
Civil Rights in Nevada

Issues and Concerns Moving into the 21st Century

**A Report of the Nevada Advisory Committee to the
United States Commission on Civil Rights**

January 2012

The State Advisory Committees

By law, the U.S. Commission on Civil Rights has established an advisory committee in each of the 50 states and the District of Columbia. The committees are composed of state citizens who serve without compensation. The committees advise the Commission of civil rights issues in their states that are within the Commission's jurisdiction. More specifically, they are authorized to advise the Commission on matters of their state's concern in the preparation of Commission reports to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public officials, and representatives of public and private organizations to committee inquiries; forward advice and recommendations to the Commission, as requested; and observe any open hearing or conference conducted by the Commission in their states.

Nevada Advisory Committee to the U.S. Commission on Civil Rights

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** Onie Cooper was a member of the Nevada Advisory Committee prior to his late passing. Rev. Cooper was a community voice for justice, civil rights, and equal opportunity.

Letter of Transmittal

Nevada Advisory Committee to the U.S. Commission on Civil Rights

Kimberly Tolhurst, *Delegated the Authority of the Staff Director*

The Nevada Advisory Committee to the U.S. Commission on Civil Rights submits this report as part of its responsibility to examine and report on civil rights issues in Nevada under the jurisdiction of the Commission, *Civil Rights in Nevada: Issues and Concerns Moving into the 21st Century*.

As Nevada embarks on the 21st century, the good news regarding the status of civil rights is that the premise that all persons deserve equal rights has widespread public support. Nevertheless, equal opportunity still faces barriers, as centuries of stereotyping and prejudice along racial, religious, ethnic, and gender lines have left lingering scars on society. Challenging the adverse effects of the often subtle, unstated prejudice is the new challenge for those committed to civil rights.

Equal employment opportunity continues to be a significant civil rights issue in the state. In the first years of the 21st century, Nevada was in an economic boom. Jobs were plentiful and incomes were rising, but in recent years the economic landscape has changed markedly. In 2011 Nevada has the highest unemployment rate in the country, and history has shown that in difficult economic times, persons of identifiable minority groups are inviting targets as scapegoats for hard times.

To that concern, the Nevada Advisory Committee believes if ever there is a time when it is essential to fund state equal employment agencies, such as the Nevada Equal Rights Commission (NERC), it is in times when economic circumstances are hard. Agencies such as NERC along with federal equal employment enforcement agencies help ensure an impartial setting for a fair hearing regarding allegations of unlawful discrimination. Such hearings not only ensure equal opportunity, but serve to publicly announce and assert that a standard of justice and fair play will be maintained.

In addition to employment, immigration is an emerging civil rights issue. It is a serious issue for the state as well as for the nation. Undocumented workers likely have a larger impact in Nevada than in many other states. Without taking a position on current legislative proposals, the Nevada Advisory Committee supports a debate on our immigration laws. It is a long overdue conversation. Learning from history, however, the Nevada Advisory Committee cautions against displays of racial and ethnic intolerance expressed under the guise of protecting the nation's borders.

Law enforcement in Nevada is a challenge for local police departments. Personal crime and property crime in the state are high compared to the national average. The good news is that relations between local police departments in Nevada and minority communities appear to have improved markedly over the past decade. Notwithstanding, there is still a concern over the high number of police shootings in minority communities. A troublesome side effect of police shootings and other allegations of police misconduct is the routine exoneration of the police officer, and the Nevada Advisory Committee has resolved to examine this issue in more depth in the future and comment publicly.

Respectfully,
Michael Pennington, *Chairman*
Nevada State Advisory Committee

The Nation's Journey to Accept Civil Rights for All

In 1787 the Constitution was ratified, and with its adoption the United States became a new nation. Despite the ideals expressed in the Declaration of Independence, the uncomfortable truth is that slavery was encoded into the new nation's Constitution. African-Americans held as slaves were denied the right to vote, speak freely, assemble, and petition for redress.

Ultimately, the nation would fight a brutal civil war to abolish the institution of slavery. In the aftermath of the war, the Thirteenth Amendment to the Constitution was adopted that formally ended slavery.¹ Sadly, the Amendment's enactment would not ensure civil rights for former slaves. In the ensuing decades after the Civil War, Southern states began passing segregation laws, marking the beginning of the "Jim Crow" era. In 1896, the U.S. Supreme Court upheld the legality of these segregation statutes in its infamous *Plessy* decision.²

Over the course of the next 70 years, there would be continuing efforts to undo "Jim Crow" laws and procure civil rights for all Americans. The term "civil rights" as commonly used today refers to the movement of African-Americans and other groups in this country to overcome centuries of discrimination and gain equal rights.

Opposition to these efforts was determined and, at times, visceral. In the first half of the 1900s, African Americans were typically ridiculed as lazy, subhuman, and violent. The 1915 film *Birth of a Nation* portrayed the post Civil War South as a region filled with lazy black elected officials, rampaging through the country, and victimizing whites.

In the 1930s, the country suffered through the Great Depression. As unemployment reached 20 percent nationally, the descendants of slaves were those most adversely affected. Job sites were segregated in northern cities as well as southern cities; African American workers often received less pay than white workers for comparable work; and at the height of the

depression more than half of African-American workers were unemployed.

