

**Hearing  
Before the  
United States  
Commission on Civil Rights**

**The State of Civil Rights in Miami and Dade County**

**Hearing Held in**

**Miami,  
Florida**

**December 8-11, 1980**

**Testimony**

## U.S. COMMISSION ON CIVIL RIGHTS

The U.S. Commission on Civil Rights is a temporary, independent, bipartisan agency established by Congress in 1957 and directed to:

- Investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, handicap, or national origin, or by reason of fraudulent practices;
- Study and collect information concerning legal developments constituting discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice;
- Appraise Federal laws and policies with respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice;
- Serve as a national clearinghouse for information in respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, handicap, or national origin;
- Submit reports, findings, and recommendations to the President and the Congress.

## MEMBERS OF THE COMMISSION

Arthur S. Flemming, *Chairman*

Mary F. Berry, *Vice Chairman*

Stephen Horn

Blandina Cardenas Ramirez

Jill S. Ruckelshaus

Murray Saltzman

Louis Nuñez, *Staff Director*

**Hearing  
Before the  
United States  
Commission on Civil Rights**

**The State of Civil Rights in Miami and Dade County**

**Hearing Held in**

**Miami,  
Florida**

**December 8-11, 1980**

**Testimony**

# CONTENTS

## SESSIONS

Morning Session, December 8, 1980 .....	1
Afternoon Session, December 8, 1980 .....	57
Morning Session, December 9, 1980 .....	148
Afternoon Session, December 9, 1980 .....	214
Morning Session, December 10, 1980 .....	303
Afternoon Session, December 10, 1980 .....	359
Morning Session, December 11, 1980 .....	459
Afternoon Session, December 11, 1980 .....	526

## STATEMENTS

Opening Statement, Chairman Arthur S. Flemming .....	1
Statement of Rules, Vice Chairman Mary F. Berry.....	2
Ted Nichols, Chairman, Florida Advisory Committee to the U.S. Commission on Civil Rights .....	4
Theresa Saldise, Member, Florida Advisory Committee to the U.S. Commission on Civil Rights .....	7

## TESTIMONY

Archie Hardwick, Executive Director, James E. Scott Community Association, Inc.; Eduardo Padron, Chairman, Spanish American League Against Discrimination; Conrad Willard, Pastor, Central Baptist Church; Alicia Baro, President, National Conference of Puerto Rican Women in Miami.....	18
Patricia Due, Parent; Miller Dawkins, Chairperson, Special Programs, Miami Dade Community College; Marlon Brooks and Keith Alda Carswell, Students .....	38
Gordon Foster, Professor, University of Miami; Everett Abney, Superintendent, North Central Area, Dade County Public Schools; Terri Packar, Chairman, Dade County Citizens Advisory Committee; Nathaniel Miller, Outreach Specialist, Family Health Center .....	58
Gwendolyn Jennings, Director, Student Development Services; Ray Turner, Executive Director, Program Evaluation and Management Analysis; Ivette Morgan, Project Manager, Bilingual Alternative for Secondary Education; and Arthur Woodard, Principal, MacArthur Senior High School North; all with Dade County Public Schools .....	79
George Koonce, Jr., Principal, Miami Northwestern Senior High School; Lester Freeman, Executive Vice President, Greater Miami Chamber of Commerce; Cathy White, Occupational Placement Specialist, Edison Senior High School; Fred Schollmeyer, Director, Vocational Program Services, Dade County Public Schools.....	97
Phyllis Miller, Former Chairman, Dade County School Board; Paul Cejas, Chairman, Dade County School Board; Leonard Britton, Superintendent of Schools, Dade County.....	117
Shay Bilchik, Assistant State Attorney; William Gladstone, Judge; Maxine Cohen, Assistant Public Defender; 11th Judicial Circuit .....	148
Vashti Armbrister, Youth Counselor; Bill Shapiro, Placement Coordinator, and Gerri Mitchell, Restitution Counselor; both with Florida Department of Health and Rehabilitative Services .....	173
Lanny Sumter, Director, Alternative Youth Employment Strategies Program; Rothel Fussell, Youth Coordinator, Florida State Employment Service; Edward Stephenson, President, South Florida AFL-CIO; Angelo Rutherford, Director, Black Youth Leadership League .....	189

Silvia Unzuta, Dade County Government; Ruix Jean-Barte, Executive Director, Haitian-American Community Association; Janet Feagans-Launcelott, Executive Director, Dade County Housing and Employment Appeals Board; Alfredo Duran, Attorney .....	214
Wayne Paul Rosenthal, Director, Employee Relations, Dade County; Robert Krause, Director, Human Relations, City of Miami; Frederick P. Heath, Jr., Area Manager, U.S. Office of Personnel Management .....	238
Allen Wainberg, Vice President, Suave Shoe Corporation, Richard W. McEwen, Chairman of the Board, Burdines Department Store; Daniel B. Bronson, Vice President of Industrial Relations, Racal-Milgo, Inc.; Joseph B. O'Shields, Senior Vice President, Personnel, Southeast Banking Corporation .....	250
Charlotte Gallogly, Executive Director, South Florida Employment and Training Consortium; Jane Robinson, Project Director, Youth Employment Services Program, James E. Scott Community Association; Michael Griffey, Executive Director, Private Industry Council of Dade County, Inc.; Boyd Hanke, U.S. Department of Labor .....	266
Federico Costales, District Director, and Theodore A. Bukowski, Deputy Director, Equal Employment Opportunity Commission; James Nathaniel Ellis, Area Civil Rights Director, U.S. Small Business Administration; Bennett O. Stalvey, Office of Federal Contract Compliance Programs, U.S. Department of Labor .....	283
Athalie Range, Funeral Director; Dewey Knight, Assistant County Management, Dade County; Charles F. Johnson, Jr., Community Reinvestment Officer, AmeriFirst Federal Savings and Loan Association .....	303
Donald Frederick Cook, Professor of Accounting, Florida Memorial College, and President, DFC Management Consultants .....	309
Juanita Horton, Member, HUD Advisory Board, James E. Scott Tenant Council; Oliver Kerr, Dade County Planning Department; Pat Mellerson, Chairperson, Community Housing Resource Board of Dade County, and President, Keyes Appraisal Group, Inc.; Alberto Ros, Dade County Department of Public Health .....	323
Eugene F. Miles, Director, Neighborhood Rehabilitation Division, Dade County Department of Housing and Urban Development; Glenn Shuman, Acting Executive Director, Legal Services of Greater Miami; Kathryn Fernandez Rundle, Assistant State Attorney; Fred Dellapa, Education and Training Director, 11th Judicial District .....	335
Stanford Williamson, Director, Southeast Florida Business Development Center; Al Hope, Executive Director, South Florida Coalition for Economic Development; Tony E. Crapp, Director, Business Development Division, Department of Trade and Commerce Development, City of Miami; Stacy Hornstein, Assistant to the County Manager of Dade County .....	348
William Calhoun, Businessman; Bernard Layne, District Director, Small Business Administration; Jan Luytjes, Professor, Florida International University; George Greene, President, Miami-Dade Chamber of Commerce .....	359
Joseph Middlebrooks, Architect and Associate Professor, University of Miami; Matthew Schwartz, Chief, Advance Planning, City of Miami Planning Department; Harold Williams, Director, Office of Civil Rights, Urban Mass Transportation Administration, Department of Transportation; John Dyer, Transportation Coordinator for Dade County .....	379
Frank Nathan Jones, President, Boston Committee, Inc .....	393
John Smith, Chairman, Governor's Revitalization Board; William Colson, Attorney; Alvah Chapman, President and Chief Executive Officer, Knight-Ridder Newspapers, Inc .....	404

Merrett R. Stierheim, County Manager, Dade County; Richard L. Fosmoen, City Manager, Miami .....	431
Maurice Ferre, Mayor, City of Miami .....	446
William Perry, President, Greater Miami Branch, NAACP; Robert H. Simms, Executive Director, Dade County Community Relations Board; Richard H. Hunt, Chairman, Board of Directors, Citizens Crime Commission of Greater Miami; Irwin Block, Past Chairman, Governor's Dade County Citizens Committee.....	459
George W. Kilpatrick, Chairman, Central District Citizens Advisory Committee, Public Safety Department; Otis Pitts, Jr., Executive Director, Belafonte-Tacolsee Center; Douglas Hughes, District Commander, Station Two, Central District, Dade County Public Safety Department .....	479
Michael M. Cosgrove, Assistant Chief of Police, Miami Police Department; Sam Williams, Human Resources Coordinator, Dade County Public Safety Department; Franklin Bethea, Police Officer, Miami Police Department, President, Miami Community Police Benevolent Association; Hugh Peebles, President, Dade County Police Benevolent Association .....	496
Fred Taylor, Chief, Administrative Division, Dade County Public Safety Department; Rick Holton, Police Officer and President of the Progressive Officers Club; Larry Capp, Clinical Psychologist and Director, Center for Family and Child Enrichment; Howard Rasmussen, Director, Division of Public Service, Southeast Florida Institute of Criminal Justice .....	513
Bobby L. Jones, Director, Dade County Public Safety Department; Kenneth Harms, Chief, Miami Police Department; Jeffrey L. Berkowitz, Executive Secretary, Dade County Independent Review Panel .....	526
Thomas Petersen, Chief Assistant, State Attorney's Office; Janet Reno, State Attorney, 11th Judicial Circuit; Bennett Brummer, Public Defender, 11th Judicial Circuit; Charles Mays, Assistant Attorney, City of Miami; Harold Long, Jr., Private Attorney .....	553
Atlee W. Wampler III, U.S. Attorney, Southern District of Florida; Paul D. Rich, Assistant U.S. Attorney, Southern District of Florida; Fred L. Crawford, U.S. Department of Justice, Community Relations Service.....	582
Dunlap McCuller .....	599
Michael Ray Greenwood .....	601
Benjamin F. Gardner, Jr .....	603
Frankie Askew .....	605
Dave Lifner .....	606
Clinton Brown .....	607
Wallace McCall .....	609
Katie Ann Wright.....	610
Roy Leo Harris .....	612
C. Gaylord Rolle .....	614
Sylvester K. Mirchich .....	615
Cornelius E. Allen .....	617
Fred G. Cortes .....	618
Marvin Rogoff .....	619
Eufelia Frazier .....	621
Robert S. Goodson .....	622
Hezechiah A. Brown .....	624

Exhibits to this hearing are published in microfiche.

# UNITED STATES COMMISSION ON CIVIL RIGHTS

---

Morning Session, December 8, 1980

---

The U.S. Commission on Civil Rights met in the Bayfront Auditorium, Gulfstream Room, 499 Biscayne Boulevard, Miami, Florida, Arthur S. Flemming, Chairman, presiding.

Present: Arthur S. Flemming, Chairman; Mary F. Berry, Vice Chairman, Stephen Horn, Blandina Cardenas Ramirez, Jill S. Ruckelshaus, and Murray Saltzman, Commissioners; Louis Nunez, Staff Director, Eileen Stein, General Counsel.

## PROCEEDINGS

CHAIRMAN FLEMMING. I will ask the hearing to come to order.

Good morning, I am Arthur S. Flemming, Chairman of the United States Commission on Civil Rights.

The Commission on Civil Rights, pursuant to its statutory authority, determined in the summer of 1980 to make a study of the state of civil rights in several communities in order to appraise the impact on these communities of the laws and policies of the Federal Government in the field of civil rights. We decided to conduct our first field study and hearing in Miami.

As a result of our studies, including these 4 days of public hearings, we will prepare reports to the Congress and the President containing findings and recommendations. Responsibility for action on these recommendations rests with the Congress and the President. This Commission, however, has as one of its major mandates the responsibility to monitor on a continuing basis action or the reasons for inaction on the recommendations that we will make.

Beginning at 4:45 on Thursday afternoon, December 11, we will hear testimony from persons who have not been subpoenaed. Those persons who wish to testify in the open session may sign up with staff in the rear of the room. Those wishing to testify will be permitted to speak for 5 minutes and must speak only about the subject matter of these hearings. They may not give any testimony which may tend to defame,

degrade, or incriminate any person. They will not be questioned either by the staff or members of the Commission.

The Vice Chairman of the Commission, Mary F. Berry, will now briefly explain the rules of the Commission pertaining to these hearings.

VICE CHAIRMAN BERRY. Thank you, Mr. Chairman.

At the outset, I should emphasize that the observations I'm about to make on the Commission's rules constitute nothing more than brief summaries of the significant provisions. The rules themselves should be consulted for a fuller understanding. Staff members will be available to answer questions which arise during the course of the hearing.

In outlining the procedures which will govern the hearing, I think it is important to explain briefly the special Commission procedure for testimony or evidence which may tend to defame, degrade, or incriminate any person. Section 102(e) of our statute provides, and I quote:

If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall receive such evidence or testimony in executive session. The Commission shall afford any person defamed, degraded, or incriminated by such evidence or testimony an opportunity to appear and be heard in executive session, with a reasonable number of additional witnesses requested by him before deciding to use that evidence or testimony.

When we use the term "executive session," we mean a session in which only the Commissioners are present in contrast with sessions such as this one in which the public is invited and present. In providing for an executive or closed session where testimony may tend to defame, degrade, or incriminate any person, Congress clearly intended to give the fullest protection to individuals by affording them an opportunity to show why any testimony which might be damaging to them should not be presented in public. Congress also wished to minimize damage to reputations as much as possible and provide the person an opportunity to rebut unfounded charges before they were publicized. Therefore, the Commission, when appropriate, convenes in executive session prior to the receipt of anticipated defamatory testimony.

Following the presentation of the testimony in executive session and any statement in opposition to it, the Commissioners review the significance of the testimony and the merit of the opposition to it. In the event we find the testimony to be of insufficient credibility or the opposition to it to be of sufficient merit, we may refuse to hear certain witnesses, even though those witnesses have been subpoenaed to testify in public session. Testimony which may tend to defame, degrade, or incriminate another person is not permitted by witnesses in the open session. An executive session is the only portion of any hearing which is not open to the public.

The hearing which begins now is open to all and the public is invited and urged to attend all of the open session. All persons who are scheduled to appear have been subpoenaed by the Commission. All testimony at the public session will be under oath and will be tran-

scribed verbatim by the official reporter. Everyone who testifies or submits data or evidence is entitled to obtain a copy of the transcript on payment of cost. In addition, within 60 days after the close of the hearing, a person may ask to correct any errors in the transcript of the hearing of his or her testimony. Such requests will be granted only to make the transcript conform to testimony as presented at the hearing.

All witnesses are entitled to be accompanied and advised by counsel. After the witness has been questioned by the Commission, counsel may subject his or her client to reasonable examination within the scope of the questions asked by the Commission. He or she also may make objections on the record and argue briefly the basis for such objections.

Should any witness fail or refuse to follow any order made by the Chairman, or the Commissioner presiding in his absence, his or her behavior will be considered disorderly and the matter will be referred to the U.S. attorney for enforcement pursuant to the Commission's statutory powers.

If the Commission determines that any witness' testimony tends to defame, degrade, or incriminate any person, that person or his or her counsel may submit written questions which, in the discretion of the Commission, may be put to the witness. Such person also has a right to request that witnesses be subpoenaed on his behalf.

All witnesses have the right to submit statements prepared by themselves or others for inclusion in the record, provided they are submitted within the time required by the rules. Any person who has not been subpoenaed may be permitted, in the discretion of the Commission, to submit a written statement in this public hearing. Such statement will be reviewed by members of the Commission and made part of the record.

Witnesses, including those in the open session, at Commission hearings are protected by the provision of Title 18, U.S. Code, section 1505, which makes it a crime to threaten, intimidate, or injure witnesses on account of their attendance at government proceedings. The Commission should be immediately informed of any allegations relating to possible intimidation of witnesses. Let me emphasize that we would consider this to be a very serious matter, and we will do all in our power to protect witnesses who appear at the hearing.

Copies of the rules which govern this hearing may be secured from a member of the Commission's staff. Persons who have been subpoenaed have already been given their copy.

Finally, I should point out that these rules were drafted with the intent of ensuring that Commission hearings be conducted in a fair and impartial manner. In many cases the Commission has gone significantly beyond congressional requirements in providing safeguards for witnesses and other persons. We have done that in the belief that useful facts can be developed best in an atmosphere of calm and objectivity.

We hope that such an atmosphere will prevail at this hearing. With respect to the conduct of persons in this hearing room, the Commission wants to make clear that all orders by the Chairman must be obeyed. Failure by any person to obey an order by Dr. Flemming, or the

Commissioner presiding in his absence, will result in the exclusion of the individual from this hearing room and criminal prosecution by the U.S. attorney when required. The Federal marshals stationed in and around this hearing room have been thoroughly instructed by the Commission on hearing procedures, and their orders are also to be obeyed.

Each session of this hearing over the next 4 days will be open to the public. The session today begins at 8:30 a.m. and will continue until 5:30 p.m. with 1 hour for lunch. Tuesday and Wednesday we will begin at 8:30 a.m. and will continue until approximately 7 p.m. with 1 hour for lunch each day. The final session on Thursday will begin at 8:30 a.m., and at 4:45 p.m. an open session will be held until 7:30 p.m.

CHAIRMAN FLEMMING. Thank you very much. Now, I would like to recognize the Chairman of our Florida State Advisory Committee, Mr. Nichols, and he has with him other members of the State Advisory Committee, and I hope that they will join him at this particular time.

As I understand it, Mr. Nichols, you have a statement to make and possibly your colleagues also have statements to make, and then we may have some questions that we would like to address to you, but, before you start, may I say that this Commission receives tremendous help throughout the country from the State Advisory Committees which are established under the law bringing the Commission into existence.

The help and assistance which we have received from the Chairman of the Florida State Advisory Committee and his colleagues is deeply appreciated by all of us. We are very, very grateful to you, not only for the help that has been given in connection with this particular hearing but the help that you give us continuously in keeping us in touch with developments in the State of Florida.

We are very, very happy to welcome you at this time. We look forward to hearing from you and then I would like you to introduce your colleagues on the Committee, either now or after you have completed your statement.

**STATEMENT OF TED NICHOLS, CHAIRMAN, FLORIDA ADVISORY  
COMMITTEE TO THE U.S. COMMISSION ON CIVIL RIGHTS**

MR. NICHOLS. Thank you, Chairman Flemming and all the members of the Commission, and members of the staff. We are very pleased to be here. As of matter of fact, if I could have anticipated the warm remarks of the Chairman, I think that I would try to be at every Commission hearing to benefit from such warm remarks.

In July, when the Florida State Advisory Committee met here in Miami, we were in discussion with the Staff Director, Mr. Nunez, and at that time we requested the Commission to come to the Miami area.

We are very pleased that the Commission has seen fit to do so. We think it will be a very valuable 4 days here in Miami. We understand that this is one of the largest hearings which the Commission has held since its beginning in 1957.

I would like briefly to introduce the State Advisory Committee members who are present. As the members of the Commission are aware, we were unable to hold a regular SAC meeting at this time because of budget constraints. However, a number of members are here at their own expense. I would like to have them just stand where they are in the audience so that I may refer to them at this time.

Would you please stand as I call your names? We have Mr. Joe Breckner from Orlando, Florida; Ms. June Litner from the Orlando area; we have Ms. Clara Cordaro from the Homestead area; we have Constance Dugget who is from Daytona Beach; and sitting with me is Ms. Theresa Saldise who is from the greater Miami area.

Thank you very much.

By way of referring to the work of the Florida Advisory Committee, I would like very briefly to comment on the history of this Committee in this State for the interest of the community. The Florida Advisory Committee was started at a time when blacks and whites could not meet together in the same room except under rather strange conditions, and if they wanted to have lunch, it was very often necessary for them to look quite considerably around for a place that would be safe.

There were various instances of turmoil in cities; the question of public accommodations, the right to use public facilities, including the beaches, and so forth. We have come a long way since that time and what we are now dealing with is not so much individual expressions of rejection, the individual expressions of separations and hate by individuals who perhaps don't want their youngsters in the same school or in the same swimming pool, but we are confronted with more subtle forms of the institutional discriminatory practices, and for this reason we are pleased that the Commission is here because we believe this community has to face up to that fact in order to move into the eighties and hopefully into the new millennium for not only the greater Miami area but for this Nation.

The Florida Advisory Committee in recent times has been looking at the whole area of police-community relations. This has been an area which has always drawn significant interest and attention and obviously has drawn a great deal of frustration and has caused a great deal of conflict on both sides of the issues in terms of the community and police.

Among those things which the Florida Advisory Committee first looked at—first was in the city of Tampa and in the city of Jacksonville more recently, with the report being published in 1976—were the issues of recruitment and hiring, the issue of promotion after hiring, the issues of the police relationship with the community, especially during times when there were no problems in order to increase and improve the level of contacts, the whole question of the internal review system. Now we are not naive to think that if police got along better with the community, suddenly the problem would be resolved. That clearly is not the case. In fact, we think that police have very often been maligned and misused, because the various other segments of the community which have failed to respond and have failed to deal with the more

pressing problems have then attempted to use the police as a way to maintain a semblance of order, a semblance of peace, and to thereby continue with business as usual. It is that whole area which I think needs now to be appropriately addressed.

Very briefly, I would like to refer to what I believe is a very unique set of circumstances in the greater Miami community, and then we will hear from Ms. Theresa Saldise who has some other comments on this general area.

In the Miami area, we have a city with close to 400,000 people inside the city limits of Miami. Of that group more than 55 percent of them are Spanish speaking: approximately 23 percent of them are black, and we have a fleeing white community that is fleeing from the city of Miami to other areas.

Outside the city of Miami but encompassing it is the Dade County community. Here we have approximately 1-1/2 million people. In that population, depending on which side of the projections you want to use, somewhere between 33 and 41 percent are Spanish speaking, and approximately 16 percent are black. Now, what I have not mentioned and what is not often mentioned in the discussions of this type is the fact there are a large contingent of Haitians, a large contingent of Puerto Ricans, and various other Latins other than the Cuban community, which is clearly well represented and well known.

It is a combination of these problems and a combination of these cultures, including the senior citizens, including the migrant farm workers that have resulted in various types of economic, political, social, as well as just cultural language and cultural barriers that add to the uniqueness and add to the significant stress which we now see in the greater Miami area.

I guess, if I would try to characterize the attitude of the Miamian today, I would say that our attitude probably is one of treading very lightly, even when we're smiling, because we now know that a mere traffic dispute could result in bloodshed and even death, because it has in this community. It is not limited to the issue between races; it is within races as well. In terms of the high degree of frustration which we feel is borne out by unemployment, underemployment, youth who are unable to find jobs because they are undereducated, and so forth.

In terms of the basic underlying causes and the contributing factors, I again would like to refer to what I loosely call "institutional discriminatory practices." Let me be a little more specific. It occurs to me, as it has to the members of the Florida Advisory Committee, that unless it is a part of the commitment of the entire community, we will never successfully address these problems. It is not a problem of whether police get along well with others. It is not a problem of whether blacks get along well with Cubans. It is a question of whether the basic human needs of these various groups who are thrown together in this broad community are being met.

It is our estimate that people who have a wholesome family life, who have a productive employment, are not interested in crime in the streets, are not interested in ripping off other people as they come to

Bay Front Park, or Bicentennial Park in downtown Miami, and so forth. On the other hand, we feel that to see the rapid growth and continued growth of the major business complexes in the downtown area and a failure by this segment of our community, banking-industrial segment, to address these issues is probably a major part of the problem.

For an example, each time I see a multimillion dollar structure go up, I recognize that if a portion of the financial commitment, the planning and the long-term commitments, in terms of bringing them to a successful venture could be used as the model for the approach to these problems, then I believe we would see a continuing and a productive solution starting to occur.

And finally for my comments, I would like to make a call to the greater Miami community for a show of statesmanship, not for the world but just because it is needed; not for tourism but just because it is so vital. I think that call to statesmanship would require all the various components in the community to do far more than just talk about the problem. We have, Mr. Chairman, in this community a better record for talking with each other, in spite of all the problems, perhaps than any other community that I know. We have systems set up that provide forums and we talk and talk and talk. Somehow we just never get to the plan and the action stages, and it is that kind of statesmanship that I am calling for today. It is for that reason that I believe the Commission's presence here will make a significant contribution if we are able to persuade this community to respond and use its expertise, to use its dollars, to use its knowledge, to use its experiences, to use its vast cultures for achieving this kind of common goal.

At this time I would like to turn to Ms. Theresa Saldise who is a practicing attorney here in the Miami area, someone who has shown an outstanding interest in what is going on in the Miami community.

She takes time to get to our SAC Committee meetings but, in addition to that, is very involved in various other activities. I often wonder how she manages to be so involved, and I think what I am trying to suggest to you is she is a citizen who is committed to get with the various members of the Advisory Committee and tries to address these problems. We are volunteers, as the Commission well knows, and I say that only for the interest of the public.

At this time, before Ms. Saldise speaks, I see one other member of the Committee present. Would you stand, Ms. Williams? She was one of those who was present during those days when blacks and whites could not sit together, and she is still a very active and important member of this Committee.

Are there any other persons present who I have missed?

Thank you. I would now like to turn the microphone over to Ms. Saldise. Theresa?

## COMMITTEE TO THE U.S. COMMISSION ON CIVIL RIGHTS

MS. SALDISE. Well, thank you, Ted, for your comments.

I would like to join in welcoming the Commission and thanking you for the tremendous effort that I know has gone behind making this hearing possible by both the Commission and the staff that are here in Miami that have worked so hard.

I would like to address myself to the specific problem of immigration and refugees in this community and my impression and my feelings of those problems. It seems to me that most of the problems confronting Miami today are similar to those facing any other major urban area in this country; racism, unemployment, health, education, housing.

What sets Miami apart from other urban centers is its ethnic and cultural diversity and the constant influx of refugees from trouble spots in the Caribbean for the city of Miami. Miami has become a victim of geography and of the absence of a coherent national policy on immigration. Its proximity to the Caribbean, its international character, and its economic development have made Miami a haven for the politically disaffected and economically deprived and less of a haven for its native and long-time residents.

The area has been very slow but graceful in assimilating, if not in accepting, the large numbers of Cubans who arrived in the early sixties. However, the recent arrival of tens of thousands, coupled with the riots, has served as a catalyst for the surfacing of long-suppressed ethnocentric prejudice. The apparent acceptance of yesteryear has turned into mistrust and intolerance. I feel that the whispered criticisms of one group by the other has become now open and vociferous.

The blacks feel that the Cubans have taken jobs away from them, but this is not new. This was true 20 years ago and the relationship between blacks and Cubans was different 20 years ago. What has changed? I believe what has changed is the nature of the problem—20 years ago the Cubans and blacks were competing for maid and porter jobs. The Cubans were taking away menial jobs from the blacks.

Today, the black-Cuban confrontation for jobs is at the professional level in the schools, in the universities, in the city and county governments. The confrontation is over social development funds for one program or another. It is over affirmative action jobs. The problem is that Latins are infringing upon one of the few avenues of social mobility available to the blacks. The Latins are taking advantage of the battle for civil rights. The new jobs so long and hard fought for by blacks have to be shared with these newcomers who were not part of the battle and who are mostly white Latins.

Another source of black resentment of Latins is the mistaken but widespread belief in the black community that the reason for the relative economic success of the Cubans is the help they received from the Federal Government in the sixties.

The fact is that the Cuban refugees had a well-developed human infrastructure. They were middle-class professionals by and large, this first group of refugees that came in during the sixties. This human infrastructure allowed rapid growth, economic and social development

independent of government aid. The regular channels of social mobility of the Latin community even today are within the private sector and these within its own community itself.

It is almost a self-sufficient community. Its economic development is mostly internal and its social life is self-contained. The only meaningful contacts of the Latin community with the other two components of the Dade County society are through public administration and through politics. The isolationist and self-sufficient character of the Latin community may be a source of additional frustration for the other groups in the community.

On the part of the Latins there is a certain fear of the blacks, breed in part by prejudice and in part by what is considered to be the high index of criminality in the black community.

The manifestations of some black and non-Latin white leaders blaming the Cuban presence as an important factor in the recent riots, sometimes with more vehemence than when blaming the McDuffie acquittals, contributed to polarization between blacks and Cubans even further.

Another contributing factor is the recent emergence of Cuban leaders of the "law and order" type to replace more moderate leaders. This, coupled with the criticism of Cubans voiced by many black leaders, may become an explosive combination in the future of ethnic relations in Miami.

Latins did not really consider themselves a minority until the referendum on bilingualism. The fact that they are a minority has now been brought home loud and clear to them. They now feel rejected by the rest of the community and are very aware of the strong anti-Latin prejudice that exists in the non-Latin white communities.

The Latins represent to the non-Latin white an economic and cultural and political threat. The predominance of Hispanic culture and language in large areas of Miami, the bilingual requirement of many jobs, and the ever-increasing numbers of the Latin voters threaten the existence of the Miami most long-time residents know and want to preserve.

Now to make matters worse, the new wave of Cuban refugees has added a new dimension to the problem: criminality. Among the 120,000 refugees that have arrived into Miami recently, a disproportionate number, maybe even as high as 20 percent, are felons, petty criminals, and antisocials. The Cuban government, in an attempt to discredit the massive exodus, included them among the refugees, giving them the choice of remaining in Cuban jails or going to the United States. They are now here in our community.

The presence of the new refugees from Cuba and the increasing number of refugees from Haiti, who are now arriving at the rate of 700 per week, has aggravated the already acute employment and housing crisis. The Federal Government, by refusing to take full responsibility for the refugees, has placed an unbearable social and economic strain on the area resources.

More than 2,000 refugees roam the streets of Miami today without shelter. They are unemployed; they receive no assistance whatsoever. Nothing is being done to help them find housing and employment. They do not speak English. Unless this situation is addressed immediately by the Federal Government, you can see that in a very short time we will have a new Latin ghetto, an economically deprived one with high criminality index.

The refugee problem will not go away. On the contrary, it will get worse, much worse. As the political situation in Central America deteriorates further, it is reasonable to expect people from Guatemala and San Salvador and Nicaraguan refugees to come to Miami to join the continuous influx of Haitians now arriving. I doubt that even the strictest immigration policy on refugees will help, and today we have none that would prevent them from coming to Miami.

During the previous massive wave of Cuban refugees in the sixties, the Cuban Refugees Emergency Center was established to help newcomers become part of this society and to help Miami assimilate them. I believe very strongly that a similar program is absolutely essential now. Miami is facing the worst crisis in its history. I think all is not lost, but help is needed immediately.

Miami needs a Marshall plan for the black community and a refugee emergency center for the Haitians, Cubans, Nicaraguans, and others who come to our shores in search of happiness, and we need this now.

These are my views to the refugees and immigration situation. I thank you for giving me the opportunity to address it.

CHAIRMAN FLEMMING. Thank you very much.

Mr. Nichols, does that complete it?

MR. NICHOLS. I would just like to make one more comment and that is that the Committee did expect to have comments from Miguel Gonzalez-Pando and Alan Margolis. I know for a fact that Mr. Gonzalez-Pando became quite ill 2 days ago and he called me to say he may not be able to come.

Mr. Margolis may have had a scheduling problem with his work in the media here in Miami. I would like to make just one small comment regarding what we believe is a critical issue that was not mentioned so far, and that is the resurgence of activities by various hate groups and in this area notably the Ku Klux Klan. In that connection, it was very interesting to observe that our local chamber of commerce in Miami had called for a resolution which addressed the question of the behavior of the public servant in the conduct of his business, but to my knowledge has not yet in the history of that chamber addressed the issue of the resurgence of hate groups. This is the kind of absence of statesmanship that I alluded to earlier, but that is another issue which we would hope the Commission would want to address and would want to urge the Federal Government as well as the local government to address and take into consideration as another component in the vast milieu of problems which we are faced with.

CHAIRMAN FLEMMING. Thank you very, very much. We have about 25 minutes more that has been allocated and I will recognize various

members of the Commission, but first I recognize our counsel, Mrs. Stein, to see if she has a question or two that she would like to address to the members of our State Advisory Committee. Then I will recognize any member of the Commission who might like to follow up on some of these comments.

You appreciate we are going to have to hold strictly to our time schedule or otherwise we will not have the opportunity of hearing from all of the witnesses that are scheduled.

Ms. STEIN. I have no questions, Mr. Chairman.

VICE CHAIRMAN BERRY. First of all, I have some questions for both of you. Let me first ask you, Mr. Nichols, are you aware of whether there have been any attempts to develop and implement a communitywide approach to solving some of these problems that you talked about? You said there was a need for a communitywide approach, and you talked about statesmanship.

Have there been any examples of that? One example might be a university in the area taking on the responsibility for trying to improve achievement in some of the schools or someone in the business sector taking on responsibility for providing job opportunities for teenagers after school, during the summer, of setting communitywide goals to achieve some of those objectives.

Have there been any attempts to do this on a communitywide basis with a lot of visibility?

MR. NICHOLS. Commissioner Berry, I think that certainly is one of the things that we would like to see. After the May riots, if I may respond in this manner, a series of committees were set up. One was set up by the Governor to review the State attorney's office. Another was set up by the Governor to consider revitalization of the area which was impacted by the May riots. Various groups have been meeting. There was an effort to get additional funding brought in from the Federal Government.

I must admit to you that these efforts do not seem very different from some of the efforts that characterized the 1968 civil disturbance, and also I must admit to you that unless there is more of a commitment along the lines of goal setting, along the lines of digging into the basic problems and deciding that human beings can solve them in terms of the money commitments, in terms of planning rather than business as usual, I must admit to you that I cannot really logically expect not to see a repeat.

I think what we are talking about now is not hot summers; we are talking about having it hot all year long. In Miami, we saw a set of circumstances that merely led to the ignition of all the incendiary qualities that were already in the community, and I am afraid that the kind of things which Theresa, for example, referred to, the resurgence of the hate groups and the lack of anybody in this community speaking out against any of these things, will contribute to a growing burning on a continuous basis.

VICE CHAIRMAN BERRY. Well, Ms. Saldise, you talk about immigration and refugees, and one thing that interested me is you focused on

Federal responsibility for the refugees that were coming in. I inferred from your statement that you thought that resources ought to be provided by the Federal Government to take care of this problem. Was that a correct inference to draw?

MS. SALDISE. Yes, that was a correct inference. I feel definitely that the Federal Government has a responsibility for the situation that Miami is facing today with the refugees, because Miami is not responsible for the Federal immigration policies of the Nation. Miami has simply received this large influx of refugees without any assistance to take care of them and help support, and it is overtaxing the community beyond the reasonable resources of this community. It is just a sitting powder keg that could go off at any time.

I believe very strongly that Washington is responsible for this situation. The situation was created by Washington and Washington should come in and help this community solve its problem.

VICE CHAIRMAN BERRY. You suggested also, if I understood you correctly, that for the black community in Miami there ought to be some kind of a Marshall plan, and again the inference I draw, you meant resources from the Federal Government. Was that correct?

MS. SALDISE. That is correct. I believe that resources are very badly needed to help pull the black community in Miami out of its cycle of poverty, undereducation, lack of skills, unemployment that is creating the problems we saw recently in the May riots and, as Mr. Nichols indicated, could happen at any time.

VICE CHAIRMAN BERRY. We hear a lot about, or have heard a lot about, the burgeoning economic developments that are taking place in the Miami area, in particular about the influx of people and money and so on from other countries and the like. I have heard a great deal about economic development is booming here. Are you suggesting that there are not enough resources if they were mobilized to deal with these problems that could be applied?

MS. SALDISE. It is true that Miami is experiencing a boom with respect to trade and business with Latin America specifically. That happens to have helped Miami. We are not so badly hit by the recession and the unemployment that the rest of the country is experiencing now, but still the needs of the community are beyond what the community itself is responsible for. The community, if we were dealing simply with Miami as a community, without the influx of refugees coming in all the time, perhaps this community could help itself. I'm sure it could help itself and it would be sufficient to take resources that have produced which would be sufficient to take care of its needs. The problem is that this community is just the dumping ground for the refugees of the United States from all of the Central American countries, particularly the Caribbean, and that is too much for us to handle.

The black problem is a separate one. The black problem is no different, and I don't know that the community is doing anything to address that problem except talk about it.

After the May riots some of the community addressed itself to it, and you could see all the establishment leaders and the chambers of com-

merce and the different media meeting and discussing the problem. Nothing has come out of it. We have a couple of Commission reports that indicate no particular coordinated effort or project has been brought forward to help the black community. Something has to be done and Miami is not doing it.

VICE CHAIRMAN BERRY. A final question on the issue of blacks and Cubans that you talked about, affirmative action. Is it the case that most of the Cubans who are in Miami, at least through the recent influx of refugees, are regarded as white; is that correct?

MS. SALDISE. Yes. Most of the Cubans that came during the sixties, the majority were white. That is not so of the recent influx. Perhaps half of the recent influx is black.

VICE CHAIRMAN BERRY. In the affirmative action program in the professional job categories that you have mentioned as a recent problem, even if Cubans are white Cubans, they still would be considered as people who are protected under the various affirmative action plans; is that the point?

MS. SALDISE. Yes, they are.

VICE CHAIRMAN BERRY. And the other part about the affirmative action plans, when it comes to employing persons, employers as opposed to being an employee, is it the case that Cuban businesses engage in aggressive affirmative action efforts to hire blacks, non-Cuban whites, and the like? Do the businesses that are owned by Cubans engage in this kind of employment effort insofar as you know?

MS. SALDISE. No. As I indicated, the Latin communities are very self-contained, self-sufficient communities. It hardly goes outside of its own boundaries for employees or for really any other thing. It just keeps within itself and most of its employees are Cubans; however, you have to bear in mind that the businesses in the Cuban community are not really large businesses. They are a small type of business. They are not large corporations with extensive resources. Normally, you have the situation of an employer hiring friends and relatives.

VICE CHAIRMAN BERRY. Do white Cubans discriminate against black Cubans, as far as you know?

MS. SALDISE. I would have to say that white Cubans discriminate against black Cubans less than white Americans discriminate against black Americans.

COMMISSIONER HORN. Well, that's the point I would like to pursue a little further. How many years have you lived in Miami, Ms. Saldise?

MS. SALDISE. I have lived in Miami since 1962.

COMMISSIONER HORN. I'm sorry?

MS. SALDISE. Since 1962—18 years.

COMMISSIONER HORN. And when you first were growing up and got here, what was the nature of the small business in the area in which you were familiar? Was it owned by Cubans? Was it owned by whites, blacks, what?

MS. SALDISE. When I first came here, there were no Cubans. I came with the first wave of Cubans, well, a year after the first wave of

Cubans, so, of course, at the time there were no businesses. The Cubans really had nothing.

The reason they were able to develop their own businesses, as I said before, was that the human infrastructure existed. Those were middle-class entrepreneurs, professionals. They had to learn the language. They became a self-sufficient community. They organized and formed their own businesses, and in many instances they continued doing what they were doing in Cuba at a much smaller scale. Certainly, this is why the community remained so self-contained.

COMMISSIONER HORN. The middle-class Cubans that came in the early sixties proceeded to establish their own businesses. Did that in turn drive out the entrepreneurs who were already here? I look, for example, at statistics on blacks who owned gasoline stations, and I find a rapid decline in the last 20 years. I am just curious, as this population wave of Hispanic people increased, did that mean that their loyalty would be to those who were fellow Cubans who would own gasoline stations and that helped push other non-Hispanics out of business opportunities in this area?

MS. SALDISE. It is my understanding that what happened with the Cuban community businesses were they came into what is known as the Latin Cuban ghetto, which is basically centered around Southwest 8th Street. That was a very economically deprived area in which really older white residents lived.

There was almost no business activity in the area. The Cubans went there and they formed their own businesses and that was the core of the business growth of Cubans in Miami. There were no blacks in the area. Even today there are no Cuban businesses or very—I don't know of any Cuban businesses in the black community, and I don't know of any black business that existed in what is now the Cuban community, but, yes, it is true that today Cubans tend, of course, to go to Cubans to conduct business, particularly—because you do realize there is a language and cultural situation that exists.

COMMISSIONER HORN. Now, let's pursue the difference in skin color among Cubans and the prejudices, if any, that exist. In your judgment, is the prejudice that exists based on skin color or is it based on a person's socioeconomic class between those, let's say, that came in the sixties that were largely middle-class successful people versus those that are coming now that might not be as successful, might not be middle class but of a lower socioeconomic class? How would you differentiate the economics of the situation from the skin color of the situation?

MS. SALDISE. I'm not sure I understood your question. Are you addressing yourself to the prejudices of Cubans against Cubans?

COMMISSIONER HORN. The Cubans vis-a-vis Cubans. In other words, you mentioned that half of the last wave of Cubans that came in were probably black, more black-skinned Cubans. What I want to pursue then is the difference between Cubans based on skin color or differences in socioeconomic class as to well-off Cubans versus less well-off Cubans.

Ms. SALDISE. The first wave of Cuban immigrants was a better or a higher economic class. It was basically middle class. The wave of Cubans that are coming now are composed of everything. For the first time we have a very large influx of lower economic Cubans; however, I do not believe that then or now there exists any Cuban prejudices against Cubans. Cubans have pulled together. They are trying to help each other and help themselves.

The only problem of this nature that exists within the Cuban community does not lie on the different economic levels or on the skin colors of the different waves of refugees but lies on the particular percentage that, as I indicated, is composed of criminals and antisocial elements that are really becoming a problem in the Cuban community, that have for the first time raised the criminality index substantially in the Cuban community.

COMMISSIONER HORN. Let me ask you, is the feeling in the Cuban community that the American Government should simply send the criminals back to Cuba?

Ms. SALDISE. Yes, it is. They had no business being here, and it is the feeling that the American Government failed substantially in its commitment to itself and its citizens in accepting these waves of criminals and just accepting whatever Castro wanted sent over. He emptied his jails here.

COMMISSIONER HORN. Have leaders in the Miami Cuban community sat down with the representatives of the American Government to make that point clear?

Ms. SALDISE. I don't know of any group effort. I know of individual instances of Cuban leaders that have tried to make this point clear to the Federal Government, unfortunately to no avail.

COMMISSIONER SALTZMAN. Mr. Chairman, just one question, to either of you or both of you. Apparently we are going to be moving in a period when there will be a decline of Federal resources seemingly available to communities like Miami, especially monetary resources, yet both of you are suggesting massive increases in the amount of Federal spending.

Assuming that this will not take place but quite the reverse, there will be a decline in the amount of the Federal spending available in the Miami area, what are the critical places, from your point of view, over the next 4 years that the Federal Government may focus on, aside from increases in economic resources to help the situation? What other alternatives from the Federal Government, apart from economic resources, can you look for and hope for?

MR. NICHOLS. I would like to comment on that. In the first instance, my original comments went to the fact that I feel the greater Miami community, specifically business, banking, and industrial enterprises, should begin to address the community problems. I place considerable emphasis on that as opposed to the Federal Government.

One reason for that is that I don't believe we are able to sustain a Federal interest in solving these problems; I don't think we ever will be. I think that the Federal Government will always continue to re-

spond upon a crisis basis, because the Federal presence, if you will, cannot ever be sufficient in a local community with enough dollars and resources to really solve the problem.

Beyond that, I think that the local banking, business, and industrial entities have a vested interest in solving the problem. It is apparent to me, however, they do not recognize that interest yet, and they still believe that somehow they are going to be able to wring a little more out of the Federal Government.

As far as the probable decrease in Federal funds, which is your estimate and not my own, I keep hoping that there will not be such a decrease for whatever reason, just because it is not adequate right now. I believe if there has to be a choice as to what direction Federal dollars should be used to implement, then that direction should be for the civil rights enforcement and the civil rights protection which are guaranteed every citizen, and that is how I think the dollar should be spent. I think the government has to, once and for all, turn into practice the theory that Federal tax dollars can no longer be used to discriminate against any group, minority, women, or otherwise, and that's the area—those are the areas where I feel the Federal dollar can be made to really increase its effect.

If we could cut off discriminatory practices where significant amounts of Federal dollars are currently being used, we would see a decline in unemployment; we would see an improvement in the handling of individual complaints and group complaints of discrimination; we would see a change in the attitude of employers and of local governments and of police departments and of city councils.

I think the county commission for Dade County, for example, and the county manager, can no longer continue to be comfortable with the idea of blaming the Federal Government for failing to respond to local problems, and the same is true of the city government.

Ms. SALDISE. I would like to say something on the matter. I agree with Mr. Nichols. We have to hold the county and city government responsible and ask them to do something about the situation. However, I believe that the Federal Government is largely responsible for the situation, because the problem is not the creation of Miami, the city or county; it is the creation of the Federal Government.

I think if the Federal Government would have a coherent policy on immigration, on refugees, if the Federal Government would attempt to resettle some of these refugees outside of Miami and effectively resettle them, some of the problems could be solved. I'm aware when I say resettlement that eventually all of the Latin refugees are going to drift back into Miami, but when they drift back into Miami, they are going to be drifting back with some economic resources. They would have been employed by then. They would have saved a little money. They would come here to form their own little businesses, and they would come here as employable individuals. That's not the situation now, so I believe resettlement could be of help to the Miami area.

Also, we are forgetting the Haitians. We talk about refugees and the Haitians are the ignored group in this community. They are receiving

700 refugees a week. They are unskilled; they are illiterate; they are black; they don't have jobs; they don't have housing; they don't have anything. That's an existing problem. This community has not been addressing itself to it, and someone has to address itself to it because it's a human problem.

CHAIRMAN FLEMMING. I'm afraid—

MR. NICHOLS. May I make a distinguishing comment?

CHAIRMAN FLEMMING. I'm going to have to cut the discussion.

MR. NICHOLS. But the distinguishing comment has to be made on the point of what I perceive to be basic historical problems.

Prior to the influx of either the Cuban or Haitian refugees—and it is to those groups of problems that I address my comments about funding. I certainly agree that the Federal Government has a larger role in terms of the immigration issues, which I see, even if they were totally solved tomorrow, would not touch the problems which exist in Miami.

CHAIRMAN FLEMMING. May I express to both of you our deep appreciation for underlining the issues in such a manner as to be very, very helpful to us as we proceed with the hearing and listen to witnesses, many of whom I'm sure are going to be touching on some of the same issues, but the background that you have given us, the insights that you have given us, I know are going to prove to be very helpful to all of us. We are grateful to you for being here. We are grateful again for your continued leadership and for your hospitality.

We are delighted you have made the recommendation to us to come here and we are very, very happy to respond in this way to that recommendation.

Thank you very, very much.

Counsel will call our first witnesses.

MS. STEIN. Mr. Chairman, before calling the witnesses, three studies have been given as a profile and background information on the city of Miami and Dade County on behalf of the Commission. They are entitled, respectively, "Report on the History and Current Political, Demographic, and Social Economic Status of the Black Population in Miami-Dade county, Florida"; second, "Report on the Development of the Political and Program Structure of Dade County, Florida"; and third, "Promises Versus Progress, the Miami Riots of 1980."

At this time I would like to move they be admitted into the record of the hearing.

CHAIRMAN FLEMMING. Without objection, that will be done and they will be given the appropriate exhibit numbers.

MS. STEIN. Rev. Conrad Willard, Dr. Eduardo Padron, Archie Hardwick, Alicia Baro.

[Conrad Willard, Eduardo Padron, Archie Hardwick, and Alicia Baro were sworn.]

CHAIRMAN FLEMMING. Thank you. We're very happy to have you with us.

Counsel may proceed.

TESTIMONY OF ARCHIE HARDWICK, EXECUTIVE DIRECTOR, JAMES E. SCOTT COMMUNITY ASSOCIATION, INC.; EDUARDO PADRON, CHAIRMAN, SPANISH AMERICAN LEAGUE AGAINST DISCRIMINATION; CONRAD WILLARD, PASTOR, CENTRAL BAPTIST CHURCH; ALICIA BARO, PRESIDENT, NATIONAL CONFERENCE OF PUERTO RICAN WOMEN IN MIAMI

MS. STEIN. I will ask each of you, beginning with Mr. Hardwick, please, to state your name and occupation for the record.

MR. HARDWICK. Archie Hardwick, executive director, James E. Scott Community Association, Inc., administrator.

MS. STEIN. Dr. Padron?

DR. PADRON. Eduardo Padron, vice president of the New World Campus Center, Miami-Dade Community College, and the chairman of the Spanish American League Against Discrimination. Do you want the address, too?

MS. STEIN. That's fine.

REV. WILLARD. Conrad Willard, pastor of the Central Baptist Church located just two blocks west of this auditorium in downtown Miami.

MS. STEIN. Ms. Baro?

MS. BARO. Alicia Baro. I am executive vice president of the Greater Miami Realty Board and president of the National Conference of Puerto Rican Women in Miami.

MS. STEIN. Thank you.

Reverend Willard, you are the chairman of the Community Relations Board; is that correct?

REV. WILLARD. Yes, ma'am.

MS. STEIN. Will you please explain to us the purpose of that organization and how it originated?

REV. WILLARD. I have a prepared statement that will take about 7 or 8 minutes to read. Included in that will be the statement about the purpose of the Community Relations Board. I could try to sort that out of this material, but I am not quite sure that I can say it exactly as it should be said in the proper sequence.

MS. STEIN. I believe the Chairman will be happy to receive your prepared statement for the record, but if you could just, in response to the question, give us an idea of how the organization came into being and what its purpose was.

REV. WILLARD. The Community Relations Board was born in 1963 as a result of a meeting of several religious leaders in the Dade County community. That first meeting was really the beginning of it, I guess, though we had to go before the county commission and not until about 1963 was the Community Relations Board officially authorized by the commissioners of Dade County. We have no subpoena powers. We are a voluntary organization of citizens in the community. I happened to be at the original meeting of that group but did not become a member of the Community Relations Board until about 5 or 6 years ago.

MS. STEIN. Can you tell us some of the activities that the Community Relations Board engages in and has engaged in?

REV. WILLARD. There are four instruments of the Community Relations Board. One of them is the Mobile Community Orientation, which is a seminar where we call citizens and members of the board toward the community to look over its depressed areas and the areas that we feel need attention.

We have a forum at which time we listen to citizens of the community bring their complaints against any form of city government or against one another or against anyone in general. We try to let everyone say what they want to say and try to refer them to the proper organizations that might resolve their problems.

In addition to that, we have action committees. I can't recall all of those action committees right at this time, though I have them within this statement, I believe. One is the criminal justice committee, which, when it is called to our attention that there is a violation of criminal justice within the community, we listen to those who have had their justice violated, and we call in the State's attorney or the department of safety director or the police chief or any other members of the community of all levels from citizens to the mayors themselves and ask them to respond to the citizens and to their needs.

We have in addition to that, not to be confused with any other organization of like [name], the "Kitchen Cabinet Conference," which is a meeting of the men of the highest levels in our community that meet regularly to try to resolve problems that seem to be forming at the time.

MS. STEIN. How would you assess the status of race relations in the Miami area both before and after the May riots?

REV. WILLARD. Well, I suppose race relations in Miami, as has already been stated, were somewhat similar to what they were in any major American city in the South. They were not good. There was, of course, an oppression of blacks. They were not given the rights that other citizens in the community enjoyed.

I might like to make one little correction that was stated by one of the previous members of your panel who was here before us. I believe there was a community of nearly 100,000 Cubans, Hispanics, within this community long before the 1962 missile crisis, at which time the airlift began. I know that because in my own church we had a Spanish community and formed the First Spanish Baptist Church several years before 1962.

MS. STEIN. Have you or the Community Relations Board had any role in dealing with the refugee problem that has existed more recently in Miami?

REV. WILLARD. It has been almost our continual obsession since it began, since the Mariel boatlift began. We have been in session both in committee form as well as in full board meetings and in our forum meetings, which come on one Friday each month, or on call when we need to have them.

MS. STEIN. What in your opinion has the role of the religious community been in dealing with the problems here in Miami, and what do you think it ought to be?

REV. WILLARD. Well, I feel like you may have put me on the spot a little bit being a pastor. Our reaction has been spotty. We have done well sometimes and in other areas we probably have miserably failed, but at least we have attempted. I think Archbishop McCarthy, Monsignor Walsh who represent the Catholic community in the recent influx of people from the Caribbean have been quite sensitive to these needs. I think I can speak for at least a part of the Protestant community that we have set up refugee centers where clothing, where jobs might be obtained, where sponsors might be secured. The Jewish community in like manner has been most responsive to this.

Our board has on it several Jewish members, some of them rabbis, who have been quite effective in leadership in this area.

MS. STEIN. Thank you very much, sir.

Dr. Padron, would you please explain for us the purpose of the Spanish American League Against Discrimination?

DR. PADRON. Yes. The league was formed in 1974 as a result of concerned Hispanics, mostly Cuban Americans, with a situation that was developing in terms of discrimination and defamation against Cubans and all Hispanics in the area which was progressively becoming more and more overt. The league was formed basically to deal with discrimination and defamation problems in several areas.

One of our main concerns has been the area of education and employment, especially employment in the public sector where discrimination has been more apparent and more obvious. We have been very concerned with the lack of employment opportunities for Hispanics, especially in county government and city government. A very brief review of the figures of employment today will give you a very clear picture of what the situation is, and right on, proving it has deteriorated. It is especially true in decisionmaking positions at the county level and city level.

We have been concerned with education and providing equal opportunity for children of Hispanic descent in the school and especially bilingual education and the use of Federal funds to provide services for the refugee children. We have been concerned with the issues of housing, but most importantly we have been concerned with the issue of media treatment of Hispanics and the role that media has played in the relationships of various ethnic groups in this community.

That has been perhaps our major area of concern. Our organization feels that the media has been mostly responsible or has created many of the problems that we have today by the way they have reported and the way they have dealt with some of the issues in the community. As a matter of fact, it is our belief that because of the way that our three major ethnic groups live and are kept isolated in this community, the media—and when I say the media, I mean the Anglo media—has been the major source that has governed the relationships among the various groups and not necessarily bringing about a harmonious type relationship.

Our organization has mostly also been concerned with bringing about community awareness and education to Hispanic citizens to make them

aware of their civil rights, make them aware of their citizen's rights. Since a large percentage of the Hispanics in the area are newcomers to this country, it is very important for us to make sure they learn about their rights as well as their obligations, because we feel that many times because of ignorance of these rights, their civil rights have been abused and it has been the major purpose of this organization.

Another major concern that we have had has been that of providing access to Hispanics to decisionmaking in the community. We feel for a community that today is about 41 percent of the total makeup of the community, it lacks complete access to the decisionmaking levels. Whether it is economic power—in spite of all the things you hear about the Cuban economic progress, the fact is Latins do not share in the decisions of the economic powers of the community nor in the political decisions of this community. Cuban Americans do not have a single representative in the county commission or the commission of Miami, who basically make the decisions about the funds and the future of this community in every single aspect of life. We don't have a single legislator in Tallahassee to represent the large numbers of Hispanics here. So this has been in summary some of our major concerns.

MS. STEIN. Could you briefly give us some examples of what SALAD has done to address these problems?

DR. PADRON. Well, we have been very forceful in dealing, let's say, in the area of employment. We have prepared position papers, identified the problem, done studies to identify the various problems in employment discrimination and lack of access. We have met several times with the county manager and the county commission to bring about awareness of these problems and to try to seek solutions. I should say that sometimes to either no avail or very little—very few results.

One of the problems that we face is that, in spite of the fact that the numbers of Hispanics in the area are large, the numbers of those with a right to vote is very limited. It is only about 22 or 25 percent, and it is increasing very fast. There are some positive signs, in that Latins turn out to the voting polls in larger numbers than almost any other ethnic group in the community; but still the numbers are not consistent, that the numbers of people with the right to vote, the right of vote is not consistent with those that are in the community, so that is a major problem. So we have tried to, by way of negotiations, by way of pressuring and trying to bring about discussions to these issues, to raise the level of consciousness of our city officials and our political representatives, but again the results have been rather limited.

MS. STEIN. As an educator, what is your assessment of the quality of education provided by the Dade County public school system?

DR. PADRON. I think it could be much better. I think we are making for the first time some efforts now to try to get our act together, as we commonly say. In the past, the education community has been too much geared to vested interests in the community, and as a result black children have really suffered because of these. They have not always been given the best deal in terms of what they're entitled to, and the same has been true for Hispanics.

One of the concerns we have had traditionally has been the way the Cuban refugee funds have been used in the system in Miami for purposes other than just helping the refugees and not necessarily to help black children, either. They have been used in many instances, to our amazement, to build schools in suburban neighborhoods, Anglo neighborhoods, and so forth, and this has been a rather sore point in the relationships between Hispanics and the school board.

Overall, to maybe answer your question more directly, I guess we have several problems in the educational system today which range from lack of accountability in many areas to lack of proper affirmative action as far as Hispanics are concerned. That's an area where we are very, very badly represented. We lack many—we lack Hispanics in decisionmaking positions in the school system. For the first time now we have a member on the school system, but all these years we have had no representation on the school board.

There is very much lack of parental involvement in the school system, Hispanic parental involvement.

MS. STEIN. Do you know of any, or have you been involved in any, attempts at building coalitions between the black and Hispanic communities to deal with the problems that divide them, for the problems that both of them share?

DR. PADRON. Yes, and it has been for several years we constantly talk about it. I think there is good dialogue among Latins and black leaders. It fails to come to fruition. One of the premises that blacks have been so busy trying to keep the very few gains that they have been able to achieve and we Hispanics have been so busy trying to protect our rights and trying to make some further gains, there is very little time left for any other kind of efforts; however, I should say more and more has become apparent. There is a need for at least blacks and Hispanics to establish more formal links. We have, through the years, sort of held a series of dialogues and understandings with the NAACP and other groups, and the understanding has been there.

As a matter of fact, right after, a week or two after the riots, there was a conference held in downtown Miami by black leaders and Latin leaders, a group of about 15 to 20 people, because at that time the national media took it upon itself—basically the national media—to blame the riots on the influx of Cuban refugees and the Latin presence in Miami. I think that was an insult in my opinion to the black community, who had been suffering for many years, and it was also an insult to the Latin community, so we had a joint meeting with Latins and black leaders, basically denounced the efforts of the media to portray the roots of the riot or the cause of the riot or the riot itself on the influx of refugees or the Latin presence in Miami, and there have been other efforts like that.

Recently, there was a meeting where Hispanic organizations provided a reception for black leaders basically because of the role of the referendum, blacks as opposed to other groups did not, even though the vote was about 50-50 in terms of black community, with a bilingual referendum it could have been much, much higher because the black

community has been under constant, I should say, pressure by the media that their problems are all caused by the fact that Cubans are taking over and they are taking all their jobs and all their other things. We were very, very gratified with the results of the election on the bilingual programs because blacks to a great extent supported the efforts to not be deprived of certain basic rights.

Ms. STEIN. In your opinion, what effect has the Latin presence in Miami had on economic development in this area?

DR. PADRON. I feel the Latin presence in Miami has made the difference to Miami. I honestly believe that Miami in 1960 was a moribund resort town. And not even the tourists from up north were coming here. This was a community that depended almost exclusively on tourism from up north, and the hotels in Miami Beach were already decaying, and it was a system that only lasted for the winter months. Miami Beach was a dead town during the summertime.

The Latin influx and what that has provided in terms of new fresh approach to business and the fact that it has opened the doors to commerce with Latin America, the fact that commerce with Latin America today represents about 35 percent of the economy of the city, the fact that tourism is a year round business and Latin Americans constitute the major portion of the reason and they are here all throughout the year, and it is a very booming business plus the fact that this immigration was very fortunate because it brought the best of Cuba.

It is not a coincidence. These people brought these skills; they didn't bring any money, but they brought these skills and the willingness to succeed. With a little help here and there, and so forth, being a community it has been able to flourish tremendously and to provide the basis for success. The sad thing is that it has happened almost in itself in isolation, and the basic Anglo power structure has not really played a major role in this, and again blacks have not really benefited from it any way, other than maybe indirectly from the overall economic growth that the city has experienced.

One final point I would like to make on that point is that while the major problem that we experience here in Miami is, basically, that three communities are very much isolated from each other. There is, very much, a lack of trust among people. When you were talking before about a countywide coalition or countywide efforts for citizens to help bring Miami together, in my opinion that's almost impossible, and it is almost impossible because there are too many hidden agendas, and there is not real trust among people. Not until people are able to trust each other are we going to be able to have a true coalition. Coalitions have to be formed on the basis of trust, and that does not exist in Miami.

We have the leaders of the power structure talking about bringing Miami aid and helping everybody, but, in fact, I doubt whether the people that are saying this really believe that it can happen. You need believers for things to happen and we don't have too many believers here, so it is a major problem.

Ms. STEIN. Thank you, sir.

Mr. Hardwick, could you tell us how long you have been executive director of JESCA and what that organization's purpose is?

MR. HARDWICK. I have been executive director of JESCA for 10 years. James E. Scott Community Association was started in 1925, which makes it now 55 years in existence. It was originally started to try to coordinate the various social service programs in the black area, and it has grown to approximately now a staff of 400 people. We have programs in the senior citizen programs. We have street work programs which work with predelinquent youths and with the courts and the juvenile system. We have a family management program that is basically working with mothers with small children to offer them psychiatric help and counseling and job placement. We have also a weatherization program which is geared toward increasing energy efficiency in the various homes in the community.

We have an ex-offender program, too, one located in the central city of Liberty City and one in the south Dade County area, one ex-offender program for men and one ex-offender for women. We have programs for displaced homemakers, working with mothers who have been on welfare and now are beginning to move into the work arena.

We have a number of CETA programs which have enabled us to work with young people to provide them with preemployment counseling and also job opportunities, and we have hired on our staff a number of CETA people who have worked through the ranks from semiprofessional to professional and to taking charge of the many areas of supervisory relationships.

JESCA is located throughout Dade County from Homestead all the way up to the tip of Broward County. We have approximately about 25 centers at this time. Basically, JESCA is geared toward offering social service programs and social service and economic training to young people and adults.

Ms. STEIN. What degree of success have you had in placing persons who have been trained for employment in your programs?

MR. HARDWICK. If you're going by percentage, I would say approximately 60 to 70 percent. We have put in our own agency a number of people and then once they have gotten the proper training through education, etc., we move them out to other county and State agencies. We have had some success with the business community in enabling a lot of our people that we have worked with to get jobs, too, but it hasn't been as high degree of success as I would like it, but I'm saying about 70 percent.

Ms. STEIN. What do you see as the most pressing problem faced by the black community in the Miami area?

MR. HARDWICK. Fairness. I think Dade County has a very serious problem in that through jobs and through housing, which are the two major problems, blacks have been on the back side of the burner. I think part of this is brought about because the white community is still living in the civil rights era. They are still thinking about the achieve-

ments of legal rights and not dealing with economic rights that are urgent now.

When I first came here, there was a great deal of back patting on the backs about what they had achieved. They let blacks go in front of the bus and they didn't have to have these little ID cards for them over at Miami Beach and things of this nature, and this type of attitude with the people who are the forefront of change has still existed today. They are still talking about what they did in the past.

There is tremendous social and economic isolation between the three different groups. This is no negative reflection on the Cuban community, but when they did come to our shores they were given a resource over a billion and a half dollars through the Federal, State, and local levels, and a lot of blacks at that time were very frustrated because of that. I think—and I agree with him—that there is very little communication between the blacks and the Cubans, and the major reason for that is not only because of skin color but because of class and also because of political—

I think the Cuban community still is concerned about what is happening in their homeland and you read articles, etc., that's why you don't have that type of communication. With the white community there is no type of real commitment to do anything in the black community.

During the summer, we had a black and white task force which consisted of various civic persons from the black community and also with the business community, and outside of one or two people on that committee we saw very little commitment to do anything but talk. In this town, as one of the speakers before has said, they do a lot of talking—beautiful public relations in the papers and TV, but no type of commitment whatsoever and honesty and truthfulness to do anything.

MS. STEIN. In your conversations with our staff, you said that blacks in this community suffer from both classical and institutional racism. Can you explain to us what you mean by that?

MR. HARDWICK. Well, for example, outside of the county government you will see very few blacks in high positions in any type of businesses. You will see very few blacks who really have any substantial opportunities for business opportunities in this town. I think—I will give you an example: during the riots there was an announcement in the paper through the chamber and some other groups that there were going to be 400 jobs available for blacks. Some of us were very eager to get blacks jobs, and we ended up talking about one or two jobs. That type of thing existed.

The educational institution is bad because constantly coming into our agency are youngsters and young adults who are in their twenties and early thirties who take IQ tests that are administered by the county and only have about a fifth and sixth grade education and some situations even third. We're happy when we see one with educational abilities that come up to the 10th grade level. That's a lot of youngsters we have to deal with.

So there's a tremendous failure on the part of the school system and I think part of the problem was—and it was sort of a problem I think existed 10 years ago when blacks lost control of their school system, in a sense that key blacks who were principals and who were teachers and who were concerned about their community were transferred all over the county. They brought a lot of other people who did not have the same type of sensitivity and commitment that should exist in that type of community. You know, they were calling it reverse discrimination and racism at that time, but many of us felt very strongly that there needed to be people who lived in that community who were identifying with that culture who have that kind of commitment to work with the youngsters.

MS. STEIN. It is my understanding that JESCA has received almost a million dollars following the May riots; is that correct?

MR. HARDWICK. That's right.

MS. STEIN. Can you tell us how that money has been targeted?

MR. HARDWICK. Yes. We have received approximately \$220,000 to strengthen our street work program, and the purpose of that program was trying to relate to a number of the youngsters and young adults who felt they were isolated from this community and to try to build a better communications with them and try to get them into meaningful employment through all other programs.

During the summer we received approximately \$400,000 for a 6-week program, which was what I call "Keep-the-Summer-Cool," which employed youngsters and young adults for temporary jobs.

We also received close to \$100,000 for the weatherization program, which I mentioned earlier, and other funds that were to strengthen our early childhood development program and also programs to strengthen other career development programs through CETA.

MS. STEIN. In your view, what is the effectiveness of these type of programs?

MR. HARDWICK. We have had these programs for the last 10 years, and I have seen a great deal of success not only with the people we served, but also the people that we hired. Most of our staff—I'd say about 95 percent of the people that we have on our staff—are directly from the communities that we work with. I have seen people who, for example, in the staff have come in with not even a high school education go back to school, get their high school degree, finish college, and in a lot of situations even had people get master's degrees.

I have seen people in the community get meaningful employment and first get them a car because transportation is a very serious situation out in that community, and then get their own homes, and then began to do volunteer work to help other people in the community.

So I think these programs have had a tremendous impact. I think the major problem is that we've never been able to hook in Federal programs, as the Cuban community did very effectively, with the private sector. There has never been a commitment. Once on Channel 10 there was an article about the billion-dollar Federal funds, and the problem was it gave the impression that the money came into blacks in their

pockets and they kept it there for the last 10 years. All the money did was come in and went out to the white business, to white consultants and white firms. It didn't stay in that community, so we don't have a strong economic base. So once these Federal funds come in, there is a real need for a commitment from the local business community to help out once those programs end.

Ms. STEIN. Thank you very much, Mr. Hardwick.

Ms. Baro, would you please tell us some of the community and civic organizations to which you belong?

Ms. BARO. Some of the ones I belong to?

Ms. STEIN. Yes, please.

Ms. BARO. I belong to the Puerto Rican Democrats Organization, an organization that was founded 25 years ago. I have been in this community, by the way, since 1950, so I have seen Miami grow and I have been a witness as a volunteer in the community and participant in many of the projects. I have been a witness to many things that are still happening today.

I now preside as outgoing president of the Miami Chapter of the National Conference of Puerto Rican Women. I am a member of the executive committee of the Opportunity Community Relations Board.

I am also on the zoning board of the city of Miami. I am a commissioner on the Hispanic Commission, Florida Commission on Hispanic Affairs. I have now become a member of the Urban League Guild. Do you want me to go on?

Ms. STEIN. That's fine. Thank you.

Based on this extensive involvement in the community, can you give us your assessment of the status of race and ethnic relationships here and especially with respect to the situation of Puerto Ricans?

Ms. BARO. We are now living in a sick Dade County, as you all know. This county has been completely unconcerned, has been blind and deaf to the problems, to the cries, to the questions of the ethnic groups in this community.

When I came here to Miami in 1950, there were very few Hispanics. In fact, I don't know if there were—I think perhaps 10,000 Puerto Ricans, if any. We had then the problem of the migrant Puerto Rican that was brought here and left on the streets sometimes to fend for themselves.

You know, the boatlifts now are very close to us in the community, the Mariel refugees, because we felt like refugees ourselves. We were treated that way back in '50 when we were not allowed, as the blacks were not allowed, to enter a restaurant and sit to have a meal because Puerto Ricans are looked upon as nonwhite, nonblack, perhaps more black than anything else.

At that time, the police, we very much feel with the black community because of the police brutality, because we were subject to the same thing. We couldn't have two or three Puerto Ricans congregating on a corner, because they would end up in jail. We have been the ignored community. We have been the in between community.

We are mostly poor. When you speak of the poor, you think of black. When you speak of the Latin, you think of Cuban. Puerto Rican is lost somewhere in there. He is not recognized at all.

In spite of the fact that we want to be involved, we want to participate, we want to communicate and be able to develop the potential and help in situations, because we feel that as American citizens for the past 62 years, and as part of the United States for the past 82, we understand the American process. We have gone through it and we still are of Spanish heritage, so we are the perfect bridge. We know exactly how the Anglos think; we know exactly how the Hispanics think, and yet we are not given the opportunity as far as employment, education, you name it.

Everything that Cubans are going through, we have been through and are still going through. Everything the blacks are experiencing, we have experienced and we are still experiencing, so we can very well, although none of us condone what happened in May, we can very well understand why it happened because we know. We have been through this and the only difference is that we never got to the point of rioting.

MS. STEIN. What effect do you feel that the media has had on race relations here?

MS. BARO. I agree with what has been said. The media has absolutely done nothing but polarize us. This business of polarization started with the media because of the articles, some of the reports, that are supposedly researched and then published in the newspapers. It has created a feeling of antagonism and a feeling of resentment. This negative attitude that the community has for Latins, especially for Puerto Ricans, is in part to be blamed on the media.

When they took a group of people and they supposedly did the research and then published a series of articles and tell you everything that is wrong with them, that to me is not the proper way to do it, and that to me is denying a group the right to participate in a community.

There is a lack of sensitivity. We have had to prove once and twice and every time that we are American citizens. We are American citizens when it is convenient. We are not when it is not convenient. We get lost in the Hispanic label. We don't want to be labeled Hispanics, because in this community there are about 100,000 Puerto Ricans, and in this community the label "Hispanic" covers a multitude of sins.

MS. STEIN. Excuse me. I have one final question. Because of your involvement in the Community Relations Board Committee on Haitian Refugee Concerns, I wonder if you could tell us what you found to be the needs and problems of the Haitian refugee community here.

MS. BARO. The needs of the Haitians? They need to be allowed to work. They need employment. They need health care. They need attention. They need communication. There is absolutely no attempt to—let me see what is the way to say it—to communicate, to establish a trust.

The Haitian naturally does not trust anyone when he gets here. In the first place, he hasn't met anything but resentment and he's been alienated from the community. They have to work through someone

they can trust and we have to show that we—they have been, what is the word, they have been like the rejected. I was thinking of a stronger word. They have not been accepted. They come here on boats and they pay to get here.

We know of instances where the boat people charged them. They are thrown in the middle of the ocean if they are caught. It reminds me of the old story of the Mexican, when the Mexicans tried to get in how they used to be— But the problem of the Haitian is the communication. He cannot communicate. I know problems of a child in school who sat in classroom when she was a Haitian girl and had to wait for a teacher to come 1 or 2 hours a week to be able to talk to her and to be able to communicate with her. Now that child in the meantime spent 4 days, 4-1/2 days, alone sitting in a classroom because she couldn't communicate and she felt, naturally, alone and unwanted.

The Haitian feels alone and unwanted. I think that the immigration laws should be adjusted to a point where at least they are allowed to come in. They are given work permits and are allowed to get employment.

We know of a case where up north there was a factory that wanted the Haitians. They wanted them shipped over there to give them work. They were not going to compete with anyone in that area and yet they were not allowed to go because of the community. I think we need more understanding, but we have to really supply them with basic needs, first of all.

Ms. STEIN. Thank you very much.

I have no further questions, Mr. Chairman.

COMMISSIONER RUCKELSHAUS. Thank you. I would like to ask a question as to the involvement of the community. Reverend Willard, could you characterize for the Commission the degree of personal commitment and responsibility that the Miami downtown leaders, as you referred to, the decisionmaking that the industrial community characterized as the leaders? I guess they set you apart from the political leadership of the city.

What's the level of responsibility you feel these leaders in downtown Miami feel for the problems that we have been hearing about here this morning, whether that feeling of personal responsibility was heightened by the events of the May riots, and why it is that we keep hearing over and over again—there has been a great deal of discussion—in fact Miami hasn't lacked for forums for issues to be discussed, but there hasn't been very much action that signals any hope to the community that we have been talking about here this morning.

REV. WILLARD. You have asked a long question. I will try to give a short answer if I can.

When the Community Relations Board began—which is not made up, of course, of religious leaders; it has four or five on it, but it is made up of businessmen from downtown. These two people here are on the Community Relations Board. So the downtown establishment, or the bankers, or the commercial leaders have been very keenly aware of the problems that exist within the community. They have not found

any solutions. We have tried to resolve them but 11 days before the disturbance in May, the chairman of the Community Relations Board sent to the county commission documents stating that our city was in a state of crisis, that there were gang murders, there were drug dealings going on everywhere, and the situation was very, very grave.

In spite of the beauty of this city and its location, I should like to restate that, even though the downtown leaders, or the businessmen, or the movers and shakers of the community are very keenly aware of this, they really don't have a solution either. I could almost repeat what was said by those who preceded me, in that we have a situation in some respects that was forced on this community by the Federal Government and its lack of understanding of what was happening here and its lack of control of its Immigration Service.

Now, that does not necessarily solve all the problems that the black community has and its total unemployment, so many places with young blacks; but I think they are very much aware of it. They simply don't have the solution to it.

You know, it is a simple thing to say, "Well, you know, you're a banker. You control a billion dollar bank. Why don't you loan money to someone that may be a high risk?" Well, the money he loans belongs to other people in the community and he has a responsibility to those people too. He is guided by Federal law that he cannot make loans without certain recommendations, so I think they are very keenly aware of it. We are just in the midst of a transition now and I think our community is on the verge of a crisis as great or greater as it was in May.

COMMISSIONER RUCKELSHAUS. It has been our experience, and I think the American experience, really, in communities that face these terrible periods of stress, that the solutions are very often almost always coming from community determination and the will of the leaders in the community, not from Washington, D.C., and not from a massive influx of money and Federal control, though that can be a problem for the programs that are designed by the local community itself.

It really takes a commitment of time and a determination that there is going to be a solution. I am kind of at a loss here if you all have given up.

REV. WILLARD. May I help just a little bit in answering your question? I believe that the Community Relations Board has been one of the very helpful factors in spite of the fact we have had some very grave difficulties. Bob Sims, the director of the Community Relations Board, who is a black man—we are well represented across the community; these people are really committed to trying to help solve this. It seems sometimes that all we do is talk, but there are really solutions coming out of our meetings. We do have meetings that cross ethnic and religious and social barriers that I think are very productive. I think it could have been worse. That is what I am trying to say, if that is any answer.

COMMISSIONER RUCKELSHAUS. I think that I have heard you say, and others say, this morning, in fact, there hasn't been so much change that one couldn't realistically expect that riot situation to be provoked again.

REV. WILLARD. I think that the tensions within the community are very taut at this time.

COMMISSIONER RAMIREZ. I thank you very much. I appreciate the comments of Ms. Baro, being somewhat in that situation in the Southwest at times.

I had a question first for Dr. Padron and next for Mr. Hardwick. In terms of the refugees who came to Miami in the very recent past, what percentage were assimilated successfully?

DR. PADRON. As you know, over 125,000 people came in a very short period of time. About 70 percent of those were brought to Miami. The rest of them were taken someplace else. We find many of these people are coming back, the ones that were settled outside.

COMMISSIONER RAMIREZ. Did you say 17 or 70?

DR. PADRON. Seventy. The problem is the following, that is, in spite of what you hear, the fact is that the burden of the assimilation has fallen into the Hispanic community.

Now, these people basically have concentrated in the Little Havana area. If you go through Little Havana, there is not a house that is not overcrowded. You have people almost coming out of the windows because you have so many people in each household, people that have tried to help. The fact is the Cuban American community has done, in my opinion, an outstanding job in trying to help these people by raising funds and by providing all kinds of help, which has been, in a way, an unprecedented effort in the history of this Nation.

The fact is that many of these people did not have any relatives here. Then there was a criminal element that was included, which is basically on the streets with nothing to do. There are no programs for them, and the difference between these and the ones that came before, if I may clarify something that was said before, there was never any kind of massive help program for the Cuban refugees in the way that most people think.

What happened was—I was part of that when I came back in the early sixties—was that rather than putting the refugees through the regular American welfare program, there was a welfare program established called "The Cuban Refugee Assistance"; and that is basically what it was. It gave you a welfare check, and if you wanted to go to other parts of the Nation to work, they give you an airplane ticket one way.

Now, the statistics showed that plan was very successful in resettling about 80 percent of the refugees that went through the program. Now, these people have come to various cities in the State; once they get some money, come back, and those are most of the small businesses you see in Little Havana and other places.

Also, I should say that about the average stay of Cuban refugees under that kind of welfare is about 3 months, not more than that. Now, the assimilation has been difficult because the capacity of the Cuban

American community to solve the refugees [problem] is limited, and the nature of the economic structure of the community is very small. It is mostly family businesses to a large extent and there are so many people that can be helped.

So we have a high unemployment rate right now in the community, people that have no housing, sleeping on the streets and porches, garages, etc., and no economic help of any kind, and the resettlement process that has been established is the worst I have ever seen anywhere. They are not doing the job in my opinion, and what happens is that the people are either not going or coming back immediately because the linkages that have been established are not very good.

COMMISSIONER RAMIREZ. My question was really leading in this direction: in terms of the people who have come, do you expect that the majority will be assimilated successfully?

DR. PADRON. No question in my mind. The great majority is already being assimilated. We only hear about those cases that hit the media print. All you have to do is go to any adult education program in Miami, or the classrooms in the community college, and you find these people after working full days are going to night school to learn English. Our classrooms, whatever community college or the school system, at nights, are full. We don't have any space to put the refugees who are very eager to learn English and to try to get some kind of training to really improve economically.

COMMISSIONER RAMIREZ. This is despite the people, these people are not necessarily middle class as the early sixties?

DR. PADRON. I don't feel the economic status or previous economic status has anything to do with it. The motivation is very high. You see—when I think about the lack in the community and in the black community, I think of a very striking difference. The black community has been abused for so many years, especially the youngsters. They have grown in this kind of system where they have seen the hope—basically, there is a hopeless feeling with no future. Sometimes you institute programs for them. I am not an expert in the black community. I just don't speak for the black community, just my perception.

These kids almost lack any kind of hope that there is anything better. The difference with the Latins is that because they are relatively newcomers, especially Cuban Americans, there is hope and they are willing to put up with a lot of abuse and harassment and whatever to succeed. I guess the same is true to a large extent of the Haitian community.

As a matter of fact, I predict that in spite of the problems in the Haitian community, I see a very strong possibility for a "Little Haiti" being developed with a lot of self-created businesses and efforts, because the Haitians come with a great hope. They have come to America with hope for something better. I think that's important.

We cannot afford for that hope to die. We need to help them because the willingness to assist is there and to grow and to become contributing citizens.

COMMISSIONER RAMIREZ. Just one quick question, Mr. Hardwick. In terms of young black people who get through the school systems successfully, who get some college training, are they staying in Miami and do they have hope for becoming a part of the institution? Is there a scarcity of those people, or do they find a place or are they leaving?

MR. HARDWICK. Let me backtrack because I disagree with some of the statements he made. Number one, when the Cubans came in, they came in very rapidly, unlike in other cities where you have influx of people coming in on a very gradual basis.

A whole middle-class culture came in just as this black community was beginning to assert itself, at least more reasonably than they had in other cities. There was a large number of Federal resources and State resources, because we did research on it, and it came to over a billion dollars.

Now, the issue is that, unless—and what we are doing now just recently is that we are beginning to hide behind the refugee problem that came in, came about 2 months before the riots and saying, “Now we have this terrible refugee problem and blah, blah, blah.” There is a lot of conversation about that. But we are still not addressing our problems in the black community. We are not doing anything on that, and I think there are many blacks—there are a lot of capable young blacks—who have training and experience and are ready to move into the business sector and want to.

I don't think there is going to be a great deal of influx yet, but unless there is some type of commitment from this community, there will be.

CHAIRMAN FLEMMING. Mr. Nunez?

MR. NUNEZ. Just one question, which I would direct to Ms. Baro and Dr. Padron. I am troubled by the continued differences between the Puerto Rican community and the Cuban community here in Miami, and I am just wondering, have any real efforts been made to develop points of commonality, points of cooperation, between these communities? I know both of you are responsible civic leaders of this community, and I wonder what these efforts have been.

MS. BARO. On an individual basis, you know, one-to-one, there is an understanding and there is a working together; however, in my community—and I am going to speak as I see or as I hear in my community—there is an undercurrent. That's the truth. There is a little undercurrent or resentment that the Puerto Rican community feels for the Cuban community.

As I said, perhaps because of the fact that we have been here, we have been part of this country so many years, because of the fact we have been treated all the time as second-class citizens where we have taken so much abuse—not as much abuse as perhaps the blacks, but we have taken so much abuse, that in most instances we have given up. We have a high dropout rate among Puerto Rican children because of the fact it is easier to give up and because of the neglect.

I blame the leadership, not only the corporate leadership but the organizational, the community leadership, and the political leadership for doing this to a group, to an ethnic group. So that even though we

try to work together, our efforts are—we try to cooperate and we do on a one-to-one basis.

On a group-to-group, meaning one organization to another organization basis, there is still that undercurrent of that resentment, that lack of understanding or communication. I don't know, perhaps Dr. Padron could—I could tell you why from reasons that I hear, but I would like to hear Dr. Padron.

DR. PADRON. I have to agree with Alicia. There are undercurrents that exist, and I would say that brings the numbers in the Puerto Rican community as well as others because we forget there are Dominicans and Colombians and others.

We happen to have a Cuban American, Puerto Rican here, but we could have others that would say they have the same problems, some of these very serious problems, the Nicaraguans and others. The problem is one basically of a perception that has been created that shows Cubans are capable and very successful and they had to be successful to come here. People from Russia, Spain, Africa were successful also because they had the knowledge and know-how. I mean, that's what it is. That's what it takes, and because of those people—and the media has basically used it over and over and over again, the same people, the same names. There is a feeling of, "Gee, you've made it and we have not."

The fact is, not only Puerto Ricans are in bad shape, or the Dominicans are in bad shape, but the fact is resentment exists because there is an image that all Cubans are successful and all Cubans have no problems. It is a perception problem that exists.

CHAIRMAN FLEMMING. Commissioner Berry?

VICE CHAIRMAN BERRY. Mr. Hardwick, I infer from your testimony that stimulating black business enterprise was a major problem that you thought might be beneficial. I at least inferred that.

What I would like to know is, since the riots has there been any private sector initiative to provide gifts, charitable gifts, or loans, entrepreneurial training, and help to start black businesses on a large scale or from the Federal Government, from the SBA, or other agencies to stimulate the growth of black business enterprise in the community?

MR. HARDWICK. There have been some businesses—I could name Burdine's, Jordan Marsh, Southeast Bank, a few of them—very few. On the whole, there has been no effort in giving grants or loans on any large scale to blacks.

When the Federal Government came in during the riots, I think they had a \$10 million SBA program that they had set up. An interesting thing that happened in the black community was that immediately after the riots, I'd say about 2 or 3 or 4 weeks, they started building a liquor store. That was the first sign of progress in the community. I see very few signs of any meaningful businesses that came in the area.

You have to realize too that a lot of the businesses that were in the area were white owned. Only a very few percentage of blacks even worked in those businesses, even those that were white owned; there

were very few blacks that owned any. They are Cuban businesses, as Dr. Padron said, with very few blacks working in there.

There are serious problems in this area. The economic development is one major issue, and I think getting jobs for blacks is another major issue, jobs throughout employment, throughout the spectrum.

For example, downtown where they have—you know, the Cuban community takes great pride in talking about it. There are very few blacks who have opportunities as far as jobs are concerned, and Miami is for the whole community, so there has been systematically, in a number of cases, ways of keeping blacks out of the employment and out of the housing field.

COMMISSIONER HORN. Mr. Hardwick, you noted that the school system was a failure. You mentioned that a decade ago blacks were transferred all over the county and there—

MR. HARDWICK. Teachers.

COMMISSIONER HORN. The people, you said, have to live with and understand the culture if black students were to be properly educated. Does that mean that whatever busing exists or whatever desegregation exists in Miami in this area are a failure from the standpoint of the black community?

MR. HARDWICK. Yes. I think the concept of busing that has been given both to blacks and whites that by busing a black child over into a white area that that way he'll get a better education and better training. I've seen time and time again a number of blacks after they have come back into the black community from school that they were not part of that social stream. I'm not trying to say I'm against blacks being bused, but I think it is very important that they also strengthen the local schools and bring in teachers who are dedicated to that particular community that can give the type of training and education that blacks need.

COMMISSIONER HORN. What about the dispersal of black administrators, black faculty as such, due to a desegregation plan? As I listened to your earlier comment, it seemed to me you were saying, if we're going to advance as a people, we need sympathetic voices, etc., in the classroom.

MR. HARDWICK. Now, that doesn't mean they couldn't be white as well as black.

COMMISSIONER HORN. I understand that, but it seems to me the implication of your question was that they ought to be black, and our black resources, such as they were a decade ago, have really been dispersed and thus are not as effective as they could have been. It seems to me at this point we get into what we've heard in other communities, especially from the Hispanic portion of those communities, that desegregation is not necessarily all that it is cracked up to be in terms of the fragmentation of resources that are very limited in these communities to begin with.

MR. HARDWICK. That is correct.

COMMISSIONER HORN. Okay. So you agree with that statement.

COMMISSIONER SALTZMAN. Before you change the subject, may I interject something?

COMMISSIONER HORN. Yes.

COMMISSIONER SALTZMAN. Can you clarify for me the educational attainments of black students over the last decade? Have they improved or declined?

MR. HARDWICK. I'm only talking from my perception in my organization in what I have seen, and I think that when you talk about education, you are not only talking about the academic process but the role models, self-image, all those type of things are involved in that whole process, and if you put all those together, I say, yes, it has declined.

COMMISSIONER HORN. Ms. Baro, you spoke quite eloquently on the bridge that the Puerto Rican community can be between the Cuban community, the Anglo community, etc., I wonder if you could elaborate a little more as to what is your perception of the feelings in the Puerto Rican community as well as the Cuban community in trying to get at the problems of differentiating skin color from socioeconomic class.

Do you see a high correlation between those Cubans that might have been darker skinned and lower economic class? Do you find similar resistance or feelings in the Puerto Rican community? I would just like to hear you elaborate a little bit.

MS. BARO. The Puerto Rican community does not discriminate, by that I mean, Hispanic and Hispanic. Whether the Puerto Rican be black or white, he is first a Puerto Rican; whether the Cuban be black or white, he is really a Cuban. He is a Hispanic. He's a brother. I think Puerto Ricans least of all would discriminate or would use the color of skin or the socioeconomic status against anyone. I believe that's why I think we are the perfect bridge because I feel that we would be fairer; the affirmative action would work better with us. Knowing the American way and knowing the Hispanic way, we could be more equitable as far as dealing with the problems or dealing with both groups.

There is a lack of employment; in other words, Puerto Ricans compete with jobs here and never get them no matter how qualified you are. Professional Puerto Ricans have a very hard time getting professional jobs. We have had to actually coerce, put through a test the system by filing applications for different jobs, very qualified people, and have not gotten the jobs, so I feel if we were in a position, in an administrative position, if we were at the level where we could influence policy, where we could be a part of that policymaking, we would be able to bring the Anglo community to a better understanding with the Hispanic community and with the black community.

COMMISSIONER HORN. Well, I was interested in the earlier comments on the hope that the refugees bring, and the concerns that many, among black youths, have lost hope for one reason or another. As you sort of just generalize and look at these different communities within the Miami community and you look at it historically and you go back to the problems of slavery, the breakdown of the family, the lack of

community involvement, discrimination based on race, etc., then you get into the late fifties, the early sixties, and the Cuban Revolution, and you've got a whole number of Cubans, highly talented, middle class, coming into the country in such critical mass, if you will, to create their own community, their own subsystems and economic structures within that community.

You've got lesser groups that have been here beforehand, the Puerto Ricans and other Hispanic peoples, that did not have a sufficient critical mass, also were not of that high economic class in education and technical know-how. Then you have the black community that has never quite taken off from the time of slavery.

And with the family breakdown greater in the black community, probably less in the Puerto Rican or Cuban community, what I am trying to get at, if this Commission is looking at causes and not just saying that we need more Federal money to solve the problem, which I personally think is bunk in part—I think that's helpful in some areas. I think the question is the psychology of the people involved, the economic class of the people involved, the spirit of the people involved. What I am interested in is a reflection from any member of the panel as to how we get at some of the root causes and turn those causes around either psychologically or economically, to really move on from here and to try to eliminate some of the past, as harmful as some of that past might have been.

MS. BARO. I believe it belongs to the leadership, but I still believe that the leadership in this community, the political leadership, the corporate leadership, the big powers-to-be leadership, that's the type, that's the leadership that we need to get together to form task forces or whatever, committees, and sit down and think and try to put this community back together again.

It is not enough for the media to write a big, beautiful, one-page article telling us what is wrong with us, telling us what we should do about it.

COMMISSIONER HORN. Let me ask you one last question. That is, how could you characterize the relationship between the Puerto Rican community and the police in the Miami-Dade County area? Good, bad, worse off than blacks, better off than blacks but not better off than Cubans, what?

MS. BARO. We still have problems with the Puerto Rican with the police. We still have, as recently as several months ago, where police entered a Puerto Rican home. That was not publicized like the LaFleur case was publicized.

We still have problems although it is better, let me say, than it was in 1950 or in 1960—we still have problems with the police.

MR. HARDWICK. I would like to answer the last question. I think the major problem, and the solution as far as blacks are concerned, is that Miami is still living with plantation mentality as it relates to blacks, and it has got to broaden its relationship with a number of blacks with developed skills—cut out all of this black leadership baloney that I'm constantly hearing—and deal with blacks, the same way you deal with

the white community or any other community is based on the fact they are people with skills and abilities to help the community. But until they break down that plantation mentality that they seriously have, they still have, we are going to have the problems that exist.

CHAIRMAN FLEMMING. We are very much indebted to all of the members of the panel for the presentations that you have made and response to the questions that have been addressed to you by counsel and also by members of the Commission. You have been very helpful and we thank you for being with us this morning.

Thank you very much. I recall at the beginning of the panel possibly as discussion, Dr. Willard, you indicated you did have a statement. We would be very glad to have you leave that statement with us and we will make it a part of the record of the proceedings at this point.

REV. WILLARD. Thank you very much. We appreciate the Commission being here to hear our problems and the entire Commission can be furnished with a copy of the report and I will make it available to you. I will be happy to do that. Thank you very much.

CHAIRMAN FLEMMING. Counsel will call the next witnesses.

MR. ALEXANDER. Patricia Due, Miller Dawkins, Marlon Brooks, and Keith Carswell.

[Patricia Due, Miller Dawkins, Marlon Brooks, and Keith Carswell were sworn.]

**TESTIMONY OF PATRICIA DUE, PARENT; MILLER DAWKINS, CHAIRPERSON, SPECIAL PROGRAMS, MIAMI DADE COMMUNITY COLLEGE; MARLON BROOKS AND KEITH ALDA CARSWELL, STUDENTS**

MR. ALEXANDER. Starting with Mr. Carswell, could each of you, for the record, give us your name, section of the city that you come from, and what your involvement with the school system is briefly—faculty, student, parent?

MR. CARSWELL. My name is Keith Alda Carswell. I attend Miami Northwestern Senior High School.

MR. ALEXANDER. And you live in what portion of the city?

MR. CARSWELL. I live in the Liberty City area.

MR. ALEXANDER. Thank you. Mr. Brooks?

MR. BROOKS. Marlon Brooks. I attend school at the Douglas McArthur North. I'm in the 10th grade. I live in the Liberty City area.

MR. ALEXANDER. Thank you. Mr. Dawkins?

MR. DAWKINS. Miller Dawkins. I am employed at the Miami Dade Community College. I live in the Liberty City area, and I am a concerned citizen.

MS. DUE. My name is Patricia Due. I live in Cutler Ridge in southwest Dade. I have an elementary school child, junior high child, and a senior high school student, and I'm involved in the Title I program in Dade County and in the State of Florida and, in general, in education in Dade County.

MR. ALEXANDER. Ms. Due, in the last panel, which I believe you were in the audience before, mentioned the role the education system

has played in the last several decades, when desegregation first was to occur in the Miami-Dade community, what is your perception of what the view and promises were that were held out to the black community with respect to desegregation, what it was to accomplish in this community.

MS. DUE. Yes, if I may, I would just like to go on a little further than 10 or 12 years ago here in Dade County. In 1954 when the Supreme Court decision was made, I think many blacks were optimistic and many students, including myself at the time, felt that the next school term we all would be going to school together, you know, getting a quality education.

Now, in Dade County I think when the desegregation process here began, people at first were optimistic, but then it was made clear that the burden was put on the persons it was to help the most. The burden of desegregation was at that time and is at this time on blacks.

MR. ALEXANDER. Could you be more specific? Is that the burden in terms of students being bused out of their own communities?

MS. DUE. Yes. Students being bused out of the communities and in most instances where pairing occurred, where grouping occurred. As I said, I am from southwest Dade. Presently my elementary school child attends a school that is grouped with two other schools, Belair Elementary and Perrine Elementary, and she attends R.R. Moton, which is in the black community.

Now, in this instance, as in many other instances, the youngest black children were always bused to the white community and then at the different sixth grade levels the white children were sent in to the black community.

Another example, Richmond Heights, which is a little north of me where the youngest black children again were sent out of the community, and then sixth grade centers housed in Richmond Heights, and this seems to be the pattern. We have busing in many instances. Busing has been a one-way situation, and I think it is so critical that many parents now believe that desegregation in Dade county was designed for failure.

MR. ALEXANDER. Thank you.

Mr. Dawkins, in current Dade County public schools, what is your view as to the quality of education provided overall?

MR. DAWKINS. Lousy.

MR. ALEXANDER. And how is it for black students?

MR. DAWKINS. Twice as lousy.

MR. ALEXANDER. Why do you think that is, sir?

MR. DAWKINS. Okay. As Ms. Due said, busing destroyed the black schools in that busing in Dade County, I can only speak for Dade County, has been one way. Blacks have been bused out and no whites were bused in. The only black schools that were anywhere near integrated were integrated with the busing in of Cubans to black schools.

We have a black school that the gentleman on the end is from, Northwestern Senior High, and I have constantly complained, and I

hope Judge Adkins hears this, Judge Adkins finds it to his legal convenience not to bus any white children to Northwestern.

MR. ALEXANDER. Are these schools in the community, such as Northwestern, full or are they underoccupied by the student body?

MR. DAWKINS. They are underoccupied, and the school board chairperson at one time, then Dr. Johnny Jones, has said that he was going to bus Jewish children from Miami Beach to Northwestern. The last school board committee chairman said that no Jews would ever be bused into Northwestern and they weren't.

MR. ALEXANDER. The quality of education that is provided in the Liberty City school system, the Model Cities area, do you feel that current teachers and administrators in those school systems are sensitive to the needs of black children in those schools?

MR. DAWKINS. Well, first I would like to preface this by saying, if you check the records, you will see that the students in Dade County in the State of Florida are not receiving quality education in that they have to design a literacy test to see how well they function. So with the overall problems, the kids in my area are not receiving the type of education that they need in that the teachers are insensitive to the inner-city children's needs.

It takes a special type of person to work with youngsters in the inner city. We cannot. This is why I have problems with the Northwestern situation. We cannot find quality white teachers who want to teach in the black schools. We cannot even find quality white subs or substitution days to go into the black schools, but yet everybody wants to take out what black teachers we have in Northwestern. They want to take out 37 black teachers from Northwestern and replace them with 37—and for the lack of a better word—"inefficient" white teachers.

Now, you have a school that is functioning. Everybody has designed a way to work within the system and now Judge Adkins decided that he's going to throw in 37 people in here to tear up the school. You've got to go back, revamp, try to get other people together, and the type of teaching falls down. So who pays? The students at Northwestern.

MR. ALEXANDER. Is it your view that students in a school such as Northwestern need a different type of teaching than is provided generally in the school system? Is there a special set of skills that are needed to operate in the Northwestern system?

MR. DAWKINS. Black boys and girls need nothing special than any other student, but black boys and girls must be taught in first grade to master the ABCs; in second grade to take these ABCs and s-p-e-l-l; and in third grade take the words that they learned to spell and learned to read and then can function. For some reason, white people seem to think that for black children at second grade all learning stops. When teachers do not challenge students and they don't want to earn their paychecks, then they classify students as disruptive or refer them, and they put them off in the special education classes because they don't want to earn their money.

If they start out in first grade and teach black boys and girls the fundamentals in the basics that are needed to function, they will func-

tion. Now to answer your question, black boys and girls have not been given the skills. Therefore, somewhere along the line we have to go back and reteach the basics.

If we reteach the basics, we will find that youngsters will learn; they will be able to function. They will come up with salable skills. We will have less unemployment because we've got employability skills.

MR. ALEXANDER. Mr. Brooks, what high school are you now attending again?

MR. BROOKS. Douglas McArthur.

MR. ALEXANDER. Can you give us a brief history of your experience as a high school student? I understand at one point you had dropped out of school; is that correct?

MR. BROOKS. Yes, I did. I dropped out twice. The first time I dropped out was I really didn't have a reason for dropping out. I just dropped out, you know, but then I went back.

The second time I dropped out was because I wanted to get a job and I asked the school to help me and they kept telling me they would do the best they could. It seems to me it was taking them too long, you know, so I decided to drop out and I went out to find my own. I went to the CETA program and—I don't how to say it, but a man down there by the name Roger Hammock, he helped me get on with the program, and I was working for the county as a mechanic.

I worked for them for 6 months. Then I quit. I went back to school because I felt like if I didn't—you know, I know how to read; I know how to write; I know math, but I don't know the structure, so I decided to quit and go back to school.

MR. ALEXANDER. Do you find that having dropped out and worked, that getting a good education is essential to be able to find a long-term job, one that will be a career now?

MR. BROOKS. Yes.

MR. ALEXANDER. Would your own experiences in high school be similar to the type that Mr. Dawkins described, that many teachers were not particularly helpful or sensitive to the kinds of problems you may have felt you were having?

MR. BROOKS. Yes. Like—you have some concerned and some of them not, you know. You got some white teachers, they see a black student getting out of hand or something and they just don't care. They let him go ahead and do what they want to do and they get together. Then they say we're dumb, you know, but most black people put themselves in that position to be called dumb, you know, because—I can't really explain it, but, you know, most other students, they do put themselves in that position to be called that and then again some of them don't.

You have some of the white teachers they want to take their time with us blacks and some of us don't care. They say, "You don't want to learn, forget it." You know, let him go on his way.

Later on, if you realize, if you're concerned about learning and you think about what, you know, the teacher's opinion is about you, then you straighten up and you let that teacher know you ain't dumb, you

know. Then they see you ain't dumb; then they tell you, "Don't be acting plain crazy and playing a fool on me."

That's what a lot of them say you know.

MR. ALEXANDER. Have you ever gone to high school counselors? Do you find them at all useful in trying to straighten out what it is you need or want out of the school system?

MR. BROOKS. No, not at Douglas McArthur I have not. I go to the visiting teacher. I go talk to him. I tell him all my personal problems there, you know, within the school. I don't go to the counselor unless I want a schedule changed. Other than that, I don't even bother with them.

MR. ALEXANDER. Mr. Carswell, you are in Northwestern High School?

MR. CARSWELL. Yes.

MR. ALEXANDER. What has your experience been as a high school student? What kind of education do you think you are being provided?

MR. CARSWELL. Well, first of all, I'd like to say that I am in the academic achievement program at Miami Northwestern headed by Ms. Ellen Hite, and from my experience there, I feel that I am getting a quality education, and I really can't speak for what we call the mainstream of the school, because I'm not really in that particular part of the school, but my friends there, like, for instance, the Title I program, you have many teachers in there that are just there to get a paycheck, and they are not teaching the students anything.

Like night school for instance. I had a friend of mine who dropped out of school and went back to school, and he has to take up night school to graduate this year. He told the teacher on—he said, "Hey, you are teaching me eighth grade work," and he wanted to know why because he, you know, he is above that, and she threw him out of the classroom, saying that he was disruptive.

You have those kinds of teachers in the Dade County school system as a whole teaching students there. They are, like I stated before, just there to collect the paycheck, and they are not really teaching. They are going through the motions halfheartedly.

MR. ALEXANDER. What do you think the future in the city of Miami is? You are in the academic program. Do you have a career objective? Do you have an idea of what you like to be when you get through school?

MR. CARSWELL. I would like to go into business management, and most students in my class, for instance, and those that I know feel that Miami is not a place to stay as a black person to get ahead. Many would rather go to Atlanta, Washington, D.C., Chicago, or California, because Miami is not outwardly prejudiced. It just has subtle prejudice. It is underlying, in as—looking in from another black point of view, black youngsters feel they cannot get ahead in this society.

MR. ALEXANDER. In this city in Miami, particularly?

MR. CARSWELL. Yes.

MR. ALEXANDER. So do you think for yourself, personally, that once you get a college degree, that you would probably try to settle someplace else? Is that your personal view?

MR. CARSWELL. I would like to come back to Miami, but I am again having second thoughts about that.

MR. ALEXANDER. What kinds of changes would you like to see happen in the city of Miami that would make you feel more welcome as a black college graduate 5 years down the road? What would keep you here?

MR. CARSWELL. Well, see, Miami is a melting pot of different cultures, and you have some blacks in high positions, but then again they are just there for the—just token blacks in businesses, and I really can't explain it, but it is just a feeling, like, for instance, I being a young black male. If I were to get on a bus and, like, most old white ladies, they will see you and they will grab their hearts or clutch their bags. This is the kind of situation we have to deal with. It is degrading to the black male, to the black youngsters, to be in situations like this where you are not looked upon as a human being; you are looked upon as an animal, and you are treated as such, especially by the police.

MR. ALEXANDER. Would the police situation be one that would have to change, in your view, to feel you could be more welcome to come back to this community? Our interviews said you wanted to go to Morehouse College, is that correct, in Atlanta?

MR. CARSWELL. Yes. I was looking at Morehouse and FAM U [Florida A & M University].

MR. ALEXANDER. Would the police situation be one that you want to change?

MR. CARSWELL. Yes, most definitely.

MR. ALEXANDER. How so? What changes would you want to see?

MR. CARSWELL. Well, to me, the police situation did have a big part in the rebellion that we experienced last summer. We have situations such as the Randy Heathe case where a young man was shot in the back of the head and charges were not brought against the policeman. He was acquitted. And the LaFleur incident, and the Johnnie Jones case after that.

Black people just felt they had enough of it, and they wanted to strike back at what they felt was wrong. They tried it one way, and it never did work, so like anyone, they resorted to violence as a last means. That's what happened.

But then when you look at what they really destroyed was their own community, that was the bad part of it, plus the lives that were lost.

MR. ALEXANDER. Both you and Mr. Brooks go to schools that are predominately or exclusively black; is that correct?

MR. CARSWELL. Yes, I do.

MR. ALEXANDER. Could you tell me your own personal view to attending a school that's all black or attending a school that is integrated with both white students and Latin students, and what the benefits are and what the negatives are.

MR. CARSWELL. Well, you have to look at the individual as far as education is concerned. For one, the most important thing is he has to be motivated. Motivation is something that most young blacks don't have, especially in the Liberty City area where they come from one-parent homes, where the mother is usually the head of the household and there are maybe four or five kids on welfare. When they get home, they don't have nobody there to motivate them and nobody in school to motivate them, so they resort and turn to the streets where is nothing but violence and the low life, which I would like to refer to as the low life. They just have no hope.

Then you have generations after generations staying in the same housing projects, so there is really no motivation. For me, being in an all-black school, one would get a sense of black awareness. That is something he cannot get going to Miami Beach, Palm Springs, or Coral Gables. Like there is Black History Month. At Coral Gables maybe they have one day set aside for that, where at Northwestern we have the whole week. It is just so much you get from being in a situation as I feel such as I am in.

MR. ALEXANDER. Mr. Brooks, how do you feel about going to an all-black school?

MR. BROOKS. I don't go to an all-black school. It is mixed. I have whites out there, too, but it doesn't bother me because if you want to learn, you are going to learn. You let no color, nobody stop you. If you want to learn you are going to learn.

MR. ALEXANDER. Mr. Dawkins, the dropout rate has been alluded to as being a substantial problem in the Miami school system. Do you have views as to causes to the dropout program and what the school problem is and what the school system could be doing to address it?

MR. DAWKINS. It comes back to what Mr. Carswell says, double systems. In Miami, you have a double system, be it with the law, employment, whatever it might be. These youngsters, for some reason people seem to think they don't see this. I'll give you an example of what I mean.

At a white school in the down south area, a black teacher pulled a white student's ear; the black teacher was suspended. Over in Douglas, in the inner-city area, a white teacher slapped a black, emotionally disturbed child and nothing has happened.

Now, these youngsters sit back and they see this. They cannot do anything else, and in their little minds, I am assuming, somewhere along the line they decide to rebel. Just take that incident of the black student who was slapped by the white teacher.

If anybody in the neighborhood, anybody in the school decided to slap that white teacher, then immediately they are suspended. So the youngsters come up with the idea, "Hey, I cannot get a fair shake."

Then they go back to what we say they are not learning. Already you have a youngster in the sixth grade reading on a third grade level. You have them in sixth grade doing math on a second grade level. You have them in sixth grade and is not functioning at the sixth grade level.

So, consequently, it is my opinion that somewhere along the line this individual gets bored. We have no teachers to challenge him. We do not have a school system who is sensitive to this that would prepare programs for this. These youngsters go to school, and they sit up in there and get bored. They drop out. When they drop, they become like this young fellow here; they don't know what to do. They go and call themselves, applying for a job. They have no salable skills.

They drop back in. There again, we have no system with which to deal with them, and you come back to my first arrangement, this poor quality of education that Dade County provides. The youngsters drop out, because they are not getting the sort of schooling that they need to keep them in school.

MR. ALEXANDER. Ms. Due, would you like to comment on that question?

MS. DUE. Yes, I would. In addition to the students who perhaps are doing poorly and drop out of school because of frustration, and then find that they can't find a job and perhaps some go back and many don't and enter into the juvenile justice system, and perhaps eventually into prison. What I would also like to mention at this point, at this time in Dade County, the black students who are doing well, I am going to use a personal example, and I have here something that was written and I hope all the Commissioners have received a copy of this. I must say, the second part of this I just read last night because my daughter just wrote it last night. The part I want to read was written in May before the riots. As I read this paper, she included the fact that she felt so hopeless, so consumed by the situation and the conditions in Dade County—and I'm saying this is a child in the gifted program, and as you read this, you will be able to see she has a gift for writing, but she felt so hopeless by the community in general, by her school in particular, that as she indicated in this paper she, too, felt like dropping out.

MR. ALEXANDER. Mr. Chairman, I would like this submitted for the record at this point.

CHAIRMAN FLEMMING. Without objection that would be done. We would appreciate it very much.

MS. DUE. I would just like to say that things are critical. I have listened to other panelists as far as students dropping out, as far as people dropping out in Dade County. We have a critical situation here, and we must, we have to do something about it because the same, as has been stated before, we have the same conditions prevailing here in Dade County as before the May 17 riot.

The school system at this point, in my opinion, is mirroring the community. I know perhaps it does not relate—and it does relate in a sense to dropping out, in the sense of hopelessness, not only by the students, but by teachers both black and white, by administrators, blacks in particular. For the past few months, many blacks have felt that we have a witch hunt here in Dade County, among our many other problems that we need to address. Now, perhaps some of you are aware of some of the situations that we have had to happen in the Dade County schools. I don't mind reminding you of those, because I

think when we don't learn from mistakes, we create a situation and a condition, for anything could happen.

Dr. Johnnie L. Jones, who was the first black superintendent in Florida, and perhaps in this southeastern region in recent times, is no longer with Dade County school system. I'm sure most of you know the reasons why, and I don't think that I have to go into that, but a lot of people are associated with Dr. Jones and his administration. Blacks and some whites, too, are feeling, and many parents are feeling, that a continuation of some type of witch hunt is going on, for whatever reason, but blacks are feeling persecuted. And I would like to echo what was said about perhaps having the same situation that we had on May 17. But my feelings are that when another riot occurs, it won't start in Liberty City, and it perhaps won't start with persons who live in Scott Projects.

Middle-class blacks, so-called middle-class blacks, are feeling very threatened. We are finding that the news media—and people feel that the administration is running the school in the newspaper. Every time you pick—if you've looked at Saturday's paper, it was a something else about our Title I, and about someone asking to pay for a speaker to come to a Title I conference. Then it went on to name any number of other persons who are still with the school system, black administrators and their alleged association. We have had situations where companies who have given materials to Dade County are being questioned and are not being paid.

We had situations where black business persons who have given services to Dade County have come under fire, and these are things that must stop. This community cannot handle this type of witch hunt.

If the community is wrong, if this is not a witch hunt, it is perceived as a witch hunt; and as all of you know, that is the only important thing, how people look at a situation. We need action, and I know you have other things to ask, but I just thought it was critical to kind of let you know where the hope of the community is.

Now, this in Saturday's paper, the operators interrupted no less than 15 times, people cutting in on my telephone calls to discuss that lady's article and what they perceived as the continuing witch hunt in Dade County. When you speak about black leaders, if you've heard, a few weeks ago some black leaders are telling the blacks the only thing to do is to move.

Now, I know you realize things are critical when people are saying that, "There is nothing you can do here. Move." We have to do something.

MR. ALEXANDER. One last area of inquiry before the Commissioners ask questions. I would like to get your views, all four of you, on the use of Spanish language as a device within the school system for black students in terms of job preparedness, starting with Mr. Carswell.

MR. CARSWELL. Well, in my opinion, I think I have maybe sort of a radical opinion towards this bilingual issue, but I feel that the United States is English, and if immigrants come from another country into

this country, then we shouldn't have to conform to them; they should have to conform to us. That's all I have to say on that.

MR. ALEXANDER. Mr. Brooks?

MR. BROOKS. I have nothing to say.

MR. ALEXANDER. I'm sorry?

MR. BROOKS. I have nothing to say about that.

MR. ALEXANDER. Do you think that it will help you get a job if you spoke both Spanish and English?

MR. BROOKS. No.

MR. ALEXANDER. You don't. Why not?

MR. BROOKS. The language ain't got nothing to do with it. If you know the work, I feel like you should get the job. I don't think language has anything to do with it.

MR. ALEXANDER. Mr. Dawkins?

MR. DAWKINS. I have a problem with bilingualism in that I feel that if I chose for my grandson to be bilingual, I have a choice whether I want him to learn French, German, Spanish, or Italian. I do not feel that the Dade County school board has any right to force me to force my grandson to learn Spanish as a second language.

Now, they are opening up a trade market here, and if the school board was sincere in the preparation of blacks for jobs, at this trade center people would be coming from all over the world, people who will speak English, people who will speak Japanese, people who will speak French, Italian, etc. If the board is interested in preparing blacks for the job market, then let them teach them another language of their choice, whether it be Spanish, Italian, or what have you.

MR. ALEXANDER. Ms. Due?

MS. DUE. In the school system presently, parents have the choice of having their kids take Spanish or not take Spanish. Over the past 4 or 5 years, I have given my consent for my children to take Spanish, but it is not meeting their needs. In Dade County the Spanish classes really do not meet the needs of the children. In the 4 or 5 years that they've taken Spanish, they still cannot converse with anyone in Spanish.

MR. ALEXANDER. These are children who are otherwise in gifted classes; is that correct?

MS. DUE. Gifted, yes, so actually we are going to have to do something. We are going to have to have a progressive type of Spanish rather than teaching the days of the week and the colors and a song or two every year.

MR. ALEXANDER. It is not geared towards being functional in terms of day-to-day activity?

MS. DUE. It has not been any with my children, no.

MR. ALEXANDER. Mr. Dawkins?

MR. DAWKINS. That's what I was saying, when I said you should have a choice. Like Ms. Due said, the days of the week and the conversational Spanish, that's fine. You can learn that among yourselves. But if they're going to teach Spanish where an individual can function and get a job, that's fine. If you're going to teach French

where they can function, but not just a conversational Spanish that they're teaching every day.

MR. ALEXANDER. Mr. Chairman?

CHAIRMAN FLEMMING. Okay. Commissioner Berry?

VICE CHAIRMAN BERRY. Thank you very much, Mr. Chairman.

First of all to Ms. Due and Mr. Dawkins, would you be opposed to busing one way, as you described it, Mr. Dawkins, if at the end of the bus line black children were receiving an education which substantially improved their educational achievement and the dropout rate was about at the rate of other students? Would you still be opposed to it, either one of you?

MS. DUE. I guess—and I was just discussing a study that was done, you know, about students who are bused, black students who are bused to white communities and in particular students who are bused out of their socioeconomic level. It seems to me those black students usually do worse than students who remain in their communities.

The school as a whole may do better on a test, but if you examine what those black students are doing, tests have shown that they really usually do worse. And now, getting to your specific question, at this point the burden has been on blacks so long—I mean, we probably are going to say how long are we going to have to wait to see if this will work? I think blacks would like to share the responsibility, and that's what it is, a responsibility to desegregate, and it benefits everyone, so I think blacks would like to share. Actually I am being optimistic because probably at this point most blacks are fed up with the whole thing.

VICE CHAIRMAN BERRY. Let me be blunt. I am really interested in knowing, do you have some discontent to desegregation with busing, as such, or about what happens at the end of the bus route in the school?

MS. DUE. I would not mind if a quality education was obtained. To go further along those lines, if we were to, that's easily accomplished. Take Miami Beach. If everybody in Dade County in ninth grade had to go to Miami Beach for the ninth grade, then everybody would get a quality education. If everybody in 10th grade had to go to Northwestern, then everybody would get a quality education at Northwestern, and the same with everybody in the 11th went to Coral Gables, then I could sense we were accomplishing something. But when you pick up the students the way they have done here in Dade County and bus them out only for the sake of saving white schools and the youngsters over there go and they are thrown into, number one, a different culture; number two, different people with different behavior habits; and, number three, in the afternoon they've got to be bused back to the inner city, so you've taken them out of their environment for 5 to 6 hours and you are bringing them back into it.

Now, they do not have—and I say this literally—the cultural experiences, perhaps, that the students that they are thrown in with, like, if they could talk about Europe where their parents have taken them. They could probably talk about Washington, D.C., where their parents have taken them, and the inner-city kids can't talk about going to Disneyland.

I would have been for it had it produced quality education for black boys and girls. Having experienced it and having gotten inferior [education], I say I am deadly against busing.

VICE CHAIRMAN BERRY. Are there any programs that you know about that are operating in the schools to deal with the motivation problem that Mr. Carswell talked about? I think he was the one that mentioned motivation as being a factor. Mr. Brooks did, also, as to what students learn.

Are there any specific programs defined to involve community people or organizations and schools and the parents, whether it is one parent or two, and efforts to motivate students to support what goes on in the classroom?

MS. DUE. It comes back to the question that was asked of Mr. Carswell. For some reason blacks in Dade County, elderly blacks, do not incorporate with young blacks any decisionmaking or planning. Therefore, the elderly blacks sit down and plan for these youngsters instead of with them. I know of no program that Dade County school systems or Dade County per se, even my fraternity, and none of the others, that have come up with that would be motivational to the aspect of saying, "Hey, look, this is how we can help the parent to help the child."

I have a saying, if the Commission will bear with me, there is a breakdown in the black family structure and until the black family restructures and starts with the church and works its way down through the family, where there is authority of a person in the family who can speak with authority, blacks are going to be lost.

VICE CHAIRMAN BERRY. Ms. Due, do you have any response?

MS. DUE. Within the school system itself, there are parent advisory counsels and in particular I am speaking of Title I Parent Advisory Council. Then we have a DAC, which is the District Level Parent Advisory Council. One thing we have responsibility of doing is to learn about Title I, to find out ways to help children in and to assist them at home and thereby, hopefully, to motivate them to achieve. We have been very fortunate in Dade County. We have had an outstanding Title I program, in the last several years. We've had the extended school day program where children go to school, elementary children go to school, after the regular school day is over. Parents are involved in this process, but like anything else, not enough parents. A lot of parents are working.

We also have school level advisory committees, and for the most part these committees are white. Now, on the district level, the majority of the members of the DAC are black.

VICE CHAIRMAN BERRY. I have one last question for Mr. Carswell. In your testimony you said something about, "We tried it one way and it didn't work and after that the rebellion occurred and there was violence." What do you mean by, "We tried it one way to solve these problems and then the rebellion"? What did you mean by that?

MR. CARSWELL. I've been working with the system.

VICE CHAIRMAN BERRY. And that it didn't work?

MR. CARSWELL. Then they resorted to the only means they had, which was violence.

VICE CHAIRMAN BERRY. Do you think that the violence worked?

MR. CARSWELL. I beg your pardon?

VICE CHAIRMAN BERRY. Do you think that worked?

MR. CARSWELL. No.

VICE CHAIRMAN BERRY. That it didn't work either?

MR. CARSWELL. Yes, it did, I think. When I think—you see, we got—blacks got the attention that they dearly needed from that. It is sad to say that something like this had to happen before people took action to solve some of these problems which we are experiencing.

VICE CHAIRMAN BERRY. Thank you.

COMMISSIONER HORN. Mr. Dawkins, I was interested in your comments on the black family and your claim that unless the black family is restructured, it will be lost as a vehicle to improve the lot of blacks in Miami or elsewhere. What suggestions do you have to make as to how this can be brought about within a community? What do you feel the factors are and, if you could, identify what are those. Are they simply matters that people have to act on themselves? You mentioned the churches.

What, if any, are matters where government can be helpful and not counterproductive at either the local, State, or national level?

MR. DAWKINS. Okay. The first thing that the black community needs is jobs. Without jobs, there is nothing. We do not have families where, as Ms. Due said, parents can stay home and help their youngsters with the homework.

Secondly, the government has to find a way to reach these individuals that they have miseducated. I was a little shocked at Ms. Due when she said the parent councils, need Title I. For what I mean, a parent cannot help his youngster if the parent does not know what the parent is supposed to be helping him with. Now, somewhere, if we have jobs and the jobs can only come from three things: education, training, and an economic base.

The black community—and I don't care where you go—does not possess an economic base. We have all kinds of Federal programs that come in that white folks had. White folks take the money and the white folks go back to their communities. There are no programs that you know of that will say that we are going to come to Miami, and we will take Miller Dawkins and Patricia Due and we will take 8 months and teach them money and banking. We will make \$3 million available to them to open a black bank from which they can function, and they in turn can help their sons and daughters perhaps open up a new car dealership.

Black people buy more cars than anything in the world, and there is not a new car dealership owned by a black in the city of Miami. If the Federal Government could provide a new car dealership, then this is an economic base from which to work.

You had the Model Cities program which came in here. They spent a ton of money. At that time you had no black contractors. You had no

black electricians. We had no black plumbers who were qualified and licensed. Here 10 years later you come in with a rapid transit, another ton of money, and we still have no licensed plumbers. We have no licensed contractors. We have no licensed electricians. Blacks will never be able to help themselves without an economic base.

Now, I wish Eduardo Padron were here. Eduardo Padron says that Cubans did this and the Cubans did that and the other. The Cubans had three things that black Americans did not have when they came here: number one, they were white; number two, they had a salable skill; and, number three, they had money.

If you give me money and a salable skill, I'll make my way, and the only thing I can say that we need is an economic base from which to function.

COMMISSIONER HORN. Well, do you feel that economic base has to be supplied by government or can saving, in some sense of organization, occur in the black community despite government?

MR. DAWKINS. Three things the white man understands: the power, the ballot, and money, and he will not part with either one. You have to take it.

COMMISSIONER HORN. Well, it still doesn't answer my question, in the sense that, obviously, one of the things that Cubans brought was some money with them. There was an argument over how much money was made available by the Federal Government in the early sixties.

MR. DAWKINS. Right.

COMMISSIONER HORN. We all know they brought a level of education, technological skills.

MR. DAWKINS. Right.

COMMISSIONER HORN. People that were bankers in Havana one day were elevator operators here the next, but they were bankers maybe 10 years later again, and certain institutions were developed in their own communities. In this sense one can argue—you mentioned plumbers, electricians, etc.

I assume that's the building trades problem of discrimination. But one could argue maybe the black community ought to be thinking about how it develops its own self-support facilities within the community.

MR. DAWKINS. How can you develop from zero? No, let's go back to the Cuban. You may not be familiar with Miami. They came to Southwest 8th Avenue. On Southwest 8th Street you have a bank; you have a car dealership, a grocery store, a bakery shop, a furniture store, clothing store, jewelry store, doctor, lawyer, you name it. Consequently, that money circulates around Southwest 8th Street.

Now, take my neighborhood of 62nd Street. You got a fish market; you got a barbershop, hairdresser; that's it. Now, if there is a furniture store, it is owned by a white man. If there is a used car lot—black people repair a lot of used cars—this is owned by whites. Therefore, no money circulates in here. So what I'm saying to you is, if there is any way with which someone can help us, and the only person I know is the Federal Government.

We have worked all of our lives, paid all of our taxes to the Federal Government. It must be vehicle with which—they helped everybody else—with which to come in here and provide me with the startup funds.

Now, if the Federal Government wants to give me a new car dealership and for 5 years retain ownership until I pay my money back, I could care less. But if the Federal Government, where they have been making their mistake, gives me \$5 million for 5 years, then they will provide me with the supportive services to ensure that I don't fail. If they come in and give me \$5 million through SBA, you are going to say I fail. SBA says, "I tried to help them and they didn't do nothing," you know.

COMMISSIONER RAMIREZ. Just one question for Ms. Due and Mr. Dawkins. We have been told that the State will implement a State functional literacy test. What impact do you think that State functional literacy test will have on black students, first, in concrete terms, in terms of the number that you think will be able to pass it, and then, in more abstract terms, in terms of the hope and the hopefulness that black students might have once this test is implemented?

MS. DUE. When the test was first administered several years ago, we had the same phenomenon; a disproportionate number of black students failed the test. I believe 76 or 78 percent of the black 11th graders taking the test failed the test. At that time they felt that they were going to be given this certificate of attendance.

Well, I think my position was, and many people in the community and also a lot of the students felt, that they were being held accountable for things they had not been taught, that the games were being changed in the middle of the stream, and I feel in any testing program there has to be dual accountability.

We should not be allowed to hold a student accountable for learning information without holding the teachers accountable for teaching it. Now, I spent several days in Orlando, Florida, at the State Title I Parent Advisory Council, which objected to that particular law being implemented in that next school year, going over some of the items in the test.

Many, many items had not been taught to the students. I think if we have a high percentage of black students failing the test and a high percentage of them unable to receive their diploma, they probably just say, "Well, you know, this is just like everything else, you know. We just can't seem to succeed."

As I think back to the disproportionate number of blacks that failed the test, I think about the disproportionate number of blacks that, black male students in fact, that received corporal punishment in Dade County. We can go on and on with the disproportionate numbers when it affects blacks. It adds to the hopelessness of the situation that we already have.

I just think we have to take a very good look at any kind of testing situation that is going to be mandatory in order for someone to receive a diploma. This is not to say I don't believe testing is unnecessary, but

we have to be certain that when we test students, we are testing them to find out where their weaknesses are so we can work on those weaknesses, and that we have dual accountability.

MR. DAWKINS. This comes back to the first question that I said "lousy education." If Dade County was educating its student populace, there would be no need for a functional literacy test.

Number one, I have problems with the functional literacy test in that I am not interested in black boys and girls passing a functional literacy test. I am concerned that every black boy and girl who finishes 12th grade in Dade County can pass the SAT test. Then, if we can do that, then Dade County has done its job.

Then this individual is able to matriculate in college, in some trade school, or go out and go to work, but the functional literacy test, all it is saying is they have taught him to read and write, which I do not believe is a basic skill that is needed for survival.

COMMISSIONER RUCKELSHAUS. I have a question for Mr. Brooks. You described to us that pattern in which a teacher will perceive you are not going to be performing and accept—you described for us, Mr. Brooks, a pattern in which a student doesn't perform, a teacher just lets it go because he never thought you could perform anyway. Is that a characteristic only of white teachers you find in your schools or do black teachers entertain those same patterns?

MR. BROOKS. It can go both ways.

COMMISSIONER RUCKELSHAUS. It can be both ways?

MR. BROOKS. Yes, but you have some of the blacks and some of the whites—some of them, like I say, take time, and then some of them just don't care.

COMMISSIONER RUCKELSHAUS. Have you had white teachers in your school who took time?

MR. BROOKS. Yes.

COMMISSIONER RUCKELSHAUS. So it is really a question of whether you have a good teacher or a teacher putting in time?

MR. BROOKS. You could say that.

COMMISSIONER RUCKELSHAUS. You go to a school where there are white students bused in?

MR. BROOKS. Yes.

COMMISSIONER RUCKELSHAUS. Do you have a lot of contact with those students? Are there friendships and do they stay in the crowd for school athletic teams, and do they mix in the school pretty well?

MR. BROOKS. Yes, some of them anyway.

COMMISSIONER RUCKELSHAUS. What do you feel about busing? Is it, in your opinion, getting to desegregation? Is it helping to break down barriers between whites and blacks?

MR. BROOKS. So-so, yes.

COMMISSIONER RUCKELSHAUS. Sometimes?

MR. BROOKS. Yes.

COMMISSIONER RUCKELSHAUS. Do you feel that way, Mr. Carswell? I had the impression you thought there was some very good things to be staying in your black community learning the black culture and

having that kind of solidarity. Would you feel that maybe busing is not necessarily a good thing, to be taken out of your community and lose that benefit?

MR. CARSWELL. Well, again, it works both ways. Like when the individual gets into another school, he gets a chance to deal with other people from different cultures and he can work with them, and be in a environment with them, but then again he is kind of losing himself. Something about a black child, I feel, at least for me, I should know where I'm coming from in order to know where I am going.

COMMISSIONER RUCKELSHAUS. Thank you. Well, I'm interested in this question because obviously the old issue of busing is going to be one pretty heavily discussed in the next few months. Congress has already given us some clues about that, and I would like to know, Mr. Dawkins and Ms. Due, what you feel about busing?

Is it achieving the social end for which it was designed, or has it provoked a whole rash of problems that don't really make it worth it?

MR. DAWKINS. The busing issue, Reagan will abolish it. We don't have any problem with that, but after Reagan abolishes the busing problem, along with your urban renewal and these other Federal programs, quite numbers of black schools have been destroyed, so now when Reagan decides to stop busing, what are we going to do about my neighborhood?

Now, the few schools that are overcrowded, will they become overcrowded again? Or will they all of a sudden decide to build a school or what?

Now, I say I am definitely—I've been against busing from the begining because it produces poor education and robs me of my best teachers and what have you.

COMMISSIONER RUCKELSHAUS. So you are against not the principle, but the implementation?

MR. DAWKINS. I had to be against the principle because the principle produced the implementation problems I had, so if they can show me what they are going to do afterwards, then I will be happy, but I just don't see where busing can be reconstructed until we erase all the evils that it has produced.

MS. DUE. Putting on my NAACP hat, I see busing as a necessary evil, and my concern is that the burden is shared equally among white parents and black parents because I think when we talk about going back to neighborhood schools in Dade County, we are talking about resegregating the system because we have highly segregated housing in Dade County, so I do see busing as a necessary evil. We all need to sit down at a table and work out some way where white parents, Latin parents, and black parents will share the burden of doing something that will, hopefully, improve the quality of education in this community.

CHAIRMAN FLEMMING. I would like to just pick up the discussion briefly at this point. We have been talking about an issue which we have identified as busing.

In reality, it seems to me the issue that we confront is the issue of desegregation. We confront this issue not only in connection with our school system, but, as Ms. Due pointed out, we have also confronted it in the area of housing, its impact on neighborhoods, and so on.

As I have listened to the discussion on the part of the members on the panel, it is clear to me that you are dissatisfied with the present desegregation plan. You feel that the present desegregation plan is not sound and does not achieve the kind of objectives that the black community hoped would be achieved after *Brown v. Board of Education*. As I have listened to the discussion, I have also gathered that there is a feeling that a desegregation plan could be developed which would result in a situation where all of the burden, as you put it, for busing or transportation would not fall on the black community but, more important, that a desegregation plan could be developed which would be of such a nature that there would be pressures on the system to develop a quality education in all of the schools and not just focus on some schools to the exclusion of others.

Now, do I interpret that correctly? After all, busing is just something that flows from a desegregation plan. I mean, if the desegregation plan is essentially unsound, then, of course, the busing will put some burdens on people conceivably that should not be put on them, and also it will—well, it really has no relationship to whether we are going to end up with a quality education situation.

The thing we have to look at is what kind of schools will result from a particular desegregation plan as contrasted with another desegregation plan. Briefly, am I correct in assuming that you are very critical of and very unhappy about the existing desegregation plan in Dade County?

MS. DUE. I would say that many blacks, and I am certain many whites, are dissatisfied with the desegregation plan in Dade County, but I would just like to emphasize that part of our problem now, and one reason and one cause, perhaps long-range cause, of the May riots, we as groups have lived in isolation for so long. We have not talked with and to each other.

I have had people ask me, "Oh, you mean, the sun burns your skin?" You know, we don't know each other. We have not touched, you know, each other. We don't know that we all hurt and that we all are happy sometimes, and, someone said, one of the students, some people don't realize we are all human beings and not animals. So I think, although it is very difficult—and I really don't know how we are going to do it. I just don't know how. We are a very frustrated community, but we must do something.

I know after I read this, and my daughter wrote the last part just last night, I know I have to do something.

CHAIRMAN FLEMMING. Right.

MS. DUE. I cannot afford not to.

CHAIRMAN FLEMMING. Mr. Dawkins?

MR. DAWKINS. You are correct, and as Commissioner Berry said, that, if the desegregation produces a quality education for black boys and girls, then I am in favor of the desegregation.

Now, how do you do that? I don't know. But as I said before, if Northwestern Senior High School becomes the only school in Dade County that teaches the 11th grade, and Coral Gables is the only one that teaches 10th grade, and Miami Beach is the only school that teaches 9th grade, then that means that everybody in Dade County will get the same kind of 11th grade teaching rather than the other way around.

CHAIRMAN FLEMMING. In other words, what you are saying is the establishment will then become deeply concerned about the quality of education at those schools that you—

MR. DAWKINS. That white folks will be sure that the education is sound.

