer. But police officers across the country generally do a good job. But those very few that will speak to people harshly and then -- in the Metropolitan Police Department, the majority of our complaints are about harsh --

VICE CHAIRPERSON REYNOSO: Right. But that creates -- that's precisely what seems to create the problems. We had some hearings in Santa Rosa, California where the police chief and the sheriff, and the district attorney were very proud that in surveys they ran, 82 percent of the people reacted favorably to the police community, to the police citizen

relationship, and that sounds like a pretty impressive statistic.

On the other hand, we had a couple of days -- was it two days full of folk coming forward complaining about things that had happened including some killings by police officers, by presumably the other 18 percent. And what do you do about the responsibility that we have as government, a duty to do 100 percent not just 82 percent?

ASST. CHIEF MONROE: What we have to do, and it can be done through training, it can be done through selection, it can be done through supervision, there's no magic bullet for it all. As an industry, what policing -- what we have to do across the board, across this country is to improve police officers' respect for the community that they serve. Police officers must come to understand, we police for the community. We don't police the community.

People will speak -- if you look at the road to -- demagoguery is a way that people normally-- that's the road you follow before you begin to abuse people. So, if I'm -- if I allow our officers to

speak harshly to people as a street supervisor, I can expect that eventually that will translate into probably physical abuse and even more.

So, we as an industry have to address that. How we do it, again, we operate within the culture of the United States. And the same problems that are in the culture at large we are confronted with in the police department every day. Often times, and in my remarks, I spoke of bigotry. Often times we think of bigotry in terms of race or ethnicity. Bigotry to me is simply not having respect for another person, not having understanding of another person and who they're situated. And that will lead you to speak to them in less than appropriate ways.

How do we deal with the children? If we look at the deterioration of after school programs, if we look at you have more and more -- when I was raised and I was raised in Washington in an inner city, poor neighborhood. But you always had someone who was home. There was some adult who set a standard. And Miss Louise up the street had -- and I know we're into new things. But she had whipping rights on the Monroe

children. And that was corrective. It wasn't meant to be abusive.

There's a difference between being able to take a child and say look, your mother don't want you to do this. And just as she had the right to do that meant it was going to control our behavior. And that was from one end of the block. The adults knew the children and they were not intimidated by the children.

Now, those things have changed. Adults don't know children. Children, they just don't respond in the same way. We have younger parents. We don't have the grandparents there. There are any number of issues. What we are trying to do to turn it around is become more involved with our young people after school.

One of the things that we're trying to do in the city is regionalize the way we offer police services and offer after school programs to children where we can look beyond just the normal playing games. I mean, but here's a lot in learning how to socialize. Many of our children do not socialize in a

healthy and productive way.

I don't know if that answers the question but those are the --

VICE CHAIRPERSON REYNOSO: Well, no, I appreciate the thoughts. I know that these are not -- that's why we're having this discussion. These are not easy issues.

Mr. Jackson, I've been interested in the reality that you mentioned that the crime rate has been going down for, you mentioned, six years. And yet, I must say, from listening to the evening news, including last night, something like ten minutes out of 30 was about crimes that have been committed. And I don't know that anybody that doesn't keep up with statistics would be aware that crime has actually gone down.

Indeed, I seem to remember reading ten, even 20 years, ago that the crime would go down during this time because the number of young males ages 15 to 30 was going to be going down and those who looked at these matters predicted that crime would go down. And in fact, it has gone down.

Now, most politicians in three strike, and apparently two strike, states say that that's what caused the crime to go down. But I must say, if I remember correctly, this had bene predicted a long time ago.

What -- At the same time in a place like California, as the crime rate goes down, we build more and more prisons. And it seems to me like such a strange utilization of our resources. Though I must say, too, speaking of the federal justice department, the federal government itself, with its emphasis on crime and so on, I'm not sure has done as much as can be done to educate the public about this reduction in crime and maybe suggest to the states and to itself that we ought to be looking more carefully at who we're incarcerating.

So, I just wonder what your reaction is to the role of government in responding to this reality of reduction in crime and yet the increase in incarceration?