In the first half of the 1940s the United States fought World War II to preserve democracy around the world. Almost 15 percent of the nation's armed forces were African Americans—serving in racially segregated units. Following the war and the cause for which the country fought, civil rights organizations pushed with greater urgency for an end to racial injustice. In 1948 President Truman signed Executive Order 9981 that ended segregation in the military.³

Legal barriers to racial segregation would continue to fall. In 1954 the U.S. Supreme Court ruled that racial segregation in the schools was unconstitutional.⁴ In 1957 the U.S. Commission on Civil Rights was established and charged with the responsibility to report to the President and the Congress about civil rights issues. In 1964, Congress passed the Civil Rights Act.⁵ Resistance, however, to racial equality remained intransigent, and "freedom rides" and "sit-ins" spread throughout the South. Some protests turned violent, and race riots engulfed many cities—North, South, and West.

Emboldened by the efforts of African Americans to push for equal justice, other minority groups also began to advocate for long denied equal rights. The American Indian Movement was founded, and Cesar Chavez brought public attention to the plight of Hispanic farmworkers.

By the end of the 20th century, the premise that all persons deserved equal rights regardless of their race, color, religion, gender, or national origin, had widespread support. Nevertheless, centuries of racial, religious, ethnic, and gender prejudice and stereotyping have left lingering scars on society. Challenging the adverse affects of the often subtle, unstated prejudice is the new challenge for those committed to civil rights. The Nevada Advisory Committee held a series of public forums about these challenges, and issues this report about the status of civil rights in Nevada as the state moves into the 21st century.

The Changing Demographics of Nevada

From a once barren and largely uninhabited terrain, Nevada has evolved into a prosperous and populous land inhabited by a mixture of races, ethnic groups, and religions. Though little known today, the advancement of statehood for Nevada was part of the nation's early struggle to assure civil rights for all citizens.

Thousands of years before Spanish explorers and fur traders began to explore the area, the region was occupied by the Goshute, Mojave, Paiute, Shoshone and Washoe Indians. Claimed by the Spanish Empire until the early 1880s, Nevada was part of a larger area called the Great Basin. The great trek of the Mormon people to the Salt Lake Valley in 1847 was the beginning of the first significant non-Indian settlement into the Great Basin of North America.

Mass migration of other non-Indian persons across Nevada began in the late 1840s when gold was discovered in neighboring California, but there was little settlement in the state itself. The population of Nevada began to grow in the late 1850s when ore was discovered near what is now Virginia City. As news of the Comstock Lode silver strike spread, thousands poured into the area in search of gold and silver.

Not all of the new residents were whites. The Chinese were among this immigrant trend and would be an ethnic group that would compete for the title of largest immigrant group in nineteenth-century Nevada. However, despite being numerous, the Chinese were not able to achieve a dominant role in society like white ethnic groups.

Vicious discrimination oppressed the Chinese and other Asian immigrants, and forced them into economic and socially inferior positions. The Chinese and other Asians were deprived the right to citizenship. The 1875 Page Law made it difficult for Chinese women to immigrate, forcing most Asian men, who were legally forbidden to marry into the Euro-American

population, into life-long bachelorhood.⁶ An 1880 vote on whether to allow Chinese immigration underscores the animosity Nevadans felt towards Asians. The ballot issue could have no effect on federal law, but 17,259 voted against Chinese immigration, while only 183 voted for it.

The early major European ethnic groups to settle Nevada were the Irish, Italians, and Slavs. The Irish came in large numbers to work on the railroads and in the mining industries. They were followed by large numbers of persons of Slavic and Italian descent. Many of these later immigrants operated farms and ranches, and by 1910 the Italians were the largest European ethnic group in the state. These different immigrant groups soon blended with each other to create a socially dominant "white" culture.

Nevada's path to statehood was in large measure due to its support the burgeoning civil rights movement for former slaves.

Nevada's path to statehood was in large measure due to its potential to support the burgeoning civil rights movement for former slaves. In 1861, partly to impose order on the lawless, wide-open mining towns, Congress had made Nevada into a territory. The then territory did not have a large enough population to qualify for statehood, but anti-slavery forces in Congress wanted the territory to become a state for its support for Reconstruction—to include the Thirteenth Amendment.

As a result, in 1862 the territory was enlarged by increasing its eastern boundary by one degree of longitude. Nevada was then rushed into statehood with Carson City named the capital. President Lincoln, in order to get more votes to pass the Thirteenth Amendment, had signed the proclamation even though the territory did not actually meet the population requirement for statehood. Nevada thus entered the Union as an ostensible proponent for civil rights.

Census figures reflect fluctuations in the state's population in its first fifty years. From the time of the early settlements to the years of the great mining developments between 1860-1880, the population of Nevada grew from a few hundred pioneers to more than 60,000 people.⁶ In the 1870s, as the value of silver dropped, mines closed and thousands of miners left Nevada looking for work.