CHAIRMAN FLEMMING. That's what I thought I heard you say earlier, and I happen to be in agreement with that. It seems to me that desegregation plans should have that as their objective. I don't mean by that logistically you can end up with the same; I mean, with that particular result; but that should be the objective of the desegregation plan.

MR. DAWKINS. Yes, sir, I concur.

CHAIRMAN FLEMMING. I would like to ask the two students who are on the panel, and may I say, I appreciate your testimony very, very much. It's been very helpful. I would like to ask both of you, to what extent have you students been provided with the opportunity of helping to set policy in your respective schools?

In other words, do you have a student government set up? Does the student government have the opportunity of playing a real part in coming to grips with the kind of issues that confront the school? Can it make some contributions? Does it listen to not only when there is a crisis, but is it listened to when students say, "Look, here are things that you can do and should be doing in order to improve the quality of education at our particular school." Mr. Brooks?

MR. BROOKS. Yes.

CHAIRMAN FLEMMING. That does happen at your school?

MR. BROOKS. Yes.

CHAIRMAN FLEMMING. Fine.

MR. CARSWELL. I, for instance, am a member of a student council at Northwestern, and our principal is very concerned about the student body. He will hear other grievances, and we can't dictate how the school should be run, but we can put in our say-so.

We also have a comment ballot box where we can write down little comments of what we feel should be done to improve the school and to improve the education and extracurricular activities. We put those in the ballot box anonymously, and they can act upon those matters if they choose to do so or don't, but we do have say-so on how the school is run.

CHAIRMAN FLEMMING. Mr. Dawkins, I asked that question because I was impressed by one of your observations to the effect that, typically, programs are developed within the community without providing for a genuine input on the part of the younger persons; that is, older persons sit around and decide what is best for them without giving them the opportunity for input.

Mr. Nunez, do you have a question?

MR. NUNEZ. Yes. Mr. Dawkins, to return to the issue of bilingual education, I was taken by your remarks that you felt that your children—that the community had a right to select the foreign language they would take on, but I'm sure you are very much aware of the reality of the Dade County area where the largest increase in jobs has been in the export/import, the international banking, the tourism in Latin America, and, as a practical matter—you also pointed out that you felt an important resource necessary was jobs for the black community, for black youth.

As a practical matter, don't you feel that learning Spanish in this environment—I'm talking about the Miami environment—as a practical job skill would help the black community here?

MR. DAWKINS. Okay. But first, let me say I grew up in a community that was triethnic. I was born, raised, and went to school in Tampa, Florida. You had Americans; you had Cubans and Italians. Nobody forced us to learn anything.

My brother and my sister speak Spanish fluently. I do not. I chose not to. All my friends I went to school with, they speak Spanish. Now, getting back to your question as to this environment here. Not one of the entities named has come out in the black community and seen fit to say, you know, "We want to help you blacks; therefore, in money and in banking, with all the trade coming in from South America, we are going to give you a crash course in Spanish so that we can provide you with a job."

They went over in the Latin quarters. They got the little Spanish boys and girls and that's who they gave jobs to. So, if you are saying to me that this community is interested in providing jobs for the blacks, then I, too, say Spanish should be mandatory. I am not saying, Mr. Nunez, that Spanish is not a necessity in Dade County, but I am saying Spanish should not be mandatory to the point that we have to have a referendum and other things that polarize the community in such a way we have now.

CHAIRMAN FLEMMING. May I express to all our members of the panel our thanks to you for coming here and sharing with us, as frankly as you have, your views growing out of your respective experiences and the insights that you have. It has been very, very helpful to us. Thank you very much.

The hearing is in recess until 1'clock.

Afternoon Session, December 8, 1980

CHAIRMAN FLEMMING. The hearing will come to order. I will ask counsel to call our next witnesses.

Ms. STEIN. Dr. Gordon Foster, Everett Abney, Terri Packar, and Nathaniel Miller.

[Gordon Foster, Everett Abney, Terri Packar, and Nathaniel Miller were sworn.]

CHAIRMAN FLEMMING. We appreciate your all being with us. You may proceed.

**TESTIMONY OF GORDON FOSTER, PROFESSOR, UNIVERSITY OF MIAMI;  
EVERETT ABNEY, SUPERINTENDENT, NORTH CENTRAL AREA, DADE  
COUNTY PUBLIC SCHOOLS; TERRI PACKAR, CHAIRMAN, DADE COUNTY  
CITIZENS ADVISORY COMMITTEE; NATHANIEL MILLER, OUTREACH  
SPECIALIST, FAMILY HEALTH CENTER**

Ms. STEIN. I would like to ask each of you in turn, beginning with Ms. Packar, to state your name and your occupation or your affiliation with the educational system.

Ms. PACKAR. I am Terri Packar, and I am chairman for the Dade County Citizens Advisory Committee.

Dr. FOSTER. I am Gordon Foster. I am a professor at the University of Miami and director of the Miami Desegregation Assistance Center and Bilingual General Assistance Centers.

Mr. MILLER. I am Nat Miller, outreach specialist for Family Health Center, and I'm president of the Dorsey Western Alumni Association.

Dr. ABNEY. I am Everett Abney, superintendent, North Central Area, Dade County public schools.

Ms. STEIN. Thank you very much. Dr. Foster, could you please describe briefly for us the process of school desegregation which culminated in the court order of 1970?

Dr. FOSTER. All right. In September 1959 Dade County took considerable pride in being the first Florida district which moved pupils in terms of desegregation to elementary schools. Orchard, Villa, and Air-base Elementary opened in that year with approximately, I think, 800 pupils; 25 of them were black.

From then on the county pretty much negotiated with HEW in terms of their compliance stance. In the fall of 1961, Dade had 8 schools with black and white pupils; in the fall of 1963, they had 42 schools with black and white pupils; in the fall of 1965, they had 92 schools out of 208 which had black and white pupils. And in the meantime, of course, they were getting some cross-transfer of black and white faculty members by voluntary methods.

Then in 1969, Dade County came under much more serious pressure from the Department of HEW to desegregate further, and they developed a desegregation plan for the fall of 1969, implementation of which was successfully challenged in court by some parents. This was in State court styled *Pate v. Dade County*.

At this point, the board appealed to the United States district court to take over the case, and Dade is very proud of the fact they are one

of the very few large districts in the country which sued for desegregation. Of course, that's nonsense, because they didn't, really. What they sued for was to get out of State court where it would make some sense. However, the district court implemented the plan that Dade had made up.

Then it became apparent that they had to deal with faculty desegregation on the basis of the Fifth Circuit court order, such as *Singleton*. In February of 1970, Dade County took off school for a week and moved something like 2,000 or 2,500 teachers, something in that nature, and it went very well, as a matter of fact, considering the tremendous amount of rearrangement that was necessary. Then in September '70, the court ordered a fuller desegregation plan. This was appealed to the Fifth Circuit Court of Appeals.

The Fifth Circuit made some revision in that plan and declared the system was unitary, among other things, and asked for a continuation of the Bi-racial Tri-ethnic Committee as a monitoring device, and that was carried to the Supreme Court and *certiorari* was denied.

Can I have a couple of minutes to say some things about the peculiar nature, as I see, of Dade's segregation, which I think is pertinent to what we are talking about today?

MS. STEIN. The way it was implemented or the problem that exists that needs to be solved?

DR. FOSTER. A little bit of both, and why it is different than in other large cities.

MS. STEIN. Go ahead.

DR. FOSTER. I'll make it very brief. First of all, there is a problem of leadership. Up until the time and through the time that Dade initiated their complete staff desegregation, the superintendent, Dr. Wickham, at that time, decided this was an important problem and he was going to take full and complete leadership in a positive manner. And he did, not only with the school system and all its employees but with the community. As soon as the faculty were desegregated, that stopped, and you never heard of Dr. Wickham again, in terms of desegregation leadership. That's continued pretty much as far as the superintendency in that Dade has been concerned, culminating, I think, with Dr. Jones who took the position that desegregation was a dead issue and the big problem was quality education and we shouldn't worry about desegregation at all. That was a dead thing.

Furthermore, the school board, since 1970 there were only two members on the board that have ever taken really a positive position, Holmes Braddock, who is still on the board, and Bill Turner. I'm not talking about the present board who was just elected. So what you have is a vacuum in the school board and leadership, as far as desegregation implementation was concerned, and that's not a healthy situation.

Furthermore, you had a very poor desegregation plan that was implemented. Most of the desegregation was borne by blacks. They did most of the busing. They had their three black high schools closed: Dorsey, Booker T. Washington, and Carver, and a place like Richmond

Heights, which is a middle-class black community in the south, was just decimated and destroyed. Their kids were sent out to white schools to desegregate them. You had some white schools that were protected politically from the desegregation process, such as Pine Crest and Whispering Pines, and pretty much one-way busing, not completely.

Then you have the whole problem of the Hispanic community, and the Cubans have always been counted legally as white in terms of pupil desegregation. This is very complicated. Nobody knows how to get a handle on that legally, but in terms of pupil desegregation, it makes for an unhealthy situation.

Then you have the fact there were no serious plaintiffs in the litigation process to press for *Swann* standards, so that essentially the case has been primarily at the mercy, pretty much, of the courts with nobody to back up the process of desegregation. Finally at this juncture you have an inner-city ring of black schools, some of which were left in the original desegregation plan as all black, and which have now increased to the point that it would be very difficult to break up the locked-in impact situation that exists in center-city Miami.

MS. STEIN. Dr. Abney, you have had a perspective on desegregation from inside the school system. Would you agree with much of what Dr. Foster said, or are there any additional points you would like to make on how desegregation has been carried out?

DR. ABNEY. I arrived here in Dade County during the school year of 1971 after most of the efforts to desegregate in terms of faculty and staff was completed, but in 1973 I was assigned to Miami Northwestern, which was the only remaining black senior high school that was a part of the era, part of the segregated era, and I spent 4 years there as its principal. In fact, it is the only vestige of the segregated era and still for the most part 100 percent blacks, in terms of its student body. Much of which Dr. Foster said is very true, and in terms of what I found at Northwestern, much of this substantiates just that.

MS. STEIN. To what degree do you feel that desegregation has been successfully accomplished in the Dade County public schools, Dr. Abney?

DR. ABNEY. I can say we have desegregated. In terms of the definition of the word, there are blacks and whites attending schools together in Dade County. The real task was one of integration, and I don't think we've succeeded in that in any way.

MS. STEIN. Why is that? What distinction would you draw?

DR. ABNEY. Well, in terms of single distinction, I think it is a commitment on the part of the system to do just that, to desegregate. That was there and once that was achieved, the integration portion was left kind of hanging.

MS. STEIN. Drawing attention to the assignment of teachers for desegregation as opposed to the assignment of students, how do you perceive that as having been done and what has been the effect on the teachers and on the formerly black and white schools?

DR. ABNEY. I guess the best example I can give of how it was done was at Northwestern, once again, where the majority of those teachers

at Northwestern that happened to be all black, some 90 of them, were transferred, out of approximately 120, and disseminated throughout Dade County.

In return, Northwestern received approximately 90 teachers, all of whom were white. The problem with that particular transfer process is that for the most part the teachers that were returned to Northwestern were selected by the principals of the schools where they were coming from. That selection process, of course, human nature being what it was and what it still is, very seldom, if ever, would one select his very best to send someplace else, and Northwestern wound up with a real conglomeration of unique kinds of individuals that, for the most part, were not able to serve the needs of the youngsters in Northwestern, all of whom were black.

MS. STEIN. Did Northwestern also choose those teachers that it would send to other schools?

DR. ABNEY. No, I don't think they were selected in that way. They were selected according to need, for the most part.

MS. STEIN. I see. I would like to ask each of the rest of you to comment on this rather general question of to what degree desegregation has been successful in the Dade County public schools. Mr. Miller?

MR. MILLER. Personally, I don't think it's been successful as far as the teacher ratio. It's been unfair. Teachers' ratio—I don't know the correct number, but it is unfair to a lot of blacks. Northwestern, for example, is predominantly a black high school. You have Homestead High, a predominantly white senior high school down south. Okay. Using the teacher ratio, you have a predominantly white staff teaching a predominantly white student body, and in the Northwestern case, it is just the opposite.

As far as busing black kids, it is being used—like Liberty City, for example, the inner city of Liberty City. You have kids being bused out of Liberty City as far north as Miami Beach. Up until last year, Miami Beach, Hialeah Senior High School, the whole Liberty City inner city is used practically to integrate half of the school system personally.

MS. STEIN. How aggressive do you think, Mr. Miller, the school board has been in implementing desegregation?

MR. MILLER. They are dragging their feet. Like last year we had a hot and hot war. Last year Dr. Jones was talking about busing white kids off of Miami Beach and busing them into Northwestern. You have white parents all of a sudden saying 18 miles is too far on a hard, hot, yellow bus to bus my kids. You have black kids and black parents busing their kids every day to Miami Beach, 18 miles on their hot, yellow bus. I mean, people have feelings.

MS. STEIN. Thank you.

MR. MILLER. We are paying the cost of integration here in Dade County. Even in the Richmond Heights area those kids are being bused 16 different places just solely for integration, but when you talk about busing some kids out of Hialeah, out of the inner city, and fill empty seats, and the seats are empty because the inner cities are sending black kids to other schools to integrate those other schools.

MS. STEIN. Ms. Packar, would you like to comment on your perception of has desegregation been effective?

MS. PACKAR. Yes, I would like to correct what I see is a misstatement by Dr. Abney. When Dr. Jones became our superintendent, yes, faculty integration to him was a dead issue because he systematically placed blacks in administrative positions throughout the county at quite a disproportionate number. As far as disproportionate numbers, I have developed figures that I had gotten from staff members on the number of black principals, assistant principals, and it is true it was quite a disproportionate number; so far as administratively it was well integrated. As far as faculty teachers, I perceive that the school system has tried to maintain a particular percentage of teachers.

I was a teacher during the integration times. We have tried to maintain approximately 20 percent faculty, but there was never a maximum set, and currently the UTD [United Teachers of Dade], our union in this system, is maintaining that there is no limit to the maximum number of black teachers on a faculty, and for this reason they are advocating that white teachers who do not wish to be in ghetto schools should leave in that they are ineffective where they are, therefore, leave, that teachers should be placed where they are most comfortable.

This is right from Pat Darwell's mouth.

That resulted from a meeting that occurred right after the May riots. UTD called this with various citizens within the community. As far as schools, there is no question there are few schools that are all white or all black, some because of necessity. One senior high that opened up under controversy was Sunset Senior High, but there were no black students from which to get students to integrate that area, and it still is a growing population and blacks are just not moving into those sections.

That's right, busing to an extent has been one way, but I see it as there are, you know, many more white communities in this county than there are black, and, therefore, how would we have integration of certain schools such as Northwestern? You couldn't get white students from all over the county to fill up that school and, otherwise, you would be sending the black students out. How would you fill up, then, white schools with black students, and you know it was a problem.

MS. STEIN. What do you think the community's attitude is towards school desegregation and the use of busing to accomplish it? Have you seen any change in that attitude over the past 10 years?

MS. PACKAR. Definitely. I am hearing from blacks and from whites that they are unhappy with busing. The busing is the term that they go to. I am not sure that desegregation or integration has been good for both races. One, I felt that not the similarity of the races were so noted as the differences, and this has brought about, you know, more racism as far as I'm concerned.

Also, in integration we immediately desegregated without preparing teachers for that cultural difference. We needed human relations training right away. We still need it in our schools.

I remember a particular incident. I had a black assistant principal in the school I was teaching. She said, "You can't talk to those black students. They are used to having corporal punishment and you are perceived as weak if you don't give it to them."

This was not the way generally in a white school to discipline a student, and these were cultural problems that we met right away, and they haven't quite gone away.

MS. STEIN. Dr. Foster, what do you see as the community's attitude toward desegregation and busing?

DR. FOSTER. I think that it also deteriorated largely because of the leadership, which I talked about earlier, and I think this is typical of communities around the country. If you don't have strong leadership in the schools, in the school board, in the power structure, that are determined to get the job done, then the community goes the other direction, when they perceive all the school leadership going that way.

MS. STEIN. Mr. Miller, what do you think the feeling is in the black community about the desirability of desegregation through busing?

MR. MILLER. It's the one-sided busing issue that disturbed the black community. It disturbed me personally. It's one-sided.

The teacher ratio is one-sided. Blacks, like Ms. Packar said, how we were integrated at Northwestern might kind of tell you how whites feel about the one-sided integration. If the Liberty City and Brownsville area can integrate as much as 17 schools as far as North Miami Beach, Miami Beach, and you can't get white kids from that area to come into the inner city. It is one-sided. That's their thinking.

MS. STEIN. Dr. Abney, do you agree with that as the perception of the black community?

DR. ABNEY. I think the perception of most blacks and whites hasn't changed that significantly through the years. To begin with, it was a difficult task in terms of the desegregation process. It remains a difficult thing in terms of the way a lot of people feel. I think when you start looking at the black population in general, most were very receptive to the idea because they saw something that was possibly positive for the education of black youngsters.

As we have progressed with the desegregation process and also attempted integration, I think we have become more and more disenchanting with what took place, because many of the attitudes that existed at the beginning still exist as far as harsh feelings by whites towards blacks.

MS. STEIN. Dr. Foster, the process of adjusting school attendance boundaries has become a rather controversial one in Dade County. Would you explain to us why there is resistance to adjusting school attendance boundaries?

DR. FOSTER. I don't think that's peculiar to Dade County. You have that resistance in any city where you have to do it. I think the problem is Dade has been doing it incessantly, and they do it every year in a much more larger volume than they probably need to. What they need to do is take a hard 5-year look at their situation and try to stabilize things a little.

Granted, that's very difficult with the recent Cuban influx which tears everything up again. I think we all recognize that Dade has operated because of the Cuban influx under extremely difficult situations, but, essentially, if you lay open the possibility of whites having recourse to complaining about boundaries that affect their kids, then that's what you're going to hear, and traditionally in Dade County the board treads water and backs off. You have further lessons learned. The more you holler, the more will happen, so every year we go through this ritual.

MS. STEIN. Ms. Packar, you serve on the attendance boundary committee [ABC]; isn't that right?

DR. FOSTER. Yes, I do.

MS. STEIN. Can you explain what that is and what it is supposed to do?

MS. PACKAR. This was the first time that citizens were approached to come up with their boundary changes. Previously, we'd have the administration make up boundary changes; then we would have public hearings to protest or support those changes.

For the first time we have had—this is a really participatory democracy we're trying, and it is tough, very hard on us, but we are trying to have citizens come up with their plans and they are coming to us next Monday, Tuesday, and Wednesday for it to be reviewed by the committee because we have a member of the Bi-racial, and its court order, Tri-ethnic considerations, and that sort of thing, and we'll vote on the acceptability or unacceptability of those various plans, but the final decision is up to the school board.

Can I say one thing? Dr. Foster made a good point. Year after year we come up with these plans. The same thing is actually occurring with this attendance boundary committee. I had hoped that it would be a change that could last for 5 years because we do excite and incite parents with these changes year after year. There just is very little stability in our kids.

I can show you some students how the boundary change has taken place and the last time it would have been the fifth time their child would have been to a different school. It is not a very stable situation, school situation, for kids, and right now the ABC committee is only looking from year to year, and I hope that will change after this year.

MS. STEIN. Mr. Miller, do you have a view about why the ABC committee was set up and what the assumption was about the way it would function?

MR. MILLER. Yes. I'm a member of the ABC boundary committee. Personally, working on it has been a scuffle. Reading the statistics they got together for us, it's like we have to flag the school with a boundary problem, but either the school is under capacity or over capacity. Now, the thing that I found out by working on the committee was that the majority of the under-capacity schools were from the inner city. Over-capacity schools were from your suburbs.

So, conveniently, being a member of this committee, the school board allocated 200 portables [classrooms], so the route this committee

has taken on that was that you have Highland Senior High School having classes on the stage, storage spaces, different places like that.

Definitely schools with problem of overpopulation, so what did the ABC boundary committee do? We give you eight portables.

Ms. STEIN. Explain to us what portable is.

Ms. MILLER. A portable is like an outside classroom. It's like adding another classroom to your—

Ms. PACKAR. Like music.

Ms. STEIN. Sort of temporary add-a-classroom facility?

MR. MILLER. Right, and you have schools like—I think Sunset Senior High School—I mean, they project that they were going to be way over capacity next year. ABC boundary committee says, "Let's give them 10 portables."

You know, the school board so conveniently allocated 200 portables before this committee got together, and that's the route the committee took. The committee takes the route, "Let's keep these kids in the suburbs. You can't send them to the inner city to empty classroom space."

Ms. STEIN. So you are saying that rather than relieving the overcrowding situation by sending students to the inner city, they relieved it by adding these portable classrooms.

MR. MILLER. And that's were the problem set in last year, I think, when Dr. Jones suggested sending kids from Hialeah Senior High to Central High School, which is in the inner city. Integration became a big problem as long as you say—it became a problem when you say, "Bus black kids," but if you say, "Let's move some white kids out of the suburbs into the inner city," that's where your problem comes out.

Ms. STEIN. Ms. Packar, did you want to comment?

Ms. PACKAR. Yes, I did. Those portables, at least 100 of them were ordered because of the 13,000 Cuban refugee children we received. They were placed in centers for this past school year. We do not know the configuration of the schools for next year until they go back into their home communities, into the schools in which they are in a particular district, and that's why we had to go this route for this year, so I don't want to have that distorted.

Ms. STEIN. So your contention is the portables are not added to suburban overcrowded schools as an alternative to busing students into inner-city schools?

Ms. PACKAR. Just the opposite. I think for 1 year we needed to wait and see where all these Cuban refugee children will be, in what home schools, not in centers anymore. See, it really was a violation of their civil rights to put them in a center out of their own home district.

As soon as they go back into the schools, then we'll know more of the configuration of all the schools. Then we can start talking about real boundary changes, but for the meantime we needed portables to house them in the site they're probably going to be attending.

COMMISSIONER SALTZMAN. I'm sort of confused, Ms. Packar. You are saying that there are no white children being bused to the inner

city, but it is not because the community resists the program which only black students are bused out of the inner city?

MS. PACKAR. I wasn't addressing that at all.

COMMISSIONER SALTZMAN. Well, it was in terms of the question related to the temporary schoolrooms.

MS. PACKAR. Right. We needed to see where the Cuban refugee children were to be housed for next year in order to know whether we can make proper boundary changes. That was the problem for next year.

COMMISSIONER SALTZMAN. Are there any white students bused to the inner city?

MS. PACKAR. Not that I know of. There are Latin students. In fact, Booker T. Washington School that was closed as a senior high, that became a junior high and is predominantly a white school, Latin school. So if you want to call those white students, those are white students that are in that area.

MR. MILLER. Dade County school systems classifies Latins as whites.

MS. STEIN. Other than Latin students, you don't know of any white students being bused to inner-city schools?

MS. PACKAR. Not to inner city, no.

MR. MILLER. And to answer Ms. Packar's question, I don't want to make an issue out of it or anything, ABC boundary committee was strictly set up for boundaries. We were not addressing the Latin problem. The boundary problem—as a committee, if a school was overpopulated and the principal came and appealed to the committee, the committee said, "Can you get by with 8 portables" or "I can get by with 12 portables," the committee gave them 12 portables. We are trying to duck the real issue, and the issue is that we are going to give you portables to keep white kids in the suburbs. It's not Cuban kids we're talking about. We're talking about Sunset kids in an overpopulated school.

MS. STEIN. Dr. Abney, what do you feel will be the effect on the school system of the refugees, the Haitian and Cuban refugees, that have come over the past year?

DR. ABNEY. Up until last year, this school system, like many others around the country, was in a decline so far as the pupil enrollment was concerned. In the Dade County school system for the past 2 years previous, we had closed schools in this district. Many of them in the district of north and north central area, that I was involved in, having been closed because of lack of pupil enrollment.

MS. STEIN. For the record, does that tend to be a black area?

DR. ABNEY. Many of them were in black areas that we closed. In fact, one of them was Bethune Elementary, and I'm a part of closing and I'm a graduate of Bethune Community College, and it caused some trouble.

MS. STEIN. They were closed because they were underutilized; is that correct?

DR. ABNEY. That's right. Many of those schools are still, you know, physical facilities in the community of Dade and can, in fact, be used.

Mirmar Elementary, which was one in my area, was reopened this year because of the influx of the Haitian, Cuban population, so in total we have not even used all of those facilities as of right now in terms of the ones we closed previously.

The portable situation that was mentioned, for the most part it was to maintain neighborhood schools which people are interested in seeing maintained and not necessarily for taking care of the influx of Haitians and Cubans. It did resolve some problems in some areas where we had a tremendous influx of Haitians and Cubans, however.

MS. STEIN. Thank you. Mr. Miller, what impact would you say school desegregation has on students, especially black students, socially and emotionally?

MR. MILLER. Okay. Personally, I use, for example, Scott Project. It's one of the biggest government housing projects in the inner city. From that particular Scott Project you have kids bused to Hialeah Senior High School, North Miami Senior High School, until recently Miami Spring Senior High School in Miami Beach.

In the Scott Project area, like, I think it was about 6 months ago, the kids broke into some peoples' house on North Miami Beach, somewhere out there on North Miami Beach. It was like three, four murders in that particular time. I think this came about because you are bringing that kid out of Scott Project and you're taking him over here in the suburbs. He's seeing how the other half is living. He's seeing where he has been shortchanged. I think it is playing a heavy effect on our youth today because he seeing what he's missing. He's seeing what he doesn't have. He's seeing what the project is not offering him.

I came from the project myself. I attended Northwestern, Brownsville, and other predominantly black schools in the area, but the only difference I had was they didn't have predominantly black teachers who taught me, teachers, like, if I acted up in a classroom—we had the neighborhood concept then that teacher was going to see my parents in the grocery store on Sunday, and when my mother and father came home, they'd know I was acting up in Ms. So-and-So's class.

If you took that away—black teachers stressed that we learn. I had situations when I got in senior high school where I had white teachers. I had one teacher come in and say, "Class, what you all want to do today? You want to go to library and read?" If I tell you they wasted the whole 12th grade English class not learning English because I had an incompetent white teacher, but I always had the black teacher to push me.

MS. STEIN. In your opinion, was the desegregation experience a factor? Did it play any part in the riots that occurred in Miami on the 17th of May?

MR. MILLER. It added to it. I can use the example: Like Dorsey was a junior high school until it was phased out. Okay. The reason Dorsey was phased out was because during the teacher transfer they transferred some white teachers to Dorsey, and all of a sudden Dorsey was not fit for a junior high school, so the whole community uproared and said, "We're not going in there because the plumbing fixtures are bad,

the lighting fixtures are bad, doors are hanging off the hinges." So Dade County School Board said, "Let's close Dorsey. We're going to build you a new Dorsey and a better Dorsey." In the meantime, years after, no Dorsey. Presently, Dorsey is a skill center, which the community said that's what the school board wanted Dorsey to be all the time. It's renovated. The fixtures—it is almost completely air-conditioned.

It's like a conspiracy. They took our schools away and never brought nothing back. Those same kids that used that same test, we're busing these kids, because Drew couldn't hold them and that's the only other predominantly black junior high school in the area, so that gave them justification for busing kids to Miami Beach, Hialeah, North Miami Beach, and wherever.

Ms. STEIN. I would like to ask each of you one final question. The effect of much of your testimony has been to paint a rather bitter picture of school desegregation, at least as it's been carried out here—that it had a negative effect on the quality of education, that it has disturbed black children's perceptions to see what they are missing out on, that the community has largely turned against, both the white and black community. Yet this morning we had testimony from people who deplored the great degree of separation and isolation of the various racial and ethnic groups here in Miami—the Latins, the whites, and the black community—that they have very little point of contact; that they don't understand each other because they have very little contact.

In view of the picture you are painting of school desegregation here, how can we hope to achieve that kind of contact between the different groups?

Why don't we start with you, Ms. Packar.

Ms. PACKAR. You would start with me. I need time to think about that. Would you repeat your final question?

Ms. STEIN. If your view is essentially negative towards the desegregation process, as I take it to be, how do you hope to address the problem of isolation of blacks from whites, Latins from blacks, Latins from whites that seems to pervade the Miami community?

Ms. PACKAR. It is a very tough question and I really don't want to give any simplistic answers to it.

Ms. STEIN. Perhaps first I should ask, do you see it as a problem? Perhaps you don't think it is or needs correction?

Ms. PACKAR. No question, it is a problem, and I'm not sure it can be resolved, in that you tend to find people of certain cultural backgrounds stay with their own kind. There is very little mixing. Even among upper whites, and Latins and whites, you don't find that much mixing. You have your Latin social groups and your WASP groups and your Jewish groups and your black groups. This is how society functions.

To an extent, I see that blacks—pardon me, that whites perceive maybe an attitudinal problem among blacks, it's not—it is like the old Kennedy speech: It is not what you can do for my country, it is what my country can do for me, rephrased, and somehow we need to get away from, not what government is going to do for me, but what

the community is going to do for me, but the opposite—what can I do for the community?

We don't have, for possibly economical reasons, that same attitude, that we haven't perceived of blacks wanting to contribute necessarily to society. Possibly for economic reasons, as I say. Somehow I have to see that we have to get back to the individual wanting to better himself, and then he can become a participant in society.

I've said on many occasions, when we had Dr. Jones here for 4 years that he did more for black education than anyone I think in the history of Dade County, and what he did was he got in government grants; he got a lot of Title I money. We had special classes for students, with 15 students in a class, to work on their basic skills because we found that this was the key to getting ahead in the school system.

Then I didn't see them achieving the way they should have achieved under those circumstances. We've met with people, let's say, from various unions. There was a man from the pipefitters that met with the UTD right after the riots. He said, "I've set up programs for teaching pipefitting. It is a good job," he said, "but blacks came into my program and did not have the skills. I set up a math program so they could learn; then they didn't want the math class. Their attendance was poor."

He said, "I made stipulations: you can only have two absences or three absences." They were dropped from the program and this is what I perceived. It is an attitudinal thing. I don't know whether the black students perceive, "Well, no matter what I do I can't achieve," but we also have to see the commitment from the black community. We have to see a commitment from the black parents that I'm going to take more responsibility for my children's education. I'm going to check up on their work. Are they doing their homework? In staying behind the school system on behavior. This sort of thing.

It is a whole commitment that has to be made, and I haven't seen that. I think that's, in essence, at the school level, the key to part of the problem.

I don't know if that really answers it. I'm sure it doesn't, but that's what I felt I had to say to you.

CHAIRMAN FLEMMING. In the interest of time, we're going to have to move forward, but if the other members of the panel have a direct answer to Counsel's question, then we'll pick up questioning with the members of the Commission.

Dr. Foster, do you want to say something?

DR. FOSTER. I would just like to say that I don't think desegregation in Dade County is completely hopeless. There has been a lot of excellent things come out of it. If you look at the south area, for example, almost everything south of Coral Gables has been pretty much completely desegregated with a couple of exceptions. I think the things that have gone on there have been excellent.

I look to leadership from the new board. There happen to be two members of the new board who served on the Bi-Racial Tri-Ethnic Committee. One of them is chairman of the board, was chairman of the

Bi-Racial Committee for a while—Paul Cejas along with Raymond Braddock. That gives at least three people on the board who supposedly are dedicated to desegregation as a viable means of preventing complete separation in Miami of the different ethnic groups.

All I can say is the alternatives to some form of school desegregation are pretty bad in Miami, and they need to be addressed.

CHAIRMAN FLEMMING. Mr. Miller, do you want to comment on that?

MR. MILLER. I don't see the problem as hopeless somewhat. Miami is a really racist place; I mean they are conservative with their racism, but it is a real racist community. I think Mrs. Packar kind of brought that out, I think. I sat in a couple of meetings by being president of the alumni association. I sat in on a meeting at Northwestern Senior High School in the auditorium, and I heard black parents saying, "We hold our hands to kids coming in from Miami Beach."

That next night I went on to Miami Beach and I sat in the cafeteria. I heard the chairman of the Dade County School Board say, "We will preserve our community school." She gave those white parents that promise. I heard white parent after white parent saying, "18 miles is too far," so and so, hot school bus seat, whatever, evading the question, but the whole thing is that, "You can send your kids over here, but we ain't going to send ours over there." Until they get away from that attitude, it is going to stay racist.

CHAIRMAN FLEMMING. Dr. Abney?

DR. ABNEY. I guess I've been a part of the desegregation process since being in education because I started in a segregated era, and I don't look at it all as hopeless, but it is not a very bright picture that we paint in Dade County or any place in the country as far as segregation and the attitudes of people happen to be.

I think the problems of that are a part of Dade County, beginning with our May 17 riots, is part of the responsibility of our school system. Much of what happened in the streets happened because they were young people that are disenchanting, dissatisfied, and had nothing to do constructively, and so they turn to violence as a way of expressing some of what their needs happen to be, and some of what the venom that happened to be inside of them really was.

I think they learned some of that venom through our school system and the people that are interacting with them and some interacting in a very negative way, and, consequently, we are suffering the real results of a poor educational system provided for some.

I don't think that there are many people that really realize how important it is for people to relate to one another on a very positive basis, forgetting about economics, forgetting about skin color and all the other differences that we happen to have. It can be done, but I think that, again, the necessary commitment totally wasn't there, and you know you can't blame it all on the school system, but we are in fact partially the blame.

CHAIRMAN FLEMMING. Could I ask just a couple of questions? Dr. Foster, within the last couple of years has any group of citizens pre-

sented to the Federal court recommendations for basic changes in the desegregation plan?

DR. FOSTER. The only group that would have done this would have been the Bi-Racial Tri-Ethnic Committee, and over a period of years this was done on several occasions, both specific recommendations and general recommendations.

CHAIRMAN FLEMMING. Did the court accept any of those recommendations?

DR. FOSTER. The court accepted them, but essentially did nothing about them unless a member of the plaintiff's party came forward and pushed the case in litigation. For example, just a year or so ago the committee made some very serious comments to the court, and the court held a session to review these. Nobody from the plaintiff's group even showed up, so the court took the position that it was not a controversial issue and simply declared it moot at that point.

CHAIRMAN FLEMMING. What I am getting at here, there is obvious dissatisfaction with the present desegregation plan, and we took evidence, from testimony this morning and again now this afternoon, that gives some of the reasons for that dissatisfaction. I gather from what you have said now and what you said earlier there is no group of citizens that is really monitoring the plan so that when these weaknesses become apparent, they in turn go to the court and ask for a change in the plan in order to improve it and in order to eliminate some of the difficulties that have been identified here.

That process, as I get it, is really not under way here at the present time. Am I correct?

DR. FOSTER. You are correct except for the Bi-Racial Committee. That's the only group that's done anything.

CHAIRMAN FLEMMING. Just identify the Bi-Racial Committee for me a little more. Is that a court-appointed committee?

DR. FOSTER. Yes, which is purely advisory to the court and to the board.

CHAIRMAN FLEMMING. What charge did the court give that committee?

DR. FOSTER. To review everything that goes on in the school system that has to do with desegregation, comment to the board on that, including such things as selection of boundary sites. The boundaries change every year, this sort of thing.

CHAIRMAN FLEMMING. You have referred a number of times to the fact there do not appear to be any plaintiffs on the scene, so to speak, in terms of dealing with the court.

We recognize that in a good many communities—and I know you do, I mean, the plaintiffs in the original desegregation suits have stayed in the picture and where they feel that the plan is not being implemented in an effective way, go back to the court and ask for additional orders in order to bring about more effective implementation. Do you feel that's lacking?

DR. FOSTER. That's never been a part of the picture, except back in 1974 the American Civil Liberties Union entered as an intervenor and

attempted to sort of check the process of desegregation, but they didn't do very well in court.

CHAIRMAN FLEMMING. One other question: What is your perception—and I would address this to the other members of the panel, also—of the resources that are made available in Dade County to all-black schools as contrasted with all-white schools?

DR. FOSTER. Well, the way I perceive that at the moment is reasonably favorable. Particularly, I think, there was embarrassment on the part of some board members and the staff that schools, like Northwestern, had not been desegregated. So, in a sense, they sort of sent reparations money to Northwestern and some of the feeder schools in an attempt to give them better quality education with money rather than some sort of desegregation process. But I think even that at the moment is going to take a turn for the worse and, except for Title I, ESAA, comparability process, I think you have the usual picture where you have a large minority and inner-city school system and most of the extra money, if extra, that goes to minority schools is in the form of Federal programs.

CHAIRMAN FLEMMING. So, in terms of local support, you would conclude that the finding of the Supreme Court in *Brown v. Board of Education*, that separate facilities are inherently unequal, still prevails?

DR. FOSTER. Very definitely, yes.

CHAIRMAN FLEMMING. Okay. Ms. Packar, would you care to comment on that?

MS. PACKAR. I only think that's possibly true in a few schools such as Northwestern or Booker T., but capital outlay money was put into those schools to make them up to standard, and there are plenty of schools that are predominantly white that do not have the facilities that Northwestern has.

CHAIRMAN FLEMMING. Mr. Miller, would you care to comment on that?

MR. MILLER. I don't think so. Not until recently—Northwestern [was] getting, I think, something like two-point something million dollar facelift. Northwestern was built in 1955. It was almost 20 years before it was painted. The money just started flowing in. They built a new performing arts center. The money just started flowing in. If you compare Northwestern with a South Miami or a Homestead senior high school, it's no comparison.

CHAIRMAN FLEMMING. Dr. Abney?

DR. ABNEY. Let me, I guess, begin this way. I was a part of the year when additional monies were added to the school for the purpose of enriching the academic program that was offered at Northwestern to that predominantly black student body. The monies that were put there [were] for the performing and visual arts and to develop that center as well as an instructional program that went along with it, an academic achievement program in which we were to identify youngsters not necessarily on the test scores but from their performance in the classroom, youngsters that had some academic talent, and work with them

individually as much as possible, and get them to perform much better than they had before.

That was not because of a lack of resources that, obviously, were not placed there to begin with, or obviously on the surface, but I was a part of the pilot program that compared an inner-city high school with one that was in the suburbs, and a part of that plan was dealing with the budget directly of both schools, and the school in the suburb was air-conditioned.

Northwestern was only partially air-conditioned. Our utility bill was some \$70,000. The utility of the school in the suburbs was almost a quarter of a million dollars, but yet that money was all removed from one single pot, so there was no difference made in terms of the budgets of each school.

I have always held that air-conditioning is an educational advantage, and yet the youngsters that needed that advantage weren't getting it, so I think the board, in seeing that, tried to provide additional monies to make up through the additional program. They have just recently approved more monies for most of the schools in the inner city for the air-conditioning of those facilities, but they are also doing it for most of the other senior high schools as well.

CHAIRMAN FLEMMING. Dr. Berry?

VICE CHAIRMAN BERRY. Dr. Foster, are you aware as to whether the achievement of black students in Miami-Dade County has declined since desegregation or not? Do you know whether that's been an effect?

DR. FOSTER. I think Dr. Abney can probably answer that better than I could. Southern districts are somewhat loath to brag about their test scores if they go up following desegregation. You understand that.

VICE CHAIRMAN BERRY. Do you know, Dr. Abney, as I know, most other places where I've seen studies after school desegregation, black student achievement increased without a decrease in white student achievement, and I have heard some testimony this morning about seeing a decline in the quality of the education since desegregation.

Do you know whether black student achievement has gone down since desegregation or not?

DR. FOSTER. I don't think there would be any research on that to indicate that on the basis of longitudinal patterns. There are some general figures for the system as a whole, which Dr. Abney might know.

DR. ABNEY. I can't give you any statistics, but based upon what we have seen from the basic skills test as well as the functional literacy test that's given to seniors in order to get their diploma, which was thrown out for a period of time, I would say we're in pretty bad shape.

VICE CHAIRMAN BERRY. But you don't know whether students are achieving less now than they did before desegregation?

DR. ABNEY. To say, make a difference, specifically, no.

VICE CHAIRMAN BERRY. Okay. The other thing that I was somewhat disturbed about was the seeming conflict in testimony of Ms. Packar, on one hand, and Mr. Miller and Dr. Abney, on the other, on this

matter of portables. In particular, since you're all testifying under oath and your testimony seemed to be in conflict. On the one hand, the testimony is, portables were used because of the refugees, and on the other hand, they were used so that white students would not have to be bused into all-black schools. I don't know where the truth lies, but in any case, I'm disturbed by it because before *Brown*, uniformly in segregated school systems, one of the things that was done was to relieve overcrowding in white schools by adding more rooms or buildings or whatever just to keep the schools from being mixed, and they do the same thing in black schools, and if that is happening here, I would find it very disturbing.

I don't know how to reconcile the testimony, but, in any case, I would like to know from Dr. Foster, or from anyone on the panel, whether there has been a move toward expansion of private schools in Miami-Dade as a result of the desegregation process.

Does anyone on the panel know the answer to that?

DR. FOSTER. I'm speaking briefly. Dr. Abney, I'm sure, would know better than me. I think the strongest surge in the last year or so has been for increasing private schools for Cuban pupils, and I think this is a very strong movement right now. I think the rest of it has sort of leveled off.

VICE CHAIRMAN BERRY. You think so?

DR. ABNEY. I concur with what he said.

VICE CHAIRMAN BERRY. Also, Dr. Abney, why is there a perception, at least among the black parents and some of the students that we heard from, that the schools in Miami-Dade are so bad? Are the schools really that bad? If they are, why aren't you doing something about it, you and the other people? I don't mean you as an individual; I mean the school system.

Are the schools really bad? What are you doing about it?

DR. ABNEY. Dr. Berry, I think we have problems in our public school system, but I know of no public school system across the land that does not have problems when we're dealing with as many people as we are dealing with. I think we also have very uniquely internalized some additional problems that have compounded the problems that we had previously, in that, we have internalized in this community a large population of Haitians, a very significant population of Cubans coming in, and, I think, this has made our situation much more difficult to deal with than it would normally do.

I think it has also accentuated some problems as it relates to racial relations, not just between white and black, but between Hispanics and blacks, Haitians and blacks, the whole bit, so that is where the dissatisfaction has evolved even more pronounced, and I think that's part of the reason for having it.

VICE CHAIRMAN BERRY. Dr. Foster, do you believe if an appropriate plaintiff came forward that the court might listen and act on some of the advice from your Bi-Racial Committee if there were plaintiffs coming forward?

DR. FOSTER. I think it might, but it would have to be just at the appropriate technical time, legally. As you understand, you can't open up a system that's been declared unitary unless you have new evidence of intent. That's exactly what happened a couple of years ago when a couple of elementary schools were paired by the court as a result of the committee's recommendation.

As far as your question to Dr. Abney about Dade, I think Dade is still in a lot better condition than a lot of cities I have worked in the last 6 months, including Chicago, Philadelphia, Los Angeles, and St. Louis, but we're headed in that direction.

VICE CHAIRMAN BERRY. Finally, Ms. Packar, do you believe that the problems that parents and students and others say that black students have in the school system and, in particular, in desegregated schools come about because black students are just less motivated, less intelligent, and less disciplined than white students? Do you think that is the reason for the problem?

MS. PACKAR. I go by scores that we do have, and when we had the State assessment scores, blacks tended to do poorly on them. I don't know whether it is for economic reasons, racist reasons. I have heard that in desegregated schools, white teachers do not know how to deal with black students, and so they ignore them.

Matt Miller was a perfect example, you know. Something that he said was that he was ignored and this is what I have heard. But I was even backed up one time by a black student; in fact, she was a Silver Knight winner in our community and said that, right, she felt that black students are not as motivated, that the programs are there and they don't often take advantage of them, but as far as all black students being less motivated or less intelligent or not, I'm not making that statement. I'm saying that there is somewhat of a perception of a lack of motivation, even among black students.

VICE CHAIRMAN BERRY. Thank you.

CHAIRMAN FLEMMING. Commissioner Saltzman?

COMMISSIONER SALTZMAN. Dr. Abney, is the quality of education available to the black student equal to the quality of education, in general, that's available to the white students in Dade County?

DR. ABNEY. I think it is available. I think part of the problem, in terms of youngsters getting that quality of education, is counseling and insistence on the part of individuals that are part of our school systems to take part in it. We talk about motivation, but motivation isn't all the product of the individual's inner feelings. I think that, at a certain age, particularly a young age, part of that motivation comes from people who are working with you on a day-to-day basis, and in the school system that's teachers and administrators. And, if the administrators and teachers and counselors, whatever have you, in the schools, don't somehow get to those people and motivate them to do better, they can't do better.

Some of them can't get the motivation at home because the parents don't have the education necessary, so it means that additional re-

sources or those resources that are provided have to be good in working with the kids in order to get them to do their very best.

COMMISSIONER SALTZMAN. If you had your rathers, sir, in terms of the next 5 years, what are some of the most positive, focal changes you would bring to the system to improve the educational attainment of children in Dade County, black and white?

DR. ABNEY. Well, basically, I don't go along with the idea of just separation of the races for just separation or for educational purposes. I think maybe the separation in some ways will do some some good, but it will do others a great deal of harm. Those people that somehow view it as positive may also see their youngsters attain something for a period of time in a certain field, certain area, but it also might cause some other kinds of problems later on down the road.

I am a product of the desegregated system in that I was born and raised in Norristown, Pennsylvania, and came to Florida, which was quite a unique experience because of being in a segregated setting and having to adjust to that. It prohibited growth in many ways, and I think the integrated situation produced some growth that normally I would not have gotten.

COMMISSIONER SALTZMAN. I am not sure I am phrasing—I am saying, you as a school administrator, what would you do specifically to advance education in Dade County for the benefit of the educational attainment of both blacks and whites?

DR. ABNEY. I was leading to that, and I think the key to it is, plainly and simply, having the educator that is willing to get his hands dirty working very closely with the youngsters. I saw it happen in Northwestern in the academic achievement program. I saw it happen at performing arts center where youngsters, who had not been performing before, but because of very close attention on the part of educators working with those young people, began to perform and perform much better.

They didn't perform at the level we would like to see them often-times, but, certainly, there was improvement. I think the improvement was based upon the fact that they had teachers who cared about them, administrators who cared about them and worked with them very diligently.

COMMISSIONER SALTZMAN. Dr. Foster, would you care to respond to that question?

DR. FOSTER. I think that's proper. I think the more people like Everett Abney the system can hire and put into operation, the better off they will be.

COMMISSIONER RAMIREZ. I would like to clarify, as Counsel has mentioned, we heard testimony this morning saying that the three groups in the Miami-Dade County area are isolated from each other. In terms of the schools, do Hispanic children go to all-Hispanic or Hispanic-black schools?

Dr. Abney, would you care to respond?

DR. ABNEY. I think you would find that separation is very pronounced in many areas. You will find some few schools where it is not. You will find a real mixture among the student body.

One of those happens to be at American Senior High School where, about 3 years ago, I was assigned where youngsters were not getting along. The student body is about 33-1/3 percent of each group, white, black, and Hispanic. They were having problems when I went there. It was a good experience for me and one I enjoyed and spent 6 months there, and I saw some changes take place.

Here, recently, I have seen an escalation in the kind of problems they had previously from the students among different ethnic groups. But it happened here that most people that are one ethnic group would prefer being in with that group because that's what they are familiar with, and that's true of everybody, not just whites; it is true of blacks and Hispanics and Haitians.

COMMISSIONER RAMIREZ. In terms of resources allocated to schools, is there a differential allocation of resources to schools that are Hispanic versus white?

DR. ABNEY. I know of no differential that is provided for any school in terms of, you know, money being provided because it happens to be black; that's not considered a differential. There is no specific differential provided for anyone. It is not built into a formula, if you want to put it that way. The differential comes in when we have Title I programs that are provided, the bilingual programs that are provided, and basically for Hispanics, things of that order.

COMMISSIONER RAMIREZ. But your Title I is on the basis of socioeconomics—

DR. ABNEY. It is, but primarily it ends up in predominantly black schools.

COMMISSIONER RAMIREZ. Are the differences in the perceived quality of schools related to socioeconomic class, or are they related to race or ethnicity?

DR. FOSTER. I don't think you can separate the two. You know, most of the people who end up in the lower socioeconomical level in terms of the percentages happen to be black.

COMMISSIONER RAMIREZ. In terms of those schools where blacks and Hispanics are going to school together, do those Hispanics tend to be poorer Hispanics?

DR. ABNEY. They tend to be poor.

COMMISSIONER RAMIREZ. Just one more question, Dr. Foster. You said that there was an increase in the number of private schools receiving Cuban children. Is that increase related to a religious motivation or is it a class motivation or is it dissatisfaction with the public schools?

DR. FOSTER. I would classify it as mostly religious and cultural rather than educational. I think the Hispanic community would like to have their children noncontaminated by Anglos and blacks, but I don't think they will get that. But I think that's one reason they are trying to set up private schools. Many of them are parochial schools.

COMMISSIONER RAMIREZ. So you do not see that the Hispanic community perceives that it is getting unequal education and would move to desegregate the schools on an ethnic basis?

DR. FOSTER. Not at the moment, such as you would have in Texas, for example, which makes it a very difficult thing legally to get into. I am just not sure how you would do that.

COMMISSIONER RAMIREZ. In terms of the burden of hosting or receiving blacks, do Hispanic schools receive more blacks than white schools, than Anglo schools, I guess is the way you would put it?

DR. FOSTER. I would guess yes, wouldn't you, Dr. Abney?

DR. ABNEY. I think it is based on proximity. If you start looking at where the largest percentage of your Hispanic population begins in terms of places where they live, they live closer to the inner city than those that have been in the community and are white for longer periods of time and have achieved some stable economic base. Most of those would be white.

DR. FOSTER. In the north central area, figures for this fall come out 67 schools, for example, show that 44 schools are over 90 percent minority, and 12 of those are virtually all minority, 99 percent or over.

COMMISSIONER RAMIREZ. When you say minority now, you are talking black?

DR. FOSTER. Both Hispanic and black.

COMMISSIONER RAMIREZ. Just one last question: what about the proportionate representation of the three groups in the faculty, in the school system, Dr. Foster?

DR. FOSTER. Well, in terms of employment, as nearly as I can figure out, it is fairly good at this point because Dade doesn't have an affirmative action program, and I have no access to such things as applicant flow data. But currently there are 27 percent black employed on the faculty, 13 percent Hispanic, and 60 percent other. And on the basis of a lot of work we've just done with Broward County, Fort Lauderdale, I would guess that would not be too far from an applicant flow situation; however, in terms of assignment, in the last couple of years we have noticed a good deal of erosion in following *Singleton* patterns, so that currently, for example, in the north central area, I just ran a quick eyecheck yesterday, and I found something like 30 schools out of faculty compliance on a very liberal position like 20 percent plus or minus, whereas, you have the court in St. Louis just saying only plus or minus 5 percent is allowable, and even Chicago, plus or minus 15 percent, according to the Justice Department. So I think Dade is just now again coming up to a position of being pretty seriously out of compliance with *Singleton* rules.

CHAIRMAN FLEMMING. We want to thank all of the members of the panel for the information you provided us, for the insights you have provided us. It has been very, very helpful. Thank you very much.

Counsel will call the next witnesses.

MR. ALEXANDER. Gwendolyn Jennings, Ray Turner, Ivette Morgan, Arthur Woodard.

[Gwendolyn Jennings, Ray Turner, Ivette Morgan, and Arthur Woodard were sworn.]

**TESTIMONY OF GWENDOLYN JENNINGS, DIRECTOR, STUDENT DEVELOPMENT SERVICES; RAY TURNER, EXECUTIVE DIRECTOR, PROGRAM EVALUATION AND MANAGEMENT ANALYSIS; IVETTE MORGAN, PROJECT MANAGER, BILINGUAL ALTERNATIVE FOR SECONDARY EDUCATION; AND ARTHUR WOODARD, PRINCIPAL, MACARTHUR SENIOR HIGH SCHOOL NORTH; ALL WITH DADE COUNTY PUBLIC SCHOOLS**

CHAIRMAN FLEMMING. We appreciate your being with us.

MR. ALEXANDER. Starting with Ms. Jennings, could you each describe yourself, give us your name and your position with the school system, and a very brief description of your responsibilities.

MS. JENNINGS. My name is Gwendolyn Jennings. I am director of student development services, and my department is primarily responsible for several programs that are designed to provide enhancement development of students in a variety of areas, assisting to understand and learn more about themselves and to be able to get along with others, assisting them with formulating career plans and working towards the culmination of those plans, assisting students with problem-solving and decisionmaking skills. Essentially, I am responsible for the programs that are related to guidance services, visiting teachers services.

MR. ALEXANDER. Thank you. Dr. Morgan?

DR. MORGAN. I am Ivette Artiaga Morgan, project manager of a Title IV-C innovative program. It is called BASE, Bilingual Alternative for Secondary Education.

MR. ALEXANDER. That is a dropout prevention?

DR. MORGAN. That's a dropout prevention, yes.

MR. ALEXANDER. Thank you. Dr. Woodard?

MR. WOODARD. My responsibility is principal at MacArthur Senior High School North. I work under Ms. Jennings. She is my boss.

MR. ALEXANDER. And that is a special school, MacArthur?

MR. WOODARD. That's a very special school that deals with youngsters that can't seem to adjust in a regular school setting.

MR. ALEXANDER. Thank you.

MR. WOODARD. It is, more or less, the disruptive youngsters.

MR. ALEXANDER. Dr. Turner?

DR. TURNER. My title is executive director of program evaluation and management analysis. I have the responsibility for the systemwide testing program for students for program evaluation, for doing statistical studies and analysis, and some work in the area of budget development.

MR. ALEXANDER. There are a number of issues raised with the last group of witnesses, Dr. Turner, about the performance of students in the Dade County school system. Could you tell us, overall, at the primary level how Dade County students compare with the rest of the country?

DR. TURNER. Yes, sir. I will be happy to. In the area of mathematics, we are quite a bit above the national median. We center about the 70 percentile, which is quite high for a school system with this type of diversity.

In the area of reading we are also above the national norm, although not quite so high, clustering around the upper 50 to 60.

In the area of math at the intermediate level we are right at or just slightly above the national average and likewise in the area of reading.

MR. ALEXANDER. What happens when we get into the secondary level?

DR. TURNER. The secondary?

MR. ALEXANDER. Senior high school level.

DR. TURNER. At the junior and senior high school level, we are above the national average in math computation; just about in the national average in math concepts; slightly below the average in the area of reading, but the trend over the past 5 to 6 years has been steadily upward.

MR. ALEXANDER. Is the progress that seems to be apparent in the elementary school level, which is not quite as good at the senior level; as I understand it, overall, you are slightly below national norms at the senior level?

DR. TURNER. Yes, at the secondary level, seventh grade up. They're areas where we are at or above.

MR. ALEXANDER. Is this progress the same for black, white, and Latin students?

DR. TURNER. Well, we don't keep scores by ethnic categories, sir.

MR. ALEXANDER. Why not?

DR. TURNER. We simply have chosen, as a school system, not to do that. We haven't done it for many years.

MR. ALEXANDER. Who in the school system made that decision?

DR. TURNER. That was a decision made by the school board and administration some years back.

MR. ALEXANDER. How many years back?

DR. TURNER. Seven or 8 years ago, as I recall.

MR. ALEXANDER. Does your department agree with that decision?

DR. TURNER. Yes, we do.

MR. ALEXANDER. You have not recommended a change in that?

DR. TURNER. No, we have not.

MR. ALEXANDER. Can we, however, identify by specific schools whether schools that tend to be minority impacted are doing as well as other schools in the system?

DR. TURNER. Yes, it would be possible to look at schools which are predominantly of one ethnic group or another and draw some comparisons, certainly.

MR. ALEXANDER. I understand that the State testing system in 1977 identified 33 schools in Dade County that had serious problems; is that correct?

DR. TURNER. No, sir. I think that figure was—

MR. ALEXANDER. How many?

DR. TURNER. —more like 80 schools in '77, the first year of the State assessment program.

MR. ALEXANDER. "Deficient" was the term used.

DR. TURNER. Deficient, but deficient according to the State definition, which says that if no more than 70 percent of the youngsters in the school achieve 70 percent of the standards, the school shall be declared deficient without any other factors being considered.

MR. ALEXANDER. In an interview with our staff you indicated that seven schools that were located in the Model Cities area, that were predominantly black schools, had serious deficiencies in all subject areas; is that correct?

DR. TURNER. No, sir, I did not indicate that.

MR. ALEXANDER. Could you clarify that?

DR. TURNER. Well, I don't know what you are referring to. The staff has copies of test results, but we did not discuss that specifically.

MR. ALEXANDER. Is there any way of telling what the achievement level is in the minority schools in the city?

DR. TURNER. Well, as I have just said, you can take schools which are predominantly minority and could make comparisons.

MR. ALEXANDER. Has that been done by your department?

DR. TURNER. Specifically, no, although we do put out very comprehensive test results information both in terms of the Stanford Achievement Test and the State assessment, and those are carried by the local news media.

MR. ALEXANDER. Given the concern that was expressed by a number of parents and students and others in the system as to the inequality of educational results received, with respect to black students particularly, wouldn't it be sensible to try and verify or not verify that perception?

DR. TURNER. Well, it depends on your point of view. Our point of view happens to be that we feel that youngsters should be dealt with in terms of helping them meet their own potential, and we deal with students rather than members of any particular ethnic group, and we have attempted to maintain that posture in everything we do in this county.

MR. ALEXANDER. Ms. Jennings, your department provides the guidance counseling primarily; is that correct?

MS. JENNINGS. My department is responsible for giving consultative services to those counselors who are employed within the schools.

MR. ALEXANDER. Who makes the actual decision as to whether or not an individual school has one or three or seven guidance counselors? How is that determined?

MS. JENNINGS. In the secondary school it is determined by the budgeting department, based upon the student allocation. In the elementary schools, my department makes that determination as to which schools will have an elementary counselor.

MR. ALEXANDER. Do you feel that there are sufficient numbers of counselors for the types of problems that have been identified by the parents of these students in the school system?

MS. JENNINGS. No, I do not think there are sufficient numbers of counselors, especially at the elementary level. At the secondary level, I think the staff, in talking with my counselors, feel their caseloads are tremendously high, which means they do not have sufficient time to be responsive to many of the needs of students that we see evidence of.

MR. ALEXANDER. Do you tend to agree with the sort of individual student notion that we just heard, or do you think there are differentials, generalizations, that can be made about the needs of inner-city students for counseling and support services, let's say, versus any other students in the system?

MS. JENNINGS. I'm not sure I quite understand your question.

MR. ALEXANDER. Do you think that the students in the Model Cities area have greater counseling needs than other students in the school system?

MS. JENNINGS. I can't say that specifically they do. I do not feel—I think they have different kinds of needs in some respects. I think they have a lot of the same needs of a lot of students. We make no attempt to make any differential based upon ethnicity or racial group in the placement of counselors with the elementary program and not with the secondary program.

MR. ALEXANDER. So you don't take into account whether this particular school is black or poor in the placement of counselors?

MS. JENNINGS. No, we do not.

MR. ALEXANDER. Dr. Morgan, you run a specialized program. Could you tell us what needs that your program is trying to meet that are not being met by the normal school system?

DR. MORGAN. Well, first of all, we are a validated program under Title IV, validated by the State. The monies have been given to Dade to develop an Hispanic guidance program. When I became project director, we assessed what we called Hispanics. We decided that the three ethnic groups, Hispanic groups, were the Puerto Ricans, the Cubans, and the Mexican American, and, therefore, developed a sensitivity group for administrators and counselors dealing with the students. As we progressed, the communication gap and the cross-cultural problems manifested more than just Hispanics.

We felt that the black was also a disenchanting youngster that was thinking about the possibility of leaving school and we didn't want that.

Ms. Jennings and I have worked together or given workshops to the whole county, the counselors and the administrators of the whole county. I have approached Dorothy Fields of the Black Archives to do also a black historical cultural sensitivity program where we can reach as many of the minorities as we can and have the youngsters involved in this guidance program.

MR. ALEXANDER. How many students does BASE serve?

DR. MORGAN. Unfortunately, not as many as we could and we should. At this moment we are approximately 400 with the possibility of servicing close to 2,000.

MR. ALEXANDER. Ms. Jennings, are you aware of any other specialized programs for dealing with the dropout problem in the Dade County school system other than Project BASE?

MS. JENNINGS. We have a program within our intergroup relations program that is working with potential dropouts. At this point it is on a very small scale because our intergroup relations staff is very small, but we are starting with the sixth grade students and then we are hoping to be funded so we will be able to carry on the program to track those students as we go along.

Some of the things we are doing with them is testing them in terms of their self-concept, their attitudes; then we are giving them group counseling, individual counseling, and awareness activities, talking with the teachers, that type of activity, to try and give them some various specialized intensive kind of attention.

Of course, this isn't the major function of the intergroup relations program, but this is one of the units or components they have within it.

MR. ALEXANDER. Mr. Woodard, could you explain the types of needs that your specialized high school tries to deal with and how its programs operate?

MR. WOODARD. With the teacher-pupil ratio of 16 to 1—prior to this time we were 13 to 1—we believe in small classes and pick the youngster up where he is at, so to speak. From this our other programs include the vocational aspects of education, which we are very successful in finding jobs.

Our problems are finding jobs in the public sector instead of the—I should go the other way, trying to find jobs in the private sector in lieu of the public sector only because the jobs fail or come to an end, so to speak.

We try and train youngsters for the jobs that are out there.

MR. ALEXANDER. When you are referring to the public sector jobs, are you mostly referring to CETA jobs that have terms certain?

MR. WOODARD. That kind of job.

MR. ALEXANDER. In addition to the school problems, what type of external problems do students in Miami, MacArthur, tend to face?

MR. WOODARD. Well, the external problems more or less move along with the problems in the community. Inasmuch as we have most of our kids from the Scott housing area, we can feel or foretell those problems before anyone else, so, if we can more or less curtail them through counseling, pride programs, and the programs from within the community, we may be able to get a top handle, so to speak, on this kind of activity.

MR. ALEXANDER. Your students are both black and white and Latin students; is that correct?

MR. WOODARD. Yes. We are 98 percent black, 1-1/3 percent Hispanic, 1-2/3 percent white.

MR. ALEXANDER. This school is voluntary for the students?

MR. WOODARD. No. We have youngsters that are administratively assigned to us. Those students that are recommended from principals and assistant principals throughout the north central and the north area.

The others may come voluntarily. These youngsters are usually brought in by parents or recommended to us from some of the people in the community, and then from this we have youngsters that are administratively assigned to us who would like to stay with us during the entire 3 or 4 years. If they are ninth graders, they want to stay and graduate with us.

MR. ALEXANDER. You see the files on the students that come into your school system that have been presumably in some level of problem in the other parts of the school system. Do you see an indication of a great deal of effort having been made with many of the black students before they come to your school?

MR. WOODARD. As we make comparisons, utilizing the folders, we find that a black student's folder is very thin when it gets to us and a white student's folder is thick. So we are saying there that the white students seem to get more ample counseling, or what have you, before he is assigned to us.

MR. ALEXANDER. Do you feel that many of the white students who have problems in the school system don't end up in your high school because of other alternatives, the private school system?

MR. WOODARD. Yes, this is true. A review of the literature would show that most white kids do get an opportunity to be transferred to private schools only because their parents are able to pay for his education, whereas in the black, especially in the inner-cities area, the parents do not have the money so they'll have to come with us.

MR. ALEXANDER. What generally, Ms. Jennings and the rest of the panel, what types of additional programs or efforts do you think the Dade County school system should be making to address the types of concerns raised earlier today? These were concerns of insensitivity of teachers, lack of caring about black students, basically, a feeling that the school system wasn't caring about black students. That's what the accusations were.

Ms. Jennings, you may start.

MS. JENNINGS. I would like to see a comprehensive program to identify potential dropouts and to then provide those interventions that then may reduce or resolve the problem. I also have within my department the intergroup relations program, which I mentioned earlier, and that program is funded by the Emergency School Assistance Act.

For the most part I have nine intergroup relations specialists and one additional specialist that is funded through common funds. They are in the schools primarily to assist those schools that are under court-ordered desegregation or have been mandated by our school board in terms of being a school that has been identified somewhere along the way, though even if it was not court-ordered, is one that was desegregated locally.

We, at the present time, do not have sufficient staff, I think, to handle all of the problems and concerns in the schools that have requests for the intergroup relations program. The specialists are in the schools to work with the students, to work with parents, and to work with school staffs to try and prevent or resolve minority-group isola-

tion, to try and ease the transition of students as they go from grade to grade and level to level, and I would like to see an expansion of that particular program.

As I said earlier, I would like to see more counselors, especially at our elementary level. When I alluded earlier to the fact that minority students have different problems, they have some of the same problems as all other students, but they have different problems, and they come to school with different attitudes, probably different than the larger sector.

Their attitudes—their behavior sometimes may appear different to white teachers, and so forth, and I think because of this they need a lot of extra time and extra attention from someone who is there and who is available. And with the caseload we have at all levels, it is impossible to give the kind of intensive services that students need. Those are three I can think of.

MR. ALEXANDER. Dr. Morgan?

DR. MORGAN. Well, I would like to give you just a little background on my project so you can see the gestalt of it. We have the three target populations; they are the administrators and counselors; they are the students and the parents of the students. The administrators and counselors are given workshops, 2-day workshops where they are introduced to the different kinds of cultures and languages. At this point we also have integrated the Haitians, and we are going to start dealing with the Russian Jews at Miami Beach.

The administrators are taught the language of the youngsters. The counselor is given a specific counseling model designed by a clinical psychologist just for us. Then the student is identified and small groups are formed in each school. The parents then are involved not only in the small groups and are informed of what's going on in these small groups, but we also have informational units for the parents.

The Hispanic parents and any refugee parent does not understand the American school system. It is, usually their model comes from Europe. Also, the inner-city parents don't understand quite what these massive testings are and where my student stands, and we have those small groups with parents, also.

By the way, I just want to mention that of the possible 46 junior highs, I am now involved in 10. The reason is the counselors are really tied up. There are not enough counselors.

MR. ALEXANDER. Mr. Woodard?

MR. WOODARD. You will repeat your question, please.

MR. ALEXANDER. What kind of things could Dade County school system be doing that it is not currently doing to try to get out the frustrations that we heard about earlier from students who feel they are dealt with in an insensitive and nonequal way by the school system?

MR. WOODARD. I think that we could more or less seek employment and train especially our youngsters for the type of employment that this individual is capable of being engaged in. We won't be able to send all of our youngsters to college and we won't try, but outside the youngsters should see role models, that kind of thing. The county should take

a peek in that respect and try and seek employment more or less for our youngsters.

MR. ALEXANDER. Dr. Turner?

DR. TURNER. Well, I think one resource that we have, which possibly can be better utilized, we do have a source of funds from the State for management and teacher training, which is a part of our State-found financing for schools, and we do make some use of that in our teacher education center and our management academy to provide training for teachers and administrators. And I think we might possibly need to take a further look at that in terms of the specific problems you are addressing.

There are a couple of other factors, though, that I want to mention. In terms of State student assessment, and I think this is rather significant, at grades 3, 5, 8, and 11 where the State Student Assessment Part 1 Test is given, with only one exception, we are above the State average, the State median, and I think that's—

MR. ALEXANDER. Overall, that is?

DR. TURNER. Yes. We are—the only exception to that, that is in the 11th grade reading, and the State average is 85 percent and we're 83. In every other case we're above the State average.

There is something else that I just want to correct, something you said before. In 1977 when the State Student Assessment Test was first given, there were 87 schools that met the State definition of deficient. Last year there were 33 schools, which is less than half of that, and I think that is significant progress.

Also, we do offer a very comprehensive compensatory education program from State compensatory money as well as our ESEA, Title I, and I think that's important. But I think the underlying thing that could help everything is to remember we do have very many dedicated teachers of all ethnic backgrounds who are determined to make the school system work and who spend 8 and 10 and 12 hours every day attempting to make it work, and that's the real key, I think.

MR. ALEXANDER. Mr. Chairman?

CHAIRMAN FLEMMING. Ms. Jennings, Mr. Woodard in his testimony a few minutes ago said that when they received the folders on the white students, they were pretty thick folders, indicating that a good deal of counseling had gone on prior to the time that the student enrolled in his school.

In the case of the black students, they were pretty thin folders, indicating that not a great deal of counseling had gone on.

I'm wondering if you would comment on that testimony.

MS. JENNINGS. I have observed the phenomenon that Mr. Woodard is speaking of in that there have been cases that, in folders that I have observed, that students have mainly committed a great number of acts, and those students may be white, before they are finally referred to the opportunity school.

I don't think it is that a great deal of counseling, per se, has been done, but many times a lot of different options and interventions are being provided for those students than are sometimes being provided

for black students, or other minority students, and that may be more parent contacts, more referrals to other agencies or to PRIDE specialists or occupational specialists and others within the school situation.

I wouldn't know how prevalent that is at this point, but I have made the same observation, and, as I said, it is not just counseling; it is a lot of other things that have been done for those students sometime before they are referred.

CHAIRMAN FLEMMING. Do you meet, from time to time, with your counselors as a group or with some of the counselors as a group who are working in the various schools in order to get a feedback from them as to the experiences that they are having?

MS. JENNINGS. At the secondary level, for the junior and senior high school programs, we meet with the assistant principal or chairperson for student services, and that is the person who has the responsibility for the day-to-day management of the total student services program, which includes guidance services. That is because we have so many counselors, 300, that it is impossible to meet with all of them except in a workshop type format. And so what we do is we offer workshops and we provide the opportunities for them to come to get additional training to enhance their skills in working with students and parents.

When we meet with the assistant principals or chairpersons, we then provide information to them. Also they give back to us information or concerns that they have.

At the elementary level, with the elementary counselors, since we only have 72 of those persons and we're able to meet with them as a group, we have area meetings with them where we have smaller groups. And, at least three times during the year, we have a full meeting with all of them; but there is always opportunities for exchange of information and for them to share their concerns, as well as for us to provide information and direction to them.

CHAIRMAN FLEMMING. Do the counseling activities include contacts with the parents of students, from time to time, on the part of the counselors? I was very much interested in Dr. Morgan's account of her program, and I am interested in the fact that parents are involved at a particular point.

In connection with the counseling program generally, is there provision made for the involvement of parents in the counseling activities?

MS. JENNINGS. Yes, there is. Parents are always invited to various programs that may be going on. They receive information from the student services personnel on a variety of topics: college admission, so forth. During the time when we try and work with students on career planning, then the parents are always told that there is an opportunity for them to call at any time. I really know of no school that does not provide ample opportunity for parents to be involved in the education of their students.

CHAIRMAN FLEMMING. We have received testimony indicating a considerable degree of unhappiness on the part of some members of the black community relative to the current desegregation plan. Do you get a reflection of that unhappiness either from the students as a result of

the counseling activities involving them or as a result of the contacts that are made with their parents?

MS. JENNINGS. If you are asking me if I get it personally—

CHAIRMAN FLEMMING. Yes. I'm thinking of a person in your position. You have an overall position of responsibility and I'm just wondering what comes to you along this particular line. What do your counselors tell you about their contacts with the students, their contacts with the parents, relative to their perception of the way in which the desegregation plan impacts on the members of the black community?

MS. JENNINGS. I don't think it is identified as desegregation, per se, in that they are unhappy. I think from time to time I have had some concerns from parents that they were unhappy with certain aspects of the school program in that they did not feel that their children were getting sufficient counseling services. They may not feel that they were not as satisfied with the way in which their students were handled when they were brought into the office for infractions of behavior, that type of thing, but in recent years, to me, that has not been widespread.

I noted a lot of that when I was in the area office, and I worked with transfers and parents being very unhappy because their child was supposed to go to X school and they were trying to get a transfer to another school, and I observed a lot of that, but in recent years I haven't had that unhappiness to me per se, nor has it been really told to me by the counselors.

The group that probably works a little more closely with the problems of the schools that are related to desegregation are the intergroup relations personnel, and it has been their feelings, I think, they are working more on a positive basis in trying to get students together and parents together, and we have identified some problem areas.

As I said, I think they are related to the lack of other kinds of services besides academic services; also, the fact that some parents have been a little distressed that their children are not in somewhat higher level courses that are being offered at particular schools. But we have tried to intervene to set up strategies to deal with those particular problems.

CHAIRMAN FLEMMING. On the basis of the experiences that you have had in your area of responsibility, if you were asked by the officials to whom you report to make recommendations for changes in the desegregation plan as it has been approved by the court, are there any specific recommendations that occur to you that you would make?

MS. JENNINGS. I don't know if I can answer that right now. I would like to give it a little thought.

CHAIRMAN FLEMMING. I'd be glad to have you do that and, if you would like to, just give us a little memorandum and we will make it a part of the record because, personally, I have a high regard for the kind of experiences that people have who are involved in counseling activities. It seems to me that you get a perspective that comes to very few persons. So after you think about that, if you would like to give us a little memorandum on it, why, we would appreciate it.

Commissioner Ruckelshaus?

COMMISSIONER RUCKELSHAUS. Dr. Turner, what is the countywide dropout rate as compared with the national dropout rate? Do you have any idea?

DR. TURNER. No, I don't have that specific information. Mrs. Jennings may have something on that because of the student services. It would be far lower than it would be in the schools that were mentioned earlier—Philadelphia, New York, Chicago—those schools would compare very favorably with them but would be somewhat higher than smaller school systems. But I couldn't give you a specific figure.

COMMISSIONER RUCKELSHAUS. Do you keep statistics on the dropout rate of various high schools in your system?

DR. TURNER. Yes, we do. That's—

COMMISSIONER RUCKELSHAUS. Are there special services and counseling support provided for those schools?

DR. TURNER. Yes, there are. There again, that's generally handled through the student services people, and the counseling staff is used. Our occupational specialists are used to dealing with youngsters to give them occupational information and to provide followup information on dropouts, to determine employment, [and] enrollment in school, enrollment in training programs after they leave high school. It is quite an extensive followup program there.

COMMISSIONER RUCKELSHAUS. Is there any way that you know of to predict potential dropouts pretty early in the system?

DR. TURNER. Well, I think I could only give you those that would be sort of universally accepted. That would be an obvious lack of interest in school, discipline problems, poor attendance. There are many symptoms of a problem which may also and does, in fact, correlate very highly with dropping out. And I think we would all be—

COMMISSIONER RUCKELSHAUS. Is there an effort to pick those people up as early as possible?

DR. TURNER. Absolutely. I don't know a school in the system that doesn't have a very carefully developed program to deal with youngsters who are having academic difficulty, who are exhibiting problems in regular attendance. The counseling staff does, I think, a generally very good job considering the fact that they have a lot of students to deal with in responding to those kinds of symptoms, and in dealing with those youngsters, they spend a lot of time working with parents of those youngsters to head off that problem.

COMMISSIONER RUCKELSHAUS. I wonder if you could give me some information about what's come to be known as the functional literacy test or State Student Assessment Test?

DR. TURNER. I will try. The State Student Assessment Test really is in two parts. What we were talking about earlier is what we now call part I, which tests basic skills at 3, 5, 8, and 11. The test which many people refer to as functional literacy test, which is, I feel, the State assessment test, part II, up until this year, has been given at grade 11 and at grade 12 as well as in the adult program. That is a test of application of basic skills, so it goes beyond the 3, 5, 8 and 11th [grade]

and gets into real life situations of computing insurance bills, writing checks, those kinds of things. That was first given in the State in 1977.

It has been given now in '78 and '79 and most recently in October of this year. We will be getting the results of that test back sometime this week or early next week.

COMMISSIONER RUCKELSHAUS. The State legislature mandated this test?

DR. TURNER. Yes. That was a part of the accountability act from the Florida Legislature which they enacted in '75-'76.

COMMISSIONER RUCKELSHAUS. How does Dade County do versus the rest of the State in passing that test?

DR. TURNER. We do very well. There, again, we are at or above the State average, and the rate of improvement in Dade County has paralleled that of the State. Since the test was introduced, the percentage of youngsters passing has increased dramatically, and those figures are kept at the State level by ethnicity, and the increase of the number of black youngsters passing that test, percentage of increase, the rate of increase, has been greater than that of the white youngsters, and that's true statewide.

COMMISSIONER RUCKELSHAUS. Specifically teaching to that test and then 9, 10, and 11th grade?

DR. TURNER. You have to get into the difference between a criteria and reference and normal reference test. State Student Assessment, part I, is a criterion reference test where you establish specific skills. Everyone knows what those skills are and is encouraged to help youngsters meet those skills; and State Student Assessment Test, part II, is a followup of that, so it is widely known in the State what kinds of problems are to be dealt with, and our staff and our students have taken that very seriously and have worked very hard and have evidenced some real progress there.

COMMISSIONER RUCKELSHAUS. What is the controversy over the diploma versus a certificate for those who cannot pass that test?

DR. TURNER. The provisions of that act was that a youngster had to pass the part II test in order to receive a regular diploma from a high school in the State of Florida. If they completed all other requirements for high school but did not pass that test, they would be given a certificate of completion. As you know, because of the *Debra P.* case in Hillsborough County, the court, while they upheld generally the validity and the appropriateness of the test, did say that youngsters, in their opinion, had not been given adequate time to prepare and, therefore, delayed the implementation of that test until '82-'83. We are working now under the assumption that the class of '83, which would be this year's sophomore class, would be the first class that would fall under that requirement.

One of the things the State has done this year is make a decision that that test will be given to all sophomores in April of this year. Prior to this year they began taking it in their junior year and had two opportunities as juniors, two as seniors, to pass it. Beginning this year, there

will be five opportunities to pass it in the regular school program plus the adult ed [education] program which follows.

COMMISSIONER RUCKELSHAUS. Thank you. I have a question for Mr. Woodard. Do you get to recruit teachers for your school? How do you go about staffing your school?

MR. WOODARD. We had to take the surplus teachers at this time. In the very near future we will get an opportunity to select our teachers.

COMMISSIONER RUCKELSHAUS. What is a surplus teacher?

MR. WOODARD. Well, it is a teacher that teacher-pupil ratio at other schools exceeded the number of teachers you needed.

COMMISSIONER RUCKELSHAUS. They offered you one?

MR. WOODARD. Yes. Prior to this time, all of our teachers were given training in the social maladjusted youngster, which was something good for us, but in the near future, Teacher Corps, along with the administrative academy, will train individuals for us. We see this coming next year, so it will be a great help to us.

COMMISSIONER RUCKELSHAUS. And your teachers are paid at the same rate, or is there a differential for people who—it seems to me your school is a wonderful challenge and also a terrible responsibility, being the last in line of people who have a good, positive opportunity for those youngsters.

MR. WOODARD. All of our teachers are given a \$750 supplement in addition to the normal salary given to all the other teachers in the county.

COMMISSIONER RUCKELSHAUS. If you had a request that could be instantly granted by the school board, what would you ask for?

MR. WOODARD. Repeat?

COMMISSIONER RUCKELSHAUS. If you had two wishes that the school board would grant to you, what would you ask them for?

MR. WOODARD. More money for our youngsters and teachers, I should say—more teachers; lower the teacher-pupil ratio; that kind of thing is what we would want.

COMMISSIONER RUCKELSHAUS. Sounds familiar.

MR. WOODARD. Yes.

COMMISSIONER RUCKELSHAUS. Thank you.

COMMISSIONER HORN. Mr. Woodard, and ladies and gentlemen of that panel, you are about the closest I'm going to get to what a classroom teacher confronts. We are listening to students; we are listening to administrators; we are listening to counselors; we are listening to parents; but we haven't had too many people on the firing line, and obviously the people on the firing line talked to you.

What I am curious about is what kind of feedback do you get, and how have you seen that feedback change over, let's say, the last 10 years in Miami as to the very real problems confronted by the elementary and high school teacher in the classroom?

I am particularly interested in how, if there was a change, student attitudes and student behavior in the classroom have changed over this past decade, and I am interested as to what do you attribute those causes, either as professionals, interested citizens, or parents?

Do you have some feelings on this?

DR. TURNER. Yes, I have some feelings on that. I think it's obvious when you talk with teachers that you will get from them a feeling that they perceive a very definite change in attitude on the part of students and parents. I think if you get a little deeper into that, though, you will find that they generally feel that that reflects an attitude that they perceive in society as a whole—less respect for those institutions which, over many years, have been held in awe, one of those being the Federal Government, another being school systems, and another being the city and county, State governments.

I think teachers are increasingly frustrated because we went from a period of time where teachers and educators were generally regarded as being people who were dedicated, who had the interest of youngsters at heart. I think we have moved away from that to some degree, and particularly the very dedicated, hard-working teacher senses that in the attitude they see from parents and students, and they tend to feel sort of defeated in that no matter what kind of job they do, and how carefully they go about it, and how hard they work, somehow that effort is not appreciated.

I think that feeling is throughout the country, and I think that's probably the biggest factor that I can think of.

COMMISSIONER HORN. So we have a morale problem among teachers, and that's partly related to their perception of societal attitudes and the role and relationship they have in relation to society?

DR. TURNER. In my opinion, yes.

COMMISSIONER HORN. Do the other three members of the panel share that analysis?

MR. WOODARD. This is true.

COMMISSIONER HORN. Because we have heard a lot about the insensitive counselor, the insensitive teacher. We all know that's true to some extent. We also know as you suggest, Dr. Turner, there are lot of dedicated teachers in this world, a lot of dedicated counselors, just as this panel reflects.

Now, is one way to get this dedication an economic way? You talked about the additional funds people in your school get. Is there sort of a hazard pay in Miami for teaching in the inner-city school?

There is in some cities, and that's been proposed as policy in some States. What is your feeling on that as a solution to attract the better teacher and to make up for the frustrations that teachers or counselors might suffer in such a situation?

MR. WOODARD. You may create a problem there as to who is the better teacher and the location, although at MacArthur, the alternative school, the teachers are given the extra supplement. But I think, as to who is the better teacher, you are going to have problems in dealing with that.

COMMISSIONER HORN. Well, by what criterion would you judge a teacher? You are on the firing line as a principal.

MR. WOODARD. Well, [by] looking back at the evaluation of results in the classroom.

COMMISSIONER HORN. In other words, where the students are when they begin with that teacher and where they end up in terms of academic achievement; or are there other scales you are using to measure, say, wholeness of personal attitude and so forth?

MR. WOODARD. The wholeness of the child or the student. We'll evaluate it from that point.

COMMISSIONER HORN. Are the teachers in Miami unionized?

MR. WOODARD. Very much so.

COMMISSIONER HORN. Has unionization affected the attitudes of teachers toward their dedication to the student in a learning environment in a classroom? Let me parenthetically put a footnote in there and say, all of us recall, with some degree of affection or lack of affection, the spinster school teacher stereotype of our youth and our father's youth and mother's youth, who presumably were dedicated. They worked around the clock; they tried to get students to achieve, etc.

The question would be—and that's behind my question—if Aunt Minnie or whoever had a contract that said get out of the schoolroom at 3 and don't spend 3 hours afterward unless you are paid for it, would that change the learning achievement of the classroom?

MR. WOODARD. Dr. Turner may be able to answer that one.

DR. TURNER. Thanks. Appreciate the opportunity. I would have to say from a personal standpoint I don't think there is any question that unionization has had some effect, whether real or perceived to be real, and I think we read of the militant union and we cannot accept in our mind that a militant union member who is a teacher could also be one of those dedicated, loving, warm people.

I think the truth of the matter is they can. But I think the whole trend toward unionization—which, here again, I think came as a result of sometimes possibly abuses, possibly a lack of thoughtfulness on the part of the community and administration, and whether the threat was real or perceived, the fact was I think teachers felt they needed to unionize for their own good, and they have.

I have seen many examples where I think the union has helped. I also have seen examples where in my opinion the union has been very negative in terms of helping improve the image of education in the minds of the public.

COMMISSIONER HORN. Ms. Jennings, you had a point?

MS. JENNINGS. I feel that the union has affected the dedication of teachers, and I don't really believe that even with a hazard pay, unless it was very significant, that it would make much difference in getting dedicated teachers for the inner-city schools. I would hope that money wouldn't be the only consideration for a dedicated person and a good teacher wanting to work in a school.

I would like see more teachers who wanted to work there, however, and it is very difficult job working in an inner-city school—and it is a very difficult job being a teacher anyway in this day and age—and I think it is extremely difficult working in some of our inner-city schools where the teachers and the administration do not and are unable to get the support that they feel they need from the parents for a variety of

reasons, and that the school may not look as nice as the very pretty schools in some of the other areas, and maybe the equipment is old and it is not as new. So there are many other things that teachers will speak of when they talk about being in an inner-city school versus being in the nice little school that's further out in the suburbs, so to speak.

I think we need to offer some incentives, but I think the incentives have to be other than just the money in order to attract the good teachers and retain them. I think we attract a lot of them and some of them are new, and they come in and they get the inner city as their training ground, and as soon as they get the training that they need—and they are very good teachers—they leave and transfer someplace else. I have heard principals say that over and over again, that “when they leave my school, then they can go and teach anywhere.”

COMMISSIONER HORN. See, this panel is really at a key aspect of that youngster's possible future life in the sense of your dealing with psychological needs, counseling needs, etc. It seems to me one of the frustrations I see with most teachers and counselors in the urban school is that the urban school has a very small part, but a very vital part, of that child's life, and yet the expectations of society are that the school will solve the problem that society has failed to solve.

Now, one of the things that has always disturbed me is too many schools are on a 9 to 3 operation and there is very little relationship with the total support services of a community and a tie-in in counseling advice, youth groups, whatever, or psychological advice, and the youngsters in the schools.

Are you satisfied as professionals, in your own mind, that there is a plan in the Miami public schools or the Dade County public schools that really relates to what you are trying to accomplish in the schools to a broader communitywide support network so that that child, if you can get the child to school—and that's dubious often, given the family situations, the malady—do you use the term “socially maladjusted youngsters?”—that you deal with in many of the situations, that there is some network in a relationship support system so that you are seeing that child and trying to help that child for more than 9 to 3?

What is your feeling on that?

DR. TURNER. Well, I don't know how aware you are of the rather extensive community schools program that we have at Dade County and a very extensive adult education program. We have many of our elementaries and junior highs and some senior highs who operate a community school program until 9 to 10 in the evening, and in the case of our adult education, even to 11 in the evening. And there is an attempt made in those schools to bring the community in for meetings, to bring social agencies in, to maintain that contact, [and] to give the parent a feeling that he or she is a part of that school and has a part in the operation of that school.

We also have a very extensive network of parent advisory committees which work on a cooperative basis with the administration of the school. And we do have many attempts—I know, there again, in Miss Jennings' area in the area of counseling—to work very closely with the

social services available in the community, to provide medical help, counseling help beyond what we are able to give. We work with various agencies to meet the physical needs of youngsters where we don't have the resources to do it, so there is a lot of that done, although I would certainly say we could do well to do more of it.

COMMISSIONER HORN. That's the point. I realize there are plans. Many cities have them. There are opportunities there. Some people take advantage of them, but often it isn't the people that really need the help, as we all know. It is the same with the PTA. What parents join PTA? I guess what I am after is a sense, based on your professionalism, your personal commitment as to the degree to which you feel all those nice plans are really working and accomplishing, Dr. Morgan?

DR. MORGAN. Yes. You know, we have to remember that education reflects the society it serves, and I think that in Dade County the society is unbelievable and huge in ethnicity, in languages, in social economics. It is a very complex community.

How education can service this community then must reflect this complex society; how many Latin groups have blacks on the agenda, how many blacks have Anglos on their agenda, on and on and on. So the community must come to grips with itself, like it or not, if this community is to survive. The school system also must deal, and there will be chips that may not fall in the niceties, and then we must deal with that. I think education must learn to deal with, "We've made these mistakes." Then we'll pick up and do better, and I think this is what education is all about.

MS. JENNINGS. Although I think these schools have a plan, even if preliminary or tentative plan, for trying to work with the support systems and agencies in the community, I am not that sure that the community agencies really have a plan for dealing with us and with parents and the students in the community. I think most of the time, even though we have many agencies that work along with us, I think the services that they provide are sometimes minimal.

I think that most of the time it has been the school system that has reached out its hand to ask them to come work with us in a cooperative effort. I think there should be—I don't know if the commitment is as great, and that is why many times the schools have taken over many of the things that other institutions should be doing and could probably do a very good job of it.

Take, for example, the drug problem at this point. I think we have many parents who are very concerned about drugs and their youngsters, and though it does not appear that, as of this point, it is a greater problem within the schools as it has been in the past, the parents still look for the school to do something about the problem, and they look for us to do something about teenage pregnancy, and they look for us where students have medical problems. We are the first people they call. My office specifically is one of the first places they call to get some idea of agencies within the community that can help and work with them.

COMMISSIONER HORN. Thank you.

COMMISSIONER SALTZMAN. Mr. Woodard, I'm sure there are successes in your school. Can you pinpoint what helps to make for the success of a student, turning that student around?

MR. WOODARD. You would like to know the success stories, that kind of thing?

COMMISSIONER SALTZMAN. I'm sure you do have some success stories. What brings about that success? Can you pinpoint the influences that go into the student, the forces that create that success?

MR. WOODARD. Small classes. Teachers are able to get to the student, maybe one-on-one, just give them some directions instead of giving group counseling or group directions.

COMMISSIONER SALTZMAN. When the success occurs, it is a result of a person-to-person relationship between student and faculty?

MR. WOODARD. This is true, very much true.

COMMISSIONER SALTZMAN. That's the most basic influence?

MR. WOODARD. That is true.

COMMISSIONER SALTZMAN. Ms. Jennings, would you like to comment on what brings about the successful student? Do you feel that it's primarily the impact of the personality of the teacher on the student, like Mr. Woodard said?

MS. JENNINGS. Are you talking about any student or the students that he takes care of?

COMMISSIONER SALTZMAN. Now I'm talking about any student. To him I was talking about his particular student.

MS. JENNINGS. I think the effect of the home and the parents are extremely important, and the motivation that they are able to give to their child about the importance of education, and so forth. I think the fact that when we have students that are not as fast to get work as some others, that we are able to provide a little more incentive for that particular youngster.

COMMISSIONER SALTZMAN. Dr. Morgan, what are the benefits, if any, from your point of view, of a bilingual program to the black student?

DR. MORGAN. Well, what do you mean? Do you mean bilingual linguistically, the two languages?

COMMISSIONER SALTZMAN. Yes.

DR. MORGAN. Or by cultures, the two cultures, because you see, what I—

COMMISSIONER SALTZMAN. I mean the black student who is not Latin in culture. Is there a benefit to his or her participation in a bilingual program, from your point of view?

DR. MORGAN. Of course. There would be employment. That's one of the important practical things.

COMMISSIONER SALTZMAN. On the other hand, we heard this morning in testimony both from a student and from another source that black students are not hired in the Latin community, so it doesn't bring any benefit to know Spanish.

DR. MORGAN. You know, I think if a student goes out and especially a black student who has not been able to find a job, be he or she

bilingual or not, he's experiencing this; they know that if it doesn't work it doesn't work, but what I'm trying to get to is, are you referring to my program in particular or to bilingual programs in general, you see, because there are two or three different answers.

COMMISSIONER SALTZMAN. I want to know why should a black student take Spanish or participate in a bilingual program here in Dade County, from your point of view?

DR. MORGAN. From my point, because, first of all, I think that the blacks and Hispanics must take classes together and be together and learn of each other's cultures. This is a very important aspect of bilingual programs, although the possibility of jobs not being open to them, at least the black student has then that much more to offer in the community. The expanding of his own experience outside of the inner city is vast, the enrichment.

CHAIRMAN FLEMMING. We want to thank all of you for being here and making these contributions. They have been very helpful. Thank you very much.

Counsel will call the next witnesses.

MS. STEIN. Mr. Chairman, before the next witness is called, Dr. Morgan has some needs assessment studies on counseling that she's brought with her. I would like to request they be designated as exhibit 5 and received into the record.

CHAIRMAN FLEMMING. Without objection, that would be done, and, thank you very much for bringing them.

MR. MCGOINGS. The next panel is Fred Schollmeyer, Lester Freeman, George M. Koonce, and Cathy White.

[Fred Schollmeyer, Lester Freeman, George M. Koonce, and Cathy White were sworn.]

**TESTIMONY OF GEORGE KOONCE, JR., PRINCIPAL, MIAMI NORTHWESTERN SENIOR HIGH SCHOOL; LESTER FREEMAN, EXECUTIVE VICE PRESIDENT, GREATER MIAMI CHAMBER OF COMMERCE; CATHY WHITE, OCCUPATIONAL PLACEMENT SPECIALIST, EDISON SENIOR HIGH SCHOOL; FRED SCHOLLMAYER, DIRECTOR, VOCATIONAL PROGRAM SERVICES, DADE COUNTY PUBLIC SCHOOLS**

MR. MCGOINGS. Beginning with Dr. Koonce, would you each state your name, address, and occupation for the record, please?

DR. KOONCE. George Koonce, Jr. I live at 14651 Southwest 94th Avenue. I'm principal of Miami Northwestern Senior High School.

MR. FREEMAN. Lester Freeman, executive vice president of the Greater Miami Chamber of Commerce. I live at 2180 Brickell Avenue.

MS. WHITE. I'm an occupational placement specialist at Edison Senior High. My address is 19221 Northwest 43rd Avenue.

DR. SCHOLLMAYER. I'm Fred Schollmeyer, director, Vocational Program Services. I live at 301 Northwest 143rd Street.

MR. MCGOINGS. Thank you. Beginning with Dr. Schollmeyer, would you please describe briefly the range and breadth of vocational educational programs offered by Dade County public schools in high schools?

DR. SCHOLLMAYER. Yes, sir. In terms of numbers of students in programs, is that what you're after?

MR. MCGOINGS. Yes, and the types of programs, please.

DR. SCHOLLMAYER. Well, we have statistics from last year and last year we had over 24,000 students involved in what we call job preparatory programs, and a job preparatory program takes place in grades 10 through 12. That represented 47 percent of the total enrollment of students in grades 10 through 12 in the overall system.

Our programs range anywhere from a course or program in health occupations to automobile mechanics, agriculture, and so forth. I would say our vocational programs are very diverse.

MR. MCGOINGS. Thank you. The next question is addressed to each of the panel members.

In your opinion, Dr. Koonce, are vocational education programs a real asset to youth looking for employment after high school?

DR. KOONCE. Are the programs themselves an asset for youth?

MR. MCGOINGS. For employment after they finish high school.

DR. KOONCE. Yes, I think the programs for those youngsters who complete them, yes, I think there is an asset and provides them some opportunity to get into employment. I would quickly add that the availability of the programs themselves is not all that is needed for a number of youngsters to take full benefit of those programs.

MR. MCGOINGS. Mr. Freeman?

MR. FREEMAN. It is a little hard to deal with it from the point of view from the student. I think from the point of view of the employer, there are certainly elements of vocational training which are important to the employer. I think that there are breakdowns in the system of delivery and in the systems of communications between the employers and the educators and the students, which means that we don't take full advantage of the system sometimes.

MR. MCGOINGS. Ms. White?

MS. WHITE. I think vocational programs play a very important part in the student being employed. I think it is important for a child to enter the job market with a marketable, salable skill as well as having some employability skills, knowing what the employer is going to expect of him, and then, in turn, being able to assimilate himself into the job market. And I think the vocational program is what is necessary for every child to be salable and marketable.

MR. MCGOINGS. Dr. Schollmeyer?

DR. SCHOLLMAYER. I would just be repeating what was said. There is no question in my mind that the vocational program is a very important program as far as job placement is concerned. I believe, though, that the vocational program is misunderstood as far as its use. The program is designed to prepare people for employment, and it is not designed to teach people to read, write, and so forth.

I would say that if you are viewing a vocational program for a specific purpose, which is to prepare people for employment, there is no question in my mind that it is a very important program.

MR. MCGOINGS. Thank you. Dr. Schollmeyer, to what extent do students in Dade County participate in vocational educational programs?

DR. SCHOLLMAYER. Well, I have given some figures. We have, last year, over 24,000, and I would like to give you a breakdown of that, if you will.

MR. MCGOINGS. Yes, if you would, please.

DR. SCHOLLMAYER. For you to appreciate this breakdown, I am going to be talking about grades seven through nine; that is what we call our exploratory programs. We had a total of 55,506 students participate in our exploratory program during 1979-80. Of that, 29 percent of those students were black, 36 percent were Hispanic, and 35 were other.

Going on to the other preparatory program, as I mentioned, we had over 24,000 which represented 47 percent of the students enrolled in grades 10 through 12. Breaking that down, of that 24,000, 35 percent were black, 35 percent were Hispanic, and 30 were other, and I think you need to understand what the breakdown of the total system was at that time.

At that time, which was 1979-80, we had a total of 51,034 students enrolled in grades 10 through 12. Of that 51,000, 24 percent were black, 35 percent were Hispanic, and 41 were other.

MR. MCGOINGS. Thank you.

Dr. Koonce, does vocational education suffer from a poor image, in your opinion?

DR. KOONCE. I think it suffers from an image. Let me say this to kind of explain what I have in mind. I think for a black youngster sometimes does not see mirrored in the general society a lot of success models in many of our vocational areas, and that may not necessarily be always tied into the delivery of services by the school system, but it might be tied directly into the employment opportunities available once having completed a program.

Part of this may be due to the fact of our lack of a very systematic sense of counseling, especially vocational counseling, with some follow-up in terms of employability skills and what have you. That may not be systematized enough to make sure that young people, especially black people who suffer the highest degree of unemployment, to realize the actual worth and the chance to earn a living in the vocational type programs.

If you take the courses for carpentry or for sheetmetal work or for welding or what have you, we do not, because of some other constraints—and as I said they may not all be related to the school system—black youngsters, black people, I guess in general, are not employed in great numbers in those fields, and we need that kind of systematic thing up the line for young people to really pursue this as a vocation. I think one of the other problems we're having there, especially, say, in the inner-city schools, the condition of the vocational shops, the facilities are not as attractive as I think they should be on a comparative basis.

For instance, we have some area tech schools that service our schools on a shared-time concept, and if you would look at a center like Miami Lakes Technical Center, Robert Morgan, Lindsay Hopkins, those are area country club types in terms of their facilities or anything you can think of. And then not having the kinds of access that I need for the students at Northwestern, or either students from Central or Jackson, to participate in that program may, in fact, impinge or infringe somewhat on their participation in those programs.

MR. MCGOINGS. Thank you. Dr. Schollmeyer, I would like to direct that same question to you. Do you believe that vocational education suffers from a poor image?

DR. SCHOLLMAYER. Yes, sir, I do, and I think there are several things that—I would say these are misconceptions or perceptions. One of the things that a lot of people believe is that vocational education is obsolete, that the training that a student will receive is for jobs that no longer exist. Another one is that vocational training is only for the noncollege-bound student.

Now, vocational education is not terminal in nature anymore, like it used to be. It is so designed now that students can prepare themselves for work and continue their education, so this is a poor image as far as the results of vocational education.

There is also a lack of guidance and understanding, as far as guidance is concerned, as to what the objectives of the vocational programs are about, and also a lack of guidance personnel, period. Also, vocational education is not responsive to the needs of the community, and the community is the business community that we are attempting to serve.

Also, that vocational education does not serve minorities and in our particular county I do believe it does. These are poor images or concepts that the public teachers and parents and students have of vocational education.

MR. MCGOINGS. Thank you. Dr. Koonce, what role do guidance counselors play in encouraging students to participate in vocational education programs?

DR. KOONCE. Well, guidance counselors are supposed to play a very central role in students selecting their courses and, hopefully, careers and what have you. But when you look at the ratio of guidance counselors, I think we are on something about 450-to-1 or something like that. You do not have a sufficient number of counselors to do the academic counseling and with vocational counseling then as complex and suffering from the image that Dr. Schollmeyer just explained, we need more of an intensified role of counselors in this particular area. So I think they are essential, but let me say this, I think even if we had the—given the role that counselors play, I don't think it is adequate. And it is primarily based on numbers, some from a lack of training or lack of knowledge or all of the various offerings of vocational programs and how they tie into employment. But I think an additional problem that we have with working with minority youngsters is that we have to have intensified counseling to show them the real value of it and that there are real possibilities out there for employment.

We suffer sometimes for some kind of unrealistic goals that our young people happen to fall into, where we have told them over the years that "you go to college; you go to college and you be a doctor or a lawyer or a teacher." And we have to come back and kind of cut that tie, because there are just too many plumbers and carpenters and brickmasons and sheetmetal workers who are making more money than I am, and we have get to youngsters to understand that. We have to fight almost a cultural pattern there. The counselors play an important role and we need more of it, and we need specifically trained vocational counselors.

MR. MCGOINGS. Thank you. Dr. Schollmeyer, how does the vocational education department determine whether the course offerings include the teaching of skills required by available jobs?

DR. SCHOLLMAYER. We have a number of ways of doing that. First of all, our State requires that we do what we call a 5-year plan, and that 5-year plan takes into consideration our potential output as far as students training for a particular occupation. This potential is weighed against the need, and so this kind of plan takes place and we require it at State levels.

In addition to that, we have organized and have in operation 62 craft advisory committees, and a craft advisory committee is a group of people that represents the particular occupation. And we rely on that group of people to give us specific input about the content of our courses, the kind of equipment that's needed, employment opportunities, and so forth. So between our 5-year plan, which we deal with labor market needs, the input from our 62 craft advisory committees, this is basically the way that we determine which course should be offered and which should not be offered.

MR. MCGOINGS. Thank you. Mr. Freeman, what is the business community's perception of the vocational education department's ability to coordinate its programs with the needs of the job market.

MR. FREEMAN. I think it is in two fields, really. I think that the business community feels that Dade County public school system can react beautifully, effectively, and with a great deal of skill to a specific request for help, such as a major new industry which may be coming into town, at which time we can deal at the top of the industry and the top of the school system and the top of the other institutions involved in the process. We can design and custom-make, tailor-make a program for that particular industry which is outstanding, and that has been demonstrated on several occasions recently.

I think when you fall back into the general systematic operation on a daily basis, there is less efficiency and less communications.

I want to hasten to add that responsibility is not all the school system's. There is enormous amount of responsibility involved on the other side, in the employing systems in the community also. So I think that, if we could apply the same techniques and the same emphasis and the same concept of tailor-making programs to the system as a whole as we do to these special needs that come up and seem to attract a little

more attention because of the glamor involved, it would be very helpful.

MR. MCGOINGS. Mr. Freeman, generally speaking, what is the relationship between the educational system and economic development?

MR. FREEMAN. Well, I think the previous answer lays a little of the emphasis on that. I think the attitude of the school administration, the educators, is one of participating in economic development programs. There is no question about that. It breaks down, when it breaks down, in the implementation. It is a very large school system and it is a very large community and, in the day-to-day implementation, it becomes difficult. The technological changes that are taking place within industry itself, they don't do a very good forecasting job of the kind of skills and kinds of equipment they are going to need.

I can't say that we should have an enormously higher level of expectation from the educators to be able to forecast what the needs are going to be, but I do think that there is a general feeling among the personnel people that there is not a clear enough match between the needs, the skilled needs, and the training programs. I think that is true.

MR. MCGOINGS. Dr. Koonce, please describe briefly the history of Miami Northwestern Senior High School, the size and composition of the student body, and the types of programs offered.

DR. KOONCE. You want kind of a brief history? Miami Northwestern, I believe, was constructed in 1956 or '55. It is located in the inner city. It is the only remaining senior high school that was built expressly for blacks. This is prior to our desegregation and integration process. It is a comprehensive high school, whereby it has a full array of vocational programs as well as the academic parts of it. It has gone through several stages in terms of its student population, from once being overcrowded to a point where it is underpopulated and underenrolled.

Currently, the capacity of the school is about 2,200. The program capacity is about 1,900, for you to offer all these programs. Currently, about 1,729 students are there. Student population is about 99 percent black. We have five Hispanic students and one white student full time. Because of some exemplary programs placed there, whereby the school board has made some definite attempts to beef up its curriculum and offer us the magnet school concept, with a performing arts center, an academic excellence program, and some specific programs for college-bound students in science. Whereby we do attract nonblack students on a shared-time basis, and those three programs are in effect currently.

That was briefly, and if you have any specific questions, I will follow up with them.

MR. MCGOINGS. Could you explain why vocational educational programs are particularly important at Miami Northwestern?

DR. KOONCE. Well, I think if we tied the unemployment situation, we could easily see that if you have 37 or 40 percent unemployed youth, then that clearly gives you an example as to why we need some youngsters who have marketable skills upon graduation. I think more important, or as important, is that we provide some opportunities for youngsters to get some introduction into the world of work and also to

provide some opportunities for them to learn the importance and the dignity involved in that, and this is wherein lies great need for counseling.

I think it is so important that, in fact, if we do not have an area of vocational tech school and that area comparable to that of the ones I mentioned previously, that those vocational shop areas should be updated to the extent that they are comparable in terms of physical sense and in every other sense to those kinds of programs. Because there is, from the point of unemployment, from the point of the dignity of work that needs to be emphasized with those youngsters in particular, there is a great need for a program to be in existence and to be upgraded comparable to any other program in the county.

Mr. McGoings. Thank you.

Dr. Schollmeyer, in a 1973 study called the Arnold report, a consultant who did an extensive study of vocational education says that the school system needed to provide better services in vocational education to minority students. Was any action ever taken on that recommendation?

DR. SCHOLLMAYER. Yes, sir. One of the things that took place in that same study was a recommendation to do something about expanding the opportunities for students in vocational education, and also the recommendation that was made to the board which was accepted by the board that we have an enrollment of 40 percent in grades 10 through 12 in a preparatory program by 1980. I am not quite sure just what our enrollment was at that time, something like 17 percent, so, since that time, we have increased the enrollment of vocational education to 47 percent, which I would consider quite a significant step forward.

In addition to that, why, we have opened a new center, Robert Morgan Center in the south of the county, which made it possible for students to attend the vocational program on a shared-time basis. In the north central area we have formed a consortium of four schools made up of Miami Northwestern, Miami Central, Miami Jackson, and Miami Edison. The three schools are considered comprehensive high schools, and in forming this consortium we actually increased the offerings or diversified the offerings for the students within those four schools; in other words, a vocational program that may be offered at Miami Northwestern that was not available at Jackson now is available to all students at Miami Jackson. So I think that has done something to improve the opportunities for minority students in those particular schools.

MR. MCGOINGS. Thank you.

Mr. Freeman, the Greater Miami Chamber of Commerce has placed education among its highest priorities. Would you explain why that's so?

MR. FREEMAN. Well, each year we conduct an annual conference at which all of our members participate in selecting the prime needs, the prime concerns of the community at large as viewed by our constituent-

cy. For the last 3 years they have selected in conference education as being the number one need of this Dade County community.

It relates entirely to the economic health of the community, and the business community is simply saying that education is not only from the point of view of the parents and teachers and everybody else, but from the point of view of the economic sector, is the number one ingredient. And we run into it from almost every point of view; that is, in recruiting new industry, education of the recruit's children is a key element, the opportunity for the professionals to continue their education in higher educational institutions is a key element, and in helping existing industry to grow within the community, the educational capabilities of the vocational technical adult schools has a lot to do with it.

In the simple ability to hire everyday employees, of which the private sector in this community takes 7 out of 10, and then, of course, the concern with cost benefits of the education system in general, so I think that it has been said to be the number one concern of the Dade County business community for 3 years in a row.

MR. MCGOINGS. Thank you.

Dr. Schollmeyer, is the perception correct that black students who participate in vocational education programs are often concentrated in less technical courses with lower income potential?

DR. SCHOLLMAYER. I really couldn't answer that. I would suspect that's probably true.

MR. MCGOINGS. Why does this occur?

DR. SCHOLLMAYER. I really can't answer that. The policy of our system is to make any vocational program available to any school providing that program is not available in their school, and so the system has made it possible for the students to participate in programs, and I am not quite sure why they don't. I would guess that it's possibly the thing we have talked about earlier, a lack of guidance that could possibly be the answer to it.

MR. MCGOINGS. Do you think there might be a paucity of role models for blacks as tradesmen and teachers?

DR. SCHOLLMAYER. I'm sure there is.

MR. MCGOINGS. Dr. Schollmeyer, do black students participate proportionally in vocational programs which prepare students for trades which are unionized?

DR. SCHOLLMAYER. We have very few programs in our system. Most of our programs—most of the unionized shops in this area are in the building trades, and we only have one program in the building trades area and that happens to be at Miami Central, and I daresay that most of the students that are participating in that program are black.

We do have a large apprenticeship training program that takes place at postsecondary level, and there is a lack of black participation in those particular programs.

MR. MCGOINGS. Dr. Koonce, I would like to ask you that same question. Is the perception correct that black students who participate in vocational programs are often concentrated in less technical courses with lower income potential?

DR. KOONCE. Well, I'm not certain I can say with any degree of validity whether that perception is true or false. It is my perception that it is true.

I was just thinking of some of the programs that might not be accessible—accessibility may be one of the reasons, might be one of the factors. If you look at some of the programs that are offered at some of our area technical schools, they are not offered in the comprehensive high schools, so accessibility may be one of the factors that cause this perception to be true.

Another possible cause is that of the thing we have talked about earlier, the role model situation. If we just don't have mass numbers of black people who are computer technicians, or who repair Xerox machines, or who repair any kind of business office machines where the employment opportunities—if they are there—we don't have enough that they present enough of a mirror that would provide the aspiration on the part of some minorities getting into that. That's my perception as a possible cause.

MR. MCGOINGS. Thank you.

MS. WHITE, would you please describe your responsibilities as an occupational placement specialist?

MS. WHITE. As an occupational placement specialist I have the responsibility of giving career guidance to all the students in the high school, to give placement and followup services for those students as well as to give career counseling and advising placement and followup to those who drop out and those who leave Edison Senior High.

MR. MCGOINGS. Ms. White, from your perspective as a placement counselor, do you believe that students are graduating from Dade County schools prepared to successfully compete in the job market?

MS. WHITE. I think that most students are prepared academically, but I think that on the same vein most of them are not prepared vocationally. I feel all students need to have some marketable skills once they graduate. I think that gives them an assurance. It also gives them some form of independence, and for those students who graduate without skills, I think they are not prepared to deal in the job market.

MR. MCGOINGS. Thank you. Dr. Koonce, do you believe that students are graduating from Dade County schools prepared to successfully compete in the job market?

DR. KOONCE. I think that they are prepared. There are definitely some additional things that we can do to beef up that success, to ensure their success, and I think one of the problems that is related directly to them in terms of the vocational training is maybe the lack of a systematic program dealing with employability skills, maybe as a separate subject matter. That's as close as we could come to requiring it, that we work with youngsters about the dignity of work, the importance of it, how to keep a job, first of all getting them a job, and how to maintain a job; because we do have a number of youngsters who do not understand the full scope of responsibility that goes along with a job, and what all that takes in terms of maintaining it and professional growth on it.

I think they are prepared, to answer your question, but I think there is a definite need for us to do something about the maintenance of a job in terms of preparation of a youngster to maintain a job, change their whole perception of his responsibility to that role.

MR. MCGOINGS. Yes. Mr. Freeman, I would like to ask you the same question. Do you believe that students are graduating from the Dade County schools prepared to successfully compete in the job market?

MR. FREEMAN. Well, I think they probably are. I think the noncollege-bound high school graduate is finding work for the most part. Now, I have an idea the employers would like to have them come out a little bit higher grade, a little bit higher skills, but I believe for the most part the job market is there and it's functioning. I certainly would suggest that the employers that I talked to, the vocational side and the marketable skills side is important, but in many, many cases you never get to that opportunity because of the lack of basic skills. But, yes, I have to answer yes, because I think that most of the noncollege-bound high school graduates are getting jobs.

MR. MCGOINGS. Thank you.

Ms. White, what do you recommend to students graduating from high school who do not intend to attend college?

MS. WHITE. For those students who graduate high school, getting back to the former question, I feel are not prepared to go right to a job, at least not from Edison Senior High School. They are prepared academically, but many of them do not have vocational skills; they have not had vocational training. Therefore, entering a job market they would have to enter on the minimum level job, and they would enter at a job where there is no upward mobility.

Because of that, I usually channel most of my students who are graduating into a vocational training program, even with the high school diplomas, so that they will be able to secure skills to deal in a job market.

MR. MCGOINGS. I would like to address this question to the entire panel. How important is the ability to speak Spanish to finding gainful employment in Dade County? Dr. Koonce?

DR. KOONCE. I think it is important. I think the perceived importance might be greater than the importance. Let me say that again. I think the perceived importance might be greater, in fact, than what it really is, but I think the ability to speak Spanish in terms of increasing or enhancing one's employability is needed.

MR. MCGOINGS. Mr. Freeman?

MR. FREEMAN. I think that for a very small additional personal investment to learn this other language the opportunities are increased manyfold, and I think that it is virtually a functional necessity for that youngster who really wants to participate in all the economic opportunities in this county to have a conversational knowledge of Spanish.

MR. MCGOINGS. Ms. White?

MS. WHITE. I agree with the other gentlemen. It is very important, especially if the students are going in on an entry level position.

MR. MCGOINGS. Dr. Schollmeyer?

DR. SCHOLLMAYER. I agree with the other panel members. I would like to add, though, and I need to underscore this, what we're saying is, it is important that the students be able to speak both languages, not only just Spanish but both English and Spanish, and then I would definitely say that the person with that ability has an advantage over a person who only speaks English.

MR. MCGOINGS. Thank you. Mr. Chairman, I have no further questions.

COMMISSIONER HORN. I would like to pursue the conversational Spanish. I agree completely with that aim. Is it your judgment that the Dade County public schools are producing students who can speak conversational Spanish, or are they simply taking courses in elementary, secondary school where they perhaps learn labels, learn names for things, but they really can't put it together?

MR. FREEMAN. It is my judgment the non-Spanish youngsters do not learn conversational Spanish in Dade County schools.

COMMISSIONER HORN. Has the business community brought that to the attention of the school board, and if so, what kind of response have you secured?

MR. FREEMAN. You don't really have to bring it up, sir. It is the biggest, probably, issue in the educational system in Dade County at the present time. The business community doesn't want to get into it any more than we already are. It is such a terribly complex issue, and I don't mean to treat it lightly. The definition of bilingual education in itself is so obscure to many people and so misunderstood. Are you bilingual if you speak broken Spanish and fluent English, or are you bilingual if you speak broken English and fluent Spanish? These kinds of questions—do we go to school and continue our Spanish language education in Spanish? Do we go to school to learn English as a second language? All of these are terribly complex questions.

I'm dealing with it functionally only. The marketplace in Miami, in the general business transactional sense, is bilingual for the most part, and it is going to get much more so in the next 10, 20 years. Therefore, for a youngster to participate in that, that youngster should have conversational Spanish.

COMMISSIONER HORN. Well, I agree with you. I think one can have effective conversational Spanish because of the nature of the economic community in greater Miami and not really get into the issue of bilingual education.

MR. FREEMAN. I agree very much with that. Thank you for saying it.

COMMISSIONER HORN. And I think too often we are deflected from trying to be effective and efficient in accomplishing one aim by getting off on some ideological trip.

I notice in the interview notes the chamber was going to have a conference on December 1, and I realize that we're a little out of sequence, but you won't be back when we discuss economic development. I noted that one of the topics to be discussed was the concept of

an enterprise zone and its applicability to the Liberty City area. What did you learn from that conference?

MR. FREEMAN. Accurately stated, the conference was conducted by the University of Miami School of Business Administration, and we encouraged and requested that they do it, but we felt the discussion should be done in an academic atmosphere rather than in the business community atmosphere. I did attend.

I found it to be a very stimulating discussion. We had, I believe, eight economists here from all over the United States, including Dr. Butler from the Heritage Foundation who seems to have the reputation of being one of the founders of the idea.

I think the upshot of the conference was there are a lot of unanswered questions about enterprise zones and their impact and whether or not it will work, but my reading of the conference was that it is an approach that has not been tried in a center city such as Liberty City, where we have such a terrible economic depression or virtual economic desert that it might be worthy of taking the enterprise zone concept and putting it in effect in Liberty City, assuming that the neighborhood wants it and understands it and agrees with it.

I think that's the key element. The academicians that were in this conference, though, I believe agree that it had enough merit and enough genuine excitement that it should be given an opportunity on a pilot basis by the United States Congress and the State legislature.

COMMISSIONER HORN. Were there public officials from Florida and Dade County there who got into the possibility of waiving taxes and other laws in that enterprise zone and, if so, what was their response?

MR. FREEMAN. Their response was more questioning and we need to know more. We are still at a theoretical level here. We don't know what the practicalities are. The fact is the Florida Legislature, in its last session, did offer some particular tax incentives for the Liberty City or revitalization area so they are in that mood already. But there are lots of questions, and I think that the enterprise zone conversations will be continuing and getting heavier; but Miami is one of the places that will probably be the focus for some of the conversations. I hope they do.

COMMISSIONER HORN. I commend you on that experiment. That could be a very exciting model for the rest of the country.

MR. FREEMAN. If it works.

COMMISSIONER HORN. And if we construct free trade zones all over the United States to stimulate enterprise on an international basis, you would think we could do this on a domestic basis.

VICE CHAIRMAN BERRY. Dr. Schollmeyer, when I listen to you talk about vocational education, I get the impression that if only black students who live in poor neighborhoods here in Miami and Dade County would opt for vocational education programs, take those courses and graduate, that their unemployment problems would be solved. Would that be a correct inference to draw?

DR. SCHOLLMAYER. Let's put it this way. There are jobs out there, and if you will pick up the *Miami Herald* and do this on Sunday, you will find there is at least 25 pages of job opportunities. I'm not talking

about low level jobs; I'm talking about jobs that require some salable skills.

If you also read those ads, you notice it generally requires some experience. To me this is the key requirement, because the students that we turn out do not have any experience, so really what it amounts to is that first job is the hardest job to get. I think the first job for the black students is the hardest job to get, and once they get that job, of course, they are on their way, so I would say that if we had additional training for these students in employment skills, more assistance in job placement, which would mean that they would be coached as to how to get that first job and so forth, the answer would be yes, there are jobs for people who are trained.

VICE CHAIRMAN BERRY. What is your placement rate for the black students who are in the program now, not only placement but assistance in a job once they have it, the ones that took that?

DR. SCHOLLMAYER. I don't have that figure.

VICE CHAIRMAN BERRY. So we have no data on which we can assess whether the black students who take vocational education have greater or fewer chances of getting a job than people in the white community who are employed?

DR. SCHOLLMAYER. I don't have that.

VICE CHAIRMAN BERRY. Are you familiar with the study of the vocational education which was made for and sponsored by the National Institute for Education, which came out recently, which stated that students who take vocational education have no more success in getting jobs and keeping them than students not taking vocational education?

DR. SCHOLLMAYER. I've heard that and, of course, I could cite you another study that just cited exactly the opposite, and I can't give you the exact title of it, but it was done, oh, about 7, 8 years ago, and the study cited examples of students who received vocational training who were able to obtain jobs quicker. Their earning power was so much greater than those who had not received vocational training and so forth, so I suspect there are other studies that will review that.

VICE CHAIRMAN BERRY. But you have no data on which we can base this kind of assessment on the prospects of black students who take vocational education? Do you have any plans to collect such data and keep it?

DR. SCHOLLMAYER. We do a followup study on all vocational graduates. I just don't have the information with me, and I wouldn't want to cite it and give you figures that are not correct.

VICE CHAIRMAN BERRY. But you could provide the figures?

DR. SCHOLLMAYER. Yes.

VICE CHAIRMAN BERRY. Mr. Chairman, could we ask for those figures? It would be—

CHAIRMAN FLEMMING. Yes, I will ask Mr. Alexander to keep in touch with the school board and get those figures, and then insert them in the record at this particular point.

VICE CHAIRMAN BERRY. When I listen to you, Dr. Koonce, talk about vocational education, there seems to be a great contrast between

your testimony and Dr. Schollmeyer on the issue of what happens with black students in schools. You talked about the lack of accessibility to programs, and that there are certain area schools that have technical programs for which you used the term "country club atmosphere" if I understood you correctly, when you talked about accessibility to these programs, meaning problems for your students. Dr. Schollmeyer, is anything being done to make sure the students that Dr. Koonce was talking about have access to the "country club" facilities and programs in this area?

DR. SCHOLLMAYER. Somebody cited the Arnold report just a few minutes ago. That was a study made by Dr. Walter Arnold. One of his recommendations was that we establish what he called "shared-time centers"—and as you are well aware, vocational programs are very expensive—and the idea to locate vocational shared-time centers throughout our counties so that students could attend the vocational programs of the children; unfortunately, the funding of this did not come about.

As I mentioned earlier, we have one shared-time center established in the south of the county. We have what we call an area center in the north end of the county which is, I think, the school Dr. Koonce has reference to, which is built for the purpose of providing postsecondary education; however, it is being used on a shared-time basis. That, of course, is a little to the north end of our county and probably too far north for any Northwestern students to commute to, so I would say that the plan was to establish a shared-time center in what we call the north central area, which would be the proximity of Miami Northwestern.

With the shared-time center there are some problems. I'm not sure it is a problem, but we are on what we call school base management right now, and it means that when the principal sends a student to a shared-time center, he in effect loses the support that he would earn from the student attending another school. And I think that has to be worked out so that the principal will feel free to send the student to a program in which the student wants to participate and can succeed in without being penalized by losing part of his support allocation for the student that he allows at his school, he provides counseling directly, and so forth. So I'm not sure that I answered your question, but there is a plan or was a plan. Of course, the lack of money stopped it.

VICE CHAIRMAN BERRY. Mr. Freeman, would it be correct for me to understand from your testimony that if the black students are in increasing numbers opting for vocational educational training and then graduated, that the job situation here in Miami is such they could look forward to gainful employment?

MR. FREEMAN. I'd say in some skilled areas it is almost guaranteed.

VICE CHAIRMAN BERRY. Is there any matchup, Dr. Schollmeyer, with the skilled areas and encouraging students to go into them so when they get out, the chamber and other people can see to it they are getting employed, for black students in particular I'm focusing on, since there is high unemployment rate.

DR. SCHOLLMAYER. I can cite you specific examples, and I think it will answer your question. I attended a craft advisory committee meeting just last Thursday, and the craft committee dealt with what we call the metal trades, and that involved sheetmetal as well as the machinist trade. We had in attendance people who represent Rolls Royce. They are, right now, looking for 8 or 10 people and are willing to pay \$6 an hour. If they are very, very good, they would be willing to pay more, up to \$11 an hour. There were other people who were employers. They are looking for people to work in their shops, and in fact, the whole picture was very desperate as far as they were concerned. There is a desperate need for people in that particular area.

As far as whether they are white, black, or Hispanic, I believe they are so desperate at this point they will take anybody and I don't mean that in a negative way. They are willing to hire our graduates if we could produce them. Unfortunately, in that particular area there seems to be a lack of interest on the student's part.

Five years ago we had four machine shops; today we have two, and we are struggling to keep those two machine shops open as far as enrollment is concerned, so I think it is a combination of things, and I would say that we need people who understand that there is a need out there, that there is a good living to be made in this particular area. Somehow that information has to get back to the students, and it seems to me like it is through people like Ms. White and counselors that can help.

VICE CHAIRMAN BERRY. On the issue of the speaking of Spanish, which was a point that was raised, and employability, could you tell me whether the majority of the members of the staffs of each of the persons who are on the panel as well as you yourself are Spanish-speaking individuals, that you are bilingual? I'm just wondering, is it that most of the staff speaks Spanish and English and do all of you speak Spanish?

DR. KOONCE. I don't.

VICE CHAIRMAN BERRY. Do any of you? I just wondered in terms of how necessary it was to know Spanish in order to—

MR. FREEMAN. I think in my instance I'll say very quickly that I think it bothers me enormously that I don't, and I almost—in dealing particularly with Latin Americans who are up here doing business, and I virtually have to have somebody with me who does, and that's a terrible handicap; it embarrasses me, to be honest with you.

COMMISSIONER HORN. Before you leave, one question, to follow up here on the point on that vocational education cutting to two shops. To what extent have you worked with industry to have a cooperative education program which would permit students after school to be trained in industry, where there is usually better and more recent equipment than the school systems can afford?

I found in some communities industry that is shorthanded on technical skills will really make an effort to try and have that relationship with the school system because it is in their vested interest, one, to provide students with skills and, two, if they are a large company, to

let them see what the company looks like and, hopefully, they can hire them.

Have you got that kind of plan?

DR. SCHOLLMAYER. Yes, I think you have just described what we call cooperative education program. Last year we had over 10,000 students participating in cooperative education. When we speak of cooperative education, we are talking about a number of areas. We are talking about the whole field of health; we are talking about the whole field of business education, and so forth; and we were cooperating with 8,000 employers.

In other words, we had 8,000 people who were willing to take our students on a part-time basis and provide some of the experiences that you just described, so we do do that. In fact, in our vocational programs—and I would like just to be specific so you will understand—take, for example, if we have a student who, for all practical purposes, has finished the machine shop course. There is a certain number of jobs or activities that that person must complete, and we have some students that accelerate in that particular field. We don't leave them sitting in the machine shop. We put them out on the job; so we do provide that sort of activity for our students.

CHAIRMAN FLEMMING. Commissioner Saltzman?

COMMISSIONER SALTZMAN. Dr. Koonce, what is the pupil-teacher ratio in your school?

DR. KOONCE. At Miami Northwestern, I would say that our ratio is considerably lower. We are about 1 to maybe 26.

COMMISSIONER SALTZMAN. How does that compare with suburban high schools, for example?

DR. KOONCE. That compares probably favorably, even less, with suburban schools because I mentioned to you we have three exemplary programs at Northwestern. This amounts to about 15 teachers county funded over and above my allocation. One is a county program, the performing and visual arts center, which is supposed to service Dade County school students. It so happened that we've had some difficulty attracting a number of students for that program since its inception. Consequently, we have had to use the bulk of Northwestern students to make that program viable, so it has allowed me the opportunity to reduce some class sizes, especially because I have offered many of my electives through that particular program; so in other words, my student-teacher ratio—I'm in very good shape and would hope I can remain that way.

COMMISSIONER SALTZMAN. Do I hear your testimony correctly, did you say over 90 percent of your student population is black?

DR. KOONCE. 99 percent.

COMMISSIONER SALTZMAN. 99 percent. That's what I thought. Could you tell me what, or can you evaluate, guesstimate, the attitude of your student population toward their ability—well, it was identified in testimony this morning that many of the black students, young people, are filled with hopelessness. How does your student population feel about

their ability to move into the mainstream of American life? Is there a sense of despair and hopelessness in the student population?

DR. KOONCE. Well, I think that would vary. What I'm saying is, I think you would have to take the student population itself. Obviously, there are some who feel this way. By the same token, there are a number of youngsters who are very positive, who are very capable, very strong in their own ego and who they are, and feel they can compete with anyone.

From a general sense, okay, I definitely don't believe the fact that they are in an all-black setting has anything to do with their own personal outlook on life. And I say that with this perspective from the mere fact that, if you have young people who form a sense of orientation or a sense of working for them as a faculty and administrative staff, that you do everything possible to counteract that very feeling.

From that perspective, I think our youngsters are not in a sense of hopelessness. Now, one other comment, it is very difficult to separate the school setting serving as a microcosm of that general society and not say that some of the hopelessness that exists for black people in general does not in fact exist for students in general as they come out of that particular setting. But I don't think that you have a 99 percent of a student population that feels that the whole world has gone by and left them amiss. I think the faculty and staff would not allow that to happen, including the parents and their support. But I would hasten to say we have to consider and have to always remember that that school definitely reflects, to a great degree, some of the despair that has affected the entire black community.

COMMISSIONER SALTZMAN. How do they—and I know these generalizations are—

DR. KOONCE. They are very general.

COMMISSIONER SALTZMAN. Are difficult and—

DR. KOONCE. And I will do my best to respond.

COMMISSIONER SALTZMAN. How did they respond to the riots in May?

DR. KOONCE. How did they respond to the riots in May?

COMMISSIONER SALTZMAN. What is their feeling toward it, that it is self-destructive, that it is beneficial, that it is appropriate, inappropriate?

DR. KOONCE. Well, let me try to answer you this way. I think the students understood the rage; they understood the anger; they understood the frustration that was manifested. By the same token they also realized that in terms of destruction of property and loss of life that it was heavily inflicted within their own communities, and they had some pretty serious concerns about that. I would think, also, that—okay, you are about to ask me another question. Maybe that will help me. Go right ahead.

COMMISSIONER SALTZMAN. I was going to move on to one other aspect of the student attitude toward the school. Are they in isolation or do you attempt, as a school, to bring them into contact with other high schools around the city? Are there any programs that the school runs to open their horizons to the community at large?

DR. KOONCE. Okay. Well, I would say, first of all, the—two of the programs at Northwestern, one of which Dr. Schollmeyer mentioned, does attract nonminority students to that school for a portion of their class day. Secondly, our faculty is integrated, or desegregated.

Thirdly, they still compete in interscholastic activities which are allowed for and provide for some integration or desegregation, some close cultural kinds of things. Those are three specific kinds of programs on a systematic basis that provides some interchange with that student body and that population with youngsters who are different than they are.

COMMISSIONER SALTZMAN. One final question. Am I to understand that in terms of what you, Dr. Schollmeyer, and Mr. Freeman have said, that there is continuing communication and relationship between the business community and the school relative to the skill needs of the business community and the training programs that the school provides?

DR. KOONCE. Well, there is communication. It is not entirely effective and it could be much improved.

MR. FREEMAN. And much more.

COMMISSIONER SALTZMAN. Can you specify how could it be improved?

MR. FREEMAN. Well, it has to become more individualized in the sense that the individual employers must have access to the individual staff or the individual school institution that's going to fulfill their particular needs.

COMMISSIONER SALTZMAN. Is that feasible?

MR. FREEMAN. Of course.

COMMISSIONER SALTZMAN. Why hasn't it been done?

MR. FREEMAN. It was done in the case of Rolls Royce. That's a pretty glamorous operation, you see, and it is also a pretty big number, so it makes us all look nice, look rather good, to handle that one. What we've got to do is make ourselves look like when we handle everyone that comes through every day and the business community doesn't understand the access to that system, and I really want you to understand, I think that is their responsibility and not the school system, so I'm not—

COMMISSIONER SALTZMAN. Are there plans to initiate that kind of thing?

MR. FREEMAN. Oh, we spend an enormous amount of time working on it all the time through the committees of the school system and through our own committees, but there are 45,000 businesses in Dade County, and I don't know anybody outside of the tax collector that's got access to all of them, so it is a communications challenge of some substance.

MS. WHITE. I would like to address that question in that I am part of the communications link. As an occupational placement specialist I am a liaison with the community as well as with the business and industry sector, and as far as getting that information to the student, that is one of the areas that I am most concerned with.

Very often there is a guidance person who is an occupational placement specialist in every single high school, who has the task of enlightening students as to what the job market is presently, what kind of vocational courses are available, what courses they should channel themselves into as well as what kinds of questions they will be asked once they get out into the job market, what kinds of information is going to be needed and has to be presented by them.

My particular function is to make them prepared, and inasmuch as there is only one occupational specialist for an entire school population, it is a little difficult. And I think there needs to be a larger channel to filter the information from the business and industry sector into the classroom.