MR. JACKSON: That's a very good question. The one thing that we feel very strongly about is

that there's no need to build additional prisons. We don't want to do that. The --

VICE CHAIRPERSON REYNOSO: Has that message gone out to the states from the federal government? I must say, with due respect, the President and everybody that's running for public office who's a Democrat does not want to at all ever allow a Republican to be tougher on crime than a Democrat. So, by golly, what I hear saying is we want more prisons. We want more time in prison. We want anybody who looks like a criminal to end up in prison because, after all, they might commit a crime. I mean, I'm sorry. I know I'm exaggerating, but those are the messages that I hear coming from your department, from the Executive Branch, and from most executives at the state level including my own new democratic governor following in the tradition of the last Republican governor.

MR. JACKSON: Commissioner, I agree that, and I believe your concerns are well founded. We obviously, our principle mission, is to do all we can in the Department of Justice to reduce crime and to

make America safer. Not just street crime --

VICE CHAIRPERSON REYNOSO: And that's very important.

MR. JACKSON: Right. Right. And again, we have met with great success in recent years in several different categories, in fact, in virtually all categories of crime. At the same time, however, there has been, I think, among police executives and prosecutors a realization that we simply cannot enact more laws. We can't build more prisons. I mean, that's simply not going to be the solution.

Part of the reason we feel that way is that as prosecutors, for instance, we find ourselves often times incapable of prosecuting all of the new crimes that are passed by state legislature or legislatures or assemblies, and the Congress often times --

VICE CHAIRPERSON REYNOSO: The criminalization of activity that prior to that was not criminalized.

MR. JACKSON: That's right. That's right. Another recent phenomenon, I guess something that

we've been grappling with in the Justice Department for the last ten years or so, is this recent sense, and efforts on the part of some members of Congress to sort of federalize cases and crimes, activity, that heretofore were state crimes. Of course, the Chief Justices weighed in on that debate. A number of other people have weighed in on that as well.

So, again, we strongly feel that that's simply not the answer. Again, we're convinced that this has to be dealt with in a very comprehensive way. We are not the answer. And so, we have begun to establish relationships with the education community, with the -- a number of other communities to see -- to really just bring others into this debate. Because, again, at this present rate, we simply are not going to be funded to build all the prisons that we'll have to build to continue to lock people up. I mean --

VICE CHAIRPERSON REYNOSO: Thank you.

Mr. Bright, I teach at UCLA. Since we hade an initiative ending affirmative action, the incoming class of latinos has decreased from 18, 19 percent to 12 percent the following year after

affirmative action was set aside. And then from 12 percent to 6 percent this last year. African Americans, we had an average of 7, 8, 9, 10 percent for incoming class. That went down to 6 percent the first year, to 3 percent last year.

CHAIRPERSON BERRY: This is the law school.

VICE CHAIRPERSON REYNOSO: At the law school. At the same time, we have a population of about 31 percent latino in California, about 8 percent African American. Your concern that the administration of the justice system looks disproportionately non-minority apparently will become even worse in the future if this is an indication. And no wonder that we lost the black law journal to Columbia and the Latino students are having serious discussions about whether or not the Latino Chicano law journal can continue to operate.

While that's happening, however, there has been a complaint filed with the Department of Justice alleging that that type of under representation violates Title VI. We haven't heard from the

Department of Justice. We see that thrust in education, I haven't heard some complaint but there's been no swell of political concern by the bar associations in California. These negative things are happening in our society without a lot of good people saying hey, what's going on. And I'm afraid that they won't change until a lot of good people and good folks say this is not right. How do we try to change that atmosphere in our country?

I think that's more than just what's happening at UCLA or what's happening with young African Americans ages -- during the hours of 2:00 to 8:00. How do we change the atmosphere so good people, and there are good people, somehow haven't focused on the negative effects of this reality at the UCLA School of Law, at the lack of programs for young African Americans and other youngsters, hours 2:00 to 8:00, et cetera. How do we change that atmosphere? What do you think? You deal with these matters all the time.

MR. BRIGHT: And feel sort of like a voice crowing in the wilderness, I must say on that for that