The 1880s brought even harder years on the economy. Unusually cold winters killed much of the livestock, and mines near Virginia City stopped producing gold and silver. In 1870, there were approximately 42,500 residents. By 1880, the population had increased to more than 62,000, but fell back to 42,500 by 1900.

Beginning in the early 1900s, a second "rush" occurred as new ore mines were discovered. Near Tonopah silver was discovered. Soon afterwards gold was found in Goldfield, and then copper near Ruth and Mountain City. These discoveries provided new jobs and expanded the state's population. Railroad development added to the expansion by opening new markets, and the Newlands Irrigation Project made farming possible through irrigation.

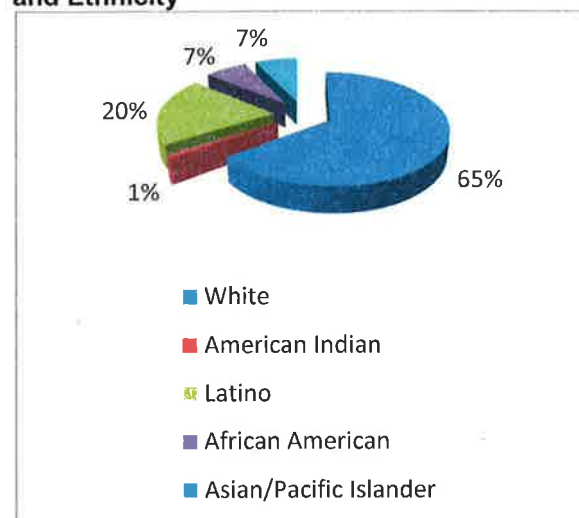
By 1910 the population had increased to nearly 82,000 residents. However, panics and recessions followed, hitting the state's economy hard. Those economic recessions along with general disillusionment in the area prompted a population decline of nearly one-fourth, and by 1920 Nevada had degenerated into a desert of buried hopes.

The population boom returned when big time gambling arrived to the state in 1931. With good transportation—especially to the now heavily populated metropolitan areas of California, a favorable climate, and a speculative get-rich-quick spirit, Nevada exploded in population. The nation's most sparsely populated state outside Alaska now became the fastest growing state.

The population boom would continue through the remainder of the 20th century. From 1950 to 1990, the state's population would increase 650 percent. During the 1990s Nevada's population

grew by another 70 percent, adding nearly 2 million new residents by 2000.⁷ This unrelenting population growth would continue until the financial crisis of 2008.

Table 1:
Nevada Population Percentages, by Race and Ethnicity



Source: Nevada Advisory Committee from U.S. Census

As Nevada's overall population increased in the second half of the 20th century, so did its minority population. A state that was predominantly white in the first half of the 20th century is now very diverse racially and ethnically. Today, one-third of the state's residents consider themselves racial and ethnic minorities.⁸

Among these, Hispanics are the largest minority group, comprising 20 percent of the population. In the past two decades, the Asian and Pacific Islander population of the state has nearly doubled, and today this group is 7 percent of the state's population. African Americans have also migrated to the state in large numbers, and today are 8 percent of the state's residents.⁹ As a result, a once mostly homogenously, white state is now very diverse in its racial and ethnic make-up. For a state with an entrenched dominant white culture, this dramatic change in the state's demographic landscape posts challenges for securing equal opportunity for all persons regardless of race, color, or national origin.

Civil Rights Issues Examined by the Nevada Advisory Committee

The modern civil rights movement had its roots in the post Civil War Reconstruction Era, as African Americans and others pushed for the actualization of the civil rights guaranteed by the newly adopted Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution. Due to the legacy of slavery and the presence of “Jim Crow” laws, most of the attention of the modern day civil rights movement centered in the South.

As the modern civil rights movement proceeded to gain momentum, its focus was expanded to new issues outside those affecting only African Americans as well as in geographic areas outside the South. As a result, Nevada has had to address issues regarding equal opportunity, and in the past 30 years the Nevada Advisory Committee has reported on a number of these issues in the state. These have included: (1) workplace discrimination, (2) equal housing opportunity, (3) race and gender disparities in higher education, and (4) the administration of justice.

Equal Employment Opportunity

At the federal level, the Equal Employment Opportunity Commission (EEOC) is charged with the responsibility to investigate charges of employment discrimination. In the first decade of the 21st century, Nevada was in an economic boom. Jobs were plentiful and incomes were rising. In the past two years the economic landscape has changed markedly. In 2011 Nevada has the highest unemployment rate in the country, at 14 percent. History has shown that in difficult economic times, persons of identifiable minority groups are inviting targets as scapegoats for hard times.

There are two components to a complaint of employment discrimination. The first is the BASIS—the proscribed reason for an action. Under federal law, a person may not be denied equal employment opportunity on the basis of: race, color, religion, age, gender, disability, or national origin.

The second component of an employment discrimination complaint is the ISSUE. Discrimination can occur under the guise of many employment issues, to include: hiring, promotion, discharge, harassment, and terms and conditions of employment.¹

The State of Nevada has a large entertainment and hospitality industry. Casinos and other such venues throughout the state generate millions of dollars in revenue from tourists. The industry creates thousands of jobs for residents, but according to some persons who spoke to the Nevada Advisory Committee the dominance of the industry in the state’s economy serves to engender certain specific types of discrimination in the workplace.