There is, of course, the career affairs, career days, bringing in guest speakers and community resource persons into the classroom as much as possible, and in my particular school a continuous effort is made to make students aware and have them given the opportunity to speak to the individual community people; however, because of the lack of people doing this or performing this type of function, sometimes information simply is not there for the child.

I think many more people are needed. There needs to be a greater effort to get that information to the individual child in the classroom.

COMMISSIONER SALTZMAN. Whose responsibility is that? Is it the business community's or the school's?

Ms. WHITE. I think it is everybody's responsibility. The school has a responsibility to make the student aware of what is asked of him to prepare him academically and vocationally; the business sector has the responsibility of letting the school and students know what he wants, what he needs as a prospective employee. I think it is also the responsibility of the student to gain that insight, to desire that information, and also to be motivated enough to accept the opportunity to get skilled and then go out into the job market and function.

COMMISSIONER SALTZMAN. Thank you.

COMMISSIONER RUCKELSHAUS. I just have one quick question for Mr. Freeman. I have always thought, to the extent that anybody from the business community, the chamber of commerce can do that, if it is possible to do that. I just wonder if you could characterize for me the degree to which the business community in Miami-Dade County seems to have understood and committed themselves to attending to the incredible problem of unemployment among minority youth, addressing not only those who come out of vocational programs with some marketable skills but the hard core unemployed youth who has no skill at all.

MR. FREEMAN. Since May 17 I have sensed, and I believe I can report with accuracy, there is an enormously expanded commitment to solving the problems of the inner city by the private business community in Dade County. That focus on job production, job creation, job training, all that is related to putting the long-term unemployed to work, which most of the neighborhood people seem to think is one of the basic problems.

That expanded commitment is being manifested in several ways, some of which are obvious and some of which aren't, but the most activity is occurring within the companies themselves. They have sat within their own councils and have, through their corporate structures, spoken with their black employees in almost every major employer in this community to the extent that, where did we go wrong, what do we need to be doing, what should we be doing. That employee-employer internal communication is in place in most of the major corporations, and it has been very productive, and there are things happening which will prove that.

In addition, we and the predominantly black chamber of commerce have employed a consulting firm out of Minneapolis with our money—no tax money—to see if we could develop a job creation strategy in a specific area in Liberty City. That report is due January 30.

We are participating with great hope in the strengthening and in the success of the Private Industry Council.

We really believe that is a government program that will in fact work, and we are trying to focus all of our energies toward making the Private Industry Council make the marriage between the employer and the long-term unemployed by skill training, by subsidies for the employer, and by all kinds of incentive programs. Here, again, they have to be tailor-made and they are being tailor-made. But that has enormous promise and we are really trying to support that effort to the best of our ability.

In summary, I really feel—and I am at the present time compiling a report—that there is an expanded commitment. That commitment is running into the normal frustrations, so we are moving ahead, but the commitment is there.

The enterprise zone and those kinds of new ideas are being grasped to see if we can't find some new approaches to fulfilling the commitments.

COMMISSIONER RUCKELSHAUS. I'm very glad to hear that, and I know there is a problem about not wanting to raise expectations.

MR. FREEMAN. Oh, that too.

COMMISSIONER RUCKELSHAUS. Information that we have gotten since we have been here is there is enormous despair, that nothing appears to have happened, and there is still all tunnel and no light in Liberty City and other communities like that. If there was any way to involve the leadership in those communities in these projects so they could at least represent something was coming.

MR. FREEMAN. I think we are very sensitive to the fact that the leadership of those communities really have to be the final say. It is their neighborhood and they are the ones that have to be affected. We are listening as best we can and we have been accused of imposing our will on Liberty City. That's the last thing in the world we want to do, but we want to do something and we are trying to apply the techniques that we understand: management, industry creation, those kinds of things to solving that specific area problem; therefore, it does have to be a joint venture, but we certainly are not trying to impose our will.

COMMISSIONER RUCKELSHAUS. Thank you.

CHAIRMAN FLEMMING. We are grateful to the members of the panel for presentations that have been made, for your response to the questions on the part of counsel, and also on the part of the members of the Commission.

Thank you very, very much for spending this time with us.

Counsel will call the next witnesses.

MR. ALEXANDER. Paul Cejas, Phyllis Miller, Dr. Leonard Britton. [Paul Cejas, Phyllis Miller, and Leonard Britton were sworn.]

CHAIRMAN FLEMMING. We appreciate your being with us.

**TESTIMONY OF PHYLLIS MILLER, FORMER CHAIRMAN, DADE COUNTY SCHOOL BOARD; PAUL CEJAS, CHAIRMAN, DADE COUNTY SCHOOL BOARD; LEONARD BRITTON, SUPERINTENDENT OF SCHOOLS, DADE COUNTY**

MR. ALEXANDER. Starting with Ms. Miller, could you each identify yourself for the record, your full name and your current or former position with the school system here?

MS. MILLER. Phyllis Miller, former member and chairman of the Dade County School Board, a member from 1972 to 1980 and chairman 1977 through 1980.

MR. ALEXANDER. Thank you. Mr. Cejas?

MR. CEJAS. I am Paul Cejas, chairman of the Dade County public school system and I have been chairman for about 2 weeks, and I served on the board since March of 1980.

MR. ALEXANDER. Thank you. Dr. Britton?

DR. BRITTON. Leonard Britton, superintendent of schools since May 1980, deputy superintendent prior to that.

MR. ALEXANDER. How long have you been with the Dade County school system, Dr. Britton?

DR. BRITTON. Fifteen years, since 1965, as area superintendent, associate and deputy superintendent for instruction, acting superintendent, and superintendent.

MR. ALEXANDER. In 1968 Miami experienced a civil disturbance. At that time there was a report done in the community that sort of attracted the National Advisory Committee on Civil Disturbances, and said that the causes of civil disturbances had to do with social deprivation in the areas of employment, education, economic development.

Are either of the three of you aware of any strategy that the school board adopted at that time or has been pursuing for the past two decades to deal with those identified problems? Dr. Britton?

DR. BRITTON. There have been a number of programs over the years initiated by the board and by the staff.

MR. ALEXANDER. Specifically to deal with the problem of education as it relates to the central city community, that were pointed to after the 1968 riots?

DR. BRITTON. Well, I can't reference it back to that specific report.

MR. ALEXANDER Consolidated, coordinated policy to address Model Cities area educational problems? Is there such a policy of the school board up to the May riots of this year?

DR. BRITTON. I would have to say there is no one place that you could go and pull a document off the shelf and say this is the long-range plan.

MR. ALEXANDER Is there a place you could go and pinpoint the system responsibility and assistant superintendent in your office?

DR. BRITTON. Oh, yes, all the job descriptions of the individual persons would make reference to what is expected of these people to do.

MR. ALEXANDER Is there a point within the school system that is focusing and coordinating the various programs that we heard about this afternoon, that tried to develop a long-term strategy to eliminate the problems that have been raised by parents and students?

DR. BRITTON. I would say yes. You have the entire bureau of education that for years has been working on a concerted approach for disadvantaged children, the vocational education, and the improvement of basic skills throughout the school system; yes.

MR. ALEXANDER Following the riot or civil disturbance, whichever term or phrase you prefer, in May of this year, did the school system—Ms. Miller, I assume this is a question that would be most appropriate for you—undertake or order its staff to prepare an assessment as to how effective your school system had been in dealing with the underlying problems of high dropouts, low reading scores of black students, low level of employability?

MS. MILLER. Well, this is part of an ongoing process of constant evaluation. We are mandated by the State every year, after consultation with the community and also with the staff, for the board to adopt what we call our system objectives.

Since I have been on the board since 1972, those system objectives have reflected our perception of the needs as defined by both educators and the school system. There is very heavy community involvement.

For instance, the first objective is always concentration on your basic skills, reading and writing, many of the areas that have been discussed.

MR. ALEXANDER To be more specific, though, there seems to be a really strong dichotomy between the people within the school system who operate the programs and the people who are receiving the programs, the students. And what I'm trying to get at is, is there any coordinated mechanism within the school system for tracking that, for tracking the range of problems that are presented as opposed to whether or not a particular guidance counselor program operates?

MS. MILLER. Well, this is part, as I say, of the annual analysis which I am sure will continue as an overall view of the needs of the system.

MR. ALEXANDER Were any changes made in your analysis or any reevaluation taken following the civil disturbances this May?

DR. BRITTON. I can respond to that.

MR. ALEXANDER Can you respond to that, Dr. Britton?

DR. BRITTON. Yes, the bureau of educational programs has this responsibility and has been following through for years with regard to all of the program, what I have called as the regular programs, vocational ed, the programs for compensatory education, special education, and the like, vocational education.

Following the civil disturbance, or the riots in May, it was at that time that the staff was taking a very intensive look at one area that we think we must, and that is the whole area of vocational education. As a matter of fact, we made this one of the priority objectives for this year, and even brought in one of our outstanding senior high principals to assist in this area, to begin to identify, to work with the community groups as to exactly how we can open the doors. We have all the training programs for the students when the claim was made that when they leave us there is no place to go.

MR. ALEXANDER What changes have been made as a result of that?

DR. BRITTON. We're right in that process right now. We brought the man on board. He is working without staff, beginning to work with the chambers of commerce, with businesses and industry, and with our own staff members identifying the kinds of programs that are there, the needs assessments, the analyses of the needs assessments that have been made so we know where to put our efforts, where to direct our energies.

MS. MILLER. I would like to add that, as Mr. Freeman emphasized, there has been a heightened sensitivity on the part of the business community, and although the process certainly needs strengthening, at least the marriage, hopefully, of the education and business community has been consummated. It involves commitment on both parts, but I believe that the riots, plus the influx of the refugees, have made the business community extremely sensitive to job training skills for our students.

DR. BRITTON. As a matter of fact, following the riots immediately, I would say that it was this school system that made the first initial overt action and took that action during the summer. It wasn't a very large program, but, in cooperation with the community, raised \$155,000 through the *Miami Herald* that was used for stipends for students, black students most of them, in the inner city to be able to stay in school this summer [and] take advantage of our educational and vocational programs. My understanding is that most of them have actually stayed on this fall and are still in school.

I would say that this school system did two things with that type of a program which I believe brought a lot of attention to the school system and its stability, and also at that time we made efforts to get our teachers back to school.

I think following those days, when nobody wanted to go back into certain parts of the city, we said to our teachers, "Please go back," and they did. I think that we played a major role in bringing stability back to this county.

MR. ALEXANDER Mr. Cejas, would you like to comment?

MR. CEJAS. Yes, I would like to say, going back to after the disturbance of 1968, there was an action that the school board took in reference to correcting the problem. They actually went and contracted with the old Greater Miami Coalition, which was an organization that was community-based and provided a forum by which community leaders and governmental agencies as well as the chamber of commerce and industry and commerce would sit down and discuss the issues and problems in our community.

At the time I was a staff person for the old Greater Miami Coalition, so I was involved in this type of thing. The agency was a viable agency in coordinating and actually planning social services, including schools and so on in our community, and were of great input to the school system. Unfortunately, the national trend with urban coalitions died, with John Gardner leaving the movement and moving into a consumer type of movement, the whole idea—a new executive director for the United Way here in Dade County came in and was of a different philosophy.

The executive director of the coalition went to work as the county manager and left the agency, so the agency really didn't have very much existence after that, but the system did participate in that type of activity.

Now, in listening to some of the other panel members here before and really concerned as to the same issues that you are questioning, I think the lack of having that type of agency, superstructure type of agency, in our community that would plan and coordinate and provide a forum for community leaders, industry, commerce, the chamber of commerce, the school system, the county manager's office, the city government, to sit down and discuss the needs of the community, I firmly believe that the community has been going one way and that the social service agencies and other agencies, not just the school system, have not had the type of forum to really understand and communicate with the business community as to the things that have been happening and the development of new programs and that type of thing.

I think that Greater Miami Coalition leaving Dade County or dying in Dade County created a part of the problem of having agencies overlapping services and gaps of services that we see now, so I think I would highly recommend that that concept be reestablished.

MR. ALEXANDER One of the issues raised both in employment and generally is that Miami is clearly a heavily Spanish-speaking community both in terms of commerce and population. I would like to know what the school board's policy is in terms of providing Spanish language skills to the entire range of the community?

MS. MILLER. The Dade County school system was the first, perhaps the only, major school system in this country to adopt a policy addressing itself to bilingual education. And it very succinctly stated the goals of the policy, which were, first and foremost, to make everyone in the system proficient in English, but recognizing the fact that we were a major center for Spanish culture and trade, as much as possible to make Spanish available not only to Anglo students, but to encourage Spanish

students to further refine their skills and, quoting from Mr. Cejas, "that they become biliterate as well as bilingual."

We have gotten great help from the Federal Government in this program. It is now phasing down, but we have made an effort without making it mandatory. It has been voluntary, starting in the elementary grades, to make Spanish available to all students, and we have complied with all the provisions of the Office of Civil Rights.

We had a formal contract with them; however, we have not been giving the same training to the new influx of students who arrived on the Mariel boatlift, and I would like to state that is because we have not received the appropriate Federal funding.

MR. ALEXANDER Dr. Britton, since the Mariel boatlift was just mentioned, could you comment on how that new wave of migration has affected the school system and how the school system has determined to deal with those students?

DR. BRITTON. Yes, during this first year, we have approximately 13,000 students who have come in of the Cuban and Haitian background. It is almost 14,000 when you combine the two groups, and they have been coming in through the summer.

The first thing we did this summer was to provide, on a voluntary basis, those who wanted a summer get-ahead program, you might say, a very intensive program in English, so that they might learn English.

The commissioner of education made the funding available for that from our discretionary monies. Beginning here in the fall we have a program for them wherever room is available within their home school, or we had to transport them to individual schools during this year so that they might be given the opportunity in very intensive English education. The funding for that has come from the State, from the regular allocation as any student would in any school system, and we are counting on some additional funding to be made available through this first supplemental allocation and then, hopefully, if the Stack amendment and others can be funded here before the end of the year, some additional funding to come in. It is our intent that this next year that those students will be able to be housed and/or housed out of the regular home school programs.

MR. ALEXANDER How will this large influx affect the school system's ability to desegregate? How are they treated with respect to the desegregation order?

DR. BRITTON. The desegregation order referred to black and white ratios. The Haitians are counted, if I recall correctly, as blacks—I get so mixed up on how those black-Hispanic Hispanic and are counted. There is a relatively small number of those, but overall they are counted in as Hispanic students; they are not part of what you would call the desegregation order. Where those children are—that's where they are housed.

MR. ALEXANDER At the moment, those students are basically, for the lack of a better term, segregated within the school system; is that correct?

DR. BRITTON. Yes. Either within their own individual schools or where they are having to be bused to schools where there are available facilities so they can get the intensive language instruction. As a matter of fact, in a number of schools they are actually on double session, some of them beginning at 7 till noon, some at 12:05 to 5. By next year, this issue should be resolved and at least a third of the students will integrate back into the mainstream—I'd say at least 20 to 30 percent of the students into the mainstream of the program and/or housed at their home schools. The shift, by the way, I think it is important.

I might mention something since you are relating what I call the entrance students and the desegregation order. There has been a rather substantial shift in the school system over the last 15 years in the makeup of the student body, and this plays an important role in how we are viewing our entire desegregation effort.

Back in '66-'67, let's say 15 years ago, this school was 60 percent white. By that I am meaning non-Hispanic, nonblack as white; 64 percent of our students were white. As of now, 32 percent are white. In other words, the school system has decreased in the number of white students by over approximately 60,000 students. We have gone from 136,000 to just 76,000 white students. Hispanics, on the other hand, over these 15 years, have increased from 11-1/2 percent—this was 15 years ago—to 38 percent now. We have grown by 63,000 Hispanic students in the past 15 years.

The blacks have moved from 24.5 percent, about a quarter of our students, to 30 percent. We have increased by 17,000 black students.

The issue here is that this entire school system has increased, and this is why I have to look at the totality of our desegregation efforts. Of the 17,000 more black students throughout this county now, and 63,000 Hispanic students throughout the system, they are not segregated in just individual schools any longer. Natural integration has occurred system-wide.

MR. ALEXANDER We had testimony earlier this morning from black parents, students, and others that felt that desegregation, particularly as it occurs on buses, is a burden to the black community, whereas, white students tend not to be bused. Would you care to respond to that, Ms. Miller?

MS. MILLER. Yes. I think that after the first enthusiasm for desegregation by blacks, more and more of them began to perceive it as an unfair process, if you want to use that term, in the sense that it was predominantly the black students who were bused out of their neighborhoods rather than the burden being shared, so to speak.

MR. ALEXANDER Why wasn't the burden shared?

MS. MILLER. Well, originally the court order—it was the court order. This was prior to my coming on the board. Under agreement with Judge Atkins, who approved the order, there were some schools that were closed in the black community, or converted to other uses, and those students were then bused to what had been prior white schools and other schools were paired and grouped.

MR. ALEXANDER The court order generally starts with a proposal from the school board, does it not?

MS. MILLER. Yes. Well, it was, apparently, although I was not privy to all the discussions; it was a mutual agreement where a proposed plan was accepted by Judge Atkins. There has not been a great deal of change actually in that original order.

Most of those schools that were grouped and paired at that time have remained as is. In reponse to the feelings of the black community that they were paying an unfair penalty, as Dr. Koonce indicated, an effort was made to strengthen those schools that remained in the inner city, and starting in the early [seventies], around 1974, we started to put additional dollars into Miami Northwestern, Drew Junior—many of the deficient schools that you asked about before were in the black community.

The board established a policy which was the subject later of much controversy of establishing a special needs fund, and the purpose of that fund was to provide additional help to those deficient schools above and beyond the normal allocation, in addition to Title I and compensatory education money, which they would receive. We were able to decrease the number of deficient schools by approximately 50, so we did achieve some worthwhile goal, but due to other factors, the question of the special needs fund became highly controversial, and the new budget, I believe—was it eliminated, Dr. Britton, or were you left anything?

DR. BRITTON. Two things occurred. A large portion of what was in their special needs fund became part of the regular allocation, but I would say the majority of it was eliminated because of the budget problems in order to balance the budget this school year—that among many other problems.

MS. MILLER. Many budget constraints.

MR. ALEXANDER The issue of the busing of black students primarily as opposed to busing all students within the school system for purposes of desegregation, you said there hasn't been much modification of the original order.

DR. BRITTON. Correct.

MR. ALEXANDER There have been proposals to modify the original order?

DR. BRITTON. Well, some of the schools, both black—well, you understand that all students beyond 2 miles are bused, no matter where they live, to go to school.

MR. ALEXANDER For sure.

DR. BRITTON. And a very small portion of the students who are bused are bused for desegregation purposes. For instance, one group which was court mandated was the Carver grouping where the students from the Biscayne area—six or seven elementary schools—are all bused to Carver Junior High for 1 year and then they all go to Ponce.

Another group being, it is a six-school grouping down in the southern end, where the black students are bused to the white schools, grades K through five, and then Frank Martin is a six-grade center, so

all the white students are bused to that school for the one year. That was all part of the original court order, and that has not been changed.

Now, the question of boundaries, which will be coming up again this year, I'm sure that there will be much discussion as to where the boundary lines are changed. There is strong feeling, I know, on the part of many patrons of the Northwestern area who would like to see that school desegregated and would like to see the boundary lines changed so that a proportionate number of white students would come into that school, just as black students are bused to many of what had formerly been white schools.

MR. ALEXANDER Would you think that's appropriate?

MS. MILLER. Yes, I do, but I'm no longer on the board.

MR. ALEXANDER Mr. Cejas, would you think that's appropriate?

MR. CEJAS. Well, I have to go back and—I happened to have chaired the Bi-Racial Tri-Ethnic Committee right after the court ordered the school system to pair groups and schools at the time. And I think basically what is wrong with our society is the fact that when we put some rules and regulations in government bodies or in institutions like the school system is, we tend to meet the minimum requirement by that, and we forget the whole spirit of the whole thing and we don't do the things that we really should be doing and capture the spirit and go ahead and move ahead in implementing what we think should be a good plan for desegregating the school system.

Back in '70-'71 there were a number of schools that were grouped as a result of the school board presenting the plan to the court and the court approving. In 1972 the board again went ahead and did further grouping, and I think it was back in '74-'75 when the last proposal for changes of feeder patterns and grouping of our school systems was turned down by the board as a result of a recommendation by the Bi-Racial Tri-Ethnic Committee, which I chaired that year. Unfortunately, the board did not come back with another alternative to our second plan. They just forgot about the whole thing.

As chairman of the Bi-Racial Committee and as an individual citizen of this community, I felt that the fact that we had a great number of all-black or all-white schools, we did not actually, in my mind, have a desegregated or unitary system in Dade County. Of course, the court saw it differently and the board, of course, was very happy with that and we were in compliance.

What I am saying to you is that sometimes we tend to just meet the minimum requirements and forget about the rest, and I think that has been what happened through the whole process. Ms. Miller is right. We have 14 percent of the people that we bus for desegregation purposes, 86 percent we bus for other reasons, but out of those 14 percent, which is basically 6,000 students, the majority of them are black students that are bused out.

I think we need to be constructive and look at facts like this and see what our future policies should be, whether the court requires it or not, whether it is our moral obligation to serve this community, our entire community, as a board of education and the things that we should be

doing. As chairman of the school board, I plan to do just this, not just to comply with minimum requirements but [do] what is right for this community, what we should be doing in the spirit of the law, and that's my philosophy.

MR. ALEXANDER Could we move that a bit to the area of student dropout rates and the low testing scores? What is it that we can do beyond the bare minimum in those areas, Mr. Cejas?

MR. CEJAS. Well, there's so many things. One thing we need to do is really address the problem. I don't know whether we have actually addressed the problem in the past. We play with figures—and again I happen to be knowledgeable in this area because my firm, as an independent contractor, I happen to be a CPA—and my firm back in 1971-'72, did a study for the Department of HEW on dropout and dropout prevention programs in Dade County and for targeted areas, specifically Spanish areas. At the time the dropout rate—as we saw it and we defined it in our methodology—was an alarming rate of some 40-plus, 46, 48-plus percent of the students who enrolled in the 9th grade will not, at the time, finish or graduate from the 12th grade. The school system here accounts for the dropout rate in somewhat of a different fashion. Their methodology as to determining dropout rates is a 1-year analysis of students that enter the grade and how many finish.

If I'm not mistaken, most of the other cities use the methodology that we do. We analyze the students entering the 9th grade and we will look at how many of that same class graduated, or will look 4 years back or 3 years back and see how many were enrolled and how many are graduating.

For instance, the 1979 graduating class, we will look 3 years back, how many enrolled in the ninth grade and the difference will be in the number of early leavers, if you want. We will analyze and see if they are coming back into any night program or adult program. We will look at transfers out of the system and then the rest will become, of course, dropouts. We will determine our dropout rate based on that.

The school system had not been doing this in this fashion. Consequently, I think one of the problems is to identify the problem and really look at it realistically with the audit reports to the board. I am going to move that we get this type of analysis so we know. Knowing that I would be here, my staff and I prepared some figures on dropouts based on the methodology that we use and that other school systems throughout the Nation do, so we can compare apples and apples with other systems.

In the total population, as I see it, we have—and of course the figures I'm going to give you are not truly clean dropout figures because we didn't have the time to analyze whether the students had reenrolled or transferred out of the system and that type of thing. We are talking about enrollment in the 9th grade and looking at that same class going through high school and enrolling in the 12th grade. Figures that we have are for the overall population; we get 35.9 for the 1979 graduating class. The white population is 31.6 percent, the His-

panic population is 29.7 percent, and the black population is 50.56 percent.

MR. ALEXANDER Fifty percent dropout rate?

MR. CEJAS. Yes. Now, significantly enough, I can go back 4 years and analyzing that which we did, and the white population had in 1976-77 graduating class, if we compared to 3 years early, or when they enrolled, they had a 28.1 dropout rate, if you will. It is not a really true dropout rate, so I don't know what to call it, a leaver's rate—27.2 percent in '77-'78 class, 30.2 on the '78-'79 class, and the 31 that I just gave you, this is the white population. So there is no significant trend, really. It goes from 28 to 27 to 34 to 31, so the overall trend is more or less stable. The Hispanic, you have a 36.2 on the '76 class, a 27.8 on the '77 class, '77-'79, 35.2, and then back down to 29.7 in 1979, so the trend is more or less up and down, but overall the trend is steady. The black, unfortunately, it is distressing reporting that in '76-'77 we have 40.5 going back to 39.2 in '77 but '78 was 46.7; '79 was 50.56, and we are just computing with some last minute figures '79-'80 which, if 49.6, so it is a steady increase basically in the black population dropout programs. I don't know how we could effectively implement dropout prevention programs if we do not know and have these figures.

MR. ALEXANDER Dr. Britton, you have been with the system a long time. Do you have an educated guess as to what accounts for this worsening trend in the black community, the school system's ability to keep black students in school? Phrase it either way.

DR. BRITTON. Well, I would have to go back and check my figures against Mr. Cejas'. They are not as gloomy, but they are serious. They are in the 30 and 40 percentile. They are very high and unacceptable levels. What is required, of course, what we're going to have to do, where possible, is continue to decrease those class sizes, get more guidance counselors, particularly if we can get them in the school, and begin some of those career education programs we've been talking about, which are not just pure vocational but across the board, clearly.

MR. ALEXANDER Let's go back to guidance counselors for a moment. Earlier testimony indicated that guidance counselors were assigned on a ratio basis, but no racial determination was made in the assignment counselor.

DR. BRITTON. Correct.

MR. ALEXANDER You have a particular problem of education being provided to your black community, but you are not factoring that in in determining whether or not to utilize increased staff. Is that accurate?

DR. BRITTON. There are so few elementary counselors and secondary counselors in this regard; they are assigned by pure ratio, particularly on the secondary level.

MR. ALEXANDER Is that true for other support services in the system?

DR. BRITTON. Yes.

MR. ALEXANDER What do you factor in?

DR. BRITTON. You talk about your basic classroom teachers, the number of counselors, the number of assistant principals, visiting teacher service, psychological services. Mainly these are all across on some of a people-formula basis, equitable distribution. Where you get your additional support, of course, comes in where you either have the Federal Government funds, or Title I, or ESAA where you can hire additional teachers on the elementary level.

MR. ALEXANDER Was there a preexisting policy of the board that you say know about this, anywhere from 30 to 50 percent depending on whose statistics we're using, but a worsening pattern of black drop-outs from the school system? Has there been a board policy to deal with this issue and, if so, what are the implementation steps and why haven't they worked?

MS. MILLER. Well, in much of the testimony that I heard prior, where they talk about the needs for elementary counselors, one counselor in every high school for 150 students, this is an unhappy result of very tight budget constraints, coupled with the inflationary pressures on the school system. And even at this last budget time, we considered ourselves fortunate to be able to maintain, through some sleight of hand budgeting, the visiting teachers, who are one group who do work with these prospective dropouts.

Now, there was a source of funds that has, for all intents and purposes, dried up, and that was the ESAA funds, not the Title I, but what we call desegregation money, which is not coming to any great degree to Dade County because we are an old desegregated system, not a new. And many of those needs for these types of students, which we previously were able to fund through these special Federal programs, no longer exist because Dade County is very low on the priority list with many other cities who are now under recent court orders and, therefore, they get the priority for the funding. So what has happened is these services have been phased out and diluted, and we are now just getting what I would really call a token amount.

Unfortunately, the needs of the system for all students have increased greater than the increase in State dollars which make up the bulk of our money, and it has just been a tough job just balancing the budget and keeping the system going.

MR. ALEXANDER Mr. Cejas, would you care to comment on this point?

MR. CEJAS. Yes, I would like to say that I think we need to be creative, and I understand the implications, budgetary implications, that we have. I think we really need to, in the future, be innovative as to the types of programs that we have and their location, for instance, vocational programs and technical programs as well as regular high school programs.

I could talk about other countries where they have basic high school requirements being innovative in terms of being in commerce and industry. You are given credit and you can finish and graduate your high school with the high school diploma, and in commerce, for instance, when I conducted a study for dropouts, some of these students

were dropping out, say, "Well, the lack of relevancy of the curriculum, of the program, as to what I'm going to be doing in life is what turns me off. I really would like to be able to relate and to be prepared for life, and it is not challenging and the teachers are not really—they know this and they are just giving us the material and there's nothing there for us of substance to hold on to." I think that if we go back and analyze these things and really be innovative as to these types of programs and look at other countries and look—for instance, I think in terms of schools, whereby we could have a school with highly technically sophisticated courses in the inner city that would attract students from the whole community. For instance, in the area in Dade County we have oceanography and atmospheric science which are areas people will be interested in. The University of Miami has a great center for that.

I think the school system could use an inner-city school such as Robert E. Lee or any inner-city schools in attracting this type of center, in bringing students from the black, Latin, white communities and bringing them to these schools and having this magnet school concept, rather than going out in the community—telecommunications facilities and so on which we are building a new building now in the inner city. Hopefully, we will bring this type of thing, but I think we need to be innovative and think in those terms.

MR. ALEXANDER To move from the nonmonetary area for a moment, one of the allegations that staff has heard in interviewing in the city and was brought out in testimony earlier was the insensitivity of many teachers or some teachers in the system to black students. Now, the data provided by your staff on corporal punishment by race indicates that of the 13,000 incidents of corporal punishment for 1979 and 1980, over 7,000 were administered to black students. In terms of principal suspensions for the 1978 and '79 school years, of the 8,000 suspensions that took place, over 4,000 occurred with black students. These things do not necessarily totally equal out, but there is a fairly strong indication that they may be some reality to the perception of the students and the parents.

Has the board or the superintendent's office also identified this as a problem? If so, is it listed anyplace in your major needs, or priorities, and are there any systems trying to deal with this issue?

MS. MILLER. I can answer only from the past experience and then let Dr. Britton respond. The question of corporal punishment is a philosophical one. My position was clear, although I was outvoted, because I would like to outlaw corporal punishment altogether.

MR. ALEXANDER I'm not asking whether corporal punishment is good or bad.

MS. MILLER. It was defined as legal through a Supreme Court ruling, and then there were very clear policies laid down as to how corporal punishment was to be administered within the individual schools; however, it was left up to the individual principal to determine whether in his or her school they wish to use corporal punishment as a policy, and in many of the black schools, whether the principals were black or

white, the election was made to use corporal punishment whenever it was deemed appropriate.

MR. ALEXANDER The election was made by the principal?

MS. MILLER. By the principal.

MR. ALEXANDER Much more frequently than it was made by predominately white?

MS. MILLER. In suburban schools there appears to be a consensus among many of the principals and the parents that they do not want corporal punishment administered in their schools.

MR. ALEXANDER To move beyond the specifics of corporal punishment, do you agree there is a serious issue with respect to teachers treating black students appropriately in the school system? The statistics I have quoted come from your last annual report to the school board when you were the chair.

MS. MILLER. Well, I would have to say the vast majority of our teachers care about the students' performance rather than their color. They are not concerned with their color but, certainly, I'm sure there are many individual teachers who do not care for their students, who are not too thrilled with their teaching assignments, would like to be out of the inner-city schools.

We have a teacher transfer program, but pretty generally there has not been too much movement. It's pretty static since the 1970s when teachers were both voluntarily—some voluntary and some were re-assigned. There is a greater turnover of personnel in the inner-city schools, particularly of white teachers who have teacher burnout. Some teachers come in extremely idealistic and then they don't make the progress that they feel they would like to see; they get frustrated and sometimes they turn against the students, but I would say, pretty generally, the teachers—and the question of the union was raised. The union has been extremely cooperative in attempting to maintain a desegregated faculty, sensitive to the needs of the students.

MR. ALEXANDER Mr. Chairman?

CHAIRMAN FLEMMING. I would like to see if I could get rather a clear picture of where you stand on the issue of desegregation. I have appreciated the dialogue that has taken place up to the present time and it has been helpful to me. May I say, first of all, as I think of desegregation not only here but in other parts of the country, I always think of it in two phases: phase number one, the reassignment of students; phase number two, after students have been reassigned, the improvement of the quality of education and the carrying forward of an integration program.

We know that there are good plans for reassignment of students, some very poor plans that have been developed in various parts of the country, and then some plans that possibly can fall in between those two ends of the spectrum.

Now, Mr. Cejas, as I understand it, you did serve for a period of time as chairman of the—is it the Tri—

MR. CEJAS. Bi-Racial Tri-Ethnic Committee.

CHAIRMAN FLEMMING. That committee was appointed by the court as an advisory committee, correct?

MR. CEJAS. That's right.

CHAIRMAN FLEMMING. And it is charged with the responsibility of advising the court, am I correct?

MR. CEJAS. That's correct.

CHAIRMAN FLEMMING. If we could take the span of from '75 down to '80, if I understood your testimony in response to questions by counsel, in 1975 the Bi-Racial Committee made some recommendations for rather fundamental changes in the desegregation plan, the plan for reassignment of students; am I correct?

MR. CEJAS. The staff of the school systems submitted a plan. By the court order the Bi-Racial Committee retained, or the court retained jurisdiction over certain numbers of activities of the school board: One, acquisition of new sites and another one was the development—new feeder patterns or grouping of school systems have to be approved by the court.

The staff developed a plan that was presented to the board which the Bi-Racial Committee opposed. The board followed the advice of the Bi-Racial Committee and did not approve that plan. What the Bi-Racial Committee really wanted was the staff and the board to come back with another plan to go ahead and desegregate the rest of the racially identifiable schools and have a better plan, if you will, and that's with the base. The staff did not come back and the board did not solicit that plan back.

CHAIRMAN FLEMMING. Now, may I ask this question. Couldn't your Bi-Racial Committee, under your charter, have submitted a plan to the court which would have achieved the objective that you have just identified?

MR. CEJAS. I guess it could have, although the Bi-Racial Committee did not have the staff nor the capabilities of doing such a job. Under the charter, yes, we could.

CHAIRMAN FLEMMING. Under the charter you could have done so, but you didn't feel you had the staff to do the technical work that would be required.

Ms. Miller, why did the board decide not to submit a plan that would be consistent, as I gathered, with the views of the Bi-Racial Committee and the board when you turned down together the staff plan?

MS. MILLER. In retrospect, the plan that was turned down was a plan that would have established racial balance in every school in Dade County. That was the projected plan.

CHAIRMAN FLEMMING. That was the plan developed by the staff?

MR. CEJAS. Developed by the staff.

CHAIRMAN FLEMMING. Right.

MR. CEJAS. And would have entailed, I guess, busing almost every child in the school system. When it was rejected, it was understood clearly that there were still some inner-city schools that were still segregated. In fact, we went to court. We were brought to court before Judge Adkins.

CHAIRMAN FLEMMING. Pardon me, you say you were brought to court?

MR. CEJAS. We were brought to court.

CHAIRMAN FLEMMING. Who were the plaintiffs?

MR. CEJAS. The plaintiff was someone from the American Civil Liberties Union. At that time Dr. Jones was the superintendent and we defended the fact that the schools in question, particularly at that time Northwestern, were segregated, not because of some insidious intent but because of neighborhood housing patterns, and the fact that a school was predominantly one race, whether it be all black or all white, did not mean that it necessarily had to be inferior or superior. The emphasis, I think, as you indicated, had shifted, I think, on the part of the board and the school superintendent and much of the public that there should be greater emphasis on quality, the quality going on within the school rather than continual changing of boundaries.

CHAIRMAN FLEMMING. What was the outcome of the proceeding before the judge initiated by the American Civil Liberties Union?

MR. CEJAS. Judge Adkins ruled that Dade County was and continued to be a unitary system despite the fact that there still were some schools that were all of one race. Subsequently, we did change the boundaries to a small degree for Northwestern and included a school that was composed of black and white students, but many of the white students did not appear and are not present in the roster.

CHAIRMAN FLEMMING. Well, was that decision by the judge appealed to the circuit court?

MR. CEJAS. No, it was not.

CHAIRMAN FLEMMING. Okay. All right. Dr. Britton, would you like to comment on the developments up to this particular point?

DR. BRITTON. Yes. At the time of the court order, if I recall correctly, there were nine schools that were still in the inner city that were all black. At the present there are only four such schools and they are all elementary. Now, that's not to say that when I say they are not all black the percentage in some of the schools, take for example Northwestern, is very low. I think only 1 percent or 2 percent would be white at that school, but all black at the moment there are only four, and one is all Hispanic. That's Miramar.

We opened because of the entrance problem. I think it is important at this point to realize that since the late sixties and early seventies what has occurred throughout this school system has grown somewhere between, since 1966, 17,000 black students and they have not all resided in the inner city; they are residing in many places throughout this county.

Since '70, the number has grown within that of 8,000. There has been an annual increase in the number of black students throughout this county and I'm saying throughout the school system. I think this has helped in what I call a natural integration effort.

CHAIRMAN FLEMMING. Mr. Cejas, as I understand again your earlier testimony, you still have some degree of unhappiness over the plan as it

now stands, that is, the plan as embodied in the court order. Am I correct in that assumption?

MR. CEJAS. Well, I think you are basically correct. At the time when you have to go back to my involvement with the committee back in the early seventies, in which I was very much in disagreement with the school system as to how they went about, and in fact our position to the new plan was one that recommended against a plan not because of the busing or the concept of equal education or of quality of education, but the fact that we felt at the time that by establishing some feeder patterns, really what was going to happen is we were going to have some schools in the inner city that would end up having no students and will have to be closed, and consequently we voted against the plan and advised the board and the board took our recommendation.

It was my hope at the time and hopes of the committee that the school board will instruct the staff to come back with the alternative plan, and if we look back now, had we known that nothing was going to take place in the rest of the decade, we would have probably solicited funds from the court and gone ahead and submitted a plan of the committee. In this sense, I'm frustrated. My role now as chairman might be a little different as to look at the community and what the community feels, but certainly I was very disappointed at the time not to have the opportunity to look at a new plan that would do away with racially identifiable schools.

CHAIRMAN FLEMMING. I just want to say this; just personally I'm encouraged by the fact that you are going to ask to look at a new plan because we have taken testimony which indicates that there is some degree of unhappiness with the present plan and with the results of the present plan. I have always had the feeling that none of these desegregation plans should be regarded as poured in concrete, that they should be regarded as flexible and that with changing conditions somebody should take the responsibility for going before a court and saying, "Look, the situation is changed and on the basis of the changes that have been made, we are recommending that in the interest of achieving what *Brown v. Board of Education* set out to achieve we are recommending that the plan be changed in the following manner."

Now, as I also get the picture, your court order does not, unlike some other court orders throughout the country, go into the question of directing what steps should be taken in order to help improve the quality of education once the reassignment has taken place or in order to have help achieving integration. Am I correct in that assumption?

Ms. MILLER. That is correct.

CHAIRMAN FLEMMING. Does the board of education have a definite specific plan of improving the quality of education once there has been a reassignment and for facilitating the integration of a school that has been on the receiving end of reassignment of students?

DR. BRITTON. Yes. When this initially occurred, a great deal of effort was put into working with staff members in the community to regard to what we call the human relations. Eventually we changed it to intergroup relations type of activities, make the teacher more sensitive

to the children, the community, the parents, and so forth. This began back in the early seventies and vestiges of that still exist.

Much of it was funded through the EASA money which you heard is now gone, and we've had to pick up through local funding—not as much as I would still like to see made available.

The board has a policy that the effort you are talking about should be in all schools in this school system, and that paying particular emphasis to our Federal ESAA funds, or what's left of it, Title I, the State compensatory education funding, some local funding that is put into certain schools to assist to bring quality to all such schools.

CHAIRMAN FLEMMING. But there is no assumption on the part of the board or on the part of you and your associates that just by reassigning students you automatically improve the quality of education and achieve integration?

DR. BRITTON. No. There is no magic to just doing that. You've got to do something else.

VICE CHAIRMAN BERRY. I would like to follow up on the Chairman's questions. He may be a little more optimistic than I am. I, as I said, I heard nothing from either of you which indicated that you were determined to solve or have been solving two of the problems that have been raised by people who talked to us about your school system. The black community, as I understand it from what we have heard, feels that it has been shortchanged on both sides. It got the worst of the transportation issue because of the one-way busing, and I have not heard anyone say that the school board intended to go back to court to ask the court to stop one-way busing. I haven't heard anything about that.

The black community, as I understand it, also feels discontented because it got the short end of the stick, if I may say that, once the children were in the desegregated settlement by the white schools. And even Mr. Cejas also tells us the conditions are worse, the dropout rates if your numbers are correct—I'll accept them—or even if the numbers that the others might give show there is an increase, it seems to me, and I have not heard anything specific as to what you intend to do about that problem. I would be more encouraged if I heard something that you've done in the last few years or something that you plan to do and if the numbers showed a different picture.

I can only hope that there will be something that you will do to try to solve this problem.

DR. BRITTON. I guess the issue is that there are so many things going on at once we take for granted in this school system, we really should look at the levels, which I think we should. At any rate, I would first of all say it is the Federal level where the funding we can use in these schools for, whether for special programs, additional teachers or counselors, whatever they may be, and Title I is a good example. The State has given additional money and we are trying to get additional money for various kinds of innovative programs from the Federal level.

Secondly, a massive effort with regard to improving the quality of teachers in the schools through staff development, better employment

of teachers, and once they are there, staff development for them. I am hoping this next year the secondary level, particularly the high school, we can significantly reduce the classroom size, which I think will have an impact on what's happening in those particular schools.

I am finding efforts with regard to bringing the parents into the schools. This is one area we always talk about what we did do within the school. We've got to bring the parents in this school to make sure and convey to their children concerned education is important to them. I would like to see them in the school more than we have through the advisory committees that we have, either the district advisory committees or the Title I committees, or the migrant advisory committees, whatever they may be, to get the men there to understand what's happening and become our supporters, not only to support them at home but actually to come in and actually work within the school where possible. We find great improvement to educational achievement where this occurs. Those are some of the efforts we're trying to accomplish.

CHAIRMAN FLEMMING. How about the one-way busing?

DR. BRITTON. Right now when we talk about the one-way busing, remember there are 44,000 children in school being bused, of which 6,000 for segregation purposes, and about 2,500 of those, my best understanding, are the blacks one-way busing. Those are down to a very few schools in the Evans and older Dorsey areas. At the moment—and that's a relatively small percentage of one-way busing. The other 3,500 are in the group in paired schools. That's about an equal number back and forth.

VICE CHAIRMAN BERRY. To be clear about the question, Dr. Britton and Mr. Cejas and Ms. Miller, the question I am raising is, Do you have plans to increase the number of white students who are—and I mean non-Latin whites—in inner-city schools, the ones that are left so they don't have to be underenrolled and also you don't have to have portable classrooms out in the suburbs? Do you have any plans to do that?

DR. BRITTON. Actually, at the present time we are looking at this. The plan is to take a look at these individual schools and where the distance—and I don't have a definite number yet. How far is too far to bus them from the outer suburbs into the inner city where there are some available spaces? There are two major schools that have available space of any significance, Hialeah and Evans and Orchard Villa in, the inner city right now. There are some places in other schools but those are the only ones that have 300 or more available spaces.

VICE CHAIRMAN BERRY. Mr. Cejas, do you have any plans to do so?

MR. CEJAS. I certainly do. We have boundary committees that have been formed and commissioned by the board to look at this very same question that you just raised. Whether there are some overcrowded schools in the suburbs that are requiring additional portable classrooms and at the same time we have inner-city schools that have vacant stations, and can't we solve both problems with one stroke? The answer is yes, we are looking at it. I don't have any simplistic answers for your

question. It is not a simplistic issue. It is nothing we can say, yes, we are going to do this.

If you look at the spread of the county in terms of distance, you have a tremendous distance, and housing patterns have been established for many years, and there is a problem that the community has to address, also.

VICE CHAIRMAN BERRY. Mr. Cejas, isn't it the same distance from Miami Beach to the inner city as it is from the inner city to Miami Beach?

MR. CEJAS. I agree with you on that one. I brought that point up and I agree with you 100 percent on that one; if we are going to bus some people out, certainly we can bus some people in as well. I have no quarrel with you. I'm with you on that one, and we will look at it. I'm talking about the higher numbers, and I would like to also mention that we are only talking about student membership when we talk about desegregation. We haven't been talking about staffing patterns, about teacher affirmative action plans, all of these important things are my concern and that I personally will be looking at as chairman of the board.

DR. BRITTON. If I could add one more dimension to this; so often we consider that somehow the inner city are all blacks and suburban schools are all white, and that's one of my messages. This is no longer the case. We still have the inner city that is all black and some on the outskirts that are all white, but in between, huge numbers of schools in this school system are integrated.

CHAIRMAN FLEMMING. I'm glad you mentioned the affirmative action plans as far as staff and faculty are concerned, because if we didn't have time limitations, I had wanted to get into that also, but I agree with you that that is a very, very important part of the total picture. So often we go through a program of reassignment of students without paralleling it with a vigorous and effective affirmative action plan on staff and faculty, and I think they should go hand in hand.

COMMISSIONER HORN. Mention was made this morning of the breakdown of the families. Mention was also made in this hearing and in other hearings of the problems without regard to ethnicity of teenage pregnancies. What sort of a family planning sex education plan and program does the Dade County public schools have?

MS. MILLER. Well, we did incorporate a sex education plan with far less controversy than one might have expected. Fortunately, we had very strong community support and, as far as I know, the program is in progress and functioning.

COMMISSIONER HORN. What sort of program is it?

MS. MILLER. It started from the kindergarten with the traditional sensitivity to the family, certain biological facts that traditionally have been taught under, I guess, science; then as the students got into the seventh grade, it became a little more sophisticated. I guess Dr. Britton could give you the full details, but the program and the curriculum were discussed thoroughly throughout the community, at the board

meeting, and after very, very extensive public hearings, the curriculum was adopted.

COMMISSIONER HORN. Well, I really have one basic question on that aspect. Does the school system get to the birds and bees before the students know all about the birds and bees and the ethics thereof?

DR. BRITTON. Not always; I find out we tend to get to the birds and bees in the plumbing part, let's say, in the upper elementary and junior high, segregated class of boys and girls and/or some types of human sexuality classes at that point, but I am finding as years go by that somehow this knowledge is learned earlier and earlier.

As I was talking to my daughter the other day, it's what you know, where did you learn that type of thing that interests me at the time, at the moment. We're having, I think, very effective programs now beginning at the younger level.

COMMISSIONER HORN. How many years has this program been in effect?

DR. BRITTON. The full force integrated curriculum about a year and a half.

COMMISSIONER HORN. So there is no real data—

DR. BRITTON. No.

COMMISSIONER HORN. —to indicate whether or not dropouts due to teenage pregnancy have been reduced?

DR. BRITTON. No.

COMMISSIONER HORN. The school system examines that data and compiles it?

DR. BRITTON. Oh, yes, we have been at this for a long time with regard to the pregnant girl, to keep them in school and break the cycle of pregnancy. This began 10, 12 years ago. We were one of the first ones to begin a special program just for pregnant girls, so they would not leave the school system.

We have a COPE center north and one in the south. We've had COPE centers for so long I can't even remember what it stands for, Continued Opportunity for Purposeful Education, something of this nature.

We have done several things. We are keeping the girls in school longer within their own regular program. We have the policy in the school system that they cannot be made to leave. Secondly, if they wish to go to a special program just for them by way of basic skills, vocational programs, it is a tie-in to the medical and health department to give them prenatal and often postnatal care to the children.

We are finding the live births and the underweight births per 100, or live births per 100, and more children above the minimum weight than below it than in the past, so we are finding a couple of things—the children, as they are coming along, are being born healthier, and, secondly, we think we've begun to break the cycle of continued pregnancies by these girls.

We have had some children ages 12 and 13. By the time they are 16 and 17 they are in their third and fourth pregnancies. We find this has

been tended to be broken, such as after the first and maybe even the second pregnancy, they will now stay in school and graduate.

COMMISSIONER HORN. Let me move to another area. With the breakdown of the family, the chaos that goes on in many inner cities in terms of the ethics of the street, what is the school system doing from kindergarten up in terms of dealing with fundamental values in ethics as to how people ought to be dealing with each other, respect for individuals, respect for property, etc.?

MS. MILLER. We were fortunate to be one of the school systems that were selected to do a pilot program on character education. I forgot the foundation that funded it, but anyway, they did initially fund this—its values—and it was expanded, not to all schools. The initial schools took it on a voluntary basis, but the response was so excellent—the teachers liked it, the parents liked it, the students liked it—that it was expanded, but this has not been instituted again for budget reasons, countywide, and of course I feel like a person—I left the book in the middle of the chapter. I can only go as far as the last budget cycle, but we did have that in, how many, about 50, 60 schools, I believe.

DR. BRITTON. About 48, 50 schools.

COMMISSIONER HORN. Why does the budget prevent programs such as that from being implemented? I'm just curious. What's involved?

MS. MILLER. Training.

DR. BRITTON. Staff development for the teacher and some additional materials we like to see made available to the school. It is not that expensive. The whole issue of value education and moral education based on ethics, patriotism, responsibility, and honesty, and that stuff is being taught more and more in the elementary grades and junior high.

We need to do it. You have hit a very sensitive area, and sensitivities to the fact we think it is very critical, that we need do much more than we have. For the last several years there is sort of being a neuter type of approach to all of this, but I think it is about time we began to begin again to emphasize basic responsibility, values.

Of course, the question always asked, Whose values? But I think there are certain basic elements that are true to all of us that can be emphasized in our schools.

COMMISSIONER HORN. How many hours of staff development do you expect your teaching faculty in elementary, secondary school to have a year?

DR. BRITTON. I never calculated any certain amount.

COMMISSIONER HORN. Well, is it 40 hours' worth over the year? Less than that?

DR. BRITTON. Based upon what they do within their own school, based upon our own staff, with the principals, I find it next to impossible to put a number on it. I just don't know.

COMMISSIONER HORN. There is no board policy on it?

DR. BRITTON. No. That requires a certain number of hours in a program, no, sir.

COMMISSIONER HORN. I just wondered if maybe the board might look at whether they ought to have a policy because I listened with

great interest to Mr. Cejas' comment on the lack of relevancy that many students feel the educational program has. I listened to the exchange by Assistant General Counsel Alexander and the lack of respect minority students feel they are held in by some teachers and staff, and I listened to the exchanges with various of my colleagues, and really it sort of crept out once in a while that, yes, there is staff development and, yes, in a desegregation context we try to tell people about intergroup relations and all that, but I'm just wondering, How serious is it? Are people properly trained? Are there so many hours?

I don't think you get intergroup relations staff development with a 1-hour shot at the beginning of the school year. I think it is a continuing thing that one must work at, and I'm merely searching for, Is there a policy? Is there a program to carry out that policy?

DR. BRITTON. There is no policy as such for certain specific number of hours. It is usually left up to the individual principal and staff and the other area office.

The offerings are so extensive and so numerous in both quality and, I should say, the number of efforts and extensiveness of the areas that I just can't give you a number. There is more to it than I can say right now.

COMMISSIONER HORN. Okay. Another area that interests me is the fair allocation of equipment between the suburban schools and the inner-city schools. For example, the interview reports show that the Homestead Senior High School was built for 5,500, but it only has 1,500 enrolled. Now I am assuming that there might be extra equipment in that school. Has the board and the school administration pursued the degree to which there is fairness of allocation of basic equipment in science laboratories, libraries, vocational education, and all the other areas that are needed between inner-city, let us say desegregated, and all-white suburban schools?

MS. MILLER. I would like to respond partially to that. As part of State policy for many years, all new construction dollars that came to Dade County had to be spent as the first priority to relieve those schools that were on double shift. Now, the practicality of that particular legislation was that, as the suburban areas grew in the southern part of the county, 80 percent, approximately, of all the construction dollars were spent in that area in compliance with the State law.

Several years elapsed before we were able to persuade the legislature that we would like to change the focus, and we finally received permission to spend some of the State construction dollars on renovating old facilities in an attempt to upgrade and equalize facilities, not only in the inner city but in all the older municipalities where the populations have remained stable.

This year we exercised the prerogative of assessing an additional two mills by the local board to be spent on mostly the renovation of old schools, new science laboratories, those kinds of things, to bring the older facilities, many of which are in the inner city but some of which are in the older cities such as Coral Gables and North Miami, etc., up

to par. But it was actually State policy that led to what appears to be a disparity in facilities.

COMMISSIONER HORN. It sounds like you have a State policy like the universities have in California, where you only get equipment with the new building, and I had one of my staff say that the organs are worn out in the music department, and it is time to get a new building.

What I am wondering is, within your discretionary money on annual supplies, equipment, operations and expenses, is there a staff study? Is there a monitoring of board policy? Is there a board policy which assures that discretionary operational money to keep up the supplies and equipment once the buildings are constructed, once the buildings are renovated, is fairly allocated, so that all-Hispanic, all-black schools get as fair a shot as the students in the all-white school?

MS. MILLER. Well, I'll let Mr. Cejas respond, but I would just like to say, it is facetious but true, as the budget got tighter, everybody suffered because the easiest place to cut was equipment and supplies, and what happened was that was the first, one of the first, areas, unfortunately, where the board did make cutbacks, and so it was equal suffering across the board.

COMMISSIONER HORN. But you see the problem is, and I face this with the people I deal with. I think the ones I deal with are generally nitwits in the sense that everybody has an unequal allocation to start with and at that point they cut across the board, which means you still have an unequal allocation to end with.

Now, what I want to know is what kind of studies have gone on to get basic equalization within the Dade County schools on the infrastructure that is needed if minority children, Cubans—from Hispanics, Puerto Rico, Nicaragua, wherever—as well as blacks, can learn basic science, can learn certain other things that take more than a classroom teacher, a curricula syllabi, and a blackboard and some chalk.

DR. BRITTON. First of all, I need to go back and clarify one thing on the Homestead Senior High. That school, as I recall correctly, was built for only 2,600. They're growing up pretty fast now with a population somewhere between 2,000 and 2,100 and not all the equipment has been ordered at that school, it is my understanding. But you hit on another area—that there is no basic policy. Every school right now receives the same allocation per number of students each year for various teachers, the discretionary materials, equipment, and supply money. It is the same amount per student.

On top of that, you get your special monies that might come through Federal monies and/or State monies for special purposes. This year, for the first time, we were able to put in, as Ms. Miller said, for capital outlay money for improvement in areas such as science laboratories. We used to have—we do not have at this moment—one of the budget recommendations for the future is a replacement program on a planned basis for everything from musical equipment to science laboratory equipment. We seem to do very well, much better, in the vocational area because we have a substantial amount of Federal money coming

in, of vocational improvement plans, from the Federal through the State to the school. We seem to do a lot better in that regard.

But in the basic equipment we are at a point where I think, unless we take very definite action, some very poor equipment, very poor facilities are going to be available throughout this school system, and, incidentally, I need to make another point clear. The money that was coming in, the point that Ms. Miller was making, is where you build the new schools you put in all of these new facilities and equipment. Many of those schools were in the inner city. A lot of people think they were all on the outskirts, but they were not all there. Many have been on the inner city plus expansion programs in such schools as Northwestern and Jackson renovation programs.

COMMISSIONER HORN. What proportion of your operational budget is State supported?

DR. BRITTON. I think it is around 50 percent.

COMMISSIONER HORN. How much of that budget has Federal funds in it?

DR. BRITTON. Approximately 7-1/2 to 8 percent.

COMMISSIONER HORN. And then the rest is local property taxes?

DR. BRITTON. Local property taxes and local required effort, right.

COMMISSIONER HORN. One last question. In response to this type of query that several of us have raised with other panels, there has essentially been two answers, so I don't want those; I want something beyond that. The answers I will give in advance, somewhat like Johnny Carson, and then I will give you the question.

One is money and the second is a lower student-faculty ratio. The question is this. If you could wave a wand, what would you do to improve the learning environment in the Dade County urbanized public schools, besides money and lowering the student-faculty ratio, what else needs to be done? And I don't necessarily restrict you to what the school system should be doing.

DR. BRITTON. A couple of things I tried to emphasize is the involvement of the community and parents, particularly in businesses, into the operation of the school, such as we're trying to do through our Dade parents and school volunteer programs and advisory committees. I think this would be of great, great assistance. And the other is within funding that we have available, is what I'm terming the staff development programs, to making them available for what the staff really needs to get the job done. I don't think we need to have much more money for a staff development program. It is being sure we have the right programs for the right people.

Thirdly, I believe there needs to be a commitment from the school board and particularly the superintendent on the school board with regard to the importance of education in this community and infuse that through the staff members, that education in this community is essential and important. We are counting on individual classroom teachers, and I see this now. I go out and see hundreds of teachers teaching their hearts out every day, but to be able to get a sense across to them that they are being supported by the school administration and by the

board. If we can maintain them and let them know we care and support them, I think we can further improve what we are already doing.

COMMISSIONER HORN. Would either board member like to add anything?

MR. CEJAS. I agree with Dr. Britton. I think community involvement needs to be worked on in reestablishing the credibility of the school system with the community, being able to bring the community, have the input. Particularly I am concerned in terms of minority participation. Spanish people do not participate as much as—let me qualify that—the new entrants, the parents, seemed to be more involved than the rest of the other Hispanic community for some reason or other, but in general the community participation is not there.

I would like to see that move in that direction so that we can have that valuable input, and an evaluation of the staff as well as staff development needs to have our attention. I think those two would be my top items.

MS. MILLER. Well, the hour is late so my magic wand would say, for minority youth, the perception that schools will make a difference in their life, and then for that to be a reality.

COMMISSIONER HORN. Let me just ask you to furnish these statistics for the record, if you have them, of those in the age group K through 12 in Dade County, what proportion are in the public schools as opposed to what are in the private, parochial, whatever, schools?

DR. BRITTON. My understanding would be about 15 or 16 percent are in the—

MS. MILLER. 85 percent.

DR. BRITTON. I think that is approximately correct.

CHAIRMAN FLEMMING. Commissioner Saltzman?

COMMISSIONER SALTZMAN. I only have one question and it relates to—I forgot my question. Let me get it. I enjoyed the dialogue immensely in terms of those things.

COMMISSIONER RUCKELSHAUS. I just have a quick question here. I want to be sure I understood the gist of this. I spent a long time understanding how a single race in a related system was all right. I am not sure I have gotten past that, but the other point I want to be sure I got is that you have made a commitment to put special programs and resources in those inner-city schools that remain largely or totally single race so they will continue to receive some kind of catchup compensation for the severe disadvantages that those people have. Is that correct?

DR. BRITTON. Yes, not only the Federal funds such as Title I, but I am very proud of our State as having made a commitment for compensatory education, which is helping grades K through three in the compensatory education program as well as reduced class size.

COMMISSIONER RUCKELSHAUS. So you have designated those for special designates, equitable distribution and the allocation of teachers?

DR. BRITTON. That's right. That's for all schools, but over and above that, go to the State and Federal programs as well as in some schools local monies. I think I heard—I'm not sure—Dr. Koonce who was

here, the principal of Northwestern, indicating the special program for the performing arts that is at Northwestern to draw students in, the combined program on academic achievement, excellence in academic achievement, between four inner-city high schools—Northwestern, Central, Jackson, and Edison, where they have taken one area in the area of foreign languages; another, social studies; another, math; and another, science—becoming specialists in their own schools, drawing students from the other schools into their own programs.

Efforts of that type we are trying to emphasize and make available the local money. Where we have been sort of, called some caution on this, is that we also have to watch some of the people who have said to us, "You've got to be certain you don't provide certain types of programs in other schools which are not available systemwide. Then you're in jeopardy of being brought into court for not providing that type of education elsewhere," but I'll worry about that later. We are providing these kinds of program where we can such as those four senior high schools.

I think there are certain elementary school programs for the gifted and talented performing arts. I'm thinking of two elementary-junior high combinations.

COMMISSIONER RUCKELSHAUS. Apart from programs for the gifted, though.

DR. BRITTON. The talented and gifted.

COMMISSIONER RUCKELSHAUS. And others—are there programs in allocations you are making for the quite disadvantaged to get a leg up in terms of counseling and group—

DR. BRITTON. Yes. The only, the real effort, that is happening through Title I and the State compensatory education money; that really, I would say, has significant amount of dollars.

COMMISSIONER RUCKELSHAUS. How many dollars would you say?

DR. BRITTON. \$13.5 million for Title I and the State money, compensatory education, I am trying to remember it, is \$4 to \$7 million right now. It depends on how you calculate it.

CHAIRMAN FLEMMING. Right along that line, if I may, earlier today I asked Dr. Foster from the University of Miami, who was one of our witnesses, whether there was evidence here in connection with the Dade County school system that would still support the key sentence that *Brown v. Board of Education*, that separate facilities are inherently unequal, and his response was yes, to that particular question.

Now, I know from some of your earlier testimony that there has been in existence a special needs fund, I think you called it, which was designed to be of help particularly, as I gather, to the inner-city school.

DR. BRITTON. I have to say no to that. There is a misunderstanding throughout the school system, in the community, that that money was meant primarily for the inner-city schools. But my understanding, being part of the staff, is that, no, this was available to the superintendent, where the needs would arise, that they would be available. It just so happens—I am drawing a fine line—that many of them were in the inner-city schools, but there were other kinds of programs that were

supported for that and for other reasons other than school programs, such as security and that type of thing.

CHAIRMAN FLEMMING. The only thing I took note of was that that particular fund is one of the casualties of the reduced budget?

DR. BRITTON. That is correct, except that a large portion of that was built into the basic budget. We had a number of teachers in certain schools and assistant principals in academic achievement programs. These were all maintained. I think around \$447,000 worth out of a million and a quarter budget, so that is almost a third of it that was maintained, built into the basic budget.

CHAIRMAN FLEMMING. Well, it still carries me back to my hope, but you will certainly take a look at the existing desegregation plan and think in terms of, particularly, the reassignment part of it and think in terms of presenting a new type of recommendation to the court. Some of the discussion here relative to relationships between the school system and the community reminds me of what has gone on in Boston under Judge Garrity. Of course, there he became very specific in terms of requiring the establishment, as you undoubtedly know, of parent councils. He didn't require it, but he urged the leading business concerns to take schools under their wing and work with them. He did the same thing with institutions of higher education in that particular area, with some degree of success, as I gather from reading the latest review of that situation by Mr. Crystal and *American Education*, but—did you find your note?

COMMISSIONER SALTZMAN. Yes. I'm sorry. Thank you. Did you seek Federal help, Dr. Britton, for the new entrants, the new Cuban and Haitian entrants? Were there specific proposals to the Federal Government and what was the outcome?

DR. BRITTON. Yes. The very first thing that occurred was the need for very intense—we felt right, immediately, during the summer—they began to come in April, May, and June, and we wanted to get many of these children to a summer program in English.

COMMISSIONER SALTZMAN. There were 14,000 that came in.

DR. BRITTON. By then around 11,000—10,000 to 11,000 at that point. We now have over 13,000 if not 14,000.

COMMISSIONER SALTZMAN. How many were in the special help summer program?

DR. BRITTON. I think about 8,000 actually showed up, and for one portion of the program or other, the Secretary of Education, Secretary Hufstедler, made available to us a little over a million dollars in discretionary money for the summer program which was just immediate help.

The second part that we've been waiting for would be above the State funding, which is at around \$1,100 per student right now, which is the same for any and all basic students. We are receiving that. We feel we need up to another \$900 to \$1,100 per student to provide all the services that are necessary. We feel on the first concurrent resolution there is a supplemental of about enough to provide us somewhere between \$250 to \$350 per student.

We are hoping that the new bill that's being looked at right now—I think the House and Senate have passed it; they're waiting for the President to sign it, or it is conference—that should provide around \$15 million nationally, will provide us with additional funding that we can work with through the remainder of the year, to provide either additional guidance counselors, visiting teachers, psychological services, some additional materials. We need between 21 and 25 additional buses because of the necessity to transport additional students. We are hoping that money will still be available to us in early spring, but, overall, Federal money has been relatively slow in responding to the needs of these students.

I am proud of this school system, by the way. The staff members who have been here, particularly the principals and the teachers, too, have absorbed 13,000 to 14,000 students in a relatively short period of time. I don't know what percentage that represents, say, how it compares to other school systems in the country, but I hazard a guess that 90 percent of the school systems in the country have less than 15,000 students.

In other words, we have absorbed a system such as the size of Ann Arbor, Michigan, literally over the summer; with problems, yes, and we are working them out one by one, but I think the staff members, as I say, teachers and principals and many area office people are very competent at this and have made it look relatively easy. I hope we don't overlook what these people have done in this school system to absorb that many students in that type of program.

COMMISSIONER SALTZMAN. My specific concern is, Do you think the Federal Government was adequate in its support in response to the needs and, if not—

DR. BRITTON. Unequivocally, no. It was a national policy that brought these students here. We have said, the board and the superintendent have said, consistently, we will take the students in the school system.

COMMISSIONER SALTZMAN. Do you have specific proposals you submitted?

DR. BRITTON. Oh, yes.

COMMISSIONER SALTZMAN. Can we enter them into the record at this point?

CHAIRMAN FLEMMING. Without objection, that will be done.

COMMISSIONER SALTZMAN. With the Federal response?

DR. BRITTON. Yes. We have all of that. There have been a series of proposals.

MR. CEJAS. I would like to add, and I agree with Dr. Britton, my concern still being that, if we do not get the dollars, we still might have to have the type of dual system we now have. I am quite concerned about the students. In fact, they are being tagged, they are called names like Marielitos, which is someone from El Mariel, and they are being identified as such. And, in fact, I'm concerned with whether we are really creating second-class citizens going with a stigma and have them isolated. So I would say we did this for 1 year. It is my hope that we

can get the funding to do away with the existing dual system that we now have.

DR. BRITTON. If I may just comment, I know you are concerned about the number of portables that we are talking about buying in this school system. They aren't only for desegregation purposes alone, but we have got housing needs throughout this school system in a transitional stage where two, three, or four portables in a school will solve problems for a long period of time.

One of the other issues with our portables, about half of them were built prior to 1950, the World War II surplus wooden units. They are only 600 square feet and they are next to useless to us, and we have had to replace some of those. But to provide housing for these entrant students, we can get them into schools where they can deal with their own full programs, everything from the music and art and science, whatever they may be, we can make them profit by it, whether it can be in that school or a nearby school somewhere. We have to get them into the mainstream of our school program. We've got to get them off the double sessions. I think there's 17 such schools on double session, receiving only what I term 5/6 of a day of a program.

CHAIRMAN FLEMMING. Mr. Nunez?

MR. NUNEZ. Mr. Cejas, going back to your statistical dropouts, looking at its implications for a genuine desegregation in the Dade County area, it is apparent that approximately 50 percent of the non-Hispanic white students have left the school system, have become a lower proportion, and we know our statistics. You can easily see that in the next 10 years, if conditions remain, the majority of students in this system will be Hispanic students, so that a genuine desegregation plan cannot simply talk about black versus non-Hispanic whites.

The question arises—I sense your commitment to school desegregation—the question arises to develop a genuine desegregation plan in this community, whether there is or can there be built a commitment on the part of the Hispanic community to ensure that this will happen? This is rather a unique community, looking back at your statistics, in that the Hispanic community here is doing, as I understand your statistics—and correct me if I'm wrong—they are doing as well as the non-Hispanic white students in the school system, in completing the school system at least, so that it presents a minority population, which will soon become a majority population, a unique responsibility to perhaps do a better job in the school desegregation, and I wonder whether you have thought about that and whether we can begin to plan now that you have achieved the position of school chair.

MR. CEJAS. Yes, Mr. Nunez. I would like to say one thing for the record is that the Hispanic do not have the same percentage of dropouts as whites, as you're saying. The trend has remained and in that sense they are the same as white but, of course, their percentages are higher than the white community. Of course, not nearly as high as the black community. As to what we are going to do—and you are absolutely right in your analysis of the future of Dade County and Dade County student population. We see a drop in the percentage of white

student population from 64 to 32 in the last few years and the tremendous increase in the Hispanic population. I think we are going in that direction.

It takes leadership to get the Latin community involved in their school system and in community activities. You have to bear in mind that a great majority of the people for a great number of years felt that getting involved with local politics or local issues was to negate the fact that they would or—it would mean that they will be perceived with the rest of the community, that they did not want to go back to Cuba and had given up on that hope, and, therefore, it was somewhat—you would be somewhat looked down to.

I think we have outgrown that age. Now the Hispanic community, particularly the Cuban community, has certainly, what I call, community maturity now in which they are beginning to participate, and certainly we have seen it in the political process. Hopefully, I can play a role in bringing a more active participation in the Hispanic community as well as the black community.

In fact, I have been active on a radio talk show circuit trying to do just this. In fact, last Saturday I had a talk show with Dr. Marvin Dunn, WNBM, which caters specifically to the black community, and I had a very good response from the community.

The fact that I was out there and I said I want the blacks to participate, we need to have the input of the black community, and I visited a lot of the inner city schools to learn, and, in fact, I have been greatly surprised at some excellent schools that we have in the inner city. For instance, a couple of weeks ago, 2 or 3 weeks ago, I visited the Martin Luther King primary school, and I was very impressed with the quality.

You talk about ethics and code and everything is just—I wouldn't want a better school, as far as I could see that night, in the participation of the community. It quickly came to my mind, why can't we have other schools like this in the inner city?

What are we doing right here, and it is my intention to go back with more times, not just on a social affair, to see that principal is doing right, why he had such a great participation and the quality of participation in the community, and the students, well behaved, and I talked to them and they were fantastic. I was very greatly surprised and very pleasantly surprised, and I plan to go back and see the right things that we're doing in those schools so that we can start developing some plans.

I firmly believe that we do have good things in our schools. I think we have had our share of bad things in the past, and the perceptions of the community, as you might have seen by the people who were by here, are made basically by what they hear and not—if you really go back and say, "Well, did you have a firsthand experience? Have you come into our schools; have you seen them? Have you talked to someone?"

A lot of them it is just what they read and what they heard on the radio and saw on TV. I don't think the media has been fair to the

school system in reporting the good things that do exist in our school system and just get carried away in reporting the bad things. It is my intention, also, to bring about a turnaround whereby we can get to the community, reestablish that credibility. I don't think we can do our job in this community unless we reestablish that credibility, and it is my mission, I feel, to go out there and reestablish it by developing a working relationship with the media and pointing out some of the good things and bringing out those good things and analyzing them, evaluating what we are doing right and what we are doing wrong, specifically in the minority area, in the black and Latin area, and to sincerely work to better our school system. And I hope I can provide the leadership to do this and look at the problems that we have with minority and the rest of the community, and I am totally committed to it.

CHAIRMAN FLEMMING. Thank you very, very much. We apologize for asking you to stay with us until 6:30, but it has been very helpful and we are grateful to you. Best wishes.

The hearing is recessed until 8:30 tomorrow morning.

PROCEEDINGS

Morning Session, December 9, 1980

---

CHAIRMAN FLEMMING. I will ask the hearing to come to order. Counsel will call our next witnesses.

MS. STEIN. Would William Gladstone, Maxine Cohen, and Shay Bilchik come forward, please?

[William Gladstone, Maxine Cohen, and Shay Bilchik were sworn.]

TESTIMONY OF SHAY BILCHILK, ASSISTANT STATE ATTORNEY; WILLIAM GLADSTONE, JUDGE; MAXINE COHEN, ASSISTANT PUBLIC DEFENDER, 11TH JUDICIAL CIRCUIT

CHAIRMAN FLEMMING. I am delighted to have you with us. You may proceed.

MS. STEIN. I would like to ask each of you, beginning with Mr. Bilchik, to state your name and your occupation or position for the record?

MR. BILCHIK. My name is Shay Bilchik. I am an assistant State attorney with the State attorney's office for the 11th circuit of the State of Florida, and I am the division chief of the juvenile division of that office.

MS. STEIN. Thank you.

JUDGE GLADSTONE. William Gladstone, a circuit judge of the 11th judicial circuit, district of Dade County, Florida. I am the administrative judge of the family division of our circuit.

MS. COHEN. My name is Maxine Cohen. I am an assistant public defender with the public defender's office for the 11th judicial circuit or Dade County, Florida. Up until September 1, I was the chief of our juvenile division.

MS. STEIN. Judge Gladstone, would you tell us how long ago you came to the juvenile bench and what your functions are as chief administrative judge?

JUDGE GLADSTONE. I became a circuit judge on January 1, 1973. I have served in what was then called the juvenile family division, and it has since been called the family division because we have jurisdiction not only over juvenile matters but over family matters as well.

I became the administrative judge, I think it was about 2 years ago. It seems in some senses like an eternity. My functions would be that

normally held by a family court judge having a full caseload, and I have certain administrative functions but not complete administrative autonomy, because our circuit, as are all circuits, are essentially run by a chief judge of the circuits who runs all of the divisions.

MS. STEIN. Do you deal with juvenile delinquency cases?

JUDGE GLADSTONE. I deal almost exclusively with juvenile delinquency and juvenile dependency, and one of the things I hope this Commission will not overlook is that all juvenile courts in this country handle kids who are not committing crimes but who, I suppose for the lack of a better word, we should say, have crimes committed against them.

MS. STEIN. Am I correct that the legislature made alterations in the juvenile code in 1978?

JUDGE GLADSTONE. Yes, ma'am.

MS. STEIN. Would you indicate to us what you believe the intent of the legislature was in making those changes?

JUDGE GLADSTONE. My colleagues may wish to comment on this, but, in general, I would say the underlying intent—and that I see throughout the county—is, “Get tough with juveniles.”

I know there is a growing concern about delinquency, primarily violent delinquency, and although there really is, at least in the State of Florida, an actual lessening of juvenile delinquency, the community does not perceive it that way. There is a general hysteria, primarily occasioned by that very small percentage of kids to commit crimes, whose crimes are violent in nature. By the way, almost all kids commit crimes, and the thrust of that act was to have serious consequences wreaked upon children for their crimes. As a matter of fact, in the very introductory sections of the statute, the section having to do with legislative intent, the statute used to start off with words of “rehabilitation.” Now it starts off with words of “consequences for their conduct” and then “rehabilitation.” The second thrust of the act—and I’m honestly not quite sure that I understand the reason for it—was to put responsibility for delinquent children back into the community which produced the delinquent child. Florida has an executive branch run juvenile justice system in which the State department of health and rehabilitative services is primarily responsible, not the court, for the management of kids found to be delinquent. The legislature in Tallahassee, it seems to me, threw up their hands and said, “Look, communities, you are producing these delinquent children. You will now develop control over these children.” And indeed they changed the word “probation” to the words “community control” and said that, “You will devise methodologies within your community to control delinquent behavior, and you will have children held responsible to their community and the communities responsible to the child.”

Maxine or Shay, I don’t know if you think that is a fair statement of the thrust, but you may want to add to it.

MS. STEIN. Do you think that that is a useful change, or, if not, where do you think the legislature’s attention should have been focused?

JUDGE GLADSTONE. I think in some respects the change is useful and in some respects I think it is negative. I am not a bleeding heart, as such, despite the view of some, I suppose—my State attorney, in particular, I'm sure. I think it is essential that children know consequences for misconduct, and that thrust of the act I don't have any real problem with. One of the problems that I do have—really, it is not a problem, it is an ambivalence. What we have done is set up a scheme of restitution, saying to a child, "You've committed such and such an act. You've cost somebody \$25. Now you will go to work and pay him back that \$25."

I liked that idea, and now all of a sudden I have the notion that the idea may not be so good, the reason being that we are taking children, at least the children we seem most concerned about, the children who are most recidivistic, the children who are the so-called hard-core delinquents, and we are taking them largely out of communities in which there is no work, there is no hope; kids who, you ask, you know, "What do you want?"

The first thing they will say to you is "I want work" or "I want a job" and all of a sudden we're holding up their—the first work they ever get, we're holding it up to be punishment rather than something constructive. It is kind of an interesting negative feedback, I think, I am getting from—in my own mind, feedback—from these restitution projects. They also, of course, are impossible in many respects. You take a 12-year-old child who comes out of a community of abject squalor and has no work skills and has done \$250,000 worth of damage to a school. You can hardly expect him to repay the school system. So we try to be gentle and sensitive in our restitution. We may take such a kid and tell him he has to work five or six weekends only, out of school. But I'm not so sure that restitution as to victims with these particular kids, as I say, is a constructive idea.

MS. STEIN. What do you think would be a constructive way of dealing with children adjudged delinquent?

JUDGE GLADSTONE. I don't mean to be frivolous in my answer to you. My initial impression is to become very defensive when I am asked a question like that because, to be blunt about it, I am very tired and I am sure Mr. Bilchik is and I'm sure Ms. Cohen is of taking the rap, as it were, for these kids. I am tired of a community and a Nation, perhaps, looking to a justice system to make these corrections.

Don't give me a child 15 years of age who has been abused and abusive for those 15 years, who has never known a moment's success, if you will, who is not likely ever to know a moment's success, and expect me in a matter of 6 months or something somehow to make an acceptable, good, productive, happy citizen out of him. We are pretty much at the end of a line, so I don't think the successes in a juvenile justice system really can come out of that justice system. The fault doesn't lie with the system; it lies with the communities that produced the kids that come into the system.

So when you say, "What do I do with a child adjudicated to be delinquent," the ones who end up in court, many of them, it is already too late for.

The trick, of course, is to get into their lives with proper parental nurturing, communities that are not violent, communities and families that have hope at the moment of birth. I do have, you know, ideas about things to do with juvenile justice systems, of course. I think one of the mistakes we have made in the United States in recent years is to continue to follow that treatment—excuse the medical model—that treatment methodology with delinquent kids that said that you essentially put them into a room with their peers and set them around a circle and let them talk about it and they will work their way through this. This is Dr. Glasser's reality-based therapy. Most States are using this now. We call that euphemism, "guided group interaction" in Florida. This was all fine in the early seventies when everyone was satisfied that this year's cure for juvenile delinquency was to get kids off drugs, and we had a batch of middle-class, communicative kids who could sit around in a circle and they could talk through and say they had a certain amount of guilt and talked about their problems and talked about the problems each had with their parents and get off drugs. This treatment methodology, in my view, still is being followed, to my knowledge primarily in all States in this country, [and] is not a very good one with kids who have no communication skills to begin with, kids who do not come to the moment of the conference, as it were, with very good built-in conscience structures, very good models to have emulated, and the like.

I think those kind of kids need primarily a very intensive kind of educational experience that is in a palatable pill of more than "see Dick run" or whatever that stuff was that I read, an intensive educational experience that relates to the real world, the world that they hope to get into.

I'm talking about, for example, what is commonly called career education, and I trust you realize that is not taking poor kids and putting them into industrial schools because they can't make it in the regular schools. I don't mean that at all. I mean the kind of educational experience that is meaningful and exciting to them. There should be, I believe, the token economy kind of correctional system, but this has to have an enormously heavy emphasis on success. These kids—one of the things that is difficult for us to realize a lot of these kids come in the delinquency arena never knowing a moment's success. You have to heap success on them immediately. Let them know that joy, that thrill. Give them awards for little things they do. I think there has to be a vocational emphasis, a very strong vocational emphasis in the correctional process, and a realistic vocational emphasis, by the way, one in which we hope they can go on in later life.

I think the kids have to be challenged and have to be able to meet the challenge. They have to be given challenges they can meet and overcome. That's part of the success thing.

We have programs in Florida, probably the best program in the United States—that is what some of the judges said a few years ago of a thing called the Marine Institutes, which is sort of an underwater Outward Bound where the kids challenge nature and come out of it successfully with good feelings about themselves. That would be the—I've talked too long, I'm sorry, but that's the kind of juvenile justice system I think would be as successful as a juvenile justice system can be, but juvenile justice systems cannot prevent delinquency; you can prevent delinquency. You see, all of us as citizens, not as lawyers and commissioners and judges.

Ms. STEIN. Thank you very much.

Ms. Cohen, would you tell us how long you served as a public defender in the juvenile section before you recently left it?

Ms. COHEN. I began my career as a public defender as a 3rd year law student and certified legal intern in 1973, and in, I believe it was, December of '73 or January of '74 I was the public defender, in essence, even though I was not admitted to the bar before the Honorable William Gladstone, and that was where I got a great deal of my juvenile training. I was there for, I think about over a year.

I went on through our office, through county court and felonies to come back as the chief, the administrative chief of the juvenile division. I served there since February and left in September to go back to our felony division.

Ms. STEIN. In interviews with our staff you expressed a view that a racist attitude pervades the justice system. Could you explain to us what you meant by that?

Ms. COHEN. Yes. In dealing with the juvenile justice system specifically I think that there is an attitude that the child, the black child from the ghetto, is almost a self-fulfilling prophecy, that child, who at the age of 15 may be committing violent acts has probably been recognized by the school system at age 6 or 7 as having some problems—a slow learner, learning disabled, or other problems.

At the age of 8 or 9 or 10 that child may come into the juvenile system either as a delinquent or a dependent. The juvenile system HRS, I do not believe is equipped to deal with that child's problems which are cultural and familial in nature, at that point, at that age. There is not the sort of family counseling, the sort of pervasive programs that that child needs. At the age of 15 that child, who is probably still functionally illiterate, who will test out retarded, even though he is not, may be bound over to the adult system. The reason for that bind-over, even though he may have had some contacts with the juvenile system, is primarily because he is culturally deprived, because he can't succeed in the types of programs that are set up. The programs that are set up to "rehabilitate" the child in the juvenile justice system do not treat that child's problems, they do not deal, for instance, with his learning disabilities, his emotional problems.

What they do is they punish him in a nice way, I suppose, if they can for the crime, which is really a secondary problem. The primary problem may be that he is one of 10 children living in a 2-bedroom

apartment with a single parent who is either working or on welfare, tremendously overwhelmed, unable to care for that child or the other children, and doesn't even know where to begin to seek help.

MS. STEIN. Are there ways in which a black juvenile is disadvantaged in dealing with the system because of availability of his parents for interviews or things of that type?

MS. COHEN. Yes. One of the problems—and I believe Judge Gladstone mentioned it right off—is communication. The parents of that child who is culturally deprived are not used to communicating with this white middle-class system that they are suddenly subjected to. That's first of all.

Second of all, as with any welfare system, whether it is getting medical treatment, getting welfare, getting food stamps, you are going to have to wait in line for half a day. If you happen to be lucky enough to have a job—and sometimes it is difficult, and I have seen situations where the inability of a parent to miss a day's work and come and sit in court for half a day or a whole day with their kid, or sit for an intake conference, is mistaken for lack of interest on part of that parent. It is not a lack of interest. It may be frustration with the system.

MS. STEIN. You mentioned earlier the possibility of juveniles being waived into an adult court? What do you think is the motivation or motivations, if there is more than one, for the State attorney's decision to file a waiver motion?

MS. COHEN. I think that is part of this panic that Judge Gladstone is talking about, has a great deal to do with pressures brought to bear on the State attorney's office. It is my feeling, although I don't have statistics, that we are seeing bind-overs filed on cases where bind-overs were not filed before on first referrals, or things of that nature. My own experience recently in a felony court is that I am seeing children at the age of 14 or 15 who have been bound over. I have talked to some of the prison authorities and they have told me that they don't really have means of dealing with these children and that what ends up happening, if you are lucky, the child gets sent back to the juvenile system and several of the bind-overs that I have seen lately have been in spite of the recommendations of the HRS counselor that the child be retained in the juvenile system.

If you are not lucky, the child may go to prison.

MS. STEIN. Thank you very much. Mr. Bilchik, would you tell us how long you have been in the State attorney's office and in the juvenile division in particular?

MR. BILCHIK. I have been in the State attorney's office for 3 1/2 years. I have been working in the juvenile division for a total of 2 years. My first 6 months of experience with the juvenile division, or 5 months, was a when I was a beginning attorney with the office and I was going through county court to juvenile and eventually felony division, and now I've been in the position of division chief of the juvenile division for the State attorney's office for approximately a year and a half.

MS. STEIN. Who makes the decision to file a petition of delinquency?

MR. BILCHIK. I make that decision.

MS. STEIN. What criteria do you use in deciding to do that rather than seek a nonjudicial approach?

MR. BILCHIK. The way the system is geared is for the HRS counselors to have first contact with the child. They will be making recommendations to my office, which I will see, as to whether a child should be recommended for a filing of a petition, or for recommendation for nonjudicial action known as NJA. That is based upon the seriousness of the present offense, the seriousness of the child's past record, if any, the age of the child, the child's attitude and concern for what is taking place.

MS. STEIN. In your position have you observed any change in the number or nature of crimes committed by juveniles?

MR. BILCHIK. I feel that there has not been a pure increase in the numbers. I don't think we are filing any more petitions or seeing any more recommendations for petitions than we were in the last several years. I do see a change in the type of crime that's coming through the system, and that generally being a more violent type of crime committed by juveniles.

MS. STEIN. Do you think this change has played a part in increasing the number of waivers that are filed for?

MR. BILCHIK. I think that is one factor but not the only factor. I think the legislative shift through the enactment of the new chapter 39 in 1978, those amendments which indicated a desire by the legislature, which I think reflected a desire of the citizens of this State, to see a harsher hand in dealing with juveniles, that is one factor.

The legislature adopted certain provisions in that statute which dictated the filing of waivers by my office. The provision provides that a child who has previously been found guilty of an aggravated assault, aggravated battery, strong-armed robbery, armed robbery, sexual battery, or murder and now has come forth on a similar offense must be filed by a waiver to the adult court or the direct filing of an information into the adult court.

The legislature also provided the mechanism through that amendment in 1978 for that direct filing of information on any 16- or 17-year-old who has two prior convictions, one of which is a felony and now again is before the court. I think the legislature has demonstrated that it wants to get tougher with juveniles, and my office is responding to that.

Of course, the increased violence is one factor in that. You are going to take a 15-year-old or 16-year-old who comes in charged with murder and, unless there is some strong mitigating circumstances, you are not going to keep that individual in the juvenile court.

MS. STEIN. In your experience, you mentioned the shift in type of offenses. Do you find more weapons, handguns, in the possession of juveniles now than formerly?

MR. BILCHIK. There has been an increase in the use of weapons, both handguns and knives, in the commission of crimes by juveniles. Whereas it used to be the most common offense was a purse snatch or a chain

snatch, we see more indications that the juveniles are bringing a knife with them, taking a gun in their side pocket rather than just going in there with the intention of a strong-armed robbery.

MS. STEIN. What is the percentage of successful prosecutions in juvenile court?

MR. BILCHIK. The word "successful" is one that needs to be defined. The successful, in terms of that we have filed a petition alleging delinquency and the court has found the child to be delinquent or the child has admitted his delinquency, the percentage is probably somewhat in the area of 90, 95 percent. I would like to think that those cases where there is an adjudication of no delinquency, that is equally successful.

MS. STEIN. How do you account for that high a rate?

MR. BILCHIK. There is a great deal of screening that goes on within the system when the recommendations come to my office from the department of health and rehabilitative services. We screen the cases for legal sufficiency. We contact witnesses, contact police officers to make sure as best we can that a child is not going through the trauma of experiencing the court process unless it is deserved.

MS. STEIN. Could you give us an estimate of the percentage that blacks form in juveniles, in the number of juveniles, going through the juvenile justice system?

MR. BILCHIK. I would not be able to give you an exact percentage outside of saying that the percentage of blacks in the system far exceeds the percentage of blacks within the community. I think the percentage of whites in the system is less than their percentage in the community, and the percentage of Latins within the system is far less than the percentage within the community.

MS. STEIN. Would you be able to say over 50 percent or under 50 percent?

MR. BILCHIK. I would not be able to give you an exact statistic.

MS. STEIN. Is there anyone on the panel who can?

JUDGE GLADSTONE. The State's statistic is, as I recall, around 25 or 26 percent of kids adjudicated to be delinquent or found to be delinquent, rather, are black. As I recall—I'm sorry, I have the exact statistics and I would be happy to submit them to the Commission. There are several things I should have brought with me to submit to you and, if you allow me to at a later date, all of this kind of demographic and statistical data, I think, we have available to you.

CHAIRMAN FLEMMING. We will be very glad to have you do that and we will put it in the record at this particular point.

JUDGE GLADSTONE. Mr. Chairman, I would also would like to submit a study that we recently completed in our court of who are these delinquent children, what makes them tick.

CHAIRMAN FLEMMING. We would appreciate receiving that and without objection that will be made part of the record at this point.

MS. STEIN. Mr. Bilchik, in your experience, what do you think are the reasons why blacks in the juvenile justice system exceed their percentage in the population?

MR. BILCHIK. I would not say it would be a result of recommendations from the counselors. I think the recommendations from the counselors are fair. I don't think they are recommendations for filings against blacks that exceed the recommendations for filings against whites as pure percentage. I think the factors which lead to more blacks coming into the system are societal factors rather than institutional factors.

MS. STEIN. Ms. Cohen, could I return to you for just a moment and ask you to tell us what steps the public defender has taken in the area of social services?

MS. COHEN. Well, unfortunately, we did take some steps and—I say unfortunately because I think that to a certain extent what we have done is take the place of some functions that the State of Florida HRS ought to be handling: However, our office applied for and got an LEAA grant which now involves three full-time MSWs. What our MSWs—they are masters of social work—do, and they are all well experienced and trained, is work with the kids either on a followup basis or on a basis of doing a psychosocial report on the family and the child, on the basis of presenting a treatment plan to the court, and they might work in either pretrial or posttrial dispositional phase.

I wish we had a hundred of them.

MS. STEIN. Thank you very much.

Mr. Chairman?

CHAIRMAN FLEMMING. Commissioner Ramirez?

COMMISSIONER RAMIREZ. Thank you. Ms. Cohen, I would like to ask Judge Gladstone who in the system from the time the child, the juvenile, begins to get into trouble until the time he is sent into a correctional institution—who in the system feels ultimately responsible for that individual child?

JUDGE GLADSTONE. My initial response to that is somewhat at variance to my prior answer because I am about to say me. I'm sure, also, Ms. Cohen feels the same way and Mr. Bilchik feels the same way. We all feel responsible when a child comes into the system, and I guess teachers and parents and other people somehow feel responsible to begin with, but to say that we adequately exercise our responsibility is another thing.

COMMISSIONER RAMIREZ. I have every sympathy for your position. I have been somewhat in the same business at different times, but my concern, my question, really leads in this direction: Is there an agency that is assuming responsibility for some preventive work, if you would, across the systems?

JUDGE GLADSTONE. I don't really think so. You know, I sit on all kinds of boards, State boards, a couple of national ones now, local ones; everybody is going to be a clearinghouse; everybody is going to be the focal point of this or that or the other thing, and none of us really are focal points of very much.

The LEAA experience with which I am really entwined as well as the CETA experience hasn't been a very successful one. Those agencies have seen themselves as ultimately responsible focal points for systems.

I guess what I originally said, that the ultimate responsibility really lies, one, within the nuclear family and, two, within the community that the family lives in. If there is no other point that we are going to make here, that you are going to hear time and again, I am sure you have heard, that's really where it's at.

COMMISSIONER RAMIREZ. What percentage of the children that come before you—I guess Mr. Bilchik, you would be the first one of the three persons on the panel to see the children; is that correct?

MR. BILCHIK. That's correct.

COMMISSIONER RAMIREZ. What percentage of the children are victims of child abuse?

MR. BILCHIK. I think you would find a very high percentage of children coming within the juvenile justice system are victims of child abuse. Defining child abuse is important, however, because it is not just physical abuse but mental abuse and emotional abuse.

COMMISSIONER RAMIREZ. What percentage of them have been in foster care homes?

MR. BILCHIK. I wouldn't be able to give you an answer on that. I don't think a very high percentage.

COMMISSIONER RAMIREZ. In terms of the treatment, that is, children going into a correctional system, is it your assessment, Ms. Cohen, that that institution is one which is sensitive to minority children as minority children? Are there minority staff? What does that institution look like?

MS. COHEN. My impressions of the institution, which we have tried to check out—I have not been there personally, but we have sent members of our staff—is not a ratio staffing problem. The problem is in training the staff to deal with the problems of the child. If you have somebody who has a bachelor's degree in history and 2 years of working with the girl scouts, that is not going to qualify that person to work with a learning disabled child. I think we have found out that about 50 percent of our kids in State schools will test out retarded; they are illiterate. They are just now beginning, I understand, to work with those educational deficiencies. In that sense, that is cultural deprivation because this is not a a white, middle-class kid who stole somebody's golf cart. This is probably a fairly serious felony and that child is not being worked within the system, and his problems are not being dealt with. In that sense, I think the system is "racist."

VICE CHAIRMAN BERRY. I have a number of questions for all of you. Mr. Bilchik, could you tell me how much of the delinquent behavior that these youths engage in, or that they are convicted of, I suppose, is black on black crime, in the case of black offenders? Is it mostly blacks doing things to other black people or their property, or what is the situation?

MR. BILCHIK. I wouldn't say it is mostly black on black. I think that's rather random. I don't think you could find a specific intent of blacks finding other blacks or blacks finding whites. I think it is a matter of opportunity.

VICE CHAIRMAN BERRY. I am asking you more specifically what the statistics are on how many victims in the case of violent crimes?

MR. BILCHIK. I would not have that statistic.

VICE CHAIRMAN BERRY. Do you have it available?

MR. BILCHIK. I don't believe so.

VICE CHAIRMAN BERRY. You don't keep the race of victims?

MR. BILCHIK. Not in my office. It might be kept in a separate office.

VICE CHAIRMAN BERRY. Judge Gladstone, would that be available somewhere?

JUDGE GLADSTONE. I think so.

VICE CHAIRMAN BERRY. If it is available, could you provide that?

JUDGE GLADSTONE. I will try and provide it for you.

VICE CHAIRMAN BERRY. Thank you. The other point is, I understand from the testimony of everyone on the panel that a major problem is that the social services system, whether we're talking about education or social work or whatever the system is here, does not provide the kind of support for these youths and so that by the time they get before you, Judge Gladstone, or with you, Mr. Bilchik, it really is a little bit too late. That was the understanding that all you could do is fix the problem or punish them for whatever has taken place.

Did I understand you correctly?

JUDGE GLADSTONE. Yes, Madam Vice Chairman. Forgive me, but the thing I really most wanted to work into my testimony, I didn't. The reason probably is—you call yourself Civil Rights Commission, and yet you bring these witnesses in, put them under bright lights, and begin asking them questions without giving them the *Miranda* warning. I feel abused.

VICE CHAIRMAN BERRY. You have the right to remain silent.

JUDGE GLADSTONE. All right. Thank you. I'm glad you have given me this opportunity to point out what I think is essential and certainly essential in understanding of Florida's systems, and that is that our systems are woefully inadequate by comparison to most other States. Florida is one of the worst, one of the poorest funded States in the country. Floridians are among the lowest taxed citizens in the country, and that means that the money that would go into a social service delivery system is obviously low. In particular, I am desperately concerned and have been from the first day I came into this system. It was so obvious that we are not providing the kind of care that we need to provide for children who are either intellectually deficient or children who are emotionally disturbed, mentally ill, and these are a very high percentage, enormously high percentage, of the kids who come into the juvenile justice system.

Intellectual deficiency does not necessarily imply organic impairment, retardation in the classic sense, but we are talking about people who, because of the kind of lack of parental nurturing, lack of support system that they have had as children grow up retarded by any other word. They are not able to function within the mainstream.

VICE CHAIRMAN BERRY. But based on what you have told us, and Ms. Cohen and other witnesses, we would expect the kind of community from which these youngsters come to not have available to it the resources to provide the kind of support you are talking about.

JUDGE GLADSTONE. Precisely. The community doesn't and the family doesn't.

VICE CHAIRMAN BERRY. So if the community—

JUDGE GLADSTONE. It isn't that kind of family.

VICE CHAIRMAN BERRY. If the community doesn't have the resources, the family doesn't have the economic support of the resources, then what you have essentially is a youngster in the world searching for support from somewhere else, the family searching for support from somewhere else, and then you tell me the systems don't provide the support. We already heard that the educational system isn't providing the kind of support that these particular youngsters need, so what you are confronted with is trying to deal with that problem, so I suppose what you regarded as merely trying to punish someone at the point that you see them and that there is nothing more you can do.

JUDGE GLADSTONE. Not necessarily just to punish, to show them better role models. You know the role models in their communities, the community of the children that we are here addressing, are terrible. You know—what do you expect a kid to grow up being when the only successful human being is the pimp down the block or the dope pusher around the corner, when the only way he knows to handle his anger is the way the old man handles his anger when he comes home drunk and beats hell out of her every night. How do these kids learn?

This is, by the way, one of the things our study showed. Somebody asked about child abuse—enormous amount of intrafamily violence, totally disproportionate amount of intrafamily violence in these families that produce these delinquent children, anger, frustration, lack of success. These are the only things these kids know.

VICE CHAIRMAN BERRY. Are any of you aware of whether there is some kind of community group, organization, service here in Miami-Dade which tries to provide the kind of role models, success stories, works with—I don't mean in the poor community from which the children come. We already agreed they don't have the resources to do it.

Is there anybody else in the community who is trying to take on this problem and work with the juvenile justice systems in dealing with these delinquents?

JUDGE GLADSTONE. Dozens within the black community, within the Hispanic community, within the Anglo community, and within the community that doesn't discriminate between the three, and they are all part of this system at the end of the line, pretty much in my view. I don't see an enormous amount of success coming out of them.

I have seen some successes within the school system. The school system, to my view, is the most important agency. It is one place where all kids grow up, hopefully. A lot of our kids don't, and it is one—within the school system I have seen some pretty healthy kinds of things.

VICE CHAIRMAN BERRY. Are you, Ms. Cohen, aware of any particular group or groups that are successful in trying to deal with providing the social support systems for these children?

MS. COHEN. I think what I've found is that there are some groups that will work with—big brothers and big sisters, boys clubs, things like that, but that in a sense that is sort of on a limited basis because it doesn't attack the whole problem. It does try to provide, for instance, if it is a male child, a male role model if that's lacking, and in some cases there are great successes, but I think that those programs are limited and I think they are inadequate, that the State has taken the responsibility for the upbringing of that child, particularly where the child is dependent and delinquent they should accept the responsibility and they don't.

VICE CHAIRMAN BERRY. Mr. Bilchik, do you like the policy of restitutions that Judge Gladstone talked about that's in the law? Do you think that's a good idea?

MR. BILCHIK. I approve of the idea of restitution being made. I think it is important to keep in mind Judge Gladstone's point, that there is some harm to be done if you are teaching a child that work is a punishment, and what we have tried to do, the State attorney's office is involved in a restitution program which goes beyond the mere making of restitution but tries to get the child involved vocationally in an area the child is interested in, and once the restitution is completed, the child will continue if at all possible in that job.

Another added factor is the child may be able to keep a percentage of the money they bring home, which is an added incentive to going to work and paying the restitution. I think it is important, though, the child realizes that there is a result, a consequence, to his or her behavior, and they will have to make someone whole if they have deprived a person of their property.

VICE CHAIRMAN BERRY. Are there enough spaces insofar as you might know, in the correctional institutions in Florida to simply incarcerate all these youths who come before you, so they don't come back again and you don't have to bring charges again? Would that be a better policy?

MR. BILCHIK. I wouldn't think that would be a good policy. I wouldn't approve of that policy and I doubt if there would be enough space to put every juvenile who has been arrested in a correctional institution. I think what we have found is really correctional institutions, as far as residential institutions outside of the county where the child is from, are not generally successful.

Perhaps as punishment, yes, but as far as rehabilitation or an attempt, a reasonable attempt, at rehabilitation, they are not successful. It is most important, I think, to keep the child within their neighborhood and take whatever advantage of whatever support systems may exist, however minimal.

VICE CHAIRMAN BERRY. Thank you.

COMMISSIONER HORN. I would like to get back to the philosophy of punishment that underlies the comments I have heard. As I read the interview reports and as I listen to some of your comments here, I don't really think you have made completely clear what is your philos-

ophy of punishment, psychologically. In a way, some of you have done yourself an injustice.

For an example, Judge Gladstone, in your interview report it says, "For punishment to be effective for a juvenile, it must immediately follow the wrongdoing. A child's concept of time is different from an adult's," etc.

JUDGE GLADSTONE. That's good.

COMMISSIONER HORN. I think it is excellent. I agree with that, but that isn't what I really heard you saying as I listened to your testimony.

Mr. Bilchik, I think you made that point. What concerns me, as I have listened to these problems for now 45 years of my 49, since my mother was a chief probation officer and I grew up with the problems, is that there is a lot of talk of society's responsibility, and it is the other person's, and we all know it is in the criminal justice system. The cop blames the courts and the corrections department and the probation department, and each of those in turns blames the cop and on around the mulberry bush, but the fact is we can't go on forever; it is society's problem.

The question is, we've got a piece of the problem, what are we going to do about it within our jurisdiction? And what I'd like to get down, in light of what you said in the interview report, Judge Gladstone, are the time lags that occur in the implementation and administration of juvenile justice, and where should responsibility be placed for those time lags, if in the minds of the juvenile out of sight, out of mind—I have committed an act against either a person or a property, and there is no swiftness of punishment.

I would really like to know is the lag between the filing of the charge by the law enforcement establishment and the State attorney's office, between the State attorney's office and the juvenile court, to what degree is it caused by the public defender, etc., etc.?

Now, you said you had some data. Does the data reveal that type of time lag to the individual throughout the process, so we could get a feel for where is the problem, whether it be due to paper work, whether it be due to legalities or whatever?

JUDGE GLADSTONE. The data to which I referred does not have that information. There is such data available. It is obtainable and I can obtain it or you can from the department of health and rehabilitative services, youth services program office in Tallahassee, and that data, I believe, would refer to the entire State of Florida, not simply to this jurisdiction.

There is a balance. There is a tradeoff in this time lag. I don't mean to evade your question but inherent in the time lag is the whole question of civil rights. In old juvenile justice systems, Mr. Commissioner, there wasn't any time lag in your mother's system. The kid was picked up by a cop and brought before the judge the next day, and the judge said, "Did you do it or didn't you, kid?"

The kid generally said yes, whether he did or not, but if he really did it and the judge says, "Fine, you go to State school tomorrow," the kid knows an immediate consequence. Now, that's the kind of justice

system that *Gault* and the cases that followed say you can't have. More and more, one of the bad things, if you will, that comes out of *Gault* is that in injecting into the juvenile system all of those rights that go along with the adult system, you make the crime and the punishment further apart time-wise, and there are lags there that are occasioned by the State attorney's attempt to divert—HRS's attempt to divert—the kid to a different system, first giving people notice of things, the filing of a petition, and giving them time to come into court. The public defender's caught in a quandary of whether or not to admit the kid to be guilty or wait and see if the case really can be proved up by the State a month later when it comes to trial, etc. So along with the granting of civil rights came this hiatus between the commission of the crime and the consequence for it. That may not be a satisfactory answer to you, but it certainly is an accurate one.

COMMISSIONER HORN. I agree with you, so I am assuming it is a satisfactory answer. Now, let me ask you about the adversarial process. You mentioned civil rights. We have on either side of your a public defender and a State attorney. To which degree is this appropriate in dealing with the type of youth problems we now face, where 15-year-olds are 6 feet tall, 220 pounds, and conducting themselves such as adults?

JUDGE GLADSTONE. They are not conducting themselves such as adults, if you refer to adults as being mature human beings.

COMMISSIONER HORN. No, I don't. I mean in terms of misbehavior.

JUDGE GLADSTONE. Please understand that despite the size of their bodies, the study that I will give you will show you that we are dealing with 200-pound 15-year-olds in body who have the minds that developmentally are 6 or 7 years of age, and they have to be treated as 6- or 7-year-olds, by the way, if you're going to relate to them, not as adults.

In terms of dealing with them, I firmly believe there has to be some swifter way of dealing with them. I am one of those who favors a system of justice that becomes— that now the pendulum of it seems to me should, in some manner, swing back in the other direction towards, perhaps it is paternalism, perhaps it is—or maternalism. Perhaps what I am really most talking about is diversion from juvenile justice systems. I firmly believe in that.

One of the things we can certainly show, throughout the United States, is that the further you penetrate a kid into the juvenile justice system, the less likelihood you have of success with him, so if you have the kind of parent who will snatch up the kid who has done something and say, "Did you do it, kid?" like that old judge used to, and then give him a swift consequence for it, that is the kind of case that is likely to be diverted from the system, isn't it? If you have the kind of system that does that on a more informal basis, fine.

By the way, when you talk about punishment, I think all of us—I don't believe any of us really feel that punishment is inappropriate. The problem is to make it constructive punishment.

COMMISSIONER HORN. Mr. Chairman, at this point in the record I would like to have inserted the data to which Judge Gladstone re-

ferred, which is presumably maintained by the State of Florida as to the time lags, etc., perhaps the types of punishment.

CHAIRMAN FLEMMING. Without objection, that will be done.

COMMISSIONER HORN. Now, I would like to ask you, Judge Gladstone, in terms of reforms of the criminal justice system, to what extent have judges such as yourself, the State attorneys, the public defenders worked with the legislative branch, the business community, other public interest groups in the State of Florida to try and bring about reforms along the line of what your experience or perhaps the experience of the three of you feel should be done to deal with juvenile justice in this day and age, and what kind of response have you gotten from that effort?

JUDGE GLADSTONE. Well, I think the three of us here all are out in the public arena. I certainly consider a part of my job to be all of the extracurriculars with which I am involved, and they are myriad. If you want me to go into them, I will. I am constantly dealing with legislative bodies and with the executive branch. I am on various State and other local and national commissions, committees, mental health association, which I think is enormously important and effective.

I serve on several State commissions having to do with LEAA. I am chairman of the Youth Planning Council of CETA. I am on the national association, an offshoot of the national association, for corrections called the Commission on Accreditations for Correction.

I consider it perhaps the most important part of my job to be constantly out there prodding about the things that are needed within my system, the things that kids need, the things that communities need to help kids. Really, if there is ever anything constructive I am going to do, it will be in that area rather than in a juvenile justice system which I already told you is kind of doomed to fail.

COMMISSIONER HORN. What kind of response do you get?

JUDGE GLADSTONE. I get pretty good response, usually; unfortunately, it is too often with the tongue and not often enough with actual deeds, I suppose.

COMMISSIONER HORN. Is there a forum?

JUDGE GLADSTONE. Who is going to say you're wrong, who is going to fight with me—be good to kids. I go out and talk about, isn't that wonderful? Isn't he grand? They say, there've got to do something about this. We'll form another committee.

COMMISSIONER HORN. Is there a forum within the State of Florida that perhaps is a mixture of the bar and the various components of the criminal justice system where these issues can be aired and they can come to some closure in terms of recommendations to the legislature, or in the case in Dade County to county officials, if they have responsibility in the area?

JUDGE GLADSTONE. There are a number of such forums, if you will. You know, youth advisory council of the county, the Governor's council that advises the youth services program office, which I have shared. There are literally dozens. There is no sense sitting here outlining.

COMMISSIONER HORN. Have these groups or forums made recommendations in recent years on aspects we have under review?

JUDGE GLADSTONE. Yes. One of the significant ones is the ad hoc committee which I chair, the statewide ad hoc committee on juvenile justice, which in part was responsible for some changes in the Juvenile Justice Act that occurred just last year. It is a committee, relatively small, of judges, State attorneys, public defenders, correctional people, and legislative aides who have attempted to bring about some reforms in the Juvenile Justice Act.

COMMISSIONER HORN. Does the General Counsel have that information?

JUDGE GLADSTONE. We can get you the report.

COMMISSIONER HORN. If not, I would like that delivered to the Commission and reviewed by the General Counsel and such portions as we feel appropriate entered into the record at this point.

CHAIRMAN FLEMMING. Without objection, that will be done.

COMMISSIONER HORN. Let me ask you one aspect of one reform that has occurred recently in the adult field of corrections and see what applicability, if any, it has to juvenile corrections. In California we passed what is known as use-a-gun-go-to-jail act. The result is we have 1,000 more people jamming the State adult corrections system this year.

Has that type of "reform" been suggested in Florida, given your comments that you find juveniles 15, 16 years old more and more using guns and knives?

MR. BILCHIK. You have got a State law in Florida which does provide for mandatory 3-year sentence for the use of a gun during the commission of a crime.

COMMISSIONER HORN. For juveniles, too?

MR. BILCHIK. For juveniles tried as adults.

COMMISSIONER HORN. For juveniles tried as adults.

MR. BILCHIK. In other words, not a separate law that says juveniles tried as juveniles.

COMMISSIONER HORN. What is the policy of a State attorney in seeking to have juveniles tried as adults if a gun is used?

MR. BILCHIK. Again, depending upon the factors I mentioned previously concerning filing a petition, the same factors will be weighed in relation to filing a motion for waiver, or direct filing information, which is the seriousness of the present offense.

COMMISSIONER HORN. I heard your win/loss record re the court on granting petitions, but I didn't hear your discretionary record as to when you decide to file a petition or not. Would you say 90 percent of the instances where a gun was used by a juvenile you decide to file a petition—80 percent?

MR. BILCHIK. No.

COMMISSIONER HORN. 70 percent?

MR. BILCHIK. I'd say probably half the cases involving the use of a gun will be filed with a motion for waiver.

COMMISSIONER HORN. All right. Then you win 90, 95 percent of those?

MR. BILCHIK. Well, the use of win—

COMMISSIONER HORN. Well, the court sustains you in accepting your petition for delinquency?

MR. BILCHIK. Well, there's a difference between a motion for waiver and a petition for delinquency. A petition for delinquency alleges that the child is delinquent.

COMMISSIONER HORN. I'm sorry.

MR. BILCHIK. And that case will be heard in the juvenile court.

COMMISSIONER HORN. In other words, to refer him to an adult court in the use of a gun, you would say 50 percent of those you do take in and ask for reference to an adult court, and what percentage then do you win?

MR. BILCHIK. Then it is a matter of how we choose to do that. We can indict the child. We can direct file the child into the criminal division, or we can seek waiver on the child. The majority of our cases going to the adult court at the present time are via direct filed information into the criminal divisions, so, therefore, it is not a matter of really presenting it to the courts, it is a matter of our discretion in sending the case to the criminal division.

COMMISSIONER HORN. Do you compile such data?

MR. BILCHIK. Yes.

COMMISSIONER HORN. Could you file them for the record?

MR. BILCHIK. Data in relation to the use of a firearm or data with regard to how many we direct file?

COMMISSIONER HORN. I would like to have the data with regard to the firearm as well as the other data, but I am particularly interested in what kind of discretionary judgment is made when a juvenile uses a firearm in property or victim situations, and what the decision of your office is to seek reference to adult court. If that is divided by age, race, sex, etc., that would be fine, too.

MR. BILCHIK. I can provide some of that information.

COMMISSIONER HORN. All right. One last question. To what degree has the State attorney's office or the juvenile court system sat down with the Dade County public schools to urge that special schools be created to handle such offenders, or is that considered in the educational sense a responsibility of the correctional arm of the Florida State or Dade County government?

What kind of response do you get from the Dade County school board system?

JUDGE GLADSTONE. That's a very good question, Commissioner. I don't know how accurate I can be in my answer. There has always been, I think this is not just prevalent in Dade County, a concern by the schools that they don't want to have heaped off on them correctional problems when they have little enough money to purely educate people, and there has always the problem on the part of the correctional people that they see the educational process is that being for education rather than for correctional people, so there is sort of a prevalent feeling on the part of the school system that it wants to disassociate

itself, I think, from the correctional system to the extent possible; however, there have been instances of rather remarkable cooperation.

I don't believe that you would want to set up, nor have I ever suggested, nor has anyone in his right mind ever suggested, that a school system, in my view, set up a totally separate school system for kids who break the law. If you were to do so, let me point out to you that all children would be in those schools. You are aware, I trust, that somewhere between 88 and 96 percent of all children are delinquents. That is, they have committed a crime.

In the State of Florida 100,000 of them a year are caught by police: one out of every four children in this State will be arrested before he is an adult.

Are you going to take all of those children and put them in a separate school? Are they so aberrant? No, they are obviously in the mainstream, most of them. It would never occur to me to take those kids and put them in special schools because of the crimes they committed.

Now, put them in specialized kinds of programs if they are committing crimes because they are failures, because they read upside down and backwards and are dyslexic. Put them in a special kind of educational program if they are functioning in a retarded way and can't keep up with the mainstream of the class. Put them in a special kind of school if they are emotionally disturbed and need some very highly skillful kind of teacher who can deal with kids who have those kinds of afflictions. Don't categorize children because they have committed crimes, is what I'm saying; categorize them because of the problem that led them to committing a crime.

COMMISSIONER HORN. I do agree.

CHAIRMAN FLEMMING. Commissioner Ruckleshaus?

COMMISSIONER RUCKELSHAUS. I wonder if you can tell me after community control programs get recommended for the child, who sees those through? Who has real hands-on experience in making sure that in fact that gets enacted.

JUDGE GLADSTONE. A field counselor of the Department of Health and Rehabilitative Services, sometimes with court review, sometimes not, most often not.

COMMISSIONER RUCKELSHAUS. Sometimes you stay in touch with that case and sometimes you don't?

JUDGE GLADSTONE. Rarely. In the more difficult cases, the kind of cases where we are really most concerned, whatever the reason may be, we may bring it back for review. The public defender's office follows up on some of them, more so now than they used to. I think the State attorney's offices does so now more than they used to.

COMMISSIONER RUCKELSHAUS. How effective do you feel those programs are, Ms. Cohen? Can I ask you that?

MS. COHEN. It depends on the child's background and on his primary problem. If the child, as I said, is an emotionally disturbed child, a once-a-week visit by a field counselor is absolutely useless. If the kid

committed a petty larceny in a drugstore, well then, perhaps that community control, that structure may be helpful.

COMMISSIONER RUCKELSHAUS. Does there, in fact, exist community control, a feeling of censorship for youngsters who get in trouble with the law?

JUDGE GLADSTONE. I don't think so.

COMMISSIONER RUCKELSHAUS. Is there, in fact, community pressure? In some communities that is an important piece of pressure.

JUDGE GLADSTONE. It is important and it works. By the way, it is that community control maybe that made the kid delinquent too. Kids emulate. They do what their peers and what their role models tell them to do, what they see happening out there in the community. I don't—I think it was somewhat naive of the legislature, and our legislature is peculiarly culpable in this fashion, I think, to say that we will get this thing; what the legislature was saying was we will get this off our back and tell the communities, "You go take care of your own delinquency," and I don't think that the community's conscience and the community's dedication to its children is such that the community is really very willing to accept that responsibility.

I don't think parents are. I don't think communities are. I don't think we live in a kind of world that is terribly concerned—I don't mean world; I mean nation, I don't know about the rest of the world—that is terribly concerned about its children, except that we are afraid of them and we dislike them largely. We don't trust them. We aren't interested in anybody but ourselves and that has kind of sifted into the American family.

Isn't it naive to say, "Now, community, you will take control and you will put the pressures on these kids."

The community isn't doing very much about that nor are they going to.

COMMISSIONER RUCKELSHAUS. Well, it was a very interesting concept. I don't agree with a great many of the things you just said. But I thought it was an interesting concept that the child lives in a community where he's either been encouraged to or certainly not censored for the kind of behavior that lands him before your bench, and he goes back there and the community is supposed to exercise some sort of pressure and rehabilitate him and, in fact, that's probably not going to happen. How realistic is that kind of an answer? It sounds great.

JUDGE GLADSTONE. I don't think it is realistic, I agree.

COMMISSIONER RUCKELSHAUS. How effective is that? What do you think about that, Mr. Bilchik? Do you see people coming back who have been through community control rehabilitation, who have, in fact, been influenced almost not at all by that?

MR. BILCHIK. I agree with Judge Gladstone. You are not going to succeed with a child by putting him back in the environment which produced that criminal delinquent behavior. Unless some added factor exists and some change in that environment takes place, the child will come back into the system.

CHAIRMAN FLEMMING. Could I interrupt? I want you to follow up on it. Could I get the definition of "community" under the State law? You have been using that term all the way through. I am wondering how that word is defined under the State law.

JUDGE GLADSTONE. I don't recall that it is defined, and I think it is kind of left up to us, and what it means is, it certainly means something more than neighborhood, which may be one. I guess it would be utterly naive to think that neighbors are going to do it. I think it means—it probably refers to governing bodies. This community would be Dade County in that sense.

I'm guessing but I can't imagine what else they were thinking of. They may talk a little bit about the community of the city. Legislators tend to think in governmental bodies, so if the kid lives in Coral Gables, Florida, I guess they were talking about the Coral Gables community as represented by its governing body and probably Dade County in which Coral Gables sits.

Am I wrong, Maxine, or Shay?

MR. BILKCHIK. I think that's correct.

CHAIRMAN FLEMMING. It seems to me, if it has that broad a definition—and I would think that would make sense—then Commissioner Ruckleshaus' question takes on quite a different meaning .

I mean, do I understand that you do react negatively to the community, in the broader sense, accepting some responsibility for rehabilitation and so on?

JUDGE GLADSTONE. That is correct. In the broader sense I think there is no community that really wants to be involved with its delinquent population. If you will go to take a vote, I assure you will have a landslide, which is the popular expression these days, is it not, a landslide in favor of abolishing the juvenile justice system and taking kids who commit crimes and putting them in jail for long periods of time. I don't have any question about that whatsoever.

Those people who would so vote, by the way, are talking about putting their own kids in jail, at least about 95 percent, of their own kids in jail, but that's the way they vote.

Do you have any questions about that?

CHAIRMAN FLEMMING. Ms. Ruckleshaus, please proceed. I just wanted to get that concept clear in my own mind.

COMMISSIONER RUCKELSHAUS. Let me ask you about the experiences after the riots in the spring in Liberty City. For instance, did you get a whole bunch of youngsters coming into the system as a result of the riots?

JUDGE GLADSTONE. Peculiarly enough, none, almost none. You could count them on the fingers of one or perhaps two hands. The reason was not that children were not involved in the riots, but, apparently, the reason was that during the riots the police were primarily dispersing groups and not arresting. They just didn't have time to take people through systems and not arresting. The only few that I—we saw a few who were allegedly involved in major violent activity, and some relatively few afterwards who were involved in going into a

store and taking something, but the children were really not prosecuted for their activities, such as they may have been, during the riots.

COMMISSIONER RUCKELSHAUS. I wonder if you could tell me how each of you, in the particular units that you are involved with, how likely—and you could perhaps answer this in specific percentages or numbers—how likely is the black youngster to encounter black professionals as he moves through this system in the HRS counseling, in the public defender's office, in the prosecutor's office, and in the juvenile justice system itself?

JUDGE GLADSTONE. I want to answer that one really up front, if I may. Maybe I'll answer it first and get it out. He is very, or she is very, likely to encounter black professionals. I don't think that—when you say professionals, I assume you mean someone working in the field. It doesn't have to be a Ph.D. I don't think that there, numerically, probably are a dearth of blacks within the juvenile justice system who deal with children at almost every level. My concern has to do with the quality of the service rendered by the person rendering it, and the Civil Rights Commission may not enjoy hearing me say this, but I have a growing concern that we are simply, for the sake of seeing to it that blacks or Hispanics or whoever, women, whoever it may be, are put into these professional positions, taking too often people who are not qualified for the positions they are placed in and saying, you know, yesterday you were a lemon, today you are an orange, or whatever it may be, and I see that very frequently.

I think it is one of the tragedies. I wish we would spend more time, as it were, taking the disadvantaged professionals and really pumping our resources into making them adequate, into training them properly rather than simply bootstrapping people from one position to the next, the next day. I must honestly say, and I can consider myself and I am on the public record as being a civil libertarian, and I was involved in this in college and in law school, but it is a matter of great concern to me, one of the great dilutions of the effectiveness of the juvenile justice system is that too often people are picked because they fit a racial, religious, sexual job description rather than they are competent for the jobs they are placed in.

COMMISSIONER RUCKELSHAUS. I don't think what you have just said is revolutionary. I don't think anybody is in favor of placing unqualified—

JUDGE GLADSTONE. It sounds kind of right-wingish, doesn't it? At least it does to me. I'm almost embarrassed to say it.

COMMISSIONER RUCKELSHAUS. Maybe it does to you, but I don't think anyone will defend the practice of putting unqualified people, of whatever hue or sex, in a position where they don't really serve a function except to make the bottom line look a little better in an affirmative action program, but my question was leading toward, if you are talking about a child being at odds with the mores of his community, whose community—if he isn't seeking that his peers are part of the justice system, maybe it is the white community that he feels at odds with and not his own, so the appearance of minority members along the

line is important. That they be qualified goes without saying, and the fact they aren't is a real misapplication of a very important principle.

JUDGE GLADSTONE. I agree, but it has to be people of his color or of his or her sex together with people who are not of his or her color and/or his or her sex because, you know, you don't want just to inbreed the ghetto. That's one of the great problems I think we have had in CETA. We've got a batch of people out there painting the ghetto again instead of teaching them how to get jobs in the mainstream. To me, it is kind of tragic if black kids can only relate to black counselors, or white kids can only relate to white counselors, or women to women, or men to men, or Hispanics to Hispanics. Somehow, if the juvenile justice system is going to be successful it is teaching people how to live together as a community in what is a community of something other than blacks, Hispanics, Anglos, or what have you.

COMMISSIONER RUCKELSHAUS. Well, I agree with the point you are making. I think you are overstating it.

JUDGE GLADSTONE. Now to me, community is Dade County now, and that's why you're here.

COMMISSIONER RUCKELSHAUS. Mr. Bilchik?

MR. BILCHIK. I think the added factor that Judge Gladstone did not mention was that, obviously, there are competent professionals within those minority groups. The problem is funding and providing a salary structure that will draw those people and keep them within the system.

COMMISSIONER RUCKELSHAUS. Because of the competition for them?

MR. BILCHIK. Of course.

JUDGE GLADSTONE. That's a great one. A few years ago I was testifying before a legislative body and I was lucky enough to be testifying right after the lady who was the highest health and rehabilitative services authority over dependent children. By the way, you haven't mentioned that, and I did in the beginning and I want to get—I hope you get to the rights of kids who haven't committed a crime.

This lady had just testified before me and I was telling the legislature that in terms of funding one of the things you have to do is start paying State employees correctly, and it was fortunate I had an article with me demonstrating that the lady who had responsibility for every dependent child in one quarter of the State's population received a salary that was \$4,000 less than the newly appointed dogcatcher in Dade County. That is still true, by the way.

COMMISSIONER RUCKELSHAUS. That will be part of the record, Judge.

JUDGE GLADSTONE. I meant to make it so.

COMMISSIONER RUCKELSHAUS. Ms. Cohen?

MS. COHEN. We have, I think, a staff of 10 attorneys in our juvenile division. We have two black attorneys, one male, one female, and I agree with the comment that, while it is very, very important, especially for a black child who communicates with almost a different language than I might—what I say in a court of law is certainly not what I am going to say to my kid. We are going to use very different words and

very different means of communication, and I try and remain sensitive to those differences, because certainly I am white and middle class and I can't help that, but I don't think there is a lack of role models, although we tend to get a little matriarchal in our juvenile system, and I worry about that sometimes.

It is the training which—there is no funding for training and I hope you question HRS people about that. They just don't have the money to train their people adequately to recognize the child's problems.

COMMISSIONER SALTZMAN. Ms. Cohen, in your interview with the staff, you indicated that there were possibilities of cooperative efforts between the juvenile justice system and the educational system that could provide meaningful rehabilitation.

Could you list what you mean by that, the kind of programs?

MS. COHEN. I think that the child who is disruptive at age 6 or 7, and may or may not be labeled, but may be recognized as a problem, if we could have, without labeling that child, hopefully, delinquent at that point, some cooperation whereby—or the school system could take it upon themselves—whereby that child is worked with from that age when that child can be worked with, can be treated, then I think that we would probably see less delinquency. I am also tired of seeing learning disabled kids who have been maybe misdiagnosed, who are still learning disabled at the age of 16, or—I had occasion to represent a deaf young man who had been in the school system and at the age of 16 was so inadequately educated that he was incompetent to stand trial and was ruled so by a judge in the juvenile court. I would like to see these problems addressed. That child at the age of 6 is not a juvenile justice problem. That child is an educational problem. It is sometimes that disruptive child that we will later see exhibiting runaway, or tardiness from school, which could possibly make him or her a dependent child.

COMMISSIONER SALTZMAN. Are you saying that the educational system is largely failing in identifying at the appropriate age the potential problem child because of misdiagnoses of learning?

MS. COHEN. I don't mean to mislead you. I think that the child is identified. I think that the treatment or the services that that child receives are inadequate unless the parent can provide private care.

COMMISSIONER SALTZMAN. Judge Gladstone, I felt, in an almost apologetic tone in which you spoke a moment ago, that there was a tinge of implication that affirmative action as a direction in placing minority peoples and women into positions requires that these people not necessarily be qualified, and that you are embarrassed to tell us because of your feeling the Civil Rights Commission would oppose that kind of point of view. My only concern is I don't think anyone on the Commission who is pro affirmative action wants to see unqualified people. I think that's a terrible misinterpretation of affirmative action that is current in our society and leads to the distortion and the weakening of affirmative action as an effective vehicle in our society, because so many people believe that affirmative action is the process by

which unqualified people get into positions that are dangerous for society because of their lack of qualification.

JUDGE GLADSTONE. I did not mean to suggest that I felt that was the reason for affirmative action. I did mean to suggest that I see it too often as the result.

CHAIRMAN FLEMMING. I would just like to follow up briefly on what Commissioner Saltzman has said there. If that is the result of an affirmative action plan, then it is the kind of an affirmative action plan that this Commission would never support.

JUDGE GLADSTONE. I understand that.

CHAIRMAN FLEMMING. It is the result of incompetent administration of an affirmative action plan.

JUDGE GLADSTONE. I understand that.

CHAIRMAN FLEMMING. Also, of course, we feel that an affirmative action plan can be carried on by competent administrators in such a way as to achieve its goals and find qualified minorities to perform the duties and responsibilities of a particular position, and where people maintain otherwise it is because of the fact that they have followed the line of least resistance and have not carried forward a vigorous positive recruiting program in order to find the competent members of minority groups who are qualified to perform the duties and responsibilities of a particular job, but we do recognize, Judge Gladstone, that there is a widespread feeling abroad, that all that an affirmative action plan calls for is the appointment of a certain number of minorities, irrespective of their qualifications. We feel, of course, that whenever that concept is held, it is a great disservice to the cause of equal opportunity.

COMMISSIONER SALTZMAN. And harmony in our community.

VICE CHAIRMAN BERRY. I agree with the Chairman most emphatically. I am surprised you would have incompetent minorities hired in your juvenile justice system and as an administrator that you would permit that to happen.

JUDGE GLADSTONE. I do not. First of all, you must understand—and I thought I said it earlier—I don't employ anyone except my secretary and my bailiff. This is the kind of juvenile justice system we have in Florida. The system is run by the department of health and rehabilitative services, and I did not mean to limit my comment solely to the department of health and rehabilitative services. With most of the agencies with which I deal this, I have noticed commonly to be a problem, commonly to be a problem.

My concern is—I don't know why we are getting off on this topic, really—but my concern is that it seems to me that our obligation is more to take those people we have been abused for 200 years of American history and make up for that by training them, teaching them, helping them to come to a point where they can competently compete in the mainstream. That's the problem, it seems to me, with affirmative action. If all affirmative action is, is to go out and look for competent people, obviously, you are not going to find the number of competent people in a disadvantaged community in any area that you

are going to find from within the advantaged community. The trick is to make everyone advantaged.

COMMISSIONER RAMIREZ. I wonder if I could—

CHAIRMAN FLEMMING. We are way over time.

COMMISSIONER SALTZMAN. I just would like him to submit something. Could you submit the number of people in your particular department with the breakdown by race and sex?

JUDGE GLADSTONE. You mean within HRS, unless you want the State attorney or the—

CHAIRMAN FLEMMING. He does not.

COMMISSIONER SALTZMAN. Not in your office. I mean Mr. Bilchik and Ms. Cohen.

JUDGE GLADSTONE. I believe I gave it to you. It is the same as I Stated. I could break it down further, male and female if you wish. I think we are about equal, male and female.

CHAIRMAN FLEMMING. Let me say that we obviously have appreciated your being here and presenting your point of view growing out of the experiences you are having and what we consider to be a very, very important area of your life today. And we are grateful to you for expressing your views as frankly as you have and it is clear from the questions you have received from the members of the Commission that each member of the Commission has been very much interested in your views, and that each member of the Commission is very much interested in this area. I am sorry that we have gone beyond the time that was allocated for this particular panel now; otherwise, we could pursue this very profitably for another hour, it seems to me, without any difficulty at all. But thank you very, very much for all your contribution.

Counsel will call the next witnesses.

MS. STEIN. Would Vashti Armbrister, Bill Shapiro, and Gerri Mitchell come forward?

[Vashti Armbrister, Bill Shapiro, and Gerri Mitchell were sworn.]

**TESTIMONY OF VASHTI ARMBRISTER, YOUTH COUNSELOR; BILL SHAPIRO, PLACEMENT COORDINATOR, AND GERRI MITCHELL, RESTITUTION COUNSELOR; BOTH WITH FLORIDA DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES**

MS. STEIN. For the record, beginning with Ms. Armbrister, would you please State your name and briefly describe your responsibilities with respect to the juvenile justice system?

MS. ARMBRISTER. My name is Vashti Armbrister. Unfortunately, I do not have any present activities or involvement with the juvenile justice system. I have been associated with the system 19 years and 8 months, and I am no longer with the system because I was terminated in August of 1980.

MS. STEIN. In what capacity were you involved?

MS. ARMBRISTER. Up until 1971, I served as a field counselor and from 1971 when the system was grandfathered over to the State, I

served as a supervisor of youth counselors whose primary concern was to do community control work.

Ms. STEIN. Thank you.

Mr. Shapiro?

MR. SHAPIRO. I function in the responsibility of basically a placement coordinator for all youngsters who have been committed by the juvenile courts to the Florida Department of HRS, Health and Rehabilitative Services, and act as a liaison, basically once again, between the judges and HRS.

Ms. STEIN. Thank you.

Ms. Mitchell?

MS. MITCHELL. I am a restitution counselor. Basically, my job function is once the kids have gone through court and have been ordered to make restitution, whether it is financial or community service hours, I in turn try and enforce that.

Ms. STEIN. Thank you.

Ms. Armbrister, based on your experience, what would you say are the reasons why black juveniles commit crimes?

MS. ARMBRISTER. That's a question. I would say there are many reasons why black juveniles or juveniles commit crimes. To categorize it as points one, two, three, four would be somewhat difficult, but in talking with some of the juveniles, I feel—and getting from their responses—they commit crimes due to frustrations, alienations, anger, hostility, restlessness, and a number of other factors.

MS. STEIN. Do you believe that there is a greater incidence of crimes committed by black juveniles against blacks or by black juveniles against whites?

MS. ARMBRISTER. From my reading of records, it appears to me that there is a larger percentage of crime committed black on black rather than, I should say, black on white.

Ms. STEIN. What would the reason for that be, do you think?

MS. ARMBRISTER. My interpretation of that would be because of the density with which the black kids live, and in many instances are due to transportation problems, residential problems. They find it may be inconvenient to migrate or go outside of their neighborhood because, in some instances, if they are seen walking or riding in a nonblack neighborhood, that certainly attracts the attention of the police or the community, so consequently it is my feeling that it is more convenient for a black kid to commit crime in a black neighborhood.