According to the EEOC, retaliation is the leading basis for the filing of an employment discrimination complaint in Nevada

In its public hearings on equal opportunity, the Nevada Advisory Committee heard concerns about jobs in certain parts of the entertainment industry that were *de facto* segregated, a prevailing acceptance of sex and age discrimination for certain jobs, and employer tolerance of race and sexual harassment of employees by customers.⁹

Allegations were made that in some sectors of the entertainment industry there is an un-stated job segregation at work. African Americans and Latinos often tend to be in the “back house” jobs, and it is difficult to advance to higher positions from these jobs. In addition, obtaining relief for such discrimination through legal channels often proves difficult as many local employers engage in aggressive defense tactics to prolong the case.¹⁰

¹ In addition to the above, retaliation against an employee who has filed a complaint is also prohibited. At the federal level, retaliation is considered a “basis” for the filing of a complaint; at the state level it is considered an “issue” for the filing of a complaint.

The Nevada Advisory Committee heard the example of an African American man, who sued his employer, after being placed into a “back house” job and being denied the opportunity to advance. The case took ten years of litigation before it was settled, and the settlement primarily centered around retaliation against the individual for filing the case.¹⁰

Regarding sex and age discrimination, the Nevada Advisory Committee has heard allegations over the exclusive hiring of younger workers and women into certain jobs. One example brought to the attention of the Committee is the job of cocktail waitress. Many casinos have dress codes in place for persons in these positions, and there seems to be an understanding that only women of a certain age and with a certain type of look are eligible to have these jobs. The Committee heard allegations that certain casinos move to discharge cocktail waitresses and bartenders who are older and hire younger workers in their place. When employees have filed discrimination complaints, employers have typically relied on requirements for these positions to be a *bona fide occupational qualification* (BFOQ).¹¹

Tolerance by employers of racial and sexual harassment of employees by customers is also mentioned as an equal employment opportunity concern in the state. Dealers and waitresses in casinos, particularly those who are women, Asian, and African American, report being subjected to abusive slurs by customers. The complaint heard by the Nevada Advisory Committee is that the employers will often remove the employee from the scene, thereby giving tacit approval to the harassment.

Such specific equal opportunity concerns as well as other issues of discrimination raise concerns regarding the protection of equal employment opportunity in the state. For example, another concern expressed to the Nevada Advisory Committee is that employment discrimination cases with probable cause are dismissed because there is an internal pressure to move things along.

--EEOC reports on employment discrimination

Discrimination filings nationwide reflect the pattern observed in Nevada. At a briefing in 2006, the EEOC reported to the Nevada Advisory Committee that: “The number one issue for a complaint being filed with the EEOC [in Nevada] is retaliation. People who have filed charges of discrimination or have engaged in other protective activity either by complaining internally or externally allege that they have been subjected to retaliation.”¹³

Official statistics of the EEOC show that in the last four years retaliation remains the leading basis for the filing of a complaint. In 2010, the EEOC received 3,352 complaints from persons alleging employment discrimination in Nevada. Similar to four years earlier, the number one basis for the filing of a complaint with the EEOC is retaliation, and accounts for one-fourth of all complaints filed. The second and third leading bases for complaint filings are race and age, which comprise 17 percent and 12 percent respectively of all complaints filed.¹⁴

According to the EEOC, in Nevada discharge from employment is the number one issue for the filing of a discrimination complaint

Regarding the leading issues for discrimination complaints, four years ago the major employment issue the EEOC investigated was discharge. The second most prevalent issue was harassment—both racial and sexual.

That trend continues as discharge continues to be the number one reason for the filing of a complaint and accounts for the issue in more than one-third of all complaints. Harassment at the workplace is still the second most cited issue, and accounts for 16 percent of all complaint issues. The third leading issue is terms and conditions of employment, at 11 percent.

--NERC reports on employment discrimination

At the state level, the Nevada Equal Rights Commission (NERC) has jurisdiction to investigate allegations of employment discrimination. For a number of years, the Nevada Advisory Committee received complaints alleging delays and inadequate investigations by NERC. The expressed concern was that NERC was simply too overwhelmed to effectively deal with all of the complaints lodged with the agency.¹⁵

As part of its public hearings on equal opportunity, the Nevada Advisory Committee examined the enforcement efforts of NERC.² In fiscal year 2005, the NERC reported receiving 1,235 complaints alleging employment discrimination. In contrast to complaints made at the federal level the state does not consider retaliation a basis for a complaint, as a result sex discrimination in the workplace was the most frequent basis for a complaint at that time—38 percent of all filings. Race was the second most frequent basis, comprising 30 percent of all complaints.¹⁶

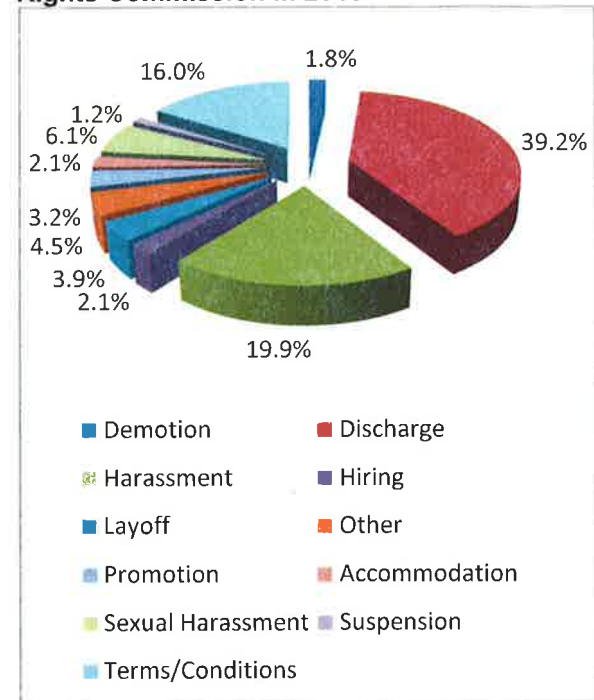
In succeeding years, as the state's economy went into a recession, the bases for employment complaints have remained unchanged. In 2010, discrimination on the basis of gender continued to be the most prevalent basis for a complaint, accounting for 25 percent of all filings. Of interest, though, nearly one-fourth of gender related complaints were filed by men.¹⁷

The next four most common reasons for filing an employment discrimination complaint are age (15 percent), race (14 percent), national origin (14 percent), and disability (13 percent). Complaints alleging discrimination on the basis of religion constitute 3 percent of all complaints. Issues related to employment discrimination charges have changed in recent years, however.

² Because of concerns about effective local enforcement, the Committee urged the EEOC to open a district office in the state. In the aftermath of the Committee's 2006 briefing, the EEOC opened a district office in Las Vegas, and that office continues to operate.

Similar to the complaints filed with the EEOC, discharge from employment is now the leading issue for the filing of a complaint—accounting for 40 percent of all complaints filed. Harassment is the second highest issue, and accounts for about 20 percent of all complaints. Terms and conditions of employment is the third highest category at 16 percent.¹⁸

Figure 2
Issue of Complaints filed with Nevada Equal Rights Commission in 2010



Source: Nevada Advisory Committee from Nevada Human Rights Commission data.

With respect to retaliation, in 2005 retaliation was the most common issue for a complaint. That has changed in the last five years. In 2010 retaliation is the issue for just 10 percent of employment complaints. Other issues include harassment, demotion, promotion, layoff, accommodation, suspension, and hiring; but none of these issues account for more than 6 percent of all complaints filed.¹⁹

Fair Housing and Employment Opportunity

In addition to employment discrimination cases, there are complaints with respect to fair housing in the state. The Civil Rights Act of 1866 in Section 1982 was the first federal established statute to provide for equal rights in the purchase, lease, selling, or holding of real and personal property. Active involvement by the federal government to combat housing discrimination began in 1968 when Congress enacted the Civil Rights Act of 1968, and chapter VIII of that Act has come to be known as the Fair Housing Act (FHA).²⁰ In 1988, Congress amended the FHA with the Fair Housing Amendments Act.²¹ The Fair Housing and Equal Opportunity (FHEO) division of the U.S. Department of Housing and Urban Development (HUD) is the federal agency charged with receiving and investigating complaints of housing discrimination.

Figure 3
Comparison of Housing Complaints and Employment Complaints filed at the federal level in 2010



Source: Nevada Advisory Committee from HUD and EEOC data.

During 2010, HUD received and investigated 49 fair housing complaints. Though a serious matter, the number of housing discrimination complaints is far lower than the number of employment complaints—only about 1 percent of the number of employment complaints received at the federal level.²²

In addition, disability was the most common basis for a complaint, being the reason for more than 40 percent of all housing complaints filed

in Nevada. This was followed by race, which was the basis for about one-third of the housing complaints filed.²³

Regarding resolution, FHEO found probable cause for discrimination in only about one-fourth of the complaints filed. In another In contrast, 10 percent of the complaints were administratively closed without an investigation and no cause was found in 27 complaints.²⁴

Race and Gender Disparities in Higher Education

In the mid-1970s, the Nevada Advisory Committee received complaints that minorities and women were not receiving equal treatment in professional and academic employment at the University of Nevada, Las Vegas (UNLV). Committee examined equal employment opportunity at the college and university level and found minorities and women to be severely underrepresented at the state's major college campuses. In 1981, women occupied only 19 percent of UNLV faculty position, and minorities represented only 9 percent.²⁵

Since the issuance of that report, the situation regarding employment of women and minorities at public college and university campuses in the state has markedly changed. For example, at UNLV, women now occupy more than half of all faculty positions and minorities more than 40 percent. In its 2010 EEO-6 report, UNLV reports women occupied 56.7 percent of all campus faculty position. Minorities now represented 44.5 percent of faculty positions.²⁶ Other campuses in the state reflect similar increases in women and minority representation from decades earlier.