MS. STEIN. You mentioned anger and hostility as motivating factors. What is the anger directed at? Why are they angry?

MS. ARMBRISTER. In talking with the youths themselves—and I did have an opportunity to do volunteer work and talk with them following the riots—some of the things they were angered about, they said they had no one who really cared about them, no one to even listen to them, no one to come out into their neighborhoods and talk with them to try to find out what their concerns and what their problems were. They were tired of jobs, temporary jobs. They want permanent jobs. It frustrates them to be on a job for 6 months and get salaries and at the

end of 6 months they don't have a job. They are tired of handouts. They were concerned and these are primarily the guilty who are in the Scott Carver Homes. They are disgusted with the type of housing. They want yards. They want neighborhoods. They want playgrounds. They want facilities. They want homes that are not infested with rats and roaches. They want homes that the plumbing is not backed up. In some instances they were somewhat concerned about their parents. It was brought to my attention that they had been told that parents who had a number of children, perhaps who had been in and out of the juvenile justice system, faced a possibility of being evicted from the low-cost, or from their homes. So these were just some of the things that they were angry about.

Some of them were angry about unemployment. As I said before, they wanted permanent jobs. The youth themselves said that they wanted to have more influence in what was being planned for them rather than someone just to talk for them or plan for them and not really find out what their concerns were.

MS. STEIN. In interviews with our staff, you indicated that you thought the Florida Department of Health and Rehabilitative Services needed more specialized counselors. Can you tell us what you meant by that?

MS. ARMBRISTER. Yes. I had an opportunity for a number of years to help implement a specialized program in which I did help write the program and help supervise it, and this program was especially geared to the very hard-core, sophisticated delinquent. In this particular program we tried very carefully to screen the type of counselors who had patience, compassion, academic training experiences in working with the youngster. We also allowed these counselors to attend schools where they would specialize in family therapy, intensive group counseling and this type of thing.

In some instances, we do not have—well, I should say we do not have enough counselors who will fit a specialized need. There are kids who come to us who have severe emotional problems who have committed a delinquent act. It is certainly my feeling that it is very difficult for you to give therapeutic or rehabilitative counseling to—that's going to be successful—a type of youngster who has severe emotional problems if you do not have a counselor who is experienced or trained in handling and working with the kid, that can identify and know when to come in and when to come out.

MS. STEIN. In your opinion, are more black counselors needed or not?

MS. ARMBRISTER. In my opinion, I would definitely say yes. And I support my intention on that because, unfortunately, blacks make up the juvenile justice system, and I should say from my readings, blacks primarily make up most of the criminal justice system, and if this is the case and we are expected to serve as role models, then perhaps we need to consider the ratio of black counselors per ratio of the number of youngsters who are in the criminal justice system.

Ms. STEIN. The testimony of the panel that preceded you indicated that punishment is more emphasized in the juvenile justice system in Florida. What is your opinion of how effective punishment is as a deterrent to juvenile crime?

Ms. ARMBRISTER. Well, statistics prove it has not served its purpose because if that be the purpose, perhaps we would not have as much crime. No, I do not feel that with the youngsters—I do not feel that punishment will deter crime. I strongly advocate counseling, rehabilitative programs, and that type of thing.

Ms. STEIN. Based on the contact you have had with black children in the juvenile justice system, what changes do you think they perceive as necessary to improve the quality of their lives and give them a chance to function on a noncriminal level?

Ms. ARMBRISTER. It comes individually. Some of the things I have mentioned to you perhaps might be some of the underlying causes of delinquency. I feel—and I don't want to be redundant, but perhaps I'll have to be—I feel that, and the youngsters have said so, they want jobs. They don't want handouts. They do not enjoy being on welfare, and if anyone perceives that black people are certain to profit or love welfare, then that is not true. They want jobs. They want homes. They just want the nicer things of life.

Ms. STEIN. Thank you.

Mr. Shapiro, could you tell us, at least approximately, the number of juvenile commitments that occur?

Mr. SHAPIRO. In 1979, '78, the fiscal year for the State of Florida which begins July 1 ending June 30, there were 781 commitments to the Florida Department of HRS.

Ms. STEIN. How many of those youths do you place?

Mr. SHAPIRO. All of them.

Ms. STEIN. All of them. You become involved, as I understand it, when the HRS intake counselor who works with the juvenile from arrest through the adjudicatory hearing contacts you for placement; is that correct?

Mr. SHAPIRO. Well, in many cases that's true. That's a predispositional conference.

Ms. STEIN. What information would be transmitted to you regarding the juvenile's history at that point?

Mr. SHAPIRO. Oh, we talk about the age factor. We talk about the present offense. We talk about the juvenile court history of the youngster, home environment, lack of educational achievement, or the achievement itself, attitudes—all these factors.

Ms. STEIN. You say we talk about. Is this information conveyed to you in an interview, in a meeting between you and the intake?

Mr. SHAPIRO. Many times between that individual in person eyeball to eyeball. Many times by telephone, then there is a followup by a referral sheet, giving me this same information.

Ms. STEIN. What criteria do you use to determine the appropriate placement?

MR. SHAPIRO. Well, once again, all of the factors we had discussed—the age, the present offense, recent and past juvenile history, home, family environment, attitudes, educational achievement or lack of educational achievement.

MS. STEIN. Can you give us an idea of how you would weigh these different factors with respect to each of them. What would tend you toward one type of placement or toward another?

MR. SHAPIRO. Well, age. For an older youngster, lets say 15 to 18, I would consider halfway houses. That seems to be more of an appropriate placement for a youngster of that age. A youngster of 13 or 14, we have smaller group homes where they can get a little more individualized attention, where there is a married couple acting as a substitute or surrogate parent. That might be more appropriate for a youngster who doesn't have that kind of home environment.

Once again, the seriousness, the severity, of the offense and the previous offense, schooling—lack of schooling. If we have—our halfway houses are broken into two private sectors. When I say private sectors, two individual types of halfway houses; one is known as a start center which has a heavy emphasis on the academic educational process, and the regular halfway house has less of an emphasis on the educational process, so, if a youngster is really needing more in the way of academic achievement and more work on a one-to-one basis in small groups rather than large classrooms with one teacher, then I consider a start center over a regular halfway house or some other placement.

MS. STEIN. What input does the intake counselor have, if any, on this decision?

MR. SHAPIRO. Oh, a great deal, by the information they feed to me.

MS. STEIN. Do they make a recommendation?

MR. SHAPIRO. Yes.

MS. STEIN. To what extent are you inclined to follow their recommendation?

MR. SHAPIRO. Very heavily. I give it serious consideration, just as I would if the judge were to make a recommendation for placement.

MS. STEIN. Does that happen?

MR. SHAPIRO. Yes, many times.

MS. STEIN. How frequently would you say?

MR. SHAPIRO. 50 percent of the time.

MS. STEIN. How many commitment slots are there statewide?

MR. SHAPIRO. Well, in talking with Mr. Stuart I had originally stated 550, but just to check my resources a little more closely, I called Tallahassee and found out there were closer to 1,150 Statewide. In Dade County there is approximately 135 to 145.

MS. STEIN. Do these slots include purchase of services?

MR. SHAPIRO. Yes.

MS. STEIN. Can you describe to us the nature of these programs?

MR. SHAPIRO. Well, all right. Let me take them one at a time. I think Ms. Armbrister alluded to one when she mentioned a specialized program. That's known as a special intensive group or special intensive

program. There are two youth HRS counselors who are supposed to carry a caseload of 10. I usually try to keep it closer to 12 or 15 because of the heavier abundance of commitments that need this kind of a program. These two counselors carry between 20 and 25 cases. These are for youngsters basically 15 to 17, but in many instances I'm forced to put 14-year-olds into that program.

This is a 2- or 3-month program, highly intensive. They meet with these two counselors four times a week, Monday through Thursday, in groups lasting anywhere from 1-1/2 to 2 hours. They are supposed to be parent groups involved also. This is most difficult to arrange since in the black families both parents are working, and in some cases there is only a one-parent home and it is very difficult to get that parent who sometimes may have two jobs to come in for any kind of parent groups. It is very difficult to get parents really involved in a very active way, although they are interested and are involved when the counselor calls them either by telephone or goes to the home.

That's, by the way, a nonresidential program, State care strictly.

MS. STEIN. How long will a juvenile typically continue in a program like that?

MR. SHAPIRO. Two to 3 months. It is a short-term, intense program. He is supposed also to be in school or working full time or a combination of both.

MS. STEIN. What other programs are available, Mr. Shapiro?

MR. SHAPIRO. The Dade Marine Institute is a contractual or purchase service contractor we have with the Associated Marine Institutes. We have 30-page slots with the Dade Marine Institute. It is a water-related program strictly and completely. It is a 4-1/2- to 6-month program. Once again, this is a day care program lasting from 8 or 8:30 in the morning to about 4:30 in the afternoon.

We also have approximately five to six free scholarships, which means we have a total of 35 to 36 youngsters in this program, although we only pay for 30. Teachers come into these programs in the morning from the Dade County public school system, and then the qualified instructors teach the water-related activities and courses after that.

MS. STEIN. Did you hear Judge Gladstone's testimony, by any chance?

MR. SHAPIRO. I heard most of it.

MS. STEIN. Is this the program he referred to as sort of an Outward Bound program in the marine setting?

MR. SHAPIRO. Yes, I would say so. Yes.

MS. STEIN. Okay.

MR. SHAPIRO. Probably it is one of our most expensive programs. It costs the State approximately \$500 a month per youngster. We're talking about, if they were to last 6 months in that program, \$3,000 for each youngster that we put in there for a total of \$180,000. To turn around, we're talking about \$360,000 a year, so it is quite expensive. Once again, let me reemphasize, probably one of our most successful.

The next program I would like to address is the Miami Tri-Center, which is a nonresidential halfway house. Once again, youngsters ap-

pearing there at 8 or 8:30 in the morning until about 4:30 in the afternoon. Once again, teachers from the Dade County public school system come in the morning and hold their academic educational courses, and the rest of the activities that the center goes through takes place the rest of the day. There are curfew hours involved in all of these programs. When I say curfew hours, the youngsters are instructed by the staff, the HRS staff, that they are working with they do have curfew and certain rules and regulations they must follow and abide with after they leave the program, as though they were still there. Once again that's part of the structure of the total program.

Okay, next program I would like to speak about is the Family Group Home, which is somewhat akin to a foster home. There is a little more structure involved than a foster home, otherwise, they are one and the same. These are youngsters, really, whose home environment really does not allow them to continue at home, plus the violation of law, of course, and they can stay in this program anywhere from 3 to 6 months. Now, most of our programs are short term, 3 to 6 months, but that doesn't necessarily mean that they must leave at the end of the 6-month period.

If youngsters are not quite ready to leave, and we don't think they are successful totally at the end of the 6-month period, we will keep them there 7, 8, possibly 9 months, depending on the youngsters, depending on the given sense of the circumstances.

We have the halfway house for boys. All right, once again, 3 to 6 months. The youngster goes down there because basically of the law violation. Teachers from the Dade County public school system are involved in the morning; then they go through their regular activities of the halfway house program. That's residential as the previous one that I mentioned, the Family Group Home. Those are both residential programs. We have the girls halfway house known as Petland Hall. Once again very similar to the boys halfway house. By the way, the number of kids involved in each of these programs I neglected to mention, Miami Tri-Center has 30 youngsters. I did mention how many of the special incentive programs consist of and how many of the Dade Marine Institute. Miami Tri-Center, once again, is 30 youngsters; Family Group Home is 20; Dade Halfway House is 25; the Petland Hall program for girls is 20.

Now, we exceed these numbers because many times there is many more commitments than there are commitment slots. Sometimes we have to place two and three youngsters over and above our budgeted capacity.

We have the Florida Keys Marine Institute, which is the same type of program as the Dade Marine Institute, only it is situated in Key West, and further it is residential.

Once again it is probably one of our most successful programs, highly expensive. As I mentioned, the Dade Marine Institute is \$500 per month per youngster. This is \$1,000 a month per youngster and once again 4-1/2 to 6 months.

We have the Dade Group Treatment Home. It is a small group home for seven youngsters. They usually have eight down there, one over budget capacity, and what the cooperative air of the house parents is about is that they are married couples. These are for younger boys and girls between the ages of 10 to 13, slightly disturbed, once again 3- to 6-month program, but many times they exceed that 6-month period.

Finally we have the State school and that's where there is no limit. You can place as many youngsters as you have the need to place there. These are basically the agency-operated programs. The two that are not agency-operated, basically, are your Marine Institutes. Those are purchased services, and we have various programs within the community that is known as the private sector programs.

Without these, we would be totally swamped, totally lost. We depend on these very, very heavily and thank heavens they are available.

MS. STEIN. To what extent does the availability of slots dictate the placement decision that you will make? In other words, are there people who are assigned to State school who you feel would benefit from one of those other programs but you can't place them there?

MR. SHAPIRO. Yes. Many times. Many times.

MS. STEIN. Previous testimony has indicated that blacks make up a disproportionately large share of the juvenile population, juvenile justice population in Dade County.

MR. SHAPIRO. True.

MS. STEIN. Are blacks overrepresented in some of these programs you have mentioned and underrepresented in others, do you think?

MR. SHAPIRO. Yes, both purposely by design and other times not by design and not purposely.

MS. STEIN. Can you explain that for me, where the overrepresentation and underrepresentation tends to occur and what the reasons for it are in each case?

MR. SHAPIRO. Okay. Lets take the Miami Tri-Center. At one time, approximately a year ago and beyond, Miami Tri-Center was located on 36th Street across from the Miami Hi Li Fountain. At that time the program was basically 60 percent white, 40 percent black. Because of its geographic location I was able to draw from the areas, or the communities or neighborhoods, where there was a white residential high percentage. Okay, since we have moved the geographic location of the Miami Tri-Center further into the black community, which is now on 32nd Avenue and Northwest 65th Street, that's a very heavy black concentration within that area. It is difficult to get kids from the white communities to travel long distances by bus to be there on time, so it has become a predominantly black program, almost a total black program, because of that reason, just the geographic move.

In reverse, at one point the Dade Marine Institute program had very few blacks and we didn't realize this because, as we just placed youngsters who were committed—I don't really consider their color—all of a sudden it was called to my attention as well as the other administrators within HRS that there was an under percentage of black youngsters in

the Dade Marine Institute program. Well, we immediately sat down and had several meetings and we agreed to staff it at one-third black, one-third Hispanic and one-third Anglo, and that's where it is today.

MS. STEIN. About when in terms of date are you talking about?

MR. SHAPIRO. Oh, once again, about approximately a year and a half ago, I would say, and basically we tried to hold to that kind of a quota—I mean, sometimes it goes a little higher and sometimes a little lower, but basically we are within that quota. I don't like using the word "quota" but within those numbers.

MS. STEIN. You said that this was one of your most successful programs, the Dade Marine Center.

MR. SHAPIRO. Yes.

MS. STEIN. When you are making a decision about placement there, I take it you bear in mind this racial balance you just spoke about. What other factors would cause you to select a youngster for this program?

MR. SHAPIRO. Youngsters who like being around the water; youngsters who want to learn survival skills because of being in and around the water a great deal; youngsters who want to possibly make that their vocation, such as being a commercial fisherman later on. They are taught repair on the hulls of small boats; they are taught repairs on small engines of small boats, scuba diving, skin diving, marine biology, oceanography, all of these things are courses—navigation, seamanship. These are all courses taught at the Marine Institute, and the youngsters have to like this, number one.

If the youngster refuses or doesn't want this program, there's no point in placing him there because I'll be setting him up for failure.

MS. STEIN. Are there many youngsters that don't want this?

MR. SHAPIRO. No, No. Very few as a matter of fact.

MS. STEIN. You also serve, do you not, as administrative hearing officer to determine whether juveniles who violate their placement should be transferred to other programs?

MR. SHAPIRO. Yes.

MS. STEIN. What kind of behavior constitutes a violation of placement and on what basis do you determine whether a youngster should be transferred or not?

MR. SHAPIRO. Well, disruptive behavior. Once again, these are technical violations or program violations. They are not violations of the law. Once again, let's say, a youngster is a continuous, chronic runaway from that program. Once again, physical confrontation is his method that this youngster deals with the other kids with. We can't allow the youngster to stay in that kind of a program because of these things, so a transfer hearing is set up.

At that point I act as the administrative hearing officer, one of them, and the fact that comes out causes a decision to be made by myself as to whether there will be a transfer or a denial of transfer from that program.

MS. STEIN. Thank you very much.

Ms. Mitchell, would you please, you and your work in the restitution program, describe the types of offenses your clients commit, the aver-

age age of your clients, and the average number of prior offenses that they have.

Ms. MITCHELL. Okay. Starting with the types of offenses—petty theft, burglary, auto theft, grand theft; basically I get cases with kids from 8-years-old up to 17.

Ms. STEIN. And the average number of prior offenses that they would have?

Ms. MITCHELL. It depends on the kid and it also depends on the age. Most of the time these kids have been through the system maybe two or three times before.

Ms. STEIN. In your experience is restitution a reasonable sanction to impose on a black juvenile offender?

Ms. MITCHELL. It depends on the case. I don't see a 10-year-old or 12-year-old kid having to pay back \$2,500. First of all, we can't get this kid a job because it is not of age. Secondly, nine times out of ten the parent of the family is on welfare, so why would you recommend \$2,500 restitution. I think that's being unrealistic, so I don't think that's a proper recommendation.

Ms. STEIN. Does that type of recommendation that's out of proportion to the juvenile's ability to pay occur very often?

Ms. MITCHELL. Yes.

Ms. STEIN. What do you think the reason for that is?

Ms. MITCHELL. Well, first of all, if you get a kid who, say, has taken a car and he does \$1,500 worth of damage to that car, I think that the counselor who is taking the case to court should take under consideration the family's ability to pay back, but you also have the victim, on the other hand, who wants some type of restitution for damages to his car. But if the family is on welfare, I can't see ordering to pay \$1,500. Nine times out of ten, if we get a kid, even if he is 15 years old, he doesn't have a social security card, so therefore you have to in turn get this kid a social security card, which takes maybe 6 weeks, and then you go and try and get him a job. If the kid doesn't read and doesn't have the proper education, we can't get him a job so, therefore, basically, our hands are tied. You are more or less in limbo with this.

Ms. STEIN. Part of your job, as I understand it, is to find employment for these kids who have been ordered to pay restitution?

Ms. MITCHELL. Yes.

Ms. STEIN. What types of jobs are you able to obtain for these youngsters and what type of jobs are they interested in?

Ms. MITCHELL. Okay. Basically you are going to be putting kids in Burger King, McDonalds, and they don't want this type of job. The fact is I had a kid in just yesterday that I was going to take to McDonalds. He doesn't want that type of job. He wants to be an electrician, but he's dropped out of school. He dropped out in eighth grade, so, therefore, he's going to have to go and try and get a diploma or get a GED and at the same time he doesn't want, as he said, a bum job because he said the job at McDonald's doesn't make any money. You know, he wants a job where he can make plenty of money but he doesn't have the proper education.

MS. STEIN. We heard previous testimony this morning expressing doubts about the restitution system because it gives the youngster the view that work is a punishment, whereas he should have a positive orientation toward work. Do you agree with this criticism of the restitution system? What do you think about that?

MS. MITCHELL. I don't see it as being work as a punishment. As I explained to the kid when they come in, if you do damage, or damages to someone's property, I think that they should be made to pay in some way. You know, a lot of kids feel, "I can take a car and destroy this car and I don't have to pay," and that's not right, so I don't see it as a punishment. I see it more so as putting, letting the kid go for it. A lot of these kids have no type of work experience. They've never held a job. They know nothing of, say, supporting themselves or trying to go in the right direction.

I see it as being a punishment and also at the same time letting these kids know that you can't go out and destroy property belonging to other people and get away with it.

MS. STEIN. Do you see the children realizing and internalizing this idea that you mentioned about difference between right and wrong and the consequences of their actions, or does it fall on deaf ears?

MS. MITCHELL. In many cases it falls on deaf ears. When you are talking to a kid or you are having some type of conversation with him, he doesn't see himself as doing something right or wrong. Maybe he just needs money and then that brings in another problem. He doesn't have a job, so he'll go out and do anything to get money and he doesn't see it as being right or wrong, just more or less surviving.

MS. STEIN. Do you think that black counselors are more effective in dealing with black juveniles in the system, or do you think there is no difference?

MS. MITCHELL. That depends on the individual. I can't say that all black counselors are effective with all black kids. It depends on the individual.

MS. STEIN. I would like to ask each of you a final question. What recommendations would you make to improve the delivery of social services in the juvenile justice system? Let me begin with you, Ms. Armbrister.

MS. ARMBRISTER. Would you repeat that?

MS. STEIN. What recommendations would you make? What ideas do you have, if you could carry them out, that would improve the delivery of social services in the juvenile justice system?

MS. ARMBRISTER. That's a deep question. I would first try to find more resources, particularly for rehabilitation. I would try to find, I should not say a better, but well, yes, a better staff of counselors, and the reason I say that is because the pay scale is so terrible with the counselors. They are overworked, underpaid, and not rewarded for anything. I would certainly take a deep look at the entire structure and just say study it point-by point, and those points that have worked, I would let them stay and those that have not I would try to come over with some type of planning or substitute for a better one.

MS. STEIN. Thank you.

Mr. Shapiro?

MR. SHAPIRO. I agree with Ms. Armbrister. I think more resources have to be brought to bear on the rehabilitative process. I think part of the resources, I think, need to be vocational training and that can come from the school system or from other sources. I think more alternative school programs have to be developed by the public school system for kids who are handicapped either by being emotionally disturbed or physically handicapped or possibly learning disabilities type of youngsters that we see constantly through the system.

Along with—in answering this question, I would like to give you a little bit of my personal philosophy. I hear the word “punishment” being used and I think it is used wrongly. If punishment were the mode of the juvenile justice system I would agree it is very unpalatable, but I think it is an instrument, once again, that can be used as part of the whole, actually, in rehabilitating youngsters.

State school is somewhat of a form of punishment and I don’t think it really hurts a youngster that much. It is very flexible and very simple, and I think they have to be made to understand that the reason they are sent to some places like the State training school is because of what they have done, and then rehabilitation can also take place at the same time. But let me get back to further answer your question.

I think community involvement has to take place, as Judge Gladstone said earlier today. He felt that the Dade County community really wasn’t meeting it’s responsibilities. I’m somewhat inclined to agree with that. I think there has to be more community involvement if you’re going to stop juvenile crime.

There are a lot of tangibles, a lot of realistics and some are intangibles, and one of the intangibles we haven’t seen in the Dade County is the community getting involved. That means a lot more agencies as well as the private citizen himself.

MS. STEIN. Thank you.

Ms. Mitchell, do you have anything to add?

MS. MITCHELL. Yes. I just would like to see better programs wherein the kid has something solid or where he can get some kind of vocational training and keep him out of the juvenile justice system.

MR. SHAPIRO. One other factor, which I may be repeating, Ms. Armbrister—that is better salaries to attract better qualified people to do the job that’s needed to be done; otherwise, you are going to get second-class people who are going to be trying to do a job that someone better qualified really is needed for.

MS. STEIN. You say better salaries to attract this type of person?

MR. SHAPIRO. Yes.

MS. STEIN. I have no further questions, Mr. Chairman.

COMMISSIONER RAMIREZ. Yes. Getting back to my question of what we can do on a preliminary basis, that is, before the kids start getting into trouble, and looking at our Federal structure of programs, we have a lot of programs that are keyed to youth in trouble in the juvenile justice system—runaway youth, pregnant youth. Now we don’t have in

the Federal system, other than the schools in some broad sense, programs which tend to deal with youngsters at their different levels of development, particularly after they stop being children and before they become adults.

Do you have any kind of program of this type, something that would be a youth services program that would not be after the problem? Do you have any kinds of programs like that in Florida or in Miami?

MR. SHAPIRO. We deal with the Dade County Department of Youth and Family Development. They are basically into what is known as prevention, which is what you are speaking about. Once youngsters have been identified as predelinquent that come to our attention, we refer them and the family to the Dade County Department of Youth and Family Development for counseling and other services that department has to offer.

I agree; I think there has to be more prevention programs established, and I think we can probably stop a lot of the youngsters from getting into that revolving door known as the juvenile justice system by more prevention programs, but they need early identification, and as my colleague Maxine Cohen stated earlier, I don't really believe that there is enough identification of predelinquent youngsters at school grades three and four.

I certainly feel that teachers can be more trained or better trained, really, to identify the predelinquent youngster and do something about it. What they can do depends on the number of prevention programs that are available, but I think if early identification is made, I think something has to happen in the way of stopping youngsters from getting involved at a later point in their lives.

COMMISSIONER RAMIREZ. Let me ask you this: What percentage of the children that you now deal with are in school, and how many are out of school?

MR. SHAPIRO. I would say the great majority of them are in school. I would say 75 percent probably are still in school, actively attending school. I am not going to say their attendance is of the highest caliber, but they are enrolled and attending school; 25 percent I think are the dropouts.

COMMISSIONER RAMIREZ. When they are involved in antisocial acts, is it after school or are they involved in school crime?

MR. SHAPIRO. That's an interesting point. I never stopped to really give it that much thought, but I kind of feel that most of it takes place after school and in the evening hours.

COMMISSIONER RAMIREZ. Are there any activities for them after school, whether it be a job or some other kind of learning or socialization activity?

MR. SHAPIRO. I think there are some but not enough. I think there needs to be developed more programs of an after-school nature. Those hours need to be covered from possibly 3 to maybe 6 in the afternoon, and even possibly evenings. I don't think there is enough boys club programs or social or athletic programs taking place in the evening.

COMMISSIONER RAMIREZ. To what extent in your predelinquent programs that do exist is there intervention with the family?

MR. SHAPIRO. I think very little. Once again, we are living in different times in the past 10 years than we have lived previously to that, where both parents have to work, in some instances father has to have two jobs or more—and mother maybe needs two jobs. A great deal more of the broken homes have come about, I feel, in the last 10 years than previously. These are all factors that tend not to allow parent involvement.

COMMISSIONER RAMIREZ. In what way do you work differently with a black family than you would with a Hispanic family?

MR. SHAPIRO. I don't see any difference in my role.

COMMISSIONER RAMIREZ. In what way would a counselor work differently with a black family than with a Hispanic family?

MR. SHAPIRO. I would like to think, once again, no difference. They would deal with that youngster and that family on the same basis, maybe a language or communications problem but other than that I don't see a difference.

COMMISSIONER RAMIREZ. In what way do they deal differently with a white family?

MR. SHAPIRO. Well, once again, I don't feel there is a difference. This is, once again, from my perspective.

COMMISSIONER HORN. Miss Mitchell, I noticed that both in your testimony but even more fully in the interview report that you stated somewhat along the lines the following. I just want a confirmation and then I will build my question from there. You said 98 percent of the people with whom you work are on welfare. Invariably the households are headed by a female. There has been seven or eight children all with different fathers; daughters in the family usually follow in their mother's footsteps. You talk to them about birth control, about which they know nothing; you stress education and vocational training but they aren't interested.

Is that a fair summary of what you experience as you go about your responsibilities?

MS. MITCHELL. Yes, it is pretty fair. I work with a lot of kids. Most of the children that I do work with are from welfare families, and I more often than once stress education; I stress trying to find some type of job, get some type of vocational training, or what have you. In a lot of instances they are young girls who know nothing about birth control, no method of birth control, just more or less what they pick up from friends or in the streets or what have you.

Here again, I don't know where, if there is a communication breakdown within the family, if the young lady is unable to speak with her mother, but it has to be, I think, someone to speak to these girls.

In one case I met a 14-year-old girl who was the mother of two kids, and I thought that was a problem there. No one had spoken to this girl, you know, so it has to be someone to speak to them about birth control, and I also stress education.

COMMISSIONER HORN. What interests me here is that this country since the end of the Second World War has provided funding through the Agency for International Development to various countries abroad that we commonly describe as underdeveloped nations. Underdeveloped nations have unbelievable population increases, far ahead of their capacity to increase their economic productivity, which in turn chews up any gains they are making in economic productivity because they've got more people to divide it among. There have been some success stories, in Taiwan, Nepal to some extent. Here we have really comparable phenomena in our own midst as a domestic country where we really have the economy, the attitudes, the behaviors of what commonly we think of as a foreign, underdeveloped nation: lack of education, lack of economic capacity, lack of family planning, etc., etc.

Now, yesterday I asked the school system in Dade County, "To what degree do you have a sex education program?" I was told it starts in kindergarten. I asked if the school system is ahead of the children on when they get to the birds and bees and really get down to cases. I was assured, "Well, they're pretty sophisticated as they get on into the 13- and 14-year-olds," etc.

Now, what you are experiencing every day as a professional is that there is a failure here in communication. Maybe these children don't go into the school system; maybe they miss the key lesson plan when they get down to the nitty gritty, and what I am asking you as a professional is how do we get at this, both in the school system, outside the school system if we are going to break the cycle of poverty and not have our successors sit around here 50 years from now and still find the same conditions going on in the ghettos, the slums, the barrios of the world and of this country. It is not limited to any ethnic group because I can cite you impoverished whites from Appalachia; I can cite you Oklahomans coming into California in the 30s, etc., etc. I just wonder what your recommendation for how we get at this fundamental problem of family planning to break the cycle of poverty and to end this type of abuse that goes on?

MS. MITCHELL. I think it should be more indepth sexual education in school. That's the first thing. You get a lot of parents who feel that it is not the school's responsibility to teach their children about sexual education. I think it should start in school.

Also, I think there should be programs developed within the community for both young men and young ladies and let them look from all aspects of sexual, you know, what sexual education is all about. I think there should be programs within the community and the school. At least give them a lesson so they will know what they are doing and what they are getting themselves into.

COMMISSIONER HORN. One of the things that happens when you talk about, how do you get some sense of accomplishment, self-worth, individual responsibility instead of just blaming everything on society, which I usually hear in these hearings, is if you can get people constructive forms of work.

Now, this leads me to the problems of the minimum wage, the job competition within migrant groups, etc. Is there a State minimum law in Florida?

Ms. MITCHELL. Yes.

COMMISSIONER HORN. What is it?

Ms. MITCHELL. I think it is \$3.10.

COMMISSIONER HORN. Is it the same as the Federal law, essentially?

MR. SHAPIRO. Basically.

Ms. MITCHELL. Yes.

COMMISSIONER HORN. In your experience, do you find that some groups in Florida work for less than the minimum wage?

Ms. MITCHELL. I don't really know, sir.

COMMISSIONER HORN. Well, I am thinking of your interview report. You say blacks may be willing to work for \$2.30 an hour but a Haitian will except 90 cents an hour. Is that what you find?

Ms. MITCHELL. Pardon me?

COMMISSIONER HORN. You say, blacks are willing to perhaps work for \$2.30 per hour, which is the minimum wage, but a Haitian will except 90 cents an hour. Now, is this a true situation?

Ms. MITCHELL. Basically, I would state it this way: From my experience or from my listening or speaking with children that come in, or my clients that come in, which is what I get all the time, "I can't find a job basically because the Haitians will work cheaper than I will."

COMMISSIONER HORN. Are the jobs the Haitians are working at within the jurisdiction of either the State or the Federal minimum wage laws? Do we know or are these outside the minimum wage laws?

Ms. MITCHELL. Could you repeat that for me?

COMMISSIONER HORN. I don't know the answer. I'm just wondering if the type of jobs you find Haitians working at are outside the minimum wage requirements of either State or Federal law?

Ms. MITCHELL. I would imagine so.

COMMISSIONER HORN. Well, if the next panel doesn't cover it, I would like the general counsel to follow up with both the Federal agencies in the State and the State agencies as to the degree of enforcement of the minimum wage laws in this State. If we've got situations where people are working at 90 cents an hour in jobs that are covered by State or Federal law, we've got a fundamental lack of enforcement, and it seems to me there ought to be a strict enforcement if we're going to provide economic opportunities for domestic citizens, and this has been, of course, a longstanding concern. My colleagues are tired of hearing me mention it, but with 40 to 60 percent youths unemployed, mostly the blacks, and illegal immigrants taking jobs away, I think the nation has a basic crisis that confronts us.

CHAIRMAN FLEMMING. We are very appreciative of your coming and sharing with us your experiences. It has been very helpful. Thank you very much.

Counsel will call your next witnesses.

Ms. STEIN. Lanny Sumter, Rothel Fussell, Angelo Rutherford, Edward Thomas Stephenson, and Judith Amster please come forward.

[Lanny Sumter, Rothel Fussell, Angelo Rutherford, Edward Thomas Stephenson, and Judith Amster were duly sworn.]

Ms. STEIN. Mr. Chairman, Rothel Fussell is here and she is coming in. Judith Amster is slightly delayed and I suggest we proceed and she will take her place at the panel when she arrives.

CHAIRMAN FLEMMING. I think the record should show that they are being called a little earlier, are they not?

We appreciate your being with us.

Counsel may proceed.

**TESTIMONY OF LANNY SUMTER, DIRECTOR, ALTERNATIVE YOUTH EMPLOYMENT STRATEGIES PROGRAM; ROTHEL FUSSELL, YOUTH COORDINATOR, FLORIDA STATE EMPLOYMENT SERVICE; EDWARD STEPHENSON, PRESIDENT, SOUTH FLORIDA AFL-CIO; ANGELO RUTHERFORD, DIRECTOR, BLACK YOUTH LEADERSHIP LEAGUE**

MR. MCGOINGS. For the record, would each one of you please state your name, your address, and your occupation?

MR. SUMTER. My name is Lanny Sumter. My address is 20010 Southwest 116th Avenue. My occupation is director of the Alternative Youth Employment Strategies Program.

Ms. FUSSELL. My name is Rothel Fussell. My address is 1051 Northwest 185th Drive. I am employed by the Florida State Employment Service, the north side branch.

MR. STEPHENSON. My name is Edward Stephenson. I'm president of the south Florida AFL-CIO.

MR. RUTHERFORD. My name is Angelo Rutherford. My address is 1400 Northwest 10th Avenue. My position is director of Black Youth Leadership League.

Ms. STEIN. Mr. Chairman, could I suggest that at this time Ms. Amster be sworn and we will proceed from there.

CHAIRMAN FLEMMING. Yes.

MR. MCGOINGS. Dr. Amster, for the record would you please state your name, address and your occupation?

DR. AMSTER. Dr. Judith B. Amster, University of Miami. I'm serving as interim director for the new CETA Youth Opportunities Center and I am director of the University of Miami High School dropout PED project.

MR. MCGOINGS. Thank you. The first question will be directed toward Ms. Fussell. It is our understanding that you have been employed in two offices of the State Employment Services, one at 3075 Northwest 79th Street and the other at 78 Northwest 62nd Street. Would you please describe the services of the State Employment Service and what you do in those offices?

Ms. FUSSELL. Okay. The State Employment Service has, over the past year, been broken down or decentralized into 10 different offices, and the reason for this is to bring the offices closer to the applicant and make it more accessible to them.

Our particular office is run by certain zip codes. We handle the north side office. We had an additional office that was opened about a month after the May riots which would even decentralize it more, bring it more closer to the people. Now, we offer full services at these branch offices—counseling, placement, employees call-in orders, and in general the employment services representative, you know, full service in the branches.

MR. MCGOINGS. Would you describe your role as youth representative?

MS. FUSSELL. As youth coordinator, I am aware of all memos and programs that come down toward youths, and as far as the summer youth programs, certifying and coordinating for the CETA summer openings.

MR. MCGOINGS. Do you have any interaction with the school system?

MS. FUSSELL. Yes, we do. Basically our interaction with the school system is through our counselor. Our counselor is able to conduct testing, aptitude, and proficiency testing. This testing has been more or less geared down and we are training the schools themselves to administer the test. This is in order to give the person a better share or closer view of the actual results because the school personnel is more familiar with the particular applicant, but we do conduct testing, counseling for out-of-school youth.

MR. MCGOINGS. Could you tell us what percentage of people coming into your office are unemployed youth?

MS. FUSSELL. I would guess about 15 percent is unemployed youth.

MR. MCGOINGS. What kind of jobs do they usually find through your office?

MS. FUSSELL. Well, naturally it would be unskilled basically, like, for instance the service type occupations—dishwashing, cashier, porter, that type of thing and some clerical.

MR. MCGOINGS. What barriers do they usually find?

MS. FUSSELL. Number one, age and, number two, skills, and I would guess that about two-thirds of our job orders require they be bilingual. Most of our applicants are not bilingual Spanish and English and sometimes basically this is just a problem of not being knowledgeable about job skills in the world of work.

MR. MCGOINGS. Thank you. Dr. Amster, would you briefly describe the Consolidated Youth Employment Program?

DR. AMSTER. This is funded under what used to be the old CETA Title IV and is now the Consolidated Youth Employment Program, seeking some new directions for some youth employment through the CETA functions.

What we are attempting to do, and we are doing, is assessing youngsters as they come through the program so we can place them in appropriate CETA programs. This requires a great deal more assessment than has been done. We are working with both in-school and out-of-school youth, and we are finding much the same types of situations as Ms. Fussell reports.

We are keeping the youngsters there for 2 weeks, providing them with comprehensive intellectual, academic, vocational, behavioral, speech and hearing and learning disabilities and reading problems, screening at the center prior to general staffing which places them in an appropriate project.

MR. MCGOINGS. Thank you.

Mr. Rutherford, would you please describe the Black Youth Leadership League for us?

MR. RUTHERFORD. The Black Youth Leadership League formed and established itself some days after the unrest here in our city with the main purpose of recruiting, identifying, and training disadvantaged youth in leadership and advocacy skills. This particular project has already accomplished the major task of identifying eligible youth, their needs, and the available resources that we need to help them. Our funding is private. We are currently under two grant considerations.

We work hand in hand with the Dade County school systems in going out once a month working at human relations workshops. We train our kids how to cope with interviews. We train our kids on how to deal with community. Our big thing is youth participation in community affairs.

MR. MCGOINGS. Thank you. Dr. Amster, what do you see as the major barriers to employment for black unemployed youth?

DR. AMSTER. Primarily my experiences so far with this population, in one or the other kinds of context, has been that their skill levels are just so minimal that it precludes them from getting a job other than the barest entry level type of job, which generally is not a long-term job, and from staying on it or making any progress or headway in that job, so if I had to say one overriding factor, I would say their skills are too minimal to compete in the kind of complex society that we are dealing with.

MR. MCGOINGS. Do you feel racial discrimination plays a significant part?

DR. AMSTER. I've grown up and lived down here since 1949 and have been through probably the changes that have taken place here. I think that it was phrased very well by one of your participants yesterday. There is subtle, pervasive, prejudicial kinds of things going on here. I think that an employer given the choice between a white or Latin youngster and a black youngster with equal skills may tend to opt for one of the first rather than the latter, and I think that's a reality we have to face. We have to do something to overcome it, however.

MR. MCGOINGS. What is your opinion about the vocational training programs in the public schools in Dade County?

DR. AMSTER. They are rather extensive. There are many opportunities offered. I think one of the main problems with them is not so much even the vocational training but the vocational counseling that precedes them. We do a better match and make people aware of what jobs are available. Yes, everybody wants to be an auto mechanic because this is one of the jobs they are aware of.

I think that the counseling that goes on in the schools is too meager, too minimal. It doesn't do the job for the kids that really need the kind of help, and the NIA study that just came about, where it indicates those students take vocational educational courses and go through them are much more likely to get jobs and stay in them and to go on in the field they have chosen if they had a decent background in vocational counseling. We feel that's very important. There is much to be done in that area within the school.

MR. MCGOINGS. What have you found to be the opinion of the black youth that you've come in contact with with regard to CETA programs?

DR. AMSTER. Well, I think CETA has come a long way and we are moving in this direction of making youth aware that CETA has a great deal to offer than, more than a paycheck, and that's primarily what we are trying to do with CYEP [Consolidated Youth Employment Program] concept. I think there are many youths who have gotten into the feeling. "If I get into a CETA project, I'm taken care of for a while and I don't have to worry. I can bounce from one project to another," and, of course, is not the purpose of CETA, and I think we're going to see some changes in that direction.

I think there is a feeling of "going to be taken care of," some of the welfare thought process going on here, and I hope that's something we can alleviate also, but as far as CETA, I think most kids see it as a positive way and probably one of the quickest ways of getting into something. We are trying to make that something a little bit more meaningful.

MR. MCGOINGS. Thank you. Mr. Stephenson, could you tell us something, please, about the number of union workers in Dade County as opposed to nonunion workers?

MR. STEPHENSON. Certainly. As president of the trade union movement here in south Florida, I would welcome the United States Civil Rights Commission Hearings in Dade County, and I am grateful for the opportunity to appear before this Commission. The South Florida AFL-CIO is the voice for over 100 local unions, 130 union members in Dade and Monroe Counties. Only 22,000 of these members work in the construction industry and make up only 10 percent of the work force in that industry. I bring up this point because the unions which represent the remaining 108,000 industrial and service employees operate under a system of collective bargaining which gives them absolutely no input into the hiring practices of the employers.

These unions can only fight discrimination on the job after the employee is hired and are limited to the areas such as pay, equity, promotion, and transfers. The area in which building and construction trades union affect nondiscriminatory and affirmative action in hiring is recruitment enrollment through apprenticeship, which are jointly managed by unionized employers in the unions.

Remember, these unions only cover 10 percent of the construction force and that the nonunion contractor train the other 90 percent of the work force through their own apprenticeship programs.

A 1979 survey, which I have handed some of the members—and I'm sorry I didn't know there were that many members of the Commission because I was not informed by staff. I think I gave out four or five packages of a survey made by the Florida International University, compared the status of minorities in unions versus nonunion apprenticeship programs. The findings are extremely informative.

If you will look at the survey, it shows that union efforts towards affirmative action significantly out-performs the meager efforts of the nonunion contractors. A recent Federal wage/hours strike force team uncovered, and you have it in your kit, uncovered a \$1.8 million in wage chiselling in the Miami area. One of the chief violators of the Federal wage law was the nonunion construction industry.

The bulk of these wage violators were perpetuated by those non-union companies owned and hiring minorities and undocumented aliens. South Florida AFL-CIO is not satisfied with our efforts to obtain meaningful and decent employment to the minorities in the community. Therefore, we have decided to redouble our efforts in affirmative action by, number one, instituting a rebuilding, a recruiting schedule in the schools, a program whereby our prospective directors visit local high schools, spread the word on union apprenticeship programs.

Two, radio advertisements geared towards the minority audiences, see, a full-time human resources development institute designed to find employment in the minority young, economically disadvantaged and unemployed workers of South Florida.

We do have that office in operation. We have had it in operation now up on Biscayne Boulevard at 73rd Street for the last 9 years. His particular assignment is to go out and find jobs for disadvantaged youth, disadvantaged people, and minorities, union or nonunion. The particular function of that particular office is to get the jobs for minorities, to get them placed somewhere to the extent that daily contact is made with every employer in Dade County, and some employers when they are called by the union immediately are concerned, "Hey, they're going to get this guy to join the union."

That is no so. Our union is simply to find and seek the jobs for those in the minorities and the disadvantaged, but some of the employers have been bucking this to the extent that, if a call is made—and I don't want to be repetitious, but if a call is made, right away they say, "Oh, that union is trying to get someone to join the union." That is not so.

I would like to make the point by recognizing that political powerlessness is a key factor in hiring and discrimination. We recently established a political education program to work with grassroots organizations in the black community, to register black voters, and to turn out the black vote.

Our pet program, which is funded by voluntary contributions from union members, gave thousands of dollars and hundreds of hours of voluntary time towards these efforts. We are the only, the only, Caucasian-predominated organization in Dade County, or in Miami, that has made such a significant effort in the black community since the May disturbances.

We historically—and I will go back, oh, '65 or '66—are of the opinion that the laws of this country and the laws of this State are made by those who are elected to political office. Our position has been very crystal clear since 1965 here in Dade County in Miami to the extent that there was a vacancy occurring on the Miami City Commission in 1965 or '66. I may be incorrect because when you get over 65 you get a little bit senile, I shouldn't use the word, at 65 or 66. We knew that the vacancy was coming on the Miami City Commission.

We immediately called a meeting and sent a telegram to each city commissioner, including the mayor. It was Mayor Haight at the time, to suggest and recommend that a very intelligent, articulate, dedicated woman to serve as a city commissioner. That woman is Athelee Range. Those here in the audience are very familiar with that. Athelee Range was appointed. Consequently, she ran the next year. We supported her. She got elected.

We are the only organization, to my knowledge, that has ever supported people for political office of the black race who were elected, and we believe that's where it is, that if black people can get in offices in high places in this State, then they can determine their fate with their vote in the house and senate. This we have tried to do.

We've done it in the county commission. We've done it in the House level and the House of Representatives of the State of Florida. We are also very active in the VEP program. We have members serving on the VEP program here in Dade County. We have members serving on the CETA program in Dade County. We have members serving on the PIC councils.

MR. MCGOINGS. Will you explain what that program is?

MR. STEPHENSON. VEP program is a \$15 million program designed to furnish jobs for disadvantaged youth. CETA, of course, you know that; PIC is a private industry council program to make sure that the minorities and those who are low on the wage scales get a chance to earn a shot at a living. That's exactly what it's all about.

In terms of the apprenticeship ratio, I can give you that. I don't want to monopolize this whole thing. Your staff has had for 2 or 3 months, the program that I—I apologize. I think I gave you FIU—the apprenticeship programs FIU had done the study on, but it developed the other day and you find out you did not have it and consequently I brought it. I have facts and figures of what is the apprenticeship ratio, and who is not in the apprenticeship programs, when you get around to that particular question, or any question you may ask, I'm ready to respond.

MR. MCGOINGS. Thank you. I would like to go on to Mr. Sumter now. Mr. Sumter, would you please describe the alternative youth employment strategies program?

MR. SUMTER. I'll be happy to. First of all, AYES, as we normally refer to it, is a \$2 million research effort at trying to find out what works with 16- to 21-year-old juvenile offenders. It is funded for an 18-month period, and, of course, has a separate detached research component attached to the program. Importantly, AYES is virtually a one-

step center for the juvenile offender. We are required to serve a minimum of 50 percent juvenile offenders in the program, but it is a one-step center whereby they come and have intake done, be referred for training for jobs on the premises or through the program without going any further, and in addition we have new counseling systems, such as the VETAS [unintelligible] whereby they get to practice job interviews and what not, as well as job development components, which is only now coming into play at the program.

The program is funded by the Department of Labor through the various institutes of justice, and I don't know if you're familiar with VERA but they've been in existence from 19 to 20 years and foremost in the research effort on offenders, and have, as a result, been able to get Department of Labor to fund this program.

There are two other cities in which the program is being experimentally operated, and that is Albuquerque, New Mexico, and New York City.

MR. MCGOINGS. Could you elaborate on the the three program models?

MR. SUMTER. Yes. The first model is a work experience model. We utilize the traditional work experience format in that we place individuals with public or private nonprofit program for work experience training actually on the job and is in essence the concept.

We do have a unique—what I consider rather innovative type of model one program in that we contract with public and private nonprofit agencies to do some basic skills or construction kinds of jobs for those programs. The essence of that is that if a program is in need of some construction kinds of things to be done that are within our capability, we will provide the manual labor, the tools, the equipment, and the expertise to do the job.

They will provide all the expendables necessary to do the job in the model one. The model two is our classroom training model, and what happens is that they are in many instances referred for training purposes to the various skills training programs, and we have contracted to have our own training programs inhouse through the Miami-Dade Community College North Campus.

The third model, which is the mixed model of the two, the participants spend half their time in a work experience model and half their time in a classroom training model, so there is a mixture of the first two models, but what is happening, in essence, is that part of the research is being studied is the differences—the different outcomes are fixed of the three models on the participants that actually go through the program.

MR. MCGOINGS. What do you see as the barriers for black youth who are looking for jobs today?

MR. SUMTER. Well, I see them as several, and I must preface that by saying that we work primarily, again, with juvenile offenders, and in that respect the barriers that I perceive in that population may or may not be somewhat different from the barriers within the normal population.

First of all, I think we have some, what I consider, employer perceptions, in that we found that employers do not perceive our clients as being dependable people, ready to go to work; instead, they feel threatened by the potential for violence. They feel that the potential employees would not come to work, and most of the time they come late or will not come at all.

MR. MCGOINGS. Do you believe that perception is true?

MR. SUMTER. Not necessarily. I think as in anything else you have individuals that are going to perform in that fashion, and I think you are going to have individuals that perform excellently, and we have found this to be the case; however, in continuing in talking about the barriers to employment, I think the perceptions of our youth and their job expectations lead to some barriers in and of themselves.

First of all, their expectations in the way of money are much too high. They expect to walk in the door making big money, and it is just not the case. It is totally unrealistic. There is again—as I have heard earlier on the panel—no realistic perception of the kinds of work available and subsequently profitable in the long run. One does not necessarily have to start off as a big shot in order to move through a system.

I think part of what we have all had to face in the employment world is starting off at some point or place in the system and working our way up through the system in order to be successful. Again, our individuals do not perceive necessarily the fact they ought to begin at the beginning as opposed to someplace else in the system.

A problem that I think is inherent in the group that we serve also is the ability to find and utilize the self-discipline necessary to manage yourself and stay on the job.

Oftentimes what will be considered normally, I guess, by the juveniles we serve as child's play, or joking is construed to be whatever on the job and the essence of which comes up as misunderstanding on the job and, therefore, you end up with personality conflicts, and these individuals being dismissed from the job for those purposes, so I think in stating precisely what the second barrier is, I'd have to say it is a total orientation to the world of work by us on the part of our participants, and a major job of AYES is a program that is bridging the gap between the employers' perceptions and our youths' perceptions in order to be successful in placing them.

I think a third barrier would be the economy, the state of the economy at this point. The competition is making things very tough. As a result, an employer faced even traditionally, not just necessarily the economy getting progressively worse, he is faced with the prospect of hiring an older employee versus a younger employer, he is going to hire the older employee for reasons they suspect the employee is going to be a lot better off in the long run. That is their view. Okay?

Again we are dealing with employer perception there. I have heard skills mentioned as barriers to getting jobs. In our instance, I don't know if I can specifically state the skills are the barriers to getting the job so much as the skills help to determine the level of the beginning

salaries, perhaps, or the manner in which one moves up through the system with any rapidity. I think skills also help them become independent and gives them a shot at eventually opening their own businesses and branching out and getting into a lot of their own businesses or occupations that they run themselves.

However, I also think in the area of skills we have some very talented and skillful individuals in our program who, however, have been fighting traditionally in the system and have not be able to gain stable employment, and we do have some very threatened individuals in the program, so again I think I can specifically state skills would be a major barrier to getting employment but it will definitely be a big help in terms of maintaining and moving up into a substantially more rewarding employment.

MR. MCGOINGS. Do you do a followup on your participants once they are placed in a job?

MR. SUMTER. Yes, we do. First of all, I should state that the research component of the program does follow up on both those that get into the program and those that do not get into the program. As I mentioned earlier, there was a necessity for random sampling in coming into the program, in essence, by approximately 54 percent of the applicants get into the program. They are the experimental population, the other half being the controls.

In the case of the controls, interviews are done initially; once found eligible for the program, and prior to being determined either experimental or control, a research interview takes place. The research interviews take place at 6, 9, and 14 months after the initial interview of a participant at the program, and, in addition to that, those individuals in the program receive interviews upon leaving the program, and at 6, 9, and 14 months coming out of the program. So I think there is substantial followup; however, I should also state we are only now—AYES has only been in existence—I've only been there myself since the middle of May, which is when the actual program actually began its implementation, and we are now reaching the phase at which we begin placing with regularity participants into employment, and, therefore, we are just hiring the development staff as well.

MR. MCGOINGS. Has your program had any experiences with Cuban or Haitian refugees?

MR. SUMTER. Yes, we have. We do have both Cuban and Haitian refugees in the program.

MR. MCGOINGS. Has that posed any particular problems, language-wise?

MR. SUMTER. Well, I think at the outset our inability—having had problems in recruiting and getting through the system individuals that could speak Creole or French conversationally have given us some problems. However, that could be deemed a long-term problem.

I say that because upon entry into the program—and we have had some 39 individual Haitians actually apply for the program, only 1 or 2 of whom actually spoke English at the time of entry into the program, some basic English. I talked with that entire group of young individuals

myself less than 2 weeks ago and I addressed them in English. The only request they have is that I speak a little bit slowly such that they understand better, but they all at this point have come to comprehend the English language, so I would say that we've had no major problems that we would not have had with any other population with the Haitian or with the Spanish refugees, and we have a substantial Spanish population in the program. We have 25 percent Spanish individuals in the program.

MR. MCGOINGS. I see. What is your opinion about the criticism that is directed toward CETA programs that they train unemployed youths for either low-skilled or jobs that don't exist, or jobs that don't take them up the ladder?

MR. SUMTER. Well, again, I go back to the fact that we are serving juvenile offenders, and one of our priorities being that we need to orient our young folk and the employers toward working with each other with the world of work. I think a lot of bad opinion for CETA has come out of what I consider an overkill, when a small number of programs were found to be abusive of our regulations or whatever. I think the reputation has been tarnished a great deal as a result of it.

I cannot subscribe to CETA being a bad program. I myself started out as a CETA participant 5 years ago in the system, and I think perhaps the overkill, so to speak, efforts aimed at the job programs has caused the regulations to tighten in such a manner that the program has difficulty serving effectively the clients we need to serve. It is difficult under the present regulations, for instance, to administer a disciplinary system, and we've found that in our instance the juvenile offender—you have to have a very stiff disciplinary system in order to get these individuals into place initially and maintain the respect that's going to be needed between the staff and the participants of the program. I think perhaps what might have been a better approach to the whole CETA concept would have been a more indepth monitoring system that kept very close tabs on exactly what was going on in the CETA program as opposed to regulations tightening, to the extent that they may have made us working and concentrating toward bigger numbers.

Yes, I guess the essence of it for us is to make as many people as we can successful, then I think we're going to be much better off than aiming at super high numbers.

MR. MCGOINGS. Thank you.

Mr. Rutherford, based on your experience, what do you see as the prime barriers for black youths who are seeking work?

MR. RUTHERFORD. Dade County's blacks youths ages 16 to 22, based on statistics which I have gathered in the community action agency here in Miami and the Urban League, Dade County's black youth 16 to 22 exceeds 181,000 in number, 12 percent of Dade's population. Many disadvantaged black youths, even if they find a job, most likely will not keep it because their work habits, like their education, have not been geared to the labor market.

When I say work habits, I'm primarily speaking of attitude, because attitude is your basic overall makeup. That is what the leadership of the

city tries to deal with—attitude—even down to the slightest little task of how to dress for an interview.

MR. MCGOINGS. Thank you. Do any of the panel members have any comments that they wish to submit or make part of the record?

MR. STEPHENSON. Yes, sir. I would submit for your information and identification—however I did not bring enough copies—the percentages that we have in building trades of minorities in terms of who are going to turn out as journeymen in any particular craft: asbestos workers, for instance, is 25 percent; aircondition-refrigeration-pipefitters is 28 percent; carpenters is 28 percent; lathers is 36 percent; plumbers is 35 percent; sheet metal workers is 25 percent; bricklayers, 38 percent; painters and dry wall, 42 percent; operating engineers, 32 percent; electricians, 16.3 percent.

I have these and will submit them to the Commission.

MR. MCGOINGS. Thank you.

CHAIRMAN FLEMMING. Without objection, I would suggest that there be inserted into the record at this point the documents submitted by Mr. Stephenson in his communication of December 9, 1980, and, in addition, the documents to which he has just referred.

CHAIRMAN FLEMMING. We appreciate your making this information available to us, and we are very happy to make it a part of the record of the proceedings at this point.

MR. STEPHENSON. Thank you, sir. However, I did not know the amount of Commissioners that were going to be here.

CHAIRMAN FLEMMING. We'll take care of that.

MR. STEPHENSON. You have a newspaper article which refers to those. It is in your kit of the wage chiselling that was uncovered.

CHAIRMAN FLEMMING. I included that in the statement that I just made.

MR. STEPHENSON. Thank you.

MR. MCGOINGS. Mr. Chairman, I have no further questions.

CHAIRMAN FLEMMING. Okay.

VICE CHAIRMAN BERRY. Thank you very much. First of all, Dr. Amster, you mentioned in passing—I don't want to spend a lot of time—NIE study on vocational education. My interpretation of that study was that it stated that people who had been trained in vocational educational programs had no greater success—minorities who were trained in vocational educational programs had no greater success in either getting jobs or keeping them than those who were not; and I know there has been controversy over the study after it was submitted by NIE. It was renewed and rejected and redone because of the complaints of the American Vocational Education Association, but I just wanted to point that out. I don't want to spend a lot of time on it. That was my interpretation.

DR. AMSTER. There is a reference to it in KAPPAN. I have seen it previously, too. This is a preliminary study. Maybe there is a study and it is not broken into minority differential at all.

VICE CHAIRMAN BERRY. In general terms, for the panel, when we had testimony of vocational education yesterday, both from the cham-

ber of commerce and from the director of vocational education for the State or the city or the county, I got the impression that, if minority youth, and in particular black youth, were simply to go into vocational education programs, then all of them would be hired because there are plenty of jobs for people.

It is just a matter of minority black students don't opt to go into those programs in the first place, and in the second place, that's why they don't have jobs, really. There are jobs in Miami-Dade. They can get these jobs if we could encourage them to go into vocational education.

Would that be, in general, your impression of what both you, Ms. Fussell, have responsibility for placement, and, Mr. Rutherford, in terms of what you see going on in the community, and you, Mr. Sumter—any of you? Would your impression be that that would be the solution to the youth unemployment problem?

Did I make my question clear?

MS. FUSSELL. It my opinion that the state of the economy right now is, there is not too many jobs available, so it would behoove them to shop so they can compete through vocational or whatever means, because without that, they are really lost, because of the economy now.

VICE CHAIRMAN BERRY. You don't believe that there are sufficient pool of jobs available that would take care of these youths if they were only trained?

MS. FUSSELL. No, I don't.

VICE CHAIRMAN BERRY. Anybody else?

MR. STEPHENSON. Madam Commissioner, I appeared before the Dade County School Board 2-1/2 years ago and gave a lengthy speech for about 35 minutes on why the Dade County schools should teach what job opportunities are in Dade County and what labor history should be. That was 2-1/2 years ago, and where their students were going and in what position they were directed to, and I also illustrated the fact that 95 percent of them would not wind up as owners or managers and, consequently, they should know something about the job market. That was 2-1/2 years ago. I have not heard a response yet.

VICE CHAIRMAN BERRY. Mr. Rutherford, in your working with youth, is it your impression that they do not want to go into vocational education programs and that it is a major problem motivating them to do so as a solution to their problem.

MR. RUTHERFORD. I'm currently working with on-the-job training company. Knowing the state of the economy, it is my opinion, because of my dealings, that there are jobs open, okay, and very optimistic about them. It is extremely difficult to attract a young black adult into a vocational program. We can think of 20 different reasons as to why they won't go and one reason won't be better than the other. There are job openings. The thing is, I work with Dr. Paul de Church, who is assistant superintendent of Dade County schools, and it is my feeling that the school system here in Florida has not offered our kids any type of leadership program, any type of nothing where they be trained to go out and present themselves properly to these places, so what happens is

the jobs just go floating up in the air, and our black kids, because—back to attitude, man, they don't get these things, but I think the school system is at fault when they don't offer proper training in how to go about adjusting themselves to these type of things.

I think the school system here is deplorable when it comes to training young blacks into how to present themselves properly.

VICE CHAIRMAN BERRY. Does anyone else have any comments?

DR. AMSTER. I would like to comment, please. My background is in education, and particularly, primarily, in the field of reading, and this I think is one of the overriding—I hear it coming through, but you would like to state it in a more definitive way possibly. We are not doing the job in the public schools with these youngsters. We are not in Dade County providing sufficient remediation. We are not providing the small numbers of classes and one-on-one, small group interaction that is desperately needed with these young students. It works when you get them into these kinds of settings.

Dade County is one of the few counties in that it does not have remedial reading teachers in the schools. We don't have them anymore. I was one. We used to have support reading centers where, if youngsters were shown to be deficient early on—first, second, and third grades—there were services provided for those people. They don't have any of those. These are closed. This is a question that needs to be addressed. We need to have the best of teachers to work with these youngsters. My work—and I see living statistics here as well. The average reading score of the youngster, coming into our Youth Opportunity Center, will drop out somewhere around the fifth grade level, and that is on a paper and pencil group test, which is probably a year or so inflated. When we get individuals, and informal reading average, we found third, fourth, and fifth grade readers, maybe [unintelligible] so all the vocational education in the world isn't going to help them to read. If they don't read technical manuals they can't do the job, they can't get the work. You don't train people to do something if they can't read the information about it, so I think what we are all saying is very true. We need leadership. We need motivation. We need awareness of the world of work, but we are not doing the job preparing these kids to succeed when they get there, and I throw that blame back on the county, the tax base, all those kinds of factors, the school systems for not providing what they need to do with these youngsters.

I also work with juvenile offenders. Many of the youngsters come in the AYES program at the Juvenile Detention Center, and there we found over 75 percent of the youngsters reading below fourth grade level with the average age of 15, and that can be anywhere from preprimer up to fourth grade level. This is a major, largest county in the nation, and I find that rather incredible. We just are having dropout rates of 50 and 60 percent.

I would drop out, also, if I was reading at the fourth grade level and had to deal with tenth grade textbooks with teachers who are not particularly innovative or have been burned out, if you want to use that

expression, because of facing groups of youngsters and not being able to have an impact.

I would like to back up just a little bit more to the study by Benjamin Bloom, which I hope I have interpreted properly, that the home remains the major factor in school performance, and until we do something in the home, until we involve parents in creative activities—if it takes money to get them to come to PTA meetings and workshops and seminars, we're going to have to do it. If the head starts to move, of the dead horse, maybe, we ought to resuscitate it and do some our own things; and it has affected the home, and what we have to do is get the parents much more involved in an advocacy thing. You can't expect the schools to make up for disastrous home lives, which even Lanny runs into all the time. We do all the time. This is one of the overriding problems, extremely poor support systems in the home.

VICE CHAIRMAN BERRY. If the home has an extremely poor support system, for obvious reasons, why is one parent or no parent, whatever, how can you expect to get advocacy and support from the home, and who is going to provide that?

DR. AMSTER. As I say, it is a very difficult problem. Maybe we need to address funding programs to deal with parents, to assist them, to provide better child support, better child care centers where more can be done for youngsters. This type of thing.

I realize there are problems. Those of us who have children face these problems in child care. I see it in our projects all the time, but I don't think we can say, "Well, that's the way it is, and that's the way it's going to be." If that is, in fact, a factor that seems to be viable in terms of school performance, then I think it is one we need to try to address more creatively than we have up to this time.

VICE CHAIRMAN BERRY. Ms. Fussell, let me ask you this: If a student—and let's say a black student or a latin student or a white student, but most especially a black student in Miami-Dade does get educated and is not a dropout and does know how to read and write, can we assure that that student would not find discrimination in employment and that you and other people would be able to place them in jobs so they can set an example for everyone else that if you do stay in school and get out, no one will discriminate against you and you, in fact, will get a job and everything will be fine?

MS. FUSSELL. Let me preface that by saying that, naturally, there is going to possibly be some prejudice, but I would say their chances would be very good that they would probably get a job, but there will be some prejudice, sure, but by preparing themselves, that should help a whole lot, and you now set an example.

VICE CHAIRMAN BERRY. Let me ask you about bilingualism again, this issue that keeps coming up. If black students who are in that large pool of unemployed youth, that we talk about here, were to learn how to speak and understand conversational Spanish, would they be able to get jobs? I point that out, although I must say as an aside, I discovered getting locked in the elevator in the hotel this morning that it might be nice if some people who knew only Spanish knew some English so they

wouldn't be pushing the close door button when they want to push the open door, especially when they are employed in the hotel. But in this case, if a black youth were to learn Spanish, do you think knowing conversational Spanish the people who come to you for placement, and the like, would they be able to find jobs easier in this market and would you be able to place them?

MS. FUSSELL. About 75 percent of them, yes.

VICE CHAIRMAN BERRY. About 75 percent?

MS. FUSSELL. Right.

VICE CHAIRMAN BERRY. Why do you say 75 percent? Why?

MS. FUSSELL. Well, sometimes the bilingual criteria, sometimes it is placed there for other reasons other than just Spanish and English. Sometimes it singles out unwanted applicants.

VICE CHAIRMAN BERRY. Could you be a little more explicit? I am not dense but I'm not sure I understand what you mean?

MS. FUSSELL. For an example, if an employer that is a major employer of Spanish-speaking employees places that restriction on an order, it is specifically to hire someone that speaks Spanish and, again, if a black person did speak Spanish, they probably wouldn't get hired.

VICE CHAIRMAN BERRY. So it would not be a guarantee, although, again, it might in some cases improve the chances?

MS. FUSSELL. It would greatly improve it, yes.

VICE CHAIRMAN BERRY. Thank you.

COMMISSIONER RUCKELSHAUS. I just have a question for Mr. Stephenson. Do we have somewhere in the record the percentages of minorities in the AFL-CIO?

MR. STEPHENSON. Here locally?

COMMISSIONER RUCKELSHAUS. Yes.

MR. STEPHENSON. I originally said that of 130,000 members I have, 108,000 are industrial unions, or miscellaneous unions, as we'll call them. Employer does the hiring. We do not keep a record of race on a particular membership; however, there are certain segments of the trade union movement hired by the employer, the county, the fire fighters, the school teachers. I cannot—phone company, power company, and I was under the impression today that I was going to sit here with management. This is what staff lead me to believe and, of course, this is not the case. I have no way of actually telling you what the percentage is, total overall. It was indicated to me that we were going to discuss jobs, and the reason that how many jobs were available, what programs the minorities were in, etc.

In terms of the overall membership I have no knowledge of percentage that they are black people. I would only say if they joined a union, they wouldn't have any discrimination and they would be guaranteed their job and they wouldn't get shifted around they way they are. I can guarantee you that, but in terms of the overall percentage, I haven't the foggiest idea. I would say it is in excess of 29 percent.

COMMISSIONER RUCKELSHAUS. It comes close to the percentage of blacks in the county?

MR. STEPHENSON. Blacks in the county are 16 percent.

COMMISSIONER RUCKELSHAUS. So you think it exceeds the proportion?

MR. STEPHENSON. Yes.

COMMISSIONER RUCKELSHAUS. What is necessary to join the union?

MR. STEPHENSON. Number one, X-employer has to hire you if you're among that 108,000. In other words, Eastern Airlines has to hire you, Florida Power and Light has to hire you, the telephone company has to hire you, Dade County has to hire you, Dade County School Board has to hire you; then the burden of proof is on the union whether to get them to join and become union members. This a right-to-work State and in terms of building trades, there is daily advertisements in the newspaper, on radio, to bring the youths in, and if you'll check your sheet you'll see that there are very high percentages of minorities in that one, and the criteria for that is simply to apply. If you've paid attention to radio or newspapers and then go through the apprenticeship program and pass the test and, bing, you're an apprentice. That's it.

COMMISSIONER RUCKELSHAUS. The unions have nothing to do with the hiring process?

MR. STEPHENSON. The unions in the building trades, I originally said, I represent 130,000 members. Of that 130,000 members, 22,000 of them are members of building trades, which is equivalent to 10 percent.

COMMISSIONER RUCKELSHAUS. And you do have some say-so in that hiring process?

MR. STEPHENSON. Yes.

COMMISSIONER RUCKELSHAUS. But the other 108,000, it is all management decision?

MR. STEPHENSON. We don't have any say-so whatsoever. The 22,000 only represent 10 percent of the construction industry in Dade County. All the rest is nonunion construction, and if you check your figures and your research, you will see that they are discriminating very badly. That's why I said that the union programs are 100 percent. No union to my knowledge has ever been sited by the Equal Employment Opportunity Commission in Dade County, but the overall percentage, I would have to go with 28, 29, something of that nature. We don't have an input, you know.

COMMISSIONER RUCKELSHAUS. But I assume you talked to management about that; you can't control it but—

MR. STEPHENSON. It doesn't do a bit of good. We don't have any control over Eastern, who is going to hire stewards tomorrow. We don't have any control over the Fontainebleu Hotel, who is going to hire to be a waiter. We have no control over the power company or phone company, who they are going to hire. We have no control over that. Our control only comes in when the employee's hired, is hired, and joins the union. Then we will protect them. In other words, our position, in terms of these employers, we simply ask for dignity on the job, period. Dignity and justice on the job, that's what it basically amounts to.

COMMISSIONER RUCKELSHAUS. Thank you, Mr. Stephenson. Mr. Rutherford, to what extent does drug use play a role in dropouts in—I am interested in black youth—in gaining employment?

MR. RUTHERFORD. Drugs play a major part. Well, I know for a fact that it has a lot to do with environment, and because of the situation here, particularly in Miami, where the attitude is that, you know, a lot of young blacks feel they don't qualify for this or that job, where there is really nothing else to sort of look forward to, drugs sort of, it is sort of a way out. It eases whatever tension a person or the community is in.

I was thinking, and I work with the NAACP—I am working now with NAACP youth organization, and it is my feeling that organizations like the SCLC, or the NAACP, or most of the organizations with nice initials should actually reconstruct their programs because, from my research, there is nothing there to offer young blacks.

I know for a fact that our young blacks don't particularly—cannot relate to organizations like that because there is no offering for them. I see nothing wrong with organizations like the NAACP or the SCLC having reading enrichment programs, or the type of programs that could be an extension of what maybe the school board should do, or what the schools should do. I know I sort of got off there, but it is something I was running in my mind, but I think drugs do play a major part.

COMMISSIONER RUCKELSHAUS. That's not a bad idea. Thank you very much.

COMMISSIONER HORN. First, Dr. Amster, I was interested in your comments that the Dade County public schools had abolished remedial reading. I would like an exhibit at this point in the record which reflects an exchange of memoranda between the Commission, Dade County public schools, asking the school system why, if it has, has it abolished remedial reading. On what basis and how does it intend to make up for this obvious gap that it faces in the educational system?

CHAIRMAN FLEMMING. Without objection, that inquiry will be made and the results of the inquiry will be incorporated into the record at this point.

COMMISSIONER HORN. I noticed in your interview report, you seem to say somewhat the same thing in your testimony, Dr. Amster, that the Cubans with whom you have dealt at a school age level have come in with a higher reading level than many native born members of minority groups.

Do you regard this as a reflection of socioeconomic class status rather than ethnicity, home support systems, or what?

DR. AMSTER. Okay. Let me preface myself because I have to live in this town after you all leave, that I would say the term remedial reading, as I perceive it, meaning one-to-one, small group instruction, diagnostic, prescriptive types of work done by trained specialists in the area rather than staying in the classroom with the teacher. That's my perception of remedial reading. That does not exist.

What has replaced that are various kinds of prescriptive systems that are used in a whole class situation, the Title I programs and so forth, so I wouldn't want it to be left unsaid that we do not have remedial reading. We have ways of approaching the problem. I don't think they are the ones that are obviously working at this point.

COMMISSIONER HORN. Excuse me a minute. You said then—your thesis is that at one point in time, though, when resources were sufficiently available, there were such smaller group activities to deal with remedial reading.

DR. AMSTER. Yes.

COMMISSIONER HORN. Therefore, I think counsel might find an appropriate question to ask the school system. Does the school system have any evidence as to the relative degree of success of that program which it had at one time, in terms of preparing individuals to have a certain level of reading proficiency over a given time period versus the current methods that they are using. So, if counsel will construct that as one of the questions that will satisfy your point.

DR. AMSTER. We are looking at two youngsters coming through on a more individual and small-group basis as they come through that we are seeing so many of these people whose scores, if thrown in with the whole mass of scores, of course, will bring the average down but may not bring it down as much as when you look at them yourselves and you see it is an 18-year-old person reading the preprimer or first grade level, and the reality is that here's a person that can't function.

As far as the Cubans, we have had some interesting data come in recently on the students that have come on the Mariel boatlift with rather high reading scores, people from the secondary schools in Cuba, and what the situation is there, I don't know. The kind of schooling that is going on there is evidently either particularly exceptional or something is happening there that we're getting a number of people that are coming in with very high reading scores.

It may be at the family again. I do believe the support system, again, in the homes is very important, and the understanding that education is terribly important as it interfaces with later jobs.

COMMISSIONER HORN. Well, on this point, it seems to me a very interesting study to pursue is that the comparison of Cuban children brought up in Miami going to the Miami-Dade public school system of a specific age and grade with Cuban children coming in on this boatlift of specific age and grade, all related to a relative socioeconomic class status. I think at that point we would know then the degree to which classes factor as positive, as it relates to ethnicity, and to which different systems of education are a factor. It might be within that same educational institution we ought to pursue in this area.

My basic query, your professional judgment from looking at both boatlift children, native born, less recent immigrants, black, white, Cubans, other Hispanics, such as Puerto Ricans, to the degree to which you feel socioeconomic class is a factor in their success and ability to take advantage of the educational system.

DR. AMSTER. I think it is a major factor. I believe it is a major factor.

COMMISSIONER HORN. What do you feel is being done, if anything, in the Dade County public school system to help educate adults in terms of remedial readings, so that there can be some attempt to build up a reinforcement system for the children that are obviously increasingly illiterate, whether you accuse television or poor school systems or no parents in the home or general chaos or what? What have you seen the public school system do with regard to adult education?

DR. AMSTER. You're speaking about adult education in and of itself?

COMMISSIONER HORN. Simply for literacy. I don't mean going down to community college and taking courses in lapidary because it's fun. I mean, who can read in this country?

DR. AMSTER. All the programs within the community schools for adult education, whether they do enough in terms of the reading, whether they are really handling many of the problems that need to be addressed; I don't believe in many cases the staff is trained well enough. I think some of the recent considerations here in terms of the adult education programs in Dade County, that area needs to be looked at very carefully, very succinctly. Who are the people doing the teaching? Is it a teacher with a workbook, or is it someone who knows what they are doing, from a clinical kind of point of view?

One other thing, if I could just mention, one of the overriding things that we see—and I'm sure Lanny sees it and works with his youth—I guess it is extremely poor self concepts, and there are just a few places where you can develop a self concept, one of these being, of course, in the home and the other is in the school, and for many of these youngsters, the overriding lack of success in the school system is extremely debilitating to the self concept.

This seems to come through loud and clear about their own worth as people and their own abilities. I think when they get out on a job, one of the things that comes through is the self concept prohibits them from performing securely, and, if they are given criticism by a supervisor, they do not know how to respond to it. They take it as a personal affront, and perhaps we need to do more with supervisors in sensitizing them in how to work with these people and how to reach them in a different way.

The students that I've worked with, probably Lannie has seen, too, are very, very difficult to deal with in a supervisory situation.

COMMISSIONER HORN. Well, what I would like to know from the other members of the panel, in the various programs you operate that deal with youth unemployment, is there a component in any of these programs to deal with the problem of the adult in the home, be it parent or surrogate parent, as to their reading level, on the assumption that reinforcement would help make it more efficient and effective placement of the youth to whom you are directing your attention?

Is there any thought being given even to that as a program?

DR. AMSTER. That's what I was mentioning earlier, if we could do some creative kinds of programs that involve parents more in the whole act of learning, starting early on.

COMMISSIONER HORN. What I am wondering is, is this being done anywhere now in these existing youth employment programs?

DR. AMSTER. Within our program at CETA, we don't have any.

COMMISSIONER HORN. How about the others?

MR. SUMTER. I think one of the major reasons, for instance, we are not doing it, we are precluded from it. CETA operates Title IV programs that deals with juveniles; II-B program deals with the adults as well as advantaged or disadvantaged kinds of individuals, and unless you have a twofold program or two-tier-funded program, you are precluded from specifically working with that adult population.

You have what we rely on in the way of working with the family is that our counselors have to involve the families with what happens with the juveniles in the program, and that is probably the extent to which we can work, and in fact limited resources would again preclude you from going too far out there in that you have to work with big numbers of young folks in your program.

COMMISSIONER HORN. Are you aware of any programs nationally that have such a component?

MR. SUMTER. No, I'm not.

COMMISSIONER HORN. What this leads to, unless it is just happenstance, is that perhaps too often government officials, well meaning, so try to fragment and segment society to target resources that they miss the total picture. Any other comments on that point, to the degree to which adults are involved or not should be?

DR. AMSTER. You know from research that adults who probably need these kinds of services most are not the ones to take advantage, and, in fact, the lapidary courses and the EST and this type of thing, that the middle class and the senior citizen will attend, are not attended by the population that needs it most, for a variety of reasons.

COMMISSIONER HORN. Mr. Stephenson, many labor unions in the Midwest, I know, for a number of years have had provisions in collective bargaining contracts to provide educational opportunities for members, spouses, sometimes children.

To what degree do any of the contracts in the Dade County area provide for adult education, learning opportunities, which could be helpful in a general upgrading of membership as far as their reading ability, etc., which in turn might help youth that are growing up in those households?

MR. STEPHENSON. None whatsoever.

COMMISSIONER HORN. Has thought been given to that?

MR. STEPHENSON. Yes, it has, to the extent that those are the furniture programs have get to school four nights a week, but in terms of actual educational programs we are now developing, we are going to have in January—I don't think it is the 19th, or 16th, something of that nature, HRDI, Human Resources Development Institute Seminar, and

it will be a couple of days long, and that's one that's going to be one of our priorities.

And the other priority, of course, I discussed and told you about.

COMMISSIONER HORN. Ms. Fussell, I noticed in your interview report you said that tax credits available to employers who hire the disadvantaged are used by the employers in your service area and may encourage new jobs; that you had not heard any employers complaining about the paperwork involved and personally believed it is minimal?

Is that a fair summary of your views?

Ms. FUSSELL. Yes, it is.

COMMISSIONER HORN. How many employers are really taking advantage of that type of tax credit situation, and do you or other members of the panel do anything to encourage that in terms of an attempt to place your particular clients?

Ms. FUSSELL. When speaking of targeted jobs tax credit for the disadvantaged youth, section specifies the ages between 18 and 24.

Now, I would say about the numbers growing, number of employees is growing that is taking advantage of this program, and roughly about 50 percent.

COMMISSIONER HORN. 50 percent what?

Ms. FUSSELL. 50 percent participation of employers.

COMMISSIONER HORN. Well, I'm not quite sure how we're measuring that. Do you mean of the total number of employers that it is possible to take advantage of this, 50 percent do so?

Ms. FUSSELL. No, not that's possible, that's coming through our office.

COMMISSIONER HORN. Coming through your office? So give me some numbers that relate to that percentage.

Ms. FUSSELL. Okay. I would say out of about 100 job orders that came in, about half of them would take advantage, or are beginning to take advantage, of TGAC program.

COMMISSIONER HORN. That might represent 100 separate employers or 10 employers that place 100 job orders?

Ms. FUSSELL. Employers—speaking of employers in general.

COMMISSIONER HORN. So, okay, of 100 employers, 50 perhaps would take advantage of this section?

Ms. FUSSELL. Right.

COMMISSIONER HORN. Fine.

Ms. FUSSELL. While we were speaking of that, I might suggest, if I may, that if a similar program were to be put into effect that lowers the age for youth, then it might help the employers to offset their monies because they are hiring unskilled people in general.

COMMISSIONER HORN. Mr. Chairman I would like to request that an exhibit be prepared, inserted into the record at this point, which is an exchange between the Commission and the IRS as to the number of employers that are taking advantage of this particular tax credit system, and do we have any information as to the number of youth who have benefited as a result?

CHAIRMAN FLEMMING. Nationwide?

COMMISSIONER HORN. I would like it nationwide, Florida, Dade County, if IRS has that on data tapes.

CHAIRMAN FLEMMING. Without objection, that will be done.

COMMISSIONER SALTZMAN. I only have one question, Mr. Sumter. I really enjoyed the clarity of your testimony earlier and it left me just with one area of doubt. I think you said that the skilled person also has problems in his employment. What are the problems? Why does he face problems if he is a skilled person? Because everyone else seems to have suggested that with adequate skills there is employment, etc. What are the problems of the skilled minority person?

MR. SUMTER. Well, as I stated earlier, the whole orientation toward the world of work, you can have all the skills in the world and you do not show up for work, the employer is not going to tolerate it very long. Moreover, going back to what she touched on about the support systems at home, we have the participant in the program for 6 to 7 hours on a daily basis, after which they go back to the same community, same drugs are being pushed, same laws may be violated, and, importantly, our system, you know, they don't perceive as breaking the law because the police may walk right by, you know, and it may have no effect. The concentration at this point would be on stopping the drugs from entering the country or entering the State, or whatever, but what is overlooked is that these individuals, by being able to do whatever they are allowed to do with no rap on the hands, so to speak, have no reason to believe that there is anybody breaking the law, that there is any breaking of the law.

COMMISSIONER SALTZMAN. I see what you mean.

DR. AMSTER. He also was mentioning he's working with offenders who have many behavioral and asocial and antisocial characteristics that they take with them, and they might be a totally true statement for the general population.

COMMISSIONER SALTZMAN. I understand that, but what I didn't draw the conclusion from was that the skilled person despite the skills may not have the other social requirements.

COMMISSIONER RAMIREZ. I also very much appreciated the clarity and the sensitivity of your testimony, Mr. Sumter. My question now is for Mr. Rutherford.

My sense is that you are putting together a new attempt at reconstruction in the area in which you work, and I wondered how you felt, what your vision was, in terms of all of the comments that have been made about the need to strengthen and support black families. We hear that the first order of business is a job, and I understand that you are working on those jobs, but do you understand and do you believe that it is necessary to strengthen those family support systems and what are you doing about it?

MR. RUTHERFORD. Okay. Beginning in January—first, let me say that the Urban League has a leadership development program. That program is currently geared towards middle-class blacks. They go into the family and they go into community dealings.

Beginning in January we are going to institute a family leadership program. We have found in the league that black families do not support their young black kids as much as is needed. The strength does come from the home. There is a tendency in most black families where they put jobs first but that attitude training does not come.

There is a type of degrading thing where black mothers are constantly saying, "Get the 9 to 5 first and bring in the change, and then we'll go about training you how to cope later."

We are going to institute a family type leadership program in January.

COMMISSIONER RAMIREZ. So my sense is that you also believe that is critical?

MR. RUTHERFORD. Yes, very much so.

COMMISSIONER RAMIREZ. Do you feel hopeful that you can do something about it?

MR. RUTHERFORD. I'm very optimistic about everything we can do.

COMMISSIONER RAMIREZ. So am I.

CHAIRMAN FLEMMING. Commissioner Ruckelshaus, I think, has one other question and I've got a couple I wanted.

COMMISSIONER RUCKELSHAUS. For Mr. Stephenson. Frankly speaking, Mr. Stephenson, how would you, based on your years of experience in this community and based on, certainly, the sense of urgency that this community must feel after the events of last spring, how would you characterize the degree of involvement and commitment of the leaders of business and industry in Dade County to addressing the various critical problems of minority unemployment?

MR. STEPHENSON. There is a lot of rhetoric going on in Dade County, period, and in a sense there is not that much being done in private industry and from public sector.

A perfect illustration is, there is a multimillion dollar garbage waste disposal plant being built by this county. I think the figure is somewhere between \$20 and \$30 million. You go out there and check it and you will see license plates from Alabama, Louisiana, and Mississippi and all over hell's half acre, but you won't see that many Dade County cars. We believe our philosophy is, of course, "buy American, the job you save may be your own," but there's a lot of rhetoric going on in Dade County, but the employers—the burden of proof is on the employers. The jobs are there according to—I don't know whether you're aware of it, but this is the largest crewship port in the world right here, right down the street from you. Those ships have to be channeled. We don't know where they're channeled at.

The employers—I was under the impression by staff today that I was going to sit with employers, this is not meant disparagingly against these people, but I was under the impression I was going to address myself to those employers. I would simply respond to your question by saying there is a lot of rhetoric going on and a lot of people making promises and basically no one has made a commitment.

COMMISSIONER RUCKELSHAUS. Is that the message you would like to make?

CHAIRMAN FLEMMING. First of all, Mr. Stephenson, I'm delighted you're here with this panel, because I'm delighted that the AFL-CIO has taken an interest that it has in the whole area of youth employment, and as one other person who is in his seventies along with you, and one who has worked in the field of aging, I have learned that when you get an interrelationship on programs of this kind between older persons and youth, you are apt to get some results, so that I am just delighted you have been here and have shared with us some of the involvement of your organization.

I have listened to the other presentations with great interest and I sense your commitment, and I sense your concern relative to the seriousness of this problem as it confronts Dade County.

I have wondered whether or not the organizations represented here, knowing that you can have the support do have the support of an organization such as the AFL-CIO, have come together for the purpose of developing a communitywide goal that you would like to see achieved in this area of youth employment with the idea, with the help, of the AFL-CIO, putting it before the key employers of the community and saying, "This is where we would like to go in terms of specific numbers of jobs in 6 months, 9 months or a year. In other words, here is what our organizations are prepared to do." All of you have got, obviously, contributions to make. Here's what our organizations are prepared to do in order to achieve that communitywide goal."

Has there been any thought given to the possibility of pulling all of this together and developing a communitywide goal with an action program designed to achieve it, and then presenting that to the key employers and with the backing of the AFL-CIO and saying, "Will you buy this? Will you accept this? Will you go to work in order to help achieve this particular goal and we'll use our organization and our organization will work with you in order to achieve that?"

Is there anything like that going on? Is there anything like this; for example, do the four youth organizations here, do you get together? I appreciate the employment service but you are focusing now on the youth side of it and I am delighted that you are, because I have had experience with the public employment service over the years nationally, and they don't always focus the way you are focusing on the youth side of it, but I am just wondering whether you do come together for the purpose of developing a common goal, timetable, strategy, and then trying to take that and selling it and just holding their feet to the fire, so to speak, until you get a response, because in response to Commissioner Ruckelshaus, I know what's back of what Mr. Stephenson's saying.

There is rhetoric or no action but not meaningful action. I think we have got to work within our system to try to see how we can translate or get rhetoric translated into action and how we can get organized to do that. I just throw that out.

First of all, do you get together for the purpose, I mean, those that are concerned about the youth unemployment, do you get together to

develop common goals, common strategies, and so on? What is the response to that?

DR. AMSTER. CETA has the private industry council which is attempting to do just this type of thing, to interface CETA with employers. The Youth Planning Council through CETA involves numbers of leaders in the community in developing plans.

CHAIRMAN FLEMMING. Let me stay with youth planning. Are all of you who are working in this area of youth represented on the Youth Planning Council?

MR. STEPHENSON. Mr. Chairman, we have—my assistant in the audience, he is on the Youth Planning Council.

CHAIRMAN FLEMMING. How about the rest here?

MR. SUMTER. I would say definitely represented on the Youth Planning Council. We are part of CETA and the CRO organizations, those programs that actually work with youth are represented.

CHAIRMAN FLEMMING. Is that a planning council that develops action goals and really works to achieve those goals? Is it that kind of a council or is it just planning? I mean, you know, I know of planning groups, too, that get satisfied with rhetoric and don't translate the rhetoric into action, but is this an action group that you're telling me about?

MR. SUMTER. Yes.

CHAIRMAN FLEMMING. Are all of you on that?

MR. RUTHERFORD. No. Our organization works along with the Urban League which we are developing a youth council. You said a very important word. You mentioned the word "selling." Okay. It is nice. I think it would be beneficial if other functions and organizations got together to come together as one, you know. Unfortunately, reality has a way of setting in and it comes down to just being a hustle job. I'm going to sell BYLL. He is going to sell AFL-CIO. That is one that is going to sell because that's all what it boils down to. I think it is nice. Unfortunately, it doesn't all work that way.

CHAIRMAN FLEMMING. Let me indicate what I had in mind here, that those of you who have this concern would agree on what you feel is a very—is an attainable goal, let's say, over a span of time.

MR. SUMTER. Under one umbrella?

CHAIRMAN FLEMMING. I'll take 6 months or whatever, so on. You agree on what is the kind of an action program that could result in that. Now, let's put aside the word "sell."

I am sure that there are here, as there are in any community, key employers who can represent the difference between success or failure in implementing a program of this kind. If you could take before them the kind of a plan that I'm talking about and get them involved in helping you to implement that plan—let's get away from the word "sell" because I get your point on that word, but what I am after is, you know, you bring the pressure on to get them involved to work with you in achieving that particular goal. That's what I have in mind.

I just toss it out because, as I listened to the sense of commitment comes through loud and clear, and your sense of the seriousness of the

problem comes through loud and clear. What I hope is that that can be translated into what I would call a communitywide action program where key employers are involved in it and help to implement it. We're very appreciative of your being here.

I mean, it is obvious from the comments that have been made by the members of the Commission, the questions that they have addressed to you that you have helped all of us get some new insights here and we are grateful to you for spending this time with us. Thank you very, very much.

The hearing is in recess until 1:30.

**Afternoon Session, December 9, 1980**

---

CHAIRMAN FLEMMING. The hearing will come to order. The counsel will call the next witnesses.

MS. STEIN. Would Janet Feagans-Launelott, Ruix Jean-Barte, Silvia Unzuta, and Alfredo Duran. Come forward.

[Janet Feagans-Launelott, Ruix Jean-Barte, Silvia Unzuta, and Alfredo Duran were sworn.]

CHAIRMAN FLEMMING. We appreciate your being here.

**TESTIMONY OF SILVIA UNZUTA, DADE COUNTY GOVERNMENT; RUIX JEAN-BARTE, EXECUTIVE DIRECTOR, HAITIAN-AMERICAN COMMUNITY ASSOCIATION; JANET FEAGANS-LAUNCELOTT, EXECUTIVE DIRECTOR, DADE COUNTY HOUSING AND EMPLOYMENT APPEALS BOARD; ALFREDO DURAN, ATTORNEY**

MS. STEIN. Begining with Ms. Unzuta, will you please state your name and occupation for the record?

MS. UNZUTA. My name is Silvia Unzuta. I am a public administrator of the Dade County government.

MS. STEIN. Mr. Jean-Barte?

MR. JEAN-BARTE. My name is Ruix Jean-Barte. I am executive director of HACAD.

MS. STEIN. Will you tell us what HACAD is?

MR. JEAN-BARTE. Haitian-American Community Association of Dade.

MS. STEIN. The Haitian-American Community Association of Dade. Thank you.

MR. JEAN-BARTE. Right.

MS. FEAGANS. Janet Feagans-Launelott. I am the executive director of the Dade County Fair Housing and Employment Appeals Board.

MR. DURAN. I am Alfredo Duran, but I am a private attorney here in Dade County.

MS. STEIN. Thank you very much. Will you please describe the responsibilities and jurisdiction of your organization?

MS. FEAGANS. Yes. Our agency or department is a 706 referral agency. When Federal charges are filed with EEOC, they are deferred to us if we have jurisdiction, and in addition we have charges that are filed under the Dade County law, filed with us directly because the Dade County law has a broader coverage in many ways. For example, we can protect those employees who are in the smaller firms, less 15, up even with just 5, so that is in the field of employment, which I think is the direction of this panel, but we also have responsibility similar and to some extent greater than HUD does under Title VIII.

MS. STEIN. Thank you. Approximately how many complaints of employment discrimination are filed with your agency each year?

MS. FEAGANS. Approximately 350 to 400 a year. We have had somewhat of a decrease due to new procedures for accepting charges, and I think perhaps there will be an increase in charges when the recent refugees learn that they, too, have rights to file charges with us.

MS. STEIN. What percentage of these charges are filed on the basis of race?

MS. FEAGANS. Approximately 50 percent or more are filed on the basis of race, and that has held true for the last 5 years.

MS. STEIN. In what percentage of cases do you find cause to believe that discrimination is taking place?

MS. FEAGANS. A very small percentage. I would estimate less than 5 percent are cause findings.

MS. STEIN. In how many do you make a no-cause finding?

MS. FEAGANS. Oh, roughly 25 percent of the cases that we would handle a year.

MS. STEIN. Do these figures indicate to you that employment discrimination is a serious problem in the Dade County area?

MS. FEAGANS. The figures are very misleading because I think there is a great deal more discrimination in employment in Dade County than what we at the local level are getting. In fact, 90 percent of our charges are deferred charges from EEOC. As a local agency, we do not yet have the resources or the visibility that I believe is really needed if we were to get all of those charges that are out there, even from people who know about their rights. They are afraid to file or they don't know.

MS. STEIN. What factors then lead you to believe that discrimination is a more widespread problem?

MS. FEAGANS. I think one of the major ways I can tell is that our law is somewhat unique. It allows the executive director to file charges on behalf of a charging party when there is some element of fear or retaliation. I don't think there will be a rather strong protection as far as retaliation goes and come and I have had conversations, and informal inquiries in our office from people calling. We have explained that there is this process for basically a third-party charge, and it has not been picked up upon. Basically, I think that is one of the reasons I can tell, besides my own experience in talking with people who come to our office or call up and indicate that they know what is happening to

them, but they are afraid, particularly as the market place in the labor pool becomes much more competitive.

Ms. STEIN. In addition to that, do you have any information available to you on the employers in Dade County and their work force?

Ms. FEAGANS. And I don't know where to start with that one. We have a lot of information available. One of the things that I am noticing is that one of the largest industries, growing industries here in Dade County, for example, is the garment business and the garment industry, and yet going over our charges for the last 5 years, we have had each year maybe no more than 10 charges, whereas, one of the more established type of industries here, the motels, hotels, restaurants, those types of businesses, we do get what I would call a representative sample of charges; also, the hospital, for example. We get more charges from the hospitals and medical related professional agencies, or corporations, than one would seem its figures would warrant proportionately.

Ms. STEIN. Do you have access to the EEO 1 forms?

Ms. FEAGANS. Only haphazardly, quite frankly. We required them in the course of our investigation, and in that sense it is not haphazard because we can subpoena those records.

As a general step, they are not sent to us on a regular basis by EEOC, which is where we have gotten them in the past.

Ms. STEIN. In your experience, are there any industries in this area that employ so few blacks as to virtually be closed to them?

Ms. FEAGANS. I would have to go back again to the garment industry.

Ms. STEIN. Well, you said you received very few complaints from persons about the garment industry; is that correct?

Ms. FEAGANS. That is correct. We received very few and I have the feeling there is an increasing displacement, but in the garment industry it is not a displacement of black employees because they are not there.

Ms. STEIN. What is your perception about employment patterns in the garment industry?

Ms. FEAGANS. What I am seeing, and it is informal, it is not coming in in charges, is that the displacement appears to be more of the more recent refugees displacing the more established refugees.

Ms. STEIN. What race or national origin are the majority of the employees in the garment industry?

Ms. FEAGANS. To my knowledge, they are Cuban or Cuban Americans.

Ms. STEIN. What is the extent of black employment?

Ms. FEAGANS. I would say that less than 5 percent.

Ms. STEIN. Are there any other industries that have a pattern similar to this?

Ms. FEAGANS. I think in the pattern in practice area, I would hazard a guess that insurance and banking, the airlines to some extent, although that is changing; one of the disadvantages I have, in responding to the pattern in practice, is that we do not normally get those charges in our agency. The largest employers in Dade County are—jurisdictionally we cannot touch, or they are already being considered for early investiga-

tion by EEOC. Charges against Dade County itself we do not get in for jurisdictional reasons. Charges against the larger employers we are not seeing except in a very individual basis.

Ms. STEIN. Have you seen any change in the patterns of employment of minorities in Dade County over the last 5 to 10 years?

Ms. FEAGANS. I have seen none whatsoever.

Ms. STEIN. How do minority community members learn about your agency?

Ms. FEAGANS. They learn about our agency most likely through word of mouth. Somebody that has had a channel with us or with the EEOC. They learn about it through housing experience or an employment experience, as I mentioned.

I would say that our greatest publicity comes from when we have a public hearing and the local newspapers and radio stations will pick up on the public hearings, but we are so limited in staff that to take people to do community outreach, which I know is admirable also, takes them away from doing the investigation.

Ms. STEIN. What is the size of your staff?

Ms. FEAGANS. I have six directors and the rest is clerical and administrative.

Ms. STEIN. Thank you very much.

Mr. Duran, could you tell us what, in your opinion, are the factors that have led to the apparent success of Cuban immigrants in the Miami area, economic success?

MR. DURAN. That is a rather complex question. I think you would have to go back a number of years as to what originally had the Cubans come to Miami with. We came here originally not as refugees, per se, or immigrants, per se, we came here running away from a dictatorial system and in search of personal and political freedom.

Also, at that time we all had the hope that in a very short time the system in Cuba would change and, therefore, we would be returning back to Cuba with a different political system, a democratic system. That being the case, we sort of collected and supported each other for a number of years. That permitted the creation of the so-called Little Havana which, to a certain extent, is the Cuban ghetto here in Dade County, a Cuban ghetto which doesn't have all the characteristics of what other ghettos are viewed as in this country, but nevertheless a ghetto of sorts, but by doing that we were able to support each other.

We would buy from other Cuban merchants. If I needed to drink coffee, I would go to a Cuban coffee vendor. If I needed a car, I would buy it from a Cuban salesman. If I needed to buy a house, I would do the same thing, so it generated an economy almost unto itself, and by the fact that there were such a number of us, we were also able to culturally support ourselves in a sense, with a sense of pride, with a sense of achievement in the country, and we really never felt a great deal of need to go outside our own community to be able to deal with the economic and social realities of the country.

That, of course, is changing now, but the seed to whatever economic success, which is not as great as in many cases put it to be, because

there are many poor Cubans who need social services and need everything else. It is almost a make up of the country as a whole, of the society as a whole, even though it is a better economic plight than the black community has, but, nevertheless, that ability to work within ourselves and to deal with each other both economically and socially created a seed which basically establishes in itself one step above the economic rung of most minorities in this country.

MS. STEIN. You say the Cubans were different from more typical immigrant groups. Is one way in which they were different more of them had been economically successful in their homeland?

MR. DURAN. I believe that at the beginning it was that way, but as time has gone on, the Cuban has basically seen a national exodus, and today you would find a very, very representative cross section of Cuban society as it was before 1959, with upper economic structure individuals and low economic structure individuals.

You find any place from millionaires to sugar cane cutters. The society is very, very reflective of what the Cuban society is as a whole.

MS. STEIN. In what ways do you think the Cuban community has had an impact on the economy here in the Miami area?

MR. DURAN. Well, definitely we have created an economic situation in the county which permitted a number of things to happen. First of all, we have generated more jobs. We have generated a greater income to the community than there was prior to our arriving here.

Secondly, we have established Dade County as a gateway to Latin American business and finances.

Thirdly, we have made Latin America the shopping market for consumer goods for many, many individuals and many, many millions of dollars that flow in from Latin America and other places in the world.

Finally, we have given the county a sense of being a cosmopolitan city which is on the verge of becoming a big city, a big city with all its ills but at the same time which I believe in this decade is going to go through tremendous economic surge and a tremendous population surge.

Of course, one of the concerns that we must have is that in that economic upsurge and the social benefits and problems that it is going to bring, everybody will be able to share and participate in the growth of this county in the next 10 years, not just a privileged group of individuals.

MS. STEIN. What affect does bilingualism, in your opinion, have on the economic opportunities of whites and blacks?

MR. DURAN. Well, I think bilingualism has, on the whites and blacks—and the whites, all you have to do is see how much the retail stores, how much people who are doing business in this county, whose main concern is the bottom line, how much they require bilingualism in their business, and it is not because they love Spanish; it is because they love the bottom line and, therefore, from that sense, from the business sense, it has been a tremendous impact.

MS. STEIN. What effect has it had on the employment opportunities of blacks and perhaps Anglos who do not speak Spanish?

MR. DURAN. I think it might have had, in certain areas, a bad impact, but that impact cannot be weighed just on the fact that someone advertises for a retail clerk that is bilingual, because the position that that retail clerk, which is bilingual, does is make sales and in the process of making sales also creates a number of other jobs that not necessarily require bilingualism. So I believe that for every bilingual job that is created in this county, you create three or four more jobs which are nonbilingual and which may have a tremendous impact in the whole employment picture.

MS. STEIN. What effect does bilingualism have on race relations, on the relations between blacks and Hispanics and Anglos?

MR. DURAN. Well, I think that race relations—the bilingual question—at the beginning, I think that the black community today realizes that the ills and the problems that affect the black community are not necessarily related to bilingualism, because the same problems that the black community has in Miami are the same problems that the black community has in New York, in New Jersey, in Los Angeles, in Detroit, and every other big urban center in this country which doesn't necessarily have bilingualism. So, therefore, I think the black community realizes that the problems of the black are not necessarily impacted on directly by the Cuban presence but generally by a substantial ill perception of our society as a whole and reaction of our society as a whole towards the blacks for many, many years.

MS. STEIN. Is there anything that you feel that the Cuban business community could do or should do to address the problems of black people, and is there anything that you yourself plan to do?

MR. DURAN. I think that the Cuban community has sent out signals very much more patently than the rest of the community has towards the blacks that we want cooperation in this community. We believe that this community has to maintain its very, very delicate balance between its four minorities that live here—the blacks, the Cubans, the Jews, and the Anglos—in order for this community to progress. That delicate balance has to be maintained and has to continue to work or should work in harmony. I think at the time of the black riots the Cuban community donated food and clothing and started the movement to take it into the black community.

There are a number of Cuban businessmen who are trying to talk to black businessmen to try to do a sort of cooperation business enterprises between Cubans and blacks in the black community. There are a number of people who are meeting all over this county, trying to establish a bridge between the Cubans and the blacks, but we have taken that onto ourselves. It is not because of any positive or leadership role by any governmental or any other type of agencies; it has basically been a private effort on the part of many numbers of individuals.

MS. STEIN. Ms. Unzuta, would you please explain to us what role you played, what involvement you had with refugee issues during the Mariel boatlift?

Ms. UNZUTA. Yes. Basically, the involvement started April 18 when we were at the county level trying to assess whether we needed 500 beds to put refugees or, in fact, if we might have to up it to 5,000. Eight months after the fact we know it was 125,000 people of which 19 days were handled directly by Metropolitan Dade County government.

In my role as special assignment with the refugee problem, I assisted in the coordination of all the volunteer services, roughly 500 volunteers from everywhere in this community and throughout the State, in trying to offer the services necessary for processing, housing, feeding, which during the first 19 days, through the generosity of this community, was done completely free of charge.

At this point we even had only two immigration officials and about 50 volunteers filling out immigration forms. From that time to this date what is tragic is we remain functioning in an emergency, crisis-oriented approach. Eight months after the fact we still haven't gotten our act together to really be able, for a change, to manage the crisis.

I have been in various—I was specially assigned as the staff coordinator to the Dade County Coordinating Council Task Force on Cuban Refugees. We compiled data and visited Washington and met with the officials of the White House and various departments to try to really bring to the attention of those in positions to take care of the problems what the problems of south Florida were. The whole process has been extremely frustrating, has really been leading to no end, and still today possibly you are sitting right next to a relocation agency, right next to us, who are still being impacted by the fragmentation, the total lack of coordination, the lack of adequate policymaking, and the lack of sensitivity at the various levels of the organization, both elected officials and administrator, to really resolve the problem.

One of the key, most salient points throughout this whole affair has been the apparent deliberate lack of Cuban decisionmakers at top levels that have had the authority to be able to implement some solutions. Some of the decisions of sending Cuban entrants to camps throughout the United States were—at any one point we had up to 60,000 Cubans; it was really painful, and as I talk to you, about 6,500 are at Fort Chaffee in what has turned out to be a concentration camp, and very few people are discussing that.

Ms. STEIN. How many Cuban refugees are in the Miami area now, according to your best estimates?

Ms. UNZUTA. In the Miami area, depending whose figures you consult, the task force would tell you 83,500; I would say approximately 85,000. My estimate is that those numbers are going to increase further as the cold weather hits the North.

Ms. STEIN. Thank you.

Mr. Jean-Barte, would you tell us what the purpose and function of your organization, HACCOD, is?

MR. JEAN-BARTE. Yes. HACCOD is a social service center and also a medical center. We help Haitians in finding jobs. We help them in education. We have English classes and also vocational classes; then we have general social services such as helping them in getting food, in

getting clothes, and also what we call case advocacy. By that, I mean there are agencies in Miami who don't know what services are available to the Haitians, and we are the ones who intervene and make sure the Haitians get these services which they need and which they are allowed to receive. This is basically what we do. Our health center is a primary health care center.

MS. STEIN. How many Haitian refugees do you estimate are in the Miami area now?

MR. JEAN-BARTE. Well, it depends on how you define it. Based on our figures, there are 25,000 Haitian refugees. By that I mean Haitians, boat people, who reported into INS, but, as you know, we are Haitian residents; there are Haitian Americans and also Haitians who are unknown or undocumented. So they say there are about 30,000 to 50,000 Haitians in the south Florida area; that includes all four categories together.

MS. STEIN. Can you make any estimates? You said one of your functions is to try and find jobs for Haitian refugees.

MR. JEAN-BARTE. Yes.

MS. STEIN. Can you make any estimate of what the unemployment rate is among Haitian refugees in the area?

MR. JEAN-BARTE. Well, that would be an estimate because what we feel is there are Haitians—most of our clients don't have a steady job, but they will work, you know, odd days, Sundays they work and holidays they will work. If we take those people into consideration, we will say there is about 40 percent at least. That's the minimum unemployed.

MS. STEIN. Do you know of any Federal, State, or local agencies that keeps records on the unemployment rate among the refugees?

MR. JEAN-BARTE. I have not checked that. I don't know.

MS. STEIN. How about you, Ms. Unzuta? Do you know of any?

MS. UNZUTA. The bureau of employment statistics publishes the figures as well as the CETA consortium.

MS. STEIN. Excuse me. Did you say the Bureau of Labor Statistics?

MS. UNZUTA. The bureau of—

COMMISSIONER HORN. Is that State or Federal?

MS. UNZUTA. This is State.

MS. STEIN. Thank you. Could you tell us what agencies you know of, public and private, other than your own, that are providing assistance to refugees in finding employment, Mr. Jean-Barte?

MR. JEAN-BARTE. Well, I would say that—you know, CETA in the past has worked jointly with HACCOD and tried to help them find jobs, but there is no major organized thrust to help Haitians get jobs—no, not that I know of.

MS. STEIN. What is the skill level of the persons you work with, the refugees you work with?

MR. JEAN-BARTE. Okay. The skill levels tend to be low skill, but also there are Haitians who arrive who were carpenters or mechanics in Haiti and have skills in Haiti, but because of language problems and

also because of the democratic society is more advanced than the Haitian society, so they have to relearn certain things.

MS. STEIN. Some of them are skilled, but their skills are somewhat outdated?

MR. JEAN-BARTE. Right. They need to be trained.

MS. STEIN. Ms. Unzuta, do you have an estimate of the number of Cuban refugees, the rate of unemployment among Cuban refugees?

MS. UNZUTA. It is roughly 75 percent of the Mariel boatlift Cubans who are unemployed and the rest of them are underemployed.

MS. STEIN. What does their skill level tend to be?

MS. UNZUTA. The average skill level is seventh grade, monolingual Spanish, and requiring extensive operating of skills.

MS. STEIN. Those refugees that are employed, where are they finding work?

MS. UNZUTA. Primarily in the main efforts that have been mounted have been through the Latin chamber of commerce, with the Latin business owners, and through a religious agency, UCE, through the Catholic Church.

The bulk of them are trying—they are simply being added onto local payrolls like, if you have a relative that has a construction company, somehow you find room for an extra two or three. By and large, most of them—it is estimated that 43,000 households are receiving food stamps, so you can estimate from there the number of—at least two people per household in some cases. The number of people unemployed and the level of need is extremely high.

MS. STEIN. Mr. Jean-Barte, where do Haitian refugees find employment, when they do?

MR. JEAN-BARTE. Well, Haitians find employment mainly in farm work, and for women in garment industries, in factories, in the small factories, and also in hotels and restaurants.

MS. STEIN. There is a perception on the part of some people that refugees displace native American workers from jobs. I would like to ask each of you to comment on whether you think that is happening or not? Mr. Jean-Barte?

MR. JEAN-BARTE. Well, in the case of the Haitians, if they are displacing anybody, it would tend to be Cubans in the migrant work, be they Chicanos or Aleutian Indians, and in the case of Miami itself, we are displacing quite a bit of Cubans.

We have cases of Haitians who have been here for years but doesn't speak English but Spanish to the people working next to them, [who] tend to be Hispanics.

COMMISSIONER HORN. I want to make sure I understand the answer. Your answer is that the Haitians would primarily displace Cubans?

MR. JEAN-BARTE. If they displace anybody.

COMMISSIONER HORN. If they displace anybody.

MR. JEAN-BARTE. Right.

COMMISSIONER HORN. You don't think they would displace unemployed, teenage, black youth?

MR. JEAN-BARTE. It might be, but what I was saying is it is not a significant, you know—

COMMISSIONER HORN. Do we have any studies in this area?

MR. JEAN-BARTE. There are no studies. My comment is based on talking to Haitian refugees and asking them where they work and also based on the fact some of them can't speak English but only can speak Spanish—look at it, garments or working as farmworkers or even as dishwashers in hotels. I mean, working in restaurants and in hotels as maids tend to be jobs done by Cubans.

MS. UNZUTA. I think what you have described touches on a very important point and that has to do with perceptions. We are talking about perceptions.

I would agree there has been the perception in this community that Cubans are displacing everybody else from employment, but the raw figures indicate that, number one, they have not been that much of a success story but rather that success has been overplayed pretty often by the media.

Right now the figure of 75 percent of the Mariel people being unemployed and without services is real. The rest of them have been minutely, slowly being absorbed by their own local Cuban economy which is being burdened, and up to recently, very few people were talking about the whole impact of the refugees, because it was being felt at home in our ghetto—which is a loving way for us to call home, talking about Little Havana. We were facing—the problem was self-contained. In the area of Haitians it was also self-contained in some specific areas.

The problem is bursting at the seams. It is impacting other communities. Other people are seeing the Cubans walking the streets, and it is no longer a problem that would be hush-hush, and it was okay as long as it increased the overcrowding in Little Havana.

The situation is so massive that it has come out. What I think is critical is there are unemployed, and one example, for example, is the Little Havana Manpower Agency and the 132 Mariel boatlift people employed and has a waiting list that exceeds 1,500. That's one example.

So, if we're displacing, I don't know, because then they would not be unemployed. The problem that I was trying to address earlier has to do with the unemployment rate and how it is computed. Since these people, both the Haitians and the Cubans, do not have a previous work record in the United States, they do not become part of the unemployment rate. Therefore, there are 6.7 percent in the State of Florida, telling us the unemployment rate is, when in fact estimates put it more at 13 percent. There is a discrepancy because you know that is the figure used to split the CETA pie.

MS. STEIN. The first wave of Cuban immigrants came to the country and have succeeded in establishing themselves as a strong and self-sufficient part of the community, although, as Mr. Duran pointed out, there are persons among them who are not successful and who are in need of help. In general, their position is a secure one. Do you think

that the more recent Cuban refugees, the ones in the Mariel boatlift, will be able to do the same?

MS. UNZUTA. I am very, very perplexed, very concerned because, as I was saying in my initial statement, I had never seen so much orchestrated mismanagement in any one single crisis as I have seen in this one. I don't know what it will take for some more of us on [behalf of] some of these people to overcome this pervasive system for them not to get ahead. They have been in camps, they have been let out, and very many of them are going to have a very hard time, and whether we like it or not, or whether we pay for it now or later, the cost is going to be there in order to be able to absorb these people.

MS. STEIN. Mr. Jean-Barte, what do you think with respect to the Haitian refugees and their chances of establishing themselves?

MR. JEAN-BARTE. Well, it is not easy. It is not going to be easy, because the Haitians, since they arrived here, have been faced with discrimination from INS and the Federal Government and all over, and besides we are a poor community. Up until 1980 the Haitian refugees who arrived here were not even able to get a work permit. They were not even allowed to work, so consequently what has been going on with the Nixon, Ford, and Carter administrations, there is not that much of a hope. The Haitians will keep on striving, but it is not going to be [easy] for them here.

MS. STEIN. Thank you. Mr. Chairman, I have no further questions at this time.

VICE CHAIRMAN BERRY. Let me pursue first the question about the refugees and displacement of others in the community. We had some testimony earlier today which said there were about 180,000 or so black youths who are unemployed in Miami-Dade. I don't know if these numbers are accurate, but another witness gave us those numbers.

I understood there are about 83,000 Cuban refugees, if I understood you right, Ms. Unzuta, and also you, Mr. Jean-Barte. Why should the refugees who are coming in have a greater claim on the resources, if there are any resources available either at the Federal level or at the local level, than people who are already here who have been suffering?

We heard about their problems not being solved and how they're even moved to the point where they engage in violence, and now you are presenting this problem to us in terms of priorities. Don't you think the first priority ought to be dealing with the problems of the people already here? Either one of you or both of you.

MS. UNZUTA. I would like to respond. I agree wholeheartedly with you. If we were not ready to deal with the problems of having this massive exodus into the United States, we should have, one, stopped it, applying the immigration laws; two, consider deportation, and we know that is not feasible.

I agree entirely. I think this constant group of people swelling the numbers of those that have claim to the very small, forever-reducing pie is totally intolerable. The fact is, they are here, and some are living in substandard conditions.

MR. JEAN-BARTE. In the case of the Haitians, it is funny, the question. There are no government agencies that I know of which are trying to help the Haitians get jobs or help them have a better life here, so we have not many claims to anything and nobody is really helping us. Whatever we get, we are working very hard to get it.

VICE CHAIRMAN BERRY. The question of employment and displacement, did you want to comment on that?

MS. FEAGANS. Yes. I wanted to comment and say that I think what we are talking about is a displacement of all of the people who are unskilled who are in the labor market. I feel that I am seeing Americans, blacks and whites, Cubans or Cuban refugees, and the Haitians are all being taken advantage of because there is a larger and larger pool of semiskilled and unskilled workers available, and what I am saying is not necessarily a discrimination pattern but a pattern of taking advantage and exploiting these workers, and we hear reports every day.

I feel that the minimum wage laws are not being observed by many of the employers who are hiring, and it is to the disadvantage of the Haitians, of the Cubans, and of the native Americans.

VICE CHAIRMAN BERRY. My next question was about the point of exploitation and displacement and employment. You said, if I understood you, Ms. Unzuta, and also you, Mr. Jean-Barte, you didn't think that the refugees about whom you spoke, respectively, were displacing other workers. Isn't it a fact that, if there is work to be done and if any of the refugees are doing it, if any of them are doing it, that somebody could be doing it if they were not doing it? I don't understand why—are you saying someone created a job for them?

MS. UNZUTA. In fact, what has happened in many of the small Cuban businesses, they have somehow—where they had two people working, they have now four. If you have a construction company, you somehow try to add one or two people into it, and that is how many of them on a one-to-one, word-of-mouth kind of thing have been able to find at least a piece of bread for the family. Eventually, I would assume that some displacement will be taking place, but these people are not really competitive in the work market as it is right now. Some of these people really have been living 20 years under communism with various backward tools that really are not up to date and somebody is skilled, so we use skills we have to use. If I were to drop a Martian into Dade County now which requires training, they [would] require readjustment. Really, there is even a larger difference than some people would claim between some of the Cubans and the other Cubans because of their last 20 years of experience where everything was supplied by the State. Some of these people require massive kinds of reorienting.

VICE CHAIRMAN BERRY. I am sure that in Havana, and I have been in Port-au-Prince, at least there are people who wash dishes still, even though it is whatever kind of society it is, that dishwashing and sweeping of houses and the washing of clothes are not skills that are unknown to those respective societies.

MS. UNZUTA. I concur with you, but in the case of the Cuban society, when you are washing dishes, it is the government that decides where you wash them regardless of your effort.

VICE CHAIRMAN BERRY. I'm not disputing that. It is not like bringing somebody in from Mars, is it?

MS. FEAGANS. You need to be talking to someone and get a firsthand feel of where they are coming from, really.

VICE CHAIRMAN BERRY. Yes. Mr. Jean-Barte, would you care to comment on that?

MR. JEAN-BARTE. Yes. When you asked the question, first of all I should say Haitians are new arrivals; they just arrived only 8 years ago. When you say displaced, I thought you meant by that people who were already in certain positions, and the Haitians, that's what I meant, you know, the people whom they find working next to them are Cubans.

VICE CHAIRMAN BERRY. Ms. Feagans, as I understand it, your agency has jurisdiction over employers that have five or more employees; is that substantially correct?

MS. FEAGANS. That is correct.

VICE CHAIRMAN BERRY. With some exceptions, Dade County government and the like, but generally that's the case?

MS. FEAGANS. Yes.

VICE CHAIRMAN BERRY. According to your understanding, is requiring people who are employees to be bilingual a bona fide occupational qualification?

MS. FEAGANS. I think we have to judge that on a case-by-case situation, which is what we have been doing, certainly over the last 5 years that I have been the director of that agency. I can remember very clearly one of the first cases we have, and it went to public hearing, against the well-known bank. It was involving a Cuban American woman who was speaking Spanish on the job and also English, but the crux of the matter was that her English perhaps wasn't good enough. I think it depends upon how complex the job is, the amount of contact one has with the public, and what part of the public do you have contact with.

I have seen cases come into our office from hotels, for example, where they would hire somebody and speak in Spanish during the interview and hire the person, knowing that they were almost solely Spanish speaking, put them on as a maid or housekeeper in certain parts of the hotel, and then some day or by some incident they switched to having to clean in the main areas of the hotel and not being able to answer a guest's question and then being fired because they didn't speak English. These are the kinds of horror stories that we see going on, and in that case I still say it was exploitation. I can't even recall whether we decided it was discrimination.

VICE CHAIRMAN BERRY. To sharpen my point, if I may, if a business, a bank, a hotel, restaurant, or etc. were to say that, here in Miami or Dade County, that it wanted employees who spoke and understood Spanish but it was not necessary for them to know English because they thought that most of their clientele would be Spanish speaking,

would that be permissible, and would someone who spoke both Spanish and English have any claim perhaps they ought to have been considered?

MS. FEAGANS. Again, whether it is permissible would depend on how I would review the case and how my board would review it. I think that the guideline that we have been using is the degree of reasonableness, the clients or the people that they are working with, their peers. If they are only Spanish speaking, it would depend upon the supervisor.

There is also a very strong factor involved of being able to speak both Spanish and English because right now in most companies and businesses in Miami you have both Spanish and English being spoken. If it is just solely a Cuban-owned business, the "mom and pop" type store, you will have just Spanish. People are interested in attracting merchants downtown. They have to have English-speaking ones as well.

Just recently there was an article about trying to attract the Anglo shopper downtown again, and also into Coral Gables, for example, and I think the reasonableness will depend partly on what the employer might argue is a profit- or is a business-making necessity.

VICE CHAIRMAN BERRY. I asked the question because I was wondering whether there was as much diligence in trying to see to it that employers who hired Spanish-speaking individuals make sure they also knew English as there was asserting that people who knew English ought to learn Spanish.

MS. FEAGANS. I don't think there has not been the diligence in the past, but I am seeing some signs that people realize they are losing business if they accent any particular group in the Miami area—and they are trying to attract all people.

VICE CHAIRMAN BERRY. Mr. Duran, you spoke about international trade and the presence of Cuban Americans in relationship to the use of Spanish generally in this area. I was wondering if you had any impression as to whether the international trade factor was a primary motivation for the bilingualism, an expression of bilingualism in this area, or was it just the presence of Cuban Americans that made Miami feel there ought to be—

MR. DURAN. It is all connected. The bilingualism in this area from just a pure social point of view is, of course, due to the fact of the number of Cubans that are here. We talk among ourselves in Spanish.

That's the social point of view. From the economic point of view, the reason that I know certain types of business, businessmen, require or ask for bilingual individuals, that is purely economics. And again the reason why Miami has become more and more a trading center, if I may, for Latin America is because the Latin American who comes here to shop, to invest, to study, or whatever feels comfortable dealing in a city where, to them, the familiarity of the language is almost as if they were back home.

From the point of view—and I think this is very important that it be pointed out here—that the Cubans—there is nothing that the Cuban

wants more to do than to learn English. We recognize that we are here in a society where English is the predominant language, and if we are to compete effectively for social and economic status, the best thing that we can do right away is speak English. The problem that most of us Cubans have right now is that our children are losing the Spanish; they are becoming monolingual, and we believe so strongly that language is an asset that—we are concerned that our children may not be able to converse among themselves or with us in Spanish.

So essentially there has been a lot of concern, a lot of problems here, saying that the Cubans don't want to learn English. The one thing that we want to do most, the minute that we arrive here, is learn English. We feel that we have an advantage in, as you say, jobs and otherwise. But the real reason that the problem is a problem that no one is going to solve is because it's basically an economic problem. If you are a businessman and if you have a shop or you have a real estate business or you have whatever, you need to—there is a certain group of individuals that feel more comfortable dealing with someone who can speak their own language, and as long as that produces a profit, there is nothing in the world that is going to change it.

COMMISSIONER RUCKELSHAUS. Mr. Duran, I would like to take advantage of your experience while you are here. I wonder if you could draw for me a profile of the degree to which minority groups in the Dade County area are involved in politics. What is the extent of their political power base, and I wonder if you could lead from that into a characterization for me, from your point of view and based on your experience, where does the leadership in Dade County come from? Who are the movers and shakers and the decisionmakers and the power brokers and the opinion shapers in Dade County? Are those political people or does that rest somewhere else?

MR. DURAN. I don't think anybody knows. Since the riots everybody has been saying there are not leaders and everybody is looking for the leadership; I don't think anybody has done it yet. Maybe that is the problem. Maybe that is why we have had the riots.

As far as the political power is concerned, it is very diffuse, and I would say, for instance, in the black community, I believe you only have—if I recall correctly—only three State legislators out of Dade County where you have almost 25 percent or so of the population.

From the Latin community you don't even have one State legislator, even though you have one-third of the population so, therefore—

COMMISSIONER RUCKELSHAUS. Excuse me. Could I interrupt a minute? Are legislators elected at large or are they single-member districts?

MR. DURAN. There is no single-member district. That is one of the problems in Dade County. There is a lot of talk about it right now. I think Mayor Steve Clarke made a proposal for single-member districts for the county commission, which I think will be a tremendous good, would do a tremendous good, for this county, and there has been talk on and off for putting it before the voters. It was already done once and it was rejected, single-member district, legislative districts, which I

think also is of great importance, but essentially there is very little political power in the black community, and there is very little political power in the Latin community.

There is essentially, I would say, as compared to whatever other political forces is virtually none. Only in the city of Miami and probably the city of Hialeah where you have a large percentage of the voters, you have a significant Hispanic political power, but outside of those two areas there is just very little.

COMMISSIONER RUCKELSHAUS. There is leadership in Dade County, and I mean there is a successful civic effort to organize the Orange Bowl and meet the United Fund goals and some people are able to get together around some community momentum somehow. Who does that?

MR. DURAN. Well, it is basically the business community, the chamber of commerce. The problem is that in many of these areas that you have just mentioned, the United Fund and others, and the Orange Bowl Committee, it is almost a snobbish organization type. Until very recently there were no blacks in the Orange Bowl Committee; until very recently there were no Hispanics on the Orange Bowl Committee. I think there is only one.

In other words, in the areas where it really impacts, really matters, United Fund is a very typical—and I think they do a great job, but I think they need to open up a little bit more—but in the United Fund particularly, which has such a tremendous impact in the social needs of this community, I think that it should be more of an open organization than it is.

Let me say that I do think they are doing a great job, but nevertheless I think they have much more to do, but in those types of organizations, the business organizations, the almost quasi-social business organizations where basically people start knowing each other. This is a, you know, we say it is a free enterprise society; it is a capitalist society and I think one of the real problems that the black community has is the lack of access to money, to dollars. The measure of success is the dollar and in those types of organizations where you meet the bankers and where you start creating this type of network that can produce dollars, there is very little access to them, and I think that is one of the things that this Commission ought to look at also rather than into the social programs funded or fed by the government, which I really think they don't generate ongoing dollars for a particular community. The private lending institutions have to open up and lend money to the minority businessman, and the Cubans have been rather fortunate in that, but the black community, I'm afraid, has very little access to credit. Unless they have access to credit they cannot generate dollars on an ongoing basis. They will always be wards of the State if I may, and the State is a very bad stepfather. It gives you CETA jobs for 8 or 9 months, and after that you are back on the street again. If you don't generate your own dollars in your own community, you will never get up.

MS. UNZUTA. Could I expound on that? Basically the power in this community revolves in very few small hands. In general the conces-

sions made and the availability of that kind of power to ethnic groups are generally very limited. You are talking about certain people that decide and channel and groom, prepare the way for the community, where there is a total vacuum of both blacks and Hispanics, and even though I concur with Dr. Duran, Hispanics have been able to muster some economic power. Really, when it comes to being part of the voice that decides the future of this town, neither one of the two—and I think there has been a deliberate side effort in some cases where the minorities have been pitted against each other, and it's just recently that some people are talking along terms of coalition building to be able to find alternative ways to these minority groups that can also have a say in what is going on.

In fact, I don't know, I was seeing some members of the panel also being anxious over the question, and the fact is that some of the problems we have are directly related to the total ignorance of each other. We all live in our little places. We might meet for a cocktail party very casually and we all go back home, and homes are usually very geographically isolated places where sometimes you can't pass the barrier because of access, economic access, for that to be integrally part of the decisionmaking of this town. I don't think that is really happening.

I think the Cubans are newcomers, and they would fit very well into a position of fighting with the existing group in this community, but from that to assume that either of the two groups ultimately have that much power, frankly, I don't really see it.

MS. FEAGANS. I would like to say there is another aspect that has to be looked at. That is, the political structure in Dade County has already been alluded to the fact that the political, economic, social power is all tied together. But uniquely in Dade County we had the election of our county officials on a countywide basis which, of course, as mentioned, dilutes the votes of the minorities. And on the Statewide level there are multimember districts that again dilutes the Dade County power. And most recently, because of the return of the elections, there is a delegation in the State legislature that is going to have more power also than before because it has lost chairmanship of several key committees. And in addition, we have a professional administrative structure in Dade County and in many of the cities where the actual decisionmaking is made not by the elected officials but by the professional administrators, the city managers, the county managers of the various municipalities. And one almost wonders even when the Cubans and the blacks are proportionately visible in those elected bodies, just how much power do those elected bodies have in decisionmaking. So you have to look at the overall structure.

COMMISSIONER HORN. The earlier testimony, the exchange with Commissioner Berry and others, sort of leads me to the question that if Cubans and Haitians have not taken jobs from blacks, how come so many blacks are unemployed? Now we have heard one answer from Mr. Duran, lack of availability of money, capital to create their own economy.

The Cubans that came here in the late fifties and early sixties were able to build a self-contained economy in part. I would like, if you have any other thoughts, members of the panel, especially Mr. Jean-Barte, as to what the reasons for this are? Is there a difference in attitude towards work? What is it?

MS. FEAGANS. I know you addressed that to Mr. Jean-Barte. I would like to first say that I think there is a difference in attitude, but the attitude is not towards work; the attitude is by the employers who feel that they can take advantage of the recently arrived resident in Dade County, where they feel, I believe, that if they were to talk and to take advantage of the black youth who are unemployed, that they might be expressing or mouthing, shall we say, expressions about their civil rights and rather than to face that, it seems to be more profitable to some employers to take people who are in much more of a fearful position.

COMMISSIONER HORN. Well, are you saying the minimum wages laws are not being enforced in Dade County? Is that what it really comes to?

MS. FEAGANS. Yes, that is part of it, definitely.

COMMISSIONER HORN. The testimony this morning was that Haitians take jobs at 90 cents an hour where a native-born, domestic, black youth would require \$3.20 an hour.

MS. FEAGANS. It is not just the minimum wage. It is the length of the work hour. It is working on the weekend. It is doing the kinds of work that nobody is asked to do, to exposing themselves to health risk; it is the whole gamut. It doesn't mean the money you get.

COMMISSIONER HORN. How about it, Mr. Jean-Barte?

MR. JEAN-BARTE. Well, I think what she said is correct, with reference to exploitation of the Haitians. A lot of people take advantage of them. They work hard and also work overtime, work in dangerous jobs and work in shifting times. I mean, any time of the day. That's the way it is.

I don't know about 90 cents an hour. I haven't found a case yet, but I am sure people have tried to exploit them in wages, giving them to other people; although they might give them minimum wage, but another worker will ask for more.

COMMISSIONER HORN. You see no difference in attitude toward work then. You simply see a condition of employment where the recent, perhaps less sophisticated, arrivals, in terms of American law, can be used and exploited in the workplace. Is that the gist of your testimony?

MR. JEAN-BARTE. Also, I mean, they are willing to work at odd hours and willing to do jobs which a lot of people would not do.

COMMISSIONER SALTZMAN. According at this point—I am sorry, if I may interrupt, Dr. Horn—I think earlier testimony seemed to indicate that was a different attitude towards life, if not towards work, in the Cuban and Haitian refugee distinct from the black person living in Liberty City; that in Liberty City there was a sense of despair, a hopelessness, a lack of ambition that did not characterize the attitude towards life or work of the Cubans or Haitians.

They come with ambitions; they did not experience in their background the hopelessness and the despair that is so typical of the environment imposed upon the native, black American here.

Would you agree with that characterization from earlier testimony?

MR. JEAN-BARTE. That has been discussed many times. For instance, West Indians and black Americans—and, for example, Haitians are used to, in our country, to be in charge. At least pseudo in charge of their destiny and also from any position where we can change things or make things worse, which is different in the case of the black American where they are in a system which is, from my point of view, used to keeping you down and making sure you stay down. And people are not used to seeing people of their own ethnic group doing good. So I would tend to agree with that.

COMMISSIONER HORN. Ms. Feagans, as I understand, there is very little coordination with other Federal affirmative action enforcement agencies in Dade County; is that correct?

MS. FEAGANS. I would say, yes, that is correct. There is very little, and to my knowledge the only coordination or, I should say, work sharing that I know of is between EEOC and the local agency, or the Dade County Fair Housing and Employment Agency.

I don't see it between the Federal agency—I should say among the Federal agencies themselves. For example, we have been in the case of investigating employment discrimination, and found that in the same work entity or organization, OFCC was conducting an investigation as was EEOC, and then as we were—and I think that coordination definitely needs to be improved.

COMMISSIONER HORN. Has any attempt been made by Dade County officials or State of Florida officials to sit down with the Federal Government and try to work out an overall program where each agency would dovetail into improved communications between the Federal, State, and local level in the area of affirmative action, employment rights enforcement?

MS. FEAGANS. I would say none whatsoever. We haven't sat down with ourselves in Dade County and with the municipalities. The county certainly hasn't sat down with the State, and if you are going to talk about the Federal level, none going down from the Federal level to the State to the local and nothing between the Federal agencies, to my knowledge.

COMMISSIONER HORN. Would it be appropriate for your board to initiate such a session?

MS. FEAGANS. It would not be appropriate because that's not usually how things are done. But it certainly is necessary and I have a rather gutsy board.