Though never specifically examined by the Nevada Advisory Committee, enrollment at the state's major public colleges and universities seems to better reflect the diversity of the state. For example, at UNLV 76 percent are Nevada residents. Women are majority of students, and 24 percent of students are members of minority groups.²⁶

Equal Opportunity and the Administration of Justice: Policing, Immigration, and Hate Crimes

Though progress has been made in the past several decades towards equal opportunity, challenges remain. The Commission surveyed members of state advisory committees around the country as to important civil rights issues facing their communities.²⁷ Members of state advisory committees in the western part of the country indentified three civil rights issues as most prominent:

- Racial and ethnic profiling by law enforcement agencies;
- Discrimination against individuals of Hispanic origin based on presumed immigration status; and
- The persistence of over acts of racial and ethnic bigotry

Police Practices in Nevada

Law enforcement in Nevada is a challenge for local police departments. Personal crime and property crime in the state are high compared to the national average.

The total crime risk index for the state is 126, compared to the national average of 100.³ Personal crime, the combined risk of rape, murder, assault and robbery, is 144. Property crime, including the combined risk of burglary, larceny and motor vehicle theft, is 126.²⁸

The crime risk index for the City of Las Vegas is even several times higher than the crime index for the state. In Las Vegas, the personal crime index is 350, while the property crime index is 260. In contrast, for Reno the personal and property crime indexes are 108 and 99, respectively, similar to the national average.²⁹

³ A score of 200 indicates twice the national average total crime risk, while 50 indicates half the national risk. The different types of crime are given equal weight in this score, so murder, for example, does not count more than vehicle theft. Scores are based on demographic and geographic analyses of crime over seven years.

Reported adversarial relations between the police and minority communities prompted attention from the Nevada Advisory Committee. Media coverage of law enforcement incidents in the early 1990s suggested to the Committee that a review of police practices was warranted. Examining police practices in the Reno and Sparks communities of northern Nevada, the Nevada Advisory Committee found widespread mistrust of the police in the minority communities and a pervasive attitude that citizen complaints of police misconduct are not fully investigated. The Committee recommended a series of initiatives be put in place to improve trust and better serve minority communities in the state.³⁰

"I have been a police officer in Las Vegas for 28 years, and the law enforcement today compared to the past is night and day."
—Assistant Sheriff Rod Jett

When the Nevada Advisory Committee did a follow-up hearing five years later, it found that local police departments in northern Nevada had implemented a number of improvements to improve relations between the police and the community. At its hearings on the administration of justice, Assistant Sheriff Rod Jett told the Nevada Advisory Committee that the policing of minority communities has improved markedly in recent decades. "I have been a policeman in Las Vegas for 28 years, and I have seen a lot of change in our community and a lot of progress in police community relations. Law enforcement in Las Vegas today compared to the past is night and day."³¹

As evidence, in 1985 the Department of Justice sued the Las Vegas Police Department, accusing it of discriminating against women and minorities. The lawsuit ended with a consent decree. The department's procedures and testing for hiring and promotions were changed, and a Minority Recruitment Council was created to assist in diversifying the department. Today the department is made up of about 25 percent minorities and 12 percent women.

Jett told the Nevada Advisory Committee, that the number one complaint made against the police department concerns officer interaction with the public. Jett acknowledged as well that the Department's own internal study found that African Americans and Hispanic males were much more likely to be handcuffed during traffic stops than white persons.³²

The Las Vegas Police Department has taken deliberate efforts to address past issues of concern affecting minority communities and to change the police culture. In addition, the Sheriff now meets once a month with a multi-cultural committee at which topics related to concerns from the minority community are expressed to Sheriff and Deputy Sheriff.³³

There is also a deliberate effort to ensure diversity at sub-stations in areas with distinct minority communities. For example, the area of Spring Mountains with a heavy Asian population has Asian lieutenant. Other ongoing initiatives by the Las Vegas Police Department include:

- ongoing diversity training for all officers;
- focus on diversity in hires and promotions;
- revised "shooting" and "pursuit" policies; and
- establishment of a Civilian Review Board.

Indications point to police relations with minority communities to be genuinely improved in recent years throughout the state. Open belligerence by police officers towards persons who are minorities tend to be the exception more than the rule. Years of police misconduct, however, have unfortunately bred a lingering distrust that is likely to persist into the future.

Notwithstanding, there is still an expressed concern over the high number of police shootings in minority communities. In addition, a troublesome after effect of police shootings and other allegations of police misconduct is the routine exoneration of the police officer. In the past five years, every police officer accused of an improper shooting was exonerated.

Immigration

Immigration has emerged as a major issue in the state as well as for the nation, and the issue has overarching implications for civil rights. In neighboring Arizona, a strict immigration law was passed in 2010 that makes the failure to carry immigration documents a crime and gives the police broad power to detain anyone suspected of being in the country illegally.³⁴ Concern has been expressed in some quarters that the Arizona law is ethnic profiling.

Undocumented workers likely have a larger impact in Nevada than in many other states. It is estimated that although nationwide the percentage of undocumented workers may be less than 10 percent, in the Las Vegas area estimates go as high as 30 percent. It is believed most undocumented workers in the state work in the lawn care, food service, and construction industries.

In the last few years, states across the country have proposed or enacted hundreds of bills addressing immigration, the last time a federal effort to reform immigration law collapsed. In 2009, in 48 states a record number of 222 laws were enacted dealing with illegal immigration and another 131 resolutions were passed.³⁵

Legislation similar to the Arizona law, the Nevada Immigration Reform Initiative, had been proposed to go before state voters. The proposed measure had called for authorizing the police to question a person's immigration status if there were any suspicions that the individual was an illegal immigrant. The NAACP joined with several other groups to file legal challenges to block the Nevada petition. Frank Hawkins, president of the NAACP Las Vegas branch, "African-Americans know all too well the insidious effects of racial profiling and voter disfranchisement."³⁶ Proponents of the measure have publicly stated that the initiative has been derailed by legal challenges that have made it impossible to collect the required signatures to qualify the measure for the ballot.³⁷

Regardless, the immigration issue can create an ethnic backlash against certain groups of people legally in the country. For example, the Las Vegas Police Department acknowledges that Hispanics are disproportionately victimized by crime, but reluctant to report crimes for fear of retaliation or harassment. The Committee was told that at workplaces in the state that are predominantly Latino, when there are rumors of an impending raid by the Immigration and Naturalization Service (INS) all Hispanic workers will leave the job site—as it is understood in the Latino community that the INS will even give all Latinos a very difficult time, even if they are legally in the country.³⁸

Immigration reform, however, does have support in the minority community. For example, Rene Nora, from the National Federation of Filipino American Association, told the Nevada Advisory Committee, “Our Filipino American community generally supports a comprehensive immigration reform and legislation that will provide opportunities for families to remain together in the United States and to decrease the huge backlog in the availability of family-based visas.”³⁹

Hate Group Activity

The last decades of the 20th century saw a resurgence in hate group activity. By the mid 1990s, neo-Nazi, Aryan Nation, Christian Patriot, and Christian Identity groups gained membership and strength in particular states such as Idaho—Nevada’s neighbor to the north—and throughout the country.⁴⁰

According to the most recent statistics, in 2009 there were 20 officially recorded incidents of hate crime in Nevada. All of the reported incidents occurred in either the Las Vegas metropolitan area or Reno.⁴¹

Wayne Tanaka, told the Nevada Advisory Committee about a flier distributed in Spring Valley by the neo-Nazi White Peoples Party. The flier said, ‘It’s time to take back America! All across the country gang rapes of white women by Mexican, Asian, and African thugs are becoming common place.’

Tanaka told the Committee that the same flier also appeared around Mexican restaurants on *Cinco de Mayo*, and expressed the concern that supremacist organizations are creating a climate of fear and mistrust in the state, spreading the false perception that immigrants to this country have more allegiance to the countries they came from than to the country where they now live and raise their families.⁴²

To ignore hate groups, even though they usually include relatively small numbers of people, is to miscalculate the impact they can have on a community and to miss an opportunity to bring a community together to take another step toward justice for all.

—Bill Wasmuth

Other incidents of hate activity have occurred throughout the state. In Carson City, an 18-year old person was placed on probation and ordered to pay restitution after he admitted defacing buildings in March with graffiti that advocated white supremacy and violence against Latinos. In Reno, two men were charged with suspicion of battery with a deadly weapon with a hate crime enhancement, after they allegedly yelled racial slurs at a Latino man, struck him with a bat and stabbed him.⁴³

Hate groups often have small memberships, and many acts of hate crime are by individuals acting on their own accord. Nevertheless, such incidents provoke a chill in the community and require a swift and measured response. As Bill Wasmuth wrote regarding a community effort to confront the Aryan Nation in Idaho: “To ignore hate groups, even though they usually include relatively small numbers of people, is to miscalculate the impact they can have on a community and to miss an opportunity to bring together a community to take another step toward justice for all.”⁴⁴

Committee Observations

As Nevada embarks on the 21st century, the good news regarding the status of civil rights is that the premise that all persons deserve equal rights has widespread public support. Despite overt expressions for equal opportunity, however, centuries of stereotyping and prejudice along racial, religious, ethnic, and gender lines have left lingering scars on society. Challenging the adverse affects of the often subtle, unstated prejudice is the new challenge for those committed to civil rights.

Equal employment opportunity continues to be a significant civil rights issue in the state. In the first years of the 21st century, Nevada was in an economic boom. Jobs were plentiful and incomes were rising. In recent years the economic landscape has changed markedly. In 2011 Nevada has the highest unemployment rate in the country, at 14 percent. History has shown that in difficult economic times, persons of identifiable minority groups are inviting targets as scapegoats for hard times. To that point, if ever there is a time when it is essential to fund state equal employment agencies, such as NERC, it is in times when economic circumstances are hard. Agencies such as the EEOC and NERC ensure a fair hearing over allegations of unlawful discrimination. Such hearings not only ensure equal opportunity, but serve to announce to the general community that a standard of justice and fair play will be maintained as well as to reassure the minority communities that bigotry and discrimination are not to be tolerated.