COMMISSIONER HORN. So they might well do that?

MS. FEAGANS. That's correct.

COMMISSIONER HORN. Okay. How much does your board seek to make black youth aware of their rights as to appeal to your board, etc.? What kind of a communications program have you got?

MS. FEAGANS. We have only an informal communications program with the staff of 10 people, 6 of them investigators and 350 cases plus a year, plus all the informal complaints. And any communication is done by just public speech, going out when requested to different community organizations and trying to be as visible as possible, even though our posters have the wrong address on it at this time.

COMMISSIONER HORN. Have you tried public service television time?

MS. FEAGANS. We did about 4 years ago, which was the last time we had funds for such a thing. That was through another Federal grant which was specifically for community outreach.

COMMISSIONER HORN. I was going to say, if teenage youth generally, and presumably black youth more than generally, annually watch 15,000 to 17,000 hours of television before they complete the 12th year of high school, I would think some public service time ought to be sought.

One last question. Maybe, Ms. Unzuta, Mr. Duran might best answer it. Do you have any ideas as to what proportion of the population in Cuba is considered white Cubans and what proportion is considered black Cubans? Is there any feel for what that is in Cuba itself?

MR. DURAN. In the 1959 census figures of the fifties it was 20 percent of the population of Cuba was black. This would not be generally considered very accurate because there was a mulatto population which might have been another 5 or 10 percent, which, when asked, probably said they were white, but essentially it was considered about a 20 percent of the population.

COMMISSIONER HORN. Do you believe it is correct, the figure that was given here, two-thirds of the boatlift people were black Cubans?

MR. DURAN. Yes.

MS. UNZUTA. I think that's somewhat high. I would say 55 to 60 percent.

COMMISSIONER HORN. 55, 60 percent. Does that signify anything as to the attitude of the Castro government towards blacks within Cuba?

VICE CHAIRMAN BERRY. Before he answers that, if I may interrupt, I think we need to know, after—the Cubans who came here after Castro took over, were most of them white Cubans, if I understand it correctly? What was the percentage of blacks in the population?

MS. UNZUTA. The initial percentage was minimum, and I don't want even to speculate on Castro's motivations to get at the United States. I don't think this is the forum for that, and I mean that. That's not my expertise, but I'm sure there are many perceptions to that.

I would agree that a large number of those that came are black. And to some extent, the treatment that they have received, in my own mind, is probably related to the various media, total negative media coverage they have received. The way some of those stories have been blown out of proportion might be directly related to that factor along with many others that probably have international implications. But I would agree, some of the perceptions and some of the treatment—and even the way how they have been legally classified as entrants versus the

way they were refugees for the last 20 years. Some of this stuff that went on is unbelievable.

COMMISSIONER HORN. In terms of Cuban history in the 20th century, was there a history of discrimination within Cuba, within the so-called black and white Cubans?

MS. UNZUTA. My colleagues and my friends and my elders tell me that there wasn't. I would tend to say, by American standards, since I am a Cuban American, I would say, yes, there was discrimination; however, it has never, in my dealings with Cubans, been the kind of pervasive, deep-seated, rooted thing that has been in the United States.

In Cuba the relationships were that much milder, and although they were at some degree related to socioeconomic status, I have never seen in Cuba—and mind you I left Cuba at age 13—but still I have never seen and even have experienced as a Cuban the kind of racism that goes on in this Nation, that goes on by color, by creed, that goes on by accent. What I enjoyed in my land was not related at all to the kind of style of racism in America.

COMMISSIONER HORN. When you were aged 13, did you see many blacks in your school system in Cuba?

MR. DURAN. My school system was a very high class, Catholic, upper, super-upper, level school where there were many blacks that were there because the family had the finances to be there. But, had they not had the finances, they would not have been there.

COMMISSIONER SALTZMAN. Okay. Ms. Unzuta, you, I think, have pinpointed, in your interview with staff, that the major crucial problem that faces the Cuban community—and we have heard earlier that a major crucial problem facing black youth—is the problem of reading English, and in the Cuban community not only reading but speaking English. Can you tell us whether there are any efforts of any significant degree to improve reading and speaking of English in the community from private or governmental, Federal or State efforts?

MS. UNZUTA. Mr. Saltzman, let me correct you. I did not state that reading English was a major problem. I do think, however, since you bring up the point, that our whole political education system needs much more reform. Some of the teachers spend many hours, longer hours, in administration than they do in teaching and some of the problems and even controlling discipline in the classroom much less teach has been a problem. But I am not an expert in education and I would even not want to get into that. I think somebody got my name mixed up.

COMMISSIONER SALTZMAN. Mr. Duran, could you speak to that issue, of the need for English and whether there are private efforts or government-sponsored efforts to overcome the disability of the lack of English, both in the black and the refugee community?

MR. DURAN. Well, I think Dade County has probably the best bilingual education system in the country. That doesn't mean that it's really good, but it's the best.

The problem is the problem that every school system in this country has, where children graduate and they are not capable of reading or

understanding. They can read "Mary is a boy," or "Mary is a girl" and "John is a boy," but they cannot understand what they are reading, and they graduate from high school without the ability to learn because they cannot understand. That is the problem that the school system *per se* has. It is not related particularly to the blacks, even though I must add this, that in the case of the black children, because of some of the past policies in our school systems, they have less an ability to write and to understand and to read than even the Cuban American children once they learn the language.

COMMISSIONER SALTZMAN. We have heard that from earlier testimony; but my point is, Is it crucial to the well-being of this community, in the black and Cuban community, that a massive effort be undertaken for the advancement of literacy, for the well-being of this community?

MR. DURAN. Absolutely. Absolutely that is.

COMMISSIONER SALTZMAN. Is there anything being done on that level from any source?

MR. DURAN. Well, I don't know.

COMMISSIONER SALTZMAN. Okay. Mr. Jean-Barte, you referred in your testimony to discrimination practiced by the Federal Government; the INS was one agency. Can you delineate or specify the nature of the discrimination that is being experienced by the Haitians or whomsoever from Federal agencies, the Federal agency, and the nature of the discrimination?

MR. JEAN-BARTE. Okay. The main culprit has been INS. As I said before, up until 1980 they had refused to give work permits to Haitians and they were treated differently from other refugees in reference to their political asylum claim—and Judge King has documented those things very well.

COMMISSIONER SALTZMAN. Who has, I'm sorry?

MR. JEAN-BARTE. Judge King. He's a Federal judge from the south Florida district who had a hearing on the treatment of the Haitians and came out with a statement saying that the Haitian had been discriminated against by INS. In fact, even a few weeks ago there was a case where Cuban and Haitian refugees arriving at INS, the Haitian would have to go on the stairways while the Cuban will take the elevators. So you know these are cases.

Also even in food stamps, there have been problems in giving Haitians food stamps. A lot of them they are very lower echelons, you know, but still when you get up to the higher ups, there seems to be a policy, although it is not written, they cannot get it.

You have the case, also, of not—President Carter went on television and said the Haitian would be treated equally to the Cuban refugees and in his declaration asking FEMA to come here and help in the case of the refugees, but in this he forgot Haitians, so the Haitians did not benefit. Many dollars were spent while the Haitians got only \$150,000 which are allocated. There are many cases which I could go on and on which are documented in Judge King's court and I could give you those.

COMMISSIONER SALTZMAN. Could that be submitted for the record, Mr. Chairman?

CHAIRMAN FLEMMING. We have it.

MS. STEIN. Just for the record, FEMA is Federal Emergency Management Agency?

MR. DURAN. Right.

COMMISSIONER SALTZMAN. I just want to ask Mr. Duran, with respect to the business community and the media, What can each do, Mr. Duran, to contribute to a positive effort to be responsive, the business community and the media, to the needs and concerns of the black community and also the Cuban community?

MR. DURAN. Well, I think that the media should pay a little bit more attention to some of the positive events and some of the positive activities happening in the black community and the Latin community. The media, unfortunately, because of the TV time, because of time constraints, and written press because of the time restraints, generally tend to sensationalize, and that is why you see the headlines, particularly in the Cuban influx of refugees, you see '20,000 homosexuals' or '8,000 criminals' coming out. They don't say that of the 130,000 or so there has been all but about 15,000 which have been successfully relocated with their families, and that the Cuban community has successfully taken care of a great number of their own, and that the Cuban community has successfully, without taking the jobs away, has created new jobs for the few jobs that have been able to be distributed, as Ms. Unzuta, said. So, in other words, positive aspects of the community which will give it pride in itself are very rarely reported.

From the point of view of the business community, I think that the business community of this county ought to start getting involved in some joint ventures within the black community, getting together, starting a business with some of the expertise that they may have in the different areas with something like a buyout at the end of the 5 years or 10 years for the joint venture, will sell to the black businessman and let him continue on with the business.

In other words, get it started. Give some of the expertise, train the individuals to create and generate their own economy and their own job market and create more jobs within the black community itself. That type of joint venture, joint enterprise, would probably do more good than 10,000 new CETA jobs in Dade County.

COMMISSIONER RAMIREZ. I am just going to ask one question. We are very much over the time allocated, but, Mr. Duran, I have a tremendous need to ask you to clarify a certain situation for us here in Dade County in terms of the Cuban community. My sense is that we have a community that is self-sustaining, that is improving its condition in some very remarkable way in some cases and not so successfully in the case of some individuals. But my sense of it is that this community also faces some discrimination, particularly as it goes out of itself. Is it somewhat an accurate perception, and could you share with us some of those areas in which that may be occurring, and is it on the increase?

MR. DURAN. Absolutely. The success, like I said before, has been greatly exaggerated. But there is no question in my mind, and in the minds of anybody who has been here through this past November and the antibilingual ordinance vote, that there is a tremendous amount of prejudice and discrimination against the Cuban American community.

The antibilingual vote really had no impact as far as what they were saying it was going to do. The antibilingual vote, really, the only thing it was was an expression of an anti-Cuban feeling in this community. The reason that I personally, and many other Cubans, didn't get too bothered with the process of the voting itself was because we recognized the voting for what it was. We know antibilingual ordinances are not going to change anything of substance in this community.

The only two things it was going to achieve was, on the one hand, that it was going to impact and affect on that group of Cubans that needed support from the county and from the social service of this county the most, which were the poor and elderly. And the actual vote had no impact: the elderly because they could not learn the language no matter how many times they went to school—they would not be able to learn intellectually; and the poor because they also had a harder time and they needed the social services which some of them might not be available to them simply because they might be afraid now to go into one of the agencies and speak Spanish.

Other than that, that's one of the things that it would do. It would hurt the most, those who most needed it. The other thing it would do, it would stamp this community throughout the land as a bigoted community. But other than that, that is two very important facts, but economically and otherwise it would not affect a thing.

We recognize it for what it was. It was a vote that the people of this county wanted to express an anti-Cuban feeling and they did. We let that steam go by and, hopefully, now that the steam is out, we can all get back together and talk and work and bring harmony back to this community within the different minority groups that exist here. This is basically a minority community; it is almost split 25 percent black, Cuban, Jews, and Anglos. There is no majority in this community, so, therefore, we are now at the stage that we could really take off and bring harmony back to this community if people will come out and call things by their name and by their name is—yes, there is prejudice in this community.

Gentlemen, there is bigotry in this community by all sides. There are many Cubans who don't like blacks and blacks don't like Cubans and Jews don't like blacks. But everybody has a prejudice, but now we should put them on the ground. The vote was cast. Everybody knows what this county is all about, and once we realize that, we can bring it back together. But we've got to be very, very honest about ourselves, which is actually happening with our community, and I have tremendous faith in the future of the community. I believe the next 10 years we are going to be experimenting with one of the greatest social experiments in the world, and some of us who are going through this now will look back 20 years from now and feel so proud that we were

living in this community during the eighties. But we got to talk about it.

**CHAIRMAN FLEMMING.** We are grateful to all of the members of this panel for the presentations made, for your analysis of the situation that confronts the community. It's been very, very helpful to us. Thank you for spending this time with us. We appreciate it.

Counsel will call the next witnesses.

**Ms. STEIN.** Fredrick P. Heath, Jr., Robert Krause, Wayne Rosenthal, would you please come forward?

[Frederick P. Heath, Jr., Robert Krause, and Wayne Paul Rosenthal were sworn.]

**TESTIMONY OF WAYNE PAUL ROSENTHAL, DIRECTOR, EMPLOYEE RELATIONS, DADE COUNTY; ROBERT KRAUSE, DIRECTOR, HUMAN RELATIONS, CITY OF MIAMI; FREDERICK P. HEATH, JR., AREA MANAGER, U.S. OFFICE OF PERSONNEL MANAGEMENT**

**Ms. STEIN.** Beginning with Mr. Rosenthal, would each of you state your name and position for the record?

**MR. ROSENTHAL.** My name is Wayne Paul Rosenthal, and I am director of employee relations for the Metropolitan Dade County.

**MR. KRAUSE.** I am Robert Krause, director, human relations, for the city of Miami.

**MR. HEATH.** My name is Frederick P. Heath. I am manager for the U.S. Office of Personnel Management, Orlando.

**Ms. STEIN.** Mr. Krause, would you describe for us your responsibilities with respect to recruitment and hiring?

**MR. KRAUSE.** Well, the human resources department of the city is responsible for practically all recruitment and hiring that goes on in the city government. That includes the civil service of the city, which is the bulk of our employment, also the CETA employment, which is one of the functions of our department, and hiring under other Federal grant programs. And we also do recruitment for unclassified positions or executive level positions, even though the city manager is directly involved in making those appointments.

**Ms. STEIN.** How many persons are employed by the city?

**MR. KRAUSE.** At the present time about 4,500.

**Ms. STEIN.** How does that break down as between permanent, unsubsidized positions and subsidized positions?

**MR. KRAUSE.** There are about 3,500 unsubsidized positions, about 1,000 positions at the present time under CETA. The CETA number goes up and down and with some degree of whimsy.

**Ms. STEIN.** Can you break down for us by race and sex and ethnic group the subsidized positions and the unsubsidized ones?

**MR. KRAUSE.** The subsidized positions are about 95 percent minorities and women. Blacks constitute about 49 percent of that total. Latins constitute about 41 percent. There is a smaller percentage of Anglo females, and then maybe 5 or 6 percent Anglo males—probably 2 or 3

percent, I'm sorry—but the great bulk, approximately 95 percent is minority.

MS. STEIN. What about the unsubsidized positions?

MR. KRAUSE. Unsubsidized positions have been changing very significantly in the last 4 years. The city has been a participant in two consent decrees to change its hiring practices. The first one in 1973 applies to the police department; the second one in 1977 applied to all departments of the city, including the police department. During that period of time our minority employment has gone up from about 37 percent in 1976 to about 54 or 55 percent on June 30 of this year.

We are still underrepresenting minorities and women according to their numbers in the city of Miami labor market, but our new hires and our promotions in the last year or so tend to reflect the figures in the labor market itself.

MS. STEIN. With regard to the present time, could you give us a breakdown of Hispanics and blacks in city employment and subsidized employment?

MR. KRAUSE. Numbers or percentages?

MS. STEIN. Percentages.

MR. KRAUSE. In unsubsidized jobs, Hispanics constitute about 19.5 percent and blacks constitute about 33.6 percent. I think those figures are correct.

MS. STEIN. Can you describe for us what efforts the city has taken in response to these consent decrees that you mentioned to me, the goals that they set?

MR. KRAUSE. We have established a number of procedures to make sure that we're complying with the numeric goals of the consent decree, but the consent decree covered a lot more than numbers or numeric goals. It covered changes in institutional practices which had a substantial exclusionary effect for a period of 50 years or more. The civil service in Miami dates back to 1921. I suppose the exclusionary practices date back prior to that.

MS. STEIN. What practices have been changed?

MR. KRAUSE. Well, we have changed most of the civil service rules that relate to recruitment, testing, and referral for jobs as well as procedures that involve classification of jobs and job transfers, most of the things that affect the employment status of individuals. Those were changed. It took a period of approximately 2 years to get the changes made. They became effective August 24 last year so that they have been in effect a little more than a year, but they have been under legal challenge in State courts during that entire time, and next week there is scheduled a State court hearing in one of the cases involving the legitimacy of the civil service rule changes that were made.

MS. STEIN. Who are the challenging parties in those suits?

MR. KRAUSE. The International Association of Firefighters in one suit and the Fraternal Order of Police in the other.

MS. STEIN. And what degree of success would you say you have had in meeting the goals set by the consent decrees with respect to the

police department on the one hand and then the city employment generally on the other?

MR. KRAUSE. The success has been actually increasing over the past several years, and within the last 12 months or so the progress has been extremely significant under the new civil service rules. The consent decree that was signed in 1977 established hiring goals in the police department of 50 percent for minority and women, and during the first 2 or 3 years the police department just exactly met the 56 percent.

In the last year or so, under the new civil service rules, the department has been hiring well over 80 percent minorities and women, approaching pretty close to 90 percent. The city commission earlier this year adopted an ordinance establishing 80 percent as the hiring goal for minorities and women in both the police department and the fire department.

In terms of the rest of the city government, we did a report covering the first 10 months of the civil service rules, the period ending June 30 of 1980, and we found that in civil service jobs, 86 percent of all new hires went to minorities and women, 81 percent of all promotions went to minorities and women, and 99 percent of our transitions from CETA to civil service jobs were minorities and women.

MS. STEIN. And with respect to the police department hiring, which you say has been exceeding 80 percent minorities and women, could you give us a breakdown figure there between Hispanics and blacks?

MR. KRAUSE. Well, let's see. It is running about 35 percent black, about 45 percent Latin, and maybe 5 or 6 percent Anglo female, which I think takes us up to somewhere around 85 or 86 percent. It's that order of magnitude, at any rate.

MS. STEIN. Are promotions of sworn personnel in the police and fire department reviewed in your office?

MR. KRAUSE. Yes, they are.

MS. STEIN. Could you tell us how the review procedures work?

MR. KRAUSE. Yes. I think before I do that I probably need to tell you the change in civil service procedure that we are reviewing for. We used to have an old-fashioned kind of civil service rule that said the person who stood highest on a civil service register was automatically appointed or promoted. Because of the way different ethnic groups get distributed over an eligible register, we found that we were not able to meet our promotional goals under the consent decree by following the civil service rule. So from time to time, we would invoke the supremacy clause of the Constitution, suspend the civil service rules, promote the affected class out of sequence in order to meet the goals that were established in the consent decree. Every time we did that we had a court case brought by either the union or the individual whose civil service rights were violated by the application of the consent decree, so we changed the civil service rule to say that for every vacancy, we will now refer the five people who stand highest on the list plus the three minorities and women who stand highest among that group on the list so their names are always referred and there are always minorities and women who are available for appointment.

The department then submits to us a set of proposed promotions that are usually handled in groups of 5 or 10 or 12 rather than 1 at a time. We review them to see whether or not the department is meeting its promotional goal under the consent decree. If there is any particular problem, I will consult with the police chief on it; if there is still a problem, I make a telephone call to the Justice Department in Washington to discuss what alternatives might be followed, and as a result of that we wind up approving or making a set of proposals which are intended to be more than minimal compliance with the consent decree.

MS. STEIN. And other than the police department, what employment opportunities generally are available to blacks and other minorities in city government?

MR. KRAUSE. If you look at the historic distribution of jobs in the city government, blacks have been assigned to the custodial maintenance types of jobs; 75 percent of black employees are still employed in those kinds of jobs. We find that in the last year or so, however, we have been able to make significant progress in professional jobs where blacks have been well represented, about 30 percent of new hires; maybe 41 percent of new hires, into skilled trades jobs, so that we are beginning to break the stereotype. But we still have a long way to go, because we still have 80 years of history behind us and maybe 20 years for most of the people, or many of the people, who are currently employed.

MS. STEIN. What effect has the recent antibilingual resolution had on your testing of Hispanic applicants?

MR. KRAUSE. I guess I would have to say none because we consider that the ordinance has no effect on the city. What it said was the county can't spend any money on bilingual activities. As far as we're concerned, it didn't say the city couldn't.

MS. STEIN. Thank you very much. Mr. Rosenthal, how long have you held your present position?

MR. ROSENTHAL. I have officially been in this position since the first of the year.

MS. STEIN. Are you responsible for all personnel actions in the county with respect to recruitment, testing, hiring, promotion?

MR. ROSENTHAL. Yes.

MS. STEIN. How many persons are presently employed by the Dade County government?

MR. ROSENTHAL. We have about 16,800 full-time positions. That does not include the public health trust, which is a semiautonomous personnel system of their own.

MS. STEIN. How many are in permanent, unsubsidized positions?

MR. ROSENTHAL. That includes, when I say permanent, I include the unsubsidized, but I do not include CETA. I do not know the split.

MS. STEIN. So the CETA would be in addition to the ones you listed?

MR. ROSENTHAL. That's correct.

MS. STEIN. How many CETA employees are there with the county?

MR. ROSENTHAL. In excess of 1,000.

MS. STEIN. In excess of 1,000. Could you describe for us the composition of the county government's work force in terms of race, sex, and national origin?

MR. ROSENTHAL. Of this 16,800, approximately 52 percent are minorities: 31 percent black, 20 percent Hispanic, and approximately 13 percent white female.

MS. STEIN. What percentage of black county employees are in senior level jobs?

MR. ROSENTHAL. I can give you the answer for official/administrator if that's what you mean by senior level.

MS. STEIN. Yes. Go ahead.

MR. ROSENTHAL. Okay. Approximately 10.8 percent of the official/administrator category is black.

MS. STEIN. What about professionals?

MR. ROSENTHAL. 22.8 percent.

MS. STEIN. What percentage of Hispanic employees are in these same positions? Would you be kind enough to furnish these figures to us?

MR. ROSENTHAL. I can give them to you right now. It is approximately 8 percent in the official/administrator category and approximately 19.5 percent in the professional.

MS. STEIN. Would the remaining percentages be white Anglo, by and large?

MR. ROSENTHAL. White female or—

MS. STEIN. White male or—

MR. ROSENTHAL. —or other.

MS. STEIN. And what kind of training programs are available to low- and middle-level county employees to increase their chances of being promoted to higher level?

MR. ROSENTHAL. In addition to CETA programs?

MS. STEIN. Yes.

MR. ROSENTHAL. The county has really just begun this year a concerted effort to provide inhouse training on a centralized basis. Prior to very recently, the departments were responsible for training their own people, essentially in the skills they would need to perform the jobs in the departments. The only countywide, or the major countywide, training program was related to its tuition refund, which is a 50 percent reimbursement program for employees to go out and seek schooling on their own; and the program has been liberalized considerably in the last few years to allow not only college degree type people but just about anybody who wish to pursue something which is related to their county employment to obtain this tuition refund.

MS. STEIN. And do you have any way of assessing how effective these training programs are in terms of people's upward mobility?

MR. ROSENTHAL. Yes. They are not successful enough. We have a very large need in the county for skilled employees in a variety of tasks which range from skilled secretaries to repairmen, and the primary source of our filling these jobs has been training nonskilled people in the county on an on-the-job basis. But it has not met our demands and the needs that we have for these employees.

MS. STEIN. And with respect to your CETA program, how many CETA workers employed by the county are able to be placed in permanent jobs to the completion of the program?

MR. ROSENTHAL. During 1979 we placed approximately 64 percent of our terminated CETA employees in full-time county positions.

MS. STEIN. What arrangements are you able to make for those that are not placed in county employment?

MR. ROSENTHAL. Since 1979 we have opened, in the same office, a placement service in the private sector and an ongoing placement for the schools. Our current placement rate, including those three components, is in excess of 80 percent.

MS. STEIN. And have you experienced any cutting of CETA funds as regards county CETA programs?

MR. ROSENTHAL. I personally don't have knowledge of that.

MS. STEIN. Okay. Mr. Krause, could I ask you the same questions about CETA employment with the city? What percentage of city workers in the CETA program are placed in permanent city employment?

MR. KRAUSE. The last fiscal year was about 25 percent.

MS. STEIN. What happens to the others? Is any effort made to place them in other types of employment?

MR. KRAUSE. Efforts are continuously made. We have a staff that we created a year and a half or 2 years ago for the sole purpose of providing counseling and outplacement services to CETA employees who were terminated. It is a very well-trained staff; it is a very competent staff; it is a very dedicated staff; and it is very unsuccessful.

MS. STEIN. Very unsuccessful?

MR. KRAUSE. Yes.

MS. STEIN. Have you experienced cuts in CETA funding?

MR. KRAUSE. All the time.

MS. STEIN. And what effect does that have on the CETA-paid workers with the city?

MR. KRAUSE. Well, it creates a tremendous instability, and so far as the city is concerned, as an employer, it makes it impossible for us to plan for more than a week or two in advance for the employees, particularly the CETA administrative staff. They are frequently nervous about their own status because when funding is cut back for participants, then the percentage of funds available for administrative staff is also cut back.

We have laid off CETA administrative staff this year. We continue to lay off participants as they complete their 18 months. I signed 40 letters this morning before I came here. I signed 80 letters a month ago.

The program under the 1978 amendments seems ill designed to serve anybody's purposes, least of all the purposes of the participants.

MS. STEIN. And with respect to city employment generally, how do you view the prospects of the next 5 to 10 years? Do you think there will be a growth in city employment or a decrease, or will it stay about the same?

MR. KRAUSE. If the trends of the last 4 years continue, then there will be a reduction, and I am inclined to think that the trend of the last 4 years will continue because we seem to be going through a change in the cycle. For a period of 15 years, I guess, through Federal grants and a variety of kinds of things that were designed to encourage the growth of local employment, most central cities had an increase in their work force.

When people began to recognize that, there began to be a complaint that it shouldn't have happened, and now we are cutting back. The best figures I have on what's happened to Miami in the last 4 years is our unsubsidized employment is that we have reduced from 3,900 to 3,100. Practically 25 percent of our former unsubsidized jobs have disappeared.

Miami has, and Florida cities have, a special problem that applies in a few other States, and that is we have a 10-mill ceiling on the property tax for operating purposes, meaning that as inflation continues, our ability to pay for city jobs will diminish, and obviously the numbers of city jobs will reduce.

At the moment, we are in the process of increasing the number of police jobs, partly in response to the tensions in the community, you know. It was a policy decision of the city commission last fall when they adopted the budget that we needed to increase the police force by 100 positions and 50 civilians.

MS. STEIN. That goes counter to the general employment trend in the city government?

MR. KRAUSE. Yes, it does.

MS. STEIN. Thank you. Mr. Rosenthal, how is the looked-for employment in the county government?

MR. ROSENTHAL. Essentially we have a no-growth position with employees. The exceptions to that would be in the transit industry and in the police force.

MS. STEIN. Mr. Heath, with respect to Federal employment here in the Miami-Dade area, do you expect that there will be a growth in jobs available during the 1980s or not?

MR. HEATH. Based on the information, looking back over the last 2 years, certainly it does not appear that it would be.

MS. STEIN. And how many jobs exist within the Federal sector in the Dade County area?

MR. HEATH. The latest information that I have shows a total of approximately 12,493. This was based on an informal Office of Personnel Management survey that we completed as of July 31 of 1980.

MS. STEIN. And what types of and kinds of jobs will be available, do you think, in the 1980s in the Federal sector here?

MR. HEATH. And here again, I would base my remarks on past employment practices. Looking back for the last 2 years, in 1978, 1979, and 1980, we noticed, from local OPM lists of eligibles, a total of 1,223 new hires off our registers. The occupations most in demand here were clerk typists, which accounted for the largest percentage, and clerk for the next larger, so largely in the clerical area.

MS. STEIN. Could you describe for us the composition of the Federal work force here in terms of race, sex, and national origin?

MR. HEATH. Yes, ma'am. A review of the Office of Personnel Management central personnel data file showed that there was an increase of three-tenths of 1 percent in the total work force between November 30, 1978, and November 30, 1979. During this same period of time we note that minority representation increased by 14.1 percent.

The total minority representations stood at 25.5 percent in November 30, 1978, and 29.3 percent November 30, 1979, and 33.6 percent July 31, 1980, based on the informal OPM survey that I had mentioned.

A breakdown of this shows black representation was 17 percent in 1978, 18.7 percent in 1979, and 20.8 percent in 1980. Hispanic representation was 8 percent in 1978, 10 percent in 1979, and 12.1 percent in 1980.

MS. STEIN. And what Federal agencies in the area employ more blacks, the most number of blacks?

MR. ROSENTHAL. I believe—I do have available the most—I do have available some statistical information that I would like to leave with the Commission. I believe that traditionally the VA Medical Center and the United States Postal Service would rank among those with a higher percentage, are the largest numbers, I would say.

MS. STEIN. What efforts have the other Federal agencies made to meet minority hiring goals?

MR. ROSENTHAL. I would like to mention the Federal Equal Employment Opportunity Recruitment Program, if I may. That is mandated by the Civil Service Reform Act of 1978. This is a program that seeks to identify underrepresentation in the Federal work force insofar as underrepresentation of minorities and women, and to address ways to improve representation through recruitment processes.

Because of this requirement of the Federal Equal Employment Opportunity Recruitment Program, the Office of Personnel Management has undertaken to review this year approximately 10 percent of agency Federal equal employment recruitment plans in the region, and, of course, input from these reviews is included in the OPM report to Congress, which would be due in January of 1981.

During October and in November of 1980, this fall, OPM did visit and review affirmative action plans, correction, FEORP [Federal Equal Opportunity Recruitment Program] in an effort to provide assistance to the agencies, and six of the agencies located here in the Miami area. We found generally that progress has been made in improving representation, but the overall visits indicated to us a significant lack of progress in implementing FEORP plans in the development of plans and in the accomplishment of specific FEORP activities. And we feel that one of the major factors in this shortfall was the lack of timely guidance from agency headquarters, but this deficiency, we feel, has been resolved, and we do anticipate better FEORP program results in FY 1981. I don't know if you would like for me to respond further or not.

MS. STEIN. Are there other efforts that you could very briefly mention?

MR. ROSENTHAL. Yes, ma'am. There had been significant outreach efforts that OPM has been involved in in contacting the colleges, the community organizations, the media, and in holding workshops of various types. There seems to be more awareness on the part of the agency managers in their equal employment opportunity responsibilities.

MS. STEIN. Did you observe any changes in the job applicant flow for Federal jobs following the May civil disturbances?

MR. ROSENTHAL. Yes, ma'am.

MS. STEIN. And what type of changes were they? What do you attribute the cause of them to be?

MR. ROSENTHAL. Okay. The Office of Personnel Management operates a Federal job information center here in Miami, and I asked our staff members there what their observations were since this time, and they tell me that there has been a noticeable increase in black inquiries, from approximately 5 to 6 per day to approximately 15 to 20 per day. Some of these increases, we believe, result from outreach efforts, and I know since that time there have been visits and contacts made with Florida Memorial College, which is a predominantly black college here in the Miami area.

There had been a national job information center that we had operated at the NAACP convention here in Miami. We had had representation at the Opportunities Industrialization Center convention and also our people had been involved in briefing a number of CETA training groups, and we estimate that the current walk-in inquiries would be 40 percent black, 25 percent Hispanic, and 30 percent other groups.

MS. STEIN. Thank you very much. I have no further questions, Mr. Chairman.

CHAIRMAN FLEMMING. Mr. Heath, I am interested in the review that the Office of Personnel Management made of the situation here in Dade County, or in the Miami area. You have testified to the fact that those who participated in the review were not particularly happy at the results that have been achieved in this area in the light of the overall goals that have been established by the Federal Government. Did you participate in that review yourself?

MR. HEATH. No, sir, I did not personally. My staff did, some of our regional OPM staff.

CHAIRMAN FLEMMING. Did they interview the administrators here in Dade County, in the Miami area, the Federal administrators who have responsibility for making the final decision as to who is to be employed and who is to be promoted?

MR. HEATH. Yes, sir, they did meet in these reviews with the heads of the agencies and the equal employment opportunity officers and coordinators, the special emphasis program coordinators such as women, Hispanic, and others in the personnel staff.

CHAIRMAN FLEMMING. Well, I appreciate the fact they did the interview at the personnel step, but I am interested in whether or not they interviewed the line administrators who are responsible for making appointments in this particular area and who are responsible for making promotions. Did they interview them?

MR. HEATH. No, sir, they did not. This was primarily a review and assistance visit in helping the agencies to get their FEORP plan underway and implemented, this particular review.

CHAIRMAN FLEMMING. Well, doesn't the Office of Personnel Management assume, in the final analysis, that the people who have to be helped are the administrators who make the appointments?

MR. HEATH. Yes, sir.

CHAIRMAN FLEMMING. Well, why did the review not include interviewing those administrators as to their attitudes and to find out whether or not they are really back of the Federal Government's effort in the, what I might term the affirmative action area?

MR. HEATH. This, on the general type of evaluation that OPM undertakes to do, does look at representation in the work force, and I certainly would say this, that there is in our perception a commitment in support, and in my own observation of having worked with agencies in participation with agency representatives, we have conducted in this area what we termed a FEORP workshop where we were interested and did call in and invite managers to participate. This has been a part of our edification process and encouragement here, and the point I wanted to make was that even though we did not see all the progress in actually developing plans, we certainly have seen a commitment in support of this concept.

One example that comes to mind is in our visit to the Immigration and Naturalization Service here was that was certainly they had looked informally at their underrepresentation and it was in the black area, and in filling a number of jobs, of 71 permanent accession they had filled in this past fiscal year, 40.8 percent of those were filled with blacks, and in temporary accessions which was 116 jobs, 15 percent of those were black. So in response to that, with merit pay and senior executive service, there is certainly a greater awareness and what appears to be a greater understanding and support, and I believe that is also—and I say I believe that's reflected through the overall increase that's shown in statistical representation, but that does not mean there is still not a lot of work yet to be done when we look at grade distribution in overall average grade representation.

CHAIRMAN FLEMMING. My basic point is that I feel that within this particular area, Federal Government functioning in its capacity as an employer, should be regarded as being out in front, should be regarded as the employer who is setting the right kind of example in this affirmative action area.

MR. HEATH. Yes, sir.

CHAIRMAN FLEMMING. And I feel that if that kind of an objective is going to be realized, it is absolutely essential to make sure of the fact that administrators who make the selections are committed to the achievement of this particular objective and know how to go about achieving it once they have made that particular commitment.

MR. HEATH. Yes, sir. And also it is a part of the—it is a requirement in the administrators' performance standards that they show positive evidence of support of equal employment opportunity.

CHAIRMAN FLEMMING. But then, if I may go back now again to the survey of the Office of Personnel Management, this particular point it does, those who came in to make the survey, did they come in from the central office or from the regional office?

CHAIRMAN FLEMMING. We had one representative from our regional office and a local representative who is located here in this area and one from the area office in Orlando.

CHAIRMAN FLEMMING. As far as this particular survey is concerned, they did not spend time talking with the administrators who make the appointments?

MR. HEATH. No, sir, not in this particular instance they did not, because they were looking primarily at the plan, at whether or not a plan had been developed and providing advice and assistance in the plan itself.

CHAIRMAN FLEMMING. I would simply like to express the hope that—

MR. HEATH. Yes, sir, we definitely—

CHAIRMAN FLEMMING. —in connection with the total monitoring process that time would be spent with those administrators.

MR. HEATH. Yes, sir.

VICE CHAIRMAN BERRY. Mr. Krause, you have about 25 percent, I think it was, of your CETA employees that are hired, I think was 20 something, 25 or 26 percent. What I would like to ask you generally, do you think the CETA program is a good program in terms of meeting the needs of employees for employment and of the city government to have more employees on its roles the way the program is presently constructed?

MR. KRAUSE. I used to think that but not since the 1978 amendments.

COMMISSIONER RUCKELSHAUS. This is to Mr. Krause, too. You have achieved a rather remarkable recruitment rate, 80 to 90 percent minority and women. Can you tell me how it is you have been also to find that many qualified people under the gun, as it was, and whether or not you think on balance the quality of your work force has declined because of being forced to find that many, that high percentage?

MR. KRAUSE. Let me try to respond in two ways. The way in which we recruit people is essentially to target our recruitment. We use minority radio stations. We use minority newspapers. We use posters in minority neighborhoods. We make contact with minority organizations.

You know, we tend to target our recruitment. Has our quality of work, or our work force, declined? I think there are two ways of measuring effectiveness. In the Federal Government particularly, the enforcement agencies have been concentrating on test validation as a way of determining work force effectiveness, and I think they are going in the wrong direction, because test validation deals with the ability of an individual person to perform an individual job, and it doesn't measure how effective the organization is in performing its mission and, for an example, a police department that may have well-qualified individual Anglo males who are recorded as an army of

occupation by the minority community and will not be effective in performing its mission.

We are recruiting different kinds of people and we are hiring different kinds of people, and I think in many ways the effectiveness of the city government is improving. You know, I probably shouldn't make it as a blanket statement, but I don't see any sign of decrease in effectiveness. I see it the other way around.

COMMISSIONER RUCKELSHAUS. Thank you.

CHAIRMAN FLEMMING. We appreciate very much all of the members of the panel coming here, providing us with this information, and it's going to be very helpful to us as we try to size up this overall picture, because we recognize that government at all levels—Federal, State—and State is not represented here at this particular panel—but the county and the city level functioning in its capacity as an employer plays a very, very important role in dealing with these basic issues.

I express my hope, as far as the Federal Government is concerned, that it will stand out as one of the most progressive employers in the area, and I certainly have the same hope as far as both county and city government is concerned, because I feel that, if government sets the right kinds of examples as an employer, it means a great deal in terms of the progress in this area.

However, thank you all very, very much for being with us.

COMMISSIONER HORN. You pointed out the State was not represented here. I did note, Mr. Krause, that you had some feelings about the effectiveness of the State employment service in meeting the unemployed needs in Dade County. Am I correct about your concern?

MR. KRAUSE. I'm sorry, sir. I didn't think I said anything about the State employment service, and every time I do, I get in trouble because I think very highly of it.

COMMISSIONER HORN. Okay. I'm reading the interview notes. I just wondered, since they weren't represented, if counsel had thought about contacting the State about its role in meeting unemployment needs in Dade County through the cooperative Federal-State employment service, and what is counsel planning to do on getting information from the State employment services?

MS. STEIN. We will obtain any information you request us to and they will provide.

CHAIRMAN FLEMMING. You have a representative this morning from the employment service?

MS. STEIN. Mr. Chairman, could I ask at this time the employment statistics that Mr. Heath brought with him and indicated he would place in the record be received an exhibit?

CHAIRMAN FLEMMING. Yes. We will be very happy to do that, and without objection they will entered into the record at this point, and we appreciate your bringing them with you very much. Counsel will call the next witness.

MR. MCGOINGS. Will Allen Wainberg, Richard McEwen, Daniel Bronson, and Joseph O'Shields please come forward?

[Allen Wainberg, Richard W. McEwen, Daniel B. Bronson, and Joseph B. O'Shields were sworn.]

**TESTIMONY OF ALLEN WAINBERG, VICE PRESIDENT, SUAVE SHOE CORPORATION; RICHARD W. McEWEN, CHAIRMAN OF THE BOARD, BURDINES DEPARTMENT STORE; DANIEL B. BRONSON, VICE PRESIDENT OF INDUSTRIAL RELATIONS, RACAL-MILGO, INC.; JOSEPH B. O'SHIELDS, SENIOR VICE PRESIDENT, PERSONNEL, SOUTHEAST BANKING CORPORATION**

**CHAIRMAN FLEMMING.** We appreciate your being with us.

**MR. MCGOINGS.** For the record, would each of you please state your name, your address, and your occupation, beginning with Mr. Wainberg?

**MR. WAINBERG.** My name is Allen Wainberg. I live at 8521 Southwest 75th Street, Miami, Florida. I am employed by Suave Shoe Corporation as vice president and manufacturer.

**MR. McEWEN.** My name is Richard W. McEwen. I live at 4915 Santimorow Court in Coral Gables, chairman of the board of Burdines Department Store, Federated Department Stores.

**MR. BRONSON.** My name is Daniel B. Bronson. I live at 8520 Southwest 147th Street, Miami. I am vice president of the industrial relations of Racal-Milgo, Incorporated.

**MR. O'SHIELDS.** I am Joseph B. O'Shields. I live at 600 Northeast 36 Street in Miami. I'm senior vice president, personnel, of the Southeast Banking Corporation.

**MR. MCGOINGS.** Thank you. Mr. Wainberg, would you please describe the industry in which you are employed and the major occupational titles for your industry?

**MR. WAINBERG.** Well, the textile industry in Dade County has approximately 22,000 employees, and the footwear industry has an additional 5,000 employees. This is, I believe, out of approximately 100,000 manufacturing employees in Dade County. The major occupational group in this industry is sewing machine operators, but there are also very many large groups of people working in the cutting, finishing, assembling, warehousing, mechanics, and so on. This industry is basically an entry level industry, together with agriculture and some service industry. These are probably, by its nature, the low-paying areas.

The industry competes very much with foreign imports and it is labor intensive and therefore the need for maintaining low wages relative to other industries.

**MR. MCGOINGS.** What do you see as the major job replacement needs and future growth needs for your industry?

**MR. WAINBERG.** I feel that this industry has been growing rapidly in Dade County and will continue to grow, and there is a tremendous need, especially in the area of trained sewing machine operators, but also in very many of the service areas such as mechanics and some clerical positions, data processing, engineering, and so on. It is a growing industry. There are tremendous needs for people both at the low level, manual skills as well as some of the professional levels.

MR. MCGOINGS. What skills and educational levels are necessary for employment in the large occupational categories in this industry?

MR. WAINBERG. There is a certain amount of manual dexterity and the ability to operate a sewing machine fairly rapidly. These skills are not very difficult to train. Depending on the operation, it can take from 3, 4 weeks to as many as 3 months to train an employee, but once trained these people have a very marketable skill. There is much transportability from one company to another, from area to another, and back and forth, even to some extent to other industries which require this manual dexterity that they learn.

There's also significant growth in earning in this area because, even though in most cases the starting level tends to be at the minimum wage, these people can very rapidly go up to earn twice that much or even much more than that, based on their own individual output.

MR. MCGOINGS. Have you had any experience with CETA-sponsored programs?

MR. WAINBERG. We have had very little experience with CETA-sponsored programs. We have not been approached very much. We have tried on a couple of occasions to get some programs to be set up to train people for us, but it has not been successful.

MR. MCGOINGS. With respect to the applicants and employees in your company, are you aware of any common skill and educational deficiencies among all employees and applicants?

MR. WAINBERG. I didn't get it, common skills—

MR. MCGOINGS. Common skills and educational deficiencies, skill deficiencies and educational deficiencies.

MR. WAINBERG. Among those applicants?

MR. MCGOINGS. Among applicants and employees.

MR. WAINBERG. No. As far as skill, we, of course, prefer to hire people who are already trained, but we do hire a lot of people who are completely unskilled and we train them from scratch, and basically all you need is a willingness to work hard and willingness to learn to perform these operations.

MR. MCGOINGS. Are there any skill levels based on differences in race or any differences in skill levels based on race.

MR. WAINBERG. No, I don't think so. I think we have people of all races. I've seen people in the industry of all races and I don't think that that enters into that, and that would hold both the low level jobs and the higher and middle management and professional jobs.

MR. MCGOINGS. Thank you. Mr. McEwen, would you please describe your industry for us?

MR. MCEWEN. Yes. Retailing—and I have written some of this to be accurate—is the largest industry in the United States or any segment thereof with several hundred thousand right in the Miami area. In general, including Burdines, it employs first-entry workers requiring only communications ability, oral and written, and for years it provided the untrained housewife and the school person and others with no specific trade professional skills with employment.

Burdines' work force in Dade County totals almost 7,000 positions, of which at least 5,000 can be readily filled at any time by high school graduates that are functionally literate and whose personal appearance and hygiene are reasonably acceptable.

We constantly have openings in each of our Dade County physical plants ranging from 1-1/2 to 9 percent of the work force at different times of the year. At this moment, one of our stores has the highest rate of 5.6 percent in openings and another larger store has 60 openings or 4.2 percent.

The economy of Dade County is exceptionally strong for retailers. We expect continual growth over the next decade. Burdines in Dade County in the past 15 years has grown from four to seven stores, and sales volume has grown over 200 percent. We expect to continue.

We opened one new store this year and another is scheduled for 1982 in Dade County. In general, the Anglo and Latin communities provide a quantity of employable workers. The black community is significantly deficient, and for these reasons that we see materially inadequate communications skills, either written or verbal. We have inconsistent employment experience. The physical experience and their inability and lack of interest to comprehend and meet the codes for dress standards and personal hygiene and where technical skill is a factor, either insufficient work experience or no training.

Bilingualism is not a factor in our employment because the number of ethnic groups employed readily provide the mix we require; however, we have several areas in customer contact where you must be assured from time to time that Spanish can be spoken, so it is simply a matter of shifting within our own work force. There is an absolute lack of qualified tradesmen of every kind in Dade County—carpenters, painters, air-conditioning repairmen, machinists, auto mechanics, carpet installers, tile installers, and so on. There is plenty of opportunity in this county if you are qualified.

MR. MCGOINGS. Thank you. Mr. Bronson, would you please describe the industry in which you employ and the occupational categories for your industry?

MR. BRONSON. Yes. I represent the electronics industry in Dade County. Racal-Milgo is one of the four largest employers in the electronics industry in Dade County. We employ approximately 2,600 people, of which approximately 2,200 are employed here in Dade County. The industry itself employs approximately 10,000 to 15,000 people in Dade County in 93 different plants.

In terms of growth of the industry, the industry in general has been growing at about 20 to 30 percent annually in terms of revenues and employment growth. Racal-Milgo has been growing at that rate slightly better in various years.

In terms of skills, we are a high technology company and we have a range of skills, beginning at the top all the way from doctorate degree requirements in research and development, working down through to just bachelor level engineering people to 2-year vocational school

people who can function as an electronics technician into the areas of assembly, test, and inspection.

At Racal-Milgo we have approximately 900 people employed in the manufacturing assembly operation in the categories of assemblers, testers, inspectors. At the entry level of assembler, extensive training is not required to hire individuals. Basically, we look for dexterity skills to perform soldering, basic work ethic, and also reliable transportation to get back and forth to work.

In the area of hiring of minorities, the Spanish population is approximately 40 to 45 percent of the work force; the black population is approximately 9 to 10 percent of the work force. We have a transportation problem specifically in that we are in a western area of Dade County and there is not available public transportation into our facility, bus transportation. This is a problem I am told by other people in the electronics industry also.

MR. MCGOINGS. Have you had any experience with CETA-sponsored programs?

MR. BRONSON. This past year we made some contacts with CETA on our initiative and the result of that was the hiring of four individuals this past year. We had asked CETA for a list of companies with whom they had dealt with, copies of contracts of companies they had dealt with, and various personnel-related issues on how all the paperwork would be handled, etc.

We found out that CETA is not specifically training in some of the areas of electronic skills, i.e., technicians, etc. We have appointed a representative of our company to serve on the South Florida Employment and Training Consortium to work with CETA in providing input for programs that would be going into effect in 1982 and '83 that, hopefully, will encompass some of the basic soldering skills, dexterity skills, which will be required in the industry.

MR. MCGOINGS. Thank you. Mr. O'Shields, would you please describe your industry and the major occupational categories?

MR. O'SHIELDS. Southeast Banking Corporation is part of the financial industry. As a corporation we operate statewide, but in Dade County-Miami we employ approximately 3,500 people. Perhaps the Commissioners would be interested in some background of the overview of the banking industry here in Miami because it is clearly a growth industry.

Miami is at a very rapid rate becoming an international financial center. The most current data I have is from the call report of the Federal Reserve last year of 1979 at which time there were 65 commercial banks—that is to say, independent commercial banks domiciled in Miami who employed cumulatively 10,471 employees. There are today presently 16, in addition to these banks, there are 16 agency offices or branches of foreign branches that are now operating out of Miami. There are 20 Edge Act banks.

COMMISSIONER HORN. I'm sorry what was that term?

MR. O'SHIELDS. The Edge Act.

COMMISSIONER HORN. Explain that.

MR. O'SHIELDS. The Edge Act attributes its name to the legislative act that permits banks to engage in certain foreign transactions, the Edge—E-d-g-e A-c-t. There are limited activities in which they can engage, basically offshore types of activities in which those offices—so they are nonetheless part of the industry, Mr. Commissioner.

There are three other internationally oriented banks that have already received approval but have not yet opened their offices, and there are still four others that have made applications to the Comptroller of the Currency whose applications have not been processed.

There are 32 mortgage bankers, different mortgage bankers, many of them subsidiaries of other major bank holding companies, such as the First of Chicago, City Corp, Chase Manhattan, Bank of America. All of the major banks, I think, are represented. All of your major money center banks are now represented in this city.

There are either three or four loan production offices of banks; again, City Corp and Continental of Illinois are the types of banks that would open representative offices. I'm sorry if I am getting too detailed. Please don't hesitate to interrupt me.

It is hard for me to estimate the number of employees that are represented among the latter group; that is to say, all of those except 65 commercial banks that are domiciled here. I would roughly estimate there are 2,225 employees in that group, so the industry probably is approaching somewhere in the 13,000 to 15,000 employee total employment level in Dade County. As I said, it is a growth industry.

In addition to that part of it, aside from the financial industry, there is the savings and loan industry which is a significant industry in and of itself. As of January 1 they are to become part of the commercial banking industry, so we are going to see one burgeoning financial community that is directly the result of the geographic location at Miami as a jumping off place to many foreign countries and the growth that is occurring in Miami and across the State of Florida itself.

Michael, I'm sorry, what was the question about my industry? I get carried away sometimes about my industry. I'm fairly excited about what we have to sell out there.

MR. MCGOINGS. Thank you. Would you tell us about your—no?

MR. O'SHIELDS. Okay, all right.

MR. MCGOINGS. Are you ready to go on?

MR. O'SHIELDS. I thought you were saying no to me.

MR. MCGOINGS. Could tell us about the job replacement needs and future job growth in the Miami banking community?

MR. O'SHIELDS. I think I can certainly speak from firsthand knowledge of my own institution, and I assume from that the needs are similar, and I think with some confidence I can make that assumption in talking with my counterparts in other, certainly the larger, financial institutions.

We have an ongoing demand which includes traditional jobs that's known to the distinguished group on the dais—tellers, entry level clerks, entry level secretaries, stenos, data processing personnel which would include again entry level data processing personnel, machine

operators, progressing on up to the programmers, system analysts, secretaries, if I didn't mention them.

Our present experience is that the supply is not meeting our demands, and certainly, in our judgment, this situation is likely to deteriorate in the short term, short term by my definition is the next 1 to 2 years.

I cannot see the supply catching up with the demand in terms of us having available a labor supply at the entry level. I think that labor supply is in the community, but I don't see us, or something magic and wonderful happening that suddenly creates the type of supply that I would find ideal.

MR. MCGOINGS. What skill would the educational levels be necessary for employment in the largest occupational categories in your industry?

MR. O'SHIELDS. As in the retailing industry, good communication skills, both oral and written, good physical appearance, good dexterity, hand-eye dexterity skills for many jobs, many of the entry level jobs, basic typing skills, I think good language, good comprehension of the language.

MR. MCGOINGS. Do you provide any training?

MR. O'SHIELDS. Oh, yes.

MR. MCGOINGS. What type of training do you provide?

MR. O'SHIELDS. Excuse me, may I just refer to some notes?

MR. MCGOINGS. Certainly.

MR. O'SHIELDS. We provide ongoing training activities in English skills, secretarial training, conversational Spanish, typing, speed reading, effective writing, teller training, data processing—that is, there are several elements to the data processing training, but at the lower level, machine operators, proof machine operators, the console operators, these are basic skilled level training I'm identifying that we offer in our companies.

MR. MCGOINGS. Has your company dealt with any CETA-sponsored programs?

MR. O'SHIELDS. Limitedly, and I don't think I can, in fairness, address the question of my experience. I don't know if it is good or bad.

MR. MCGOINGS. Have you perceived any differences in skill levels based upon race and ethnicity among your employees?

MR. O'SHIELDS. Perhaps. If I may elaborate, skills level differences based on ethnicity or race, or per se, I don't think it is quite accurate for me to say, yes, that we see a higher percentage of minority applicants lacking in basic skills than we do the Anglo, among the Anglo, applicants. We see deficiencies overall, again, in the area of poor communication skills, poor typing skills from them that came out of high school and come to us. They really are terrible typists. They really can hardly be called typists. Perhaps they know the keyboard but somewhere or other have not picked up the skill level in many instances to qualify for our lowest entry level typist position.

Poor grooming habits, that certainly is not unique to any ethnic group or racial group. We see undeveloped work ethic in all groups.

Perhaps that is more dramatically demonstrated among your very hard-core minority employee applicant candidates than it is among your Anglos.

MR. MCGOINGS. Do you have an opinion as to why that's so?

MR. O'SHIELDS. The latter observation? You want my opinion on the latter observation, why it would be more dramatic?

MR. MCGOINGS. Yes.

MR. O'SHIELDS. I think it may be the perception that we have as employers and impressions that are created in our minds. If I may illustrate, we see a young black from perhaps one of the—from Liberty City—come in and is attired in a T-shirt, jeans, sneakers, in extreme cases would have the hair in braids. In the banking environment this is, even though we have grown a little more liberal with the passage of time, even today that's a little bit startling to us.

I think perhaps in many instances we attribute to that individual a lack of any skills, so I think a bias is introduced because of the appearance of the individual. I think—certainly I know from experience—that we have had some instances where we have employed younger blacks who have not brought to the job the same work ethic as perhaps as your traditional male, traditional Anglo, would in terms of importance of being at work regularly, on time; their comprehension of the work ethic is different. I think that's a function of their conditioning and the environment in which they live, and I don't mean to sound like a sociologist, but I really believe that is the case.

MR. MCGOINGS. Thank you. Mr. O'Shields, does the banking industry here in Miami have a preference for bilingual employees or a requirement for bilingual employees?

MR. O'SHIELDS. No, we don't have a preference or a requirement per se except in certain instances. I think you can obviously agree that in our international banking area, certainly in what we call our international personal banking area, it is a job requirement in some jobs that individuals be bilingual. It is not a requirement in most, in the majority of our positions.

MR. MCGOINGS. Mr. Wainberg, does your company have a preference for bilingual employees?

MR. WAINBERG. Not at all. We employ people of various languages. The Creole, Spanish, and English are very, very predominant in all of our facilities, and we have had on occasions people from Taiwan and Vietnam and so forth. There is no language requirement.

MR. MCGOINGS. Mr. Wainberg, would you comment on your employment of Haitian and Cuban refugees?

MR. WAINBERG. We have employed a large number of Haitian and Cuban refugees, and I would say the most distinguishing factor about them is their strong willingness to work, to make money. I have heard some testimony earlier this day that I strongly take exception to, about the fact that business or industry is exploiting people. I strongly disagree with that.

There might be some small companies that are doing it, but the largest employers, which account for the vast majority of employment

positions in this county, are ethical. They pay the minimum wages. They would be crazy not to and they generally pay much more than that, but the one major difference has been that, for example, where we have for years tried to keep a third shift in some of our operations, we have been unable to get people willing to work the night shift even though we give a 30 percent premium.

Just recently, with the advent of these refugees, we have found all the employees we want for the night shift. People simply saying, "I want a job. I will do whatever I have to do. I will work anytime so I can earn a living."

MR. MCGOINGS. This is true of both Haitians and Cuban refugees?

MR. WAINBERG. Yes.

MR. MCGOINGS. Thank you. Mr. McEwen, what do you believe, in your opinion, is necessary before any real progress will be seen in the black community with respect to the employment problem?

MR. MCEWEN. Well, you know, we are speaking of the black community as a monolith, which it isn't. Probably 50 percent of the black people in the system are working and working well within the system and making progress, and in their economic figures, some of which I have and will leave with you, show this happening. But there is another group. Those who are in our depressed areas and distressed areas that have an entirely different set of problems that has nothing to do with racial or ethnic intolerance. We have a group of people here who are functionally illiterate and have no trades or skills, and this problem has to be addressed fundamentally and totally.

I would think that in our black ghetto areas—and there are more than one in this community; there are probably four or five of significance—and we may have to build 100, 200, or 300 Quonset huts or Nissan-type huts in which we put air-conditioning and establish schools.

We have to go back to ground zero and bring these people up so they can write a sentence and so they can complete a sentence orally. In our business we reject between 50 and 60 percent of all black applicants just at the first interview. We give no test other than for typists who apply for typing. It's because they can't get an application form and they can't complete a sentence at the work spot. It is a very difficult thing.

Until we give the black community in the ghetto the tools to compete with the whites, the white Anglos and the white Cubans and others who have an education, they won't stand a chance, and the statistics will show you, as I will leave with you, that this group of underprivileged, which is called the underclass, is growing as rapidly as is the successful of blacks, and unfortunately even the successful class of blacks within our firms and others do not go back and help those people along, and we have to figure out how we get to this basic education root so these people can function.

This last Sunday there were 26 pages of want ads, help wanted, in our local classified section. This is thousands of jobs. Every Sunday in Miami there are 20 to 30 pages of unclassified help wanted. You could put thousands of people to work. We have thousands of needs and

thousands of people who can't meet those needs. There is a disparity in the skill requirements and the skills presented. There is no community in the United States like Dade County where the economic dynamics is such as it is, that you could educate these people and assimilate in 5 to 10 years and have the happiest socioeconomic community that could exist, and it is all basic education at this point.

Let me tell you, there is nobody running a business with job openings who is not hiring somebody because there are black, Cuban, or have antlers. They would fill it in a minute so they can take advantage of the economy here, and at least increase their own personal prospect. Our ghetto areas, where the riots existed, may originally have been results of prejudice and racism, but right now it has nothing to do with that factor whatsoever.

MR. MCGOINGS. Thank you very much. Mr. Chairman, I don't have any more questions. Mr. Chairman, the members of the panel, some of them, have documents that they would like placed in evidence. I would like to move it be placed into the record right now.

CHAIRMAN FLEMMING. Yes. We appreciate your bringing documents with you and your responses to the questions that have been addressed to you by staff, and we will enter these documents in the record of the hearing at this particular point.

COMMISSIONER HORN. I agree with much of what Mr. McEwen has to say, and I wonder if you or other members of the business community have sat down with representatives of the Dade County public schools to talk about the adequacy of their vocational education programs so they can help train some of the various skills to which you referred earlier in your testimony and which you feel the pool of labor is completely inadequate.

MR. MCEWEN. We are as much involved as we can. As a matter of fact, at this last election the business community totally supported and was able to elect the three new board members whom we feel will be totally responsive to these problems. Unfortunately, because of Federal law, this school district cannot do any more than the school district in "Podunk." This is absolutely a demand for equality in in 'Podunk.' This is absolutely a demand for equality in education. There is a need to have these extensive vocational courses that we don't have, but I don't know what the State funds or the local funds could be addressed at that because it doesn't exist elsewhere.

We have tried to cross those bridges before. The HEW has very rigid restrictions relative to equality of education at the present level. We have even talked with the Governor about having a special 1 percent tax to provide added educational services in Dade County, and we have been cautioned that's not a legal act and we couldn't move forward. We are not entitled to build our own school system as it would best model this community; however, the vocational needs are important and must be addressed. Yes, we are working as a group and trying to get some things done in this community. We haven't accomplished everything.

COMMISSIONER HORN. Yes, Mr. Wainberg?

MR. WAINBERG. Yes, we have had one rather poor experience in this area. There is a vocational training center, Dade County training in Miami Lakes, which is very close to us, and we approached them and asked them for some joint projects to train mechanics.

Now, we have a large need for mechanics of different kinds, sewing machine mechanics, plastic injection mechanics, and many other types of machinery, and these skills are very valuable because they are transferable. Someone who starts working for us, he gets the skill of being acquainted with repairing machinery and he can, without too much difficulty, transfer from a sewing machine to a car or whatever. In fact some of our mechanics have been hired away at higher pay by the copier machine people just very recently. We have been approached and asked how much we start our mechanics at. "Well," I said, "starting mechanics with no experience"—in mechanics you learn much. "Our starting mechanics can make somewhere around \$5 an hour." And they laughed at us. They said that kids who come into our schools want training and they want jobs at \$10 an hour; they are not about to begin a training program for just \$5 an hour. That's a problem.

I think that's a poor attitude. You start at five and then you progress either within—and some of our mechanics are making double that, and you go outside, as many of them do, and make more than that. It is a good starting point, and here these people, both the young people who are supposedly unwilling to go, and community officials who are just taking this attitude, "We won't even try."

COMMISSIONER HORN. Yes.

MR. BRONSON. Could I speak to that issue too, please?

COMMISSIONER HORN. Sure..

MR. BRONSON. We have had a great demand for electronic technicians over the past 2 years. As a matter of fact, we have hired close to a hundred electronic technicians and I want to read you just a brief job description of that job, and I also want to say we had to go out of State, including military bases and 2-year technical schools around the United States to relocate people and pay them to come here, which is not easy in these times. And it is a significant job area that, you know, when I look at it, I say, "Why aren't there more vocational electronic training programs bringing in our black youth, our Hispanic youth into this area?"

The requirements are 2 years of technical school, associate's degree in electronics, military school training, or equivalent experience, knowledge of digital and analog theory a must.

Now, again, we have hired almost a hundred people in that job category and over 75 percent had to come from out of State to fill those jobs. Now, I can assure you that my recruiting budget would much appreciate having a local base to hire electronic technicians.

COMMISSIONER HORN. Yesterday in testimony we heard that roughly 50,000 students are in the vocational education explorer program, which is generally to junior high school. I think we heard that somewhere around 24,000 were in the vocational education program in high school.

If I remember correctly, 8,000 employers were involved in sort of a cooperative effort where the students partook of both classroom learning, on-the-job learning, and I guess what I'm wondering is, Are the class, field, laboratory, theory, practice experiences really relevant to the job needs that you as employers see in Dade County, or are these experiences thought of designed for another era of vocational education, and to what degree is the business community in some organized manner interacting with the school system so there is a meeting of the minds on what needs to be done?

MR. BRONSON. Well, let me speak to the electronic technician issue. We have our manager of training who trains technicians on how to troubleshoot our products. He has been assigned to be a member of the craft committee which sets curriculum planning and equipment need planning for the electronics programs in the schools. He has been on this committee for a couple of years. He is trying to influence those programs in terms of the theoretical base to be at the state of the art so that the people can be employable in our workplace as well as the other electronic workplaces in this community. Progress has been made but, again, it's been very slow.

COMMISSIONER HORN. Why slow? Are the teachers just training for another era of equipment?

MR. BRONSON. They say, when you discuss this with gentlemen and the teachers, they say that, number one, there is a lack of recruiting of students interested in coming into the programs. Why I don't know.

Also—I am talking just about the electronic technician area now—the number of teachers available, the amount of budget available to buy test equipment, to pay salaries, etc., so then what happens is companies like Racal-Milgo, Corless wind up having to go out of State to 2-year technical and military bases and hire technicians.

MR. MCEWEN. Let me say our service and distribution center at northwestern Miami has gone into partnership with Miami Lakes Vocational Training School, but it is also important to point out that two of our training programs are not in the areas where the people need the training. One in the area where the training needs are very heavy is loaded to the lid with students, and the other two are having a tough time, as I understand, attracting full quotas of students. But the second thing that I want to make a comment on, we talk only about the high school education age. When I talk about the training in the ghetto area, we have at least equal to double or triple the number of people between ages 18 and 50 who need this training right now to be employable as you do the youngsters in the high school age.

We have to go back and retrain everywhere we can to provide a viable economic society that these people—viable economic work force so that these people can be involved in it. It is greater than just the present education system.

COMMISSIONER HORN. Did you have a comment, Mr. O'Shields?

MR. O'SHIELDS. Thank you, Mr. Horn. I fully endorse the concept articulated by Mr. McEwen. I don't think we are dealing with a problem that can await 1-year or 2-year answers. I think, and certainly

the business community has no great skill, but it does have resources at its command, certainly collectively, to address the problem, perhaps in partnership with the government, but more importantly to get into these areas, to work with the total population group that Mr. McEwen referred to, both the youngsters and the older citizens in giving them basic communication skills, in raising them above your illiterate level so they can compete in the job market, so they can meet the supply that can meet the demand that confronts all of us as employers for relatively unskilled labor.

I think, further, the employment community, the business community, will take upon itself the obligation of providing training opportunities within their own institutions that offer career advancement to those people. I think certainly I would encourage continuing dialog with the educational system.

COMMISSIONER HORN. As I listen to your testimony, you are saying, basically, the schools ought to do the job of turning out literate, functional people and the business community could help provide on-the-job training, but you've got a mixture of maybe inadequate vocational training plus a product that can't read and write to boot.

Let me ask you now one last series of questions. Mr. Wainberg, in Dade County is there an illegal alien problem as far as employers perceive it in terms of hiring?

MR. WAINBERG. I don't know what you mean by "problem."

COMMISSIONER HORN. Well, it is tough here because you've got refugees. Forget them. They are legal if they come in under American law and policy. Beyond the refugee influx, are there substantial numbers of illegal aliens that form the basis of the employment force in the apparel industry of Dade County?

MR. WAINBERG. There are illegal aliens, but I believe they are a very small group, and as far as the apparel industry, at least for the larger employers, I think there is a very minute portion. I know that in our particular case we do not knowingly employ illegal aliens, and we have cooperated on a few occasions with INS people who have come in to request these people.

COMMISSIONER HORN. As you know there is a national select commission that's been debating this issue, making recommendations to the Congress and the President. Part of their recommendations involve employer sanctions. Does the apparel industry have a policy of checking the residence versus alien status of employees that it hires?

MR. WAINBERG. The apparel industry, to the best of my knowledge, like any other industry, does not have any policy of checking the immigration status of employees. I believe that it is not required nor practiced within the United States.

COMMISSIONER HORN. Well, if they show up with a social security card, counterfeit that it might be, they are hired like anyone else?

MR. WAINBERG. That's right.

VICE CHAIRMAN BERRY. Let me just say that in listening to your testimony, all of you there reinforce testimony that we heard from other witnesses on other subjects. We heard, for example, from the

juvenile justice system that there wasn't much they could do about teenagers, especially black teenagers, when they are caught up in the juvenile justice system because they have already been wounded by so many other things that have happened to them.

We hear from employers, you as employers, that there's not much that you can do because people lack basic skills and education and the ability to communicate and certain kinds of training, and that, therefore, the educational system ought to do something about this problem.

When we listen to the education people, they tell us there is not much they can do about the problem because these people are wounded from the inadequate family structure, discipline at home, and lack of services. So we are to conclude, simply, there is nothing anybody can do about the problem. So everywhere we go what we hear, "It is not my problem." So what's the answer to that, if there is any answer, if you have any suggestions?

MR. BRONSON. I shared with staff some comments that I made that the development of the human being is a result of the interface of a lot of institutions—the family, the church, the school, working industry, military, and I think one of the frustrations in industry is, you know, how do you deal with the problem that it appears so many of the other institutions have failed to deal with, and it falls on the doorstep of the employer to deal with it.

My answer to that is, I think we need to go back and focus more dollars and effort and time into the more fundamental institutions, the family, the school, the religious institutions, etc., because that's where our values develop, and I think we can do that.

I believe in that and I have great hope for that in this society, and in this town, which I care very much about.

VICE CHAIRMAN BERRY. Mr. O'Shields?

MR. O'SHIELDS. I'll give you a proposal. I think Mr. McEwen touched on it a while ago. You may build 50 Nissan huts or Quonset huts in the four or five hundred underdeveloped areas in our community. It can be a collaborative effort between government and business, or between just within this community, but I think they should be developed. These are training centers whose purpose would be to provide people with the basic skills for entry level jobs, whether it be industry or in heavy industry or in my type of industry, a service industry.

In any event, it should eventually or could eventually, I believe, become a self-sustaining effort with the support of industry in the training activity itself with industry, for example, paying a placement fee, which we all do already, to these private placement agencies to establish the funding and perpetuate the funding of the operation itself.

I think you would have to get just fundamental things, such as training people in a work ethic. I did this in Charlotte, North Carolina, a number of years ago. I guess it was 10 or 12 years ago. I served as chairman of an active group that addressed issues. We had problems. We had many problems, but we had some successes. We had many successes with time, and you don't have to have many successes when

you're dealing with human life to make an effort of this sort worthwhile.

I don't think this is a fantasy. I think it can be worked out. I'm very impatient with a lot of dialog. I'm the type of person who says, "Let's get somebody together. Let's define the problem and let's put somebody in charge of it and let's work toward solving the problem." It is my perception—I'm a relative newcomer to Miami; I have been here 2 years—it's my perception if we don't handle the problem, and we can't address it, it is going to blow this community right out of the water. I think it is the kind of problem that lends itself to a business approach, defining it and moving forward from the problem definition.

MR. MCEWEN. I would comment to you that we Anglos don't sound like Shakespeare, either, with our English, and we have to, in some of our work centers such as service and distribution centers, we actually teach English for those who need it, for blacks and for Anglos. We teach three levels of English to Latins: the very basic, the intermediate, and advanced.

We had some who came in who spoke no English and who are now in college. We teach how to become a supervisor, and much of our course is directed to the black people, and we teach how to have filing skills and any type of skill we can. We are doing as much as we can and we are tying in with the board of education wherever possible, and one thing that is very important, that not all of the blacks we hire have that functional literacy. We actually do hire those with some marginal literacy and attempt to move them into the range because we do have to have people. I would like to say that racism is not a major factor at this point. Racism will always exist. I'm pointing to the fact right now our economic difficulties with our ghetto area basically are not the result of current active racial problems. It is really lack of education. If we have lots of people in the community who are highly qualified, and you have blacks and whites and Latins applying equally, and you can take your pick, then I expect racism will come back into the picture, but right now it is not really a factor.

MR. WAINBERG. I fully agree with Mr. McEwen that racism is not a problem. It just seems to be that way because the largest, most problematic economic and educational area happens to be in the black community in some parts of this county. But I think there are two possible areas that should be approached if we really tried very hard with it.

First of all, I believe on the government level that the sums of money that are being spent on so many short-range programs spread over a very large number of projects, each one with very limited utility, should be replaced by a substantial amount of money put into specifically those areas where you need them. Don't call it disadvantaged and don't call it poor and don't call it minority; call it what it is, the black, unemployed, disadvantaged people in the hardcore ghettos in so many of our cities, and identify that and don't let any side groups try to hang on to it because they see a few dollars there, and then start putting money into it, not equal but way, way over equal. Start doing what

Mr. McEwen said, putting money to really train people and not only at the high school level or lower level but at every level where it is needed, and train them not only in job skills but also in attitudes and behavior and so on.

The second part to this group must be the black community itself, because we see too many examples of the community saying, "Here I am. This is what I want. This is what I deserve. Give it to me." The black community must see what can we do within the community, the community leaders, the preachers, the parents, what can they do to change the behavior and the attitude of their own people towards work, towards general behavior, and that some of this has got to come from within because, again, as Mr. McEwen pointed out, very many times jobs are not given that have nothing to do with racism, that has simply to do with the fact that a certain number of people have a bad record for employment. It has nothing to do with our color; it is just that they jump from job to job and very much unemployed, and this makes us feel like this guy could not be reliable.

I could give more examples, but I don't think it is necessary. But I do think the cooperation must come from both sides, and the attitudes must be changed on both sides.

COMMISSIONER SALTZMAN. Like Commissioner Berry, but from another point of view, I have been hearing not only the shifting of responsibility but various sectors of the Miami community, the Dade County community, over the last, almost, 2 full days now, statements about what could be done, what might be done that fill one with at least the intimations of hope for the future. But what seems to be reality is that one sector is so totally divided from another sector with no coordination or talking to one another, no comprehensive coordinated effort.

American business historically has had enormous ingenuity. I'm not sure the government can do it, but you, Mr. O'Shields and Mr. McEwen, Mr. Wainberg, Mr. Bronson, have some very creative ideas. Someone has to be the spark to ignite that kind of communitywide effort to bring all the various sectors of the community into a coordinated, dedicated, massive program. Perhaps the business community can be that kindling flame to bring a whole new illumination to the Miami area. The way you speak, you recognize it is desperately needed now. I hope the business community can be that kind of spark. Thank you.

COMMISSIONER RAMIREZ. Just one question. Mr. McEwen, could you restate for me what you said about HEW and your perception that you could not do anything beyond what was being done across the State? That troubles me excessively.

MR. MCEWEN. Well, we have had grave concerns—let me go back to another problem. In trying to recruit people to come to Florida to work in our businesses, where you do go out and look for college, master's degrees, doctors, highly skilled technicians, and so on and so forth, the State of Florida's education system is perceived by the other 49 States to be quite bad, and one of the very first barriers we hit in

recruiting is, "If I come to your State, I not only need added income to have a better lifestyle, but I must have an additional sum to send my children to private school". So we have a very large—

CHAIRMAN FLEMMING. I think Commissioner Ramirez's question goes back to earlier testimony that you gave where you said that it was impossible for you, working with the Dade County public schools, to develop a type of program that you feel is needed because of Federal regulations. The question was, Do you know just what Federal regulations?

MR. MCEWEN. I was just going to shift to that.

CHAIRMAN FLEMMING. Okay. I just wanted to, in the interest of time, have you come to that.

COMMISSIONER HORN. Or Federal court cases is what I suspect we're talking about.

CHAIRMAN FLEMMING. He said Federal regulations, so we'll stick with the testimony.

MR. MCEWEN. So we went to the board of education and the State education offices to see if we could actually introduce additional funds to upgrade education, intensify certain of the areas that interested the people, to make the schools at the level that they would bring in their children to good public schools.

Every time we touched upon this, we found that the mandated education requirements now by the Federal and State laws of what has to be taught, and even the education, consumes most of the money, and it would be unlawful for us to raise additional money to introduce an added layer into the school system that would make us have above average schools in the unique—

CHAIRMAN FLEMMING. In the interest of time, I do not feel that was a series of regulations on the part of HEW, Federal law, but I'm going to ask counsel to ask one of the members of the staff to talk further with you and with the Dade County public school system and see if we can run that down, find out just what it was that was standing in the way.

MR. MCEWEN. I recognize you were Secretary of the Department and we have a number of ex-members here.

CHAIRMAN FLEMMING. We are interested in running it down.

MR. MCEWEN. Absolutely.

CHAIRMAN FLEMMING. If there is a roadblock there, why, we want to identify it and be of help in connection with that roadblock, but we will run it down.

COMMISSIONER HORN. In their running down, I hope General Counsel explores the *Serrano v. Priest* type legislation, and the equalization problems between the school districts and the fear of some districts getting ahead of others, if they have the capacity of doing so, but there are other Federal courts that made these types of decisions.

CHAIRMAN FLEMMING. You have opened up a question that we will explore and we will get back to.

MR. MCEWEN. Very essential to explore this.

CHAIRMAN FLEMMING. We will let you know the results.

It is clear that we do appreciate your testimony and the various frank statements that you have made relative to the nature of the problem as you see it. I can think Commissioner Saltzman's comments are comments with which I would associate myself. I'm sorry we don't have more time to explore it in greater depth, but you have made excellent contributions to our consideration of this very, very difficult situation, and we appreciate it very, very much. Thank you very much. Counsel will call the next witnesses.

MR. MCGOINGS. Charlotte Gallogly, Jane Robinson, Boyd Hanke, Michael Griffey.

[Charlotte Gallogly, Jane Robinson, Boyd Hanke, and Michael Griffey were sworn.]

**TESTIMONY OF CHARLOTTE GALLOGLY, EXECUTIVE DIRECTOR, SOUTH FLORIDA EMPLOYMENT AND TRAINING CONSORTIUM; JANE ROBINSON, PROJECT DIRECTOR, YOUTH EMPLOYMENT SERVICES PROGRAM, JAMES E. SCOTT COMMUNITY ASSOCIATION; MICHAEL GRIFFEY, EXECUTIVE DIRECTOR, PRIVATE INDUSTRY COUNCIL OF DADE COUNTY, INC.; BOYD HANKE, U.S. DEPARTMENT OF LABOR**

CHAIRMAN FLEMMING. Appreciate your being with us.

MR. MCGOINGS. Would each of you state your name, address, and occupation for the record, beginning with Ms. Gallogly?

MS. GALLOGLY. I am Charlotte Gallogly. My address is 2666 Tiger-tail Avenue, Coconut Grove, and I am executive director of the South Florida Employment and Training Consortium.

MS. ROBINSON. My name is Jane Robinson. My address is 17412 Northwest 48th Court, Miami, and my position is project director for the Youth Employment Services Program, James E. Scott Community Association.

MR. GRIFFEY. My name is Mike Griffey, 1539 Southwest 271st, Miami. I'm executive director of the Private Industry Council of Dade County, Inc.

MR. HANKE. My name is Boyd Hanke, 974 Yemcy Trail, Stone Mountain, Georgia. I am the Federal representative for the United States Department of Labor to the South Florida Employment and Training Consortium.

MR. MCGOINGS. Thank you. Ms. Gallogly would you please describe the function and role of the South Florida Employment and Training Consortium?

MS. GALLOGLY. The consortium is an organization composed of five governmental jurisdictions. We have, sitting on that board, the city managers of Miami, Miami Beach, Hialeah, and the county managers of Dade and Monroe Counties. We are responsible for the management of the comprehensive employment and training program for these, for both communities.

MR. MCGOINGS. What problems did you encounter when you took over the directorship of the consortium?

MS. GALLOGLY. I have been the director of the consortium for a year and a half. When I assumed that responsibility, we were experienc-

ing within the CETA programs in this community a great deal of program mismanagement and financial mismanagement. My primary responsibility, along with the staff and the contractors that are in business with us, was to bring in a business-like approach to managing, at that time, a \$90 million program. We have been in a 2-year program focused primarily, initially, on the compliance end of the program, understanding very clearly and accurately where we stood with our financial resources as well as our client resources, and secondarily to shift the program away from a social services demeanor to that of a program focused on the needs and the industrial standards of the businesses within this community.

One of the comments, or several of the comments, made by the prior panelists related to the CETA program and their limited involvement with that. We are concluding this year, through our training councils, the changing of the program to a private sector program.

Essentially, as we look forward to 1982, we will be putting agencies in business through a contractual arrangement for those agencies that can provide to us commitments from businesses that they will in fact provide jobs upon the successful completion of training for the clients. We do not manage, other than one program, any programs ourselves directly. We are the contracting agency. We have over 100 contracts, and this year we have a budget of \$49 million.

MR. MCGOINGS. How do you allocate the funds among the various subcontractors of the consortium?

MS. GALLOGLY. The allocation of funds is based on performance of the contractors. We have established certain performance standards. We now have 2 years of data on people's ability to produce results, and those are the primary—that's the primary reason that we are using as the rationale, the funding process. We also balance that, given the immediate and pressing needs of the community, on a year-to-year basis. For instance, this year, although we have experienced a 42 percent funding cut because of the changes in the budget at the congressional level and the changes in our unemployment rate—which is a major problem for us in this community—we made the decision, or the consortium did, that we wanted to continue to fund black community-based organizations at the same level that they had been funded in the prior year, even though we had taken a 42 percent funding cut. So we were able to do that.

We had also targeted special resources on offender groups that are very high risk and other particular interest groups, among those the refugee population, who have the immediate language and culturalization problems.

MR. MCGOINGS. Ms. Gallogly, the allegation has been made that the consortium has discriminated against the black community-based organizations, given their representation of 64 percent of CETA participants, and yet they aren't receiving a proportionate share of funds. How do you respond to these allegations?

MS. GALLOGLY. Well, our prime consideration in funding is based on performance, and we are in the business of funding agencies that can

produce quality results. This year with the funding base of \$49 million, 9 percent of the dollars are going to black community-based organizations. Of the total amount of money going to community-based organizations, 28 percent is going in that area.

We have, over a period of years, put out of business—and this is one of the allegations I would imagine—a number of black agencies, a number of white agencies, a number of private for-profit training institutions, and a number of Hispanic agencies. The two primary reasons for that have been related to performance and fraud and abuse. We have, in turn, also funded new agencies in the black community, and this year we are funding, in addition, two agencies that we have really never been in business with before, so they were able to provide proposals to us that looked like they had a very high chance of succeeding.

MR. MCGOINGS. Thank you. What priority has the consortium established to deal with the revitalization of the Liberty City area since the May riots?

MS. GALLOGLY. Well, as I alluded to earlier, we maintained the same financial commitment. In fact, we increased that by \$400,000 to black organizations. They did not feel the financial cut that all other agencies experienced within the CETA system.

Second, we were very proactive, and I think gaining the eventual financial support of the Federal Government, although it is rather limited, and they will shortly be awarding it to us, \$10.3 million targeted at the black community. Those funds are funds that will be expended over a 4-year period of time. They are primarily to develop a skills training center in Liberty City and a program directed at out-of-school youth and an entrepreneurial training program.

We also, within the CETA program this year in our effort to finalize our changes for '82, have created a CETA partners program, whereby we are working with various industries in towns to arrange a partnership with the community-based organizations and a specific industry, whereby the industry guarantees the jobs to the clients up front if they are able to successfully complete a training program that all parties have agreed to is satisfactory. So that is another change that we have been involved with this fiscal year.

MR. MCGOINGS. Do you see any deficiencies or shortcomings in the operation or the effectiveness of the CETA programs?

MS. GALLOGLY. Yes, I do. I think the CETA program in many areas is programmed for failure.

MR. MCGOINGS. Would you explain that?

MS. GALLOGLY. Yes. As the initial legislation came into being, it provided a great deal of local control. It was not a heavy compliance model. Over the years, as the fraud and abuse has come to light with the program, they have begun to clamp down so that the majority of my time is spent on assuring compliance with a whole series of regulations. That is one of the major problems.

The second problem is they are very restrictive regulations regarding eligibility. Right after the riots, when a large number of people were

displaced from their jobs, CETA was not able to serve those individuals because they had to reach certain eligibility requirements that required them to be out of work 10 out of 12 weeks, those type of requirements. There are also limitations on the amount of money that we can pay a CETA participant. Those limitations in this area are below the wages paid by most organizations, and they would prefer to go into other arenas than work with the CETA program.

I also think one of the major problems with the CETA program is its lack of private sector modeling. I don't think that we are allowed to work with the private sector as we should in the youth programs.

Those are some of the major problems I have with the CETA program.

MR. MCGOINGS. How do you think the private sector views the CETA program?

MS. GALLOGLY. I think I would say there are a variety of reactions to it. To the agencies that we have worked with over the last year, I think there is a positive reaction. They are in fact hiring people, and out of every 10 people that we train in our adult training programs, 7 out of 10 will end the program in a very positive manner, meaning they will either get an unsubsidized job, go back to school, or go into the military; 7 out of 10 are positively terminating the program. That is a Federal term. The five out of those seven are getting a job in the private sector. What we would like to see, I think, is that figure increased and we are trying to do that through the CETA partners program.

MR. MCGOINGS. Thank you very much. Ms. Robinson, would you please describe the various programs conducted by the James E. Scott Community Association?

MS. ROBINSON. In relationship to CETA, we have four programs that are funded. We have two Title II-B programs, an aid to displaced homemakers program that is designed to provide clerical training to displaced homemakers. We have a Title II-B career development program also geared to provide clerical training in conjunction with classroom training with the local community college of Miami-Dade.

We have a Title IV CYEP program, which is the Consolidated Youth Employment Program, that is designed to provide world of work skills, preemployment knowledge, occupational skills, and education along with work experience, and we have a Title VI program that is a PSE, Public Service Employment, and the persons employed under this program supplement the other existing programs under James E. Scott.

MR. MCGOINGS. You are employed in which program?

MS. ROBINSON. Youth Employment Services.

MR. MCGOINGS. Are you the director of that program?

MS. ROBINSON. Yes.

MR. MCGOINGS. Could you tell us how CETA participants are accepted into the program?

MS. ROBINSON. The participants are accepted by way of referrals from the YOC Center, or the COC Center, which is the Career Oppor-

tunity Center, or the Youth Opportunity Center. The referrals are directed to us and we initially interview them at the time they've been tested and gone through the intake process.

MR. MCGOINGS. Thank you. It has often been said that CETA participants are trained for jobs that don't exist or jobs that don't give them very much upward mobility. Do you believe that allegation is true?

MS. ROBINSON. Partly. We are involved mostly in the clerical training, and there is a demand for clerical persons in Dade County. We haven't attacked more of the technical or any other area, but I see that there is a big demand, a need rather, for additional training in those areas, so I do sometimes believe that across-the-board a lot of people are trained in areas that might not be of use.

MR. MCGOINGS. Do the black CETA participants have much trouble finding unsubsidized jobs?

MS. ROBINSON. Yes, somewhat; yes.

MR. MCGOINGS. What problems do the black community-based organizations face in providing the greatest delivery of services to CETA-eligible persons?

MS. ROBINSON. I think probably the biggest thing is the lack of funds. We are not provided enough or sufficient enough funds to operate the programs in the way we would like to see them operated. So as a result, we are servicing less numbers of people, and we are not serving the number of people that really need the services in the community because we are in tune to the community as a whole and we are located within the community. We have a feel for the services that the persons within the community might need, and with the lack of funds we are not able to really reach as many people as we would like to.

MR. MCGOINGS. Do you believe there is discrimination in the granting of funds to black community-based organizations?

MS. ROBINSON. I think so, somewhat, yes.

MR. MCGOINGS. Do you know what you based that on?

MS. ROBINSON. No, I don't really—I don't have any facts. It is just that blacks, on a whole, black organizations on a whole, because of the trend that a lot of them, for one reason or another, have been put out of business, community-based organizations, for whatever reason. I think that there is a cause. Like I say, I don't have any evidence, but this is something that I have seen—I have felt, rather.

MR. MCGOINGS. Do you know of efforts that the black community-based organizations have taken to reverse that decrease in funding?

MS. ROBINSON. No, I don't.

MR. MCGOINGS. How do you describe or characterize the relationship between the consortium and JESCA [James E. Scott Community Association]?

MS. ROBINSON. I don't think there is that much of a communication that exists between JESCA and the consortium. I think that it should be more direct communication because we are a grassroots organization being within the community and having knowledge more of what the

community needs. I think we need more access to the consortium directly.

MR. MCGOINGS. Thank you. Mr. Griffey, would you please describe the function, role, and the goals of the Private Industry Council?

MR. GRIFFEY. The Private Industry Council was mandated under the change in the CETA regulations requiring private sector programs, Title VII, and the vehicle for doing that is the Private Industry Council. The PIC in Dade County, incorporated as a private nonprofit corporation in '78—in August of '79, I'm sorry—and really began operations in April of this past year.

There is a board of 30 members, predominantly business people, and 22 of the 30 members are from business and each represents a different major occupational area in Miami—banking, garment, retail, transportation, covers each of the major areas plus we have representatives from education, labor, community-based organizations, and really have three roles to perform: one is an advisory role to work with CETA, the school system and advising them on private sector needs in the whole employment training area; secondly, to act as a broker between the private sector and public institutions; and the third, as a program operator to demonstrate new ways of doing business in the private sector training. Our major emphasis—the Private Industry Council here locally decided to involve themselves in all three of those activities.

Our major effort, because we are a new organization, has initially been to develop programming within the private sector for CETA-eligible clients, utilizing Federal dollars that would in fact guarantee jobs up front, and that has been our major effort. There are two program types that we are currently operating. The first is a straight on-the-job training program whereby we work with employers to identify their needs, recruit and screen clients for them, develop a training plan; they hire the individuals. We refer to them and then we will reimburse a portion of the wage as a training cost for that employer.

Over the course of the past—since April we have served approximately 115 people through that program, and significantly, we have involved about 70 different companies in Miami with the CETA system through this program who would have not had an opportunity to work with the CETA-eligible clients before, and as I mentioned, in that program any employer who has a job in which he is willing to train for, we will negotiate a contract.

I was interested in some of the comments from the employers earlier—Southeast Bank, particularly. We are working with them now to design some specific training.

The other type of program that we are operating is what we call specialized training programs. Those are essentially customized training for a particular industry area, and one of those programs has been operating for 3-1/2 months now, and we have four more that will start this month, and essentially we will work with an industry who has identified a demand within their company, where they are willing to hire participants and train them in a combination of classroom and on-

the-job training. They structure the program and they operate the programs themselves.

To give you an example, the program that is operating now is cosponsored with the South Florida Hospital Association. Four hospitals have gone together and hired 10 CETA-eligible clients and put them on a respiratory therapy aide training program in one of the hospitals. They spend a portion of their time in classroom at that hospital, and then they go to their hospital where they are employed in on-the-job training. The advantages of that type of programming are that, number one, the employer is actually involved in the training; they know that the standards that they are expecting for their employee will be met because, in fact, they are doing the training.

Secondly, for the CETA participants, it is providing him a job up front; they have a job, they are an employee of that organization, and they are receiving training. We assist those employers in providing that by helping them design the curricula, or refine the curriculum for the CETA-eligible client to ensure there are things built in, such as world of work training, human relations training at the front end, as well as help take up the cost for that and utilize Federal dollars to do that.

We are hoping through those programs we can establish a system whereby in some cases these businesses will be able to continue that training on their on with CETA or with the Private Industry Council through the CETA system, providing the referral for that.

A couple of examples, the other types of programming that we are operating, we will be operating shortly: a bank teller program that will be operated by one of the banks locally. They will actually do the training. A training program for machine typewriter and office machine repairers, that particular program is being offered by employers, an association of employers, but the training will actually—the classroom training portion will take place at Lindsey Hopkins through the school board. That group of employers has worked with the school board to refine their curriculum, provide further training for the employee, and the PIC will provide a portion of the training for that.

The policy of the Private Industry Council has been all of the programs that we operate will be a hire-first training situation, providing the jobs up front and providing that employee the opportunity to make wages at the front end.

MR. MCGOINGS. Thank you. How do you select the participants for the PIC program?

MR. GRIFFEY. After working with the employers and reviewing what their particular requirements are, we will submit to one of the career opportunities centers a job order. They then screen clients for eligibility as part of the CETA system, and against those minimal requirements the employer has set, they are then referred to my account executives who further screen them to see in fact that individual is appropriate for that business.

We have a twofold concern there: One is that we want to make sure we are minimizing the time of the employer in terms of the people that are referred out for them so that they are getting the most likely

candidates, and secondly, our concern for the CETA participants in that they are not being jerked around from job to job, that in fact we try to maximize their opportunity for getting that position. They are then referred out, and the employer has the final selection on the individual they hire.

MR. MCGOINGS. Do you have a way of measuring your success rate?

MR. GRIFFEY. I think it is difficult at this time, since we have in fact only been in operation for a few short months. We are collecting relatively refined data on that, but one of our successes is that every individual is hired at the front end so they are making wages at the very beginning and have a job. That in and of itself is a success.

We have very few people who have actually completed the program as of this date, completed their training with that company. Only 19 individuals have come off of their training and are continuing to work full time with those employers, and it is going to take us a few more months to do that.

However, another major measure we think that has to be looked at also are the number of employers in this community who are beginning to become involved in the CETA system and, in fact, are hiring clients through that system. As I mentioned, there is about 70 of those employers so far.

MR. MCGOINGS. Can you tell us something about the racial makeup of the participants?

MR. GRIFFEY. Since the beginning, of the 115 or so individuals we have served, about 60 percent of those individuals are black, non-Hispanics; about 35 percent are Hispanic; and 5 percent are other, white, Anglo, or Vietnamese.

MR. MCGOINGS. Do you believe the perception is true that private employers have traditionally been reluctant to participate in CETA-sponsored programs?

MR. GRIFFEY. In a general sense, yes. I think that there are really three levels of employer reaction to CETA within Miami, and I think one is those employers who have worked with the CETA system and the CETA operator who have been successful are very positive about it. That group who have been unsuccessful with the system are very negative. I think those people who have no interaction with the system basically have a generally negative approach because, to a large extent because, of the very adverse publicity about the CETA system locally.

MR. MCGOINGS. How would you describe your relationship or the relationship of PIC with the consortium?

MR. GRIFFEY. Well, it's a partnership and with any partnerships there are, you know, high spots and low spots. It is a cooperative working relationship that we hope to strengthen.

Our major concern working with them at the very front end was to structure programs to involve employers and actually providing training. We are about at that stage now and want to move forward in terms of more cooperative types of advisory and brokerage types of relations, and there is a very willingness, I believe, on both sides to do that.

MR. MCGOINGS. Thank you very much. Mr. Hanke, would you describe your duties as a Federal representative in charge of working with the consortium?

MR. HANKE. Yes. My primary responsibility is to be the focal point or liaison between the Federal Government and local government, in this particular case the five jurisdictions that form the consortium. Those responsibilities include providing the needed technical assistance to ensure the program's operation is as smooth as it can be and to provide oversight or monitoring for compliance area for the program.

MR. MCGOINGS. Thank you. What were the problems experienced by the consortium in 1978?

MR. HANKE. We don't have long enough to go into all the problems. The basic problems were those that were mentioned by Ms. Gallogly, specifically a lack of a client tracking system, a lack of management system, and a lack of a fiscal control process. Those were the three basic problems. Inherent in those are ancillary problems that provided a general mismanagement of the entire program as well as a lack of attention being paid by the chief elected officials to the program at that time.

MR. MCGOINGS. How does the consortium presently stand in relationship to other prime sponsors?

MR. HANKE. For the last 2 years—well, since the inception of CETA, one of the requirements that I, as a Federal employee, have is to conduct, on a yearly basis, an assessment of the programs of each program.

In 1978, the prime sponsorship received a three rating, which was the worst rating that could be given. The three rating indicated serious problems existed in the prime sponsorship which could not be corrected in time for the next fiscal year.

For 1979 and 1980 that three rating was changed to a number one rating, which indicates that the prime sponsor is eligible for immediate funding at the beginning of the next fiscal year. So in a period of roughly 8 to 9 months, the program management was reconstructed, and the chief elected official's attention was reconstructed to the extent that it came from the lowest possible rating in terms of an assessment to the highest possible rating and has retained that rating for the next year, '79 and '80.

MR. MCGOINGS. Thank you. Would you tell us the criteria established by the Department of Labor to judge the performance of private industry councils?

MR. HANKE. The criteria to judge the performance of private industry councils is essentially the same criteria that we would use to assess a prime sponsorship, remembering that the relationship that we have, we, the Department, has is with a prime sponsor, not with a private industry council. It is a one-step-removed process that you are asking me to describe.

We assess prime sponsors' performance; prime sponsors in their contractual relationship with private industry councils maintain their responsibility of assessing the PIC's performance. Basically, to answer

your question, a successful private industry council performance would be one which had a variance of less than 15 percent from its established plan, and the plan would constitute no less than 80 percent positive terminations and no less than 60 percent unemployment rate for the course of an operational year. Those are statistical measurements. There are others.

MR. MCGOINGS. Thank you. Mr. Chairman, I have no further questions.

VICE CHAIRMAN BERRY. I have a few questions, to begin with you, Ms. Gallogly. We heard some testimony earlier from the man who runs the personnel department in Miami—I think it is Mr. Krause—about how the CETA program was less useful than it had been before the 1978 amendments. In effect, I think he expressed some quite negative views about the program. We have also heard some negative views about the program from some of the unemployed people who are supposed to be served by it. Why do you think that, in particular, city employers might feel negatively about CETA, especially since the 1978 amendments?

MS. GALLOGLY. Prior to the '78 amendments, there were certain regulations in place. All you had to do to be eligible for the CETA program was be unemployed 30 days, so there were a period of years where cities, counties, all throughout the United States were able to hire large numbers of people who had bachelor's, master's degrees, doctorates, in a variety of positions. They used those positions—we are talking about hundreds of thousands of jobs. They used those positions to augment their work force. So in the case of the city of Miami, back in '78, one-fourth of their work force consisted of CETA-eligible people, and those people were skilled, qualified, by and large. The law changed in '78 and where prior to that 60 percent of the people in the CETA program were disadvantaged, now 98 percent locally are disadvantaged, so that where we were able to refer to municipalities skilled sources of people, we now cannot do that.

I would like, if I could, to share with you that the majority of people that are coming to our intake process do not have the basic education to perform the jobs. We've tested them, every single one of them, and we are finding that 25 percent of the youth that comes through our program are preprimers; that means they cannot read and write at the second grade level. We are also finding that the majority—and that's the overwhelming majority—of our clients tested out at the fourth and fifth grade reading level, lower for the math level.

Our problems with the CETA program, I think, go back to a set of very unrealistic expectations. CETA is not the panacea we would like it to be. We do not get adequate funding, nor is the program structured from a regulations standpoint to provide the flexibility we need, so that when you look at the CETA program, you have to understand two factors, I think: it is a long-term proposition to train CETA clients; secondarily, it is very costly to do that. The people are angry about that.

VICE CHAIRMAN BERRY. How much does it cost to train a person in CETA? I hear sometimes about \$15,000.

Ms. GALLOGLY. No.

VICE CHAIRMAN BERRY. Is it that?

Ms. GALLOGLY. No. The lowest rate is \$640. That's for the summer program which many of us are opposed to. I would say the average adult training cost is about \$4,300 a year.

VICE CHAIRMAN BERRY. \$4,300?

Ms. GALLOGLY. That's correct. The cost of the public service programs are substantially higher. They are of a whole different variety. They are not training programs; they are government service programs. I think the problem—you know, if we could start over, I would think that the CETA programs should be in the business of basic education and in a very limited fashion in the area of vocational skills training. We have a number of programs—and this is where we are changing for next year—that are doing clerical training, typing; but if you can't read and write, it is of no benefit, so we really find ourselves having to go back to the very basics.

VICE CHAIRMAN BERRY. Under the youth programs, in particular, one assumes that the school system is doing something about training people and basic skill education. Why would the Labor Department want to do what the school system is supposed to be doing?

Ms. GALLOGLY. A good part of our programs' programming is targeted at out of the school youth who are no longer in the school system, and these are the individuals that are involved in the basic education. I should share with you the school system does a great deal of the basic education retraining, so they are heavily involved with us.

With respect to the new center we are going to open in Liberty City, for the first time the school board has agreed to provide to CETA basic education at no cost to us. We had to always pay for it, so now they will be providing that to us at no cost. But frankly, it takes at a minimum 12 to 18 months for us to get someone ready to go on a job, that is, a job that has very minimum entrance requirements.

VICE CHAIRMAN BERRY. For any of you, now the CETA program is working regularly, and now they have a one rating or a four—

Ms. GALLOGLY. One.

VICE CHAIRMAN BERRY. —One rating, and everything is running fine?

Ms. GALLOGLY. Well, it is not.

VICE CHAIRMAN BERRY. Well, it has a one rating and for either of you, Mr. Hanke, one of the panel, and you also have another \$10.3 million, if I understood you correctly. You will have another \$10.3 million to spend over the next 4 years. Does that mean in the unemployment problems in the area where the riots took place, typically, are likely to be resolved in such a way that we won't have to have people complaining about—

Ms. GALLOGLY. The answer is absolutely no; \$10.3 million will train 3,000 people.

VICE CHAIRMAN BERRY. Mr. Hanke, did you want to comment?

MR. HANKE. I wouldn't take quite the same absolute position that Ms. Gallogly takes. In and of itself, \$10.3 million will not solve the unemployment problem in Liberty City. There is no question about that. It is hoped that the \$10.3 million that is provided over the next 4 years will be linked together with private sector money and other public agency monies begin to address some of the problems that exist in Liberty City and, therefore, to help to reduce the rate of unemployment. Respond totally to it, absolutely not, but, yes, it should help reduce it. That's the monies being granted.

VICE CHAIRMAN BERRY. Is it your impression, Ms. Robinson, if you would, would there be expectation among the people with whom you deal that the new money that is coming in that we're talking about will now see to it that this problem is solved, that unemployment problem will be addressed? Would that be your general impression?

MS. ROBINSON. I don't believe that the people in the community feel that this will be the answer, and my organization feels that this is not the answer. I think it is like someone said that somewhat of a solution to some of it, but it won't take the entire effect to some of the problems we have in the community right now.

I think that a lot of people are sort of anxious to see what will happen in terms of the new proposed skills center, and I think that it has some significance. But it will not be the answer to all of our problems and perhaps more programs like this, that will be geared toward providing specific skills, might be a solution, not a total solution but a part of it.

VICE CHAIRMAN BERRY. We had one or two witnesses on other panels—two, as I recall—who suggested that what we ought to do is close down the CETA programs and to take the money in the programs and use them for minority business enterprise development so that there will be independent business development in the black community, especially then we would create some jobs for the long term. Would any of you support that suggestion, or would you oppose it?

MS. GALLOGLY. I would support the use of CETA dollars—not the entire \$70 million amount, because I think there is many purposes it is being used for that are legitimate and productive—but I think as we look ahead to '82, we need to clearly use this money for entrepreneurial training linked to financing so that we can put people in business. We are letting a request for proposal, RFP, process within the next 30 days to go out and have people bid on entrepreneurial training programs for us. We feel that we will be able to train them against industrial standards, but if the money is not there from the banking institutions, it is going to be very difficult because the major problem is undercapitalization.

I would like to see a reuse of these dollars. We have set as a goal for the CETA consortium for the balance of next year to see at least five new businesses brought into being through the use of CETA dollars. We have specific ideas and we are working in those areas, so we are trying to refocus the CETA program in the area of economic development. I think, as you may know, the CETA program will be reenacted

this year, for '82. The legislation runs out, and I think there is a significant need to "privatise" the program, to link it with economic development so that the job training we are doing is in the area of economic development.

With Reagan in place and his concept of free enterprise zones, I think we need to be aware of that and to provide the training and see that a certain percentage of the people hired through the free enterprise zones are in fact CETA clients that have been trained to industrial standards. I think there is a variety of things to be done to move the CETA and resources into the private sector, and I think that will be a longer term benefit. I agree with you.

MR. HANKE. While I am supportive of using portions of the CETA funding for entrepreneurial training, and a part of that \$10.3 million that was recently awarded will be used for entrepreneurial training, I think it will be a travesty to take the entire CETA program and turn it into entrepreneurial training program when, as a matter of demonstrable fact—and we have heard this for the past 2 days—the vast majority of the constituents that the CETA program was passed to serve are not in a position, educationally or culturally, to enter and maintain their own businesses at this point. To do away with basic education and training programs and skills training programs in favor of simple entrepreneurship would be a travesty.

VICE CHAIRMAN BERRY. I just have one last question. From some of the other testimony, too, I think I understood that one could characterize what's wrong with the employed people who are involved in CETA programs is that many of them, the youth especially, are not versed in and do not exhibit what we would call the white man's culture. Do you and CETA teach people the white man's culture and see to it that they are able to exhibit it?

MR. HANKE. I don't see it. I oversee CETA programs and I would hope that I would not see it. For I to see a situation such as this, I would do my best to stop it.

VICE CHAIRMAN BERRY. In other words, you don't want people to learn things like the white man's culture in terms of—

MR. HANKE. That's not quite what I said.

MS. GALLOGLY. I would like to ask you, what do you mean by that white man's culture, so I can ask someone in the system at large—

VICE CHAIRMAN BERRY. I would characterize it as using the shorthand term in order to provoke a response from the witnesses. What I mean by that is, we have heard expressions that people don't know how to understand work ethic, they don't know how to get to work on time, youngsters come looking for a job with their hair plaited or braided, with a T-shirt or with some sneakers on; the braiding of the hair, wearing of a cap, or something that people are inculcated with, this kind of drive and motivation which I was characterizing by using the white man's culture. Do you teach people those values in CETA and do you insist they learn them and that they are able to exhibit it?

MS. GALLOGLY. Let me share with you what we're—the most progressive thing we are doing now. We are the only urban site in the

United States testing the new model of youth legislation. Part of that model requires that we have in place something called employability skills training, which very clearly sets forth as objectives the work ethic: time and attendance, proper dress, proper behavior, conflict resolution, understanding what a supervisor is and isn't and how to relate to that person very clearly. And I would say this very strongly that I would doubt that's a white man's culture. I think that's business.

And on my own, having run businesses, I know businessmen and women, and let me share with you that, regardless of race, if we are going to be a productive society, we have to require that we have a business-like approach to what we are doing. I am 100 percent convinced that the CETA program has to be that way—and there was a recent chamber of commerce survey at a national level with people who hire youth, and the interesting thing they said, if you could just give us youth with the good work ethic only, good work attitude, we would hire them. I'm sure there's some real problems inherent with the reality in terms of providing people and getting them hired, but I think we have to meet industrial standards. By that I mean we have to meet the work ethic in those kind of concerns. We have to make sure that our training programs meet those standards.

Today at lunch I met with the vice president of Southern Bell for the State of Florida. We have agreed to set up a training program to his standards, his business standards, and we will do nothing but work to that end. At the end of that program they will have those jobs, and I think there will be a guarantee for those jobs. I think also that we have with our youth program imposed a very new standard this year. We will not put you in our youth program, absolutely not, unless you are willing to do two things: one, get your GED if you are out of school, because we know that is the major requirement almost all employers have, so why should we waste our money teaching in vocational skills when we are required a high school equivalency degree. So we are requiring that.

A number of people say, "I not going back to the classroom. I am not going to get the GED," and they are being turned away from the program. So that with our limited resources we're trying to target them to the industrial standards and needs of the businesses that we're working with.

VICE CHAIRMAN BERRY. Wonderful.

CHAIRMAN FLEMMING. I must get into the discussion here for a minute at this particular point simply for the purpose of passing on an idea, and it may be an idea that is already being implemented.

Some of you may or may not know I have also been interested in the field of aging and the opportunities for older persons to continue to be involved in life. I have felt that one of the finest ways in which to utilize older persons is as teachers, as trainers. I have felt that the CETA training programs provide an unusual opportunity along this line.

In the testimony that we have listened to today, and discussion that you just had with Commissioner Berry, brings out one point that I have

emphasized. I think it is true not just here but throughout the country that many of the unemployed youth do not understand the world of work and in many instances they have come from families where maybe for two or three generations no one has had the opportunity to become involved in a full-time job.

It seems to me that as these training programs are developed for youth, that older persons can be helpful not only in transmitting skills—they can oftentimes be very, very helpful there, growing out of their experiences—but they can also be very helpful in introducing these young people to the world of work.

Comment has been made about, in some instances, they do not comprehend what people are saying when they say, "You should get to work on time." In the middle 1960s I was privileged to be associated with the late Walter Reuther, along with others, in the development of the Urban Coalition, and I recall at one of the early planning meetings he talked about an experience they were having in Detroit in the sixties where they were trying to open up opportunities for minorities in the automobile industry. They discovered what I've just been saying, that a good many of them did not understand the world of work; they did not understand what people were saying when they said, "You should get to work on time," because time had not been a factor in their lives. So he devised a program within his own union, the United Automobile Workers, under which older members of the union, in effect, became "buddies" for these younger people from the minority groups and worked with them on introducing them to the world of work.

I know there are certain provisions in the law relative to older persons, and I assume certain provisions have found their way into the regulations. Instead of those being looked upon as burdensome or as being in conflict with the objectives that CETA has for youth employment, it has seemed to me that one could complement the other and that, as we develop these programs, if we reached out to the older persons in the community, related them to the training programs as trainers or trainer's assistants, whatever role they might play, that they might really be helpful in transmitting skills and also in building bridges into the world of work for these people. I don't know whether you have had any experience along that line or not, but I just pass it on as an idea.

Commissioner Ruckelshaus?

COMMISSIONER RUCKELSHAUS. I had a couple of questions for Mr. Griffey. How is your organization, PIC, financed?

MR. GRIFFEY. Currently, all of our funding comes through the Department of Labor, through the South Florida Training in the CETA program. The board has established a policy, however, that within 3 to 5 years they want to be independently funded from other sources, and they have recently established a cooperative development fund to begin getting other types of money to augment the CETA dollars. The concern is that we would like to operate the program out of non-CETA dollars so that all of that money is available would go for training programs and for those participants, and also there are pro-

grams that the board is particularly concerned about providing that are not currently allowed because of eligibility criteria; for instance, programs for people who are the near poor, just over the line in terms of CETA eligibility, who desperately need services, but currently all of our money is through CETA.

COMMISSIONER RUCKELSHAUS. So at the moment, you are not receiving any money at all from the private industry. In fact, you pay them for training when you use their facilities?

MR. GRIFFEY. Well, no. Almost every program that is being operated—first of all, any OJT program, we only reimburse 50 percent, as I mentioned, return rate while they are in training. In terms of the specialized training programs that are operating, if those employers are contributing to operating that program, for instance, we provide for no administration. So in the case of the Baptist Hospital program, they tried to pay hospital administrators or bookkeepers. They provide equipment, space rent, and I think that in that particular program they are kicking in something like \$10,000. Every one of those programs they are adding money into, so you can count that as dollars going into to support the program.

COMMISSIONER RAMIREZ. Mr. Chairman, I eventually always talk about the involvement of the family. We have heard testimony here over and over again that there is a need for family-strengthening strategies among the children in the most deprived areas in Miami. To what extent are there family-strengthening services, skills, attitudes, values provided or developed among CETA trainees that are responsible for families? Do you do any of that at all, Ms. Gallogly?

MS. GALLOGLY. In the youth programs it is a contractual requirement that family counseling be provided where appropriate. In fact a number of the CETA programs, especially in Hispanic areas, as part of the entrance requirement, they meet with the family prior to bringing the kids into the program. There is a variety of—we have not mandated the specifics at this point of how that should occur, but that is a program requirement, and we do monitor it to make sure that is going on where it is appropriate.

We will impose that as a program requirement next year for all programs, but we are looking at the youth program this year, since it is an experimental national model, as to what works, what is most appropriate, and that will be part of the requirements for next fiscal year.

COMMISSIONER RAMIREZ. Let me ask you, Ms. Gallogly, what do you consider your success rate with nonyouth programs? That is, what percentage of your nonyouth trainees do you consider as successful?

MS. GALLOGLY. Seven out of 10 people in the adult training programs successfully complete the programs.

COMMISSIONER RAMIREZ. When you say that, does that mean they get jobs and keep them and become fully functioning employed people?

MS. GALLOGLY. No. It means that and a variety of other things. Seven out of 10 will either get a job, go on to school to further education, or go into the military, now, which is a special category that is counted. So we are saying that 7 out of 10 people positively end the

program, and they do. Five out of the 10 get unsubsidized jobs. We track those people for 150 days to ensure that they are still employed, and over 60 percent still have a job 6 months after they have been put on board.

I think one of the major weaknesses with the CETA program in terms of changes that are really necessary is that evaluation is not something that is a nicety but something that is a necessity, and we don't do that. We don't do longitudinal research studies.

Now that we have really not finished our compliance review and are moving into new areas, we are going to do a longitudinal study that goes back for 2 years and tracks 500 people to see what happened to them, what were their wages doing prior to the CETA program, what occurred there, and where they are now. That's just something that always falls to the wayside when Federal funds are cut, and there needs to be some system of mandating that.

COMMISSIONER RAMIREZ. Just getting back to my question of family services, family-strengthening services, for CETA trainees who have families, do you find that mothers who have small children who have successfully completed your program and go into unsubsidized employment, who may lose their child care services at that point, do you find them slipping back into the ranks of unemployed?

MS. GALLOGLY. I don't have the precise answer to that question because we have not been able to truly evaluate to that precise a level. I do have some knowledge from an informational standpoint, from talking to clients and to programs. There are many more incentives to staying on welfare and receiving job care support, or when you are in the CETA program you get free child support. When you get off the program, the wages you were paid really don't provide sufficient support for you to continue that child care service, so you do better taking advantage of the various public assistance programs than you do in the CETA program.

That's why in this area and across the country the majority of clients are female and not males. Males will not work for these wages, by and large, and we have a great difficulty in recruiting males into the program, but that goes back to my statement about the CETA program. It is too restrictive. There are too many restrictions on us. So you cannot pay the wages that are required, really, on a long-term basis, to keep people in the system. That's one of our major problems.

I just can't answer that question with any level of specificity.

MR. GRIFFEY. If I could make a statement relative to that; it raises an interesting issue, and that's the issue of the provision of jobs or job training alone is not the answer to the unemployment problem. There is a whole complex system of issues that are involved in that. The whole area of supportive services of family structure changes in our society and child care in fact is one of the major problems. Whether or not that is simply available in the Miami community is a major issue. Child care, to a large extent, is not available to any group much less to those people who are making very low wages, and there is a graphic example of that. We had a client who we were able to get an on-the-job training

position, a woman, head of a household, two small children. We were very happy with the employer, she was learning her job, and the employer was very happy with her. Her babysitter quit. My staff spent 2 weeks trying to locate child care for this trainee. We were able to locate a spot for the one 4-year-old, but could not for the infant care. It was simply not available. That woman had to quit her job. As far as my programs statistics is concerned, she is a negative termination. She did not successfully complete the program, although she was very happy. There are lots of women who come unable to come in the system because the services are simply not available, and even if they were, they couldn't afford to pay for them when they make \$3.50 an hour or \$4. So just in trying to bring the jobs to them that are not there, there is a whole plethora of issues that are tied into that.

CHAIRMAN FLEMMING. Thank you very much. We want to thank all the members of the panel for being with us and making these contributions. Thank you, very, very much. It has been very helpful.

Counsel will call the next witnesses.

MR. MCGOINGS. I call Federico Costales, Theodore A. Bukowski, Bennett O. Stalvey, James Nathaniel Ellis, if you will come forward, please.

[Federico Costales, Theodore A. Bukowski, Bennett O. Stalvey, and James Nathaniel Ellis were sworn.]

**TESTIMONY OF FEDERICO COSTALES, DISTRICT DIRECTOR, AND  
THEODORE A. BUKOWSKI, DEPUTY DIRECTOR, EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION; JAMES NATHANIEL ELLIS, AREA CIVIL  
RIGHTS DIRECTOR, U.S. SMALL BUSINESS ADMINISTRATION; BENNETT O.  
STALVEY, OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, U.S.  
DEPARTMENT OF LABOR**

CHAIRMAN FLEMMING. We appreciate your being with us.

MR. MCGOINGS. For the record, could each of you please state your name, your address, and your occupation, beginning with Mr. Costales?

MR. COSTALES. Federico Costales, 665 Northshore Drive, Miami Beach, Florida, District Director, Equal Employment Opportunity Commission.

MR. BUKOWSKI. Theodore A. Bukowski, Deputy Director, EEOC, 300 Biscayne Boulevard Way, Miami, Florida.

MR. STALVEY. Bennett Stalvey, 3675 Battery Road, Coconut Grove.

MR. ELLIS. James Nathaniel Ellis, area civil rights director, located Atlanta, Georgia, 206 Silver Spring Circle.

MR. MCGOINGS. Thank you. Mr. Costales, would you please describe the various programs now in operation at the Equal Employment Opportunity office in Miami?

MR. COSTALES. Yes. We have a rapid charge processing system at EEOC which is composed of intake and factfinding intake. Very quickly, it is the first contact the public has to charge the party. The Commission intake provides an opportunity for the public to receive counseling and to shape the charge and get relevant information that would allow us to make the determination as to the routing, the way

the charge should go. Factfinding, then, is an opportunity where charging party and respondents be brought together and get at the facts that would lead to a solution of whatever is in dispute, the charge itself.

We also have a systematic program which is charged with the responsibility of analyzing employment trends of industries, businesses to seek out and identify apparent systematic trends in employment, hiring, promotion, discrimination, male, female.

We also have a State-local unit which we are responsible for monitoring the development of the State and local program, charge processing, discrimination, and employment investigation by fair employment practices agencies in the State of Florida, which we have four: Jacksonville, Orlando, Metro Dade, and the Florida Commission on Human Relations.

We also have an equal pay unit. We also have an age discrimination unit. Of course, age discrimination is responsible for investigating allegations of discrimination of those who are a protected class, age 40 through 70, and then in equal pay we also have responsibility to investigate allegations of equal pay violations based on discrimination or different pay provided female employees than male, based on skill, effort, and responsibility in the same area.

We also have a legal unit which is responsible for litigation, preparing cases for litigation, looking at cases and determining which cases will be litigation worthy, which would go into it quickly. The litigation vehicle that we have called the ELIP, Early Litigation Identification Program.

MR. MCGOINGS. Could you tell us something about the number and the types of charges of discrimination that are being filed?

MR. COSTALES. Yes. In FY '80, if I might refer to that, we had 1,800 charges of which 1,000 were—I have the precise figures if you want.

MR. MCGOINGS. Yes, if you could.

MR. COSTALES. In 1980, October 1, 1979, to September 30, 1980, which is our fiscal year in the Commission, our intake unit, that is EEOC, processed, handled, 1,657 charges, of which 1,000 where the basis is race, black; the next was American Indian, 5; white, 38; Asian-Pacific Islanders, 2; 1,145 national origin discrimination, Spanish American, violation charges were handled; Mexican, 2; others, 63. sex; female, 444; male 45. On October 1, 1980, to December 5, 1980, we had 169 charges where the basis is race, black.

MR. MCGOINGS. Do you have any of those figures for Dade County?

MR. COSTALES. This is Miami and also Tampa combined.

MR. MCGOINGS. Thank you. Which of the programs that you have described for us do you feel is producing the greatest results?

MR. COSTALES. Right now, the factfinding is producing the greatest results, as far as I'm advised, based on information that I have in here.

MR. MCGOINGS. Thank you. Mr. Stalvey, would you please describe the various programs in operation at the OFCCP office in Miami?

MR. STALVEY. Yes. Our area office administers three programs, affirmative action programs. One, the Executive Order 11246 program,

and the two others are based on public laws, Rehabilitation Act of 1973, and the third one is the Veterans Act of '74.

The Executive order program is divided into two parts: one is on construction and the other part is on all other industries, which we call supply and service industries. These programs affect job opportunities on Federal contracts and subcontractor work, more specifically, minority groups, women, handicapped persons, Vietnam veterans, and disabled veterans of all wars.

Our work is accomplished through two means: compliance reviews and complaint investigation, primarily compliance reviews. Our geographical area is comprised of seven counties in south Florida, from Stuart, Florida, North Palm Beach to Key West to Naples, which is south of Fort Myers on the west coast, and our universe of contractors is changing all the time. It is never complete. We estimate there are between 500 and 600 Federal contractors in our seven-county area.

We also estimate that 60 percent of these are located south of our office. Our offices are located on the Dade-Broward line, or very near there, and 60 percent of the contractors are located south of us, most of those in Dade County. The other 40 percent of the contractors are located north and west of our office, primarily in Broward and Palm Beach Counties.

MR. MCGOINGS. Thank you. Mr. Ellis, would you tell us, please, about the programs in the Miami-Dade area conducted by the Small Business Administration?

MR. ELLIS. The Small Business Administration Compliance Division has the responsibility of assuring compliance on the part of its beneficiaries and recipients with all applicable Federal civil rights laws. We also have the responsibility of eliminating and minimizing the number of complaints against program offices and complaints against recipients of the agencies.

I have statistical information on our Miami district office, so far as the number of recipients we have and the number of recipients that we are currently monitoring. We have in Miami, which is our district office, a total of 4,215 loans overall. Of this total, there are 2,837 business loans; now, these loans come to us from our district office through our loan approval documents, and we monitor these recipients by sending them compliance report forms to monitor their employment practices, and we also select some of these recipients to do onsite reviews. We also perform investigations when we have complaints against recipients by an employee of a recipient or an applicant of a recipient, and we also perform investigations of district offices, such as the Miami district office we have here.

MR. MCGOINGS. The business loan recipients that you monitor in the southeastern region, are they all of the business loan recipients in the southeast region? Do you monitor all of them?

MR. STALVEY. No. We do not monitor all SBA loan recipients in the southeast area. We monitor those that meet certain employment requirements total-wise. For instance, at one point in time we were monitoring all loan recipients that had employees of 20 or more in their

work force. Currently, our SOP [standard operating procedure] has reduced that figure to 15, and we are monitoring more recipients at this time.

We are also in the process of going to a computer system which will allow our compliance computer file to be merged with our loan file, which would give us the advantage of monitoring more recipients than we have in the past. I think when it is put into effect in January, we will be monitoring four times as many recipients in the coming year than we have in the past because they were automatically picked up by the computer, whereas before we were relying primarily on being notified from the district office of approval loans, and in those loans which indicated a recipient of 20 or more. With a computer system we will be monitoring loans with the recipient having employees of a work force of 10 or more, so our coverage of loan recipients will be enhanced greatly starting on January 15.

MR. MCGOINGS. What is the SBA's definition of a small business?

MR. STALVEY. A small business as defined by SBA can vary from industry to industry. For instance, the general rule of thumb is a small business can be as many as 500 employees by a particular recipient. We do have a situation where we have some—and industry, particularly in the automobile industry, where a small business can be one which hires or has employed 1,000 employees, so they vary or it does vary from industry to industry. This determination is made usually by size and the appeals board located in the central office.

MR. MCGOINGS. Thank you. Mr. Bukowski, what are the criteria for selecting employers for systemic action?

MR. BUKOWSKI. Generally, the employers selected for systemic action are those employers who have been identified with patterns of employment discrimination that are most serious, and where the maintenance of a successful, systemic case will have a significant, positive impact on the employment opportunities available to minorities and women.

The Commission has approved certain standards that are published by the Commission. Generally, these are employers with low utilization of minorities and women, substantially disproportionate in minorities and women in a similar labor market; employers or other persons subject to Title VII who maintain specific recruitment, hiring, job assignment, promotion, and discharge policies and practices which have an adverse impact on minorities and women.

MR. MCGOINGS. Thank you. Do you find that these criteria are suitable for the local business establishment profile?

MR. BUKOWSKI. Yes, sir.

MR. MCGOINGS. They are?

MR. BUKOWSKI. Yes.

MR. MCGOINGS. What specific goals has the EEOC headquarters set for the district offices' systemic unit?

MR. BUKOWSKI. Because of the amount of resources that are needed to investigate a company's systemic discrimination policies, the Commission has identified, at least for the Miami district office, seven

respondents to be selected under the systemic program for the fiscal year 1980.

MR. MCGOINGS. Will these respondents be reviewed by the headquarters office?

MR. BUKOWSKI. Not only are they reviewed, but our selection of targets must be approved by the headquarters office, and the headquarters office would submit it to the full Commission for the submission of a Commissioner's charge to be filed.

MR. MCGOINGS. Since the beginning of the systemic unit program, how many systemic cases has the headquarters office reviewed from the Miami district office, do you know?

MR. BUKOWSKI. My guess would be about a dozen or so.

MR. MCGOINGS. Would you repeat that, please?

MR. BUKOWSKI. About a dozen.

MR. MCGOINGS. About a dozen. Has any final action been taken on those cases that you know of?

MR. BUKOWSKI. The Commission has approved Commissioner's charges on, I believe, four respondents.

MR. MCGOINGS. Were any of those respondents Dade County employers?

MR. BUKOWSKI. No, sir.

MR. MCGOINGS. Mr. Stalvey, the area office has a priority list of industry categories for review. What method is used to determine the categories that will be priorities?

MR. STALVEY. Well, the priorities are determined, first, by our national office, and some other priorities are determined by our regional office. Then we have input before they determine that to persuade them that certain industries are important in our area, and we have some flexibility after that. We have more flexibility this year than last year, for example.

MR. MCGOINGS. What are the priority industry categories for 1981?

MR. STALVEY. For 1981 there has been a change. We persuaded—I think, our input to make the electronics industry as one of the priority industries. We are continuing to have a priority on banking; another one is the machinery industry. We have a priority on universities, some insurance, and of course, construction.

We do not have food and paper, and this area does not fit us as well as does other area offices, so we have shifted to more contractors and electronics.

MR. MCGOINGS. Do you have as priority industries coal and oil industries?

MR. STALVEY. That was our priority last year.

MR. MCGOINGS. What about the steel industry?

MR. STALVEY. That was the priority last year, also, and did not fit us as well as the priorities this year.

MR. MCGOINGS. In your opinion, were these suitable priorities for this area?

MR. STALVEY. Last year, no. We didn't—in my opinion they were not. We did do some reviews in those industries, but we did not feel they were the most suitable priorities.

MR. MCGOINGS. What industry is the predominant government contractor in Dade County?

MR. STALVEY. Electronics and banking.

MR. MCGOINGS. Mr. Ellis, what is the primary method used by the SBA to ensure nondiscrimination in employment by a recipient business?

MR. ELLIS. SBA uses primarily a voluntary method of compliance. That is our number one method of achieving compliance.

Secondly, we also have the authority to recall or curtail or terminate our loans.

Thirdly, we can go to the courts. We find that for the most part all of our recipients—when we have problems, we talk about loan acceleration; that is where we usually get the best results from all of our recipients for the most part when we do run into problems.

MR. MCGOINGS. How many recipient businesses in the southeastern region have had Federal financial assistance suspended or refused or terminated for failure to comply with nondiscrimination guidelines?

MR. ELLIS. We have had three, to my knowledge, that have been brought before our board where services or where funds would have been terminated, and most of our recipients that have fallen in this category usually—I think, we average now about five a year out of a total portfolio that they may pay off that loan rather than comply with our regulations, but for the most part those recipients have readily complied when we talk about loan acceleration.

In addition to the loan set I spoke to earlier, which is our regular business program, I failed to mention, too, that we are also now covering SBICs and SPICs, and we are now in the process of receiving information on all loans that are dispersed by our SBICs, which will also give us a greater coverage of all loans, whether direct or whether they fall in the category of being subrecipients of SBA, would also be covered by our office.

MR. MCGOINGS. Has your office, that you know of, ever suspended or terminated an employer?

CHAIRMAN FLEMMING. Pardon me just a minute. What is SBIC?

MR. ELLIS. Small Business Investment Company.

MR. MCGOINGS. To your knowledge, has the SBA ever terminated or suspended a business recipient in Dade County for discrimination?

MR. ELLIS. We have not.

MR. MCGOINGS. If the EEOC or the OFCCP were to take action against an SBA recipient in Dade County, would your office be notified of it?

MR. ELLIS. We would not. Normally, when we need some information from EEOC or from another agency, we would request it from that agency, but we have not to this date been approached for the most part by another agency for any other type of information of our recipients.

MR. MCGOINGS. Would it be possible for the OFCCP to suspend or terminate a company and that company continue to receive an SBA loan or SBA assistance?

MR. ELLIS. Under the present system, that might be possible; however, I may also like to defer that particular question to the chief of our compliance division for the past 12 years who is also present with me today, Mr. J. Arnold Feldman. But to my knowledge, that could happen without my office being notified of such action.

MR. MCGOINGS. Thank you. The staff of the Commission provided your office with a list of approximately 40 Dade County businesses, each of which received over \$100,000 in SBA loans between 1975 and 1979. Are you familiar with that list?

MR. ELLIS. I am, sir.

MR. MCGOINGS. On how many of these loan recipients did your office have notice that they have received SBA loans?

MR. ELLIS. There were approximately 11 that we were able to match up. The reason, I think, for that is that we do make a lot of loans, and the information that we get that a loan has been disbursed would be dependent upon the number of employees. So at the point in time when we were having a cutoff point of 20 or more employees of recipients, we would not have been notified of that particular disbursement.

MR. MCGOINGS. Thank you. Mr. Stalvey, the OFCCP utilizes the Eisen Value System to determine which contractors will undergo a review. Would you explain the system for selecting contractors?

MR. STALVEY. Well, that is a beginning point. The Eisen Value System is based upon EEO-1 data, and it provides information about the actual utilization of minorities and women separately by Federal contractors in each standard metropolitan area. The system is, as I said, a beginning point, part of a judgmental process. We go further than that for selecting contractors. It shows the utilization of minorities and women separately by establishments; it carries one firm to another in the same industrial grouping; it ranks from the lowest to the highest, the worst first, and it shows an average utilization within the industries and each geographical area.

Then with that as a beginning point, we consider many of the factors—size, specific complaints, community input of all kinds, media stories—when they seem to be appropriate—and certainly growth and expansion. That's done in the first place by the national office, but we certainly look for that where there are mergers or any kind of expansion that might provide more job opportunities. We would see this in the media, sometimes. Sometimes by simply comparing the current EEO-1 report with the last one and then, of course, we take into account a certain geographical dispersion for our selections, and then such factors even as training.

Our job descriptions for our trainees permit us to select the contractor with that in mind. I mean, it would be easier to train a trainee on a small contractor, for example, or in a certain industry than another. It is merely a factor among others, but it is one.

MR. MCGOINGS. Thank you. How many government contractors are there in the seven-county area for which OFCCP has responsibility?

MR. STALVEY. We estimate there are between 500 and 600 in our total seven-county area, and perhaps 60 percent of those are in the Dade County area.

MR. MCGOINGS. Thank you. Mr. Ellis, does an employee of a recipient business have a right to file a discrimination complaint with the SBA?

MR. ELLIS. Yes, a recipient employee may file a complaint with our compliance division. Normally, these complaints are directed to the Washington office. They in turn would log that complaint in and send it to the appropriate central office duty station. Our central office duty station for this region is located in Atlanta. We would in turn then make the investigation of that particular recipient.

MR. MCGOINGS. Have you ever received a discrimination complaint by an employee of a recipient business in Dade County?

MR. ELLIS. None from Dade County.

MR. MCGOINGS. What do you attribute this nonexistent number to?

MR. ELLIS. I would think that the recipient employees that may have a complaint would have already utilized the local offices here in Dade County. We have not received any from any employee of any recipient within Dade County itself. We have had, in prior years, a sex discrimination complaint against the district office, but that was in '79 and it was investigated by someone outside of Region IV.

MR. MCGOINGS. Thank you. Mr. Costales, some witnesses who have testified earlier have indicated that a large percentage of employers in the Miami area require or prefer job applicants to be bilingual. If that is true, what is your view on the effect this requirement has upon employment opportunities for non-Spanish Miamians?

MR. COSTALES. Well, there are procedures that—first of all, I think that to require a person to speak a certain language without having to be shown that it is a business necessity, would tend to discriminate against the individual. There are procedures for applying—well, in sex cases, national origin, religion, for bona fide occupational qualifications—there are other procedures for that which have been set up for applying for exemption from Title VII based on business necessity. Other than that, the exemption does not apply.

MR. MCGOINGS. Do you think that this requirement is denying a large segment of the black population in the Miami area job opportunities?

MR. COSTALES. Well, I have tracked this type of complaint in my own office, and I have no indication that this is true.

MR. MCGOINGS. When a charge is filed by a charging party alleging that the bilingual requirement kept him or her from being hired, how does your office determine if the bilingual requirement is justified?

MR. COSTALES. Well, we will take the charge, and then we would assign it for proper investigation and get at the facts in the charge and see exactly if there is any exemption that's been applied for or if an exemption would apply.

MR. MCGOINGS. Can you elaborate on the specific factors that you would look at? Would you look at the clientele of the employer? Would you look at the rest of his staff? Would you look at the number of English-speaking or Spanish-speaking persons coming in and out of the store, or whatever the business might be? What factors would you look at to see if it were a bona fide occupational qualification?

MR. COSTALES. Well, the size of the business, how many employees, the clientele that the company does business with, who is the consumer of the product that the company is producing, the area that they service, whether or not Spanish speaking is an essential job requirement that would enable them to perform their job. If it is not, then the exemption does not apply.

MR. MCGOINGS. Do you think that the recent EEOC guidelines on discrimination because of national origin which deal with the bilingual issue adequately cover the situation here in Miami?

MR. COSTALES. Guidelines have been proposed and, to the best of my knowledge, they have been subjected to public hearings and public comments. They have been developed very recently, and to the best of my knowledge, the final approval for the national origin guidelines came down, I believe, last Friday, so we don't have sufficient experience with working with it yet.

MR. MCGOINGS. Have you requested any kind of guidance from the EEOC headquarters for dealing with the bilingual issue?

MR. COSTALES. We have participated and reacted to in commenting on the national origin guidelines, and that participation has been sent to headquarters.

MR. MCGOINGS. Mr. Stalvey, when you are conducting a review, how does your office determine if bilingual job requirements are justified by business necessity?

MR. STALVEY. Well, we have some guidance. I think I can answer best by the only example we have. We conducted some—we have either completed or ongoing some 19 reviews in the banking industry, and 8 of them are in Dade County. In none of these reviews have we encountered this particular problem, although we are told by other sources that it may exist. We did have an experience indirectly. Before our reorganization, the Department of Treasury handled such reviews, and they had one bank, about 3-1/2 years ago, that received this issue and it was cited as a deficiency by the agency, and then they wanted to issue a show cause, but they wanted clarification from OFCCP first. They described the deficiency this way: They said the classification—it was a deficiency and classification of imposition of Spanish language as an employment requirement or bona fide occupational qualification, and use as a prerequisite to qualify for employment without the justification and validation or approval of OFCCP; and the remedy would have been to get the approval of the OFCCP. But actually that issue was not resolved by enforcement.

The case came up prior to reorganization. I think it got shuffled around a bit during the transition period and has been sent back to us for further review. So we have targeted that particular bank for an-

other review in this forthcoming year, and we expect them to resolve that issue. The guidelines that the office did issue, though, was five or six points. The first point is, if the ability to speak Spanish is a BFOQ for the job, such a requirement is not a violation of the Executive order. However, the BFOQ has not been validated in this case, and such validations are extremely rare. In fact, I'm quite sure—I don't remember one that has been issued, so there could be, but I'm not aware of it, so it is very rare.

The office also told us that even if such a requirement is BFOQ, the bank would still be obligated to hire Spanish-speaking persons without regard to race, sex, national origin, or religion. The availability of Spanish-speaking blacks, whites, and females would have to be established.

A third guidance point was that if the Spanish-speaking requirement is the BFOQ for some jobs, it is very likely it is not for other jobs. It would be very unlikely they could do it across the board in the entire bank, and in answer to one of the other arguments, the fact that the bank is a minority-owned bank does not exempt it from the EEOC requirements.

The fact that the bank asserted its clientele was 98 percent Spanish speaking was refuted, we feel, from the evidence in the case file, by observation during the review process. Some of our specialists from the Treasury observed for several days and heard customers speaking English, and they also concluded that it would be difficult to prove that even a majority of the bank's customers do not speak English. And another point of guidance would be to make a comparison with nearby banks serving the same trade areas to disclose if there is a similar necessity or the lack of it. That would be our guidance and we would be getting into the issue in this fiscal year.

MR. MCGOINGS. Mr. Chairman, I have no further questions.

CHAIRMAN FLEMMING. I would like to ask a couple of questions relative to the experiences that both EEOC and the Department of Labor may have had with affirmative action plans in this area.

I assume, of course, in connection with your review process you do take a close look at the affirmative action plan that the business organization may have in effect, take a look at how they have gone about implementing that plan. I also assume that in view of the fact that it is a requirement, that you have quite a number of contacts made asking for advice on the development of affirmative action plans. Is the latter assumption correct; do you?

MR. STALVEY. We have some requests for technical assistance and we provide that. They are obligated to maintain a plan and have it ready for us at all times.

CHAIRMAN FLEMMING. Right. I don't know whether EEOC gets requests for technical assistance along that line to the same extent that the Department of Labor does or not; how about it?

MR. COSTALES. No, we do not, but we do give technical assistance out of the office in Washington, Special Projects Office, for reviewing

affirmative action plans. We don't have that at the lower district office level.

CHAIRMAN FLEMMING. All right. Based on your experience in responding to requests for technical assistance from businesses in this area, Dade County, let's say, based on your experiences in reviewing affirmative action plans, what is your feeling as to the attitude that major employers have towards the development and implementation of affirmative action plans? I appreciate that's a generalization, and I mean whatever generalization you may provide us, I know would be subject to exceptions and so on. But I am just interested because, in a sense, you have had this grassroots experience, and it does seem to me what the general attitude may be toward affirmative action plans in this area is very relevant to the kinds of situations that we are trying to take a look at in the employment area.

MR. COSTALES. By and large I think the contractors accept the need for affirmative action plans. I think they are convinced now in the last 3 years, if they weren't before, that we will enforce the plan, since we have—our current director exceeded, I think, 25 debarments, for example. I think that this convinced them. I don't think that their attitude is they particularly like it, but they have gone a long way of coming to terms with the utilization of plans, for example. But by and large we can, most of them can, reach conciliation agreements whereby they agree to correct these deficiencies.

Of course, as a binding conciliation agreement, which if they violate it, we can immediately go to a hearing without excessive delay, and they know this and I think it is influencing them.

CHAIRMAN FLEMMING. In other words, on balance you feel that it is influencing developments in this area at the present time?

MR. COSTALES. It is not nearly what it ought to be, but we think it is coming.

CHAIRMAN FLEMMING. I appreciate that.

MR. COSTALES. We have one contractor, for example, out of some—well, we think we've been doing something like 40 some in Dade County, and we have have currently one contractor who has been recommended for administrative hearing, so the rest of them have agreed to correct their deficiencies through a conciliation agreement or a letter of commitment, or very few are in compliance.

CHAIRMAN FLEMMING. In terms of deficiencies, you have found that most of the deficiencies relate to the members of the black community?

MR. COSTALES. No, I didn't to mean to say that. That certainly is one of the most often ones, yes.

CHAIRMAN FLEMMING. Okay.

MR. COSTALES. But there are many other deficiencies of all kinds.

CHAIRMAN FLEMMING. May I ask whether EEOC has had occasion, in connection with your operations in this area, to observe the operation of affirmative action plans, or the results of the operations of the affirmative action plans, and if you have any general comments that you would like to make?

MR. COSTALES. No, we have not had occasion to observe the actions of the affirmative action plans other than to, in a cooperative effort with OFCCP, as part of our Office of Systemic Programs, that we will exchange information about whether or not an affirmative action plan is actually being implemented, so we do share that information between each other.

CHAIRMAN FLEMMING. You do talk back and forth?

MR. COSTALES. Oh, yes.

CHAIRMAN FLEMMING. One another on it?

MR. COSTALES. Yes, we do.

CHAIRMAN FLEMMING. Is this the outgrowth of the reorganization plan?

MR. COSTALES. No.

MR. STALVEY. No, I think we were doing that before. It was renewed, certainly, at that point.

CHAIRMAN FLEMMING. Right. Mr. Ellis, still staying with affirmative action plans, I recognize that in many instances small businesses would find it very difficult to find the resources for implementing a meaningful affirmative action plan, that is, a single small business to carry on a positive recruitment program and to do all of the other things that we feel ought to be done in connection with a meaningful affirmative action plan. Do you know of any community in the country where there, in effect, has been a pooling of resources so that one in a central organization has been established for the purpose of rendering that kind of service to small businesses within that particular community?

MR. ELLIS. No, I don't, but what I would like to say in that connection is that I think, so far as the SBA recipients are concerned, I think our monitoring process gives the recipient the chance to look at himself in the—I think the monitoring process that we require and the procedures that we use goes a long way in helping the recipient in keeping down complaints of any kind, and it also—we look at his employment practice, we ask about his recruiting sources, we talk about his facilities, we cover the pay, and I think all of these kinds of points that we bring out in a borrower's statement that we give to the recipient gives him the opportunity to take a good look at himself, and we, in the process, continue to require information from our borrowers. And so in our compliance procedure we have not had the occasion to require and we do not require affirmative action of our small borrowers.

We have run across a couple of, some, borrowers where they have responsibility maybe to another agency, and they, for that purpose, may have an affirmative action program, but our divisions have not required that as such.

CHAIRMAN FLEMMING. I understood that and I don't want to indicate that I am advocating you require each individual borrower to have what we would think of as a formal affirmative action plan, and I appreciate the fact that the small business concern can make an evaluation of where that concern is in relation to legitimate goals in the equal employment area.

What I have got in mind is that having determined that there is some underutilization and having determined that he just can't automatically take care of that underutilization, that it's going to require some aggressive, positive recruiting efforts, the small business concern might very well at the same time conclude that the resources didn't exist for carrying on that aggressive, positive recruiting program.

What I was feeling for was the possibility in a community of there being an organization that would render that kind of service for all small businesses within that particular community. I have tried that idea out on a couple of fairly large communities and had a favorable response, so that because so often small businesses taken together is the largest single employer in the community, and if we are really going to go forward in this particular area, we have really got to have small businesses on board and making the maximum possible contribution.

There is one other question I would like to ask the Department of Labor and EEOC in this instance. Do you know of any situations where, because of what might be termed a crisis development within a particular area, Washington has said, "Look, we're going to step up your activities in that area, our review of what's going on in the equal employment opportunity." This would apply in cases of the EEOC, too, of course, systemic activity in the case of Labor to step up review of organizations within that area.

I mean, is this thought of as a contribution that the Federal Government can make to a crisis situation in a community and say, "Well, we are going to take a close look and see whether or not both public and private organizations, as far as that's concerned, within a particular area, are really on their toes in the development and implementation of affirmative action plans?"

MR. BUKOWSKI. If I might address that since I have seniority among the EEOC staff. That is a policy matter—

CHAIRMAN FLEMMING. I appreciate that.

MR. BUKOWSKI. —that the Commission had looked into some years back, and as you know, Mr. Chairman, the Commission did conduct hearings within the insurance industry, within the insurance-banking industry, within the movie industry, and at least one other industry in Texas, and as result of those hearings, certain Commissioner's charges did flow. I think that the Commission feels that an indepth analysis through the examination of existing records, files, in cooperation with the OFCCP in their reports, is probably a more effective way of identifying respondents that discriminate, on the basis of evidence in file rather than self-serving testimonials which generate from these hearings. So in terms of answering your question, the Commission, yes, has had a policy of conducting hearings and the Commission continues to be involved in examining systemic discrimination, but in a more professional way of dealing with evidence on hand.

CHAIRMAN FLEMMING. Right.

MR. STALVEY. That's part of the reason the national office determines the priority it does for the opportunities involved in electronics, banking, and so forth. There is also a new project, I think, that would

relate to the question you asked, and where it is another priority, small amount of hours, with a new approach to what we call a Small Contractor Volunteer Compliance Project, and we are going to do two such projects because it is so fitting to this area and because of the prevalence of small contractors in Dade County and in our entire area.

We are going to target them, in fact, in Dade, Broward, and Palm Beach Counties, perhaps 60 to 70 percent of them being here in Dade County; the contractors will be between 50 and 250 employees. We tend towards the low side. Certain other criteria, that it will not be a facility of a larger firm. It will not be a facility under a consent decree and will also place emphasis on our linkage program. Another arm of the Department of Labor fund provides funds for recruitment and training, and one of the ways—one of the things we try to develop is linkage with those programs, and our contractors must meet our requirements to utilize more minorities or females or whatever, so we will place additional emphasis there.

In this case here, both of those projects we will place on the employment of Liberty City residents. We are just getting into this. We intend to do that, and we hope that, for example, to develop additional recruitment sources such as the black chamber of commerce, perhaps, and others we don't know yet. We hope to develop new resources that way.

Altogether we expect to spend more than 1,000 hours of our precious time—we don't have that much staff—on this project. We think it is that important.

CHAIRMAN FLEMMING. I am encouraged to hear that. As you know, our basic charge is to try to examine the impact of Federal laws and policies on a community situation such as the one that exists here in Dade County, and we have received and will continue to receive testimony that Federal programs call for Federal appropriations and so on, and Federal funding coming into the area can have an impact. There isn't any question that they can, but it seems to me that when a situation like this develops, then we should also be in a position where we can look at the kind of laws for which your respective agencies have responsibility to see whether or not they can be applied in such a manner as to be of help in dealing with a crisis-type situation. The development you have just identified is encouraging.

Yes, Mr. Costales?

MR. COSTALES. If I may make a quick observation as the junior member of the EEOC in terms of seniority, that lately after the disturbances in Miami, riots in Miami, we heard that you have to deal with the issues that are affecting blacks in Miami, otherwise you are going to have to deal with it in Chicago and you are going to have to deal with it in New York; you have to deal with it in the West, Southwest. So that the Office of Systemic Programs set the priority on a national basis in terms of impact on a national scope. So I think it would be on target that we would deal with impacts on a national basis, so that we can, that way, really make further contributions towards trying to address the problems that are afflicting us here in Miami.

COMMISSIONER HORN. Mr. Stalvey, I would like to just pursue a couple of questions on how the OFCCP process works in selecting target industries. As I understand it, there is a national headquarters priority list and then local offices can recommend that certain industries be added to that list in their particular area, based on and—that's what I want to get to—either, I assume, number of employees involved or number of governmental contractors involved. What is the philosophy in the Miami area as to how an industry is recommended to be added to that OFCCP review list?

MR. COSTALES. Well, because the problems of electronics firms, there were two—I think this example will tell you—there were two priorities handed to us by the regional office: one was food, the food industry, and the other was the paper and allied products. And we argued that we did not have enough large companies in those industries and we did have a great many more electronics firms and banks, so the office agreed and there was flexibility given that we could place heavier emphasis on those industries we do have and not have targets in the two cities we don't have many firms in.

COMMISSIONER HORN. So of your '81 list then, the bank is one, and insurance, universities, and construction were the nationally select targets, to which you added electronics?

MR. COSTALES. No. We persuaded them over the course of 1980 that electronics should be a priority and we did not care whether it was theirs or ours to pick it up as a national priority.

COMMISSIONER HORN. As I also understand it, you have discretion in other industries in an area. Would that have to be accepted as the national targeted industry or could you just go ahead and pursue it yourself?

MR. COSTALES. We have a discretionary category, but it is not as discretionary as it sounds. We must meet our priority industries, and so toward the latter part of the year, we don't know at what point, we will have been selecting contractors that end in the discretionary category which could be any industry.

COMMISSIONER HORN. Well, let me suggest, to get at this, what is your philosophy as to whether or not the airlines industry should be included in this list as far as Miami is concerned? How would you go about deciding whether they ought to be recommended or included or not recommended?

MR. COSTALES. Whether or not they are growing or declining. I think some information indicates they are declining right now.

COMMISSIONER HORN. In total number of employees?

MR. COSTALES. Yes, in this area, so that might not be one to go after right away. We will have to watch that one.

COMMISSIONER HORN. Why would that affect your decision? Isn't it important to note that affirmative action is being followed in a declining industry when it is the largest industry, I believe, in number of employees involved?

MR. COSTALES. No, it isn't. Well, it is important, but it's not as important. You have to go where the job opportunities are. Affirmative

action, of course, is taken through the opportunity that comes up, so if there are no new jobs or fewer of them, you make a choice, and we can't do everything so we choose an industry that is growing that appears to have more opportunity.

COMMISSIONER HORN. Am I misled that the airlines industry in the largest industry in Dade County?

MR. COSTALES. That's not my information. My information is that electronics and banking are the two largest industries.

COMMISSIONER HORN. Well, without getting into the firms, which are confidential, I am told here that we are talking about 13,442 positions in the airlines industry and what intrigues me is that the range of percent of black employment goes from 1.1 percent in one of the smaller firms to 8.5 percent in one of the larger firms. And all I am suggesting is that if that many people are involved and given the fact that people could be involved in parts of it without a college education and with a high school education, I am wondering why OFCCP has not selected that industry for possible review.

MR. COSTALES. Well, I can't answer why they haven't. We did do, as a discretionary review, an airline industry last year anyway, and we may very well do one this year. We just don't know.

COMMISSIONER HORN. If one ran into the type of situation I am talking about where 8 or 10 or 20 firms in an industry, and you had such a wide difference of the percent of blacks employed, what kind of conclusions would you draw from that in terms of the particular firms with the low percent of black employment? Is that not a fair standard or do the positions vary so much within each firm in that industry that you really can't draw any conclusion from the variance in data?

MR. COSTALES. Well, we do look at this in the Eisen Utilization Value Study and it tells us something about each facility in the industry, so that you can find out how they rank and whether the utilization varies by each firm as it does.

COMMISSIONER HORN. Let me ask one last question. In terms of the Cuban economy of the area which has been built up over the last two decades, obviously there is a requirement, as we've seen in terms of practicality, for many of those firms to have Spanish-speaking capacity. They are building a self-contained economy; they have their own chamber of commerce, etc. What is the OFCCP's policy with regards to the opportunities for other minorities within minority-owned and dominated firms under the law?

MR. COSTALES. That's the guidance I described earlier where they must still meet the, even if the language is a bona fide qualification, they still have to hire Spanish-speaking persons without regard to race, sex, national origin, and so forth.

COMMISSIONER HORN. How about blacks in the case of Miami?

MR. COSTALES. Yes.

COMMISSIONER HORN. In other words, unless they could show a work-related requirement of the Spanish—

MR. COSTALES. It is unlikely they could show it through their entire organization.

COMMISSIONER HORN. Just maybe on the counter people? I'm talking about only the minority-owned and dominated industries, because I'm sure there are firms that are in this area that are government contractors, are there not, where they are totally Hispanic?

MR. COSTALES. We have not run into that. We have tended toward larger firms. We expect we will this year, and there certainly are, and they are not exempt to this requirement because they are minority owned.

COMMISSIONER HORN. So there is a requirement that blacks should be hired or minorities on good faith effort?

MR. COSTALES. Yes.

COMMISSIONER SALTZMAN. May I ask the people from EEOC, Do you have any relationship with the Metropolitan Dade County Fair Housing and Employment Appeals Board?

MR. COSTALES. Yes, we do.

COMMISSIONER SALTZMAN. They seem to be a little concerned over the lack of cooperation and communication with the EEOC. Testimony indicated that they submit charges and all kinds of material to you and never receive any response from EEOC as to the disposition of cases that are submitted to you. They refer approximately six or seven pattern cases a year; these are cases that, during initial intake of the client, reveal that the discrimination that is alleged is affecting a large number of employees or applicants, and they never hear of any agreements reached by EEOC on these pattern cases which they have referred to EEOC. Could there be better coordination with that agency?

MR. COSTALES. There could be better coordination with the agencies, certainly. But the situation, as you described it, that has not been my experience since I have been district director in this office. In fact, that has not been my experience based on information that was provided to me by my predecessor. We have a contractual relationship. The relationship, as it exists, is that of administering a contract, a charge resolution contract. We have new charges. We have backlog charges. We fund local FEP agencies including Metropolitan Dade.

We fund them to handle Title VII work. We fund them on the basis that they will be paid based on work accomplished, charges resolved. We have given them and indeed funded management improvement projects. We have given them electronic—word processing equipment. We funded word processing equipment. We constantly give them technical assistance. We also review their investigation and we just accord them substantial weight. We don't have to give them a disposition. We are not required to give them a disposition when we handle a case, but we accord them substantial weight which is provided for in Title VII.

The relationship is one of a sound contract management. You do so many charges; you will be paid so many charges. If you don't, then we will renegotiate your contract, and through worksharing agreements where we have problems, we discuss our problems, we write them into the worksharing agreements, such as charge flow, such as other issues that arise.

Now, in terms of systemic, in terms of age discrimination cases, we are doing that. The Commission is doing that.

COMMISSIONER SALTZMAN. Well, let me just point out that in testimony given earlier this day, that agency seems to feel frustrated in its relationship and the coordination and experiences or the lack thereof from EEOC.

May I ask you, Mr. Ellis, do you have any geographic record of distribution of funds to small businesses? Would you be aware of whether loans have been made to small businesses in any minority-concentrated geographical areas?

MR. ELLIS. I have a summary of loans that have been made for the eight-State area, but other than that I would not know where specific funds are being loaned or in what geographic area than the summary report that is put out by our national office.

COMMISSIONER SALTZMAN. I see. So you wouldn't know, for example, whether or not the SBA has encouraged small businesses in, let's say, Liberty City or areas like that of high concentration of minority people?

MR. ELLIS. Well, within each district office there is a special program to render the kinds of loans services that you are referring to, and primarily these loans are categorized, first of all, by regular loan program, and other economic opportunity loan programs are directed to the kinds of areas that you are referring to within each district office.

COMMISSIONER SALTZMAN. So you would be able to give us some statistics about specific geographical areas in Dade County that have received loans for small businesses?

MR. ELLIS. I wouldn't have the information for Dade County, but I would have the information for the district office here in Miami. The district director, Mr. Bernard Lane, will have all of that information by loan programs in the areas, including Dade County. He is scheduled for tomorrow morning.

COMMISSIONER SALTZMAN. Okay. Then we will try and get that.

One other question to EEOC. Do you know, Mr. Costales, whether any complaints are made relative to religious discrimination in this area?

MR. COSTALES. I have had none.

COMMISSIONER SALTZMAN. Thank you.

VICE CHAIRMAN BERRY. I have a couple of questions. Mr. Bukowski, when Chairman Flemming was questioning you earlier he asked about agencies focusing on areas in which there have been crises, and he put that question to both you and Mr. Stalvey, and I was very encouraged by Mr. Stalvey's answer, but I was somewhat confused by yours.

You pointed out the EEOC had held some hearings on the insurance industry and moving industry and that there had been some Commissioner charges from these hearings, if I understood you correctly. But then you went on to say something like EEOC behaved in a professional manner using information in its files rather than having hearings in which they would be self-serving testimonials made by various people.

I just wondered if EEOC conducted the hearings by people giving several self-serving testimonials? I was a little puzzled by your statement. We don't. I just wondered if they did.

MR. BUKOWSKI. The Commission no longer conducts these hearings, and I think one of the analyses that resulted in the Commission not conducting these hearings any longer was that many of the witnesses called were not supplying the information that the Commission was seeking but giving self-serving accolades on their own conduct.

VICE CHAIRMAN BERRY. I asked the question if EEOC had information in its files and had conducted investigations. It would seem to me that someone who would challenge the self-serving testimonials, he would not leave the point alone.

I have a question for you. Is it your impression that the new EEOC guidelines on national origin discrimination that—DOL speak English rules only in the workplace—is it your impression, Mr. Bukowski, those guidelines apply to a situation that we've been discussing here in Miami where it is alleged that employers require employees or applicants for employment to be bilingual or to speak Spanish? Is that your impression?

MR. BUKOWSKI. No, ma'am.

I'm glad you raised it again because the Commission was trying to address in these guidelines the, let me use the term, "abuse" of the employer on employees in certain areas where English-speaking only was the rule—and this is not the focus of your problems here in Miami. So if the Commission's guidelines on this issue could be submitted into the record, I think it probably would clarify the issue of what the guidelines address. Could we do that at this point in the record?

CHAIRMAN FLEMMING. Yes. Without objection that will be done.

VICE CHAIRMAN BERRY. Last question: Why do you believe, Mr. Bukowski, there have been no cases of systemic discrimination filed by or charges filed by EEOC in this Dade County area? Do you have any impressions as to why that hasn't happened? Why haven't there been any systemic cases?

MR. BUKOWSKI. As I say, the approval of charges as Commissioner charges are policy issues. We make the analysis in the field, and we submit to headquarters our presentation as to which companies ought to be selected as systemic targets.

VICE CHAIRMAN BERRY. Your interview report, I think, states that there have been two cases aired since 1978 of systemic discrimination in this—

MR. BUKOWSKI. In Dade County.

VICE CHAIRMAN BERRY. But the Commission did not go forward with either one of them.

MR. BUKOWSKI. That's correct.

VICE CHAIRMAN BERRY. Do you have any impressions as to why the Commission did not go forward?

MR. BUKOWSKI. Those reasons were not very clearly related to me.

VICE CHAIRMAN BERRY. Okay.

CHAIRMAN FLEMMING. Thanks a lot for all you've told us and thanks a lot for doing it at this unreasonable hour. We appreciate it very, very much. Your testimony has been very helpful.

The hearing is in recess until 8:30 tomorrow morning.

[The hearing adjourned at 7:17 p.m.]

PROCEEDINGS

Morning Session, December 10, 1980

---

CHAIRMAN FLEMMING. The hearing will resume. Counsel will call our next witnesses.

MR. ALEXANDER. Dewey Knight, Athalie Range, Donald Cook, Charles Johnson.

[Dewey Knight, Athalie Range, and Charles Johnson were sworn.]

TESTIMONY OF ATHALIE RANGE, FUNERAL DIRECTOR; DEWEY KNIGHT, ASSISTANT COUNTY MANAGER, DADE COUNTY; CHARLES F. JOHNSON, JR., COMMUNITY REINVESTMENT OFFICER, AMERIFIRST FEDERAL SAVINGS AND LOAN ASSOCIATION

CHAIRMAN FLEMMING. Delighted to have you with us.

MR. ALEXANDER. Starting with Ms. Range, would you please identify yourselves, giving your name and your occupation for the record?

MS. RANGE. My name is Athalie Range, and I am a licensed funeral director.

MR. ALEXANDER. Mr. Knight?

MR. KNIGHT. Dewey Knight, assistant county manager, Metropolitan Dade County.

MR. JOHNSON. Charles F. Johnson, community reinvestment officer, AmeriFirst Federal Savings and Loan Association.

MR. ALEXANDER. Starting with Ms. Range, this is an opening panel on economic development, and I would like your perception as to whether the state of economic growth in the black community of metropolitan Dade is similar today than it was a decade or two ago, stagnant, or is improving?

MS. RANGE. No, it certainly is not similar to what it was a decade ago. I would believe that it is almost completely stagnant. I trust that somewhere along the line in this discussion this morning we will be allowed the privilege of discussing the causes rather than attempting to find a solution. It is my feeling that a good physician never prescribes or diagnoses a case until he knows from whence the pain has come, and I think it would be a disservice to this panel and to this community if we were not allowed to go back through the years and find the causes and then look for the solution.

MR. ALEXANDER. Well, to follow up on your statement, what would you attribute the current situation to, what factors from your experience in the community would you point to?

MS. RANGE. It would take rather a bit of time, but you may stop me when you're ready.

MR. ALEXANDER. Okay.

MS. RANGE. I think we would have to look back historically at Miami. I think, for fear of not getting around to saying it later, I will say it now, that the great northwest section of Miami, Liberty City, is actually the Frankenstein which the establishment of greater Miami has really brought about. It has created the Frankenstein.

You see Liberty City as you know it or have heard of it is not what it always was. Liberty City, at a time in our history, was one of the pride neighborhoods for black Miamians during the days of almost total segregation, during the time of school segregation, social segregation, housing segregation. But when the establishment of Miami decided it wanted to improve its major image, then blacks were uprooted without any means of relocation, forced to go into other neighborhoods which were predominantly black.

MR. ALEXANDER. Are you referring to such things as the highway system that went through Overtown?

MS. RANGE. I'm referring to the highway system; I'm referring to the urban renewal situation. You see during those days, those were the days and just prior to that when black people really had pride in possession, and black people who worked for a living with a small daily wage sacrificed sufficiently so that in order to circumvent the overcrowded conditions in downtown Miami, or in Overtown as it is referred to, sought to get to the suburbs just like other people, and they paid as little as \$10 per month to own a piece of land and to have a little home of their own.

If I were to take you by the hand this morning and take you through the Liberty City area, you would see there the remnants of homes that were purchased and improved and built over the years. You would see there homes that are worth on today's market \$125,000 and almost next door you would see the slums that the Federal Government created, because when it uprooted Overtown—and there was no other place to go—they began herding people into the Liberty City/Brownsville areas. It was allowed by the commissions, both of Dade County and of the city of Miami, to have the kind of spot zoning in those areas that are really unbelievable. You will find today a fine home, a church, a bar, a tire store all in the same neighborhood. You will find absentee ownership, landlord ownership where buildings have been completely abandoned, monstrosities, as you will hear the other panelists mention, I imagine. You will find monstrosities built there right next to single-family homes. You will find many of these monstrosities have been abandoned because now the absentee landlord who lives in Maine or Miami Beach, or south Miami, or wherever have gotten their investment, have made their profits, have walked away, and now they are boarded up. The county has done little or nothing, I suppose, about

demolishing these buildings, so now they stand there, the very meccas of the crime of which we speak.

They are there, convenient for murder, for mugging, for rape, and yet they continue to go on and on. I do not wish to monopolize with my first statement. Dewey is kicking me on the ankle now, so I'm going to stop, but I'll be back. I just hope we'll remember that we have a Frankenstein and this is not a black problem. This is a problem of Dade County and the city of Miami. We've got to find a way to cure the Frankenstein situation that we have there.

MR. ALEXANDER. Mr. Knight, since the Overtown expressways and the model cities, there have been a number of major programs funded in this community that were supposed to attack the types of problems that Ms. Range has spoken to. Could you trace for us what the history of those programs have been over the last decade and a half and what your view of their success or failures have been?

MR. KNIGHT. I'll give it a try. Thank you. First, I would like to clarify that I would not risk my life by kicking Ms. Range, not in this community.

Ms. Range has alluded to two of the programs, and I believe Mr. Johnson is going to talk about Overtown. Overtown is what was called, at one time, the central Negro district, and it meant just that; it was the district where Negroes lived and, except for a few small enclaves around the county, that is where the basic population was concentrated, and there was at that time a thriving business street, Second Avenue, Third Avenue, and entrepreneurs who, in fact, were as successful as one could be in originally segregated setting with limited access to capital and resources.

And then along came programs, the first program being the urban renewal program which was to, with its good motives, replace the not good housing in the area; the urban renewal program, however, in its effort to replace the housing did not plan for people. It planned on replacing housing and in that process it cleared away acres and acres of land. It cleared away thousands and thousands of people, people who had—at that time there was no relocation funds.

The land was bought at what was considered the value of the land and, therefore, you could not get a replacement house for what the government was paying these individuals. And, in addition, Ms. Range alluded to the other people with the urban renewal program, that is, the movement of black people from the downtown area had to be into other black areas because of the pattern and system of segregation. That meant, then, that Brownsville and Liberty City, which were really developed initially as a kind of single-family areas, though they were houses that people went out on Saturday and Sunday and built themselves, suddenly became overcrowded with concrete monsters and without the facilities and resources to support the movement of that population.

In addition, we saw the basic idea, and everyone welcomed it at the time, that there was going to be replacement of the housing that was there and those people would be coming back. What we saw, however,

was a long dragging out in the urban renewal program. There was a very swift movement in terms of tearing down, but it was very slow movement in terms of rebuilding units. And then when they were rebuilt, the people that had previously occupied the area had either resettled in other places or couldn't afford to get back into those units.

And then to overlay that urban renewal program you had a development of I-95, which was the initial basic vehicle to get folks from downtown to suburbia as suburbia was really building up, and that program again destroyed black homeowners in the downtown area without relocation. It destroyed businesses which did not have relocation funds or access to resources to relocate and, in addition, the movement of the population was of such they were moving into areas that were already built up where businesses existed, and because you didn't have access to the full range of the community, the black business persons who were in the area could not flow with that.

Then we had the evolution of the model cities program. The model cities program was basically to address those ills that were created as a result of our moving to overcrowd Liberty City and Brownsville. Sometimes we forget what that program was supposed to do. It was basically supposed to demonstrate that you can take a small amount of Federal money and use it to properly coordinate all the other resources coming into an area, and if it is properly coordinated, you can raise the quality of life substantially, and once you demonstrate that, local government and State government and Federal Government is going to be very happy about the success and they are going to continue to fund and build these matters.

Of course, we saw what happened with that. Model cities had its up and downs and had its successes and failures because it tried to do a full range of programming: housing, education, transportation, water and sewer—primary problem with this \$9 million a year seed money in a 9.7 square mile area with over 150,000 people—and as the program was beginning to bear some fruit, with its ups and downs and successes and failures, along came another administration that decided it was not even going to run the final year of its proposition but rather that it was going to be cut off. So we have had those kinds of basic programs along with the urban renewal—I mean, the community development program which, instead of concentrated resources and attempting to develop one area, tended to disperse resources into 26 areas.

So what we have had, basically, in terms of programming is a kind of war on poverty without guns. We have had a kind of war in which the basic ammunition and the basic weapons were hope and good will and dialog, like we're doing today, and not the kind of rapport that we had through the Marshall plan after World War II or the rebuilding of Japan. And we almost see a similar kind of thing as we deal with these fragments of problems and not dealing with those undergirding problems which exist in every urban area in the country, which must be addressed if we are going to get beyond the question of these survival problems.

MR. ALEXANDER. Thank you. Mr. Johnson, being with the banking industry, could you briefly explain what your role is there?

MR. JOHNSON. I'm community reinvestment officer with AmeriFirst Federal Savings and Loan, meaning that we use mortgage instruments to finance housing units. That's our primary purpose. My particular function is to work in deprived communities, chiefly the black community, where we had been experiencing problems in terms of having people come in to avail themselves of our services. We wanted to expand that. Consequently, we mounted an aggressive marketing program and also found that we had to tailor and revise some of our policies in order to enhance the flow of funding going into the black community.

Once we started that and we got many of our senior officers and staff people active in the black community, we discovered that there were even more significant problems in terms of the institutions within the black community and the general economic base of the black community.

MR. ALEXANDER. Could you expand on that? What are the specific problems that you identified once you went into the community?

MR. JOHNSON. Well, again, taking economics in general, we discovered, along with many others, that there appeared to be a regression of the economic condition in the black community, specifically in reference to businesses. Our concern again was in creating stable neighborhoods through housing; however, you can't do that. You can't have a stable neighborhood unless the commercial strips surrounding that neighborhood are also viable. Consequently, that's why we were interested in the economic situation.

Additionally, we look at housing as a tool for economic development as well as providing shelter. Homeownership, as many of you know, is one of the major investments that any family makes, and when you're talking about family economics, if you will, which must be in place before you can have sound neighborhood economic situations, we find that the families were really unaware of the value of homeownership in terms of their economic situation.

MR. ALEXANDER. Is it your view that the financial community has made any improvement in its traditional policies of redlining when it comes to financing both residential and commercial loans in the black community, or is the situation fairly status quo?

MR. JOHNSON. Well, quite frankly, as an officer of the savings and loan, you don't expect me to say—

MR. ALEXANDER. I didn't ask about yours generally.

MR. JOHNSON. I'm not familiar with any policies concerning redlining; however, there has been a noticeable lack of loans within the commercial, you know, the commercial area, business loans. Additionally, we found that our policies, in terms of lending, had to be more effective in order to penetrate the black community adequately. We had always had a history of lending in the black community, I would say, going back to about the fifties. I think we made one of the first significant loans from our savings and loan for federally insured institu-

tions to blacks, and we've been doing it ever since to a point. At this point in time, I believe that we have mortgage loans in every low- and moderate-income census tract in Dade County with the exception of two or three.

MR. ALEXANDER. Ms. Range, do you want to comment on redlining?

MS. RANGE. I would like to comment. I believe that this would come under redlining and it is regarding sales rather than mortgages. If I might, I can give you an example of a circumstance that happened just a few weeks ago, or days ago. I am a member of an organization, a nonprofit organization, which owned a building that we had contracted to sell to the city of Miami. We received bids on it as to the value of it. Our final payment—that is what it was decided upon—was about half of what at least one of the appraisers said it was actually valued.

When we asked the question as to why we could not get the full value of the building, it was stated without reservations that it was because of the location; it was stated that, if the building had been the same building with everything being equal perhaps six blocks west of where it actually was, which would have put it in the predominantly white section, the building would have been worth almost twice what we were paid for it.

By contrast, just a few days ago, a commitment was made to buy a building in the same general area for much, much more than we were paid for our building, and this gives us the feeling that the discriminatory practices are very, very much alive. Here we had a white owner of a building and a black corporation, and the difference in the prices were such that we know that there was much, much discrimination. As far as actual redlining is concerned, those of us who own businesses in the predominantly black section, it is exceedingly hard to get full insurance coverage. One must go far and look a long, long time to get the proper insurance coverage. So along these lines I think that redlining is very, very much with us.

MR. ALEXANDER. Mr. Knight?

MR. KNIGHT. I think that sometimes the redlining issue as defined in its strictest sense is something that tends to throw us off. The Federal Home Loan Bank Board has very specific requirements that S and Ls set forth their service areas, and it seems to me the answer to having some initiatives is in those service areas being defined in such a way that they must serve the low-income areas of the community and not have those broad sweeps as they circle their service areas and serve fringe areas that decisions are made are safe, and that they have to specifically have initiative in the low-income areas.

I think the Federal Home Loan Bank Board and its policies need to go further, and I think it is that kind of direction that can have significant impact on all the S and Ls in their effort and not just leave the two or three that are trying to take some initiative.

MR. ALEXANDER. Mr. Cook—we need to swear Mr. Cook in, Mr. Chairman. He arrived late.

[Donald Frederick Cook was sworn.]

TESTIMONY OF DONALD FREDERICK COOK, PROFESSOR OF ACCOUNTING,  
FLORIDA MEMORIAL COLLEGE, AND PRESIDENT, DFC MANAGEMENT  
CONSULTANTS

MR. ALEXANDER. Could you give us your full name and occupation for the record, Mr. Cook?

MR. COOK. My name is Donald Frederick Cook. I am an accountant by profession and I am instructor at the Florida Memorial College and president of my consultant firm. I am professor of accounting at the Florida Memorial College and president of DFC Management Consultants.

MR. ALEXANDER. Thank you. What is your personal and professional experience in terms of dealing with the financial institutions in the community and how you feel that they view the viability of loaning and putting money into the black community?

MR. COOK. My personal experience, first of all, has been somewhat disappointing. I feel that the financial institutions in Dade County have not been sensitive to black professionals' or black entrepreneurs' needs as far as financing. The criteria for loans remain the same, which are the five Cs, and I don't have any problems with that, but there are some other criteria that I think should weigh a little heavier than just, "Do you have experience in any particular area of expertise?"

I feel that the banks have not addressed the black business person's real needs. They advertise loans available and tell us to come in and apply for loans, and once we fill out a loan package or financial package, they then tell us that the package is not strong enough for lack of collateral, for lack of equity investment, whatever. Basically, those are two of the stronger points they use for denying loans. I would say the banks in Dade County, in order to be viable in the community, will have to either become realistic, and I understand they have to safeguard their assets for their stockholders and make a profit for their stockholders and all, but there are also some 10 percent writeoffs that the Federal Government allows banks that can be used to help in the multiplier effect in the black community.

MR. ALEXANDER. Would you explain the multiplier effect and where it is right now in the black community or not in the black community?

MR. COOK. Where it is right now, it is a negative; it is a minus because nothing that we bring in from the dollars that we earn, disposable income, stays in our community. The few stores or businesses that we do own in our community are not large enough that we can demand the distribution or the distributors to give us a line of credit to give our money time to grow, so our multiplier effect is basically a negative. The monies that come into our community immediately go out. The banks have not addressed the issue of dealing with the professional—I'll give you an example.

The loan that I applied for was turned down because of lack of sales experience. I mean, the product I have will sell itself. I have a 10-minute cassette that demonstrated the product and how it could be used and any professional material handler would have bought the product based on that product selling itself. My experience in management,

which I would think is more important than me being a sales person. I can buy knowledge. I can buy a salesman. But I cannot, all the time, buy a person who would understand how to manage my business and make a profit for me.

You know, like a person can buy an accountant or a lawyer, talent can be bought, so I think the merit of the product and the market that it has should play a bigger role more so than can I sell a product.

MR. ALEXANDER. Thank you.

Ms. Range, from your description of the changes in the community up through the current point, do you feel any reason for optimism at this time that any positive change is going to occur or not?

MS. RANGE. I have to be very frank with you and say that I do not feel optimistic. I do not feel optimistic about the predominantly black community in that the same type Band-Aids are being applied to the cause. I read with some chagrin this morning the morning paper which spoke of the youngsters who go to apply for jobs in their usual manner. I saw many things there that gave me even more reason for discouragement. I think, again, we have to go back to the causes. We have to go back to the days of our segregated educational systems, or segregated housing, our businesses that Mr. Cook spoke of where not a dollar remains.

I didn't know that was called the multiplier concept. The only way I know it is that unless a dollar remains in the community and is allowed to turn itself over at least 8 to 10 times, that nothing really happens.

I do not see any viable new businesses coming into the community. The loans are still just as hard to get. We were given word that some \$5 million was set aside and that the Dade chamber, that is, a black arm of the chamber, would have the say as to who would be able to receive these loans. The loans are set up under no different circumstance than they always have been set up, that a person must have the proper collateral, he must have certain experiences, and where are we going to get them from? You are still talking to the same people you were talking to 10 and 20 years ago and nothing has really, really changed.

MR. ALEXANDER. Mr. Chairman?

CHAIRMAN FLEMMING. Thank you very much. Commissioner Berry?

VICE CHAIRMAN BERRY. Thank you very much, Mr. Chairman. As I listened to the members of the panel, I was reminded that the conditions that we heard about the last 2 days and that you have described so eloquently are like those in many other cities, and in a southern city where I come from, Nashville, Tennessee, we talk about the freeway that was built which divided the black community in two, which displaced people—urban renewal displaced people. But the community in Nashville survived, and it occurs to me that perhaps the reason why, well, one reason why the Miami black community and the underclass in this community is having such difficulty surviving is perhaps in Nashville we were lucky enough to have some very strong traditional black institutions that went back a long time, institutions that were anchors to the community, and which were ours, and which no one could really do anything about in terms of destroying them, although they tried. I

mean, institutions like Fisk University, Tennessee State, which they tried to destroy, and Fisk was ours and they couldn't, and other businesses that went back to the 19th century and people had been accustomed to maintaining those, and somehow the community survived.

We've also had the problems attendant to school desegregation, and one-way busing, and all of the things that I've heard described here happened. Some evils that beset you we haven't had, like the influx of refugees and the competition for jobs and the like. But as I listened to all of this, it occurred to me that I would ask, given these conditions and the hopelessness which we've heard about in Liberty City and other places—hopelessness which I think is justified, by the way, except for riots, I mean that except for somebody rioting, one has to really ask why should you expect some of the same people who you say made the decisions which caused the conditions to exist to help the people who are there? To be clear about what I'm saying, if given some choices as to where to make investments and given some choices as to where to put resources or where to make gifts or where to make grants and the like, why should the community or the white community, those who have resources in the white community, be expected to make any efforts to deal with the legacy of slavery and racism, given what you've described, and to add to that—and that's my only question—from what I have heard, it seems today a preliminary conclusion would be that, if you were advising young black folk in Miami who were in Liberty City and elsewhere that the options that they have really are to appeal to the humanitarianism of the white community with resources or the leadership or to riot or to leave or go to Atlanta or somewhere, but could you tell me why, do you think, any of you, a case can be made or ought to be made that given these conditions you describe that someone ought to be expected to help the community?

MS. RANGE. I don't know that I agree with the fact that I expect anyone to help the community, really, I don't. I have never said this. I don't necessarily advocate it because it hasn't happened, and as I said a few moments ago, there are some Band-Aid circumstances that come about. Let me just say this: I think there are two alternatives and these are you either annihilate the community which is very, very possible right now; you either annihilate the community just as Hitler did the Jews in Germany, or you get down to the basics of what has caused it.

I think that we need to go back to the causes and correct the causes. I think the establishment which brought about the spot zoning, the redlining, the business communities which were allowed to flourish just on the edge—let me give you an example.

When the Scott Housing Project was built, Liberty Square, I think there are some 973 units which were built with Federal funds. That entire project with 973 families in it was so designed that there was not a business development brought about within that project, but do you know where the businesses were? In those days 62nd Street was white town; it was on the other side, and all of the businesses were located over there, so that by design black people had to live in the project and

come across the street to do all of their buying. I do agree there is a responsibility, but as far as the expectancy of help, I personally do not expect to see that help beyond the Band-Aid issue of which I speak.

**VICE CHAIRMAN BERRY.** Do any of the others?

**MR. COOK.** I would like to respond to that. I think that it would be a wise business investment for the white community to invest in the black community: number one, the white community has invested, but only on the small scale that they are investing in their own stores. They do not understand the black market as the reason why they are afraid to come in and invest. There is a unique, unidentified market there that they are paying hundreds of thousands of dollars now to get studies done to find out the reasons why.

All they are wanting to do is really identify the market. The market has been there forever, but they don't know how to identify it. They haven't come in and said to the young black business person, "Hey, you live in this market every day. What do you see as a means to me making more money? Why don't I go into partnership with you and set up a business venture that is meaningful? You don't have to ask me for anything. You put in your equity investment and you run your part of the show and I'll run my part of the show."

He doesn't come into our community anyway. He's still an absentee owner, but at least, if there are some black ownership, riots wouldn't have to happen, because why would I burn down my store or why would the black community want to burn down another black person's store? Going a little further, giving them a chance to invest, the small person that works for the county or the city or whomever that can't afford to spend but \$10 a share or \$5 a share or a dollar a share, you can start a whole new community here. When I was a little boy, Overtown was the place. That was during segregation, so I looked at integration as being a downfall to me because it has not helped me go up. It has taken me back because I don't have anything that I can look at as Overtown anymore, and I wasn't born and raised in Miami. So I think that the white community does not owe us anything but, if they are smart business persons, would invest in the black community because there is a market here that they can't deal with because they won't come in and understand it.

**MR. KNIGHT.** As a very practical matter we all are aware that this community is in an economic boom, and anyone who thinks in this time that one segment of the community is going to sit by and see another segment move forward and enjoy all of the best things of life and just sit back and let that pass them by, as a practical matter that's not going to happen. Not only in terms of riots but in the terms of much more sophisticated kinds of problems, just as there is much more sophisticated kinds of racism you are confronting with these days.

I think that several things get forgotten when we get into these kinds of conversations, and in the community, we so stress the negatives that we tend to forget the positives and the strength of the black community.

One of the strengths of the black community is the strongest work orientation of any group. I know it is the only group that I know of that has had full employment and it was called slavery, because if you didn't work, you were dead, and I think those species still exist. It is a matter of being in the best interest of the total community to be aware of what Mr. Cook is saying and what Ms. Range is saying, and more importantly to develop practical and meaningful assessments.

The assessment of what is a prudent economic business risk cannot be made by someone who is sitting on Biscayne Boulevard and does not know that community, but it can be made by Mr. Cook, a person who has been running a grocery store, a family grocery store, for 30 years, and all of a sudden is told in order to get a loan or to expand you must incorporate, and then when he incorporates and goes to get a loan, is told you have not been a corporation long enough; you don't have the experience. That just is not practical.

Mr. Cook can assess the viability of the responsibility of that person, so it is in the best interest of business entities to have people like Mr. Johnson and Mr. Cook to give them some practical direction to continue a policy of prudent risk, but to make a unique determination of what is prudent based on the unique status of this community called the black community, which is in fact different than any other community.

And I think the other strength—and I'll shut up—is the activities of the last few years and what some of us see in the future is bringing about what I think is the most positive thing that's going to lead to our own survival: it is bringing a lot of us middle-class professionals back home. Not only here—but I was reading in the *New York Times* on Sunday that people who live in Yonkers and Hempstead are now going back to Harlem—and people are finding the sophistication and the suburb is fine but the roots they have to be with, and I think the strength of the black community is what is going to see that it survives in this community, and those strengths are what the wise business people are going to build on with equitable participation by the black community.

MR. JOHNSON. In respect to your question, I agree with most of the comments that have been made so far. There is a great deal of potential within the black community in Dade County. In fact, I think it offers more potential, believe it or not, for black people than any other place in the United States at this point in time. The fact that the external community, that is, the white and Latin communities, don't perceive that is a problem that we have to deal with. It is also, I would say it is the major thing that will stunt or have a negative impact on the economic growth of Dade County and south Florida. Dade County and south Florida are in the midst of a boom, and it is true that the black community has not fully partaken of that. Those economic roots that we were talking about—first you got to understand, unlike Nashville, Tennessee, Dade County is relatively young, is about 70 years old. There are no institutions here such as the educational institutions, the businesses, and that kind of thing that exist in this area, Atlanta, New York, southside of Chicago, Los Angeles, that kind of thing.

However, when you look at the geography of south Florida, if you turn the globe upside down—and you understand the United States as the biggest consuming vehicle in the world, the biggest purchasing block in the world—you see that south Florida juts out into the Caribbean; it is the closest point of land to all the islands in the Caribbean, to South America, to Africa, and, if you further understand that in order to move goods or people from Mexico or to Europe, you got to pass south Florida; if you want from go from South America into the Chicago heartland, that sort of thing, south Florida is also there; again with trade with Africa. There is \$600 million which have been identified by the economic development arm of Dade County. In the Caribbean, as an example, and all those people down there are predominantly black, an independent black government, as an example, exists only 50 miles away from here, which is closer to either Key West or Palm Beach. The activities, the business activities, of the black community into the mainstream of Dade County's activities, that is import, export, construction, those kinds of things getting to solid viable business ventures that are the mainstream of what is happening here, take advantage of that geography; further take advantage of the ethnic heritage of the people within the black community.

Another thing you have to understand is that first generation blacks here are descendants of Bahamians, Haitians, Jamaicans, and what not. They have always been a part of the black community which intermarried with black Americans from Georgia, South Carolina, the southern tier of the United States. Well, that heritage in itself means that these people can involve themselves with their cousins, aunts, and uncles in the Caribbean countries in terms of trade and that kind of thing. Certainly, again, when we look at the fact that housing—because of the influx of refugees, I think we have absorbed about 60,000 to 80,000 people within a 90-day period—we have a severe housing shortage problem at this time. But by building your way out of that and by that I mean by developing projects as the Overtown—some aspects of the Overtown redevelopment project which attempts to put these, the required housing in place—we wind up generating employment in terms of construction across the entire economic spectrum.

Unlike many things like defense expenditures and things like that, a dollar that goes into a housing project employs everybody from, say, an architect, a builder, an attorney, all the way down to a laborer, and those kinds of things are the kinds of things that will and can pull this community into the mainstream.

Now, to do that, the question is how come that has not been recognized to date and what are we doing?

I am saying, also, that external community, the white and Latin community, do not see these things for the most part as being advantageous to them. When they understand that and they understand they are getting into a marketplace that will be tremendous for all of Dade County, I think that realization will cause them to want to invest more than they are. My association and institution understands that and that's why we're trying to invest in the community and be the lead organiza-

tion pulling everybody else in there, because we realize that you cannot advance this community very much further leaving one segment behind and out of sync as such as the black community is with the rest of Dade County. Additionally, the positive potential is tremendous, and it is a marketplace being ignored.

CHAIRMAN FLEMMING. Commissioner Horn?

COMMISSIONER HORN. Mr. Knight—

Ms. RANGE. May we just—I'm sorry.

COMMISSIONER HORN. Please go ahead.

Ms. RANGE. I just wanted to say one other thing about housing, and again it involves the Federal Government. We have many public housing units here for black people, mostly built in very large segments such as I described just a moment ago. But when we speak of attempting to be business people, let me give you an example. There is a program which is called section 8 housing wherein—I suppose you are familiar with that—the builder owns the housing. In Miami, I would dare say that 99 and some fraction of section 8 housing has somehow gone into the hands of white builders, some one or two or possibly three. Section 8 housing is something that black contractors look at and wish they could get into.

I think this is very unfair that the Federal Government would spend the kind of money it spends in section 8 housing and not allow a black contractor an opportunity. It goes to say without contradiction that if the man at the head of the job is black or Spanish or white or what have you, he is going to see that his peers and other people like him are going to be employed, but these are the kind of constraints that are placed upon blacks generally. We somehow managed to get shared out.

One other thing—and then I'm through—you made mention of the educational institutions. I don't know whether you are aware or not but with Miami being as young as it is, as Charles said, and with our not having the old root type institutions, I would have you know that schools in the black areas are closed as rapidly as they can possibly come up on the agenda. I think we have possibly one or maybe by this time two senior high schools which are predominantly black, and our children are automatically bused out of the area. Many of our school buildings just stand there in ill repair now.

COMMISSIONER HORN. Mr. Knight, you have a very interesting review of some of the Federal programs and how they were mistargeted in terms of their approach. They thought of physical structures and not of their effect on people and so forth. And then you mentioned the model cities program, the attempt to coordinate other Federal programs. What I would like to know is, if you don't like the way the Federal money has been allocated in some of these programs now that you see how those monies and programs are actually implemented, what do you suggest as a solution? Is it more revenue sharing where the decisions can be made locally, or what is it?

MR. KNIGHT. Number one, I don't think that any program that you can name is going to be effective with the level of resources that are provided. We get put in a trick by allocation of resources, then an

expectation that there is going to be 150 percent, 110 percent efficiency and effectiveness with those programs. What I am suggesting to you, sir, is that there needs to be a massive approach to the basic problems, the basic problems of housing, the basic problems of unemployment, the basic problems of education, the basic problems of social services and human services so that people can do more than totally concentrate on survival. And what we continue to do is to look at alternatives which don't relate significantly to massive resolution, again, much as we did with the Marshall plan after World War II, or what we did with Japan. So I am suggesting that there ought to be community involvement—and beyond community involvement in some advisory role, but I mean in the administration of resources—but there ought to be enough resources to have an effective impact on the areas.

COMMISSIONER HORN. Let me pick up that community involvement point and ask you how you see that community involvement being mobilized in other than Federal programs to solve what are some of the basic economic problems. A lack of jobs obviously means that lack of income, capital, etc. Lack of capital means you can't build up a surplus within the black community to be directed towards the further development of small business, etc., within the black community.

Are there efforts underway in the black community of cooperatives, of your own black community savings and loans, etc., so that the millions of dollars that are in there, whether it be by jobs, whether it be by social security checks, whether it be by welfare, whatever, could be accumulated, reallocated to help build up businesses and to back entrepreneurs, if you don't feel that the so-called establishment banks, savings and loans, whatever, are sufficiently providing resources for that development in the black community?

MR. KNIGHT. I'm hoping that Mr. Johnson and Mr. Cook would elaborate further on this, but let me comment, because I think again when we limit ourselves to viewing the resolution of these problems in terms of just the economic aspect, I think we are too limiting. I am suggesting to you, sir, that while you are correct, we ought to be capturing those dollars and turning them around three or four times in the community, I am suggesting that the health condition, the housing condition, the unemployment condition, and these other factors have to be addressed and they have to be addressed by government, local and Federal and State, and that they, in fact, have not been and are not being at this point in time.

COMMISSIONER HORN. I understand that, but we've got a panel today on economic development, and I am interested in a judgment as to the degree to which it is feasible and the degree to which it is now occurring for the black community in Miami to be developing some of its own savings and loans, banks, cooperatives, other institutions to help focus this money. There is a tremendous amount of money when one accumulates it.

MR. KNIGHT. There certainly is, as I see it, and again you are asking a social worker about it, but as I see it, there is a great deal of interest and there are many, many people interested in doing that. The con-

straints on the resources is the limiting factor and that's local resources and the availability of Federal funds to do this.

COMMISSIONER HORN. Do you have any comment, Mr. Johnson or Mr. Cook?

MR. COOK. I have a comment to that. To answer your question directly, no, there isn't anything going on to my knowledge except for a few rumors that there are some people trying to put a bank together. That's been going on for several years now. However, I see the black community taking advantage of the Federal deposits that are available if we can first we can get a State or Federal charter for a bank.

Now, we have a group called the Urban Bank Group, a group of black bankers that are qualified and do run the banks downtown except for, you know, at the executive level, and there are some in the middle management and a few that may have drifted into the executive level that can run a black bank. To carry it further, there is talent, black talent, available to do virtually anything you can name under the sun.

COMMISSIONER HORN. Has any charter been applied for by such a group?

MR. COOK. To my knowledge, no, not to my knowledge.

MR. KNIGHT. I think that ought to be clarified, though. While there may not be a formal application, there have been groups that have informally approached the charter issuers, and it has not been, from what I heard, an encouraging experience. Those groups, therefore, have not proceeded and the capital factor is the major drawback.

COMMISSIONER HORN. Yes, Mr. Johnson?

MR. JOHNSON. I am a member of the Miami-Dade Urban Bankers, and that's an organization of banks that work for existing bank agencies, savings and loans, and the purpose of the financial community that assists in underwriting that organization is to maintain a pool of black bankers that will be ready when anybody wants to start a bank. My association has been on record as supporting and assisting in establishing a black bank, savings and loan, or whatever. The problem is more basic than that. There is no black savings and loan bank now, and there is no capital available to start one that is indigenous to the community, so, you know, we are back to square one on that one.

Let me say one other thing about this community, and I have a question that I would like to ask. There are, as I pointed out before, some very unique things about this community. These things are right now causing severe problems in dislocation, that kind of thing. Our task, it seems, is to turn around and take the disadvantages and turn them into advantages, and I think that's possible. Of course, with the will to do that—and I'm not sure that the will exists to the degree that it is required in order to make those things happen. Additionally, when we look back at the financial situation, again we find that most of the solutions that are being proposed right now don't really seem to attack the root problem.

We need a holistic approach. First of all, the requirement to structure, that takes some time. You know, you really need to know what you're doing. Actual redevelopment of a black community has never

occurred to my knowledge anyplace else in this country, and so what we're talking about really has no pattern. We also know that those kinds of true fixes, the ability to reestablish the natural economic forces within a community, take a lot more time than perhaps the governmental shots. But let me say this, the way out is going to require a partnership between the black community, the external community, the white and Latin community, the private sector and local government, and our experience views that role as the local government creating the environment for investment, just like it does whenever it gets ready to do anything else. When it gets ready to redevelop a particular area that we are involved in, Latin America, or when we were working in Southeast Asia, I saw American tax dollars spent at very high rates, and I know what can happen when you start moving money.

COMMISSIONER HORN. Mr. Johnson, I regret, because these hearings are scheduled with a time limit, I have to cut off the questioning. We can't thoroughly explore your ideas, and it is disappointing to me, but I would like to get two items into the record. When you mentioned the Federal Home Loan Bank Board regulations on serving an area—I would like counsel to secure those and, Mr. Chairman, insert them into the record at this point with any commentary the staff wishes to develop as to how those regulations are being enforced, how they can be directed at this problem which was brought out by the panel.

CHAIRMAN FLEMMING. Without objection, that will be done.

COMMISSIONER HORN. I would like to insert in the very interesting article on Mr. Knight in the *Miami News* of December 8, which also lists the affirmative action figures of the County of Dade in government. If we might have that in the record?

CHAIRMAN FLEMMING. Without objection, that will be done.

COMMISSIONER RUCKELSHAUS. I have a question for Mr. Johnson. Of course, I don't expect you to respond to any of my questions in terms of your particular bank but to give me your perceptions of the financial community in general. First of all, is there a usury law in this State?

MR. JOHNSON. I think that is in terms of fixing the ceiling on terms of interest rates.

COMMISSIONER RUCKELSHAUS. Yes.

MR. JOHNSON. That has been.

COMMISSIONER RUCKELSHAUS. You don't have one?

MR. JOHNSON. Right. Well, we've got a clause around that. It used to be fixed at 10 percent. Obviously, that limit is no longer in place. Our interest rates run around 14 or 15 percent.

MR. COOK. This current usury law in the State of Florida is 18 percent.

COMMISSIONER RUCKELSHAUS. We heard some testimony that there are some 65 commercial banks in the greater Dade County area. That doesn't take savings and loans, I suppose, into consideration, either. What exactly has been the impact of the Community Reinvestment Act on black communities in Overtown and Liberty City?

MR. JOHNSON. Well, it is the Community Reinvestment Act that gave the impetus to creating the type of job I have, and it is the only

thing that has caused anyone to be interested in redeveloping Over-town, Liberty City, and that kind of thing. The Community Reinvestment Act has been implemented in different fashions by the Federal Home Loan Bank Board than the Federal Reserve Bank, which is one of the regulatory agencies for commercial banks, and really that's what you ought to be looking at, the Federal Reserve Bank and how it has chosen to implement the Community Reinvestment Act.

I think the impact can be seen. There are savings and loans in terms of financial institutions that are leading the path into the black community, and commercial banks have yet to even organize themselves in a manner that is conducive to do that.

COMMISSIONER RUCKELSHAUS. Well, that was another question I had, and we are aware in some communities the financial institutions have gotten together and certainly nobody ever says they ever had a practice of redlining, but in specific cities that we're aware of, the financial institutions have said, "Not only have we never and will never practice redlining, but to show you our good faith effort"—and then they pledge a certain percentage of investment and loans in severely impacted areas.

I noticed there's a coalition of financial institutions that you are involved with, 27 lending institutions in the Neighborhood Housing Services. That's 27 out of a much broader group?

MR. JOHNSON. Yes, all except one savings and loan chartered in Dade County and about 10 commercial banks, and that organization raises the operating budget for the Neighborhood Housing Services, which is a partnership between the local government, community residents, and the financial institutions, which directs home improvement loans and attempts to organize the community and re-create that natural economic—the cycle within the community itself.

COMMISSIONER RUCKELSHAUS. Are there statistics available—I think there probably are—that reflect the percentage of loans flowing into certain areas in the city by at least a commercial bank?

MR. COOK. Yes, especially with the savings and loans. Again, each S and L is required by law to maintain statistics on where they're making home loans, and those statistics can be made available by census tracts with the cumulative—one is able to look back and see the pattern of lending over an extended period of time and also determine what the lending pattern is in the last 2 years.

COMMISSIONER RUCKELSHAUS. To your knowledge, has anybody collected those statistics, bank by bank, and attempted to draw patterns out of them?

MR. JOHNSON. Each association is required to maintain them, and we make them available to the public. That's one of the problems. In fact, getting back to the Community Reinvestment Act for a second, you know, one way to deal with financial institutions is to make a complaint against them via the Community Reinvestment Act. I don't think there has been a complaint on file on commercial banks in terms of their lending practices in Dade County in the past 2 years.

COMMISSIONER RUCKELSHAUS. Could you suppose that reflects the fact there is no reason for a complaint?

MR. JOHNSON. Not at all. No, not only is there a reason for complaint, but it also indicates that we don't understand how to use that particular tool. It also implies another problem within the community in terms of some of its agencies and associations; institutions within the community that perhaps would be taking that role have not chosen to do so yet.

The county has chosen to use the Community Reinvestment Act by passing an ordinance which requires institutions that are depository for county funds to have a clean Community Reinvestment Act statement, but there has been not a community group that has gone into a commercial establishment, to my knowledge, and pulled their CRA files and gone through the other procedures to file a complaint.

MR. COOK. May I respond?

COMMISSIONER RUCKELSHAUS. Mr. Cook.

MR. COOK. As far as the Community Reinvestment Act is concerned, it wouldn't do any good for any group, black group, to complain, basically because there isn't but one bank located in the black community, and that bank has pledged \$10 million available for loans based on the criteria on any other loan, so the Community Reinvestment Act policies or procedures or laws have been taken care of by stating publicly that they have \$10 million set aside for reinvestment in the black community for black people. But the criteria of getting those loans are still the same, and if you don't have any collateral, you don't have equity investment—what I'm saying is—I'm not saying you shouldn't have collateral to get a loan, but if you are in a high risk neighborhood, you should have high risk policies.

So it doesn't make a difference for any community to go and complain. For what? They have done their job. They are publicly saying, "We've got \$10 million available."

COMMISSIONER RUCKELSHAUS. Mr. Johnson?

MR. JOHNSON. Yes. I hear what Don is saying, but if one digs a little bit deeper into what the Community Reinvestment Act states and looks at the situation of the financial institutions in Florida, one can see how it can be applied to some effect.

As an example, one of the things it says, if an association, a savings and loan, or a commercial bank, is applying for an application for another, another branch, as an example, that any activity in terms of processing that application to open a branch must be suspended while the complaint is under review.

Well, if you understand that, at least with the Federal Home Loan Bank Board, it takes about a year to prepare an application for a branch, and then it takes about another year to process, so that would be a 2-year delay in a branch which falls into a profit picture of a financial institution in some way. If you further understand that the laws within the State of Florida have just allowed branch banking to exist, then you see that their commercial banks are in a mode where they need to begin branching at once because of competitive reasons

within the financial industry within the State of Florida, and if a complaint will suspend that activity, I guarantee you that you will get quick attention on that particular problem.

What I mean is this, if, as an example, an institution has a headquarters here in Dade County, and when you pull their Community Reinvestment Act statement, they are obliged to tell you what their lending area is; they don't have to have a branch in the neighborhood but, if their lending area covers that neighborhood, then they are required to do certain things. If that's not being done, a registered complaint, again, will keep them from opening a branch perhaps in Tallahassee because of a problem in Liberty City. So I think that understanding instruments that we do have like the Community Reinvestment Act will certainly bring the attention of the greater part of the financial community. Finally, it is worth a try.

COMMISSIONER HORN. I would request we insert into the record the Community Reinvestment Act relevant portions.

CHAIRMAN FLEMMING. Without objection, that will be done.

MR. JOHNSON. I have one other statement.

CHAIRMAN FLEMMING. Pardon me, I think Commissioner Ramirez has something and we'll come back.

COMMISSIONER RAMIREZ. I can't pass up the opportunity to ask Ms. Range because of her knowledge of this community—I don't know very much about economic development or banks or any of that; I do know something about communities and the strength of communities, and we hear over and over again, talking about the youth in Liberty City, black youth in Miami, that they desperately need the models, the strengthened home support system. It seems to me that what we are talking about is the socially, economically integrated community in which some of the people who are making it or who have the hope of making it somehow interact with those who have little hope of making it. And I am sitting here listening to all this talk about economic development and thinking about the children in the barrios in which I live and work, and how well that means to them, and I know it means jobs. But I think way beyond that, even beyond the jobs, the kinds of human support system that is necessary has to be there, and I have to ask you, Ms. Range, as a leader in the Miami area, whether things like desegregation efforts in housing, whether busing of these kids out of that Liberty City area, whether the isolation from housing for the poor in such numbers, whether you see that fundamentally as a breakdown in that community support system which would give those youngsters those role models and that strength, and what are all these articulate, outstanding black people that have appeared before us, how do they see themselves as working to rebuild that community?

MS. RANGE. I think as far as working to rebuild the community, I believe every black person in the community has a commitment to want to assist in rebuilding the community, but I think there are many areas that we must look at very carefully, and let's take them one by one.

Let's take the educational system where when integration actually became a way of life, when this majority community resisted long before the riots became a way of life—the riots grew out of the frustration of the injustices which were perpetrated upon this black community, and I think we need to understand that.

I think when integration simply meant that black children were uprooted and bused to other areas, and conveniently small numbers, so it was very carefully mapped out so they would not become a really viable part of that school system to which they were integrated, such as when black children were integrated into the white school system across Miami Beach, Miami high schools, in other areas they were so few in number as compared to the large white populace that they didn't stand out anymore as athletes.

When they had a real problem, they didn't have a black counselor; they had to go to a man or woman who knew nothing of their background. I think this is just one of the examples that we have a breakdown in integration. They came from the meager areas of Liberty City, greater Miami, Brownsville, to go to the very plush areas across the bay to the fairyland of Miami Beach, or wherever else they went, and at 4 o'clock in the evening they came back to a world of reality. It is very hard. It is a Dr. Jekyll and Mr. Hyde kind of situation. That is for the educational aspect of it.

For the housing, we have said over and over the manner in which the youth—you take in some areas right now, because the code enforcement is not working in many parts of Liberty City, the Brownsville area. We still have serious, serious overcrowding in the living conditions.

Let's take the recreational portion. It is only since the riots of May that Miami-Dade County has really gotten up on its hind legs and said, "We've got to finish these parks that have been on the books for years and years and years."

What we have in those areas, as far as recreation is concerned, a park will be dedicated, might be named after a good black person, and then it's left out there. No programs, nothing to stimulate the youngsters to give active play. So as a result of all those things, we find our young people standing around with little or nothing to do.

As far as jobs are concerned, it was stated by our county manager 2 weeks following the May riots that 47 percent at that time of black youth were unemployed, and it is also stated—you might see this in many places—that the black youth are offered jobs and they don't take them. Let me tell you what brought on the second uprising after May, some 3 weeks later. It was advertised that there were jobs, some 600 jobs were available, and so because the youth were so anxious and felt that surely now is the opportunity, more than 1,000 youth converged on the Joseph Caleb Center to see if they would be the lucky one to get one of these 600 jobs. And when they got there, it wasn't really 600 jobs; there were approximately 200 or 300 jobs.

Let me tell you something else. These were not jobs for unskilled youngsters or young people. These were jobs for welders who had

some experience, for electricians, so naturally here goes the frustrations again that the good white people of this community have always been promising, the private sector who said, "Come on, buddy, if you want to work, we've got some jobs for you," and then when they got there, well, "We got the jobs, but are you a welder? Are you a plumber?"

So don't you see, these are the kinds of conditions that permeate throughout the black community. You know, I know that we are here for the economic panel. I know that, but I tell you, it is not only the economics of the community that matter. It is all of the ills that been perpetrated, beginning with the criminal justice system, housing, education, employment, all of these things melted into one makes it an almost irreversible circumstance of hopelessness.

CHAIRMAN FLEMMING. We are very grateful to the members of the panel, for the presentations that you have made, for the way in which you have responded to the questions. It is clear that the members of the Commission have found your testimony to be extremely helpful, and we thank you very, very much for spending this time with us. Thank you very much.

Counsel will call the next witnesses.

MR. ALEXANDER. Juanita Horton, Alberto Ros, Oliver Kerr, Patricia Mellerson.

[Juanita Horton, Alberto Ros, Oliver Kerr, and Patricia Mellerson were sworn.]

**TESTIMONY OF JUANITA HORTON, MEMBER, HUD ADVISORY BOARD,  
JAMES E. SCOTT TENANT COUNCIL; OLIVER KERR, DADE COUNTY  
PLANNING DEPARTMENT; PAT MELLERSON, CHAIRPERSON, COMMUNITY  
HOUSING RESOURCE BOARD OF DADE COUNTY, AND PRESIDENT, KEYES  
APPRAISAL GROUP, INC.; ALBERTO ROS, DADE COUNTY DEPARTMENT OF  
PUBLIC HEALTH**

MR. ALEXANDER. Starting with Ms. Horton, could you each give us your full name for the record and tell us where you are employed or what community organization you might represent?

MS. HORTON. My name is Juanita Horton. I represent at this meeting housing. I'm a member of the HUD advisory board at the James E. Scott Tenant Council.

MR. ALEXANDER. Mr. Kerr?

MR. KERR. My name is Oliver Kerr and I work for the Dade County planning department where I am in charge of demographic and population studies.

MR. ALEXANDER. Thank you. Ms. Mellerson?

MS. MELLERSON. My name is Pat Mellerson. I'm chairperson of the Community Housing Resource Board of Dade County and president of the Keyes Appraisal Group, Inc.

MR. ALEXANDER. Mr. Ros?

MR. ROS. Alberto Ros, and I am with the Dade County Department of Public Health, director of the rat control program in the city of Miami.

MR. ALEXANDER. Mr. Kerr, the last panel referred to the deteriorating and impacted housing conditions in the community. Could you tell us what the current community vacancy rate in the county is?

MR. KERR. The current vacancy rate is basically a turnover vacancy rate. It's been less than 1 percent for the past 2 years, that is, the rental vacancy rate. The homeowner vacancy rate, I'm not sure exactly where it's at, but I think it is in the order of about 1 percent. Essentially, what you are seeing is no vacancies at all, no reasonable chance of movement. All that you have is a turnover in units.

MR. ALEXANDER. The recent influx of both Haitian and Cuban refugees, how has that impacted on the housing market?

MR. KERR. Well, that obviously has had a major impact. The market prior to the influx was already extremely tight; as I say, half of 1 percent. No other metropolitan area in the country has such a rate.

MR. ALEXANDER. And for low-income families, is this situation even more severe?

MR. KERR. Particularly severe. We have been impacted by a tremendous spate of conversion of existing rental units into condos, and now with the influx of a total of 125,000 refugees in the past year—and that's the total; those translate into 43,000 additional households seeking assistance. That is added to the severity of the situation, particularly for low income, because these refugees, of course, have absorbed every available room, every shack, every available space in the county.

MR. ALEXANDER. Mr. Ros, you run the rodent control program?

MR. ROS. Yes.

MR. ALEXANDER. Would this program be an indication of the general deteriorated state of housing stock, if you find rodent infestation? Is that a major evidentiary piece of—

MR. ROS. I think so, sir, and in our work in the different target areas that we work in, some of the areas that the panels before mentioned, Overtown and Liberty City area, we have in Overtown been working 4 years and we have found the rat infestation because of the deterioration of the structures.

MR. ALEXANDER. Are substantial numbers of the residents in Overtown suffering from heavy infestation of rats?

MR. ROS. At the beginning of the program we had about an average of 17 percent of the premises were rat infested in our first survey 4 years ago. We have been able to lower that percentage to almost nil now in some of the areas, and it may be at 0.5 percent from the standpoint of the public health hazard. CDC considered that less than a 2 percent infestation ceased to be a health hazard.

MR. ALEXANDER. What about in the other impacted areas, Liberty City area?

MR. ROS. Liberty City area we just started this year.

MR. ALEXANDER. Just this year.

MR. ROS. And we have in the three target areas of Liberty City that comprises about four fifty-city blocks, we get an average of about 9 percent rat infestation, and with reference to structural defects that makes the rat infestation, we found that about 30 percent of the housing

stock there have potential—what we call potential rat increase, and that is due to the defects in structural designs or broken walls or screens or whatever.

MR. ALEXANDER. Mrs. Horton, you are a native of Miami, is that correct, lived here all your life?

MS. HORTON. No, I'm not.

MR. ALEXANDER. When did you come to Miami?

MS. HORTON. Say 30 years ago.

MR. ALEXANDER. You were originally settled in the Overtown area before the renewal occurred?

MS. HORTON. Yes, I was.

MR. ALEXANDER. Were you one of the families displaced by the Overtown—

MS. HORTON. Yes, I am.

MR. ALEXANDER. Where did you move from?

MS. HORTON. My address was 1810 Northwest Third Avenue.

MR. ALEXANDER. And you moved into the Liberty City area after the renewal?

MS. HORTON. Yes, I moved into Carver Sites, which is a part of James E. Scott housing complex.

MR. ALEXANDER. Was any assistance provided to you by Federal or county officials in helping you find housing in other parts of the county, or a wide choice, anything?

MS. HORTON. No, there wasn't.

MR. ALEXANDER. Could you describe for us the conditions in the James E. Scott development?

MS. HORTON. All right. First I would like to say that I am here this morning primarily not only just James E. Scott, but the ills that are in James E. Scott is in all other public housing in Dade County, and I also represent those people living in the rest of the public housing, so whatever upgrading that James E. Scott is receiving, the other projects need it also. This is just a pilot or Band-Aid or what you say to upgrade James E. Scott since the riots, and some of the upgrading has started a little before the funds was coming in before.

We have an urban initiative program which is called FIU, and from that we receive \$5 million to do some work in Scott. It is just for Scott, not Carver, and that was to upgrade the electricity, to close in the breezeways, to put in individual hot water heaters, to do drainage, erosion around the buildings, new refrigerators, new stoves, painting—interior and exterior.

MR. ALEXANDER. What about the internal improvements?

MS. HORTON. Kitchen cabinets and to remodel the kitchen.

MR. ALEXANDER. Does that meet the needs that exist in the local housing?

MS. HORTON. It meets some of the needs. That was the FIU program and that will take care of 50 percent of the modernization. HUD has just received another \$6.5 million to do the other 50 percent of the completion of the project.

MR. ALEXANDER. Do you agree with the characterization that we've had several times, that living in those projects is a very difficult life for a family?

MS. HORTON. Would you clarify that?

MR. ALEXANDER. Okay. Do you find it and the people that you speak to that living in James E. Scott is hard on family life; do the children brought up in the area face difficult pressures?

MS. HORTON. Yes, I would say it's difficult not only for James E. Scott but housing projects itself. It seems to have some kind of stigma on it, because even when you visit social agencies and you say, "I live at Scott, I live in some of the housing projects," everybody turns and looks around like you're an ant or something that just walked in, you know, that you are less than human.

MR. ALEXANDER. Thank you. Ms. Mellerson, could you describe for us the housing program that you are involved in?

MS. MELLERSON. Okay. The CHRB, as we call it, which stands for Community Housing Resource Board, came into being in 1975 as a result of NRA, which represents the National Association of Realtors, and HUD signing an affirmative marketing agreement with the Realtors throughout the United States. As a part of that agreement, it calls for the establishment of a CHRB and that CHRB should be comprised of community workers.

In our particular area we have 22 to 25 permanent members on our committee. We meet once a month, which isn't called for in the outline, but we do because we realize that there's such an important need in our particular community.

MR. ALEXANDER. Could you spell out what the CHRB means?

MS. MELLERSON. Community Housing Resource Board.

MR. ALEXANDER. Could you characterize for us the current situation with respect to racial discrimination in the housing market? Is it still prevalent? Is it still pervasive?

MS. MELLERSON. Oh, yes. I would say very definitely so. I started in real estate in 1974, which was a very difficult market. I started working in north Miami Beach. If you are familiar with the area at all, you are very familiar with the kind of area I started working in. I moved from that area and became the assistant manager of an office in Hialeah, which, of course, is a different market. After that I worked in the south end of town as manager of an all-white office, and the reason I'm specifying these different areas is to tell you that I have covered almost all of the areas of Dade County, and I think that I can very well answer that there is a lot of discrimination in housing in Dade County.

MR. ALEXANDER. Do real estate brokers and agents, as a general rule, steer black and white and Latin buyers and respectively black, white, or Latin communities?

MS. MELLERSON. Yes. I would like to have the time to tell you of the many comments that I have gotten over the phone in working in the different areas wherein a Realtor or an office—and I should clarify for the records the difference between a Realtor and a broker, because most people don't understand. A Realtor is a person who is a member

of the professional organization. A broker is any person who has a license to sell real estate and to have an office. My organization represents the Realtors.

Unfortunately, that represents only a small portion of the persons who have licenses in Dade County. Now, to answer your question, I believe you asked me if we have—

MR. ALEXANDER. Steering.

MS. MELLERSON. If we have steering. Yes. I have just last week called an office to ask for information on a property in the northeast, and she must have asked me at least five times, "Are you sure you want the northeast? I have some very nice houses in the northwest." If you work in this area, you know very well that the majority of blacks live in the northwest versus living in the northeast, and she wanted to make sure, without saying anything, she wanted to tell me that she was trying to steer me into the northwest rather than into the northeast.

MR. ALEXANDER. Thank you. What resources do you have provided to you, or any other entity in the community, by the Housing and Urban Development part of the Federal Government to combat the problems?

MS. MELLERSON. The problem that we have some?

MR. ALEXANDER. Yes.

MS. MELLERSON. From a financial standpoint of view, we don't have anything at all. Our organization, as I said, was organized in 1975. It was the first in the United States, and I have worked diligently with HUD in order to organize other such organizations around the country.

To this date we do not have any funding at all. It has been completely voluntary from our standpoint of view which means that we can't do a lot. There are so many things and so many areas to cover, we really cannot really get at the meat of the problem without the money. We have not been provided that.

MR. ALEXANDER. Is there any active civil rights staff from HUD located in the Miami area?

MS. MELLERSON. No, not at all. We had an EO officer, oh, I suppose, about 4 years ago, and for some reason it was decided that this function should be moved to the regional office, or area office, in Jacksonville. Everybody knows that Miami is a very active real estate community, and there are many Realtors, brokers, associates working in this area. There are many problems that need to be monitored in this particular area, and we do not have a person monitoring those programs.

What we do have is a representative, but they don't have the funds available for her to come down maybe once or twice a year, and you just cannot monitor the kinds of problems we have in Dade County. For an example, she mentioned earlier the low maintenance on public housing—and I really think that we should change the name from public housing because it would sort of take the stigma away from public housing—but there is so much maintenance that I can tell you from all the projects that I see, it just needs somebody to go out and say, "Hey, what are you doing? Something needs to be done here."

Modelo homes down in North Rancho-Homestead—I went out for a seminar once and I came away so frustrated because it seemed as if trash had not been picked up for months around the housing project, and this just should not exist at all. Drugs were being sold there, and somebody said to me, “Just stand here and you’ll see kids come up to you and try to sell you drugs,” and this kind of thing is very prevalent, but there isn’t anybody around to monitor what is going on.

He mentioned rat infestation. We just contracted to buy a building, and I swear the rats are as big as cats, you know, so I think these problems do exist and I think somebody needs to be here in order to check on these kinds of things.

MR. ALEXANDER. Thank you. Mr. Chairman?

CHAIRMAN FLEMMING. Ms. Horton, how long have you served as a member of the advisory board on which you are now serving?

MS. HORTON. Three years.

CHAIRMAN FLEMMING. How often does that advisory board meet?

MS. HORTON. Twice a month.

CHAIRMAN FLEMMING. Do you feel that the recommendations of the advisory board are given adequate consideration once they are made?

MS. HORTON. Our recommendations?

CHAIRMAN FLEMMING. Yes.

MS. HORTON. Yes, they are.

CHAIRMAN FLEMMING. Right. In other words, this is a working board?

MS. HORTON. It is.

CHAIRMAN FLEMMING. And you have had the feeling that the time you spend in the work of the board does pay dividends?

MS. HORTON. Yes.

CHAIRMAN FLEMMING. Ms. Mellerson, I’m very much interested in the work of this Community Housing Resources Board. You have indicated that it does meet once a month, although the regulations do not require you to meet that often. Are you essentially a board that makes recommendations?

MS. MELLERSON. We do make recommendations; however, our recommendations have not been followed.

CHAIRMAN FLEMMING. To what agency do you make your recommendations?

MS. MELLERSON. To the Realtors, to NAR, and to HUD. We make them to both of those agencies because we came into being as a result of the agreement between HUD and NAR. For an example, we are to monitor the progress Realtors are making in implementing the agreement and to find out if the Realtors are selling affirmatively in Dade County. We cannot get that kind of information from the Realtors.

They always take the fifth and say they would not like to provide us with that kind of information in case someone would like to use it negatively against them, and NAR supports them, so we need to be able to sit down and say, “Okay. You have signed the agreement. Now tell me what kinds of things you are doing in your particular office as far as working with minorities and as far as hiring minorities, getting

involved with the community and some of the housing problems," but we can't do that. We meet with them, ask for it but we don't get the information.

CHAIRMAN FLEMMING. So you do not feel that the board is in a position where it can effectively monitor this affirmative agreement as far as the Realtors are concerned?

MS. MELLERSON. Yes, that's a definite yes.

CHAIRMAN FLEMMING. Okay. Do you monitor also what HUD is doing in connection with the enforcement of the fair housing law?

MS. MELLERSON. Yes, we do. We have a good working relationship with the Jacksonville office and with Washington, but their hands are tied because they don't have budgets. For an example, I spoke to the Jacksonville office just yesterday and I said, "Really, give us somebody in this area who can monitor some of the programs," because I was outlining some of the things which Ms. Range mentioned earlier. What about minority contractors getting some of these jobs? What about having more minorities involved in the decisionmaking positions in HUD? You know, I don't see that kind of thing going on and these are the kinds of things I asked for, and they tell me, "We don't have the budget," so we are right back where we are started.

CHAIRMAN FLEMMING. Right. In other words, as far as HUD is concerned, they do not have anyone in this particular area giving full time to monitoring the implementation of fair housing?

MS. MELLERSON. No, they do not at all.

CHAIRMAN FLEMMING. Right. And in your judgment and in the judgment of your board, a great deal remains to be done in terms of the implementation of the fair housing law?

MS. MELLERSON. Oh, yes. I think in many instances it had been just signed and forgotten. It is just a signature on a piece of paper and that's the end of it, and that's so unfair to have such an important agreement executed and not followed through.

CHAIRMAN FLEMMING. Thank you very much.

COMMISSIONER SALTZMAN. Just to follow through on that question, is there any governmental unit, Federal, State, city, working in the area of monitoring fair housing?

MS. MELLERSON. No, not to my knowledge. The only agency I know of would be HUD and that person comes down twice or three times a year, and she is scheduled to work from Key West to someplace in the center of the State; that's just too much work for one person to do. There is no way she could even cover or do an effective job.

COMMISSIONER SALTZMAN. Absent any enforcement efforts, do you think there has been any kind of movement to alleviate housing discrimination in this county?

MS. MELLERSON. Well, I would say very little. All of the boards, all six of the boards, of Realtors in Dade County have signed the affirmative marketing agreement, and that is a positive thing because most real estate boards have not signed it, but again that isn't enough just signing the agreement. I think that has been the extent of the efforts that have

been made in Dade County as far as ending discrimination is concerned.

COMMISSIONER SALTZMAN. You find no implementation of any agreement?

Ms. MELLERSON. I do not.

COMMISSIONER SALTZMAN. Okay. Ms. Horton, are there places of recreation for children close to public housing areas?

Ms. HORTON. In James E. Scott there is the Poinciana Park and on the Carver site there is a small park adjacent to the Lilly C. Evans elementary school.

COMMISSIONER SALTZMAN. Are children able to use those facilities? Are they safe facilities?

Ms. HORTON. Yes. On Poinciana Park, I think it's safe. At Lilly C. Evans, there is not quite enough, I would say, recreation space for smaller children because they have tennis courts and handball courts which is for larger and older children.

COMMISSIONER SALTZMAN. But there are some, apparently?

Ms. HORTON. There are some.

COMMISSIONER SALTZMAN. How about shopping availability?

Ms. HORTON. Well, there are not in the immediate area. There is shopping near Seventy-Ninth Street, or a shopping center.

COMMISSIONER SALTZMAN. How do people from the public housing area get to shopping centers?

Ms. HORTON. At this time they use buses.

COMMISSIONER SALTZMAN. It's the only available means, to use a bus?

Ms. HORTON. Yes.

COMMISSIONER SALTZMAN. Who owns the shopping areas in general?

Ms. HORTON. I don't know who the owners are.

COMMISSIONER SALTZMAN. I mean, what race? Are they generally white owned or Cuban owned or black owned? Are there black-owned businesses?

Ms. HORTON. There are some mixture there but very few black shops. There are some in there.

COMMISSIONER SALTZMAN. Is public transportation available at the housing centers?

Ms. HORTON. At the centers?

COMMISSIONER SALTZMAN. Well, to get to jobs, to get to shopping areas.

Ms. HORTON. There is to get to the shopping areas, but busing in Dade County itself for getting to jobs is kind of hard because they just don't run like they should run, and they don't make the proper connections. One bus per se will not wait for another and sometimes the driver will blow the horn, indicating that he wants the next driver to wait. He'll pull off, so that means maybe an hour, half-hour delay getting to a job.

COMMISSIONER SALTZMAN. Now, you are indicating that your organization, which is a resident organization, isn't it—

Ms. HORTON. Yes.

COMMISSIONER SALTZMAN. —does deal with some of the problems that arise in the public housing areas. Are more such kind of organizations required to effectively alter some of the conditions? Apparently the conditions are not good. What will bring some change? Your response to the Chairman is that your organization has had success.

Ms. HORTON. Had success?

COMMISSIONER SALTZMAN. Well, I think that's—

Ms. HORTON. Oh, wait a minute, let's draw back a little.

COMMISSIONER SALTZMAN. That's what I want to clarify because I—

Ms. HORTON. I said that in James E. Scott there have been some programs initiated that were trying out as more or less pilot since the riot, May riots, but I'm not saying that it is a success because any short-lived program you can never tell what dent it will make on anything, and these programs have just been in process maybe about 3 or 4 months, so you cannot see what effect it will have. What we're hoping is that it will have a good effect on the neighborhood.

CHAIRMAN FLEMMING. The only point I was interested in is whether or not you made a recommendation, somebody paid attention to it, and did something about it, and I understood your response to be that that happened.

Ms. HORTON. Yes.

COMMISSIONER SALTZMAN. But this is only during this 3- or 4-month period that this has been true?

Ms. HORTON. Let me say the Federal Government says that all public housing should have an advisory board, all right? All boards make recommendations in their sites or their home where they live at. Some of the problems are handled and some are not.

CHAIRMAN FLEMMING. That's right.

Ms. HORTON. All right. We get some of them taken care of, but some we fight more strongly for, some of the issues, to make sure that something is done about it, but we can never get all of them addressed, okay? Now, a part of the urban initiative funds that were brought into Dade County was allocated for Scott, but there were certain things that had to be done off the top and that was to upgrade management and maintenance. That has been taken care of to some degree. They have had the training. I don't know how effective they will use the training. Many people are trained to do many things, but how they use it is another thing, all right?

The maintenance is suppose to be upgraded, but then we'll have to wait and see how effective that is because it has just been done a few months ago. So we're going to see how effective that is. The next thing was to establish an overall tenant board, and that has been taken care of, but they haven't elected official chairpersons, officials, so we are waiting to see what effect that will have on the community.

In the meantime, the small boards will not lose their autonomy and they will still be making recommendations, so the council is good for recommendations to see that they try to get some of the things that are needed in their projects, or their homes.

COMMISSIONER SALTZMAN. Your project is 40 years old, right?

Ms. HORTON. Yes.

COMMISSIONER SALTZMAN. Is this the first time that such vehicles, tenant organizations, have been created?

Ms. HORTON. No, I'm not saying—not the tenants now.

CHAIRMAN FLEMMING. To clarify it, you indicated, for example, that you have served on the advisory board for 3 years yourself.

Ms. HORTON. Yes, on the HUD advisory board.

CHAIRMAN FLEMMING. That's right.

Ms. HORTON. That is a different thing and I am also a member of the local tenant council, all right?

COMMISSIONER SALTZMAN. Okay. I'm clear. Thank you.

Ms. HORTON. Now, this isn't the first program that has been brought into Scott. They brought a program in about 4 years ago called MIP, management training program, and out of that came—about two or three residents became managers, but it did not work in the other part of the project because of some disagreement between the local housing and Federal housing. They withdrew the funds, so now they have initiated another program, what we call FIU, which is the urban initiative program, and part of it, as I say, the first milestones have been taken care of and also out of this is supposed to come community centers, because of this time James E. Scott does not have the community center.

You can imagine a community with, say, 800-some-odd units that do not have recreational buildings or meeting buildings where different activities can be held, so out of this package is suppose to come a community center.

COMMISSIONER SALTZMAN. Mr. Ros, in such public projects such as Scott-Carver housing, you indicated, I think, in your interview that it is 100 percent rat infested.

MR. ROS. Yes. We did a rat survey a few months back. As a matter of fact, it was after the riots, and we got an exterior infestation of 100 percent.

COMMISSIONER SALTZMAN. Well, this is a governmentally owned unit. What can you do to alter the situation? What power, what legal steps against the government—

MR. ROS. Okay. Let me explain a little bit about what we're doing at the Scott project. Our program, the rat control of Dade County, is a federally-funded program and by the standards set by CDC, by the bureau of State services, we cannot use the rat control board in a federally funded HUD housing project. So we had, when they came after the riots here, to try to start a program in model cities, I took the Federal advisors of the CDC to the Scott project and showed them the situation there, and I know for a fact that problems in Scott project—because my first job, as I was telling Juanita Horton about it, this is in 1967. This is my first job and our role was bait, put bait for rats in Scott project. So this has been going on for a long time. I would say now it is worse than even in '68 when I started working in that particular project.

Based on the conditions that we found, the CDC people wrote HUD in the central Washington and Jacksonville [offices] and contacts here with the HUD office of Mr. Adams—and Juanita Horton was in some of the meetings. We were able to get HUD money to start a program in James E. Scott. It is Scott-Carver project basically following the same type of methodology we use in our regular program, and we basically—this is not a rat control by that name.

We are after killing rats, but we want to improve the environment there. Because of the condition of the rat infestation, I don't think that putting bait to kill rats is going to solve the problems unless you change the conditions in the housing project, whatever you're working in. At this time in James C. Scott project we just started. We hired six health aides from the Scott project, people living in the Scott community. We trained them for the last 2 weeks in our type of program and last Monday we started visiting or doing our first survey, and our survey is interior and exterior and we go through every single apartment. We try to find all the causative conditions, rat harborage, environmental conditions inside that house, inside or outside, that will create rat infestations, and we had inspected between Monday, last Monday, and Tuesday, 176 units. Of those units we have been able—we really take a percentage of infestation. I would say that almost 100 percent is roach infested, about 85 percent have rodents inside, and we have almost 100 percent known rat infestation.

COMMISSIONER SALTZMAN. What I am interested—in terms of enforcement both in the public ownership and in the private ownership, do you have legal vehicles?

MR. ROS. Yes, we have.

COMMISSIONER SALTZMAN. Do you activate those legal steps?

MR. ROS. Okay, in the regular programs where we have to go against landlords or absentee landlords who own it, when we have more than four units and we cannot get results through our regular channels, having letters without enforcement, we go through enforcement through the State attorney's office, and lately—you have somebody in the panel in the future that will explain a little bit about how the task force works, and what we have been able to accomplish, but we have recourse in the criminal courts and civil courts through a means of getting corrections.

MS. HORTON. May I say something?

CHAIRMAN FLEMMING. Okay.

MS. HORTON. One of the problems that helped create the rodents at James E. Scott is the erosion of the buildings. The place the project was built on was a dump and the ground settles and it breaks away from the buildings, so it gives the rodents a place to hide and to just create themselves because there is a lot of holes around the buildings. This is supposed to be corrected, but they correct it every so often, and every few years it comes back again.

CHAIRMAN FLEMMING. Commissioner Ramirez?

COMMISSIONER RAMIREZ. I just wonder, Mr. Ros, whether your department—not your particular unit, but whether there is a lead paint review?

MR. ROS. Yes. I know why you ask that because rat control, lead poisoning is the same type of program we have all over the State. We haven't been able to find a lead poisoning situation here in Dade County. I guess one of the reasons is that the housing in general is much newer than the ones you have up north where you have lead poisoning.

COMMISSIONER RAMIREZ. One of the reasons I ask that is because we had testimony of children with a high incidence of learning disabilities, and I was concerned about that.

MR. ROS. I know the Dade County health department of Miami has made a research to different housings to check the children in their different programs. They have not really found a significant amount of lead paint to be causative.

CHAIRMAN FLEMMING. Commissioner Berry?

VICE CHAIRMAN BERRY. Just one question for Mr. Kerr. In your role as a research division supervisor in Dade County, we have heard about all the lack of job opportunities, commercial outlets, and development in Liberty City. Can you tell me whether the county has some long-term development plans over the next 2 years to improve all of this and can you tell me what those plans are?

MR. KERR. I can't tell you that we have a comprehensive economic plan for the county.

MR. KERR. Do you have one or don't you?

MR. KERR. We do not have one. We have an overall economic development program for the county, but it doesn't adequately address the issues that are evident in Liberty City. We have a community that's under a good deal of pressure, as you are well aware. The normal planning activities just simply cannot address the kind problems that we face today—quite suddenly. Some of the earlier panelists told you that we were an affluent community, a community on an economic boom. The Bureau of the Census figures showed that 19 percent of the persons in Dade County are poor, not low income, poor. No other major metropolitan area in the country comes close to us. I can tell you there are 600,000-plus households in Dade County; 200,000 of those are in need of housing assistance and that was before the refugee influx. No other metropolitan area of this size in the country has that kind of a problem.

VICE CHAIRMAN BERRY. Simply put, do you plan to modify your comprehensive development plan to take care of development in Liberty City? You say don't have a plan to do so now. Are you preparing a plan for economic development?

MR. KERR. We are reviewing our comprehensive economic development for the entire county.

VICE CHAIRMAN BERRY. How long would it take you to review?

MR. KERR. I frankly don't know. A problem that we are faced with right now is that following the riots, a proliferation of groups and

agencies started dusting off plans and deciding what to do, and you have a Governor's task force, you have a citizens task force, you have a chamber of commerce task force, and you had plans abounding. Basically what is happening now is the dust is settling and people are beginning to sort out the various activities and trying to bring them together into some kind of cohesive form that could truly address the problem. I must admit that our deficiencies in what we have done in the past and we will have to review and revise.

CHAIRMAN FLEMMING. In your judgment, would the county have been better off if those plans had been dusted off 10 years ago and plans made to implement them rather than just letting them gather dust?

MR. KERR. That's correct.

MS. MELLERSON. Would you mind if I said one thing? I think that we really have had just too many meetings and you know, talking about doing things, and I don't think the community really understands how important housing is to the whole impact of the community. And somehow if I have any one recommendation, it would be that all the housing groups, agencies, get together and start talking about the needs for improved housing, because if we improve housing, we improve the lifestyle. We cut down our busing and we cut down on a lot of things, and I think this is one-area that needs to be addressed.

Most people don't realize in Dade County that we have a problem.

CHAIRMAN FLEMMING. Thank all of you very, very much for identifying some of these issues for us and giving us the benefit of your own very practical experiences. We appreciate your spending this time with us. Thank you very, very much.

Counsel will call the next witnesses.

MS. STEIN. Glen Shuman, Eugene Miles, Kathryn Rundle, and Fred Dellapa, please come forward.

[Glenn Shuman, Eugene F. Miles, Kathryn Fernandez Rundle, and Fred Dellapa were sworn.]

**TESTIMONY OF EUGENE F. MILES, DIRECTOR, NEIGHBORHOOD  
REHABILITATION DIVISION, DADE COUNTY DEPARTMENT OF HOUSING  
AND URBAN DEVELOPMENT; GLENN SHUMAN, ACTING EXECUTIVE  
DIRECTOR, LEGAL SERVICES OF GREATER MIAMI; KATHRYN FERNANDEZ  
RUNDLE, ASSISTANT STATE ATTORNEY; FRED DELLAPA, EDUCATION AND  
TRAINING DIRECTOR, 11TH JUDICIAL DISTRICT**

CHAIRMAN FLEMMING. Appreciate your being with us.

MS. STEIN. Beginning with Mr. Miles, could I ask each of you to state for the record your name and your occupational position?

MR. MILES. Eugene F. Miles. I am director of the neighborhood rehabilitation division of the Dade County Department of Housing and Urban Development.

MR. SHUMAN. My name is Glenn Shuman. I am currently acting executive director of Legal Services of Greater Miami. I've been with the program for 7 years, and I have been involved in the area of housing prior to becoming executive director.

MS. RUNDLE. My name is Kathryn Fernandez Rundle. I am the assistant State attorney in Janet Reno's office. I'm particularly involved with heading up the housing task force.

MR. DELLAPA. I'm Fred Dellapa, education and training director for over the 11th judicial district of Florida.

MS. STEIN. Thank you. Mr. Shuman, could you tell us what changes in housing in neighborhood conditions you have noticed in the Liberty City area over the past 5 years?

MR. SHUMAN. Being involved in Miami for a long time, I have seen a constant growth in the Liberty City area, a much higher density in the Liberty City area as years have gone by. Of course, in the last year, we've heard testimony and, of course, I agree, with the refugee problem it has gotten a lot worse.

MS. STEIN. Why has the refugee problem had an effect on it?

MR. SHUMAN. There is only a limited amount of low-income housing in Dade County, and this changes not only with the refugee problem but with the current addition of migration from people up north of the United States coming into the area. What happens is any area—you have a matter of economics. Let me back up a little.

You have a supply and demand problem. As the supply dwindles and the demand increases, the cost of rent goes up, and what happens is, when refugees came in, the areas that may be at one time or other occupied by low-income people are now being occupied by people who have a little bit more money, so they can afford those houses, thereby increasing the density of the Liberty City area, and as the refugees came in, that has only compounded the problem.

MS. STEIN. So you are portraying a situation where there is intense competition for rental housing; is that correct?

MR. SHUMAN. Yes.

MS. STEIN. What is your vacancy rate for rental housing in this area?

MR. SHUMAN. Much less than 1 percent, a fraction of 1 percent if you're talking about in the low-income areas, especially in the Liberty City areas. We have cases daily where people are being evicted because they cannot pay the rent, and we have nowhere to tell these people to go, no place to go.

MS. STEIN. With respect to maintenance on housing, does the excess of demand over supply have an effect on landlords' willingness or ability to maintain the houses?

MR. SHUMAN. There's absolutely no reason for landlords to make any effort in making any repairs of any housing in Dade County. The tenants, when you have a vacancy rate of less than 1 percent, they are at the mercy of the landlord. We have cases where tenants, we have asked them to make complaints to, about, landlords, and they will not make any complaints because they know if they do, there is a very good possibility they are going to be evicted with their family with no place to go.

MS. STEIN. Mr. Miles, do you agree with this picture of demand exceeding supply resulting in deteriorating housing conditions?

MR. MILES. Yes, I agree with everything Mr. Shuman has expressed about conditions in Liberty City housing.

MS. STEIN. Your response, as I understand it, is for inspection of rental housing to see that it complies with the code?

MR. MILES. Yes, enforcement of the minimum housing standards.

MS. STEIN. Can you tell us what method of inspection your organization uses?

MR. MILES. We have two basic approaches, that is, responding to complaints and a systematic inspection of neighborhood by area, home by home. The Liberty City area is in an area of systematic inspections, and I have four full-time inspectors there all the time. I have a staff of about 34 field inspectors of which 4 are assigned full time to just the Liberty City area.

MS. STEIN. Is that typical of the way you would staff an area or is Liberty City targeted for extra attention?

MR. MILES. Liberty City is targeted for extra attention as 1 of about 18 such areas in Dade County.

MS. STEIN. Can you give us an idea of the number of inspections that you do in the cycle of inspections, how long it would be before you return to the same property again, that sort of thing?

MR. MILES. Yes, but let me give a little bit of background. We have over a half-million units in Dade County, and it has been estimated that about 10 percent of those units are substandard, and the minimum housing standards are chapter 17 of the metropolitan code, and under those standards it is a municipal responsibility to enforce the minimum housing standards. Of course, we have 27 such municipalities in the county, and I specifically am responsible for enforcement in the minimum housing standards in the unincorporated areas; however, over the years there have been several communities, eight in total, that have come to the county and requested that the county enforce the minimum standards within their jurisdictions, those being Opa-Locka, Sweetwater, Biscayne Park, El Portal, City of West Miami, West Miami, South Miami, and Florida City in addition to unincorporated areas.

MS. STEIN. So it is on that basis that you have undertaken these responsibilities in Liberty City and elsewhere in Miami?

MR. MILES. Yes, right, and with that, as I say, I have a staff of about 34 field inspectors of which 20 of them are assigned to the systematic area-by-area inspections. Of those 20, 4 are full time in the Liberty City area. There are about six full time in the downtown area, which doesn't leave much left over, of course.

MS. STEIN. Are they able to keep up with the situation in Liberty City in your opinion?

MR. MILES. By no means, no. It's a losing proposition. It has been since the code was adopted in 1963.

MS. STEIN. Is there any method that you use for locating emergency situations in responding to them quickly?

MR. MILES. We rely basically upon complaints of emergency conditions; however, we do upon occasion pick them up when we're making

our systematic inspections. But we do not pretend to be on top of all the emergency housing conditions because, as Mr. Shuman expressed, many, many tenants are just inhibited from reporting poor housing conditions because of the possible threat of retaliation of being removed from the premises while the repairs are being made, and so forth. So we have reason to believe there are many, many various hazardous housing conditions out there that we know nothing about.

MS. STEIN. When you find deficiencies, what do you do about it?

MR. MILES. We issue a notice of violation to the property owner. We give them a particular period of time. Of course, he has a right to appeal a violation. We give them a period of time, usually ranging between 30 and 90 days, depending on the number of violations, a period of time in which to comply. If he has not complied, then it is referred to the State attorney's office.

MS. STEIN. To the State attorney's office?

MR. MILES. Yes.

MS. STEIN. Do you see any conflict between aggressive enforcement of the housing code and the preservation of housing units?

MR. MILES. I think your question is, What would happen with an aggressive enforcement of the housing code? Well, first of all, the minimum housing standards as set forth in the housing code are just that; they are minimum. They are designed to ensure that the very most minimum conditions of health, safety, and welfare are met. But even though enforcement—an overly aggressive enforcement program, in view of the economic conditions that are facing many of the landlords in Dade County today, and the ability of the tenants to pay low-income rents, to pay even the low rents that are charged today in Dade County, could very well mean that many, many of the marginal, economically marginal buildings would be closed down, which would seriously compound the housing problems facing Dade County today.

MS. STEIN. Mr. Shuman, do you agree with that assessment?

MR. SHUMAN. I don't believe any housing would be closed down by strong housing code enforcement because all that will happen is the landlords will turn around and raise the rent. I think you've got a unique market here. Landlords have a great market here. There isn't—all they have to do is raise the rent, and they are going to fill up vacancies no matter if it's two, three, or four families living in one unit.

MS. STEIN. Does any law limit the degree to which the rents can be raised? Is there any type of rent control?

MR. SHUMAN. At one time there was a rent control ordinance in Miami Beach. Subsequent to that there was a change by the legislature in the ability to implement rent control; however, there is a Florida statute 166 that does allow municipalities, counties, to impose rent control.

The problem that has been is that the municipalities, or the counties, have not taken the initiative to bring forth rent control ordinances. The reason for this is that under the law, rent control is only available to those who were renting, who are renting units as of 1977 worth less than—were renting for less than \$250 a month. This the legislature

considered to be luxury units, and it is the procedure for implementing the ordinance is toughened, because once—the first thing that the county has to do is declare there is a housing emergency. There is no question there is a housing emergency in Dade County.

A second element that they have to worry about is passing an ordinance.

The third part is that the ordinance has to go before the voters by referendum. There has not been any attempt that I know of by any municipality, county, to implement at least the ordinance, and I feel the reason is that their feelings about people who can pay living in places that are less than \$250 is not what it will be if the rent ordinance could affect everybody.

MS. STEIN. Thank you. Ms. Rundle, would you tell us how the State attorney's office becomes involved in housing cases and what your particular role is?

MS. RUNDLE. Basically, our office becomes involved in two areas: one is that any violation of a county or municipal code by law can be found as a criminal misdemeanor. For example, Eugene Miles' organization, and Al Ros, who testified earlier, those types of violations would come to our office if they were unable to achieve enforcement on their own. I was unable to provide you that—I am unable to provide you with statistics today, but yesterday we were able to pull just a random sample, and we found that we filed approximately 450 criminal misdemeanors in the housing and health code enforcement area.

The second way in which our office is involved is that under the law we have the power to sue civilly landlords who are maintaining a public nuisance. We have tried that and filed several suits in the civil courts and found those to be successful. Basically, your remedies in civil court are greater in terms of controlling the landlords and their rights over the property than to proceeding in criminal misdemeanor courts.

MS. STEIN. What has your staffing to do with housing problems?

MS. RUNDLE. At the county court level, which I just was discussing, we have one attorney that handles specifically the intake; any of the housing code enforcement agencies go to him and he files the case. Those cases are then distributed blindly through the county court system, and we have five prosecutors that prosecute those misdemeanors at the county court level.

Of course, they are also prosecuting the batteries, aggravated assaults, lotteries, prostitution, all the other misdemeanors that are occurring in Dade County.

MS. STEIN. Are you the only person currently having responsibility for civil housing cases?

MS. RUNDLE. Yes, at the present time.

MS. STEIN. Do you think that's adequate staffing?

MS. RUNDLE. Well, the problem is so great that in housing and in the crime, the criminal area, I think that, of course, we need to have—the

entire office is understaffed. We need more people to work in all those areas.

MS. STEIN. Can you explain to us the task force approach that you are taking to code enforcement cases?

MS. RUNDLE. What we found was that there were many times when the agencies were unable to pull a case together, so to speak, for a county court, whether it was through hiding title, through defunct corporations, or transferring title, or for whatever reason. We decided to join forces, so all of the agencies that enforce health and housing codes attempted to focus in on those premises located in the Overtown area and the Liberty City area that seem to be the greatest problems. We discussed them. We make decisions according to our criteria, which basically is the degree of problems: how rat infested is it, how long is it going to take to track who the owner is and proceed; those type of criteria. And then we file jointly, and all those agencies then become experts that will testify in court as to what the conditions are that they have observed.

MS. STEIN. What are all the agencies involved in the task force?

MS. RUNDLE. We have minimum housing, which is Eugene Miles' group. We have urban rodent control, Al Ros' group; restaurant and hotel division, fire department, whether it is city or county, obviously it depends on where the premises is located.

We have the sanitation department, city of Miami demolition department. It depends on what type of case it is. If it is of a structural nature, is it more often a health hazard nature, where is it located within the county, etc.

MS. STEIN. You mentioned a couple minutes ago that there are transfers of title and sham holdings of title and so forth that landlords use in order to evade responsibility for deficiencies. Could you describe a little more fully what the landlord's reaction typically is in this type of case?

MS. RUNDLE. What in terms of his reaction to—

MS. STEIN. The degree of resistance and the methods of resistance.

MS. RUNDLE. In terms of hiding the title to the property?

MS. STEIN. And any other devices that are used.

MS. RUNDLE. Well, it has been my experience that when they feel it is a particular agency, whether it is our agency or one of the other code enforcement agencies, when they feel they are being focused in on, they will transfer title to avoid that and hopefully in their minds that will necessitate doing the whole system over again of reinspecting and renotifying and so on and so forth. Typically, one of the their defenses, "I don't own the property, judge." And if they can show they don't, oftentimes a judge will dismiss the case.

MS. STEIN. Does the civil approach, the civil nuisance approach, make that tactic on their part any less effective?

MS. RUNDLE. Yes, and I believe so. In the cases that I have handled, one of the provisions of the order that we requested the judge ratify is a provision that whatever the court mandates that that particular owner, at that particular time, has to do runs with the property and it

runs to all of the successors, agents, employees, assignees, lessees, etc.; so in other words, that order goes to that particular piece of property.

Ms. STEIN. What other advantages do you see to the civil approach as opposed to the criminal one?

Ms. RUNDLE. Other than that one, which I think is a very important remedy, essentially I think that you have—the court has more powers to enter certain things like, for instance, an example would be, if the landlord is not doing what the court has ordered, the judge has jurisdiction and powers under the civil statutes that we proceed on to say, “Okay, if you can’t handle it, we’re going to put it into receivership and give it to someone else who can.” Criminally, the county court judges do not have that power.

Ms. STEIN. What about speed? Is it any faster?

Ms. RUNDLE. Yes, it is.

Ms. STEIN. Does the unfair trade practice law apply in housing situations?

Ms. RUNDLE. Well, yes. As I read the law and as I interpret it and argue, I say, yes. There is a rule, I believe it is 211 under the Florida statute 501, which specifically says that if a landlord is not maintaining his property according to either 8351, which is the landlord tenant requirement, and/or it is a violation of housing and health codes; then it is a violation of 501. Tenants are obviously consumers and they need to be protected like everybody else.

Ms. STEIN. Does that broaden the remedies available?

Ms. RUNDLE. Absolutely. The remedy that I just mentioned to you about the receivership and the orders running with the property are available under that statute.

Ms. STEIN. Thank you. Mr. Dellapa, what is your observation about the type of sentencing that judges give in criminal cases involving housing deterioration?

MR. DELLAPA. Basically, there exists in our system inadequate statistical information on that type of information for me to properly answer that question in terms of sentencing. I can give you a response in terms of fines that might be levied. A sentence in terms of jail time, I would have to guess that very little if any jail time is ever given up. However, in terms of fines, in 1979 out of 280 cases filed at the county court level on code enforcement matters, total fines collected were \$10,345 and \$2,606 in costs. This is an average fine with court costs included of \$46.25, and without those costs \$36.95.

Ms. STEIN. What do you think the reason is for judges imposing what sounds to me like a rather low fine in this type of case?

MR. DELLAPA. Basically, judges that don’t have a broad enough knowledge of the whole area of housing and all its interrelations, some of them—and it is only some of them—feel that, why should someone be in court on a criminal matter for not enough paint on the walls or a toilet that doesn’t flush properly? A lot of them also have the idea, and this runs both ways what I’m going to say now, some of them feel, “Well, if I do something heavy to this person, like, let’s say, it is

potentially up to \$500 per unit and you've got a 25-unit building, that has 120 counts, that's a lot of money."

He feels that, "If I put a fine like that per count maximum, the person is going to dump out of the building, just leave it. What happens to all those people? They go out into the street."

Of course, the other side of the coin is some of the judges, and one of them said this quite recently, "I ought to close this building down and condemn it." There were 1,300 people in that building. "I ought to condemn the building totally and shut it down as a court order." What do you do then? Where do those 1,300 people go? You have a 0.05 available rental rate in Dade County, as Mr. Shuman points out, in low-income rentals. It is properly even less than that, in fact, nonexistent. That means that they go to the public housing, and this county is not ready to handle them in public housing. It's like a dog chasing its tail. It is quite a problem.

MS. STEIN. I understand you have proposed an office of housing disputes, an alternative method of dealing with the problem. Can you explain how that would operate?

MR. DELLAPA. Yes. I would like to submit this for the record here, if I am permitted to do that, a complete piece on it which explains it quite in detail. I am personally quite enthused about this and I'll give you a rundown and if you bear with me, I'll—

CHAIRMAN FLEMMING. Without objection, we will enter the complete text into the record at this point.

MS. STEIN. Mr. Chairman, if I may interrupt for a minute, could we leave space in the record to receive the statistics Ms. Rundle referred to that she might be able to provide us with?

CHAIRMAN FLEMMING. Without objection, that will be done.

MR. DELLAPA. Basically, what I have proposed is a concept called "rentalman." Quite frankly, I borrowed it in Vancouver, British Columbia, which has a very successful program. It has operated there since 1974. If you read into the word rentalman as ombudsman, you are absolutely correct. Housing czar might be another word.

What I am proposing here is this rentalman, when code violations come in—health, fire, safety what have you—you simply sit the people down, make a determination what might be needed, and offer low cost rehabilitation loans. The rentalman would then sit with both tenant and owner of the property and an equitable rent increase to cover this during the dependency of the loan until it is paid off. At such time, hopefully, the owner and the tenants may come upon a new relationship with each other and share together in the operation of this property. Remember codes in the housing area were established to keep rentals or actual housing stock up to par, and it is my firm conviction that negative incentive, criminal punishment, heavy fines, it obviously has accomplished nothing and hasn't accomplished anything in the last 50, 60 years in this community—about the same actually.

What we need is positive incentives. This, I think, is an answer. We need funds to do that. I have talked to people at Federal HUD; I have talked to the county people. I would like to point out [it's] something

that I have been working at since March of '79 with a very small planning stipend from Federal HUD and the American Bar Association. It wasn't until June of 1980 that the enthusiasm suddenly skyrocketed, and I would point out I wonder why the enthusiasm suddenly skyrocketed.

MS. STEIN. Thank you very much. Mr. Miles, has the level of Federal assistance for rehabilitation been adequate to deal with the needs in this community?

MR. MILES. No. Just to follow up on what Fred Dellapa has expressed, in the Liberty City area alone, I estimate about 25 percent of the housing units in there are definitely very substandard in nature, and a token estimate of the rehab costs, for example, of about 4,000 units, we are talking in the neighborhood of \$40 million in that one particular area alone.

I have done some ballpark figuring on it countywide, and you come up with such an astronomical figure, you come up with \$230 and \$250 million to upgrade our housing stock just to minimum standards, and a function of my division is to administer the section 312 Federal funds and the community development Federal funds that are devoted to residential rehabilitation.

For the past several years we averaged spending about \$3 million annually on improving the housing stock, the rehabilitation loan. So it is, figuratively, a drop in the bucket to what is needed.

MS. STEIN. Thank you. I have no further questions.

CHAIRMAN FLEMMING. Mr. Shuman, just one question. Where does the financing come from for your activities, primarily?

MR. SHUMAN. From the Federal Government under the Legal Services Corporation.

CHAIRMAN FLEMMING. Are there any Federal regulations that the Legal Services Corporation has promulgated, either on its own or because of some appropriation riders that have been attached to its bill, which inhibited in any way your activities in the housing area?

MR. SHUMAN. No.

CHAIRMAN FLEMMING. Commissioner Ruckelshaus?

COMMISSIONER RUCKELSHAUS. Yes, I have a question for Mr. Shuman. Are there active tenant association groups?

MR. SHUMAN. That is a real good question. There are—each public housing project is supposed to have a tenant association, a tenant council. Ironically, those tenant associations are being organized by the people who are hired by Dade County Department of Housing and Urban Development. They have a community services section of the agency that goes along and organizes these groups. I have some strong questions as to their effectiveness when they are being organized by the people who they are supposed to be watching or governing.

COMMISSIONER RUCKELSHAUS. Are you satisfied with the level of involvement of the State attorney's office?

MR. SHUMAN. No, I'm not. Ms. Rundle has mentioned that there are things that can be done by the State attorney's office. The problem is that if you only have one individual doing this in the entire county, it

cannot be done. I would estimate maybe Ms. Rundle has been able to bring maybe three or four public nuisance actions within the last 6 months. She can correct me if I'm wrong. That is not even a Band-aid. That's nothing.

What is needed, as I feel, is, like, there should be a change of priorities by the State attorney's office. There are sections within the State attorney's office in which there are investigators. There is a team of attorneys working on it that are hired by the State attorney's office. For instance, at one time there was a consumer frauds division that had several investigators specifically to investigate frauds, consumer problems. This should be done by the State attorney's office. This is not being done by the State attorney's office. It is at least my understanding of what I've heard when I have spoken to people in the housing code, enforcement people. They complain that the type of preparation that is given at the time the cases go to trial in the misdemeanor division is unsatisfactory.

The response I get from the State attorney's office is that when the housing code inspectors come to present the case to the State attorney's office, they are not prepared; so one side is saying it is their fault, the other side is saying it is their fault, and in the meantime the situation is getting worse.

COMMISSIONER RUCKELSHAUS. One other question. Aren't there some protections in the law against retaliation for tenants who make complaints about substandard housing?

MR. SHUMAN. Yes, there are, but the number one problem is you get an education problem, to the thousands and thousands and thousands of tenants who don't know that there is some protection. Maybe one of the answers is that when the housing code enforcement people go out there, that they have something that says, "You are protected." Of course, we have had county court judges that have not bought the argument of retaliatory eviction in Florida, so we have that problem too.

COMMISSIONER RUCKELSHAUS. Ms. Rundle, you said that 450 criminal misdemeanors were filed last year. What was the result of most of those and how many civil suits were brought?

MS. RUNDLE. That number was an approximate, just to make sure that's clear. I believe Fred Dellapa has a breakdown down on that. All I have here, which I will be more than happy to submit to the Commission at a later date, those for 1980. We found that for 1979 and through the first 4 months of 1980 there were approximately \$10,000 in fines and \$2,000 in court costs, which is what Fred had broken down into about \$36 per count when the court costs are not included in that. Cases resolved are 192; cases that were dismissed, we call *nol. prossed* by our office, was approximately 4.

For 1980 we have approximately 387 just from minimum housing department. That does not include the fire department, the health department, and those are on both local and county levels. I guess it was since around August, May or August of 1979 when the task force was formed, we have filed seven civil suits.

COMMISSIONER RUCKELSHAUS. It is kind of easy to see why a resident in one of those areas, a tenant, that they feel in fact they aren't being protected by the law.

MS. RUNDLE. Let me just say, the way I interpret the law is any citizen can bring those public nuisance suits. Obviously, if they qualify for legal aid, that would be through Mr. Shuman's office. Any county agency and any municipal agency can bring those public nuisance suits. To the best of my knowledge, our office and his office are the only ones doing that.

COMMISSIONER RUCKELSHAUS. What happens to the landlord then if they pay their \$46? Are they still under a court order to do something about that?

MS. RUNDLE. That's in county court. I am not real involved in that area now. I work more on the circuit court level. Unless they are put on some type of probation, the court then doesn't really have any jurisdiction over that landlord. Once he pays his fine and court cost, he leaves. I can't really say whether or not the judges are putting them on probation. They have to make it as a condition of probation, which would, in fact, be a good idea.

COMMISSIONER RUCKELSHAUS. Does anybody know what happens? Certainly it pays the landlord to dodge as long as he can and pay the \$46.

MR. MILES. Typically, I think, what happens in a housing code case is that the landlord is found guilty and he is sentenced, and then he is requested to report back in 30 days. So in 30 days the landlord and our housing inspector appear before the same judge and report again on the status of upgrading the building. These, shall we say, continuances can go on up to three sort of continuances before we finally get the building brought up to standards. In many instances, in the meantime, we all know that the inspector can turn right around and go back into the same building and cite many, many housing violations all over again. This process may have taken 6 to 8 months to get from the time of the initial inspection to the time of the final compliance on a given particular list of violations.

COMMISSIONER RUCKELSHAUS. Mr. Shuman, does a tenant find public housing to be a better landlord than private housing, or is there a difference?

MR. SHUMAN. The advantage of public housing is the price. It's cheap. There is a big problem. We've heard testimony before about the conditions within the public housing projects with rodent infestation. You have to understand that Mr. Miles' agency is under the same agency that has built and manages public housing, and when they can't even keep inhouse clean, how to you expect them to clean outside house?

CHAIRMAN FLEMMING. Commissioner Ramirez?

COMMISSIONER RAMIREZ. I have no questions.

CHAIRMAN FLEMMING. Commissioner Saltzman?

COMMISSIONER SALTZMAN. I hear an undercurrent of an implication that vigorous code enforcement leads to landlord abandonment of their

property. Is this accurate? Is there some way of verifying or demonstrating that's accurately so? I think, Mr. Miles, I hear that from you. Is this true? Are you suggesting that vigorous enforcement ultimately leads to abandonment?

MR. MILES. Not in general. I'm talking, shall we say, a Liberty City area per se, where the supply and demand is such that there is no available housing. The incomes of the residents in the area is such that their ability to pay—they already can pay only certain levels of rent—so a landlord with buildings in that particular area is faced a problem of essentially, "Do I want my building occupied or don't I want it occupied? If I want it occupied, I can only charge so much in rent." Economically, that might not be a very viable investment for him, and he cannot get the returns out of his rents out of his buildings, or does he have the equity capital to put back into the buildings for maintenance, which is in excess of the income produced by the property. This is what I meant by aggressive, unreasonable enforcement of very high standards—an issue of notice of violation, give him 30 days, and then to the State attorney's office without any latitude for the inspector to work with a particular landlord to get compliance.

COMMISSIONER SALTZMAN. Thank you. Mr. Shuman, Ms. Rundle, would you agree with what Mr. Miles is saying?

MR. SHUMAN. Welcome. As I stated before, I disagree with that. I just think that the economic conditions within that area are that the landlords are always going to get whatever rent they ask, and it just means more people are going to be living in those units.

COMMISSIONER SALTZMAN. Ms. Rundle?

MS. RUNDLE. It has been my experience in some of the cases that I brought where some of the landlords will say, "I don't want the building. You can have the building," or "The county can have the building. Tell me what church to give it to." So I think that is a real problem that we have to be concerned about when we do attempt very vigorous code enforcement.

COMMISSIONER SALTZMAN. Mr. Dellapa, you are saying that hasn't proved to be a solution in any case.

MR. DELLAPA. No.

COMMISSIONER SALTZMAN. It has been a disincentive, rigorous code enforcement, in a sense in a punitive way?

MR. DELLAPA. I am not saying that vigorous code enforcement is a disincentive.

COMMISSIONER SALTZMAN. Punishment?

MR. DELLAPA. Punishment. The concept of abandoning the building—have you ever seen, when Mr. Reagan was running for President, he and Mr. Carter were walking around South Bronx, and you saw those leveled areas there. It was a thing that happened with the New York Public Housing Authority where buildings were cited for tremendous code violations, and the New York Public Housing Authority said, "We're going to take that thing under receivership. We are going to fix it up. We are going to operate it and collect the rent." Do you see what happened? The building was gone. They couldn't go do it.

We've got to get to the bottom line and it is very easy sitting as special agencies. Legal Services says it is the State's attorney's office and the State's attorney's office says it is the Legal Services' fault.

COMMISSIONER SALTZMAN. I heard the passing of the buck for the last 2 days.

MR. DELLAPA. The real problem is resources, not only with housing problems, prime—Legal Services has more than their share of them. I'm afraid that Gene Miles may be understaffed. Resources and economics are the landlord. The buildings are abandoned and maybe they aren't the big problems of what slum landlords are. They got their tax dodgers and it doesn't interest them. It is the minimum rental units, four units, small houses, \$58 week, let's say, they charge for rent. You come in with 55 code violations, and your "mom and pops" run off to the bank and they got to pay 16 percent, 16.3 percent; it went up. To get a second mortgage or whatever they have to rehabilitate the property; they can't do that. They have to jack that rent up. What are you going to do? "I don't want it. Board it up. Close it down." It happens. It is all resources.

COMMISSIONER HORN. Ms. Rundle, are you aware of other housing enforcement units in other State's attorney's offices in the State of Florida, such as perhaps Tampa, Tallahassee, St. Petersburg?

MS. RUNDLE. No. I am not aware of any other State's attorney's office in the State of Florida that is bringing the kinds of suits that we are. In fact one time I made a random selection of the circuits, and I was advised that if at all, if these types of suits are filed, it is by the local municipal offices, such as the city attorney's office.

COMMISSIONER HORN. That's what I wanted to get at. In other words, as I understand, you are half time on housing, half time on consumer affairs.

MS. RUNDLE. Yes.

COMMISSIONER HORN. And to your knowledge, in Dade County, you really have the only housing unit in a State's attorney's office in Florida?

MS. RUNDLE. Yes, to the best of my knowledge.

COMMISSIONER HORN. And that in most communities, this type of enforcement would go on through either the corporation counsel, city attorney, or whatever?

MS. RUNDLE. That's correct.

COMMISSIONER HORN. How much of that goes on in the city of Miami, to your knowledge?

MS. RUNDLE. I am not aware of any whatsoever.

COMMISSIONER HORN. So you are it. Let me ask you, Mr. Shuman, you mentioned rent control. I don't want to leave the record unclear. Do you have a feeling that rent control would solve the housing problems in Dade County with a 1 percent vacancy rate?

MR. SHUMAN. I mean, it will certainly help solve the problems for low-income people. It is not going to solve the housing problems. There is a housing shortage. There is not enough units. What I feel is that some of the causes of that shortage is not only the external forces

of the refugees coming in, or people moving into the area, but I think there has been some public action by the whole issue of redevelopment in a common area. When they clear the area, where do you think those people end up? Those people ended up in Liberty City area.

You have other public action that is going on. There is a redevelopment plan to remove all the elderly from the South Beach area of Miami Beach. Where are these people going to go? We've been involved in a suit that the Dade County HUD has decided that they are going to tear down the units for that approximate 144 families, and they were going to build 10 units to occupy 10 families. So as long as you have that sort of action going on, the rent control is not going to do anything.

The effect of rent control is only one effect on the problem if you are going to have strict housing code compliance that the landlords cannot go around and raise the rent.

COMMISSIONER HORN. Isn't the real effect of rent control that it helps keep the rent down for those that are already in the housing but it provides absolutely no incentive for additional housing to be built in a market, especially one where there is a 1 percent rate, if the investor knows there is no chance to recoup the investment and keep pace with inflation and other improvements that need to be made?

MR. SHUMAN. Well, I think there is that effect. Of course, you understand that rent control is only affecting units that were in existence as of January 1977 where the rents were under \$250.

CHAIRMAN FLEMMING. We appreciate very, very much the contributions that the members of the panel have made. Thank you for spending this time with us.

Counsel will call the next witnesses.

MR. ALEXANDER. Tony E. Crapp, Stacy Hornstein, Al Hope, Stanford Williamson.

[Tony E. Crapp, Stacy Hornstein, Al Hope, and Stanford Williamson were sworn.]

**TESTIMONY OF STANFORD WILLIAMSON, DIRECTOR, SOUTHEAST FLORIDA BUSINESS DEVELOPMENT CENTER; AL HOPE, EXECUTIVE DIRECTOR, SOUTH FLORIDA COALITION FOR ECONOMIC DEVELOPMENT; TONY E. CRAPP, DIRECTOR, BUSINESS DEVELOPMENT DIVISION, DEPARTMENT OF TRADE AND COMMERCE DEVELOPMENT, CITY OF MIAMI; STACY HORNSTEIN, ASSISTANT TO THE COUNTY MANAGER OF DADE COUNTY**

MR. ALEXANDER. Starting with Mr. Williamson, would each give your full name and your occupation or position for the record?

MR. WILLIAMSON. My name is Stanford Williamson. I am the director of the Southeast Florida Business Development Center, which is an arm of the Urban League of Greater Miami.

MR. ALEXANDER. Thank you. Mr. Hope?

MR. HOPE. Al Hope, executive director for the South Florida Coalition for Economic Development.

MR. ALEXANDER. Mr. Crapp?

MR. CRAPP. Tony Crapp. I'm the director of the business development division of the Miami Department of Trade and Commerce Development, City of Miami.

MR. ALEXANDER. Mr. Hornstein?

MR. HORNSTEIN. I'm Stacy Hornstein, assistant to the county manager of Dade County, Florida. I am cochairperson of the Black Business Participation Task Force. I would like to recognize my cochairman Milt Victors, who is in the audience also.

MR. ALEXANDER. Thank you.

Mr. Crapp, please describe the role and function of your division and how it relates to developing opportunity for blacks in the city?

MR. CRAPP. Okay. Essentially, the department of trade and commerce development is the agency within the city of Miami that is charged with the responsibility for economic development, basically interpreted to mean business development promotion in the city of Miami. The thrust of the department, or the functions of the department, include providing information in terms of working with various developers and interested business persons that are interested in either starting new businesses or expanding in the city of Miami, and we will give technical assistance and information to existing businesses already located in Miami in terms of facilitating their expansion.

MR. ALEXANDER. How many programs do you operate?

MR. CRAPP. The department presently has responsibility for not only departmental matters as it relates to its function as a department within the city of Miami, but also has responsibility for the monitoring of two particular programs: One is a neighborhood economic development program which was implemented beginning in July of this year. Under that program we currently have 10 projects being funded with 1 to be funded very shortly, so we will have the 11 neighborhood development organizations that will be funding at the department head responsibility for monitoring on day-to-day basis.

MR. ALEXANDER. Before we move on, for each of these neighborhood development projects, you indicate the level of funding and the staffing that is provided to work in a neighborhood?

MR. CRAPP. Yes. Under the program which is under its pilot year, this being the first year of the program, the budget is \$50,000, which basically provides for two staff positions in each of the organizations.

MR. ALEXANDER. And in locating these 10 or 11 programs, how do they divide up? We understand that Miami is very residentially segregated between, let's say black communities, Latin communities, and white communities.

MR. CRAPP. Okay. The best way to describe it is that the program essentially operates in the community development target areas in the city of Miami, which there are eight areas. Of those eight areas, I guess one would say there are three that predominantly are black, those being model cities, Coconut Grove, and Overtown. In Overtown we have two projects that the city is funding under this program. In the model cities we are funding one agency. In Coconut Grove we will be funding one agency.

The other neighborhoods, Wentwood is basically a Spanish-speaking community. We are funding one agency. Little Havana, another Spanish-speaking community, we are funding one agency. El Hapata is basically a mixed community, substantially Spanish speaking, also has a black population. We are funding two agencies.