That said, employment discrimination issues can be more complicated in a state such as Nevada with its large economic reliance on the hospitality and entertainment industry. It is often a difficult matter to discern what constitutes a legitimate BFOQ in these industries. The Committee notes that it seems rather than deal with these matters in a piece meal fashion, i.e., one complaint and one establishment at a time, a much more efficient approach would be for an industry-wide conversation with state and federal officials. To this end, although the Nevada Advisory Committee is unswerving in its support for equal employment opportunity, this should not be advanced under a guise of preferential treatment.

In addition to employment, a civil rights issue that seems to be emerging out of the current hard economic times is immigration. Immigration is a serious issue for the state as well as for the nation. Undocumented workers likely have a larger impact in Nevada than in many other states. Without taking a position on current legislative proposals, the Nevada Advisory Committee supports a debate on our immigration laws. It is a long overdue conversation. Learning from history, however, the Committee cautions that a potential ugly ramification of such a debate is the emergence of racial and ethnic bigotries that are advocated under the guise of protecting the nation's borders.

Relations between local police departments in Nevada and minority communities appear to have improved markedly in the past decade. Notwithstanding, there is still an expressed concern over the high number of police shootings in minority communities. In addition, a troublesome after effect of police shootings and other allegations of police misconduct is the routine exoneration of the police officer. The Nevada Advisory Committee is resolved to examine this issue in more depth in the future, and comment publicly.

Finally, although neither widespread nor involving large numbers, purveyors of hate exist in Nevada. To ignore such people and turn a deaf ear to hate group incidents is to miscalculate the negative impact they have on a community. Advances in civil rights over the past several hundred years were difficult and vigorously opposed by forces of hate and intolerance. To be silent in the face of racial, ethnic, or religious hate is to risk the undoing of hundreds of years of progress toward equal opportunity and justice for all.

Endnotes

1. Amendment XIII (ratified December 6, 1865) "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to its jurisdiction."
2. *Plessy v. Ferguson*, 163 U.S. 537, 539 (1896).
3. Executive Order 9981.
4. *Brown v. Board of Education (I)*, 347 U.S. 483 (1954).
5. Civil Rights Act of 1964, Pub. L. No. 88-352, 78 Stat. 241 (codified as amended in scattered sections of 2 U.S.C., 28 U.S.C., and 42 U.S.C.).
6. Page Act of 1875 (Sect. 141, 18 Stat. 477, 1873-March 1875).
7. U.S. 2000 Census.
8. *Ibid.*
9. Transcript of Public Hearing of the Nevada Advisory Committee to the U.S. Commission on Civil Rights, Sept. 15, 2006 (hereafter referred to as *Nevada Hearing Transcript*).
10. *Ibid.*
11. *Ibid.*
12. *Ibid.*
13. *Ibid.*
14. Nevada Advisory Committee, from data provided by the EEOC.
15. *Nevada Hearing Transcript*, p. 68.
16. Nevada Advisory Committee, from data provided by the NERC.
17. *Ibid.*
18. *Ibid.*
19. *Ibid.*
20. Pub. L. 90-284, 82 Stat. 73 (1968).
21. Pub. L. 100-430, 102 Stat. 1619 (1988).
22. Nevada Advisory Committee, from data provided by FHEO.
23. *Ibid.*
24. *Ibid.*
25. Nevada Advisory Committee to the U.S. Commission on Civil Rights, "*Unmet Goals: Affirmative Action in Employment at the University of Nevada, Las Vegas*," September 1981.
26. Nevada Advisory Committee, from data provided by University of Nevada-Las Vegas.
27. U.S. Commission on Civil Rights, "A View From the States," December 2010.
28. 2009 crime statistics at http://www.clreseach.com/Las_Vegas_Demographics/NV/Crime_Statistics.
29. *Ibid.*
30. Nevada Advisory Committee to the U.S. Commission on Civil Rights, "*Police-Community Relations in Reno, Nevada*," May 1992.
31. Nevada Advisory Committee to the U.S. Commission on Civil Rights, "*Followup to Police-Community Relations in Reno, Nevada*," February 1999.
32. *Ibid.*
33. *Ibid.*
34. Arizona Senate Bill 1070.
35. National Conference of State Legislatures.
36. Nick Divito, "ACLU, NAACP Unite to Fight Arizona-Like Immigration Law in Nevada," Courthouse News Service, Jun. 18, 2010.
37. Ed Vogel, "Drive to put immigration law on ballot abandoned," Las Vegas Review-Journal, Jul. 13, 2010.
38. *Nevada Hearing Transcript*, p. 199.
39. *Ibid.*, p. 105.
40. Tom Alibrandi and Bill Wassmuth, *Hate Is My Neighbor*, University of Idaho Press, Moscow, Idaho, 1999.
41. Nevada Advisory Committee, from information provided by the Federal Bureau of Investigation.
42. *Nevada Hearing Transcript*, pp. 119 and 122.
43. Southern Poverty Law Center at <http://www.splcenter.org.get-involved/stand-strong-against-hate>.
44. Tom Alibrandi and Bill Wassmuth, *Hate Is My Neighbor*, University of Idaho Press, Moscow, Idaho, 1999.

**Nevada Advisory Committee to the
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