The other areas are downtown which we are funding, providing funds, to facilitate the downtown Miami business association, and in the Edison Little River target area we are funding two agencies: One is a predominately black organization, and the other is an Anglo organization, a white organization.

MR. ALEXANDER. In your view, what is the potential for developing substantial and functioning and continuing black businesses, black entrepreneurial class infrastructure in the Dade County area?

MR. CRAPP. Well, I would say that there is a long way to go so far as accomplishing that objective. I guess that's obvious. I think that where we are insofar as an overall economic development program—and not to speak for the county because we have work, we do work, with them on a day-to-day basis—that the city, from its perspective, had placed its basic emphasis over the last 2 years or so in terms of putting in place a delivery system insofar as organizational structure to implement economical development on an ongoing and sustaining basis.

I think that we have now reached that point with having in place organizations that we are supporting at the neighborhood level to develop some capacity there, but I think it is a matter from this point on of fine tuning our approach and developing additional resources. I would say I'm very high on the potential insofar as the black community, particularly, but total small- to medium-size business community in the city of Miami.

MR. ALEXANDER. Mr. Hornstein, could you explain the purpose of the task force on black business participation and how it came into existence?

MR. HORNSTEIN. Our County Commissioner Carey and County Manager Stierheim came together and discussed some ways to try to determine how the county could aid in one way the economic development of the black community.

MR. ALEXANDER. When was this?

MR. HORNSTEIN. About 2 months ago in terms of this specific area. There were other things being done. The county lets out contracts in excess of \$100 million a year in purchases of goods and services and construction contracts and the purchase of consultant services. The task of the task force is to determine how can the black community share in those contracts.

MR. ALEXANDER. Have we determined what proportion the black community now receives of that \$100 million?

MR. HORNSTEIN. The first phase of our project is to do a disparity study to make that determination on what degree that community is represented in those contracts, and from that study we hope to come up with the mechanisms to encourage growth through the letting of those contracts, maybe by changes of ordinances or legislation to make

those happen. So to answer your question, no, not yet. We are in the process and hope to have something within the 60 days.

MR. ALEXANDER. Is it your perception from an initial look at the data that the rate of black participation is very small?

MR. HORNSTEIN. In certain areas it is almost nonexistent, and given those opportunities for something to happen, in some cases it appears it may not be as severe as we might think. I am not prejudicing ourselves in terms of what the data is going to show, but it appears that there is real serious problems in terms of how those contracts have been let.

COMMISSIONER HORN. Could you save that point in the record for that study when it is done?

CHAIRMAN FLEMMING. Yes, without objection. Our staff will be in contact with you, and when that study is complete, we would like to receive it and then enter it into the record of the hearing at this point.

MR. HORNSTEIN. Yes, sir.

MR. ALEXANDER. Does the county have in place a policy of nondiscrimination in the granting and awarding of its contacts?

MR. HORNSTEIN. Yes, it does. In terms of equal opportunity, also, we also have competitive bid procedures, and there are all kinds of laws that are applicable here. We don't know the causes of why some of these contracts are being let to whom they are let. What we are looking at is the opportunity rather than the causes, of how can we get them involved. That's going to be our thrust.

MR. ALEXANDER. So this is a new effort on the county's part?

MR. HORNSTEIN. This is a brand new effort in terms of trying to come up with new mechanisms to try to foster economic growth in the black community. The county attorney has given us an opinion that we, in fact, can prepare legislation identifying one particular minority, that being blacks, in terms of providing these mechanisms being legal.

MR. ALEXANDER. Could you go through the mechanisms?

MR. HORNSTEIN. Going as far as just minor preferences being given, all the way to set-asides.

MR. ALEXANDER. The determination will be made by the county in terms of which specific mechanisms you will put in place at what point?

MR. HORNSTEIN. We are, of course, recommending to the commission what mechanisms, and our commission will be the one making the determination.

MR. ALEXANDER. Is there a specific return date when your report is due?

MR. HORNSTEIN. As soon as possible.

MR. ALEXANDER. Mr. Williamson, could you tell us what your Urban League program is doing and what function it is to serve in the economic development area?

MR. WILLIAMSON. Okay. We operate in contract with the United States Department of Commerce through the MBDA agency. We are responsible to provide different types of business assistance to minorities over a very wide area in southeast Florida, including Dade County. We

also have Broward County and Palm Beach County and a few other areas.

We provide various types of technical assistance; for example, to the construction contractors we provide estimating assistance. We learn of business opportunities in construction. We get the prints. We interpret the prints. We do the takeoffs. We price them out into what we call estimates for the minority contractors. We also attempt to secure surety bonding for the minority contractors. That's the area of construction.

We also provide assistance in packaging financial applications. We do a lot of that type of work, provide some accounting assistance. We only have one accountant on our staff and he also keeps our books, so the ability to serve the area is pretty limited. We have a program which is funded by the Department of Transportation, the United States Department of Transportation, under which we attempt to identify minorities over the State of Florida. Who can provide—minority firms, that is, that can provide goods and services to the major railroads; the government found out that the major railroads that are heavily subsidized by the Federal Government were doing very little minority business, especially blacks, and they attempted to remedy that, so they have given us about \$50,000 which we use to help in that area.

MR. ALEXANDER. How long has this program been in existence in Miami now?

MR. WILLIAMSON. Two years. Well, excuse me, the entire MBDA program has been around approximately 5 years.

MR. ALEXANDER. Yes, but the program in Miami, specifically, has been here 5 years and you have been with it?

MR. WILLIAMSON. I've been here for roughly 4-1/2 years.

MR. ALEXANDER. Okay. In that period of time, have you always been routinely contacted by the county in the letting of the \$100 million worth of business every year to provide potential contractors?

MR. WILLIAMSON. Routinely, no.

MR. ALEXANDER. Occasionally?

MR. WILLIAMSON. But we have, we do have contracts with the county to the extent we can get to—to learn of procurement opportunities for our clients.

MR. ALEXANDER. Earlier testimony both yesterday and today indicated that one of the problems faced by black businessmen and women in the community was the lack of equity capital and the lack of collateral for loans. Is that validated in your experience of trying to package loans for a number of people?

MR. WILLIAMSON. Sure. As a matter of fact, I have written an article very recently on just that matter, "The Problem of Equity." I think that's one of the most pervasive problems affecting black business development here in Miami.

The reason that is the case is, say, you want a \$100,000 loan to the bank, the banker is going to say, "Okay, we want you to have equity in your business amounting to maybe 25 percent or 30 percent," no set amount. If you cannot come up with that percentage, there is no way you are going to get the loan, but as far as, especially with respect to

the blacks, very few black firms have been able to show any significant amount of equity because their businesses are so small. They generate pretty low income, of course, as far as jobs go. I know you have heard a lot of that—the black sector here is about in the lowest of the economic ladder of the three ethnic groups in the area, so it is very difficult for blacks to save the money to be used for equity purposes.

MR. ALEXANDER. You have also been with this program in Milwaukee; is that correct?

MR. WILLIAMSON. Right.

MR. ALEXANDER. Where employment opportunities were similar or different for blacks?

MR. WILLIAMSON. Different. Dade County, of course, is a service area. Milwaukee is a highly industrialized area. We have a lot more people with skills and also people with money. In Miami, we do not have too much people with money or even skills.

MR. ALEXANDER. Did that make a difference in the types of packages you were able to put together in the two different cities?

MR. WILLIAMSON. Yes, it did make a lot of difference. Of course, there is one other factor which facilitated or worked in Milwaukee. That's the same thing that I would hope we could see duplicated in Miami. I have been working on it, but so far without any progress. In Milwaukee, the city has a program under which they could provide subordinated loans, which serves some of the functions of equity to minority firms. For example, again, a business needs \$100,000 in financing. The county could come up with up to 20 percent of those funds and they could subordinate it to the bank so the bank would come up with—now assuming the businessman has 5 percent or 10 percent of his own, the 10 percent added to the 20 percent, and the 30 percent would borrow the 70 percent from the bank, which they are usually happy to provide because they are well protected.

I have said, over and over again, in Dade County if we could have a similar program, it would work well here. Of course, I am well aware that the situation also addressed the problem—and I know Mr. Hope right here from South Florida Coalition is attempting to put together a MESBIC. I'm sure that would be helpful, too. I know it is not going to alleviate, solve, the massive problem in Dade County.

MR. ALEXANDER. Mr. Hope, I was about to ask you about what your organization is doing and ask you what a MESBIC is, if you will.

MR. HOPE. The South Florida Coalition for Economic Development was set up as a countywide service—when I say countywide, I mean out of the city of Miami—to community development corporation. We have been functioning and operating with a staff since June of 1980. Primarily, our focus was to establish some alternative capital institutions which would be able to provide both debt and equity capital to the black community.

The organizational structure or strategy included the establishment of a MESBIC and the establishment of a credit union and the local development corporation, all of which are capable of providing some form of capital.

MR. ALEXANDER. For those who don't understand what a MESBIC is, would you briefly describe it?

MR. HOPE. MESBIC is a minority enterprise small business investment company. It was established under the Small Business Act of 1958, section 30, and as amended section 301(D) specifically addressed the enabling legislation that establishes a MESBIC. What a MESBIC is, is an investment company, or company that makes capital available through investing or taking an equity position by making loans or by doing a combination of both.

The MESBIC is set up and is licensed by the Small Business Administration, and in essence, the Small Business Administration says if you raise  $X$  number of dollars in private capital—I think the limit today is \$500,000—we will match that amount 4 to 1; then the MESBIC, which is a for-profit company, can then lend and invest, but it evaluates its own deals. It looks at those deals and determines whether or not it is a good situation.

Because of some recent legislation, community development block grant funds have been approved as dollars that can be used to capitalize a MESBIC.

Dade County awarded the coalition a grant of \$540,000 in June of 1980 for the purpose of capitalizing or assisting in the capitalization of a MESBIC, and what that does is that it gives us about \$400,000, and we plan to raise an additional \$1.6 million from the private sector, which means that banks and insurance companies and other institutions which might be willing to provide that kind of capital would invest in this company, and at that point, or when we reach the minimum amount that we needed to approach SBA, we would then approach them for the matching dollars.

The intent will be to try to capitalize a MESBIC at about \$10 million total. That is what the private, paid-in capital plus SBA matching amount that is still in the process.

We have had a couple of drafts of our offering memorandum to go out. That's been prepared to go out to investors. It has not reached them yet, so we do not know what the response is going to be at this point, but the intent, of course, was to fill the vacuum, the capital or the equity requirements that would be needed and, hopefully, to leverage additional dollars by having bank participation in those particular situations. So in essence, we are not circulating any money at this point. We are very much in the developmental stages.

MR. ALEXANDER. Assuming that the two programs that are new reached a reasonable level of functioning within a year or two and that the existing programs stay the same and the other ones that you coordinate—there are a number of programs in the community—what proportion of the problem is being reached? Is this a sufficient effort to reach the problems that have been identified?

MR. HOPE. I don't know whether it is a sufficient effort, but I think that you know we've been talking about a heck of a lot more than \$10 million in order to have a sufficient effort. When you look at the fact that \$10 million could reasonably be leveraged into \$60 million, that

gets to be kind of substantial in terms of having participation from lending institutions to leverage the money further.

I think it is a step in the right direction. If the lending institutions are willing to participate with us, we can certainly stretch the dollars a whole lot further. I don't know how you measure that.

If you want to use MBDA's measurement of \$10,000 for every one job and you start talking about \$60 million or \$10 million, then we may be talking about the number of jobs that could be created.

If you wanted to measure that from the standpoint of tax-base increase, that could be kind of hard to do, but I think that certainly it would have impact on both of those things, on both the job and tax base, you know, in the black community, which is primarily part of the problem.

As we look at economics, I think we have to start with the capital base. I think we start with the capital base and we have to ask ourselves whether the capital base comes from—as Mr. Williamson pointed out—it comes from the savings and investments of people who live in that community. If you have a high unemployment rate, then there is no way you are going to have any savings, and for those savings that do go into lending institutions, they are not reinvested on any vigorous basis into that community. If you don't have the investment, then you certainly are not going to have the tax base or the job base.

There is no way that industry or commercial or business developments are going to come into an area, and without those things coming into an area, you are talking about having unemployment, having a low tax base, not being able to increase the housing stock or improve the existing housing stock that's already there. So I think that we have to start with the capital base.

I think we also have to, in the local government—I think it has shown some tendency to move in that direction. We also have to begin to replace or shore up the capital base in the community with cheaper public dollars by either putting them into alternative capital access programs or entities such as MESBICs or revolving loan funds or interest subsidies, you know, reduced interest rate loans, near equity, subordinated loans as Mr. Williamson was speaking about. Then we can begin to see some changes occur, but that's all long term. Economic development is a long-term process.

MR. ALEXANDER. Thank you. Mr. Crapp, would you like to comment on the sufficiency of the current effort and also the long-term nature of it, of what sort long-term effort a community needs to commit itself to?

MR. CRAPP. Okay. I think the question of sufficiency of the current effort would pretty much concur with some of the comments Mr. Hope made. I would add, in addition, that I think, as I stated earlier, the primary emphasis insofar as where we are today, insofar as economic development program at the local commitment amount, the city and county level, will mandate there be more cooperation, more discussion, more interaction between the city and county governments.

The second thing we have emphasized is a strengthening of the organizational structures that we have begun to put in place.

The third point, I think, that ought to be mentioned so far as it has, insofar as the long term is concerned, is I think we have right now a tremendous imbalance insofar as commitment is concerned. I think that the public sector has demonstrated its commitment, insofar as putting its resources behind organizations like the county, South Florida Coalition for Economic Development. The way the city of Miami has done in terms of trade and economic development in the first place, then committing itself further in terms of allocating money to support neighborhood development organizations, the 1011 project is, I was talking about—I think on the public side was a major commitment, but on the private side we don't have a substantial commitment beyond rhetoric. We do not have a commitment on the part of any banking institution in this area to commit itself to participate in a number of the programs that are available, a number of the Federal programs.

The main thrust that we've been trying to pursue insofar as the city of Miami is concerned is to put a structure in place of that we can keep track of, or can have some kind of idea in terms of the client flow—the process of this is developing. Right now I don't believe there is anybody who can tell you whether or not the resources that are available are adequate because there is no systematic way in which to follow the process.

There is no systematic way to find out who is going to whom for assistance, who is getting turned down for loans, who is not submitting loan applications for whatever reason. What we are trying to do is to emphasize the organizational structure first, develop the resources on the public side in addition to that commitment. The bottom line of economic development is the private sector commitment; that's where the dollars are. We are operating in a trillion dollar economy, and the public sector does not have nearly the amount of resources to compete with the private sector to promote economic development.

MR. ALEXANDER. Mr. Hornstein, on the point of coordination, is there a mechanism that coordinates the efforts of the county with the city or some of the other municipalities in this area?

MR. HORNSTEIN. I'm sorry, specifically in what area?

MR. ALEXANDER. In the area of economic development.

MR. HORNSTEIN. I'm not an expert in economic development, of those coordination efforts. I am really in the black business participation and how to make that happen within the framework of the public resources that are limited.

MR. ALEXANDER. Is there a mechanism for developing black business participation that you coordinate with to tie in your efforts of the county with that of the cities, with that of the Urban Leagues, with that of any that the chamber of commerce may run?

MR. HORNSTEIN. I would hope that the recommendations that we come up with, that of our committee, have the opportunity to present that to the public through public hearings and whatever legislation happens, and at that time we would want to get the comments from all

the various agencies to participate in identifying those areas which we might be able to.

MR. ALEXANDER. As far as you know, you are not part of any larger structure?

MR. HORNSTEIN. Not at this time, that's correct.

MR. ALEXANDER. Mr. Chairman?

CHAIRMAN FLEMMING. Commissioner Berry?

VICE CHAIRMAN BERRY. How do you propose to get the business community to see the long-term effects to help you raise the \$60 million that you need to provide economic support for the black community?

MR. HORNSTEIN. Well, first of all, I will not appeal to their altruistic nature. I will simply appeal to, you know—I think the greed that we all find in capitalism—that is, that by investing in the South Florida Coalition or the MESBIC there are certain tax advantages that are available to them from both State and Federal Government, so I simply want to talk to them bottom line about what the benefit of it is.

In addition to that, I think that we can begin to talk about the fact that with an improved business base and job base in that particular community, that banks can look forward to greater deposits when we do structure business packages and deals that, and we create new businesses that banks can certainly look forward to having those businesses do business with them.

I think that's the way we're going to have to approach it as opposed to saying this is a tremendous social kind of responsibility that you have to our community. I think we are having to have to learn how to begin to deal with things from a vested interest point of view.

In addition to that, I think it also points out that it also begins to demonstrate to the black community that they do have a vested interest and that they can have a vested interest in what is, as Tony pointed out, this trillion dollar economy that we have here. And that unless we begin to demonstrate that, then we are going to have to continue to have the kind of situations, whether we have it 5 years from now or 2 years or 10 years from now, and that's bad for business. It is bad for business from the standpoint of view that tourists don't come, real estate deals get cancelled, people don't look at Miami as a good place to work, live, work, locate their factories, educate their kids, etc. So I think these are the kinds of approaches we are going to have to use in raising—in trying to raise—that kind of money.

COMMISSIONER HORN. I thought you made a very interesting point when you pointed out that the deposits from a community are not necessarily the investments made in that community. Are you aware of any policies of the Federal Home Loan Bank Board or the Federal Reserve Board that require the reporting of deposits versus investments by community? In the day of the zip code and the census tract, it seems to me this will be a very simple thing to do.

MR. HOPE. Yes, the things that I am aware of are the Community Reinvestment Act, the Home Mortgage Disclosure Act, and there are some others, but I really would be interested in seeing—and I under-

stand that the National Training Institute out of Chicago is doing some studies in some cities. I would be interested to see deposits versus investments in our community. I would like to find out how much money is leaving the black community going into S and Ls. commercial banks, etc., and being reinvested in other places.

Here again, as I said, I think the major problem that we have in the community is one of the capital base. I certainly think that—I relate economics to the whole situation that we had. I think that the police department would respond differently to our community if it were an economically viable community. You don't have police officers going into Coral Gables and other places where you have an economical viable community, acting the same way they act. You know, barring the racism, I think that, if the community were economically viable, they would have a totally different response than we have right now, so that's a little bit away from what you were saying.

The point is that we can't expect things to happen differently in our community than they happen anyplace else. Economics is a circular kind of thing, and if we don't have capital, we don't have jobs, we don't have tax base, etc., etc. It goes in a circle, and until we find some way to replace that circle, until we find some way to reinject that capital base, and I am suggesting that it has got to be with public as well as with private dollars, and the public dollars have to find some way to stimulate the private dollars that come to that community, it is not going to change. I think everybody is responsible to see that those things happen.

COMMISSIONER HORN. Mr. Williamson, how effective is communication between the various ethnic business communities—white, Cuban, black—in the Dade County, south Florida area? As I understand it, there are separate chambers of commerce; there might even be more than one chamber of commerce in particular communities. How would you describe the linkages between those, and what if any efforts are under way and where are they originating to get greater coordination and to recognize a common business interest?

MR. WILLIAMSON. I agree with your statement, Commissioner. There are three chambers of commerce, one black, one Latin, and several white; one white here in Dade County. That, of course, is a reflection of some of the problems we have here. Since the riots here in Miami, there has been some, what appears to be, positive efforts by the white-run chamber here, which is the predominant one, to work along with the black chamber of commerce. They have even tried to put together a program which they perceive would work to help to get more funding into black-owned firms.

Of course, sorry to say, so far that program does not appear to be working. I wish I could say, Commissioner, that there are some real positive efforts among the chambers to work together for the good of the community. I am not saying there are not any, but I am not really aware of any real workable ones. Actually, the fact, as I said earlier, the fact that we have three chambers is a reflection of the social problems in the community. We have a community that is divided into

segments, three segments, and there is just not enough cooperation among the three.

COMMISSIONER HORN. Are black and Cuban business people involved in the primary white chamber? Can they be in both groups? Are they in both groups?

MR. WILLIAMSON. I think there are a good number of Latins who are involved in the white chamber. There are not any blacks that are involved. As a matter of fact, I only know of three, and I've been to several of the meetings. I really haven't seen much blacks. I believe from the black point of view that they perceive the white chamber as not being as responsive as it could have been over the years to help blacks in the development of business in this area. That perception may be right to a degree, may be wrong in part, but that's the general perception as I see it.

COMMISSIONER HORN. This gets down to the chicken-egg argument. If you can work from the inside versus you have your own, could you make some difference?

MR. WILLIAMSON. Yes.

CHAIRMAN FLEMMING. We certainly appreciate your being with us and sharing with us the experiences you have had and are having, and it will be very helpful to us as we evaluate all of the evidence that we are receiving here during the days of the hearings. Thank you very, very much. We appreciate it.

We are in recess until 1:00 o'clock.

### Afternoon Session, December 10, 1980

---

CHAIRMAN FLEMMING. The hearing will resume. Counsel will call the next witnesses.

MR. ALEXANDER. George Greene, William Calhoun, Jan Luytjes, Bernard Layne.

[George Greene, William Calhoun, Jan Luytjes, and Bernard Layne were sworn.]

CHAIRMAN FLEMMING. Thank you.

**TESTIMONY OF WILLIAM CALHOUN, BUSINESSMAN; BERNARD LAYNE, DISTRICT DIRECTOR, SMALL BUSINESS ADMINISTRATION; JAN LUYTJES, PROFESSOR, FLORIDA INTERNATIONAL UNIVERSITY; GEORGE GREENE, PRESIDENT, MIAMI-DADE CHAMBER OF COMMERCE**

MR. ALEXANDER. Starting with Mr. Calhoun, would you each identify yourself for the record and your occupation.

MR. CALHOUN. My name is William Calhoun. I am a private businessman. I run a tailor shop at 6129 Northwest 7th Avenue, Miami.

MR. ALEXANDER. Mr. Layne?

MR. LAYNE. I am Bernard Layne. I am the district director for the Small Business Administration office for south Florida.

MR. ALEXANDER. Thank you. Professor Luytjes?

DR. LUYTJES. Jan Luytjes. I'm professor, Florida International University.

MR. GREENE. My name is George Greene. I'm president, Miami-Dade Chamber of Commerce. That's the black chamber of commerce. I'm a businessman, George Greene Insurance and Real Estate.

MR. ALEXANDER. Thank you. Mr. Greene, could you tell us a bit about the role and the function of the Miami-Dade Chamber of Commerce?

MR. GREENE. The chamber of commerce was formed about 6 years ago for the economic development for black business in the black neighborhoods. We felt that there was a definite need for a black chamber of commerce, and we still feel that there is a definite need for a black chamber of commerce. We feel that the white chamber of commerce would not be as responsive to black problems or black business people and could not relate to black problems of black business people in the inner cities or Liberty City or Brownsville or Opa-Locka, or wherever we are located.

We at the chamber for a number of years have been trying to do a great number of things. After the riots, a little bit before the riots, we had started a vigorous campaign to increase our membership by getting what we call the white power structure companies to pay some attention to blighted areas, and we had made some inroads. Our membership started to increase with very prominent businesses in the Miami area. As a result of the riots, our membership increased approximately 800 percent, and now we have just about every major business in Miami who's a member of our chamber. We represent over 160 businesses and/or individual members of the Miami-Dade Chamber of Commerce.

MR. ALEXANDER. Thank you. Mr. Layne, could you briefly describe the major loan programs that the Small Business Administration has available to help small businesses?

MR. LAYNE. Yes. The major loan programs are primarily what we categorize as the 7(A), or business loan program, which is the preponderant program to provide assistance to all small businesses.

MR. ALEXANDER. That is a loan guarantee program, is it not?

MR. LAYNE. The program is comprised of direct as well as a guaranteed program. In addition we have EEOL programs, economic opportunity loan programs, which is also direct and guaranteed loans and is to provide assistance to those entrepreneurs who are normally socially or economically disadvantaged. It comes for low-income individuals or individuals in high unemployment areas.

MR. ALEXANDER. You also have a management assistance program?

MR. LAYNE. Yes. In terms of management assistance, we have a very extensive program comprised of a management assistance staff at the

local level. We utilize extensively the services of the Service Corps of Retired Executives, or SCORE. We are fortunate in south Florida in having approximately 15 different SCORE chapters utilizing the services of about 450 volunteers who provide extensive management assistance to those who request assistance.

We also utilize the Small Business Institute. That is a number of academic institutions who provide assistance to small businesses by utilizing not only faculty but graduate students or senior business students to undertake a small business as a project for a semester and are able to proffer that type of assistance.

MR. ALEXANDER. Your 8(A) program is an additional—

MR. LAYNE. The 8(A) is an additional procurement program.

MR. ALEXANDER. Could you explain?

MR. LAYNE. The 8(A) program essentially is a recognition of the need to try to help those businesses that are socially and economically disadvantaged to receive some fair proportion of government contracts, and essentially the nature of the program provides that SBA becomes a prime contractor on a Federal contract and we in turn subcontract that contract to a socially and economically disadvantaged firm that has been certified as qualifying for the 8(A) program.

MR. ALEXANDER. Who does the certification?

MR. LAYNE. The certification itself is done in Washington.

MR. ALEXANDER. By the SBA?

MR. LAYNE. By the SBA.

MR. ALEXANDER. And “socially and economically disadvantaged” is the key phrase?

MR. LAYNE. Yes, it is.

MR. ALEXANDER. That’s a statutory phrase?

MR. LAYNE. Yes, although the phrase “economically disadvantaged” is a most difficult one to come to grips with.

MR. ALEXANDER. Does the agency by regulation have interpretive guidelines as to what “socially and economically disadvantaged” means?

MR. LAYNE. They have and if counsel would care, I brought with me a definition that I could read for his edification.

MR. ALEXANDER. I would like to have that submitted for the record.

CHAIRMAN FLEMMING. Without objection, that will be inserted in the record at this point.

It is a brief regulation, isn’t it?

MR. LAYNE. The excerpt can be brief, yes.

CHAIRMAN FLEMMING. For example, it does define certain groups that come under this phrase, does it not?

MR. LAYNE. Yes.

CHAIRMAN FLEMMING. I would like to have that stated now.

MR. ALEXANDER. Would you state that now, Mr. Layne, if it can be briefly done, for the Chairman’s request?

MR. LAYNE. To be brief, Mr. Chairman, I will read to you first, if this will suffice, an excerpt from the *Federal Register*, because this has been an update on this, dated Monday, December 1, 1980, and with

regard to section 8(A), program eligibility, subsection 3, socially disadvantaged—"socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities. The social disadvantage of individuals must stem from circumstances beyond their control."

The next subsection designates certain groups as being covered by this provision, and it says: "in the absence of evidence to the contrary"—in other words this is presumptive—"the following individuals are considered socially disadvantaged: black Americans, Hispanic Americans, Native Americans"—that is, American Indians—"Eskimos, Aleuts or Native Hawaiians, Asian/Pacific Americans—Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands, Northern Yemen, Laos, Cambodia, Taiwan, or members of other groups designated from time to time by SBA according to the procedures set forth in section 124.1."

MR. ALEXANDER. Thank you.

Professor Luytjes, could you briefly describe for us your experience in evaluating black economic development in the Miami-Dade area involved in some research?

DR. LUYTJES. Yes. I came to south Florida—Miami—in 1971 and at a very early stage I became involved in the economic development of this region. One element in that developmental process dealt with the black economy; that is to say, within the whole structure of the south Florida economy, the development of that economy since 1960 had accelerated very greatly, and we found that some sectors were lagging in that developmental process. So we started to look into this and tried to do some research in 1974 and 1975 and again in 1978.

MR. ALEXANDER. Could you briefly summarize what were the major findings of the research with respect to the black community?

DR. LUYTJES. The major findings were that the advancement of blacks during this period of time from 1960 to 1978 had lagged significantly behind the advancement of other groups in this community. Again, assuming that the growth rate that this community experienced would be shared by everybody, that was not the case. We also found in trying to look at employment that the black employees in many organizations suddenly felt pressure as this community became more "Latinized" due to the fact that they didn't command the language and, therefore, were at a disadvantaged position.

MR. ALEXANDER. Mr. Greene, in your experience, what have been the major problems facing black businesses in sharing in the economic boom of Miami-Dade?

MR. GREENE. The bottom line is the same no matter how you look at it, no matter how many ways you want to put it, and that is the ability of the black businessman to obtain capital to operate his business. That's the bottom line, that availability of capital in this community, and I can speak from experience, is very difficult to obtain, and there are a lot of barriers.

The greater Miami chambers and the Dade Chamber of Commerce initiated a loan program to try to aid businesses to loan the money. The problem that we had, the problem that I see it as, if the private sector uses the same criteria in which they loan black businessmen money, then black businessmen will never receive any money or commitments. We don't have the equity. We're not collateralized to the degree they would expect, and as a result we're not going to get the loans.

People say to us, "What happened with the Cubans?" It is not fair to compare us with the Cubans. It is not a fair analogy. The Cuban people came over here and borrowed money, received money on faith on a family name in many cases, with no collateral from other Cuban bankers, from people that were sympathetic and knowing "Gonzales" and "Hernandez" money is a good business. "He's a good painter and I know he's going to pay us the money back, even though he has no collateral, no paint brushes, no truck." Where do we get that start from—and this has been a problem—and how do we get a black banker, we don't have a black bank; and how do we get a start to borrow money? We can't. With no economic base and no means of obtaining capital, whether or not we're trying to initiate a new business or extend the business that we're in, there's no way for a black business to survive, especially in these economic times.

MR. ALEXANDER. Thank you. Mr. Calhoun, you are a small black businessman and you've had some personal experiences in trying to obtain loans. Could you briefly relate those for us?

MR. CALHOUN. Yes. In the year of 1969 I started a black tailor shop I purchased with my savings. From '69 up until '70—I started with \$10,000 of my own and at the end of 1970 through 1971 I had grown to \$250,000 volume in business. In 1972 I had a series of burglaries and after that series of burglaries I then had one that ended with a fire which burned my business out. So one night I had a growing, prosperous business; the next morning I had a shell of a building.

At that time I went to the SBA and other organizations to get assistance. I could find none. Finally, after continually going to the SBA office, I was given the procedures and was instructed that I had to reconstruct records and these type of things in order to apply. SBA assisted me then with an accountant in order to restructure my records. During this period of time I was under the impression that when this was done I would in turn qualify for assistance. So I put all my energies in doing this, and—also, understand that at this time black people having such a problem financially that in order to declare bankruptcy, which now today I know I probably should have, I continued to try to do business because I had a demand and I had the ability to deliver. The only thing I needed was a vehicle and supplies, so I am thinking that maybe then a government that I had supported with my taxes—and believe me I paid taxes during that period of time—would come to my assistance.

I was led to believe that this would happen, so I diverted all of my energy to this and only to find out that after we had reconstructed all of my records—I went through the program of SCORE [Service Corps

of Retired Executives] and was told by them that, "Sir, you have the ability to assist us, to advise other people how to run their business in this type of business"—so after completing our records, we went back to the SBA only to be informed then that the SBA was out of money.

So then we took the same project and we went to all of the banks. We could get no financing from the banks. I even tried a project of 90-day revolving supply, just any type of thing in order to get my business circulating. I could get no assistance. What I did then was just take—I began to take my savings; I would buy a piece of cloth and I would make a pair of pants. After I sold one, I would take the profit from that and make two. I began to grow again.

Now I'm right back. I'm in the same position where economically the growth of our country is so fast that I cannot compete with the big businesses. I have now the need for supplies. I cannot get them. First off is because the period of time I went through, I'm asked for collateral, I'm asked for track records, and you have to remember that record-keeping and track records is developed by your dealings through the bank.

All of mine would have had to be bad because the period of time I had no business. I mean, I was struggling and I would—what I would do, I would take my light bill money and I would pay the telephone bill; then when the light people came, I would take the telephone money and pay the light bill. This is what black people have is the strength of survival, and this is what is keeping us going through today is that we have that built-in sense for survival. And if we're given any helping hand by anyone, we will survive and our community will grow, but we cannot put this in because we don't have it, and it seems as if every program designated to render the services to us that we need is so restricted that it is unable to function, or there are few people that is in charge of the programs as not implementing them properly.

It seems as if what is happening is that a program is being used in order to render service, is being used to deny service. What I am saying is that it seems that certain officials and certain programs, when a person applies for help or the initial application for a type of services, uses that program to deny the services to the person rather than give it to them, or to give them a minimum amount of service, knowing that with this minimum amount they are destined to fail.

MR. ALEXANDER. Mr. Calhoun, have you found that from your colleagues in the business community that your experiences are unique or have other of your friends, and others in—

MR. CALHOUN. It is throughout the community. We have a very few people that have applied for different programs for services and have received them. There is a sense of frustration and the frustration is growing constantly because we see no outlet for it.

MR. ALEXANDER. Mr. Greene, would you care to comment?

MR. GREENE. That's certainly true, and when you come on with a program right now and might know of if you announce the program, that you had \$300,000 to loan, almost with no strings attached, I doubt

if you would have people lined up to borrow the money because we have been duped, misled, lied to, and we're just at a point of just total, utter frustration at the types of programs that have been brought in, and his experience is certainly not unique. It is commonplace in our area.

I had a chance to meet with some bankers approximately 2 weeks ago, and they informed me, "George, don't forget, you rioted out there. You killed people out there. We don't drive through your neighborhoods anymore. We didn't loan you money in the first place. When we had white businesses out there we were reluctant. Do you think we're going to loan you money now?"

We have a serious problem in the community. Now, earlier I heard some testimony about the banking institutions and the monies that's loaned according to deposits. I certainly would like to see a study conducted as to how much these institutions have loaned out in the black neighborhoods, and I would tell you right now that it wouldn't be surprising to us, because we know that they are not loaning money, and the prospects now, after the riots, have deepened, have worsened as far as loans are concerned. EDA [Economic Development Administration] comes in and says, "We've got \$5 million and we'll loan it to you and we want you to create jobs," this and that and forward. Well, that could be in the form of a loan guarantee, but first we got to go out and now find a bank that is willing to make the loan in order to see the loan guaranteed.

Believe it or not, they are not out there. It is very, very difficult. You can't find individuals, first of all, that can sit down and qualify for a \$5 million loan and have it collateralized and secured. No banking institutions, including the SBA, wants to make a bad loan. It just goes back to bad business, but somewhere down the line I think the government needs to put an arm around the private sector and say, "Look, you're making money. You're doing this. We think you should set aside or put something aside into a pool which can be done here, and we will drop our standards and we will loan some money to struggling black business people that we think can make it, and we will help sponsor them and we will not loan them the money independently, but we will also allow them to get in the mainstream of white business by giving them business."

Black businessmen cannot survive on black business from strictly black people. This is a white recession and a black depression; it is very difficult for a black man to make it. He needs a white—he needs to be in the white mainstream of business.

MR. ALEXANDER. Mr. Layne, what portion of the problems that are identified is the SBA program supposed to address?

MR. LAYNE. Well, the problems that have been expressed are valid and are characteristics of all small business problems.

MR. ALEXANDER. Black, white, or whatever?

MR. LAYNE. Exactly. The problems of small businessmen are universal, but they are magnified within the minority community. We must operate within a mandate, a congressional mandate, and that mandate

prescribes the direction that we can take, the parameters within which we operate. Over 90 percent of SBA loan activity is in the field of guaranteed loans. As Mr. Greene just indicated, it is imperative that we are dependent upon the private sector as a major factor in this program.

MR. ALEXANDER. In this community, how many banks participate with SBA?

MR. LAYNE. I don't have the number immediately available, but I could get that for the record.

MR. ALEXANDER. Could you have that provided for the record?

MR. LAYNE. We do have reasonable participation by the banks, but the problems that are confronted by the minority community, particularly that are normally endemic to all small businesses, are the problems, number one, of having sufficient management skills, and I think Dun and Bradstreet indicates that over 80 percent of business failure is due to lack of management capability.

And number two, is the basic problem of equity, that if the small businessman, and particularly the minority small businessman, had access to equity, I think then the banks would be more prone to accept the loan application and all of the concomitant advantages that would come to the small businessman if he had that basic equity.

MR. ALEXANDER. Professor Luytjes, would you care to comment on the efficacy of the existing SBA programs?

DR. LUYTJES. If I may, I would just comment on the statements made by Mr. Greene, that it is quite true, and the research that we did, that in terms of the expectations of the black entrepreneur, in this area as to the help he can get is extremely low. At the university we have, with the help of SBA, set up a small business development center, and in this center we have tried to address some of the issues that were facing the black entrepreneurial community.

We held a number of seminars and we held also some information hearings, so to that extent we tried to feel the pulse of this community. I can assure you that what Mr. Greene has said is quite clearly the case.

Now, as to the efficacy of the programs that are there, one of the things we did is, we tried to develop a matrix of all the organizations in this community that were saying that they were providing assistance directly, or a referral service, with regard to various functions as to the small business community. Now one of the things that, and we didn't pursue it any further, but we did discover, as far as the services that are being rendered, that there was a tremendous amount of duplication, and so that in essence, whether it is the county, the city, and other agencies.

To speak specifically as to the efficacy of the small business programs, the Small Business Administration, I wouldn't be able to make a judgmental opinion on this particular instance, only to say that in my association with the SBA and what they have done, I do see their problem.

Now, one thing in the past that I did observe was the fact that on a percentage basis—and this was some years back, so it is not the last 3

years—that the loans that were given to Latin small entrepreneurs as compared to black entrepreneurs were far greater on a percentage base. So again, whether this reflects the perceived managerial viability of this particular venture or not, I cannot judge this. These are only statistics that were available to me.

MR. ALEXANDER. Mr. Layne, our staff requested from SBA the loan figures for the past 12 years, and our analysis shows that of the 780 direct loans made, blacks received 37. Of the \$88.5 million in Federal funds on regular business loans, 5.3 percent went to blacks, and of the \$22.3 million in Federal funds expended for equal opportunity loans, blacks received 9.7 percent. Could you tell me what in your view accounts for the low representation of what Professor Luytjes's study and both of these gentlemen identify as a seriously disadvantaged group in this particular community?

MR. LAYNE. Well, my response has to be predicated on my own experience, really, for the last just 2 years that I've been here, and I can assure the Commission that there is no element of preference with regard to one element of the minority community as compared to the other. I can only attribute the disparity to the quality or nature of the application that is received.

We have taken any number of initiatives, particularly within the last year and a half, to try to afford greater opportunity for black entrepreneurship. The problem is the nature or the quality or the abundance or the lack of abundance of applications that are received for black entrepreneurs from banks, or the quality that is received with regard to direct applications.

MR. ALEXANDER. Do you, by the way, annually run these same statistics that I just ran, because we had to do them from a very large computer printout? There seems to be no annual breakdown for this office.

MR. LAYNE. We do not have the resources to go into a county-by-county breakdown at the local level.

MR. ALEXANDER. You don't know every year how well you are doing in terms of this local community; is that correct?

MR. LAYNE. Well, not in terms of each of the 24 counties in south Florida that we administer, but we do keep weekly statistics on the number of minority loans, total minority loans, as a function of bank guarantees and also as a percentage of the direct monies that are expended. And I can tell you, for example, that last year of the direct funds that we had more than 65 percent of the loans and 59 percent of the dollars that were approved for direct loans were for minority loans and, of course, you have the breakdown—

MR. ALEXANDER. Yes, we ran the breakdown.

MR. LAYNE. —by code.

MR. ALEXANDER. Have there been any complaints received by the SBA office in the last 3 years of racial discrimination or ethnic discrimination?

MR. LAYNE. We have been audited. Last year there was one complaint and that was investigated completely. In fact, the entire office was audited in this connection.

MR. ALEXANDER. Of what nature was that complaint?

MR. LAYNE. I believe it was a complaint of discrimination against a female.

MR. ALEXANDER. Sex discrimination?

MR. LAYNE. Yes. Now, parenthetically, if I may, as an illustration—I keep records on a weekly basis—and I know, for example, for the first 10 weeks of this fiscal year that we are currently 59 percent ahead of last year in the total number of minority loan approvals.

MR. ALEXANDER. Does minorities, in your use of the word, include women?

MR. LAYNE. It does not include women. It includes essentially the Hispanic and the black community.

MR. ALEXANDER. And the Asian community here, also?

MR. LAYNE. Yes, but that's minimal in this community.

MR. ALEXANDER. Do we have separate breakouts for that?

MR. LAYNE. Not under my statistics.

MR. ALEXANDER. You wouldn't know whether you were serving the Vietnamese refugee community or not?

MR. LAYNE. I do not have that breakdown.

MR. ALEXANDER. Do we know whether you are serving the Haitian community?

MR. LAYNE. They would normally be included within the black category.

MR. ALEXANDER. When we're serving the Latin community, do you have any breakdowns to know whether it is the Puerto Rican community, the Cuban community, the Chicano, or is it all lumped as Latin?

MR. LAYNE. That is broken out in the statistics that you received on a central basis, but we do, again, not have the resources to break that out on a local basis.

MR. ALEXANDER. So we really don't know who our programs are reaching in terms of particular needs, as it may vary from region to region in this country, city to city, unless somebody does the analysis?

MR. LAYNE. Well, it is in the central computer.

COMMISSIONER HORN. I didn't understand the answer. As I understood your question, you were wondering if Latin or Hispanics showed subgroup differentiation?

MR. ALEXANDER. Yes, that's correct.

COMMISSIONER HORN. The answer is, I gather, it does not, but then the implication was that somehow centrally that could be derived.

I first was interested in your answer on the Haitians and the blacks. I think that is a crucial answer that there is no way to show what we are doing for domestic, native-born blacks because people with black skin are all lumped total, even if they are immigrants.

I take it there is no way to also break down the Hispanic community, or is there a way?

MR. LAYNE. In our central computer they have two codes; one of them is Puerto Rican.

COMMISSIONER HORN. Okay.

MR. LAYNE. And the rest of the Hispanic code is what we call code three or Hispanic code. That is one other subdivision.

COMMISSIONER HORN. Cubans, Venezuelans, etc., as well as Mexican Americans would be cast in that other code?

MR. ALEXANDER. If you were in the Southwest, for example, Chicanos would be in the "other Spanish" category?

MR. LAYNE. Yes.

MR. ALEXANDER. But here the "Other Spanish" category presumably would be Cubans, Venezuelans, Columbians, etc., etc.

MR. LAYNE. That's true.

MR. ALEXANDER. Why is that?

MR. LAYNE. I can only give you conjecture on that, if I may. We have an office in Puerto Rico, so that virtually every application that is received in Puerto Rico is for a Puerto Rican individual, and I assume—I only assume; I'm not speaking directly for the agency. I would assume that is why they break that out as a separate entity.

MR. ALEXANDER. Does that meet your needs in servicing your community? Do you make recommendations to Washington on how they should keep data?

MR. LAYNE. From my vantage point, my mandate is to assist the entire community, the entire small business community, with obvious emphasis now on the minority community. I am in close contact with a number of members of the black community. The gentlemen who were on the previous panel, Mr. Hope, Mr. Williamson, with a number of the individuals you have interfaced with, and we communicate, so that there is no question about the need or our sensitivity to the problem. I am able to pick up the phone and tell Mr. Williamson or to ask him, "What are you processing now? What is available? What can we do to be of assistance?"

MR. ALEXANDER. Most of the applications you get, as I read your materials, someone goes to the bank first; it is turned down and then gets referred to you. Do you know, perhaps, if that is a point where racial discrimination may occur?

MR. LAYNE. No.

MR. ALEXANDER. Do you have any way of ascertaining that?

MR. LAYNE. No, not unless there is a claim of racial discrimination.

MR. ALEXANDER. So you are responsive to claims of discrimination, but you have no outreach programs to determine what impact your programs have?

MR. LAYNE. Not at the district level, but I believe Mr. Ellis, who is involved with our compliance division, answered previous testimony as to the compliance activities in following up on any question with regard to policing the activities of banks, and our own activities for that matter.

MR. ALEXANDER. Thank you, Mr. Layne. Mr. Greene, what steps do you think could be taken to improve the existing SBA programs?

MR. GREENE. It is quite evident by the figures. It stands out at you and hits you in the face, if you have any kind of intelligence. You tell me 65 percent of the loans, the direct loans, are made to blacks, and you tell me 5 percent of the overall loans are made to blacks, and you're talking about a much larger figure in the 90 percent. It is quite evident that the banks don't want to cooperate or make the loans. Banks traditionally in this town don't like SBA. There is a great deal of skepticism about SBA.

First of all, the interest rates, banks think—and this is a myth, and I think Bernie can attest to this—the interest rates are below subpar, they are not favorable, that the paperwork is horrendous, and that to finally foreclose a loan just creates a great deal of problems with the government. And banks will say it is much easier for me to out and loan money to a larger firm and not have to contend with all of this paperwork and all of this SBA stuff.

The Cuban people had a difference. It is quite evident that after the riots the first people that contacted our chamber and said, "George, we want to help," were Cuban bankers. We had about eight of them that said, "Look, we'd like to help out and devise the loan program to loan you some money."

We have had a couple of the white establishment banks that have always been benevolent in our community, that have always come forward and done the best to take a hold of the program, but the other white banking institutions in this town sat back and didn't do a thing, and the results of our loan program, the loans that came through did not end up at the Cuban establishments.

Now, the minority Cuban banks loan money to their applicants. If they were a little shaky, rather than give them a direct loan from the bank, they would shoot them through SBA, and I would venture to say that this is the reason why you find the high statistics for the Spanish loans being made by using the SBA, but right now we still cannot go to banks with open arms and ask for loans. Everybody thinks you have to get turned down. That is not the case. That's the direct loan program that the SBA had.

The regular program is for you to go get approved by a bank, and I think Mr. Layne's statistics are extremely high of banks that have approved loans before they sent them over to you.

Can I ask you what that is, Mr. Layne?

MR. LAYNE. I'm not sure of banks.

MR. GREENE. Is it over 90 percent of banks that approve an SBA applicant and then the package comes over to you? What is your approval rate?

MR. LAYNE. Our approval rate is in the neighborhood of 75 to 80.

MR. GREENE. That's still high in my opinion, 75 to 80 percent is still high, but you've got to get past that first hurdle, which is the bank.

MR. ALEXANDER. Professor Luytjes, would you care to comment on improving the SBA program?

DR. LUYTJES. I think that, my feeling is—I put this also back from my experiences that I was in Kentucky where I was the deputy direc-

tor of the office of development and business research, and we there tried to work also with black entrepreneurs. I think that we cannot deny that there are problems, and they might be perceived problems but nevertheless real problems, with regard to the managerial capabilities of the black entrepreneurs.

To a large extent this can also be attributed to the fact that in many cases there are high expectations, and they tend to be unfulfilled, so when the actual experience comes through is that a number of these businesses that have commenced and started for whatever reason did not succeed. So I think there has to be an awareness as to the difficulty that the black entrepreneur faces in terms of the economic reality of the environment in which he is.

Now, in this particular community what makes it extremely difficult—and I think we are at this point really very fortunate because, in spite of everything—and even in terms of the recession—this community has continued to grow and in this process of growth, even though we had problems, they would be far more had this community not grown. So I think really we are in a fortunate position even though we do have these problems, but the degree of competitiveness that is now in this particular environment is extremely great. And so the only thing I can say is that it is true that in terms of the loan applications from black entrepreneurs they are not that many, and they don't seem to be filtering through very readily. But I think that some programs—and again we are trying to address ourselves to in the university right now, where in essence the black entrepreneur can get into, somehow or other, a relationship with a sponsor on a more intimate basis, so that he can have a period of maybe 2 to 3 years to be able to be competitively viable in this community. And with this kind of managerial assistance, the possibilities of the acquisitions of loans would be, we hope, better.

MR. ALEXANDER. Mr. Chairman?

VICE CHAIRMAN BERRY. Mr. Layne, you have said in response to a question that there were no preferences for specific minority groups within your program. That was a question, given the disparities, and the percentages in dollar value of loans, and counsel asked you about loan percentages that go to blacks. Why shouldn't there be some emphasis at least—I don't mean the legal preference; I understand the law—some emphasis in your program on trying to boost that number?

MR. LAYNE. My answer was predicated essentially on legal preference.

VICE CHAIRMAN BERRY. I'm talking about—

MR. LAYNE. In terms of recognition of the problem, we have taken a number of initiatives in the community to try to encourage and increase the availability of capital and assistance to black entrepreneurs. We have done that in terms of sensitivity and awareness in terms of interaction with the black community and black leadership. We have done it in terms of our interaction with the banks and asked the banks to participate. We have done it in terms of our interaction with the funding organizations—for example, Stanford Williamson, who testified earlier today. I touched base with Stanford, asking him what the status

was, telling him if we had direct funding available—which is extremely limited in nature, by the way—but asking him to see if he could expedite packages that we could consider, but they must be viable packages. So within that context, absolutely.

VICE CHAIRMAN BERRY. Did I understand you correctly, did you state that one of the reasons why you don't have more loans given to blacks or guarantees is because they don't apply? Did I understand that?

MR. LAYNE. No, no. We can only process a guarantee loan when the application is submitted to us by the bank.

VICE CHAIRMAN BERRY. Oh, I see.

MR. LAYNE. We do not interface directly with the applicant. We simply process the application that is submitted to us by the bank.

VICE CHAIRMAN BERRY. So you meant that you had not received the application from the bank?

MR. LAYNE. Yes, ma'am.

VICE CHAIRMAN BERRY. The other thing is, after the May riot, I understand that SBA—or there was some sort of announcement that SBA would increase the number and dollar volume of loans that would be made available to black entrepreneurs. Was there some increase in the dollar volume and the amount and the allocation of awards after the riot or not?

MR. LAYNE. I believe there were probably some misunderstandings. The funding that was announced that was available was for the victims of the riot, of the disorder, so there were funds available to address that particular problem.

I might say parenthetically that right now, this fiscal year, I have tried to hold back on the disbursement or approvals of some of the direct funds which I have direct control over, and we still have not received viable applications for loan approval in those from black applicants.

VICE CHAIRMAN BERRY. From banks again?

MR. LAYNE. I'm talking about even direct funding. There normally is no restrictions on guaranteed funding, normally. We usually get appropriations provision, program provision, for ample funding of our guaranteed funding. That there are very, very limited direct funds available and we parcel them out and we prioritise minority loans within the direct loan category.

VICE CHAIRMAN BERRY. You don't have viable applications?

MR. LAYNE. That's the major problem.

VICE CHAIRMAN BERRY. You have applications but not viable?

MR. LAYNE. Yes, ma'am.

VICE CHAIRMAN BERRY. I won't pursue it.

MR. LAYNE. I think if I may, Mr. Greene has participated. He's gotten involved in the Miami-Dade Chamber program, and I think probably his experience would fortify the problem better involved, not simply the number of people who are interested but the number of applications that can indicate the capacity to repay the loan—and I

don't mean to speak for you, George, but I think that's what your experience has indicated which would fortify our problem.

COMMISSIONER HORN. Mr. Greene, your chamber is fairly recent. What sort of linkage mechanism, if any, has been established between your chamber, the Latin chamber, the primarily dominated white chamber? Which is the more traditional one in the area? Have you got a regular mechanism for communication?

MR. GREENE. With the white chamber we do. With the Latin chamber we have just started, and one primary reason that we haven't had the linkage with the Latin chamber has been communication. The president of the Latin chamber speaks no English, very little English, and he is a super guy and we think a lot of him, but we have to communicate a lot of times through our interpreter and it is kind of difficult.

With the white chamber we interact with them on a regular basis. We have formed a joint venture with a group called City Venture, which right now is in the process of doing a study to determine whether or not we can have a viable research center here and possibly employ a number of unemployed youths and people in our community.

So far the white chamber, or the power establishment, has committed through us a total of \$42,000 for the first leg of the study. If City Venture agrees to come in and do the work and create the jobs, the fee could run as high as \$300,000 to \$400,000, which they seem to feel they would be willing to expend to try to have this done, so we do have some interaction.

I'm not happy. I'm not totally happy with the interaction. I want to be careful that the chamber realizes that we will not accept tokenism or a partial handout or something in say, "Hey, we've done our part. Now we go back to Brickell Avenue and downtown Miami and you are on your little boat, and take off again."

This is the problem and this is what we are afraid of. As every day passes, I see more apathy coming insofar as the white community is concerned—"Things are okay again, so let us proceed. We are not going to have a riot right now. It is all right for us to go after tourism in Germany right now and not worry about Liberty City." That is a misconception, and I hate to say it might be realized by another riot, but it shouldn't be. We've had the warning signals twice. I don't think we need them a third time. I think we need continued action, continued commitment by the chamber and by the members and not just by a few members on the chamber, and that's been the problem.

The same few that have been fighting for black rights, black economic development for the last 10 years, it is nothing new that these same institutions step up and gave an increase, but we have to have the total structure committed to do something to help us.

COMMISSIONER HORN. Mr. Greene, in many cities, as you know, besides the traditional business chambers where business, both large and small, pay in their dues, a professional staff is hired, publications are put out, they try to attract businesses, and so forth and so on. There are sometimes additional groups, such as a "forward" whatever group. It

could be Forward Miami. In my case it is Forward Long Beach. There are sort of Forward San Diegos, and so forth and so on, for maybe 30 or 40 usually businessmen, not businesswomen, I regret to say. But leaders in business, government, education get together and are sort of junior grade or actual power structure in a community.

In a place such as Pittsburgh, Pennsylvania, the movers and shakers meet at the Duquesne Club. Now, what's the power structure in Miami? Do the chambers really reflect that? Can you accomplish something? What I am getting to is, who really runs Miami?

MR. GREENE. They absolutely have such an organization. I am a minority member of that organization. We are called—

COMMISSIONER HORN. What's the name? I'm just curious. They haven't sent us a card yet.

MR. GREENE. It will come to mind in a minute. But we do exactly what you are talking about now. We meet and we welcome new companies and we go after Rolls Royce and we want everybody else to come in. We are the leaders—I think there is only one other minority that I ever see at the meeting. We have such a group, but that group doesn't concern itself with Liberty City or the riots. They are not concerned in that area, and that's a problem that we have. I don't think that we need to form any more committees, any more groups, any more research people to research anything else. We have been researched to death. It is time now for us to have some action.

I read in the paper the other day if the downtown establishment or if the power structure decided that they wanted to do something in that riot area, it will happen so fast that you will not have a riot, and that is the bottom line; you wouldn't, but nobody has made that commitment. It is the social thing to talk about. Those folks out there in Liberty City that need our help, but how about coming up with some action and doing something, making some loans, building some buildings, locating your company out there, and doing some things.

The telephone company has just done it. The light company has just done it. We're right now negotiating with Westinghouse. We're talking with Alcoa Aluminum and we're saying, "Come on in and open up and start," but we need that type of commitment, so when we meet maybe the next time I'll have a chance to point out that maybe some of our efforts ought to be directed toward Liberty City.

COMMISSIONER SALTZMAN. I think, Mr. Greene, you answered the question that I was going to ask. What I feel from what you said is that the present situation does not allow for the possibility of the growth of black entrepreneurship in this area, and that in order for it to change the white power structure has to begin to be willing to invest in making the possibility for vehicles to exist for black entrepreneurship.

MR. GREENE. That's right. The key to it, also, as Professor Luytjes pointed out, in our loan program we were supposed to have a sponsor, a confidant, of our black entrepreneur who applied for a loan, someone who would help shore up his loan, who would tell him the ropes, who would stick with him, and who would help him get business. This failed. We didn't have that sponsor come forward, and as a result, the

loans that went through bounced and came back and were kicked around. So we need this type of sponsorship or big brother or camaraderie from the major corporations that we have in this town.

COMMISSIONER RAMIREZ. Mr. Layne, I have a question for you, a point of clarification. On a guaranteed loan, if I go to a bank and I can't get the loan unless it is guaranteed, ostensibly because I might be a minority or because I don't know very much about business, do I have to pay their standard interest rate or do I get a reduced interest rate because the government is guaranteeing my loan?

MR. LAYNE. No. The actual rate that would prevail is basically negotiated between the borrower and the lender. The limitation, however, that is prescribed is prescribed by the administrative SBA under statute—and at the time there is a top limit that can be charged on a guaranteed loan.

COMMISSIONER RAMIREZ. What is it?

MR. LAYNE. But the actual rate is a negotiated one. The top limit at the present time is 2-1/4 percent over the prime and those loans that are less than 7 years in maturity, and 2-3/4 percent over prime that are 7 years or longer in maturity, subject, of course, to usury laws.

COMMISSIONER RAMIREZ. Given the current interest rate, everything else aside, doesn't that make that avenue for capitalization—and I don't know this area, but it just seems to me that makes it almost impossible for anybody to start a business at those interest rates and be able to pay off their loans. Is that an accurate perception?

MR. LAYNE. Yes, ma'am, as a matter of fact, Commissioner, that same burden is imposed upon any and all small businessmen. When you get the prime rate in the neighborhood of 19 to 20 percent, it poses a most, most formidable obstacle to any businessman to effectively run his business.

COMMISSIONER RAMIREZ. In terms of the black entrepreneur—

MR. LAYNE. It is much more of a problem.

COMMISSIONER RAMIREZ. In terms of direct loan programs, I think I know a little bit about that. Those categories of priorities for getting the direct loan, those generally have to do, if I recall, with a particular area. Don't you designate a particular area for revitalization for which the business would be—how does it work? What are the priorities?

MR. LAYNE. The direct loan program, as it is currently structured, provides that if an individual applicant is turned down, in a city of this magnitude, by two banks, he has the privilege of coming in and applying for a direct loan. Unfortunately, the direct loan program has such limited funding that we are not ever in a position to touch more than one miniscule portion of those people who are applying for assistance.

COMMISSIONER RAMIREZ. Now direct loans over a certain amount are awarded under an exception on the basis of certain priorities?

MR. LAYNE. That has been eliminated, those priority areas. There were a dozen priorities, but that has recently been eliminated.

COMMISSIONER RAMIREZ. Okay. I just see the situation as pretty hopeless just in terms of the financial situation facing most businessmen right now. I wonder, though, would a bank in Miami be more likely to

loan money to Mr. Greene or Mr. Calhoun if they were going to set up a McDonald's, let's say, in a white neighborhood, even though I think it would be more profitable in a black neighborhood, if they were going to be set up a McDonald's in an affluent neighborhood? Would they loan money to them for that?

MR. LAYNE. Well, every application is considered purely on its own merits, and when our credit people receive an application, they take all of the credit criteria into consideration before they make that determination, but my personal view would be, all things being equal, the opportunity, or the possibility, of repayment of the loan, which is a primary concern, the capacity to repay the loan, if it were enhanced by being a loan for purposes of running a franchise McDonald's, it probably would enhance the evaluation of the capacity to repay that loan, yes.

COMMISSIONER RAMIREZ. Mr. Calhoun, there are a lot of things I don't understand about banking, but there are some things I do. Mr. Calhoun, I saw you shaking your head. Is it likely that a black businessman wanting to get a loan for a franchise to set up a franchise business in an affluent section of Miami would have the opportunity to secure the financing for such an enterprise?

MR. CALHOUN. Maybe I can answer it this way. If I applied for a loan and you applied for a loan, you would be more apt to get the loan than I would.

COMMISSIONER RAMIREZ. Even in that affluent section?

MR. CALHOUN. Yes.

COMMISSIONER RAMIREZ. So there is both the problem of finding funds for black entrepreneurs to redevelop those communities that need that commercial redevelopment as well as just for black entrepreneurs to find money to do anything?

MR. CALHOUN. Yes, ma'am.

COMMISSIONER RUCKELSHAUS. I have a question for Mr. Layne. It seems to me, Mr. Layne, that it would be really useful to have broken down these statistics of how much money actually goes from SBA into the black community to be able to pull that out; the 8(A) section seems to be designed to reach economically disadvantaged, and you can hardly define a group that fits more perfectly into that description than some of the areas we find in Liberty City, Overtown, model cities. So to be responsive to that intent it seems you ought to know how you are doing in that community; it certainly is and it cannot be a massive effort to be pulling that statistic out if it is available in a computer somewhere, and then you will be able to tell how you are responding to the intent of that.

Now if there is something in the way that makes it impossible because of the wording of section 8(A) for you to get to reaching that community, particularly, then the question is how do you go about getting past that barrier? In this case if it is a skill as manager, experience as a manager, or the ability to put up the capital or to put up collateral, what does the SBA do about that specifically? Are you in business with FIU to offer training for potential entrepreneurs close to

where they live, to make it as easy for them? Are you in business so Mr. Greene could sponsor some of these training courses to help get past that management barrier?

MR. LAYNE. We have taken quite a number of initiatives, and I am glad you ask the question because it gives me an opportunity to address that.

We are working with the county, for example, who are in turn working with the South Florida Coalition, so we have been working with the county in trying to help support the structuring of a MESBIC. We were one of the prime movers in that.

COMMISSIONER RUCKELSHAUS. Does MESBIC have a training ingredient?

MR. LAYNE. Not per se. I'm reviewing the number of initiatives.

COMMISSIONER RUCKELSHAUS. That's another hitch in here. I've heard lots of encouraging things about capital formation for this group and that group that is going to make money available, but you're always going to have the problem. The banks aren't responding because they say it is a poor risk and SBA isn't responding because they say it is a poor risk.

MR. LAYNE. In terms of training alone, then, you might be interested in some of the statistics we have, and again we can't always break out black vis-a-vis Hispanic participants because this is usually a visual count when we have an overall training program. But for example, last fiscal year 1980, in Dade County, we counseled 1,444 individual cases. Of those, 498 are what we classify as minority cases, which is percentage-wise almost 35 percent of the total cases. In terms of overall training seminars, conferences, prebusiness workshops, that type of activity, in Dade County alone we had over 1,000 attendees, 1,142 attendees.

COMMISSIONER RUCKELSHAUS. Could I ask you a question, Mr. Layne? Would a person who graduated from one of your seminars get past your management barrier?

MR. LAYNE. There are all types of sessions. You don't learn to run a business by attending one session or even just half-a-dozen sessions. It is much more difficult to become successful in business—and we are not interested, really, simply in the number in terms—I think it is an injustice if we encourage an unsuccessful business, because it is not simply a matter of dissipation of taxpayers' funds; it is a disposition of the equity of the individual involved.

COMMISSIONER RUCKELSHAUS. I couldn't agree more, but I am just interested in how many people you are getting your hands on are going to be trained well enough to in fact come out at the end of the line with some money to start a business?

MR. LAYNE. That will be reflected in the number of viable applications that we receive, and I see an increase of the number of minority loans that we have been receiving and approving overall in the district, not to date necessarily, unfortunately, from Dade County alone but in terms of a program to try to train people.

For example, we have a program that is in the process of being structured now for black entrepreneurship training that will be taking

place in the black community. That will involve two evenings a week, 3 hours for each session over a 5-week period, and we intend to cover every aspect of entrepreneurial training from the thoughts to the fact that the individual can then go out and put together a package for formulating a business.

Now, there is no guarantee that the participants there will be qualified to run a business, but at least we are going through that entire training program. We engage in an Overtown project workshop in February for a day. It is just hitting and highlighting, but at least it is an effort in that direction. We have prebusiness workshops every month, every second Tuesday of every month, where we have prebusiness workshop in the Federal building downtown. That is widely publicized and open to everyone, and we are trying to attract more black entrepreneurs. We have a Dade County adult distributive education course—

COMMISSIONER RUCKELSHAUS. Do you have any of these training sessions in neighborhoods—

MR. LAYNE. We have an outreach program. We have one of my staff, and it is difficult to afford the luxury, in a sense, but one of my staff every Wednesday spends the full day in the Caleb Center, which is in the heart of the area, and is available to help, counsel, give advice, whether it be with regard to where to go, what resources are available, where to go for packaging, or what kind of financial resources would be available to them.

COMMISSIONER RUCKELSHAUS. How successful is this kind of thing in usual practice?

MR. LAYNE. Not sufficient.

MR. GREENE. You know, we are missing an untapped source of getting black entrepreneurs into business. We are dealing with people and a lot of cases that ought not to be in business. This is the problem. You put them in business and they're not going to make it. The area that I would suggest SBA and other people who want to put black entrepreneurs into business, why not take a look at our educational sector. These are people that have black people that have traditionally gone to the education side—teachers and what have you, for the security of a \$14,000 or \$15,000 a year job, that have the business IQ to run a business second to none.

The auto mechanic teacher that teaches in a vocational school, why shouldn't he have one of the biggest auto mechanic repair shops on Biscayne Boulevard right in the heart of the white community with black help and white contacts taking his money to the bank.

He can do it, but we need to get over there and let him know that we've got the money available, and—guess what?—these people are a lot easier to loan money to; they are a lot more stable and they will certainly show a better rate of return if we would get out and try to get them. It is difficult because you've got to say, "Hey, let's take a chance and leave your \$18,000 professorship or your \$16,000 a year job with your Blue Cross/Blue Shield and take a chance." But if we put

our emphasis in that area, I'll guarantee you you would see a stronger, viable base of black business people.

You are not going to take kids out of high school and put them into business. The cement finisher that works for the contractor ought not necessarily be in business simply because he pours the cement all day long. That's a misconception. So we need to go back and pick up these people, form our economic base, then move from there.

COMMISSIONER RUCKELSHAUS. Does the Miami-Dade chamber make an effort to carry that message to the folks?

MR. GREENE. I have been screaming at the top of my lungs to the educational sector. I go and talk anywhere I can, wherever they will listen, and I'm starting to see something. The problem is that this is a bad time right now. We are in a recession. There's no doubt about it. This is a real bad time and right now there is kind of a wait and see attitude.

I think that if the economy picks up and things start to move a little bit, I think I will have some effect, and our chamber will have some effect, in trying to bring the black educational sector into the business mainstream of our community. I think we will have some success, but the economic situation has to pick up first.

CHAIRMAN FLEMMING. Just one question, Mr. Layne. You mentioned SCORE. In the last year how many black business enterprises did SCORE serve?

MR. LAYNE. Mr. Chairman, I don't have a handle on that. However, I think your point is well taken, and I would say it is a minimum of cases for a variety of reasons. Number one, there is a reluctance on the part of some black entrepreneurs to ask for assistance. We have tried to recruit successful black businessmen to become part of the SCORE chapters but unsuccessfully to date. And I would say, in answer to your question, I would say a minimal number of black companies have been helped by SCORE.

CHAIRMAN FLEMMING. I just commented. It seems to me that is rather symptomatic—

MR. LAYNE. Yes, sir.

CHAIRMAN FLEMMING. —of the problem that confronts you. We appreciate very much all of the members of the panel being here and we appreciate the testimony that you have given us. It is very helpful. Thank you very, very much.

Counsel will call the next witnesses.

MR. ALEXANDER. Joseph Middlebrooks, Matthew Schwartz, John Dyer, and Harold Williams.

[Joseph Middlebrooks, Matthew Schwartz, John Dyer, and Harold Williams were sworn.]

PROFESSOR, UNIVERSITY OF MIAMI; MATTHEW SCHWARTZ, CHIEF, ADVANCE PLANNING, CITY OF MIAMI PLANNING DEPARTMENT; HAROLD WILLIAMS, DIRECTOR, OFFICE OF CIVIL RIGHTS, URBAN MASS TRANSPORTATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION; JOHN DYER, TRANSPORTATION COORDINATOR FOR DADE COUNTY

MR. ALEXANDER. Starting with Mr. Middlebrooks, would you each identify yourself for the record, give us your full name and your position or occupation?

MR. MIDDLEBROOKS. Joseph Middlebrooks, I'm an architect, city planner. I work in private practice. I'm also an associate professor at the University of Miami in the Department of Architecture and Planning.

MR. ALEXANDER. Thank you. Mr. Schwartz?

MR. SCHWARTZ. Thank you. Matthew Schwartz. Chief of advance planning, City of Miami Planning Department.

MR. ALEXANDER. Mr. Dyer?

MR. DYER. John Dyer, transportation coordinator for Metropolitan Dade County.

MR. ALEXANDER. Mr. Williams?

MR. WILLIAMS. Harold Williams, Urban Mass Transportation Administration, Director, Civil Rights, Washington.

MR. ALEXANDER. Could you identify your assistant, please?

MR. WILLIAMS. Yes, I'll be happy to introduce my coworker. She is from the Atlanta regional office; her name is Bobbie Ibarra.

MR. ALEXANDER. Could we have your position, please, Ms. Ibarra?

MS. IBARRA. I am the regional civil rights officer for the Urban Mass Transportation Administration.

MR. ALEXANDER. Thank you.

Mr. Middlebrooks, we have had some description earlier this morning of the community of Overtown and how development has impacted on that community. We would like to go through it in a bit more detail. Could you briefly describe for us the impact that the federally funded and locally funded programs have had on Overtown, the highway programs to start with?

MR. MIDDLEBROOKS. Generally, the impact has been negative in the sense of both social impact as well as the commercial impact in Overtown. That particular neighborhood is the historical black neighborhood here in Dade County. It grew to slightly in excess of 40,000 persons before the urban renewal and development programs were initiated there. Today the population is somewhere in the neighborhood of 15,000, plus or minus.

That is a very negative impact in the context of the population that was there, but more importantly the persons who were there who were dispersed, in the context of community or neighborhood was destroyed. Friends were lost; religious relationships were abolished; commercial or business relationships were destroyed. In short, the neighborhood was destroyed.

MR. ALEXANDER. In terms of a development strategy, would it have been fair, or would it be fair to characterize the development strategy

that existed at that time as a pure capital strategy, that for physical structures only?

MR. MIDDLEBROOKS. If there was, in essence—still is I think— one of the prime absent ingredients related to urban development here, elsewhere, is the absence of any real, related commercial or overall neighborhood development strategy wherein a total neighborhood is renovated or rejuvenated. By that I mean the various dollars which resulted from the development schemes which were proposed were dollars which were never spent or retained in those areas. In other words, the persons who were involved were not from those areas, so, therefore, what was generated by way of improving those areas never was generated to the benefit of the occupants or the persons who resided in those areas.

Even to this day, I don't think that there is a sufficient strategy for business development by way of the persons, as you just heard, who live in those areas, tying them directly to the development process. For instance, I think there is, the city of Miami is just proposing—I think because the Federal Government is requiring it—that blacks have participation in a project, the Overtown shopping center. This is something that could have transpired quite some time ago. The concept of equity participation, for instance, isn't something which has not been heard of quite some years ago.

MR. ALEXANDER. Could you explain equity participation?

MR. MIDDLEBROOKS. Equity participation in the sense that blacks in that area would have a part of the ownership, hopefully a significant part of the ownership, of projects which are generated in black neighborhoods, and that can be taken over into a number of other areas. Traditionally, what has happened is that there has been no participation in the context of even construction, except in a limited sense, with reference to some affirmative action numbers which might have been generated, but there has been very limited participation in that regard. And I don't know of any equity participation in the context of projects which have been established in black neighborhoods to any degree where the blacks were the owner of those particular projects.

MR. ALEXANDER. Thank you. Mr. Schwartz, could you tell us the current status of the economic development plan for the Overtown area?

MR. SCHWARTZ. At present time?

MR. ALEXANDER. Yes.

MR. SCHWARTZ. Well, in 1979 the city of Miami commission and the Dade County commission in early 1980 passed the Overtown redevelopment plan, which is a comprehensive plan for the rebuilding of the Overtown community. The program focuses on a number of key projects rather than realistically limited amount of resources that are available to the community from the Federal Government, and the State and local level can only do a limited amount of redevelopment within Overtown. It would be unrealistic to plan to clear the area or to revitalize the whole area. So a number of key projects were identified, including the joint development around the Overtown transit station,

the new Washington Heights transit station, the Culmer station; and the garment centers expansion; and a redevelopment.

These are three projects. Two of the projects, the joint development around the Overtown station and the garment center expansion, we are in the process of completing.

MR. ALEXANDER. How do these three transit site projects, for example, tie in with the Miami-Dade Chamber of Commerce or the SBA loan program? Are they brought into the planning process there?

MR. MIDDLEBROOKS. In the original, in the planning process for the Overtown redevelopment plan, Mr. Layne participated with our particular committee. It was a committee formed of the community. People from the Overtown community, business leaders, and government leaders formulated a plan to get as a particular review committee, which was then reviewed by a number of citizen groups because they were identified.

MR. ALEXANDER. Are they identified at this point in time as potential minority contractors or service type establishments that can locate near transit stops, which is a traditional growth site, I gather?

MR. MIDDLEBROOKS. As part of the Overtown transit station development, the city of Miami, in conjunction with Dade County, is submitting an application to the Urban Mass Transit Administration for approximately \$6 million in funding to acquire some of the property in the four blocks adjacent to the transit station to allow for redevelopment to occur.

The whole program is geared on having minority participation of the property owners, the existing property owners, which are about 50 percent black, in the process.

MR. ALEXANDER. We are talking about a long-term process now. At this stage of the game, what is being done to help those small black businessmen and women who have already been impacted by the removal of most of the community from the Overtown area, to, let's say, remain in business, to expand their business, to be in there, in fact, when the rapid transit system arrives? Is there an integrated, coordinated plan that somebody administers?

MR. MIDDLEBROOKS. Starting in, I believe, 1977 the city of Miami, or 1976, has funded economic development services, business development services, in the Overtown community through the new Washington Heights community.

MR. ALEXANDER. That's the \$50,000, one staffperson, one secretary program?

MR. MIDDLEBROOKS. That is for this current year. Prior to this year, in fact, the city is still funding the new Washington Heights office of economic development. Funding level for that organization has varied. I believe it started at \$24,000. At one time it was over \$200,000. I believe there is a staff of approximately four or five people.

MR. ALEXANDER. Is there any reason to believe, given the experience with the urban renewal and model cities and the three major economic development programs that were incorporated in the model

cities effort, that this one will turn out any different than the other ones that have impacted the Overtown community?

MR. MIDDLEBROOKS. We think it is the city of Miami's feeling, and I believe this is reflected in the plan which was approved by the community, that the transit can have a great beneficial impact to the community because it is going to stimulate a lot of new business activity and bring new people into the community. One of the biggest problems of the Overtown community today is there is no middle-income segment. People up to a certain economic level leave the community after their income goes up. There is no housing which is within the community, so the thrust of the plan is to bring middle income-families back to Overtown.

MR. ALEXANDER. Who is responsible for making sure it happens? We presumably could come back in 5 years from now and go through how it didn't happen and trace that, as people have traced model cities, but at this point, before it goes awry, where is the point in the system that is held responsible for making sure that the end product is something different than occurred through the model cities program, the urban renewal program, the highway program? Where is that point?

MR. MIDDLEBROOKS. In the Overtown community, as far as the transit redevelopment, we have been working with the community very closely on this. We are recommending to the Miami city commission a development review board which will review all development activities in conjunction with the Overtown transit station joint development project and the Culmer station, so we don't run into this problem. And this has occurred in the past. The government comes in with a program and no one seems to follow through on it.

MR. ALEXANDER. That's right.

MR. MIDDLEBROOKS. The city has committed itself to working and following through. We also have a community development advisory board that acts as a liaison between the community and the Miami city commission.

MR. ALEXANDER. Could you tell us a bit about the other major projects in the area, the garment industry plan?

MR. MIDDLEBROOKS. Okay. Just in the northern portion of Overtown—in fact, this area is classified as part of the Windwood community, which is a Hispanic community to the north—there is a nine-block area that sort of was left out between two neighborhoods. It is between an expanding garment industrial district and an urban renewal area. It presently contains some of the worst housing in the city of Miami. The garment industry in Dade County is the third largest garment producing area in the United States. It is the largest industrial employer in the county. Basically the employment in this industry today is Hispanic. The garment center in the city of Miami is the original area for the garment industry. It is a small area.

Recently it has been expanding as a retail center and many of the factories are being forced out of the areas because they can't afford the rents. The existing facility—factories in the area are too small, based on modern standards, so there was a need—the garment industry had come

to the city of Miami a number of years ago and stayed. We would like it to remain in the city of Miami but need this additional space to expand. The area just south of the garment industry, extremely blighted, about 97 percent of the structures are substandard and almost 50 percent of the area is vacant. It was proposed—

MR. ALEXANDER. Vacant and abandoned or vacant with rental units?

MR. MIDDLEBROOKS. There are a number of abandoned residential structures, but there are considerable amounts of cleared vacant land at the present time.

The city, Overtown area, has 1,000 units of subsidized housing today. The Federal Government has told the city of Miami there is too much public housing in the Overtown area; the market conditions would not support private development housing in the area. We need a sort of a balance to create job opportunities for the residents of Overtown and for the Windwood community. It was proposed to expand the garment center.

Eventually we believe we can provide 1,000 new jobs to residents of the city of Miami and in conjunction with this we are in the process—we have applied to CETA for funding to establish a vocational training program for the garment industry with half the slots slated.

MR. ALEXANDER. How many families will be displaced by the creation of these 1,000 jobs?

MR. MIDDLEBROOKS. The project is divided into three phases. The first phase—which is presently underway—land is being acquired with the community development funds and entails the—

MR. ALEXANDER. That's Federal money, right?

MR. MIDDLEBROOKS. Federal money, right—40 occupied housing units and 11 businesses will be displaced during the first phase.

MR. ALEXANDER. What's the total for the three phases?

MR. MIDDLEBROOKS. Three phases, I believe it is something like 300, 253, 250 housing units. But the city has gone on record that they will not continue the expansion until there is suitable relocation housing available within the Overtown community.

MR. ALEXANDER. Where will that be? The testimony earlier today indicated that the vacancy rate in Miami is less than 1 percent. I remember a 0.07 figure is what I saw statistically, and that's the one that you at least said, 1 percent on the waiting list for public housing for every unit that you have. Where are you going to put these people?

MR. MIDDLEBROOKS. At the present time, in the Overtown area, the vacancy rate is considerably higher than the city average. We had estimated in some portion of Overtown that it is 20 to 30 percent in some buildings.

MR. ALEXANDER. These are buildings that are in good repair and—

MR. MIDDLEBROOKS. No, these are—

MR. ALEXANDER. Habitable?

MR. MIDDLEBROOKS. —marginal structures. At the present time there is something like 600 new housing units programmed for the Overtown community, coming on line within the next 3 years, so you know if there is suitable housing, relocation housing, available in the Overtown

community, the city will then proceed with the expansion of the garment center. If not, it will not.

MR. ALEXANDER. It will not occur. The 1,000 jobs that are predicted to occur as a result of the expansion, what steps are being taken to assure that blacks are not excluded from participation in those jobs?

MR. MIDDLEBROOKS. This became a major issue when the city commission and the county commission reviewed the garment center expansion program. The thrust of the program is the vocational training program for the garment industry. As I have stated, we have applied to the CETA consortium for funding.

MR. ALEXANDER. You anticipate approval of that, or do you anticipate a problem?

MR. MIDDLEBROOKS. The application has been reviewed very, very closely by the local consortium due to the fact that this is the first time since last April it became—sewing machine operators became a classification that could be funded under CETA. Prior to that, it was not able to be.

You were not able to fund that position. We are hopeful this will be funded. If not, the city of Miami has allocated \$60,000 of the community development funds to initiate its own program and hopefully, you know, we will not—get CETA funds. We have committed ourselves to establishing our own, along with Lindsey Hopkins and the support of public instruction.

CHAIRMAN FLEMMING. What part of the agreement deals with, specifically with, providing job opportunities for members of the black community?

MR. MIDDLEBROOKS. It is targeted that 43 percent of the job slots would be targeted for the Overtown community and 47, 57 percent for the Windwood community.

The Windwood community has a large black population, so we anticipate it would be a 50-50 split in participants in the program. We hope in the first year 200 people go through the cycle, the 16-week cycle.

MR. ALEXANDER. Mr. Dyer, could you briefly explain the plan for the mass transit in the county and its potential for growth?

MR. DYER. Thank you. I'll do it in three respects. First, the so-called fixed guideway or rapid transit system. It is currently under construction in terms of its stage one or first stage system. That first stage system is 21 miles in total length, 20 stations, and it involves essentially a north-south alignment.

There is a second guideway system in its final stages of preliminary engineering and could conceivably go to construction in 6 months and would take 3-1/2 to 4 years to complete, called the Downtown People Mover System in downtown Miami.

A third major element of the overall improvement program is the major expansion in the bus system per se, longer range. The next 3 to 4 years are two system stage extensions to the fixed guideway rapid transit called east-west, then an additional north-south line.

The objective or goal by the year 2,000 is to have approximately 50 miles of rapid transit system in place, about 4.2 miles of People Mover System in downtown Miami, and a bus fleet of approximately 1,000 buses in expansion from today of 550 operational buses.

MR. ALEXANDER. In total, the county and the Federal Government will be spending how much money?

MR. DYER. Currently, the county, State, and Federal Government had commitments to \$870 million total for the rapid transit system, and no absolute commitments on the DPM system or the bus expansion system passed what presently has been committed. In the bus side it is about \$50 million total, so we take \$870 million plus \$50 million and that would be a total commitment to this point.

MR. ALEXANDER. According to the OTA quarterly report, in September 1980, it is our understanding that, as of that date, 2.66 percent of the funds expended, to date, have gone to black businesses; is that correct?

MR. DYER. Those are the dollar commitments, I believe, instead of funds expended, yes. If I might elaborate just one minute on that.

MR. ALEXANDER. Sure.

MR. DYER. In terms of the contracts that have been let to date, there are a total of 20 contracts that we have been able to let in the last year and a half since construction was underway. It would take 120 contracts to be let and completed to build the system and have it in operation. We are approximately one-sixth, in other words, through the system. Of the 20 contracts left, 14 of them are what are called national procurement contracts, that is the railcars themselves are built in Philadelphia; the train control system is being manufactured outside of Baltimore; the tracks and power equipment are being manufactured in north Florida. Those are not items that could conceivably be fabricated, manufactured, in Dade County. The construction, which is directly related to local employment, is just getting underway.

The total dollar figures as of September 30 or October 1, 1980, of about \$235, \$240 million have been let; about \$24, \$25 million is construction. The remaining \$214 or \$215 million is national procurements.

Now, the railcar is a national contract over which we have no minority business enterprise authority or responsibility or affirmative action responsibility or authority. That is a national responsibility uptake directive, national of the Federal Government, urban mass transit. We show, in effect, best efforts there because we have no monitoring responsibilities. It does count, however, in the overall obligation responsibility and, therefore, you see 2 percent instead of what would be about 6 percent black. We talked about participation and substantially higher Hispanic and female. We talked about those contracts over which we have any jurisdiction.

MR. ALEXANDER. Mr. Williams, it is our understanding—could you, before we get into this, briefly explain your responsibilities for UMTA?

MR. WILLIAMS. Thank you very much. The Urban Mass Transportation Administration has begun requiring all recipients, including Miami-Dade County, to prepare at least three submissions to UMTA in order

to be eligible to receive funds in the beginning. Among those requirements is a minority business enterprise requirement which required that a recipient or an applicant provide us with certain basic data about his operation before he receives funds.

MR. ALEXANDER. And Dade County, I gather, had problems in getting its certification until March of this year; there were a number of additional certifications and then a final one in March?

MR. WILLIAMS. Yes. This is not particularly unusual in large systems, and it is unusual for us to provide conditional certifications where we feel that additional technical assistance would enable the recipient to come into compliance and in which the ultimate intended beneficiaries would also continue to receive the benefit of service at the same time.

It is also true, that while we work with John Dyer and others here, that after an extended period of time we thought we would have to interrupt the flow of new money into Miami-Dade County. We did that, I believe, part of last year just before Christmas, John, not as a Christmas present, but we turned the money back on, I believe, about December 17 on the basis that they had substantially complied with our arrangement.

Let me just add here that this did not represent a fund shutoff. It was a question of whether or not we would make additional grants to Dade County during the period in which they were getting the final act together, and I think they worked very feverishly on that. I think it was very cooperative and we did, in fact, in that negotiation with a certification which was across the board.

MR. ALEXANDER. Would you, or Ms. Ibarra, explain the importance of the development of a process by which minority contracts and goals are set and evaluated within a large scale capital program as this, and what that process will be in this city and county?

MR. WILLIAMS. Let me just preface that, if I could, and I would turn it over to her if I could. On a national basis, we believe that goals that should be set, ought to represent some basic information about that specific community.

For example, we ought not be setting goals which represent population goals. If we're talking about minority business enterprise, we should be talking about the availability of minority entrepreneurs within that area so that we don't have a goal which is not going to be met and which would cause further frustration in trying to reach it.

That was one section for meeting the goal. Another national effort for making a goal is to try to determine whether or not there are other Federal agencies for public work programs within that community that already have set goals, so that you don't find yourself setting goals which you are, in fact, giving the community a kind of up and down kind of look. Those two things are national.

There are some other local kinds of things and, Bobbie, if you would, I would appreciate it if you would answer.

MS. IBARRA. Thank you. To further elaborate on the goal methodology and the availability analysis and its impact on programs—Dade County, as they did cite in their minority business enterprise program,

must perform a statistical analysis which incorporates the previous utilization of minority entrepreneurs and the types of procurement, the various types of procurement being architectural and engineering services, as John stated. And also there are certain types of contracts where there would not be opportunities for minority businesses, given their limited involvement in that particular type of procurement.

In addition to that, they should also determine what type of work its future is going to be projected so they, again, can develop reasonable goals based on the true availability of the minority entrepreneurs into the community to do that.

The answer to your question on the significance of that particular component of any program is, if you don't take into consideration all of the vital facts, you can come up with goals that are either too high or in some situations too low. You can end up in court being challenged by contractors bidding on your documents because they think your goals are unattainable, unreasonable. In the adverse, you have the community who may not understand the situation and feel that you are not giving them their fair shake of the contracts.

MR. ALEXANDER. Is the analysis and the goal process per each category in the classification goals for women, the goals for blacks, the goals for different components of the Hispanic community, and so forth, or is it lumped?

MS. IBARRA. Up until 1980—actually this March—John Dyer, the Office of Transportation Administration, was complying with the UMTA Circular 1156.1. The circular just stated that you would develop goals for minority participation, included in the definition of minority was female. The new Department of Transportation regulations recently promulgated did separate goals out for female-owned firms as opposed to minority, meaning racial and ethnic minority. We do not have a policy or a position at this time on separating these goals into the various racial or ethnic categories.

MR. ALEXANDER. Given your professional experience in the Miami-Dade County community, do you think that would be appropriate?

MR. WILLIAMS. She asked me to answer it. Thank you very much. We have before us now in Washington a proposal submitted by residents and officials of Miami-Dade County. The question which is presented in that proposal asks the basic question as to whether or not the Urban Mass Transportation Administration would indeed adopt some separate or overall goals for one group. Because of that issue not settled within UMTA, but because within the Department itself, we are declining the opportunity to answer that question today since we expect to be answering it within 2 weeks. We would like to submit it for the record if you so allow.

MR. ALEXANDER. I would like that inserted when it is received.

CHAIRMAN FLEMMING. Without objection, that will be done. Your understanding is that the Secretary is going to make a decision on that within a reasonably short period of time?

MR. WILLIAMS. I believe it will be made in 2 weeks, but I would like to indicate probably it is going to be with Mr. Lutz at Urban Mass

Transportation Administration. It may well go to the Secretary, but it is basically a legal question at the moment. It is in legal. It should get out of there and get to Mr. Lutz, and I would think within 2 weeks we hopefully will have our answer.

MR. ALEXANDER. Mr. Dyer, is there any existing mechanism or system by which the program that you're administering and the programs that Mr. Schwartz is talking about and some of the technical assistance programs we heard about earlier today coordinate with each other—so that in the production of the several million dollars of construction grants over the next several years, something puts it all together and makes it happen? Is there any such entity?

MR. DYER I think there are several mechanisms. The first one that we need to talk a little bit about is something called the Station Design Development Program that we have sponsored with Federal funding that has enabled the city of Miami as well as Dade County and other cities to do very detailed planning around each of the stations.

What that does is enable the public agencies of all types to coordinate their physical development plan; an identification also offers some opportunities for the social service agencies to begin to target together their social service programs, and it does offer the opportunity for the private business sector to begin to establish long-term as well as short-range development plans.

We have completed the detailed plans around each of the stations. One of the outgrowths of the Overtown plan, in fact, is the Station Area Design Development Program that really preceded that and enabled the city to proceed to substantially expand its overall development programs in the Overtown area as well as in some other areas.

Now, one of the things that the city as a matter of policy has done—and I should ask Mr. Schwartz to speak to this instead of me—is begin to focus its policy upon redevelopment around the transit stations where the city has really all the control. The county owns and will acquire and will operate only the transit system right-of-way and the stations themselves, but does not as such, within the city, have any powers of land use development and redevelopment and other things. That's one of the coordination mechanisms.

There are two or three others. One of the things we've done is make a substantial effort to get adopted a set of policy positions at the county level that involve affirmative action, minority business enterprise, expansion of development potentials around stations, a number of other things.

The north Dade bus facility, which is the request that was just raised and that Mr. Williams responded to, is a result of a lot of development that was done over the last couple of years and has, in fact, been a priority of Dade County for the last 3, 3-plus years. It has not been a national priority at all, but it has been a local priority for the last 3 years.

MR. ALEXANDER. Mr. Chairman?

CHAIRMAN FLEMMING. The questions that have been addressed by counsel seemed to have cleared up any questions that the members of

the Commission may have had in mind. I just would like to say this, that personally I am very much interested in the way in which the Department of Transportation is becoming involved in this whole area of the minority business, small business, because it seems to me that the developments that have taken place can have a real impact on the life of this county; likewise, they are important as far as other parts of the Nation are concerned. So we will be watching and be very much interested in the way in which this policy evolves, both in terms of the instructions that are issued at the national level and in turn in the way in which they are applied here in Miami-Dade County.

We are grateful to all of you for being with us and for giving us this information.

Yes, Mr. Middlebrooks?

MR. MIDDLEBROOKS. I am not sure of the ground rules under which we are operating. We made some presentations. I have some comments if you would accept them. I have the feeling that we are about to be dismissed.

CHAIRMAN FLEMMING. Well, that is the procedure we normally follow, whereby counsel asks questions and then, if the members of the Commission have additional questions, we address them to the members of the panel. And one of my responsibilities is to stay on schedule, which is not an easy assignment because we are listening to well over a hundred witnesses here in the course of the period of time that we are here. But if you've got a brief comment you would like to make, we would be very happy to hear it.

MR. MIDDLEBROOKS. I also have something I would like to pass to you and a brief comment.

CHAIRMAN FLEMMING. If you do have material that you would like us to consider and like to have included in the record of the hearing, if you will offer that, we will, without objection, enter it into the record at this particular point, and we would be very glad to have you make a brief statement on it.

MR. MIDDLEBROOKS. With reference to some of the things that were said during the individual presentations, the question of what happens, for instance, with the garment district's expansion into the Overtown neighborhood, I am not sure if that question was answered. At least I didn't hear the specific response that I thought could have resulted.

The expansion of the garment district into that area is really an encroachment on that area and it is a fact as planned at this point. I am not, in fact, sure, but I would believe it is going to do the same thing that other developments have done when they encroached on that area. I didn't hear the response with reference, for instance, to what has been done by way of requesting those persons in the garment district to develop black businesses in the garment district. I didn't hear anything with reference for instance, to merging or integrating that effort sufficiently with any of the existing programs, \$50,000 or \$60,000 allocated from the city of Miami. So far, is there anything being done with reference to training persons to be employed? But the more significant aspect of that expansion of a business district into that neighborhood is

to assure that black businesses also are a part of that expansion if, in fact, that expansion occurs.

There was, for instance, a reference to doing things with black businesses. I would think that quite an insufficient response has been generated with reference to identifying black businesses which are here in Dade County and the city of Miami can in fact work with. For instance, with reference to the shopping center which has been referenced, I am not aware of any specific efforts which have been undertaken to ensure that there are the appropriate kinds of black businesses which are, in fact, a part of that center which can operate from a viable perspective from the start.

Again, with reference to the bus facility, that initially was started as a regular RFP where professional services were requested and received, and it was done in such a way that the firm which received the award did go out and I think it is utilizing a black engineer in town, but, again, that's a very token kind of response, and that's what I addressed before when I initially said that the responses which have generated have been quite insufficient.

In the context, in the impression, that what has been presented in the past and what is being presented today in way of neighborhood involvement, the impression is that the citizens in the areas approve of those kinds of things. Because of the requirement for citizen participation, which has existed in the past, there have been neighborhood organizations generally formed as a result of this and generally—and I use the term, I think, quite correctly—manipulated by the public agencies so they always give their stamp of approvals on those particular kinds of endeavors which were suggested by the public agencies, though I don't think not thoroughly and fully knowing the impact, what was going to come. I don't see at this point any significant difference in what has been discussed and what is being proposed.

For instance, the city proposes a board of persons to be a part of the developments which might occur in that area. The community is proposing a development authority, very different kinds of animals, and there has been a response out of necessity to get the grant approved within the context of something like that perhaps being established, but then the question was asked—well, what are you really asking for?

I think there are a number of very distinctive differences, subtle perhaps, to persons who may not be a part of that whole process but very significant in the context of the impact that can be made.

For instance, we talked about the need, at least in my implication, there is a need for the city and the county to say to businesses that are going to be associated with them—if, for instance, the garment district, you want this kind of a public benefit, then what kind of effort are you going to make to ensure that we achieve some of the goals that the city has, particularly with reference to black business development?

I don't see any of those kinds of efforts. With reference to the question of what mechanisms can be in place to at least in part circumvent or attempt to prevent what has occurred in the past from occurring in the future, the idea of a development authority is one. There has

been recommendations from the neighborhood that a part of Liberty City and Brownsville, for instance, be incorporated, which gives a whole other set of emphasis with reference to what can be done in the kind of context—this is out of the city and in the county, but in the context of development powers and development activities and the black input which could result as a result of those kinds of other organizations being formed.

I really don't anticipate that a citizens' participation process, which is generally administered and also manipulated through the public agencies, any of those kinds of groups are going to make any kind of significant impact in the context of changing what has occurred in the past and ensuring that those kinds of things don't occur in the future.

CHAIRMAN FLEMMING. We appreciate very, very much your providing us with those additional comments. They are very relevant. They deal with the kinds of issues that we're concerned about.

MR. WILLIAMS. If I could, I would like to submit something for the record from the Urban Mass Transportation Administration.

CHAIRMAN FLEMMING. What is it, Mr. Williams?

MR. WILLIAMS. It represents a series of correspondence which we spoke to various staff people about and promised to submit as a part of the record of our negotiations.

MR. ALEXANDER. We would like it submitted for the record.

CHAIRMAN FLEMMING. Without objection, that will be entered into the record at this particular point.

COMMISSIONER HORN. Let me ask, Mr. Williams, before you leave, has UMTA and Transportation been involved in any discussions with the White House, with HUD, with EPA as to designating Miami as one of the target cities for intergovernmental coordination at the Washington level to properly focus grant activities of the Federal Government?

MR. WILLIAMS. There has been a good deal of activity between HUD, I know, and Urban Mass Transportation Administration and other units within the Department of Transportation in regard to funding and grants for the Miami area. A member of my staff in Washington is working, as a matter of fact, on the employment initiative section of that report and it is ongoing.

I am not, unfortunately, a member of that particular activity myself, but I do know it is continuing and that I will expect positive action to be forthcoming in the near future in this relationship. Indeed, the proposal we have before us now, which involves some of the questions which were asked and which we hope to give an answer to, would be one of the many projects in an effort to improve or to further stimulate the economy or recovery of specific sections of this.

COMMISSIONER HORN. Mr. Schwartz, has the city of Miami attempted to get that type of relationship with the Federal Government?

MR. SCHWARTZ. I believe there has been conversation to that regard. I don't know what the status is.

COMMISSIONER HORN. Okay.

CHAIRMAN FLEMMING. Again we want to thank all of the members of the panel. We appreciate your contributions.

Counsel will call the next witness.

MR. ALEXANDER. Frank Jones.

[Frank Jones was sworn.]

**TESTIMONY OF FRANK NATHAN JONES, PRESIDENT, BOSTON COMMITTEE, INC.**

MR. ALEXANDER. Mr. Jones, could you state your name and your occupation for the record?

MR. JONES. Yes. My name is Frank Nathan Jones, president of the Boston Committee, Incorporated, which is an organization designed to bring the leadership of the city of Boston into a process by which the private sector and the government seeks to catalyze, mobilize, and focus local energy, resources, intellect, and expertise towards efforts to attack the real causes, or root causes, of racial and ethnic tensions in the city of Boston.

MR. ALEXANDER. What was your position within the Carter administration?

MR. JONES. I was the Assistant Director of the Community Services Administration, which is the agency that succeeded the Office of Economic Opportunity, and General Counsel of that agency.

MR. ALEXANDER. In that capacity you were requested to perform what function with respect to the administration's response to the May disturbances?

MR. JONES. In the latter part of May I was asked to serve as the chairperson of a Presidential or White House interagency task force to review the causes, the nature, and extent of the violence and eruption that occurred in Miami during the period May 17 through 19.

MR. ALEXANDER. Could you briefly describe to us the task force process in terms of the participation of other Federal agencies and the resources committed to that process?

MR. JONES. Yes. The task force was convened on a very short timeframe in terms of notice. The representatives of the task force consisted of representatives of the executive branch, of those agencies which would have direct responsibility for assisting in the revitalization of the community that had undergone the strife here in Miami.

The representatives were generally special assistants to the Secretaries and to the other executives heading the Federal agencies that would be involved. That includes HUD; the Department of Transportation; what was then, what is now HSS—it was then HEW; the Small Business Administration, and other agencies such as that.

MR. ALEXANDER. What was your process when you came to Florida? What was your goal and what were you to produce?

MR. JONES. The goal was to try and ascertain, as I indicated, the root causes of the violence, what people in this city characterized as the rebellion. I was to speak with every segment of the leadership, every segment of the community, and I began that process 2 days after I left for the assignment which was on a Friday. I began that process with a meeting in the Governor's office on Sunday evening in Tallahassee.

With all of the segments of the society I had asked, of the community, I had asked, essentially, for questions to be presented in the form of a white paper or a position paper.

Those questions were from the vantage point of the particular segment of society with which I was speaking, from their view the nature and causes of the riots, the extent of the damage, the solutions from their perspective that should be sought, and the resources which they were willing to put in toward finding those solutions, and, finally, their view of the Federal Government's role in cooperative effort between State, local, private sector, and Federal Government.

MR. ALEXANDER. Did you come up with a report?

MR. JONES. I did indeed.

MR. ALEXANDER. What has happened to that report?

MR. JONES. The report was transmitted to the White House with a transmittal letter to the President in which I included the information that we had received here, distillation and analysis of that information with recommendations. I wrote on two different occasions to the appropriate people in the White House with regard to the release of that report, so that the people in Miami would understand that this was a serious effort and that the Federal Government was going to take it as a serious effort.

I was told that the report would be released. It has not yet been released. I did, however, provide the general counsel's office of this Commission with copies of the report and backup materials which I received from each of the various segments of the community, and in fact, I would ask that material be submitted and accepted for the record at this time.

MR. ALEXANDER. Mr. Chairman, I would like that submitted for the public record at this time.

CHAIRMAN FLEMMING. Without objection, that will be done.

MR. ALEXANDER. Have you ever had an affirmative response from the administration to any of the recommendations in the report?

MR. JONES. Yes.

MR. ALEXANDER. In an action memorandum?

MR. JONES. There was an affirmative response, but I think, if I may, I should like to put my view of that response in some context.

MR. ALEXANDER. Fine.

MR. JONES. As chairman of the task force it was my view that Miami—and I believe the findings of the task force read in conjunction with the report of the National Advisory Commission on Civil Disorders, which was published in March of 1968, the findings of that task force was consistent with what was known as the Kerner Commission report. The recommendations that came out of it were both short term and long range. The short-term recommendations dealt with the need for the Federal Government to serve as a catalytic force, to bring together or to assist the local communities—by local communities I mean the various segments of the community—to come together and work together to find solutions, with the Federal Government serving as a primer, as a catalyst, as a mobilizer, and facilitator.

As a result of the report, there was, in fact, a Federal coordinator of programs appointed, Mr. Michael Wallock, who is in the audience today, and Mr. Wallock has been working with both the local governmental entities as well as the private sector.

I do think, however, that an opportunity was missed here because the problems of Miami as revealed in the substance of that report, both in the context of the materials that were prepared and submitted to the task force and the context of the 2 days of hearings in which the individual people who were victims of the violence in Miami appeared before the task force, that report suggested, and I think correctly so, the problems of Miami were not unique to Miami, but rather they were symptomatic problems of the hopelessness and frustrations of communities across this country.

I say that I believe that Federal Government missed an opportunity to make the Miami community a demonstration community, showing how the government can play a role in helping to mobilize resources and bring people together to work toward a common solution, and at the time the report was written, and during the period in which I spent in Miami, I was convinced as I still am, that there is a great deal of desire on the part of all segments of the community to work together. The question is how do you find—what is the key to doing that, and I believe the government had some responsibility to try and locate that key.

MR. ALEXANDER. In terms of the various financial commitments that are necessary in the view of the report to revitalize the Miami community, what are the short-range and what are the long-term prospects for that being available?

MR. JONES. In the short range—and I must say, also, preface this response with my own personal disappointment—in the short range there was an announcement of some \$70 million which was to come into the Miami community for the express purpose of helping to create jobs, particularly as it related to the mass transit effort that was under way here, or about to get under way, to set aside certain numbers of jobs and to prioritize or use the affected community as the priority area in which these programs were to begin.

The Department of Transportation indicated in Washington that they were setting aside some 20 percent of the jobs, that they would start that process of work in the areas that were physically proximate to the community that was most affected.

The report and recommendations that were in the short run that were also followed was the sum of \$70 million in programs that would be coming into the community. I would, however, point out that much of this money was already slated for Miami, and it was a question of trying to marshal it and focus it toward the community that most needed it.

MR. ALEXANDER. In the long term, what type of effort do you feel needs to be mounted?

MR. JONES. In the long term, the government, I believe, and all of us are coming to realize that the solutions to local problems must be found

in the local community. We have come over the last 15 years—in my experience in and out of government, working with antipoverty programs, legal services, and the rest—we have come to recognize that the solutions are not to be found in Washington, but Washington has a real responsibility to help to catalyze these efforts; and in the long range, if, in fact, Washington does assume that responsibility, particularly in the context of giving more responsibility and more freedom, as it were, to the corporate societies and communities, in the long range there is a possibility, it seems to me, for a greater sense of cooperative responsibility.

Community, government, private sector cooperation—and that was essentially the basic recommendation that was made. I suggested in the report that—and I used the Kerner Commission report, the report of the National Advisory Commission on Civil Disorders, as a starting place. I observed that for some 12 years that report had lain dormant, that the problems that were being cited by the people in Liberty City, and, indeed, the people in the city across the board, were also identical with those problems that were cited by the Kerner Commission in 1 year of study, and that it was, the Federal Government had some responsibility for attempting to design a process by which to implement the recommendations in that report.

I do not know at this point, quite candidly, whether or not that recommendation has ever been taken seriously or will be taken seriously.

MR. ALEXANDER. Your current experience with the Boston Committee, does it provide any model or suggestion as to the kind of approaches that might be taken in this city?

MR. JONES. I, of course, am hopeful that the Boston—the work of the Boston Committee will ultimately result in a model that will be useful to open communities across the country. The reason why I made the decision to leave the Federal Government—and I did leave in August of this year—was precisely of what I saw as potential, the potential of a community where the problem is acknowledged by every segment of society, and there is a willingness of the leadership of that society to join together with people, with the people themselves, the neighborhoods, to find solutions.

I think that the Boston Committee has that potential and we are now in the process—we have now become operational. It is represented on that committee, or the leaders of it, the major institutions in that city as well as the people from the neighborhoods, the people from the academic community, people from the business community, people from the church or the religious community, and people from the media, and we have designed an action plan that contemplates that each of these segments will do their part.

It is not a question of providing resources to the segments of society, for they have the resources. It is a question of getting the commitment and then following the commitment by the people who live in the community, designing the programs through the community itself. I think that it is, obviously, too early to tell where and how successful

the Boston Committee is going to be, but I think it is a model that has a great deal of potential for many cities in the country.

MR. ALEXANDER. In your discussions with people in the local community, both community based in Miami who came to your hearings and people who are defined as being part of the leadership community, did you see any indication that there was any willingness to do something in the nature of a Boston Committee or some other long-term, coordinated approach to Miami?

MR. JONES. Yes, I did. I think that the difficulty arises in the historical context in which communities interact or don't interact with one another. That is the reason why I think it is important to have a catalytic force of some sort. There are old animosities that the people were willing to try and forget. There was an obvious recognition of culpability on the part of every segment of the society which I found very exciting. I had never seen a city that was willing from all of its segments, from the business community to the government, and that is all of the governments in this community, had never a situation in which they acknowledged that what has happened here is part of our fault, and that we want to try to change that.

So, yes, I did see and feel very strongly that Miami represented an opportunity to become and serve as a kind of laboratory for the kind of coordinated effort between and among the various communities in this city.

MR. ALEXANDER. Mr. Chairman, no further questions at this time.

COMMISSIONER HORN. I was very impressed by your report. I particularly am interested in comments on page 38 where you said, "One byproduct of the Miami civil disturbances has been a significantly increased level of activity by State and local government as well as by private organizations." And I found it ironic, as I think you know, and we all have found time and time again that you have to riot to get somebody to pay attention to possible mechanisms of coordination.

You had suggested earlier, as in your comments, that you felt the Federal Government should wait for the community to put its house in order, in order to relate to a structure that would integrate the private sector, the public sector, and so forth. To your knowledge, even though you have left this scene, has the community made a sufficient response so that now the Federal Government is in a position to deal with some type of mechanism that brings together the parties at interest in Miami-Dade County?

MR. JONES. Well, two things: First off, as it relates to the Federal Government's role, I think and I believe I tried to suggest that Federal Government had a role in helping to pull the community together. That's the catalytic role, and, quite frankly, that was one of the reasons that we proposed a Federal coordinator—who was, in fact, put in place—so that process of serving as a catalyst and mobilizer would be realized, and I see that as a Federal responsibility in a situation like this.

Secondly, while I think that you will hear from and have heard from members of the community here that there is an awful lot of effort being put forward, there is still a fragmentation and it is that fragmenta-

tion that I think people are trying to work to overcome. When I say fragmentation, I mean fragmentation of effort where there is a great deal of energy, there is acknowledgment of a problem, there is a desire on a whole range of people and parts of the society to try to address the problem, and yet it is not quite being coordinated in a way in which I think everyone here would like to see it. That is an evolutionary process, that it is that evolutionary process to which I think the Federal Government could have given a great deal more impetus.

COMMISSIONER HORN. When did you submit this report to the White House?

MR. JONES. I believe the report was submitted to the White House in June of 19—I can tell you, June 26.

COMMISSIONER HORN. June 26, 1980?

MR. JONES. Yes.

COMMISSIONER HORN. Did they consult you after that in terms of your reflections that might not have been included in the report?

MR. JONES. I sought to ascertain what the response of the administration was with regard to the report, the substance of the report, on several occasions both orally and in writing and, in candor, I have yet to have gotten a response either in writing or orally, although there was the obvious reaction, a response which resulted in a press conference in which an announcement was made as to the short-term resources that would be placed in the community. But in terms of what I consider to be the most fundamental of the recommendations, I have received no communication.

COMMISSIONER HORN. Since, as you mentioned in your oral testimony and it is clear from your transmittal letter, the various Federal agencies that are involved were represented by various individuals who have some relationship to the Cabinet officer of the department, and there was that linkage. To your knowledge, in any chats with these individuals since then, has there been any action by the White House, the administration, to ask the various Federal agencies what their reaction is to this report in an attempt to get some pooling together of the pros and cons so they could make a decision to deal with your recommendations?

MR. JONES. Not to my knowledge.

COMMISSIONER HORN. Now, of course, we are in the middle of a political campaign from June to November, so 6 months went by. This report still awaits action. If it isn't acted upon by this administration, presumably it ought to be dealt with in the succeeding administration, because those Federal agencies, Federal programs still exist for Miami, Liberty City, and I take it the burden of your testimony is that we are in the position of where a lot of hoopla occurred, a lot of good people came together, did a crash program of an analysis, findings, recommendations, but after the press conference and the press releases and the illusion of movement, nothing has really been done by the Federal Government, and something still ought to be done.

MR. JONES. I am constrained to agree with that analysis. In fact, I would say without, hopefully without, seeming cynical that much of

the response was the result of political magicians with black bags of smoke and mirrors.

COMMISSIONER HORN. Thank you.

COMMISSIONER SALTZMAN. There has been no effort to be a catalyst by the Federal Government to achieve coordination of the various Federal agencies?

MR. JONES. I would not say that there has been no effort. I think that the appointment of a Federal coordinator here was an indication of an effort. What I am saying is that I think we lost an opportunity to maximize that effort.

COMMISSIONER SALTZMAN. Is there another vehicle, aside from the Federal Government, that could move in that direction?

MR. JONES. I think there may be—and I think what we may be seeing in this city, and certainly in Boston and perhaps in other cities, as the time now goes by and the policies of the Federal Government change—that we will see local communities realizing that it is going to be incumbent upon them to take the leadership in fashioning and crafting solutions to problems with, hopefully, some help from the Federal Government. In other words, instead of the Federal Government taking the leadership catalytic role here, which I think they had the opportunity and have not taken it, I think you are going to find local communities are going to have to do more and bring the Federal Government along in some way.

COMMISSIONER SALTZMAN. Did you step up your present knowledge out of Miami-Dade County? What are the forces that could represent that such an effort is here?

MR. JONES. I think it is a question of pulling together the community-based organizations, which are very important in any such process as this. I think it is a question of the local government, and I must say, that if you read the report or have read the report, I think the local government has acknowledged that it has some responsibility in this, and it wants to work with the people. I think that the business sector, the private sector particularly, is an important element in this whole process, and those are the elements that will ultimately arrive at a comprehensive solution to the problems.

I think the resources are here, the people are here. I am hopeful that the momentum that was generated some time ago is still here.

COMMISSIONER SALTZMAN. Is there one person, Mr. Jones, that you could identify? Perhaps in Boston it was Mayor White, I don't know. But here in Miami, in Dade County, is there one person that could be sort of the electricity to give the shock that begins to catalyze the community?

MR. JONES. Well, I hesitate to identify or attempt to identify an individual in the community. There are a number of people who I think have worked hard and about whom the public just doesn't know. There are an awful lot of other people who have worked hard and about whom I do not know, so I would hesitate to identify an individual.

COMMISSIONER SALTZMAN. Thank you.

CHAIRMAN FLEMMING. Commissioner Ramirez?

COMMISSIONER RAMIREZ. It is good to see you again, Mr. Jones. I guess I am taken by your comments about the sameness between the Kerner Commission report and the findings of your report. Thinking from the perspective that things are different from that time in some very concrete ways, I think things are different because people like you and me in substantial numbers became part of the establishment, or had the opportunity to function in some significant roles at the State level, at the local level, and at the national level, and in private enterprise I might add.

I think things are different, also, because we are in a different climate in terms of the receptivity of society at large to a report like yours as opposed to the response to the Kerner Commission report, and in a number of other ways I think things are different, and I am moved to ask you whether you saw any new ways of trying to get at both conceptualizing the problem and causing people to come together in different ways to try to make some progress?

MR. JONES. Yes, I would agree. If I may start with the first part of your observation that things are certainly different for those of us who were in the community during the time of the Kerner Commission report, I will certainly agree that things are different in terms of attitudes, perhaps because some of us were able, a few of us, to join, as it were, the establishment and, hopefully, influence some of the policies. But I don't think things are different for the people who live in Liberty City.

COMMISSIONER RAMIREZ. I agree.

MR. JONES. Or the people who are on the west side of Chicago in 1968, or in Detroit, and it is that similarity that moved me to relive what happened here against the findings of the Kerner Commission report.

As to new ways, I think it is clear from our experience over the last 15 years that the involvement—I mean real involvement, not illusory involvement, but the involvement of the people themselves in trying to find solutions. I don't believe, quite frankly, that's really been tried yet. I think that the climate is such that we are going to be forced into a position where the local government, the local segment of the community is going to have to put more energy and more of their resources into trying to find solutions.

I think that is probably the wave of the future and I think that it may be—although I am constrained also to observe when these kinds of things were being said back in the seventies I was on a different track. I think it may be that this is, in fact, the most, will be the most reasonable approach to trying to find solutions. I do not think that we can look to the Federal Government for all of the solutions, but I do think we've had an opportunity, and I am afraid that it may be a missed opportunity now for the government to serve not as the provider of everything, but as the catalyst that pulls people together in a community.

COMMISSIONER RAMIREZ. When you say the real involvement of people in trying to find solutions, are you talking about the people in Liberty City?

MR. JONES. I am talking about the people in the academic community in this city and every other city. I am talking about the people in the business community. In conjunction with that is the downtown business community, as it were, in conjunction with the business community out in the neighborhoods, the minority business, the small businesses. I am talking about the church leadership; I am talking about the educational systems; I am talking about the panoply of institutions that exist almost in estranged context from one another and the need to find at the local level a catalytic agency to pool these resources together and focus them on the problems of that local community. I think that's going to be the solution for the future.

CHAIRMAN FLEMMING. Mr. Jones, in reference to your report, either before you left or possibly since you left the Federal Government, did you have occasion to talk with your colleagues who served on the task force to ask them, and in the course of the discussion, did you ask them whether or not their agencies had moved to implement any of the recommendations that were incorporated in the report?

MR. JONES. Yes, I did, and on the short-range kind of activities, the agencies were scrambling to try to do that. What was not happening and what did not happen was that there was no concerted study of the long-range needs or long-range recommendations.

I had occasion to talk to all of the members of the task force on many occasions about the substance of the report. As the report indicates, the preface of the report indicates, we were working in a very short timeframe in a situation that was considered a crisis situation and that we needed to do something and we needed to do it quickly, but at the same time we also needed to reserve the time over the long haul to design a program that will get at the root causes of what occurred here in Miami, and we really had no occasion to discuss that or follow that up.

CHAIRMAN FLEMMING. Right. In order to round out the record, I am going to request counsel to address a letter to each member of the task force and ask each member of the task force what steps were taken following the submission of the report by the agency that the task force member represented.

MR. JONES. Mr. Chairman, if I may, I suspect that the members of the task force are going to be at a distinct disadvantage in responding to the inquiry that will be put to them by counsel, because the members of the task force, to my knowledge, have not yet seen the report, although I made copies for each of them.

COMMISSIONER HORN. May I suggest, Mr. Chairman, that I think it would be appropriate if this Commission, which is authorized to monitor the actions of the executive branch in the conduct of the civil rights laws and policies of the country, communicate directly with the President and ask the President what has been done to follow up on the task force recommendations.

CHAIRMAN FLEMMING. In light of Mr. Jones' last comment, I think that's correct, I think we should round out the record one way or the other on it, so we will address communication to the White House, to the President, to ask what has been done in connection with each one of the recommendations.

VICE CHAIRMAN BERRY. Good to see you again, Mr. Jones.

MR. JONES. Miss Berry.

VICE CHAIRMAN BERRY. I was very much impressed with the report and also with your comments here, including the emphasis on developing local community initiatives to deal with some of the problems, and as you commented in that way I reflected on some testimony we had over the last 2 days. We have had testimony in every area that we have looked at so far that there are serious problems that seem not to be any better or they are not being dealt with any better than they were before the disturbance in May. At least that is my impression.

In that housing area, public housing, even though a few dollars were given for some kind of projects in the James Scott projects, nothing much has happened. Those are sort of under way, and nobody knows what is really going to happen. What is it, 90, 100 percent rat infested? We heard the other day. We heard in the area of education that no one had done anything about the serious complaints in the community about one-way busing on the one hand and about the lack of access for blacks who are in the black high schools to serve vocational education programs and the like.

We heard in the employment area that there is still the same problems of unemployment in the same sectors of unemployment without anything being done by local, national, or Federal Government any more to stimulate much activity in that area.

In economic development, the most helpful thing we heard was there was an attempt to form a MESBIC, an investment corporation, but there needed to be \$1.6 million raised from the private sector in Miami. The people hoped they could raise that money, but no one has come forward, and then the SBA tells us they haven't made more loans to black entrepreneurs since the riot then they did before the riot.

I guess when I reflect on all of that, I would agree with you that one can't expect the Federal Government to do everything; one can't expect the Federal Government to do very much about a lot of things, and we would hope that local people would. But how do you get the community, that part of the community that has the resources, to deal seriously? I mean, it seems the riot wasn't enough to get anybody to do deal seriously about it. You said there was a lot of effort but fragmented. How does one get a community to deal seriously with these problems?

MR. JONES. Of course, I am probably no more of an expert in responding to the question than you are, Miss Berry—but it is, from the perspective of someone who headed a task force that held itself out as going to try and deal with these problems in a cooperative effort through State, Federal, and local government—it is my view that one of the reasons for the lack of movement that you have cited—of course,

I haven't heard all the testimony, so I'm assuming that is correct—in some ways the results of having raised expectations, try as we did not to, it results in that kind of raising of expectations, that the Federal Government is going to come in and do these things sort of lulls people into a sense of, well, somebody else is going to do it. I think that the catalytic responsibility that I talked about earlier is one way in which the Federal Government can provide that kind of assistance in a community.

Now, I realize that, as I pointed out, the Federal Government cannot do all of these things. I also realize, however, that there is an evolutionary kind of process. It is a process that takes a great deal of time, and what has to happen, in my judgment, is that the major institutions in conjunction with the leadership of the community have to come together and sit down and work out projects themselves in which each segment makes concrete commitments that are written in stone, if you will, to which they can be held responsible, wherein they have a stake in the process and they have a responsibility for the success or failure of it in a public way, and that's what we're trying to do in Boston.

I assume that not having heard all the testimony, but from the fragments that I have heard, that there is this kind of effort along that line here. It is a very slow process because it is a whole new kind of dynamic. We have looked, I think, over the years to the Federal Government to come in and do it, and what happens, in my experience anyhow, even when money does come into a community, it tends to create a competitive situation in which the money seldom is used for the purpose and for the people for whom it was designed to use in the first place.

So the question is the mobilization of local energies and putting people on record in a public way as being responsible for specific kinds of activities, and then you've got an accountability mechanism.

VICE CHAIRMAN BERRY. Thank you.

CHAIRMAN FLEMMING. Commissioner Ruckelshaus?

COMMISSIONER RUCKELSHAUS. Did you think, Mr. Jones—and I am very appreciative of how sensitive you were in your report; I am sure you assumed that it was going to be widely published and read by the people in Miami who had testified for you and had a stake in this. You were sensitive not to raise their expectations. I thought that was good.

On the other hand, the very presence of the President on such short notice, in a crisis point, probably does create the feeling that something is going to flow, something is going to start coming; it does in football—I have heard it described as freezing the linebackers; everybody stops and waits because they think something is coming their way and maybe it is. When it is not followed pretty quickly by something else, it not only freezes the response, but it dissipates the energy.

MR. JONES. I cannot agree with you more. In point of fact, I will tell the Commission that it was my recommendation and the recommendation of the members of the task force that the President await, or the administration await, the conclusion of the recommendations and a decision by Presidential decision as to which of those recommendations

are going to be implemented so that there would be something concrete to say to people when and if he spoke on this issue.

I cannot agree more that the very presence of the leader of the country in a situation like this creates expectations, and then the follow-up becomes even more important, and I believe the followup is where we drop the ball.

CHAIRMAN FLEMMING. We appreciate very, very much the work that you put in personally to becoming acquainted with the Miami situation. We appreciate your coming down here to share with us the insight you've gained from that particular experience. We are very much interested in your new assignment. We feel that that does represent an outstanding opportunity, and I would like to say to you that I share the views that you expressed in response to Commissioner Berry's question. I am delighted that you and the mayor are approaching it in the way in which you are, namely, trying to get things ironclad from various segments of the community and trying to make clear just what duties and responsibilities they are going to assume in this department, and we will follow those developments with a great deal of interest. Thank you so much.

Counsel will call the next witnesses.

MR. ALEXANDER. Mr. John E. Smith, Mr. Alvah Chapman, William Colson.

[John E. Smith, Alvah Chapman, and William Colson were sworn.]

**TESTIMONY OF JOHN SMITH, CHAIRMAN, GOVERNOR'S REVITALIZATION BOARD; WILLIAM COLSON, ATTORNEY; ALVAH CHAPMAN, PRESIDENT AND CHIEF EXECUTIVE OFFICER, KNIGHT-RIDDER NEWSPAPERS, INC.**

CHAIRMAN FLEMMING. We appreciate very much your being with us.

MR. ALEXANDER. Starting with Mr. Smith, would you each identify yourself, your name and your occupation, for the record?

MR. SMITH. I am John Smith. I am an attorney practicing in private practice in Miami. I am chairman of the Governor's revitalization board.

MR. ALEXANDER. Mr. Colson?

MR. COLSON. My name is Bill Colson. I am a trial lawyer in a small law firm called Colson and Hicks.

MR. CHAPMAN. I am Al Chapman, president and chief executive officer of Knight-Ridder Newspapers, Inc., a national company which is headquartered in Miami.

MR. ALEXANDER. Mr. Colson, in 1968 in Miami there was a series of civil unrests and at that time there was some response from the local community. I believe you have been involved in the chamber of commerce and other local efforts in the community; is that correct?

MR. COLSON. Yes, sir.

MR. ALEXANDER. Could you briefly describe what was the nature of the response of the Miami community, business community if you will, to the '68 disturbances?

MR. COLSON. I have not prepared or tried to go back and remember. I do know there was a report written.

MR. ALEXANDER. Yes, sir.

MR. COLSON. And I know that a young man by the name of Bob Josephberg worked on that report, and soon after these events of May 17, I went back because the Governor had asked me to get involved in the first part of the commission on the criminal justice system, and we went over those reports and we compared them. I would say that the response from that time until May 17 was very minimal, as an understatement.

MR. ALEXANDER. Mr. Chapman, were you involved in the efforts of the late sixties of the local Miami community, the chamber of commerce, to at all try to respond to some of the conditions raised by the local report or perhaps the Kerner Commission report nationally?

MR. CHAPMAN. I was president of the Greater Miami Chamber of Commerce in 1968 and '69 and in response to the riots of those years, the chamber started a very significant jobs program. We had a joint effort made with a consultant firm to create new jobs and training programs. The responsibility of this community and the NAB [National Alliance of Businessmen] program and new jobs for several years was the most significant of any of the Nation. I was heavily involved in '68, '69, and the year subsequent to that I was not involved to any significant degree.

MR. ALEXANDER. During that time period, I gathered you were also involved in an effort to get some economic or physical revitalization of the downtown Miami area; is that correct?

MR. CHAPMAN. The beginning of 1975 I became chairman of the committee to revitalize downtown. It was called New World Center Action Committee of the Greater Miami Chamber. I served as chairman of that committee for about 5 years and resigned about 3 months ago.

MR. ALEXANDER. Could you tell us what that process entailed and how that was put together?

MR. CHAPMAN. Well, this process of the downtown revitalization involved a committee of approximately 75 people representing all walks of community life, public officials, private business people, and we operated on a concept of goal setting and major objective to achieve certain commitments.

The basic philosophy was there was a number of public sector commitments that had voted by the people. Some bond issue had been passed some years ago and facilities had not been constructed for one reason or the other—parks, libraries, museum, government buildings, and one kind of another; our basic philosophy was, if we could compress the time involved with these government projects on line in the downtown area in a very short time, that a very significant amount of private development would follow. It has worked out that way in a 5-year period.

MR. ALEXANDER. Was there at that time any Federal funding involved in coordinating or was there any governmental entity created?

How was the various—I believe at one time in staff interviews, you mentioned as many as 108 different programs floating around in the community. Is that a fair estimate?

MR. CHAPMAN. Well, the role of this committee that I think you are referring to was a citizens committee, and it assumed a coordinating, monitoring, management role in achieving both the completion of public projects on an agreed-on timetable and private projects which followed all in coordination with each other.

MR. ALEXANDER. Did that involve coordinating all the levels of government—Federal, county, city, State?

MR. CHAPMAN. Yes, it did.

MR. ALEXANDER. And the local public officials were responsive and cooperative with you?

MR. CHAPMAN. I think it is a great example of what can happen when a local public official and private sector work together on a joint project. It certainly worked in that instance. It was rather significant cooperation and coordination, and the result was about \$2 billion worth of construction underway at the present time.

MR. ALEXANDER. Mr. Colson, were you also involved in the effort to revitalize downtown Miami?

MR. COLSON. Yes, I was, but Mr. Chapman was the first president of the revitalized chamber of commerce which was in bankruptcy until he took it over. Why he asked me to get involved with the chamber, I didn't belong to the chamber, to the Jaycees, or any of them, and I did, and he appointed me as the first chairman of downtown action. I might tell you without your asking me, though, that the process—he probably told me at the beginning for me to go do it, and I tried it for 2 years and we passed the bond issue of \$89 million. Back at that time bond issues were being defeated all over the United States, and this was by far the largest, and then we passed some more and the followup process lacked a lot, but we had the right idea, but I did a very average job on that committee. The people that followed me are good friends, but they did an average job, but until Mr. Chapman took it over in 1975 and took it back himself, why then it really worked.

MR. ALEXANDER. In May we had the civil disturbances in this community. From your perspective, Mr. Colson, Mr. Chapman, what has been the response of the leadership of the business community, of which many in the community identify the two of you as members of that leadership? How would you characterize the response, Mr. Colson?

MR. COLSON. I think the response has been tremendously concerned. I was quoted on the front page of Mr. Chapman's paper as saying, "We had the two-by-four hit us in the mouth like the mule had and I caught the message." I feel that there's been a tremendous concern and a tremendous response.

The gentleman on my left, Mr. Smith—I can remember 3 nights he worked practically all night long with his law firm without pay to come up with a program that has resulted in his being chairman under the Governor's appointment of the revitalization board.

Mr. Chapman and I, Mr. Smith, went to Tallahassee in a vain attempt to also get some funds for that commission. We didn't. We failed at that, but the commission at least was passed. It has—he can tell you much more than I. I think there's a great deal of concern. I certainly can't tell you we have succeeded.

MR. ALEXANDER. Mr. Chapman, would you care to comment?

MR. CHAPMAN. I think throughout the whole community there has really been a very significant response and an outpouring of effort and energy with, unfortunately, not too many tangible results. I have seen people that really had little interest in community affairs be heavily involved and attend meetings and make significant commitments to work on these problems in a way that has not occurred in this community in many years. We lack one ingredient—and I think you and I have talked about it before—and that ingredient is the management of the process. We have very, very strong commitments in this community, stronger than I've ever seen. People are willing to move. We need to know now how to mobilize the public sector and the private sector and all the social agencies in such a way that we can create the results we're looking for.

MR. ALEXANDER. The experience from the revitalization board of the physical structure of Miami, does that present any lessons to us in trying to design a system that will produce tangible results for the social inequities that I guess have been identified over and over again in this community?

MR. CHAPMAN. I think we have the example. I think the process will work in solving this kind of a problem. It is a new field for it. We have not seen any example of this work anywhere in the country, but the basic management concept of setting goals and objectives and timetables and commitments, and displaying those publicly and having the people responsible for those report to an agency that would monitor and control and manage the effort of other independent organizations did work in the result of \$2 billion worth of construction in downtown. I think it could result in alleviating tremendous human suffering and bring peace to this community in a way that we have not seen.

This is the basic purpose of the community revitalization authority which Mr. Smith heads. He is the chairman of it. As Mr. Colson said, he and some of his associates worked 3 nights almost all night over Memorial Day weekend to find out from other communities the things they needed to know to put a bill together that we could take to Tallahassee for the legislature to pass, because our legislature was in the final weeks of its session. It was a real crush situation to do it on time.

Mr. Smith and his associates and other prominent attorneys in this community turned to and worked all night for several nights, produced the authority which was passed. The funding was not provided for it, which was, most of us in the business community think, very unfortunate because we felt we needed the funds at our local level under a local control and from local sources to do the job, and we would not be dependent on hat-in-hand trips from Washington to get Federal Government support.

The legislature, in its infinite wisdom, did not see fit to do that, so we did not get significant funding, but we all felt rather good the revitalization authority itself was created. It had broad powers under the State law chartering that authority, and they are in the process of getting geared up in their staff, and I believe that intends to pursue the kind of management process that we talked about. Mr. Smith is here and he's the chairman. You might direct your comments to him.

MR. ALEXANDER. That's where I'm going. Mr. Smith, could you tell us what the goals and objectives of the revitalization board are?

MR. SMITH. Mr. Alexander, let me describe the board quickly to you. As Alvah has said, in a bit of crash process we attempted to get the authority from the legislature of Florida during the last 2 weeks when they were going through the budget process to allow us to tax ourselves \$100 million dollars a year, 1 cent tax add-on, to put the funds in a vehicle which we call a revitalization board, which we hoped would have a significant representation from the business community and the black community and the Latin community, so that we could deal effectively from a base of funds and strength with the program.

Since we were doing it, we thought we would hang the moon and we put bonding powers in and we put eminent domain powers in and a number of other things. It got rather shredded during the session. There were questions as to whether or not it would be a useful vehicle; it had never been done in Florida. We were dealing with legislators from the State who at that time had varying reactions to the riots, not entirely in all cases sympathetic, so we went for broke and did not quite achieve it.

We ended up with a revitalization board and instead of \$100 million, \$100,000 for staff. The board has 11 members. It is legislatively authorized. It must be triggered by a resolution from a county commission. Only a home rule county can do it, which means either Jacksonville or Miami.

Our county commission unanimously voted to set up a board. It then required that the county commission furnish names from which at least 6 of the members of the board will be chosen with the Governor having the ultimate right to chose 11, and of the 11 at least 5 had to be from or directly representative of the minority community. We ended up with a board which has 5 whites and 6 blacks on it. I am chairman, elected by the board, not appointed by the Governor. The vice chairman is John Howard, a black banker of about 10 years' experience who is operating a branch of a bank in Miami, the Bank of Miami, in the northside shopping center in Liberty City. It is, I think, a good board and a good cross section.

Goals and objectives, I've got a statement of goals and objectives here. But as I see it, since we have not been funded and since our plenary powers to bond or for eminent domain have been stripped away from us, we have been given a grand opportunity to be creative. What we can do is function as perhaps we should have been intending all along. We don't need a superagency. We don't need another quasi-governmental unit.

What I hope we would have is an organization of the board which is sufficiently represented from the communities that we seek to help in distressed areas. That right now means the black community representatives from the business community and persons who have some experience at government and the process, and if we could be a catalyst, if we can generate ideas, goals which would be tangible goals, projects, if we could interest the community and government in the funding and the implementation of a project, if we can follow along the lines that Alvah was discussing with his new world center, and if we could be a coordinating mechanism, a measuring benchmark organization from where we could test the progress of government and of the private sector on a given project, and if we could be of assistance in breaking that logjam, whether they are Federal governmental or State or local, or attracting funding, or bringing some trust and confidence from the black community to a project, I think we would be doing our job. We are perhaps better off doing that than administering large sums.

MR. ALEXANDER. A number of problems have been identified over the past 2-1/2 days pertaining to the financial and business community in the Miami-Dade area. Would you view it as within the purview of the board to deal with redlining practices of the financial institutions, or at least the allegation that continues to be a substantial problem in terms of black people being able to get both residential loans and commercial loans in the impacted area?

MR. SMITH. I think we certainly should, and we should go further than that. A number of problems that have been brought to our attention relate to the capability of banks to make loans, to make hazard loans, and the capability of black contractors to get insurance or surety bonds. A lot of this relates to how the government deals with an area and with a craft or a profession, such as contractors who wish to work in Liberty City and have to have the insurance to do it, and have to have a certain amount of net worth to generate a bankable loan.

It seems to me that there ought to be ways that we could have a consortium effort for hazard loans in a community like Liberty City, and I think also there ought to be some way that we could bring to the attention of government the fact that, if you could have insurance for kidnappings to some degree sponsored by the Federal Government, or insurance for expropriations, or coastline insurance for flooding, that maybe there ought to be some form of insurance that will provide some protection for these entrepreneurs who entered a distressed area to give them some protections so if they come in with some fiscal soundness, but redlining, of course, would be part of it.

MR. ALEXANDER. I was just using redlining as an example. Have you in a sense developed or started the process of developing the sort of shopping list of issues that need to be addressed across the board and setting of a series of goals to be achieved within these various areas?

MR. SMITH. We have.

MR. ALEXANDER. Where are we?

MR. SMITH. I must tell you that we have never revitalized a distressed area before, so we're learning as we go.

MR. ALEXANDER. For sure.

MR. SMITH. One of the first things that really had to happen on the board and has to happen in the community is we have to begin to get a sense of trust one to another, that board members who come from Liberty City have to be able to understand the problems that are stated by a banker on the board when they are asked why that banker and his bank would not make an SBA loan when there was an applicant who was a potential entrepreneur; and the banker has to understand that you can't have an elitist approach where the white establishment community decides what's best for Liberty City and proudly announces it.

I think that part of our effort on the board has finally been successful. I think we've coalesced. I think there is a sense of excitement and trust among the board members, and it seems to me that we have \$100,000 and 11 persons of good will. If that's all it takes to revitalize Liberty City, it should have been done a long time ago, but if we can start a process and if the process of trust and commitment and some track record could have a halo effect, maybe we're on the way.

MR. ALEXANDER. The previous witness, Mr. Jones, said in effect that much of the momentum might need to come from the local community. I was wondering what each of you gentlemen felt that the continuing role of the Federal Government should be in the process of trying to deal with the litany of problems that have been identified in the Miami community. Starting with Mr. Colson—

MR. COLSON. With me?

MR. ALEXANDER. Yes, sir.

MR. COLSON. Well, mine is going to jump completely to a different area, but it is—I'm going to tell you what the Federal Government can do to help us. My concern, number one concern, of where we go from here would be to start back, obviously, with the poverty, housing, crime problems, but it would be to start with the babies that are living in the distressed areas and are going to grow up to be products of these projects, and that I am and have been for years extremely concerned about that baby before it is 3 years of age, and I feel that there is great damage that is done to these babies that is not correctable later on.

I learned those ideas from a lawsuit that I tried many years ago in which a custody of a child—that was the Baby Lenore case—where some people left New York and came down here to try to keep an adoption agency from turning their child back. I learned from medical authorities all over the United States that there is an extremely dangerous time of a child from 6 months to 18 months of age in which not only the IQ is developing—but if you don't develop it on a positive basis, there will be permanent damage to the child—but that, more importantly, even that there is a critical time in which the baby is subjected to an environment from which it will later have serious—not only neurotic but psychotic tendencies.

I think that that is happening and is exaggerated from the rest of the community in our projects. I think that separation of the parents in all of that is too long to talk about here. I would love to talk about it, but that would be my number one concern.

The basic thing that is unfair in this community today was true 11 years ago when I made a talk for Mr. Chapman, when he took over as president, and that is that a baby that is born in Jackson Memorial Hospital can go 3 miles to Coral Gables, like my children went, and they have the best of everything—public schools I went to, they went to. They can be born in the same hospital and they can go 3 miles the other way and they have an impossible task to become equal, and until we try to at least start again, and in more models around the country—in Israel they are doing jobs, but I won't get into that, but there are problems. There is a book that I am reading, not for this purpose at all, but it says that kindergarten is too late. Get to the 3-year-olds and it is too late and I hope that somebody—I know that I'm talking to very bright people—I'm just saying that's my concern, number one, basic in this town. It hasn't changed since the last riots of '68.

MR. ALEXANDER. Mr. Chapman, what do you think the appropriate Federal role is?

MR. CHAPMAN. I think the appropriate Federal role is to keep the promises that have been made and to keep them with tremendous speed and commitment and with a minimum amount of red tape.

MR. ALEXANDER. These essentially are funding promises, I assume you are referring to?

MR. CHAPMAN. Funding promises and also program promises of one kind or another. All of these promises that have been made should be kept. I think if the Federal Government will do that and the local groups, particularly the revitalization authority, will assume the management of a total process, I think we can see a lot of things happening. One of the benefits of the kind of process we have talked about is that the community would have the ability to know when good things are happening or when good things are not happening. There are a lot of things happening here that some of us are unaware of. Because of the process of communicating, this really isn't all that accurate, but if we had, indeed, a control room where all of the projects and commitments were up on a board somewhere and on regular reports on those every 4 weeks or 5 weeks and each individual or agency that had responsibility came before the revitalization authority and reported on their particular set of projects, including the Federal Government and the State and the county and the city and the private sector, social agencies, educational systems, if they are educational problems and there are, and if all of those people were coming into that kind of a center and making regular reports, and this was being done, we would see some progress. There are things happening; unfortunately it's not being managed as well. Mr. Smith has not yet gotten completely off the ground in a way that I think he intends for it to and that's been unfortunate, but I think it can happen and I think it is a local organizational responsibility to manage it.

MR. ALEXANDER. What do you think the continuing role of the business community or the chamber of commerce should be in this process?

MR. CHAPMAN. I think the continuing role of the business community should be to be supportive of specific projects. There are several specific projects that are now being worked on, a combination of public and private. City venture project is one. This is one brought to the front by the business community. It is in the planning stage. If it happens, it could result in a significant commitment of new jobs and new opportunities in Liberty City, for example. We are very hopeful that project will materialize. Other special projects like that the business community needs to relate to the overall effort, but it needs to be done in coordination with the public sector.

MR. ALEXANDER. Many witnesses who testified previously, as well as the Kerner Commission report and, I gather, Mr. Jones' task force report, point to continuing racism in this community as well as in many communities as an underlying problem that keeps people out of jobs, that makes the difference in application for housing mortgage or business loan or an education in a school system and so forth. Do any of these entities—the chamber, the revitalization board, your individual capacities in the bar association—have any efforts to address the underlying racism that people point to time and time again, or is that beyond the scope of your task, Mr. Smith?

MR. SMITH. Do I get to comment on the prior question?

MR. ALEXANDER. Sure, you get both of them.

MR. SMITH. On that question of the Federal role, it seems to me if the Federal Government wishes to be most helpful with us, there will be a commitment to persevere with us. We are learning as we go. I think this community has gone through what amounts to an electric shock therapy. We have never been here before. We have never had the kind of problems we do, the 100,000 refugees, thousands of them violent persons from prison, that have been unleashed on us has just added to everything else we've got. In limited experience in reading, I don't know of any community that has faced, in the last 6 months, what we face down here. We are ready to do something about it. We've got to figure it out. It seems to me it isn't a job for the Federal Government to figure out, but if we could, hopefully, have a persevering commitment to help us as we come up with goals, that would be the best role of all.

I don't know what those goals entirely will be. They are going to develop along the lines of—one thing I remember reading a report of how Monet put together the Common Market, that he didn't attempt to involve people to the top of the mountain to show them the vista; he just tried to encourage them to take one step up the ladder under the article of faith; if they took that one step, they'd be encouraged to take the second step. You might get to the top of the ladder. We need the Federal Government to go up the ladder with us. And I've forgotten your second question.

MR. ALEXANDER. The second question has to do with the various reports prepared on both the Miami disturbances and the disturbances nationally that continue to point to the issue of racism as one of the underlying causes of riots. Is that something that the board will ad-

dress, that issue? Is it something that we know how to address in this community? Do we have any ideas on it?

MR. SMITH. I would like to call it something else, call it hostility, because I think you can extend it to a tricultural thing that way, which is what we have here. There is bad feeling between the cultures. There's also a sense that this sort of bad feeling is the very cancer that's going to eat us up. It is not just the problem of white-black; it is the problem of white-blacks-Latin or Anglo-black and Latin, if that's the better phrasing for it.

What we need to do as a community, I think, to the degree the board can do it, participate in it, is we've got to look for ways that these three cultures can in a synergistic way, I guess, come together to attempt to do things for the betterment of our entire community.

It seems to me you start where the blood is running and where the bleeding is and that's in our black community right now, and we need to have the three cultures mobilized around something effective that can be done for blacks. This is perhaps not the time, but I do have an idea on that that I'll be happy to share with you later or whatever.

MR.ALEXANDER. Mr. Colson?

MR. COLSON. On racism?

MR.ALEXANDER. Yes, sir.

MR.COLSON. I would like to respond to that. I hope I have enough of a pedigree of service that—that I have no connection at all with the business community. I am a trial lawyer that actually brings lawsuits against the business community—although I hope that they are still my friends, and I want to state very clearly that I have traveled throughout the United States, not internationally, but I sure have been all over the United States. I know what racism is and I have been following it since the fifties actively.

I want to say that the so-called establishment, the top leaders of this community, in my opinion, are definitely not racist. I have never been confronted with one time in my life that the top leaders, the chief executive officers of our national headquarters that are located here or otherwise that I've found racism in that. I have no complaints, however, if the black community wants to complain of the racism generally in this community. Obviously it is here, but I do want to separate the two accusations in that I do not feel that—I feel there is an absolute opposite of that. I feel there is a genuine concern in this community, and I want to specifically address the business community, and I would deny vehemently that our problems come from chief executive officers. It would be the dumbest thing in the world they could do if they want educated people, and I just reject that totally.

Now, we do live in a community that is totally possessed with fear. We have the complication of May 17 by the fact at the same time we had the immigration problems, opportunities that were going on in this community, and we saw on the Thursday after the riots that there was a headline that \$300 million was immediately available to be sitting in here for our problems of refugees. And I applaud that and I don't disagree with that, but at the same time as that headline was here, and

as we told the President that, and he comes in and says, "We don't have a bank account for Liberty City," or for a disaster that happens here to people that have been citizens and born here and raised here, and have had these problems, and are the victims of this system. We don't have a bank account in Washington for that, but we do have a bank account for the people that are in the boat that can land on our shores that just got here for \$300 million. I can't explain that, Mr. President. There is no way I can sit and talk to my brothers and that's a fair way of our bank accounts up there, and I say that there is a lot of racism in this community. There is a lot of fear in this community, and it is not getting better every day.

MR. ALEXANDER. Mr. Chapman?

MR. CHAPMAN. With respect to racism, I think at the leadership levels in this community there is less racism than any city in America that I am aware of. I have lived in 4 or 5 different cities that we publish our newspapers, in 24 other cities in this country, and I am reasonably familiar with those. Among the leadership of this community, the top level, I would say there is a minimum of racism.

There is racism both ways. There is racism on the part of young blacks who resent any whites that come into Liberty City and would take any opportunity to do harm to many of them. That's not true of all. There is obviously a backlash through the riots on the part of many whites, many of whom have moved out of this community, and I think that's very unfortunate.

There is a climate of fear here broken down into the problems of McDuffie and Morales. There is not a community in this country that has to face what we have to face in a very short time.

The impact of Cubans coming in with them and a great number of them released from Cuban jails and would not be qualified to be immigrants and any one program, and the impact of that influx of Cubans and the McDuffie decision and the riots that followed that really caused this community to have major problems and we are seeking to find the answers. Among the people who are seeking to find the answers, racism isn't a part of the problem. Among the people who are directly involved, in the streets, I have to admit it is a problem.

MR. ALEXANDER. Mr. Smith, in getting back to the question of racism still, are there things that the Governor's revitalization board can do to address at least the climate of fear in the community, which you all seem to agree exists and is a growing problem?

MR. SMITH. We had a series of discussions when we were trying to get at cause and objectives on the board, and there were heartfelt desires by some members of the board, especially from the black community, that what we would address was social justice. There were equally vehement positions to the contrary, that there were a lot of organizations that address those questions of racial injustice and in the criminal justice system, where as a social concern—but there weren't very many that would take as an abiding concern, worrying about economic development, so we tried to come to a reasonable compromise that while our major thrust, because that's what the charter of the

commission says in the statute, would be economic revitalization, that we would not think of that in a vacuum, that to a degree we could lend persuasion of our board to the correction of any problem that arose, that touched upon citizens, that was not an economic matter, we would do it.

MR. ALEXANDER. Do you see within the State legislature and the local Dade County political community the commitment to long-term revitalization effort, a decade or two-decade program, coordinated commitment?

MR. SMITH. That's what we're talking about. That's what we intend. The life of the board and the statute is 10 years. I assume it is going to be abiding and continuing life. This is not something that will solve itself in a short period of time, but the halo effect is in. If we can make a start and if the community together tries to work on it and is encouraged by some successes, it seems to me it is going to go. And it is critical that with some successful efforts that involve blacks in a leadership role, in the sense that they determine what it is they feel would be most helpful, and the business community and the professionals that we can bring to bear to operate pro bono, to come in and shape it sort of, as in terms of lawyers for a client. If the black community is the client, they decide what they want and they go to the professionals to draft how they get it. They may not know how to put the merger together, but they know what they want to merge. That, I think, is the approach that ultimately is the only one that is going to be successful.

MR. ALEXANDER. Mr. Chairman?

CHAIRMAN FLEMMING. Mr. Chapman, I am very much interested in your comments relative to the setting of communitywide goals in the development action plans designed to reach those goals and have mechanisms for following up on the action plan.

A few weeks ago I had the opportunity of meeting leaders of both the private and public sector in another community in this country, people who are in position, the genuine positions, of leadership, and the subject of conversation was the employment situation within that particular community.

Our Commission, a couple of years ago, put out a report on social indicators of equality, and in the employment area the indicator that we used was the unemployment of minorities and women as over against the unemployment rate of white males, and we studied that over of a span of 1970 down to—we've updated it to 1979, actually that gap nationwide has remained just about the same, possibly widened a little bit, but we used that as a starting point for the discussion.

Out of that discussion came a feeling on the part of some of those leaders who were there that it might be possible to develop a communitywide affirmative action program to set a goal for employment of minorities and women over a span of time, let's say a year, whatever time anybody might want to pick, and set an obtainable goal, not one that would raise expectations that would not be realized, and then that it might be possible to bring the various segments of the community together and develop an action program designed to achieve that goal,

and to get them to accept duties and responsibilities related to that action program.

The action program would take full advantage of equal employment opportunity laws at the Federal, State, local level, but it would also consist of governing and persuade an increasing number of private and public employers to develop and implement their own affirmative action plans. It would include an involvement on the part of media that would be calling attention to the progress or lack of progress, assigning responsibilities for both progress and lack of progress.

I was encouraged by that discussion because, like you, Mr. Chapman, I long felt that we could make some progress in these areas if we use the management principles or techniques that we have used in our businesses or used in government agencies, or used in educational administration, and would set goals and timetables and develop action plans and assign duties and responsibilities, and then have a method for checking up on them.

It also seems to me that in our communities that there is something to be said for singling out an area like employment for special attention that is very visible and, hopefully, would result in some progress and introduction of a feeling of hope on the part of those who have been concerned, the victims of discrimination. Would something like that lend itself to consideration here, particularly now in the light of the establishment of the revitalization board?

MR. CHAPMAN. Certainly, it does. I think the role of the revitalization board would be encourage some other agency to do this. The proper agency might be the Greater Miami Chamber of Commerce or some other organization. The chamber of commerce committed itself to 864 jobs in the wake of the riots. Those jobs were committed and, I'm told by the executive director of the chamber, were filled. There could be another such program or two such programs, and the revitalization authority could well work with the chamber and monitor those, and the chamber could come and report, yes, we've done 864, now we're going to do another 500 or 300 or whatever the case may be in whatever period of time is involved, and would have the specifics as to who the people were and where they were working and so forth and so on.

I think that's definitely a part of the process and definitely a function of the revitalization authority, not to do it. The revitalization authority is to manage the process, and they ought to urge the chamber to do it or some other local organization that may be better equipped. I can't think of one at the moment better than the chamber to do it. It should happen and could happen and it really has happened to a degree. We are not aware to the degree that it has happened already.

CHAIRMAN FLEMMING. Mr. Smith?

MR. SMITH. I think that sort of thing could certainly happen. Maybe if I take one more turn of the screw and make a suggestion. When we are talking about jobs like this and placement of the member of the minority in jobs, there is one thing that is happening down here which is unique in the country, along with the problems we face, and that is

this enormously expanding and explosive growth in the international world. International banking is where we started; international reinsurance is coming. We've got an insurance exchange of the Americas now about to be put together. International trade and commerce are on the way, and that has passed critical mass; it is not going to stop. I was talking to one of the partners in Janus Associates. Jack Gloucester and Paul Pride from Washington have been placed under contract to do some strategic planning for the city and county. One view they had down here, a hopeful one, was that we have an expanding economy in many respects; it is not like going to Toledo to try and accomplish jobs for minorities. It seems to me the trick is to look at our strength on the board, at what is happening, and then on a long-range basis, and this is not dramatic in the media, perhaps, but it is where we ought to be heading as one of our major goals, to look at that world of foreign trade.

It's something that is exciting to the entire State. Governor Graham cheers the Caribbean basin annual conference, which is Central American nations, Caribbean and South American nations that border as well as foreign. A major commitment in the next 2 years, I know, for the State of Florida is their economic development plan is going to be foreign trade. What I intend to do and to have our board do, and we started actually, is to take a look at how we could significantly involve members of the black community in this explosive new universe. If we can add jobs to the community that blacks will have a shot at having, and if they could be jobs that would lead to entrepreneurial skills, or if there were jobs that could be upward mobile jobs, and if there are jobs we don't take from anyone else, it seems like it is the best of all worlds. That world is there, and that is a world that we owe largely to our Latin members of this community, to have done so phenomenally with the Hispanic world.

I have chatted with the Latin chamber of commerce and with some other people about the possibility of relating those skills to some effort to bring blacks into foreign trade, into areas in which the lingua franca is not Hispanic, but perhaps is English. Anglos have a difficult time competing with Latins in Caracas, but we have the Caribbean basin, we have Africa, we have the nations that use English as their commercial language, and that's where we are growing. This has not been done anywhere to my knowledge, but that's something we could try down here, which fits our community—and just to take a dream at a time, what if we can identify an area in our community which is in, or accessible to, Liberty City and to the black areas and we could, for profit, create an industrial park; and if we could have that park protected by some of the licensing capabilities, for exemptions from custom duties, from our free trade zone; and we started a component assembly effort that would involve black labor, but which would lead from that to the chance to get into freight forwarding and into entrepreneurial ownership roles and into foreign commerce, and if we could tie into something like that, our higher institutions of learning, our three universities, and some sort of triuniversity consortium that would aim itself

at training minority community members in an area of foreign trade, you can start at the elemental level and go on up.

The component assembly does not require a high school education, but it can lead to other things. And Mr. Alexander, here is where I was going with the thought about the Federal Government. There is a lot they can do to help us, for example, if this kind of effort was launched, we could have a department of state and we have a department of commerce. There is a department of education. If we could hone down to what we could do down here, that is not digging a well in hopes we'll find water, but looking at that river up into national commerce that's running up and down Biscayne Bay and deflect a channel of it through Liberty City. It seems we are coming to something that is unique to us and that we know how to do it. It doesn't require a lot of capital. We're not going to get the money to put into an automobile manufacturing plant in Dade County. It is just not in the cards, but this is not a capital intensive kind of thing, but a labor intensive thing. That's the kind of thing I think this community ought to be about.

VICE CHAIRMAN BERRY. When you talk about trying to set communitywide goals and to meet them is a concept which I think offers a great deal of promise. I was thinking of some specific ideas that were suggested to us earlier.

I understand that there is an effort being made to raise \$1.6 million to add to some \$40 million that's available to set up a MESBIC, minority enterprise small business company, through SBA. We were told about that effort this morning that would require the raising of \$1.6 million in the private sector, and the MESBIC would be able to make loans to black entrepreneurs. How about having the revitalization board be a catalyst to help in the raising of money? Would that be an appropriate—or to suggest ways it might be done or help the people who are involved in the effort—would that be an appropriate role? This is what Mr. Hope suggested. I don't know if you know him.

MR. SMITH. Al's on my board and we've talked about that. Yes, exactly. I think he needs to be a little further along in his organization, but we're prepared to help. Al has quite a background; he came out of the county economic development efforts, and I think his organization, those with his MESBIC, but, yes.

VICE CHAIRMAN BERRY. How about even more specific nuts and bolts efforts? We heard a great deal about housing problems in the community and about the need for correcting code violations, rat infestations in public housing. How about your board identifying who the appropriate people are and making some kind of effort to encourage people or somebody to take that on as a project to do something about. Is that the kind of thing you would be expected to do or ought to do or you can do or try to do?

MR. SMITH. The sky's the limit, really, just controlled by the volunteer energy by the 11 members, and a staff which is funded at \$100,000, and what we can in a catalytic way get going, sure. I've got a shopping list of these things, and it's sort of a question of what's first.

We thought first was to access the promises made by the Federal Government to help us with Federal funding. What we would like very much now to do is to get the check signed before the administration changes, not speaking to either administration, but just to the process when new people go in there there may well be a hold until they take a hard look at the various programs. We would like to get our money now so we can get on with the work that the Federal Government has authorized. We've got a spring session of the Florida Legislature.

It seems to me—and I put together a legislation committee composed of some persons who operate for some of our larger corporations in Tallahassee in government relations, and they know how to pass legislation. My hope is that we can come up with a packet that would go to the question of insurance, banking, and possibly more funding than might be available for MESBIC like Al Hope's and go to get it from Tallahassee. That is a goal which is a tangible one, which a lot of us have some experience at that, we can take and run with the support of our business community.

The State attorney's office, I know, has established a program to try to go after persons who violate the codes in the landlord tenant area. I think our board shouldn't get involved in doing anything that another group can do and is doing, but if there is an area of need, we ought to identify the need and find someone to do it.

VICE CHAIRMAN BERRY. Mr. Chapman, I saw you shaking your head up and down.

MR. CHAPMAN. I agree with a part of what Mr. Smith said, but not in totality. I think the role of the agency—and he is chairman of it, but they are in the formative stage and I would like to make this suggestion: The role of the agency might well be to provide the management control process for all the public promises that have been made, and there have been promises made in the area of housing and violations—Mel Adams is director of the little HUD here, is a very competent official that we all know and respect, and he has made some very significant commitments that were within the resources of the county to accomplish. Those commitments ought to be on the board and at some agreed-upon time in the next 3, 4, 5 weeks, he and his staff ought to be there to tell the authority and this community what's been done about it.

Part of it is eradicating rats, part of it is making other corrections that are on the checklist; that doesn't put the authority in the rat eradication business. Put the authority in the management control business, which is the one ingredient that's missing from the whole process.

We've got commitments. We've got enthusiasm. We've got interest. We've got everything we need to get this job done except management, and we have a lot of resources; we don't have as many as we ultimately would like to have, but if we manage the resources that have been committed, we could make significant, tangible progress, and then we will build a bridge of faith that people will say, "Well, there are some things happening," and that's what needs to happen, and his authority under his leadership, and with the other 10 people working with him,

they need to be the controlling mechanism or the entire process—not to really dream up too many new ideas, there are a lot of ideas floating around—they just need to be coordinated and managed and monitored and anticipate the ones of the city of Miami has said there are areas going to be in the way of the municipal parks. This needs to be on the list and Mayor Ferre and the city manager have to come into his authority; by that authority he is really reporting to the public as to what's going on. If it is happening we will applaud it, if it is not happening we will ask some questions, or his authority will ask some questions about when it will go on and what we are going to do. That process will work and I am very enthusiastic about the process.

**VICE CHAIRMAN BERRY.** Mr. Smith, would you agree that should be a function of your authority?

**MR. SMITH.** Al said that very eloquently. We have that very much in mind. As a temperative device, not just to chastise government officials but to help. Sometimes a problem they have relates to Tallahassee or relates to Washington; if we can help by breaking a logjam there, that's part of that tickler system. Also, I would like to tell you, not add—on our board we have added our ex officio members. Governor Graham has been appointed a member of our personal staff as an ex officio board. Merrett Stierheim is an ex officio member to the board. Richard Fosmoen, the manager of the city of Miami, is a member, also representing the league of cities of the 28 cities, and then Len Britton I asked to be ex officio member, and they all attend and we have these kinds of reports. There have been, so far, learning experiences for we 11 who are not in government, telling us just what there is out there and what is to be done. I have staff coming and I have consulted with Mr. Chapman about how effectively that new world center worked, and that is one of our goals.

But, again, I want to add the fact that is a goal, not just to criticize government for what they do but to help when it really becomes necessary as a community necessity.

**MR. CHAPMAN.** It should not be based on criticism, and the new world center—I see Mr. Stierheim, county manager, is here. He worked with us. We never really are critical. It was simply the idea of the public commitment to do certain things, and then a review of all concerned. It was a tremendous peer pressure and tremendous desire to accomplish something that, of course, agreed was in the community interest, and there were opportunities to break logjams. There were problems that one agency was contributing to another, and frequently having all the people in the same room when you are talking about an agency and problems, you discover that agency has—is part of the team. By having them there, you work it out in the process of the view of everyone. That frequently happens, but it is just getting everybody talking together on an agreed timetable to talk about it which has a tremendous effect on getting the job done in an agreed-on time.

**COMMISSIONER HORN.** I agree with your management philosophy, Mr. Chapman. I think that's exactly what is needed in this and other

cities, and one of the things, of course, is if various groups within that area also coordinate their efforts.

Earlier I asked Mr. Jones to what degree he felt that the agencies in Washington feel—Transportation, HUD, HSS, EDA, etc.—it does not seem to be and it certainly ought to be, especially after his report. I am curious within Miami, however, in the business community in particular, what kind of mechanism and linkage has been set up by the primarily white chamber of commerce with the black chamber of commerce, Latin chamber, and so forth.

Are business oriented people meeting regularly to try and talk about common problems, or is it sort of to our meeting and one is joining them, and it sort of is falling through the cracks?

MR. CHAPMAN. Well, with respect to the chambers of commerce, there is not only a white only chamber, the greater Miami chamber has a number of black members included, black officers, and black members of the board of governors. There is a predominately black chamber, the Miami-Dade chamber. The greater Miami chamber and Miami-Dade chamber is a joint venture, the sponsorship of the city venture project, which is a private enterprise program designed to create new distribution of Liberty City, and the funds that provide the greater Miami chamber and the greater Miami-Dade chamber is a joint contract between those two. There are a number of other activities that are joint between the greater Miami chamber and the Latin chambers so, yes, there are cooperative efforts.

COMMISSIONER HORN. Let me list two areas—we could probably list dozens together. One is training black entrepreneurs and the other is capital formation. To what extent has any targeted effort been made by the white business establishment in Miami to try and work out some sort of mentor relationship and each one teach one so that some of this skill, commonsense ability, that maybe, too often, small businessmen and a lot of us take for granted, but people just starting out really don't have the slightest idea about the transfer of some of this skill into the community; you know, sort of cooperative education type effort, without taking over their business for them but helping where problems are needed so they learn how to do it for themselves?

MR. CHAPMAN. There are a number of such efforts going on—and I'm not on the board of the chamber currently. I am not familiar anymore as I was. I am familiar with the city venture project. One of the city venture projects is something called a business technical center which is designed to encourage black entrepreneurship, and that is built into the city venture mechanism, which is in the planning stage and which has already been funded privately.

COMMISSIONER HORN. Certainly one of the key problems is the fact when people don't have jobs they can't earn enough money to buy the groceries, pay their rent, and raise children, and accumulate capital to put it in a bank, which is the basis for their getting an ongoing economy. To what extent has the primary white, business leadership of Miami tried to address that question and figured out how you get at

this fundamental economic problem of capital formation in a Liberty City type area of which there are several in this region?

MR. CHAPMAN. Well, as far as the capital formation is concerned, the city venture project will be aiming toward that. There are some other things in the talk stage that are going to take capital and move toward black entrepreneurship that Mr. Smith and his agency are talking about in a very preliminary stage. I'm not sure he is prepared to surface them here tonight.

COMMISSIONER HORN. Mr. Colson, do you want to comment on that?

MR. COLSON. I want to comment. As I say, I'm not a businessman, but I want to answer your question with a question because I have the same one. Let me state it a different way. It was a puzzle to me before and it is a puzzle now: why Atlanta successfully has businesses that far exceed ours in success—and I don't mean Washington but outgo closest to Atlanta, and I've been trying to ask that question of friends that will help me with that. There are obvious answers—of institutions that are colleges, for instance, that change my mind, that I think our most important institution of higher education in south Florida is a totally black one, not totally black, one where—Florida Memorial College—where I didn't think that a year ago; I didn't understand what that meant to me in this community, but we have asked before and we tried to get 10 businesses on about May 19, if we could identify 10 businesses for people already in here from Washington and other places. We couldn't identify 10 businesses that had 20 employees that were totally black owned, and that's devastating. If we go to Atlanta—and Atlanta is about the same size as we are—and we go to Atlanta we'll find out there are many generations of successful families; there are institutions that are successful; there are certainly economic successes. I think that you need to help us learn what we can from other successful businesses, and I don't have the answer to it yet, but I assure you I have more than curiosity about it.

COMMISSIONER HORN. You mentioned a good point in trying to link up with some of the educational institutions, which leads me to, What is the feeling that the three of you have, plus your colleagues in the business, legal profession, other professional community, as to the quality of education provided by the Dade County public school system? How good do you feel it is? Is it doing the job?

MR. COLSON. I'm not ducking the question. I'm being polite.

MR. SMITH. I am betting on it. My daughter, my kids have gone to public schools since the beginning. My son is just coming out of Coconut Grove Elementary which goes through the sixth grade and is a thoroughly integrated school, 55 percent black, 45 percent white. We have bused our kids in that by pink slip—voluntarily. I was chairman of the PTA last year of Coconut Grove, which was much more challenging than being a member of the revitalization board. My boy has gone over to Carver, which is a regional junior high. He just started there this year. I don't have such a commitment that I'm going to leave them in school to their harm. I am betting that they are getting a better education and a sense of balance and sense where they should be in this

world by going to the school. I don't have facts or figures on the school.

There are enormous problems in them, but I would rather have them there than the private school, for whatever that is worth.

MR. CHAPMAN. Any comments or somewhat along the lines of—my older daughter went to Miami Edison. She got a very good education and was able to do quite well in college. Our younger daughter graduated from a private school.

From the standpoint of the students who stay in the school system, I think we have a basically good system here in Dade County. Somewhere we are missing the boat, particularly with a lot of younger blacks who simply drop out of school for whatever reasons, and those young people are not held in school. The attention is not such they want to continue into the school system.

They drop out and as a result of that are really not qualified to be employees of anyone's institution, and they need to go through programs like OIC [Opportunities Industrialization Center] and others to get back to the mainstream to where they can hold a job. But there is a failure somewhere in the education system in this county, and I'm not sure it is peculiar to the Dade County problem, but we have a lot of high school dropouts and our personnel people tell us really they can't be employed.

COMMISSIONER HORN. It is a national problem, not just a Dade County problem.

MR. COLSON. On a personal basis, I want just first of all to say from the standpoint of the superintendent, Mr. Len Britton and his staff, I think he is an extremely competent person. Our three children went through the public school systems of Dade County and were able to be admitted, two of them to Princeton and one of them to Duke, and go on to other graduate degrees. I would quickly say, however, that I do not retreat from what I said; the poverty areas of Dade County that were not able to have those fine public schools even that our children grew up—as our test scores would admit. We are testing ourselves, which a lot of other States haven't had the courage to do, and we are finding out the bad news. I can read the newspaper to know that, and we have reversed that to now, because we've got real help, but we are funded. We have a very knowledgeable Governor in this area. I think that he will tremendously improve our funding of it.

COMMISSIONER HORN. That's where I was leading because, as I understand from previous day's testimony, we are talking about a real pinch on resources in the school system. That's also a nationwide phenomenon. We are talking about aged equipment in vocational school, inadequate laboratories, inadequate supplies in some of the schools in Dade County. Usually some of the schools in almost—in every city in the country is in the primarily difficult poverty areas. We are talking about shifts in remedial reading so that instead of small group programs where they can get individual attention to target in on learning disabilities and difficulties, we are talking about different types of programs.

I am told in previous testimony that some of the business community went to talk to the Governor and legislators and tried to get an increase in the tax rate to meet some of these needs in Dade County. I wonder if any of the three of you could describe that experience and what happened?

MR. COLSON. I was not one of those. I can tell you, however, that Governor Graham is, if I could state his number one interest since he's been in public life—which has been all of his adult life—it would be in this area of education.

I don't believe there are very many people in the United States that are more knowledgeable in the field than he is. He has gone through,, and is going through attempting to—which is a very tough political issue—to make counties throughout the State come up to an equalization of how we tax. There was a big problem about the capital tax problems as to how much money to put into capital improvements in school. That was a very hot potato. I was not there and did not participate in the discussions about that, but I can't conceive of anyone that would suggest that he is not totally dedicated to increasing funding in the long run in our public school system.

COMMISSIONER HORN. I might say we had some confusing testimony which we're going to have the staff sort out, which I think partly grows out of this attempt to get a raise in the property tax rate for Dade County, where the implication was left by one witness as to whether—and this is the confusing part—whether it was somebody in the State or State courts suit or someone in HEW that said, "Well, you really can't improve your schools that much beyond the average because you get out of phase with equalization in other parts of the State." Can any of you give us a glimmer as to whether anything like that was even brought up when the business community went in for a tax increase?

MR. COLSON. Well, first of all, I didn't participate in it and I am totally unqualified to comment.

MR. CHAPMAN. I didn't participate in that, either.

COMMISSIONER HORN. Who did provide the leadership on that effort, which business?

MR. CHAPMAN. I think it was a function of the Greater Miami-Dade Chamber of Commerce, a committee of the chamber, but I wouldn't testify to that from my own knowledge. You are not talking about the effort to get the sales tax—

COMMISSIONER HORN. I am talking first of all of property tax, unless the sales tax goes to the school system.

MR. CHAPMAN. We went to get a 1 percent sales tax for revitalization authority, Mr. Coleman and Frank Borman and a number of others. John Smith was the author of the authority.

COMMISSIONER HORN. I must say I do share the concern some of you mentioned earlier in your meeting with the President as to the perceptions of the black community, that you almost feel as if maybe the best thing blacks could do is go rent a rowboat for a day and come around

and land on the beach and maybe the appropriate Federal assistance would be there.

MR. CHAPMAN. You have the point exactly, sir.

CHAIRMAN FLEMMING. Commissioner Saltzman?

COMMISSIONER SALTZMAN. Mr. Chapman, I'm going to attach myself in particular to your phrase "bridge of faith" between the communities, that perhaps the revitalization committee can bring about because of what I sort of heard over the last 2-1/2 days, almost 3 days now, is a lack of conviction that there can be faith in the city or the county by members of the black community.

To give you an example, you've mentioned the 864 jobs made available. Ms. Range, who is, I believe, a member of the board of governors of the chamber—and I assume you are familiar with her—with some bitterness pointed out that of 864 jobs there were only really 600, and of the 600 not all of them required skills that were not present; 1,000 black youngsters went and there was terrible anger, frustration, hostility, disappointment because they were told, "You need certain skills. You need certain experience," and they didn't qualify. So it was not in response, really, to the needs of the black youngsters.

In the area of education, while nationally it is a problem, the dropout in the minority community, and I think it may be somewhere, in major cities, around 25 to 30 percent, in this area it is 50 percent—50 percent of the black students are dropping out. That should be a flag immediately to alert the leadership of the city that there is something wrong with the educational system when 50 percent of the minority students are dropping out, and some steps, as you indicated, have to be taken.

Down the area of many basic root problems in the community, we've been, I think, told by the black community that there is an insensitivity and unresponsiveness, a lack of keeping the faith with promises, with expectations that were aroused, and I think it is a bridge of faith, as you explained it, that has to be constructed in the community between the black, the Latin, and the white community. And you are managerial—I know our Chairman probably must love what you are suggesting because so much fits in with what we view as the objective of affirmative action—a managerial instrument for going about resolving some of our problems in our community. These managerial instruments are, I think, very vital, but right now the leadership in the black community, whatever that leadership is, those people who appeared before us don't have faith in what's being said or done, and I just thought I would like to point that out in terms of the 864 jobs you mentioned. I'm not sure you caught up with the fact of the testimony that she indicated to us this morning.

MR. CHAPMAN. I was not here this morning.

COMMISSIONER SALTZMAN. I realize that, but I just thought I would like to contribute that in terms of the building of a bridge of faith. When that happens 864 jobs are promised, then I think the leadership must be aware that those jobs—

MR. CHAPMAN. That's why we're advocating, I'm advocating, Mr. Smith is advocating, and Mr. Colson is advocating—I'm sure there'd be

this management process, that there be this commitment in review, and if there is a question about some certain number of jobs, whether it be 864, it might be 750, or whatever it is, and here's a list of them.

MR. COLSON. I want to plead guilty to that. I wasn't part of the 864, but let me tell you what I was a part of. Where I think the people rightly lose faith is that we were the cochairmen of the ghetto bond issue, Mr. Chapman and myself. The black community voted for it and came through and did their part, and we passed it like that and without them it wouldn't have worked. The idea was, "We'll put parts of the fund here in the ghetto. We'll put part of it on beautiful Biscayne Bay." When I should have followed up, he used to ask me, you know, and I would go try to follow up and I'd get involved in it—and I had three small kids to support and work and all that—but whether it is that or whether it is Federal funds, I have learned that we can get the money in place, but if somebody doesn't monitor it carefully, if we can get all the way from Washington or Tallahassee and we can get it into here and use—I'm not suggesting to you that anyone is stealing it; I am suggesting to you that it is the next huge problem that comes along and somehow we transfer monies in bank accounts to solve that immediate problem and we don't stay to the commitment that we have. We are mixed up on bank accounts, and when they ask me later why aren't these parks—why are more parks sitting on Biscayne Bay than there are in Liberty City or Culmer or Overtown, whatever you have to say. I plead guilty. I didn't watch it carefully enough.

COMMISSIONER RAMIREZ. Much of what many of you have said this afternoon is music to many of our ears, particularly, Mr. Colson, your concern for very young children. But as I sit here listening to black entrepreneurship, even the creation of jobs and good management of that process, which I endorse wholeheartedly, I am still left with the question of what your vision is, and I will start with Mr. Chapman.

What is your vision for Miami-Dade County in terms of where people live, where kids go to school? What is your vision for the Liberty City area? Do you intend this to continue to be a racially identifiable area, an economically identifiable area? Is the aim to get a social, economic, and professional class of both Latins, blacks, and whites living with people of lower socioeconomic status? I don't think that one can explain a Liberty City area—or west side of San Antonio, where I come from—without thinking about the whole area and how public housing should be distributed among the whole area, how transportation should be distributed. Those are practical things, but in terms of your vision and what you are working for in that coming together of these three cultures, what are your thoughts, Mr. Chapman?

MR. CHAPMAN. Well, first of all, I am not a city planner. We do have some competent planners in this community, and I would trust their judgment as to what the ultimate—

COMMISSIONER RAMIREZ. I am convinced you are a visionary, though.

MR. CHAPMAN. Well, one of the things that I've learned in my years of working in projects of this kind is that it would be presumptuous of

me as an individual to enunciate a plan for somebody else's neighborhood. I think that whatever is feasible and possible and doable, that the neighborhood wants, I think that resources of this community ought to be mobilized to try to achieve that.

I think the city of Miami has, in the process of engaging a planner, to plan for their portion of Liberty City. I would presume that Dade County is in the process of doing the same thing.

The city venture project contemplates a fairly small piece of Liberty City, like 6 or 7 or 8 blocks. I can envision what that plan would look like, and that would involve a complete revitalization. It would involve some new industry. It would involve a business and a technology center. My plan for Miami—I am a visionary—my plan for Miami is that we all learn to live together again in a way that will allow the whites and the blacks and the Latins to work together and believe in each other and not have this tremendous air of violence that we have right now. This is beclouding the whole area.

It is very difficult for us to get our people involved in Liberty City projects when too many white people are afraid to go into Liberty City for their own safety. That's unfortunate, and that climate has got to be erased, not by the whites but by the blacks. The blacks have got to tell us we are welcome without endangering our lives. That's part of our dream.

I want to be able to go down Martin Luther King Avenue—one of the great Americans who believed in peace—I want to be able to walk down the boulevard named for him and not have to worry whether the peace will be ruptured in my presence. That's a part of my dream, but I'm not a city planner. I don't have full time to do this, but I love this community. I've lived here. I've made some great black friends, Latin friends, white friends, and it has been working. We've had a tremendous travail brought upon us, to a very large degree from the outside. Most of us in this community were simply aghast and shocked and numbed by the McDuffie decision. Whether you are white or black or Latin, it doesn't make any sense. This community did not expect that. We were not prepared for it. It came as a shock after the atom bomb, and then came on top of that the Mariel; friendships were ruptured and things that were working well. This community was one of the great communities of America going in the spring of this year. Sure we had problems. We had not solved all the problems by a long shot. We had a lot of things going for us. We have, in the last 5 years, increased black employment more than we have in white employment, so we don't have to apologize for that. But we have not done enough. I know that. We can do more.

My dream right now has to do with an air of peace that will enable us to get about the job. The job is doable, indeed, if we will trust each other or believe in each other, but we can't promise the moon to any segment of the community. The Federal Government has not got enough money to wipe out poverty in Liberty City. There has been hundreds of millions of dollars tried all over this country and it hasn't worked. That has to come from within. It has to come from believing

in each other. It has to come from believing in this country and the principles around this country, trusting each other and working with each other.

The youngsters that drop out of school, we've got to find a way to get them back into school. We can't hire them. We have increased our black employment in our own company far more than we have white employment in very, very skilled jobs. But we can't hire these people who have dropped out of school in the fifth or sixth or seventh grades. They just are not employable. Burdines can't hire them and the bank can't hire them. Eastern Airlines can't hire them, and what not. The educational people have got to solve some of their problems. I think that's a major problem, but we have to find a way around this climate of violence that is pervasive in this community. It is my major concern. It is a big part of my dream. My dream is not technical but really spiritual and moralistic.

CHAIRMAN FLEMMING. Commissioner Ruckelshaus?

COMMISSIONER RUCKELSHAUS. It is hard for me to come on after that very eloquent statement, Mr. Chapman. I believe all of you when you told me that your experience with this community, with the people who are really community leaders and opinion molders, that it is not a racist community and that you don't find that at the top level. But we've been here for 3 days and what we hear about the conditions of housing and the product of education and these impacted black areas and the prospects for jobs for these badly educated youth. I can't reach any other conclusion than the fact that the blacks and whites are not living in the Miami-Dade County area in anything close to a condition of equality of opportunity. And a community that allows that to exist, in my opinion, is a racist community. It may not be an intentional act by anyone, but it does exist.

Now, it seems to me by focusing on the Governor's Revitalization Board, Mr. Smith, whether you like it or not, is starting to sound like people are looking to you like the supreme allied commander for the answers to what's going to happen. You may be glad in the long run you didn't get all that money. At least you won't have to answer to all of the grant implications and deal with all that.

My experience in any of the communities that I have lived in is that the real leadership that gets things moving comes from the business community, and I'm sure you will get that kind of support if the spirit is there, as you describe. I have an anxiety, because one group of people after another over the last 3 days told us nothing has happened and things are pretty much as it was in May and everything that is still coming is still coming. Nothing really has changed for those folks, so every now and then somebody tells them it is a matter of time before it happens again. I don't know how long a window you're going to have to get something going, but I might suggest that perhaps there are groups in the business community that you could interest in doing something visible pretty quickly, and it would not have to be cosmetic because, goodness knows, there are plenty of things to be finished, but the parks and the physical condition of some of those areas—rodent

control and tree planting and street repair and recreational areas for the youngsters so that everybody is not standing on the cement outside their house with no options for the recreational places to go. It just seems to me that maybe there is some way you can call on people from the communications industry to get some part of your agenda out before the public and do something real visible pretty soon—a jobs fair, something right in the community that indicates that an agenda is being designed and a community is being consulted and they are part of the process. And you might think about that, in case you haven't, because we sure are hearing an awful lot of despair.

MR. SMITH. You hit one thing in your statement; you mentioned tree planting. We have a project going that was really the Governor's idea. He was captivated by it in another community, and it involves the acquisition of 10,000 saplings and they are planting with a view to transplanting them into Liberty City within 18 months to 2 years as they mature.

The funds have been gotten. The trees are purchased. They are being planted upstate and I've been calling the thing the Birnam Wood project. I don't know if the Governor thinks well of that title. That is happening.

Let me share a problem that I have with you. I don't know which way to go with it, frankly. There have been a number of statements of things that were going to happen made by various folk in the community, out of good faith, and it was a new area and some of them didn't work. I have some projects that we have tried on for size and rejected because we didn't think we could make them fly. We've got a couple more that are close, but the worst thing, it seems to me, is to make promises you can't keep.

I guess I understand the dilemma, that the despair exists and we need hope, but a dashed hope or a blighted hope strikes me as worse than just a little longer to cook something. My experience comes out of being a lawyer who puts transactions together, merges banks, does that sort of thing, or acquires things, and the worst thing you can do is tip your hand too soon. If you do, you may make the project unworkable, or it may just dissipate. I would rather just take the heat for not seeming to have any momentum until we can move surely than promise something that I am not sure that I can deliver. I may be wrong on that. It is just my instinct.

COMMISSIONER RUCKELSHAUS. I think you are quite right in that, and that certainly isn't what I was suggesting, because it seems to me in some degree the Federal Government has moved in that direction and that's partly responsible for this cynical attitude.

MR. COLSON. May I comment on one of your comments in that—about it being a racist community? You heard me say, I think, in response to the question about whether the individual leaders are racist, the business level, and I said, no. On the other hand, if you took a poll in this community that was honest and private, you would find a racist community. You would also find that there was great resentment against immigrants of all sorts, whether it be a Haitian that just arrived

today, or, unfortunately, it would be the Cuban Americans that have been here for 15 years. We just passed an antibilingual ordinance that you are aware of. However, to suggest that Liberty City is in the condition it is because of racism, I reject, not that it hasn't contributed to it, not that it is not a problem in the solution of it, but in my opinion—having been born here and watched it—having seen what Overtown-Culmer area was prior to some of the Federal Government decisions, I cannot place the blame on any business community here or any, just on the leadership here either.

Bring in the Federal expressway system and destroy the black area in here, then following up with the most ill-conceived, worst designed architectural disasters—that were blown up in St. Louis—and telling people that's where they belong, and putting them all into one area have got to be two dumbest things I have ever heard any government doing under any circumstance.

We had participated in a lawsuit to get some public housing out of that area and people rose up in protest, but the judges ruled that it had to. We had to fight it. I hope there's never another unit of public housing built in any ghetto. I hope that we'll put it right into the finest areas that we can afford it to be there—but it is now the role of the Federal Government, in my opinion, to understand that the waiting list in Dade County, Florida, for decent housing, whether it is rat infested or not, is a mile long, and the Federal Government has not provided the funds for it. We seem to respond immediately to Italy with an earthquake, but we have not responded to the disaster that is here every day of the week about decent housing.

We have judges ready to enforce and close down these terrible shacks or these terrible places, but where are the people going to sleep that night? The Federal Government has got to respond to that. That is not the fault of some people that weren't properly educated or might be racially motivated in other areas. You can't blame it on that. Therefore, I say the Federal Government has got to respond to it.

CHAIRMAN FLEMMING. I know that I speak for all of my colleagues when I express to each one of you our very deep appreciation for your being here with us and sharing with us your insights, your hopes, and your dreams for this particular community. At least one of my colleagues has indicated, and I am encouraged by Mr. Chapman's emphasis on goals, timetables, action plans, assignment to duties and responsibilities, and holding people responsible for the discharge of those duties and responsibilities, and I would like to link it up with what Mr. Colson said just a few moments ago.

I believe the Federal Government does have an important role in many, many of these areas. I won't go into specifics on it, but nothing that I—I wouldn't want anything that I said be interpreted as indicating any kind of a retreat, as far as I'm concerned, in terms of my conviction as to the role the Federal Government shouldn't be playing. But whether it is equal employment opportunity laws, or whether it's CETA money for CETA programs, or whatever area you touch, my feeling has been that the Federal Government is providing resources,

and if those resources are going to mean something in the lives of people in communities, it will only be if what I sometimes think of as the power structure of the community, public and private, is willing to get organized to handle those resources and to implement them in such a way that they really do affect the lives of the persons that we have been talking about.

It seems to me through the revitalization board some goals are set, maybe the employment area, maybe one or two of the other areas we're talking about here, and they are really reached, then some of the feelings that have been reflected in the testimony that we've been hearing in the last 2 or 3 days will begin to change and change in the light of specific results. And I think there are tremendous resources available through the Federal Government, through the private sector at the community level, and also State and local government. If they are handled in the right way, they can really affect the lives of people.

It seems to me that's not just only the challenge here, but in community after community. This is why we decided to spend time trying to get a bird's eye view of the status of civil rights in a particular community, and where there seem to be wide deficiencies what can be done to, or effectively implement all of the laws that have been put on the books. So we do appreciate your testimony very much. Thank you.

MR. SMITH. I would like to say one word—that the revitalization board can be a catalyst and help, but I would like to commend the efforts of our county manager and city manager and their staffs. I have found they have been in utter good faith and extremely earnest and working very hard at these problems. There is such a role that belongs to our county which must require its good faith, which is there in our city, and I am very pleased that the two city managers and the county manager are on the board.

MR. COLSON. I will endorse that. I want to thank you for your ability to listen to our people. The community really appreciates it.

CHAIRMAN FLEMMING. Thank you.

MS. STEIN. Will Merrett Stierheim and Richard L. Fosmoen come forward please?

[Merrett R. Stierheim and Richard L. Fosmoen were sworn.]

**TESTIMONY OF MERRETT R. STIERHEIM, COUNTY MANAGER, DADE COUNTY; RICHARD L. FOSMOEN, CITY MANAGER, MIAMI**

MS. STEIN. Mr. Stierheim, would you please state your name and position for the record?

MR. STIERHEIM. Merrett R. Stierheim, county manager, Metropolitan Dade County.

MS. STEIN. How long have you been county manager?

MR. STIERHEIM. Just over 4 years, December 6, 1976.

MS. STEIN. Mr. Fosmoen, would you state your name and position for the record?

MR. FOSMOEN. Richard L. Fosmoen, city manager, Miami.

MS. STEIN. How long have you held that position?

MR. FOSMOEN. A little over 3 months.

MS. STEIN. And before that, what was your position?

MR. FOSMOEN. Assistant city manager and principally in charge of the development area in the city.

MS. STEIN. For how long a period of time?

MR. FOSMOEN. Four years.

MS. STEIN. Mr. Stierheim, what, in your opinion, were the factors that led to the civil disturbances experienced in Dade County earlier this year?

MR. STIERHEIM. Well, I think that there were several. It is my perception that the underlying root causes were a lack of black economic success stories. The black community does not participate in the economic viability of Dade County to the extent, anywhere near the extent, that they should—heavy unemployment with black youth, the very few opportunities that those black youths have to see successful entrepreneurs or businesses on the part of their elders. Contributing to it, of course, was a series of incidents that were extensively reported in the media. I think we have, perhaps, excessive media exposure—and that does not deny the severity or the need to have the incidents reported.

The catalyst, of course, was the McDuffie case and the decision, and the reaction was almost spontaneous throughout the community in several specific areas. I would say that those two factors, but principally, in my belief, it is the economic deprivation that is the main contributing factor.

MS. STEIN. To what extent do you feel these factors are different from those precipitating disturbances back in 1968?

MR. STIERHEIM. I doubt that there is very little difference.

MS. STEIN. You think there is little difference?

MR. STIERHEIM. Yes. I think then there were other problems. I think that there was probably a deprivation in terms of public facilities and housing, concrete blockbusters, and so forth, but I still think that the root cause is economic, in my opinion.

MS. STEIN. Very shortly after these disturbances, I think on May 30 of this year, you sent a memorandum to the county council and the county mayor suggesting programs that you felt should be undertaken to address and redress deprivation in the black community; is that correct?

MR. STIERHEIM. That's correct. I have copies of that here, incidentally.

MS. STEIN. Mr. Chairman, I would like, at this point, that memorandum be entered into the record.

CHAIRMAN FLEMMING. Without objection, that will be done.

MS. STEIN. Could you summarize broadly what the recommendations you made in that report were?

MR. STIERHEIM. That report, essentially, was prepared in a very short period of time by a great many members of my staff. I had occasion to reread that report last night, and I would commend to the members of this Commission at least the first five or six pages, which I

think very accurately reflect the consensus of the administration of this county over the problems and the root causes, going back to your first question, and I think that they are effectively stated.

The report was a needs assessment. We analyzed the extent of the destruction that had taken place during the civil disturbances. We outlined a variety of short-term and long-term action programs that could be undertaken to address those problems.

We particularly focused on the potential for Federal, particularly, and State participation. We collaborated with the Governor's office. This report formed, among many other things, the basis for Frank Jones' report to the President. We collaborated very closely with Frank in that effort. We immediately undertook, as a result of that report, a series of programs designed to respond, designed to rebuild, designed to eliminate the scars of the disturbances.

We provided emergency appropriations for food to be distributed by the community action agency. We hired several firms, the great majority of which were black, to tear down the rubble and debris and to restore the area, and it is restored in terms of those burned-out buildings. These were short term. We accelerated several capital improvement projects with a heavy emphasis on labor-intensive projects where we could hire these blacks that had been displaced through the destruction of businesses and industries in that area, and we developed applications to the State and to the Federal Government in almost every area of public activity that the county is involved in. I might add also, in deference to my colleague, that we collaborated very closely in the assessment of damages and subsequent actions in just a myriad of ways.

MS. STEIN. Are there recommendations that were made in that report that you feel had not been adequately addressed?

MR. STIERHEIM. I must confess to you being very disappointed in the Federal response—and it is hard for me to distinguish between the kind of trauma that came out of the civil disturbances and the Mariel boatlift and the continuing problem of Haitian refugees and the subsequent crime problems that this community has experienced, overcrowding at the jail, criminal justice system, and so forth.

The President commissioned the task force—and I believe that the task force submitted a great many recommendations which, I suspect, a great number of which were ignored—and the response was, in essence, that, "We'll meet you halfway," rather than a substantive response. There were conflicting statements made by the President and by members of his staff in terms of the programs that were going to be made. It created the problem of unfulfilled expectations, which is one of the most insidious problems that we have, not only in the black community but elsewhere; and when the relief came it was, in my judgment, too late. I can also talk about the State, talk about a lot of things.

MS. STEIN. What about recommended local response to develop and enhance the black economic base?

MR. STIERHEIM. Insofar as the county's role is concerned, I think we have fulfilled all of our responsibilities, either through the application

process or in a variety of ways which I am prepared to comment here if you are interested.

Ms. STEIN. To what extent do you think these actions, that you believe have been satisfactorily undertaken, are visible to the black community? To what extent are they aware that these actions have been done?

MR. STIERHEIM. I think that the perception in the black community that very little has been done—I must confess to you, after I read the report last night, I spent perhaps an hour jotting down my personal feelings that, if I were to grade the efforts that have been undertaken, I would give very good marks.

When I talk about the Federal Government, I don't want to cast any aspersions on our congressional delegation, which work entirely sometimes without Presidential support to try to address that problem. I just want to give you a statement here, a little one.

I sat for an hour and I listened to some of the questions and the responses and so forth. I am sure, after looking at your backgrounds, that I am dealing with an extremely competent and dedicated group of people, very knowledgeable, and I'm sure you'll agree with me that this is not a simplistic problem. There have been tremendous efforts made in this community.

I came here 21 years ago. I was present in the city manager's office as an assistant when Father Gibson came in and raised the question as to why the pools and the Orange Bowl and the Miami Stadium were segregated. I got personally involved in the desegregation of those facilities, and I've been involved over the last 21 years in dealing with a variety of black problems, particularly, and social problems generally. There have been tremendous efforts made. There have been many buildings built, many parks built, many innovative programs accomplished—and that is not to say in any defensive way, because I am not here in a defensive posture, believe me, that the conditions are right.

If you read the first six pages of that report to the Commission, you will know where I stand on this issue. We are a community in trauma. It is difficult to prioritize when you have the problem of crime that has largely been exasperated by the Mariel boatlift and by the inability of the Federal Government to really deal effectively with that problem.

We have been visited in this community by international problems which have compounded the problems for the blacks. I mean, there are Haitians and there are Cuban refugees working today, and there are black unemployed, so you cannot look at this problem in isolation; it is a total problem. There is more ethnic polarity in this community than has ever existed, to my knowledge, in the last 21 years. This community opened its heart during the sixties for the Cuban refugees, and they have become a viable part of our community, an extensive part. The sadness is that the black community has not shared in the economic viability of this community.

The government can't solve that problem alone. John Smith can't solve it alone. It is a manifold problem. I would give bad marks, you know, in many places, not just pointing fingers and looking for scape-

goats. It takes the private sector and it takes a commitment, and it is hard today to go out and try to get that commitment when they are concerned over these other problems that I have talked about.

The gist of what I wrote last night, which I will probably submit to the Commission in the next week or so, is the substance of what I'm trying to say to you today. We need to reprioritize; we have the leadership and we have the resources and the capability, with Federal and State help in critical areas, to really try to resolve and address this problem so that what happened in 1968 and what happened in May won't happen again; but, again, unfulfilled expectation is no solution.

MS. STEIN. We have heard a great deal of testimony that racism contributes to these problems, that here in Miami and Dade County racism is still a barrier to achieving good jobs, good housing, and advancement for the black community. To what extent do you agree with that perception?

MR. STIERHEIM. I may not be as worldly as Bill Colson, in terms of other communities, but I don't know of any community that doesn't have racism, and I am not writing it off when I say that. I will say, speaking for the county commission, and Dick will speak for his city commission, that it is a group of elected officials who have commitment and concern, and I believe that the top leadership in the business community has the same kind of concern. I believe that there is racism. I think it has contributed, but, again, I think the underlying root cause is the economic. If you could make economic successes, if there can be the development of black businesses, contractors, those kind of success stories, the role model, the benefit for the black youth, helps the education system. It helps alleviate this entire problem. It brings more leadership from the black community rubbing shoulders with the white or Anglo or Hispanic or Puerto Rican, or what have you.

MS. STEIN. Mr. Fosmoen, how would you respond to that question? Do you think racism hinders black achievement in the fields of education, employment, administration of justice, housing?

MR. FOSMOEN. I don't believe that there is overt racism any more in Miami than there is in any other community. The consequences can be the same through benign neglect as they can through overt racism, and if the resources of the community are not brought to bear on the problem in any public as well as, and more importantly, private resources, then the results are the same. Whether you call it racism or simply neglect, the community suffers the same consequences.

MS. STEIN. What do you think realistically can be done to improve the situation in Liberty City over the next 10 years? A number of people predict no economic growth there, virtually no improvement in income levels. Do you think that's an accurate assessment, or what can we look forward to?

MR. FOSMOEN. No, I don't think so. The tools are available to us, to the private sector—SBA 502, 503 corporation—503 funding, EDA development assistance. The tools are there. It is simply a matter of attention and keeping the focus on the problem.

We are faced—this community has gone through an incredible year with the riots, with refugees coming in, continuing to come in, and we are expecting a major influx of additional Haitian refugees to hit the shores in the very near future because of actions that another government has taken. All of those things continue to compound the problem.

It is, in my opinion, very difficult for the community, with crisis after crisis, to continue to focus on our long-term goal. I believe we have the tools, if we can keep our focus on our objective.

MS. STEIN. To what extent is the economic development of Liberty City a priority right now for the city of Miami?

MR. FOSMOEN. For the city of Miami, it is an extremely high priority. We are allocating funds from our community development program to create local development corporations, to capitalize those local development corporations, to assist businesses in obtaining loans, development funds, venture capital; so it is a very high priority within our organization.

There was a comment made earlier that perhaps we can capitalize on the international trade that exists in this community. The city has already committed \$100,000 towards startup funding for an African trade fair. We have had a Latin American trade fair running for 4 years; it's been highly successful. We have asked the Federal Government and the State government to help us participate in it, but we are providing the seed money for an African trade fair targeting in 1981. And we are insisting that the people who have had success in our trade fair of the Americas assist the black entrepreneurs in tapping into that potential resource. That's one of many. I can give you other examples.

MS. STEIN. Do you think the growing stature of Miami in international trade and other areas will be hindered if the problems of blacks are not effectively addressed?

MR. FOSMOEN. I think that we have to start, not just at a single point, but a variety of points of the problem. It is not going to do any good unless someone is trained in international business to bring them into that process, so we have to attack that side of the issue as well. It is not going to do any good to try to get them into import-export if they don't have venture capital, if they don't have capital to start a business up.

MS. STEIN. No, my question went to whether you think that—Miami is developing very fast, we have heard, especially in the field of international trade and tourism. Will continuation of the black problems and black unrest have a negative effect on that kind of development unless they are addressed?

MR. FOSMOEN. It already has, and I would expand perhaps on some of Merrett's comments, in terms of press coverage. We had several of our commissioners traveling through Latin America shortly after the civil disturbances in May, and the media coverage through Latin America was portraying Miami as a city burning to the ground. There were very negative consequences. Now, we have tried to counteract some of that, but I don't believe that has had any kind of positive impact.

Ms. STEIN. Do you think that the economic development of Liberty City can be effectively addressed without the enlistment of private sector investment and involvement in Liberty City?

MR. FOSMOEN. No, of course not. We have very limited resources, the public sector and Washington has limited resources, and the State has limited resources, and so does the private sector. There was a lot of discussion about focus for jobs and focus for creating black entrepreneurship. Again, some of those tools are already in place.

The Private Industry Council, which is a function of the CETA program, has major corporate membership on that council. It takes a commitment from the members on that council and their peers to provide a job after someone has gone through that CETA training program. There already is a focus in place, so we don't have to reinvent the wheel.

Ms. STEIN. To what extent are you personally jawboning or otherwise trying to influence private industry to become involved in this endeavor?

MR. FOSMOEN. Probably not enough, but we participate with the black chamber, Miami-Dade, and greater Miami chamber, the CAMACOL [Camara de Comercio Latina] the Latin chamber, in encouraging to reach out and assist in the community.

Ms. STEIN. What about you, Mr. Stierheim?

MR. STIERHEIM. I've been itching here because there are a few things I wanted to say in response to a lot of your questions, if I may.

In addition to the other crises that have been talked about, Metropolitan Dade County last year went through a millage rollback referendum where we would have lost our taxing power. One-third of the people voted for it. There have been other threats, swords of Damocles, that we have been under. Dade County is a donor county in the State of Florida for years before reapportionment. It was worse then; it has improved some, but we are still a donor county. More tax dollars go out than come in.

The county has subsidized the criminal justice system and HRS and a great many other functions that are State responsibilities. We have been under legislation with millage rollbacks, with all kinds of constraints, so that the capability of the county to more directly participate has been severely constrained and that's over a period of the last 4 years.

Yes, we are involved extensively with companies and development schemes at the county level through our community development, economic development planning. There are several projects that are either on the drawing board or in the process of money formulation. We are working with Norton Tire trying to get them back in.

We have just advertised for an architect for a building that was a major employer in the area, and we are working with the Llewellen Bus people. They are talking about locating a major bus rebuilding facility in the heart of Liberty City which will be labor intensive.

The skill center, John Smith talked about the free trade zone concept. That's another one that's in the works.

MS. STEIN. There is one project I would particularly like to ask you about. Could you tell the Commission about the task force for black business participation, why you created it, and what you hope to see it achieve?

MR. STIERHEIM. I'm particularly proud of that. One of the things this Commission might consider recommending is changing legislation at the Federal level dealing with minorities. That definition is as broad as it is long. When I sit down with Athalie Range, one of our major frustrations is—we also had a transit referendum we won by 1,700 people or we wouldn't be building a rapid transit, people-mover bus system. And the black community, along with many others, supported that very strongly, and they were looking for a share of that billion dollar project and rightfully so. But under the definitions in the Federal guidelines, Hispanics, women, Puerto Ricans, whoever can share in that—and as I have stated earlier, the Hispanic community now comprises 42 percent, or maybe even more with the refugees, and we don't know how many we've got, maybe 100,000, and they are not a minority. Between the Hispanics and blacks, the Anglos are a minority. And what I ask for—and I might give credit to Commissioner Barbara Carey; I don't know if you've got her on your list, but it would have been good if you would have spoken with her, but she started the idea. She wrote me a memo asking generally about this subject.

I requested the county attorney for a legal opinion as to whether or not Dade County could specify black in its procurement in its contracting. The answer was in the affirmative, under certain guidelines. I have two task forces now developing the data to support that position, and I believe very confidently that the county commission will support that. Now, we can't do it where we're under Federal guidelines. I have since given a copy of that to the Governor's aide, Jim Tate, who serves along with me on the revitalization board. I have sent a copy over to Dick and to the school board and to the other managers in the community, city managers, and it could be that, through the combined purchasing power of the various public entities in Dade County, that could be a major stimulus to the development of black-owned supply houses, contractors, commodities, the whole nine yards. I think we will see something on that in the near future.

MS. STEIN. How long do you think it would be, as specifically as you can tell us, before that set-aside program might become a reality?

MR. STIERHEIM. My charge to the task force was one that I consider this to be of highest priority. I don't want to go before the county commission half-cocked. There may be litigation. There will be those who will oppose it, I'm sure. We need to demonstrably demonstrate how the black community has not sufficiently or adequately shared, either on a population basis or with other criteria, in the economics of the county's purchasing and acquisitions for services, and once I can prove that, then we can defend it legally.

MS. STEIN. Do you think that such a set-aside program might need other mechanisms to make it effective, such as waiver of bonding requirements or the splitting up of contracts into smaller segments?

MR. STIERHEIM. We're doing that. I've got a whole list of things that the county has done. We break up jobs and try to, so that we can let the smaller business people get in and get a share of the financial activity.

One proposal that we submitted to Frank Jones—and I don't know if it is in his report or not, but he was enthusiastic and we were excited about it, and this is one you might also want to consider and one that we hope the Governor will consider, because it can be done at the State level. Two proposals:

The first one was, where the county through its bonding power, tax-free status, could borrow from—and these could be short, 8-year certificates—money from the banks, and we contacted the banks and the banks were enthusiastic about this. Let's say we borrowed \$100 million—and, of course, I understand the prime rate is 20 percent now, but at the time we were talking about 14 percent. We might borrow at 8 percent which would put them above passbook, so the banks wouldn't lose on it, but we would be looking for them to cut that margin as closely as they could.

They get the tax-free status. We turn around and loan that money to qualified—and when I say qualified, I cite, as an example, a young black pharmacist who came up to me during our public hearings—and he worked for Eckerd's—and he said he'd like to go into Liberty City and open a drugstore; he's got his certificate and so forth. In my judgment, he would be qualified.

Possibly through a big brother system—where you were asked for the question about the white establishment assisting, there's no reason why that kind of assistance would not come from the private sector to help that person in setting up the books and cash flow, and all of the mechanical processes of running a business.

Now, the thing we were looking for from the Federal Government was loan guarantees, insurance. That was the only protection we needed, and it could be a very effective program at a relatively minimal expense. It could be a pool of revolving money that would guarantee that—and I would suspect that, properly administered, the losses could be minimized.

Another proposal that we submitted to the Governor's task force on human relations over in St. Petersburg here recently was the State could appropriate money that would go into a pool that could be used by minority, and again preferably black—and I'm not trying to discriminate against Hispanics here—black entrepreneurs to seek the bonding requirements so that they can bid jobs. And another one would be a high-risk pool statewide that the insurance commission could set up that would provide for the insurance in the high risk areas that I think now are redlined, and that probably could be determined. So there are three specific proposals that could assist government and private enterprise and the black community to really get something off the ground. But we need help.

MS. STEIN. The most recent quarterly report of the Office of Transportation Administration for Dade County indicates that of nearly \$300

million spent to date for rapid transit construction, procurement, and planning, black businesses have received only 2.6 percent and Hispanics 5 percent. Do you consider these percentages adequate for either group, considering that this project is one that will result in expenditures of nearly a billion dollars and is one that could most effectively be used to leverage black business ventures?

MR. STIERHEIM. Well, I think they are inadequate, particularly the 2.6 percent, and as we discussed previously, I—

MS. STEIN. Do you know what the explanation is?

MR. STIERHEIM. I'm sorry that I don't. I have asked the question. I don't have the answer today to it, but I'd be happy to supply it to you at a later date. I do know what the explanation is for the black—part of the problem, too, keep in mind, is that we don't have that many black contractors and so forth. We only have two black architectural firms, and that's terrible. I don't understand—and maybe this is something that the black chamber of commerce could sponsor the same way the hotels go over and try to solicit tourism—is to go on up to Atlanta with a group of leaders and go knock on doors for the successful black contractors that have gotten jobs on MARTA or on the Washington Metro system and try to encourage them to joint venture with small firms down here which would stimulate the development of the management expertise and financial capability to get a greater share of that pie, because we've got \$700 million to go, even more than that, if we include the people mover.

MS. STEIN. Let me ask you just one or two questions about the Dade County Public Safety Department. I understand you have ultimate responsibility for the operation of that department, including the ability to terminate the chief?

MR. STIERHEIM. That's correct. I exercised that responsibility about 2 years ago.

MS. STEIN. What is your assessment of the extent of the problem of police misconduct? I refer to things like brutality, discourtesy, excessive use of force in the PSD.

MR. STIERHEIM. I think that we had a problem that was being carried out by a very substantial minority of the sworn officers. The 98, 99 percent of those members and women are outstanding, truly well trained and competent. There were abuses. I believe that you will have Director Jones here tomorrow. He runs that department. I don't have the time to. I do get involved periodically, but he runs it, and I think when you talk with him you will be impressed with his commitment and community concern and sensitivity to this problem. He has, single-handedly, with the support of his staff, developed an affirmative action program that I think is unique. It may have been tried in other areas. I am not aware of it. It is a very positive and forthright program.

We have established a recruiting process, one-third black, Hispanic, and Anglo. While that is a difficult goal to achieve, we are going to try with all our forces to do that.

We now have psychological testing. We have peer counseling. One out of 26 applicants for police officer positions in public safety make it.

That's less than 4 percent. There are just a whole series of things. Internal affairs—the review process which was under serious suspicion by the community, particularly the black community, was relocated, reorganized; files are accessible on closed cases. The public can come in—they don't have to go into the public safety department—they can come into a separate place where they don't feel intimidated.

We have response mechanisms now for complaints. We have established, I might add—and this is another note that we are proud of—an independent review panel. I think you will hear from Mr. Berkowitz, and unlike the failures of that system in other parts of the country, this one is working and working effectively.

MS. STEIN. Let me interrupt for just a moment. Am I correct that this independent review panel does not have its own independent investigative staff or subpoena power?

MR. STIERHEIM. At this point it has an independent executive director who functions independently, and you can test his mettle, I think, tomorrow when you talk with him.

The decision was made that in cases of criminal abuse the State's attorney has fundamental responsibility, obviously. We collaborate with the State's attorney, both at the public safety level and other departments where we have criminal abuse, I think, very effectively. If it is determined that there are no criminal charges, then there would be departmental charges if it were a misconduct.

Appeals can be made to the independent review panel. The independent review panel reviews the files and takes testimony and what have you. If they deem that there has indeed been an incident that has not been adequately addressed, the panel is enlarged, membership comes from the neighborhood or the ethnic group that was affected, and there is a full investigation.

MS. STEIN. Does the panel have subpoena power?

MR. STIERHEIM. It does not, and I can assure you that if it is necessary for the panel to have subpoena power, we feel that is a power that should be very judiciously delegated. And I stated publicly, and I think other members of the commission stated at the time we had our hearing, that if it could be demonstrated that the citizen review panel was not functioning adequately without it, that we would support it; but that demonstration has not been made, and I think generally—and Mr. Berkowitz can speak for himself—it has not been necessary.

MS. STEIN. What type of demonstration would be necessary in your opinion? What type of facts would justify your giving subpoena power?

MR. STIERHEIM. It would be hypothetical, but let me give you a hypothetical case. Let's assume they made an investigation of police brutality or misconduct and they were not satisfied with the internal review process; they didn't feel they had adequate answers, and they were frustrated in their attempt to get those answers. Then they could turn and say to the county commission and to me, "We think we need subpoena powers to do this."

I'm sure we can hypothecate other conditions. I don't feel that with the present leadership of the public safety department and the com-

mand staff, and the commitment for full and open disclosure, that that problem will arise. I hope it doesn't.

Ms. STEIN. Mr. Chairman?

CHAIRMAN FLEMMING. Commissioner Horn?

COMMISSIONER HORN. I commend you for your testimony, and I look forward to reading that report. You obviously have one of the toughest jobs of any local administrator in the country, both of you, and it sounds like you are trying to address the problems.

COMMISSIONER SALTZMAN. No questions.

COMMISSIONER RAMIREZ. I would like to know, in terms of any efforts to alleviate the housing shortage in the Miami-Dade County area, which of the two governmental units would have the primary role in the building of new public housing?

MR. FOSMOEN. I think we share that role. Dade County, because it is a charter county, has unique powers unlike other counties in this State. Dade County is the redevelopment agent and the public housing agent for all of the communities with the exception of Hialeah in Dade County. The city of Miami, several years ago under its political leadership, passed a \$25 million local housing bond issue, general obligation bonds, and we have so far, in conjunction with Dade County, built 1,000 units of subsidized housing, not public housing, but subsidized housing; so the responsibility is generally shared.

Dade County at this point has the primary responsibility for public housing—as I firmly believe it should—because they have a much larger area to draw on; and we work fairly effectively with the private sector in section 8 construction and in other kinds of subsidized housing construction using that \$25 million as an underpinning.

COMMISSIONER RAMIREZ. Maybe my question should be to Mr. Stierheim. In terms of building of new public housing, do you have plans?

MR. STIERHEIM. Oh, yes.

COMMISSIONER RAMIREZ. Do you have a plan to situate that public housing across the county in such a way that we would not be re-creating these massive—

MR. STIERHEIM. I wish you could have sat in on some of the public hearings before the county commission, which were attended by both white and black people from fairly affluent neighborhoods. We have every type of public housing imaginable. We'll take all of the section 8 we can get. We even sponsored a low interest, through the bonding power of the county, an enabling legislation, \$150 million for the kind of blue collar, not the public housing type, but to assist in mortgage financing.

Let me stress to you that we have a critical housing problem with two-tenths to three-tenths of 1 percent vacancy rate in rental units. When you have 100,000 people, or 125,000 people, come into the county, you've got overcrowding conditions, particularly for the Haitians. Many of the Cuban families took that in—people are living 10, 11 people in the small home. It is a critical problem. We've got people sleeping around the county, as you know, out in the streets.

I can't tell you what a delight it is to—let me tell you this—to be in your office and have an agenda that could choke a horse for meetings, and someone comes in and says there are 200 migrant laborers down in the commission chambers and they're not going to leave until you go down and talk to them. And they've got all the babies and everything else, and they're sleeping on canal banks down on south Dade because they have no place to live. The county is also in the migrant labor housing business—not business, it isn't a business—and we're now trying to procure additional trailers and so forth.

What happened is that the Haitian and the Cuban refugees came in and soaked up all of the soft or marginal housing in the south Dade area, and the traditional housing that would be available in the private sector just is not available to migrant labor. That is a major industry and a major concern so—

COMMISSIONER RAMIREZ. Do you anticipate any problems as these populations are moved into more affluent areas of the county?

MR. STIERHEIM. Sure you will. I mean, just go tell somebody you are going to put a public housing project in the neighborhood and see what the reaction is.

COMMISSIONER RAMIREZ. But your intention is to go forward?

MR. STIERHEIM. We have done that. If you talk with Mel Adams, we have a dispersal program for public housing and I think it's been an effective one. You can go in and see two duplexes, and they'll be a form of public housing in a reasonable neighborhood. I'm not going to tell you we have a public housing project in Coral Gables; we do, but it is in the fringe area of the black community, and even there, Coral Gables is objected to it. You are going to have that problem no matter where you are.

COMMISSIONER RAMIREZ. Just one more quick question, in terms of services to families in the Liberty City area. Are there adequate services to families in terms of day care, foster care, family-assistance workers, mental health workers?

MR. STIERHEIM. We have the full range of social services. Are they adequate? We have 20,000 people waiting for public housing. We have 6,000 people waiting for STS, special transportation services. I talked to you about the financial constraints that not only the county but the city is faced with, but we are in the social service area. They are effective. We try to be productive and innovative and stretch those dollars as much as we can. It is much cheaper for us to send a caseworker to an older person who may be partially invalid and do the wash and whatever than to take that person and put them in a nursing home for \$45 a day or put them in Jackson Memorial Hospital for \$245 a day. Are they adequate? No.

MR. FOSMOEN. If I may add to that, I think that the Commission needs to understand Proposition 13 is nothing new in the State of Florida. Every municipal jurisdiction is limited. The city of Miami is limited to 10 mills, and that's it. Beyond that we cannot assess for general administration of the city, and that's been in effect for a number

of years. So the county and the school board is up against that same millage cap.

VICE CHAIRMAN BERRY. Mr. Fosmoen, your personnel director testified that he is able to employ only about 25 percent, I think it was, of the CETA trainees on a permanent basis, whereas in the county the personnel director testified that about 65 percent of the CETA trainees are then put on the payroll.

I also might say that your personnel director addressed some rather critical comments, negative comments, about the program generally. Could you tell me what the reason is why you are able to only—

MR. FOSMOEN. First of all, I think you have to understand that the city of Miami in the past several years has not been expanding its employment rolls, but it has been decreasing those employment rolls, so there have been limited opportunities for CETA employees to transition into a city civil service position.

Secondly, the CETA program has changed over the last few years. It was, first of all, a job placement program. It is now a training program with limitations of salary that we have in CETA. It is no longer an employment program. It is a training program.

I have directed the administration to reorganize the way that we use CETA employees. I will be candid and tell this Commission that over the last few years we put an awful lot of people on the end of the shovel to use in park maintenance, but there has been no training as part of that employment. I have directed my staff to reorganize the way we use CETA people so we are not creating dead-end jobs, so when they leave our system they have skills that are marketable in the community. I'll be proposing to the city commission on the 17th of this month employing CETA personnel as public safety aides—to get them eligible for police work 2 or 3 years down the road.

We are looking at—and I have worked with the fire department—putting a program together that will begin to train emergency medical units using CETA personnel, bring them along so that when they leave the system 18 months from now they may not be able to get a job in the city of Miami, but they would be eligible for a job with the county in its "E" unit system, Miami Beach with its "E" unit systems, perhaps, in the case of public safety aides, with Wackenhut or a number of other private security firms.

VICE CHAIRMAN BERRY. We had a panel this morning on black business development. We had Mr. Williamson, I think, who said he had been trying to get the city government and the county government interested in a proposal to provide equity funding loans to minority or black business people to provide the equity that they need to get loans from banks or from SBA, and that this program was similar to the one he had worked on in Milwaukee, and these loans would then be subordinated to the loan they would get from the bank. Are you familiar with this suggestion, or has this been something that's been made to either of you or your task forces or anybody?

MR. STIERHEIM. Not to me. I'm interested.

VICE CHAIRMAN BERRY. Are you aware of it, Mr. Fosmoen?

MR. FOSMOEN. I'm aware of it, and there are several programs already in place through the Miami Capital Development Corporation—and I believe Tony Crapp testified before this Commission or is due to testify—

VICE CHAIRMAN BERRY. He was here.

MR. FOSMOEN. —to provide venture capital, to provide for some equity funding for businesses so they can get access to SBA funding and bank financing.

VICE CHAIRMAN BERRY. Would either of you or both of you be willing to look at this idea of providing equity from the county or city since the capital is not available so they can then be able to get loans from banks?

MR. STIERHEIM. Yes.

MR. FOSMOEN. Remember, we have a limitation under the Florida constitution of the city or county going into business, if you will—

VICE CHAIRMAN BERRY. I understand.

MR. FOSMOEN. —with a private venture. We created a separate nonprofit corporation, Miami Capital Development Corporation, through which those funds are channeled.

VICE CHAIRMAN BERRY. Mr. Stierheim, we had testimony today from your code enforcement office and from your rodent control office about the serious problem of rats in the public housing and also about what would seem to be weak code enforcement, and there was a lot of discussion about the fact, alleged at least, that if there is code enforcement, the people who owned these buildings would close them down and there would be no housing.

I'm not asking you to respond to all the problems. I'm just saying, do you think there could be a little more emphasis on rat control or code enforcement in the building, either in the city or the county?

MR. STIERHEIM. I have not gotten any recommendations from staff, from Mel Adams, and Mr. Miles, if that's who was here. He is in charge of minimum housing code enforcement. The answer is in the affirmative. I would be very happy to look at it.

Again, I might say that the kind of budget constraints we had were to cut down 9,000 housing inspection units this year. That was just one of them. I could give you a laundry list as long as this table of social projects that Ms. Ramirez was concerned about that were on the block to go, and I don't know what we are going to do if we don't get Federal revenue sharing, because we take of \$17 million and finance human resources with it; that embraces everything that was asked about.

Going to affirmative action, just briefly. In 1977, to show how the constraints have been, we had—I'm responsible for 16,300 employees. In 1980, 3 years later, it was 16,800 and a variety of programs, 150 additional police officers, you know, some commitments that had to be made—new fire stations and libraries and different things like that, so we have been really constricting, too.

In 1977 less than 20 percent of our work force was black. That's with aggregate population of about 17 percent. Today it is over 30 percent,

so we have an affirmative action program that I think is working in Dade County.

CHAIRMAN FLEMMING. I would like to associate myself with Commissioner Horn's comments. We are very much impressed with the magnitude of your job, the difficulty that confronts you, and we appreciate the approach that both of you are taking, and we are grateful to you for spending this time with us—it is late in the day—and sharing with us your experiences. It is very, very helpful as we seek to get a bird's eye view of the picture here, your problems. Thank you very, very much.

MR. STIERHEIM. Thank you, and let me assure you and your staff that our staff, collective staffs, are available to you at any point for followup or additional questions or answers in whatever form. Thank you.

CHAIRMAN FLEMMING. Counsel will call the next and final witness for the night.

MS. STEIN. Maurice Ferre, would you come forward, please.  
[Maurice Ferre was sworn.]

#### TESTIMONY OF MAURICE FERRE, MAYOR, CITY OF MIAMI

MAYOR FERRE. Thank you. My sense of timing is pretty good; I just got off a plane about 20 minutes ago, and I want to tell you it is going to be very cold in Washington tonight, and it's very cloudy and gray, and I hope, besides working as hard as you are, and I know you're doing that, I hope you enjoy a little bit of our weather while you're here.

CHAIRMAN FLEMMING. It's been great. With that kind of information, we'll look forward to staying down a couple more days.

MS. STEIN. Mayor Ferre, would you please state your name and position for the record?

MAYOR FERRE. Maurice Ferre, mayor of the city of Miami.

MS. STEIN. I would like to ask you first, Mayor Ferre, what factors, in your opinion, led to the outbreak of civil disturbances earlier this year in the Miami-Dade area?

MAYOR FERRE. How much time do I have?

MS. STEIN. Start and I'll tell you when I have to cut you off.

MAYOR FERRE. If you give me the time constraints, then I could organize my thoughts a little bit better and know how not to ramble.

MS. STEIN. Two or 3 minutes for this question.

MAYOR FERRE. I think in a general term, if I may for 2 or 3 minutes, then I would like to be more specific, but, Mr. Chairman and Commissioners, I think it is foolish, and I think a sad commentary on our times, that Americans go around trying to deny that there is racism in America and there is racism in our country, and there is racism in Miami. That doesn't mean that everybody is a racist nor does it mean we are destined to be a racist country, but I think to deny that there is racism is just pure foolishness.

Number two, there is an underclass in our country, and I think it is also foolish—as I saw and as I am sure many of you did in the *New York Times* magazine article about 2 months ago the controversy between—to try to classify whether America has racist problems or has problems of the underclass.

The fact is that we have both, and to deny that there is an underclass and that there is a segment of our community and our country, 10 percent, and that we are talking about from 10 to 20 million people, depending on how you want to classify it, of people who live in abject or other forms of poverty. That is a factor. How can you not have problems when people are living eight to a room, when there's 40 percent unemployment, when people are deprived of opportunities for whatever reason?

I think we spend too much time arguing as to why these conditions exist, and the right wing says, "Well, my father came here from Poland and he worked his way up and, by God, these people can't do it, and they shouldn't have anything." And then of course the other side comes back and says, "Yes, but you didn't have the conditions and you didn't have the deprivation and you didn't have the lack of support," and so on. So the truth is somewhere in the middle of all these things, and there is racism, and there is an underclass, and we are living with those conditions, and they exist in Miami and it is affecting this community.

Miami happened. It could have been Detroit. It was Detroit. If you take the Kerner report of 1968 and you scratch out any city mentioned in the Kerner report and you scratch out the year 1966@'67 or '68 and you substitute 1977 through 1980 and substitute the word "Miami," you write the Kerner report and reissue it and put a new date on it and put your name on it and you would have a very perfect report for Miami. It's that simple. Things have not changed. They have not changed, and I don't know what the answer is or what the solution is.

It seems to me totally incomprehensible how a country as wise and as good and as wealthy as America can put men on the moon and send these unbelievable machines journeying to Saturn and Jupiter, coming back with the most outstanding and shocking information, and we spend billions of dollars on this, and we have an underclass in America.

Yes, I know the Swedes don't have the racial problems and they have a homogeneous society we don't have, but I think we seem—for some reason that I don't understand—to be unable to cope with social problems.

We seem to be very good at scientific things, very good at producing things. We are very good at financial things. We don't seem to be able to deal and solve human problems in the same way. Problems with Miami are national problems. Now, let me speak, since I'm been beyond my 3 minutes, can I continue rambling?

MS. STEIN. I yield you another minute.

MAYOR FERRE. Let me speak to the Miami situation. You've got a black community which is relatively small in proportion to the total community. There is no other city, I would imagine, in the South,

certainly in the South, that has a population in the metropolitan area of a million seven, million eight, that has a 13, 14, or 15 percent—depending upon what the new census says—as a black population. That's very small.

You also have a black community here, with all due respect to my black friends and organizations, that does not have a strong, healthy university, has a struggling university, does not have any symbols. There are no outstanding national figures in Miami. There are many outstanding local figures.

Mrs. Athalie Range, I think, should be a national figure, but she's not, and there are others here who should be, but they are not, so there are no major national role models.

If you go to Atlanta, you and I could name a dozen people that have come out of Atlanta that are national figures in the black, and in the general, national community. That's not the case in Miami. We don't have any outstanding organizations that excell.

The Urban League has been trying. We have other organizations here. The NAACP has recently had some struggles from within. There are no organizations that stand out.

In the meantime, we have a white community that really studies the problem to death, continues in the process of discussing what's wrong, but hasn't done a heck of a lot. Now on top of this you put a Latin community that has come here over the past 20 years, and you must understand that the people that come from Cuba for the most part are trained professional people with an educational background, and those that don't have it are pulled up by those that do because, if you go to the successful HMO here on Flagler Street and 12th, which is probably one of the most successful HMOs in the Nation—health maintenance organization—one of the most successful and vibrant, money-making operations that render a valuable service, but you will see people there that perhaps are not licensed. They were doctors in Cuba or nurses and they haven't quite gotten the license, but they have permits to work, as apprentice or what have you, under the people that do have licenses, under our licensing procedure, and I think that's very typical of what has happened in the Cuban community. So those that are up at the top pull the others that perhaps are not as fortunate as they—and so you have an infrastructure in the Cuban community that you can go basically from birth to death in Spanish. There are movie houses, television, stations, radios, daily newspapers, insurance companies, you name it. It exists within the so-called Cuban ghetto. Very successful, very dynamic, and it is a community that feeds upon itself.

Now, that's not to say that the Cubans are not very dynamic, aggressive people. They certainly are, and I think what has happened in 20 years has been a magnificent example of people pulling themselves up by their bootstraps. We have had a lot of help from the Federal Government, but so have other people that haven't done as well. But that in itself creates the ambience within this community of disparity, and rather giving hope what it does, it makes people who are not able to do that despair, and so we don't have very many black insurance

companies that are that successful or that many construction companies. But it is not fair to say, "Well, the Cubans did it. Why can't the blacks?" Because they are not analogous and these are the type of—this is the backdrop that you have to understand exists in this community as the McDuffie case comes to trial, and then, of course, I don't need to repeat the obvious, that the whole McDuffie situation was a total travesty of justice.

Everybody saw it. Everybody sensed it. Everybody was incensed, black or white. You know it is not my role here to blame anybody; I am not here to blame whether it was faulty preparation of the legal case, not enough evidence, poor choice of going out of the city, whatever; it happened, and I think it was just such an insult, really, to our sense of equity in a country that is really, because of circumstances, not because of anybody, or at least not the majority of us do not have that will, but circumstantially when there is injustice and you see it so blatantly that people just—I think that was just a breaking point.

MS. STEIN. In conjunction with the McDuffie case, black citizens often complain that they are the victims of police excessive use of force, discourtesy, harassment. To what extent do you believe this is generally prevalent in the Miami police department?

MAYOR FERRE. Let me do that by describing what I think is the best police department. The theoretical police department is a police department where the men and women who serve are halfway between being enforcers and public servants. As long as policemen think that they are enforcers and not public servants, or if, on the other hand, they become public servants and refuse to enforce the law, then I think you end up having problems.

Now, having said that, let me say that the best community is a community that relates to its police department, that has faith in its police department, that becomes the eyes and the ears of the police department; and the best type of police work is preventive police work. We are very proud of our fire department here in Miami. We've got the best fire department in the country. We're one of the three cities our size that have a class A or class 1, whatever it is called, fire department.

One of the reasons is that we spend 50 cents out of every dollar in prevention. I keep saying over and over again, if we spent 50 cents out of every police dollar in prevention, we probably would have the same kind of results, but we've never gotten to the point where we could quite do that, so what I'm saying is that the deployment of force doesn't go that way. We are putting out fires all the time.

Now, in answer to your specific question, yes, I think there has been a history of excessive force in the police departments in this community, including the city of Miami. Now, that does not mean that all policemen in the police department use excessive force—indeed, I would say it is a small minority—but this is like one of these diseases that are a virus that, unfortunately, is communicated, and I think one person gives the other that virus, and I think there are an awful lot of people that come in here—just honest, sincere, dedicated young Ameri-

cans—that want to be good policemen and policewomen, and then they end up caught in this web of problems. Some of them, the majority, I think, are able not to get caught [up], but you know it doesn't take very many, and it is just a few that get caught into that.

I will tell you something, that I am totally convinced that the chief of the police department in Miami and the majority of the brass in the department and the majority of the working policemen and women don't want that to occur; and I think they are just as upset when somebody overuses force and abuses that badge as any black citizen in Miami or any minority citizen that may be the brunt of that abuse.

However, the problem is the weeding out of those people, the due process, and the ability to eliminate those few rotten apples that create these kinds of problems.

MS. STEIN. Are there any actions that you specifically have taken to try to reduce or eliminate this kind of misconduct?

MAYOR FERRE. I came to the realization early in my service as mayor, by 1974, that we were in a real quagmire here. The quagmire was that we had a situation where nobody was really responsible and nobody was really to blame, because when we started to negotiate a lawsuit that we had at that time, called the Cohen case, and when the Cohen case came for review before the city of Miami commission, and Justin Curry [phoentic] said, "Mayor and members of the commission, help us. Who is to blame?" And the commission said, "Well, not the commission because the order says that the manager is responsible."

We have, as you know, a city manager form of government. The city manager said, "Not me. I'm not responsible. You know that I've got constraints of the bargaining agent, and we have a union contract with the police union that prohibits me from coming to a conclusion on this, and furthermore we have civil service rules that I cannot violate."

We go to the civil service people and they say, "Well, we can't change these rules because this requires a charter change." So it became obvious to me that we were at one of these stalemate situations where it was a real standoff and nothing could evidently be done. So I got on an airplane with the city manager and with the city attorney, without telling them, and I went—telling them we were going up there for, not all of them—and I went up with Paul Andrew and John Lloyd, and when I got to the Justice Department I blew the whistle.

I said, "Here's what is happening in Miami. We're getting people who are being"—and I will use the example that I used. There was an individual who was drunk, who was black. He was walking outside of Wileto [phonetic], which is our CBS affiliate, and the policeman apprehended him—he had a little brown bag—and the man struggled. He called for help. The man was wrestled to the ground. Three more policemen came; they handcuffed and proceeded to kick and beat him. In the process of beating him, they kicked his eye out, and there was a reporter walking out at that time who was witness to this.

After all the investigation was over, nobody knew who had done it, and there was a man up on a pole from the telephone company who was fixing something there, and the investigation, after I had read it,

said that, "Well, they were unable to identify the man." So I had called a series of police hearings. This is one of the things I did as mayor, to bring all these cases out in the open. I wanted people to come up and testify.

The end result of that was that right there at the commission, with all the television lights on, I picked up the phone. I called up the phone company and within a half an hour I had identified the man who was up on that pole, asked him to come down the next day to testify. He showed up and he said, "Sure enough, I was there and I saw it. The police never asked me." I turned around and said to the police, "You haven't investigated this case properly. Don't come to that—that's what you call whitewash." I used that as an example in the Justice Department, and as a consequence of that they sent a whole team down here, and 2 years later we have a consent decree.

If I hadn't done that, in my opinion, it probably would have taken the Justice Department, with all due respect to them, another 5 years to come up with something because they are so busy doing other things.

The second thing we did, which was coincidental with that—you have heard from Ted Nichols. I happened to be on the advisory board at that time, and Ted Nichols and the board wanted to investigate bilingualism and the problems of language, and I said, "Look, I'm a Hispanic and I'm more interested in bilingualism than anybody, but we are not through with the problem in the police department, and that's what we need to do." I submit to you, Mr. Chairman, and members of this Commission, that you read the conclusions of your advisory board in Florida. This is the Florida civil rights advisory board, and you read the report that is now 5 years old, and I submit to you in that report you will find all of these things that we've been talking about, and they are explicitly pointed out, and some of the criticisms are valid today as they were 5 years, just as the Kerner report criticisms are valid today that were made 12 years ago.

MS. STEIN. Mr. Chairman, I have no further questions at this time.

COMMISSIONER RUCKELSHAUS. Mr. Mayor, thank you for your very forthcoming testimony. I wonder if you could tell me if you have a personal agenda of stress situations in the city of Miami that you committed yourself to attending in the next 6 months.

MAYOR FERRE. Are you saying, or asking me, Commissioner, if I have a personal agenda of things that need to be done?

COMMISSIONER RUCKELSHAUS. Yes.

MAYOR FERRE. Yes. Let me start the answer by putting it to you this way: We have a situation in Florida, and I am sure in many other parts of the country, which is really at a breaking point. Our jails are filled. We don't have enough judges. The State attorney's office is swamped. We don't have enough policemen. If we did have enough policemen, in my opinion that doesn't solve the problem, because I can show you communities that have two and three times the per capita number of policemen that Miami has that have a higher crime rate, so that doesn't solve the problem. But the point of all of this is that there are—and I think this is one of the tragedies that we live under in America—that is,

we don't believe in a centralized government. Unlike France, which is a democracy that has centralized government.

In our system, everybody does a little bit. The Federal Government does a little bit, the State does, local people do a little bit, the legislative branch has part of the handle, the judiciary, and sometimes these people never speak to each other, and so the simple thing to do is go out and blame the State attorney—oh, the State attorney is this and that, and the other guys blame the policemen or blame the community or the white establishment or the blacks that aren't aggressive enough or the Cubans that are too aggressive.

We have all these excuses and all these reasons, and the fact is that it's all a little part of everybody's fault. We are all to blame, and I think one of the first things that we need to do—and I have now written the Governor and asked him to call a summit meeting, if you will—that's a bad word, but I can't think of another—and I think the Governor, who spends time in Washington and goes to the Caribbean visiting other countries, very important for the future of Florida, but so is this. If he can spend 2 or 3 days visiting Colombia trying to stop the drug problem, then I think he can spend 2 or 3 days here in Miami, and I think this requires the attention of the Governor of the State of Florida, speaker of the house, and president of the senate, chief justice, and I think all of the important people, State attorneys, mayors, and police chiefs should sit around the table and get all these things on top of the table.

Let me give you a perfect, classic example of constraints in the police department that create the tensions and the problems that then reflect themselves in other parts of the community.

About 10 years ago a wonderful, a very enlightened Miamian who was then in the senate, Ken Myers, passed what is called the Myers bill. The Myers bill basically—and I'm oversimplifying it—said it was not illegal to be drunk, so you could not therefore apprehend an alcoholic or drunk, take him off the street, and put him in jail, because it was a disease and, therefore, it has to be treated as a disease. I agree with that. That's wonderful.

Only one problem; the State never funded any money to treat these people and, as a consequence, they are out there right now. If you leave here tonight and walk three blocks—and I would not advise you that you do it alone—you will find alcoholics, people that are drunk on the street, staggering all over the place, panhandlers. The police can't touch them because it is not a crime to be drunk. They don't apprehend them, and there is no place for them to go and get cured and be rehabilitated and what have you, so what we have is just a bad situation. That's the fault of the legislature.

The police department continually complains about this, and yet nothing has happened. Nobody has done anything about it. The Governor hasn't done anything. The mayor hasn't done anything. Nobody has done anything about it. That's just a small example. So I think number one on the agenda is, I think we need to get all these different people

together to start seeing who can help and what is the short-term agenda and what is the long-term agenda.

Now, as far as the city of Miami is concerned, what our agenda, my agenda is, there is no way people can continue to live in in the conditions that people live in in black urban America and for us not to have crime. We've got to do whatever needs to be done, and if the Federal Government is not willing to help us put up housing, and—God, I've got to tell you that we've had the most God-awful experience, and I hope you forgive me, but let me take one more minute and just personalize this.

When Carla Hills was Secretary of Housing [HUD], in Boston at a mayors conference she invited Lee Alexander, mayor of Syracuse, and myself, and there was a black mayor from some place in the Carolinas—I think it was North Carolina. There were three of us and we had lunch with her. She gave us all—with due respect, I'm a Democrat—all the Republican lines about how people needed to help themselves, and the great American way is to go out there and do it yourself, you know, and "You guys are always coming up with your hands out asking for money. Why don't you go and help yourself?"

I took her aside and I said, "Madam Secretary, if we do something in Miami, will you help us?"

"Absolutely. You help yourself and I'll help you. I guarantee you."

I said, "Fine." I went back and I got all the leaders of the community, got the black community, and we went out and we did the impossible. When nobody was passing housing bond issues—this is 5 years ago, 6 years ago—we passed a \$25 million housing bond issue. The *Miami Herald* was against us, which is usual in this town. The *Miami Herald* is against the city of Miami in anything that it does. That was one of them. They were against us, and they editorialized, and and we won. The people of Miami decided to tax themselves \$25 million over a series of years so that we could have housing.

I was excited. I went up—first of all, it took me a month to get an appointment with Secretary Hills and when I got up there she said, "Look, you have to understand that the Nixon administration"—or was it the Ford?—"our first concern is with inflation and we're not going to do this." I said, "Madam Secretary, you told me a year ago that, if I did this, you would help me and now—"

"Well, we can't. Maybe we can do it after the next term," or what have you. You know, nothing.

I've got to tell you the Carter administration has been a little bit better, a little bit better, and I would say, through a heck of a lot of work, we may have gotten commitments for about 1,200 extra units that we probably would not have had; however, Commissioner, out of the \$25 million, \$24 million of it is still in the bank, and I want to spend it. You know, I'm a Democrat. I'd like to spend the money that we have to do these things.

Would you believe me that through the Carter administration, with Moon Landreau—who is a personal friend of mine, former mayor of New Orleans—and I have sat down in the White House with every-

body, and I have to this day not found a way to spend those \$24 million. Now that's an unbelievable story, but it is true and I can document it.

So one of the things that we need to do, and one of the things I am determined to do, is that if I can't get help in Washington, by God, we'll have to do it alone. And if we can't, I'm not going to sit around waiting for leverage up, which is what we wanted to do—5 to 1 or 6 to 1—to use our money wisely so we could get \$125 million. We'll just have to go out and spend the \$25 million. That's just a drop in the bucket. The living conditions in this community are just horrendous.

Next you have jobs. I think there is no question that you cannot have racial harmony anywhere, whether you're talking about Puerto Ricans or Mexican Americans or blacks, when you have 44 percent of the youth unemployed. There's just no way. I don't care who you are, whether you're white, black, yellow, brown, or anything, whether you're a Christian or Jew, man or woman, if you have people that have no viable way of making a living and having a little sense of dignity, then I don't think that there is much hope for any of us. I think that we're all free. We're really not, any of us, totally free, but I think that what we need to do is to expand this wonderful American idea of liberty and freedom. The French are right—we need also equality. That's the only way you're ever going to have fraternity, which is brotherhood, and the only way you have brotherhood is when, on the one side you have freedom, and you also have equality so you can use that freedom to proper use, so that all of us in America can enjoy the wonders that this country offers to many of us.

COMMISSIONER HORN. I was very interested in your question on how power is distributed and fragmented. You are obviously correct—all of us know that, and, let me put it another way. We have had several days of testimony, and this is not atypical—it is what you usually hear in most towns when you get the range of perspective we have coming before the Commission. People sort of feel, "Gee, there is this group or that group here and there. If you could only reach them and if they'd only wave that magic wand, things would start to happen."

Now, you have suggested a summit meeting called by the Governor. Over the last few days, some of us have been exploring what are linkages between the various chambers of commerce—Latin, black, primarily white, and so forth. What are the relations between city, county, State, Federal? To put it to you simply, I just would be curious, and maybe it would be the same answer you've already given, but what would you say to the question, which is the question we're asking, Who runs Miami?

MAYOR FERRE. Nobody runs Miami. It is a completely fragmented society. To make matters much worse, let me put it to you this way: Miami is really many cities living either side by side or concentric, one on top of the other, which makes it a double jeopardy, and let me explain that.

We have a Hispanic community here of almost 700,000 people. I would venture to say that there are probably several hundred thousand

people that don't speak three words of English and live very happily and go to work every day and watch television and have families that go to school, and what have you. We have a community which is fairly content within their "ghetto" life because it really is a wonderful life.

I mean the people in Little Havana, for the most part, live very well, and there is—I'm not talking about the recent refugees, and I am not talking about that segment of the community that hasn't been able to cope, because obviously there are people like that. I'm talking about the average Cuban immigrant that came here within the last 20 years.

You have a Jewish community in south Beach which are mostly people that are members of former unions that retired and came to Miami, many of them living on welfare and other pensions.

You have a black community that lives in several parts of this city that really does not interplay very much. I don't know if too many Miamians—and it is typical, I think, of most American cities where you see blacks socializing. I'm not talking about at a cocktail party level, because that happens. I mean, I can take you out tonight to several functions at the different hotels or different university groups, what have you, and there will be a dozen blacks or two dozen blacks. That's not what I'm talking about.

I'm talking about just middle America, you know, the average guy out on the street. You don't see too many blacks going into Little Havana to the corner restaurant, and I take you up to Liberty City to some of the places where blacks eat, and you won't see anything but black faces there, and that type of a thing.

It is a self-imposed thing, but the point I'm trying to make to you is that Miami is really a fragmented community of people who sometimes don't communicate unless they absolutely have to because of jobs or other types of things. They don't do it at night. They don't do it over the weekends, unless they are absolutely forced to do it.

The second point I want to mention to you: There is no automobile industry here; there is no steel industry; there is no tobacco industry; there is no Kodak; this is not Rochester. There is no company that permeates, dominates. We don't have any Boeing here. So we don't really have the typical power structure that you have in some American cities.

In addition to which, unlike Atlanta and other cities that have deep roots, you don't have a social structure. Nobody has been really here for more than 50 years, so you don't have fourth generation Atlantans, and "My grandmother was doing such and such when General Sherman came into town." There's none of that here.

You know, everybody here came from somewhere else. Very few native Miamians that are more than 30 years and over that are more than two generations. You don't have a structure. Then who are the wealthy people who are the money interests here? The utilities? For the most part, absentee corporations where the top management like, for example, Pan American—the national is in New York. We have Eastern locally, but that's about it. So therefore when you get to the chamber of commerce, what you see, with all due respect, are a bunch

of lawyers that represent interests and corporations, and they do a nice job, but this is not Atlanta. There was a time, even today—I'm sure Maynard Jackson would accept that—where you can get together in Atlanta a dozen people and something will happen. That cannot happen in Miami. I don't know of anytime that it has happened.

And the last point is that whatever the power structure was in this community 25, 30 years ago, decided that, "Well, those guys down in city hall are a bunch of crooks and they're all bad guys and we really don't want to use that as a basis to expand," so they did it in reverse. They created this government called Metropolitan Dade County, and the theory of it was that Metropolitan Dade County was going to eventually swallow up all of the cities. Well, here we are 25 years later and it hasn't happened, so you have all these cities; you've got a community, half of which lives in the unincorporated area, half of which lives in the incorporated area. The incorporated areas are divided into 28 cities, Miami being the largest, but really not that large, and then you have all this intramural competition, because in effect, unlike the other models of metropolitan government, mainly the English models and the Canadian models like Toronto, where you have two-tier form of Government where the upper tier does not involve itself in the lower tier functions. What you have here is a two-tier form of government that is competitive in nature. Why? Because the upper tier renders lower tier services to half of the community, so you've got the people competing—who got the best police department, who is doing what, and who isn't doing what.

In addition, and the last point in all of this, we have a newspaper that is absolutely the most devastating, negative force, that is against everything, every day, all the time, on every subject, no matter what it is; they've always got something nasty to say. Everybody is bad. Nobody is for anything. And they just—there is a tremendous fear of the *Miami Herald* in this town, just a tremendous fear, because they go to press every day, and nature abhors a vacuum, and what happens in this vacuum that exists in Miami is that it is filled by somebody, because that's the way nature functions, and who it is filled by, or who tries to fill it, well, the *Miami Herald*, and unfortunately they did a good job. I guess a lot of us wouldn't be too upset, but the problem is they don't do a good job because they've got a diametrically opposed situation that gnaws at their conscience and divides them.

They don't want to be a dictator. On the other hand, they play at it and they play the manipulating—what happens in this community. In other words, what I'm saying is, in some communities the editors of newspapers play it very straight. They report the news and they don't comment too much. There are other communities where editors report the news and sometimes slant it a little bit, because there is no such thing as objectivity—just in the way you put the headline, you slant the news—then they comment on it and they tell you what they think.

Some of them are straighter than others. Some of them slant the headlines a lot and then tell you what they want. Others play it straight. They report the news and give you all their comments in that

editorial page in the middle. In this community you have a newspaper that tells you the news as they see the news and decide what is news and what is not news; in the second place, they give you their opinion in very strong language. And in the third place they become involved sub rosa in the structure of the community in trying to influence the decisionmakers to make or not to make decisions.

I submit to you that that is just a totally impossible task. Nobody can do that. You cannot manipulate the news. It is not the task of a newspaper to involve itself in making news. The *Miami Herald* involves itself traditionally in this community, I want to say, with every good intention. I do not think they do it with malice. I don't think they are doing it to be bad. I think they are doing—because, unfortunately, some of those guys that sit up in their dark suites—they don't have windows in their executive offices—and feel that they have some kind of Messianic mandate to help us poor fools that don't know any better from committing the stupid mistakes that we always commit, and so they want to guide us. They want to be our guide so that we don't do all these foolish things.

For example, the *Miami Herald* is directly responsible for us not having any districts. There is no districting in Metropolitan Dade County government. We have no districts. They are directly responsible for this manager form of government—and let me put it to you this way—Dade County is larger than 15 States of the Union. Can you imagine what would happen in South Dakota or Maine or Rhode Island if the legislature decided to appoint the Governor?

Well, that's what we have here. The governor—you had him sitting right here. His name is Merrett Stierheim. He is the governor of this community. He is appointed. He is not elected.

The 1,700,000 people of this community have nothing to say as to who the governor of this community is going to be. He is selected by the commission, and in that process there are a lot of people what put a lot of pressures behind— There is a lot of talk here about sunshine, but some of these newspapers who demand everything be done in the open do things behind closed doors themselves, and I submit to you that creates a kind of sense of inequity, a sense of frustration, a sense of not being able to cope with the system. And in this town when you say fight city hall, you're not fighting city hall; city hall is not the factor in this town. You're fighting the *Miami Herald* and the *Miami Herald*, basically, and with all due respect to some of my friends in the television and the radio world, not all of them do it. As a matter of fact, I think the television coverage of the news in Miami has been really outstanding and improving a great deal. I might point out to you that I wouldn't be mayor of the city of Miami if it weren't for the television coverage and the radio reporting that I get, because I don't get any fairness at all from the newspaper, obviously, as you can tell by my words.

COMMISSIONER HORN. I sort of detected that.

MAYOR FERRE. But the point—and I'll end with this statement to you—that, unfortunately, the damage that the *Miami Herald* does is not

only in this loose fooling around with the news and trying to make news and manipulate news and manipulate the events that happen in Miami. It goes beyond that, because, unfortunately, the so-called intelligentsia reads these things and then these are the patterns that are said in the subconscious of people in the community. Then, of course, the radio station picks it up. They read the morning *Herald*; the next thing you know when I get at the office there's somebody calling me up—they want a comment, is such-and-such a thing true? Well, the influence goes beyond just the written message.

COMMISSIONER SALTZMAN. Mr. Mayor, it's very late and we are imposing on you already, but I must say I found this fascinating. Thank you.

COMMISSIONER RAMIREZ. I also enjoyed the testimony immensely. I think, in light of some of our previous testimony, you have shed a different light on some of what we heard and I appreciate your being with us.

CHAIRMAN FLEMMING. We are very, very grateful to you for coming here right after your trip to Washington and sharing with us as frankly as you have your views on the life of this very, very important city. You have helped us a great deal and we are grateful to you for it.

As you know, we are—I know you've talked to Louis Nunez—we are trying to get a bird's eye view of the state of civil rights here in Miami, keeping in mind the impact of Federal laws and Federal policies, and this has been very helpful and we appreciate it.

MAYOR FERRE. Mr. Chairman, thank you for permitting me to testify. May I just leave with you this thought: Last night I was at a function where my aunt received the Rockefeller Public Service Award from the Princeton Wilson Institute. She had a very beautiful sentence which really said that the glory of God is in man fully alive, and I think that those of us—and I think it is the majority of us, thank God—that we are very proud and happy to be Americans, and have a great faith in the underlying fabric of our Nation, and I think that there is much, much more here than a lot of people see, and it comes back time and time again to save us as a Nation. I think that it is much more important to concern ourselves with our hopes and our aspirations than to fear the many negative things that sometimes surround us and sometimes inundate us, and as long as we are able to believe that, that the positive will eventually overcome the negative, I think there is hope. And I think that despite the fact that tonight the Soviet Union is at the borders of Poland and the problems of the Near East and all the things that concern us with interest rates of 20 percent and all these problems that we seem to have, I really think there is hope. We must continue to try and there must be a solution, and I'm sure all of us together, if we can talk to each other and continue to seek answers, will find the answers.

CHAIRMAN FLEMMING. Thank you so much. The hearing is in recess until 8:30 tomorrow morning.

[Hearing adjourned at 7:21 p.m.]

PROCEEDINGS

Morning Session, December 11, 1980

---

CHAIRMAN FLEMMING. I will ask the hearing to come to order. Counsel will call our first witnesses.

Ms. STEIN. Irwin J. Block, Richard H. Hunt, William Perry, and Robert H. Simms, will you come forward, please.

[Irwin J. Block, Richard H. Hunt, William Perry, and Robert H. Simms were sworn.]

TESTIMONY OF WILLIAM PERRY, PRESIDENT, GREATER MIAMI BRANCH, NAACP; ROBERT H. SIMMS, EXECUTIVE DIRECTOR, DADE COUNTY COMMUNITY RELATIONS BOARD; RICHARD H. HUNT, CHAIRMAN, BOARD OF DIRECTORS, CITIZENS CRIME COMMISSION OF GREATER MIAMI; IRWIN BLOCK, PAST CHAIRMAN, GOVERNOR'S DADE COUNTY CITIZENS COMMITTEE

Ms. STEIN. For the record, I would like to ask you each, beginning with Mr. Perry, to state your name, your position with your organization and your organization's involvement with the criminal justice system.

MR. PERRY. Bill Perry, president of the Greater Miami Branch of the National Association for the Advancement of Colored People.

Our organization over the past couple of years has been very much associated with, and we are trying to work with, the State's attorney's office as well as metropolitan police department and the city police department.

Ms. STEIN. Mr. Simms.

MR. SIMMS. My name is Robert H. Simms. I am the executive director of the Metropolitan Dade County Community Relations Board.

Our organization's relationship to enforcement jurisdictions in Dade County is related to our role in being conflict or crisis negotiators. We are also a part of the Dade County family as is the public safety department. Therefore, we have a professional relationship through our departmental ties.

Our basic premise is to prevent conflict, disruptive conflict. Therefore, we try to work hand in glove with enforcement jurisdictions when possible to prevent the kinds of things that lead sometimes to street confrontations.

Ms. STEIN. Mr. Hunt.

MR. HUNT. My name is Richard Hunt, and I am an attorney and I am chairman of the board of directors of the Citizens Crime Commission of Greater Miami.

The Citizens Crime Commission is a nonprofit corporation, 501(C)(3) classification under the IRS laws, and it was organized in 1948, originally in Dade County, reorganized in a period beginning 1978, and is now becoming operational again just very recently. It is a nonpolitical center, citizen-supervised and controlled professional staff; it exists for the observation of crime conditions and the functioning of the criminal justice system in Dade County, Florida.

Ms. STEIN. Mr. Block.

MR. BLOCK. My name is Irwin Block. I am a lawyer. I have no official position at this time. I am the past chairman of the now defunct Governor's Dade County Citizens Committee that was empanelled to look into the causes of the May riots.

Ms. STEIN. Thank you. Mr. Perry, would you please describe for us briefly the NAACP's involvement with police practices in Dade County?

MR. PERRY. Let me first of all say, contrary to some of the testimony that I heard yesterday, that we, number one, perceive Dade County as being an abysmal cesspool of racism.

I think it is because of that perception that the NAACP has become intricately involved with the various police agencies as well as the State's attorney's office. That goes back to about 3 years ago when I became involved, and the organization became involved, with the "Kalikinitis" [phonetic] fight. We mounted demonstrations at that time and got cooperation from the Miami Beach Police Department in helping us to assure some crowd control procedures.

But, beyond that, one of our major confrontations with the metropolitan police department simmered around the case of Leo Harris. That, again, was about 3 years ago when Leo was brutally beaten by several metropolitan police department officers in a shopping center.

Then we moved from that point to incidents that occurred in the Scott Home Housing Project and Coconut Grove Housing Project. These are all incidents of police using excessive use of force. We have corresponded with the police departments as well as the State's attorney's office, trying to bring about some resolution.

Moving from those incidents to the LaFleur case, where we interceded with the State's attorney's office—in fact, had Miss Reno out to one of our meetings and attempt to explain to us what happened. We tried to negotiate with that office to get the kind of action that we thought that the community needed, but with no result. Following that, we got in touch with the Office of Civil Rights and attempted to get the Office of Civil Rights to come in. We were told that we needed some additional evidence.

You have to understand that our organization is a volunteer organization. We have limited resources, but we did conduct public hearings at that time to attempt to put together some documentation to send to the

Office of Civil Rights. We did come up with a document, but we were unable to follow through by submitting that.

Beyond that—and I have to say that as horrible as I think the entire criminal justice system is in Dade County, that we have had recently a pretty good working relationship with the State's attorney's office.

We do now have a process that whenever complaints are brought to our attention, we can call the State's attorney directly, and she will assign one of the assistant State's attorneys to work on that case for us; but prior to about 6 months ago, we have not had that kind of interaction.

We have attempted to alert that office as well as the metropolitan police department prior to May 17 with the kinds of incidents that we thought would occur, and as things turned out, we had May 17. It was not because we did not attempt to warn that office.

MS. STEIN. Could you estimate for us the number of complaints the NAACP receives of police misconduct?

MR. PERRY. Up until May 17, we were getting, in our office on an average of about 9 or 10 complaints a week. We thought that after the May 17 incidents, that we would see a decrease.

Well, we have seen a decrease, but not a noticeable decrease. We now get approximately 5 to 6 complaints a week, actions where police have used excessive use of force or where police have either physically or verbally abused black citizens in this community.

MS. STEIN. Do you recommend that those persons who complain to you file complaints with the police, the respective police departments?

MR. PERRY. We most certainly do. Depending upon the nature of the complaint, we recommend that they file complaints with the internal review. We also have lawyers that we recommend them to. We recommend that they visit Legal Services in Dade County or either community lawyers.

The internal review is a problem within itself, based upon its location, the difficulty that people have getting to that office. I have gone through the process of attempting—

MS. STEIN. Excuse me just a minute. Are you talking about the county PSD at this point?

MS. PERRY. The county certainly.

MS. STEIN. All right.

MR. PERRY. I on two occasions have attempted to file complaints just to go through that routine, and I think I have pretty good resources, but on neither occasion was I able to file a complaint. In fact, in one instance, I—from about 9 in the evening to about 2 in the morning—I was talking to the officers, and the whole thrust of it was not to file a complaint. That was the bottom line. So I can imagine what happens when other persons go in and attempt to file a complaint.

The most recent incident occurred to me about a couple months ago when I was arrested, not for refusing to sign a ticket, simple traffic violation ticket, but for stating that I don't want to sign it. I was arrested. I spent the night in jail. I was not allowed to post bond.

Shortly after that, when I got out, I attempted to file a complaint, and, again, I was talked out of filing that complaint. I did not pursue it because I just wanted to go through the process to get a sense of what other people go through as they attempt to file complaints.

MS. STEIN. Since the creation of the Independent Review Panel for County Government Misconduct, have you referred any complainants to it?

MR. PERRY. No, I have not.

MS. STEIN. What is the reason for that?

MR. PERRY. Because I did not think it is effective. I do not think they have subpoena—I know they do not have subpoena power. They have no staff. I highly support their recommendation that Mr. Block's committee came up with, recommending that that body have subpoena power and that body will have a staff.

I resent the composition of that body. It is made of primarily of county employees, some agency employees. I don't think it is representative of this community, and for those reasons we have refused, and still will refuse, to recommend persons with complaints to that body.

MS. STEIN. Thank you very much. Mr. Block, would you please describe briefly for us the mandate of the Governor's Citizens Committee and when your work was completed.

MR. BLOCK. The Governor's Citizens Committee was empaneled for the purpose of looking into the causes of the May riots and coming up with recommendations, if we could, to try to prevent a recurrence of that incident.

We started to work in June of this year. We completed our public hearings in late July or August of this year. We concluded our written report in October, and it was recently released by the Governor's office.

MS. STEIN. Your report concluded that the criminal justice system was one of the causes of the May 17 riot; is that correct?

MR. BLOCK. That is correct.

MS. STEIN. And the report found that the key problem with the system is that the black community perceives it as guided by racism; is that correct?

MR. BLOCK. That is correct.

MS. STEIN. In your opinion, what are the causes of this perception, and how can the perception be changed?

MR. BLOCK. Well, I think that the causes are more particularly set forth in our report. We could spend a day here talking about it, but, very briefly, there is racism in this community, and it is going to require an effort of the public and private sectors, of our leaders, of our public and private sectors, of our religious leaders to get together and try to come up with some plan or some formula to combat racism.

Racism has reared its ugly head in the last several years and appears to be getting worse rather than better, and I frankly don't see any effort being made by anyone on the home front to alleviate that problem at this time.

MS. STEIN. Mr. Chairman, at this point I would like to move the admission of the report of the Governor's Dade County Citizens Committee into the record as an exhibit.

CHAIRMAN FLEMMING. Without objection.

MR. BLOCK. Better save it. It is the only one left.

CHAIRMAN FLEMMING. Without objection, it will be entered into the record at this particular point.

MS. STEIN. The report recommends that certain practices of the State attorney's office be modified. Could you briefly tell us what those problems were, as you found them to be, and how they should be changed?

MR. BLOCK. Well, we felt that the State attorney's office should have more black lawyers on their staff. We felt that the State attorney's office should be a little bit more responsive with reference to the problems of the black community and that they, in our opinion, should become involved in some stress training and some cultural training as it applies to the black community also. We have programs of that nature for the police, but no one has ever thought it necessary to involve the State attorney's office in it. We feel that that is something her office requires also.

We also have suggested that she review certain practices of her assistants with reference to the selection of jurors in cases in which there are black defendants.

To her credit, I should tell you that I have seen a change, or at least an attempt on her part to begin to change and to begin to correct some of the deficiencies that we have pointed out. She has been in communication with me, and I have offered to assist her, and she has accepted my offer to assist her and point up some of these deficiencies and see if she can correct inhouse some of the problems that we pointed up in our report.

MS. STEIN. And you said these conclusions that you drew in your report were based on testimony given at public hearings in June and July; is that correct?

MR. BLOCK. Yes, ma'am.

MS. STEIN. Was there any other basis or source for these conclusions?

MR. BLOCK. Yes, we had written materials, case records, conversations with different people in the community as we went through the community. We went through the areas involved, spoke to people on the street.

We were given a tour, and it is just a general overview of not only the testimony that was given to us, but everything that we did in connection with our investigation.

MS. STEIN. What did you have in the way of staff support for the Governor's committee?

MR. BLOCK. Nothing.

MS. STEIN. In the report, you recommend the creation of a civilian review board. Are you aware of the existence of the Independent Review Panel for County Government Misconduct?

MR. BLOCK. We are.

MS. STEIN. In your opinion, does that review panel satisfy the requirements that prompted your recommendation of a civilian review board?

MR. BLOCK. I am not familiar with the makeup of this civilian review board at this time except for those few people whose names I have seen in the paper. I consider them individually to be fine people, but we agree with one of the panel members here who previously expressed the position that the independent review board should, in our opinion, have its own staff, should have subpoena power, should have its own investigators, and they do not have that at this time, and we feel that until they have that, they are not going to be able to function as well as they should.

I think they are functioning well at this particular moment because of the investigations, the commissions, and the inquiries that are going on, and people are, perhaps, voluntarily appearing. That is, you fade into the sunset, and we disappear. I think you are going to find that the voluntary appearances and cooperation are going to gradually disappear also.

MS. STEIN. Thank you very much. Mr. Hunt, will you tell what the goals and objectives are of the crime commission since it was revived in 1978?

MR. HUNT. In 1978 the corporation was totally restructured. It was made a true membership organization, and that brings up one of the roles and purposes of the organization, which is to gather in a broad base of citizens interested in and concerned with the functioning of the criminal justice system, be their concern more with the fairness of the system or with the efficiency of the system.

Our organization is conceived to observe the system in its functioning, to learn how it works, to learn why it does not work, and to teach others why it does not work. We are an independent corporation. We will continue to preserve our independence from government and from any special interest of the private sector so that we can speak out when we see malfunctioning in the system.

I would say that it has been a long time being reorganized, and we are now in a position where we think we are going to be successful with a public fund drive, because the organization does have to be community supported.

You asked about the goals. I think, perhaps, I can give you a couple of examples. I couldn't give you a long list of the priorities that the organization will devote itself to, but in the last grand jury report, for instance, it pointed out in a study of 1,376 felony arrests, that 48 percent, approximately, of those cases resulted in no action or nol. pros by the State attorney's office, and of that number, 35 percent of them received that action due to the nonavailability of witnesses. The nonavailability of witnesses is a problem which the private sector, which our organization, the Citizens Crime Commission, can help the prosecutor's office with.

Part of our function is to recruit and to train and to supervise volunteers in providing auxiliary functions to government staffs where their budgets and staffs are overstressed by periods of anomalous demands on their departments.

Eventually, in the long term, the witness control center that we are designing and will operate for Janet Reno's office—of course, under her control—will be taken over conceptually in her own budget and by her own people. She doesn't have the money to do it now, and probably, the first new money that she has in her budget shouldn't be spent on this purpose. So we are going to provide that function.

The second function which we have had our attention directed to by Judge Seymour Gelber of the juvenile court is, to take the last year, 375 cases, which was about 5 percent of the juvenile caseload, represented arrests of people that had had 15 prior contacts with the police.

We have observed, and the juvenile courts have observed, that there is an extremely small hard core of recidivists among the juveniles coming through this system that are not being given special attention to, either an allocation of prosecutorial staff, an allocation of social workers, medical attention. They are not being identified in the class that they are, and they are not getting special attention, and Judge Gelber has asked that we create, in effect, a top 50.

I think it is very important that it be stressed that this is not obviously for the purpose of persecution, but simply to make certain that the system can identify these people for special treatment and special attention.

Right now, also, I would point out that we do support, the crime commission supports, financially the Citizens Crime Watch of Dade County. Citizens Crime Watch is an organization also of volunteers, but it also requires a staff which goes out into the community and organizes neighborhoods in mutual self-protection or self-home-surveillance techniques and activities.

There are, right now, 169 neighborhoods in Dade County that have requests pending with the Citizens Crime Watch organization to come in and organize their neighborhood that they are not able to get to right now because of the inadequacy of their staff and funds. So that is another one of our functions. I hope that might be illustrative of what we are trying to do.

MS. STEIN. That gives us a good indication. Do you agree with the previous witnesses about the pervasiveness of racism in this community?

MR. HUNT. Yes, we do, and one of the very central purposes of the crime commission, the reorganized crime commission, from its inception in 1978, was to make certain that the new crime commission was representative of every ethnic component of our community.

The old crime commission, which became dormant in 1978, to my recollection and knowledge had no blacks on the board of directors, had one Latin on the board of directors, which showed to all of us that as our community has evolved over the years and decades into a complex, multiethnic community with totally different concerns, per-

ceptions of crime, experiences of crime, perceptions of the criminal justice system, the crime commission simply was not sensitive to that because they had no representation of those groups.

We have corrected that, and we do intend—on this Saturday we are going to be meeting at St. Johns with a group of black community leaders. We are taking all of our directors into the black community. We are unlike some people that say they are afraid to go there. We want to go there, and we have been invited there by the black leaders, and we are working very much to do our share to try to counteract the very acute polarization that exists in this community, because we consider that to be the very first step, the very first essential step, to making a meaningful counterattack on crime conditions in this area at the grassroots.

MS. STEIN. Thank you very much. Mr. Simms, the CRB carries out, as one of its functions, gathering information about community relations problems; is that correct?

MR. SIMMS. Yes.

MS. STEIN. Based on the knowledge you have acquired as an officer of the CRB, what do you think the black community perception of the law enforcement bodies and the law enforcement system in Dade County is?

MR. SIMMS. Everything that I have heard sitting here, I would concur with the previous speakers.

MS. STEIN. What do the black community see as the problems in terms of police department conduct?

MR. SIMMS. I think several things. I think, first of all, there is a desire that there be involvement at the decisionmaking level by representatives of their community, people who by their history are sensitive to the plight of the people and understand their needs, and, therefore, are involved in the decisionmaking processes.

That becomes important when one goes to the next need, which talks about the need for a responsive enforcement jurisdiction to black community police concerns. It is perceived that there is unequal treatment of enforcement to the black community, especially in certain enforcement jurisdictions. Whether this be true or not does not necessarily matter. It is perceived to be that way. Therefore for the perceiver, I suspect, that is the truth.

I think there is a concern that there is a coverup when there is negative police behavior directed toward black officers vis-a-vis the McDuffie situation.

MS. STEIN. Black citizens, you mean?

MR. SIMMS. Yes. Yes, when an officer is involved with a citizen, that there is a coverup.

More recently there is a feeling within the black community that there is an internal conflict occurring within certain enforcement jurisdictions between officers that want to righteously enforce the law with justice and others who would do otherwise, that when this conflict arises, those who would choose to righteously enforce the law are

either intimidated, chastised, ostracized, or find themselves placed on a list with certain punitive actions occurring.

I think there is a great desire in the black community to be supportive of effective, prompt, firm, friendly, fair, and righteous enforcement of the law.

MS. STEIN. Do you think that the affirmative action plans currently being implemented in the county police, in the Miami city police, will help any of these problems?

MR. SIMMS. I think we need to separate them. I can't talk about the city as well as I can about the county. I think the steps that have been taken under the new administration within the county police jurisdiction, the public safety department, I think have had a major effect upon the attitude of certain enforcement officers and the responsiveness of the community to that attitude.

I would be as bold to suggest that maybe the McDuffie incident would not have been uncovered had not there been a black major looking over the shoulders of a white captain as the reports started coming in. There, in my judgment, lies the whole basis for the black community strongly urging the affirmative action with all due speed, because only as the leadership of systems like enforcement jurisdictions become—only as that leadership involves blacks at the highest level can this phenomenon that we refer to as racism be controlled. You can't eliminate it, but you can manage it.

MS. STEIN. How does the black community view the State attorney's office?

MR. SIMMS. I would have no way of knowing. The black community that speaks, I suspect, views it as a racist organization, an organization that seems to favor the enforcement jurisdictions, seems to favor the enforcement jurisdiction relationship more than it does in the honest and strong pursuit of the enforcement of the law with justice.

MS. STEIN. Thank you very much. Mr. Chairman.

CHAIRMAN FLEMMING. Commissioner Berry.

VICE CHAIRMAN BERRY. Thank you. First of all, Mr. Block, I get the impression that you are pessimistic about the possibilities of your committee's recommendations being implemented; is that correct?

MR. BLOCK. I think that is a fair statement.

VICE CHAIRMAN BERRY. What are the reasons for the pessimism?

MR. BLOCK. I haven't seen anybody doing anything about it. I have seen no action whatsoever from anyone, whether it be the public or the private sector, elected officials, or anyone else. Perhaps they haven't had an opportunity to fully digest it, or maybe if they have, maybe they haven't had an opportunity to reflect on what, if anything, they should do.

I understand that there is a shortage of reports in the community. Many people say they haven't had a chance to see the report. So maybe I am being premature, but basically I don't see any response to it from any responsible people in either the public or private sector. I don't see any action except for that which really started during our

investigation, and even before, which is still going on, such as the police departments are trying to correct some of the deficiencies.

The State attorney's office has begun to show an awareness of the perceptions that we talk about and has begun to talk about trying to correct it.

Other than that, the overall and basic causes and frustrations that we described in our report, starting with poverty and unemployment and slum housing—which are really the foundation of all the problems, not the criminal justice system. That contributed, of course, but the real foundation of all the problems is poverty, lack of jobs, slum housing, and the many other things we described in our report. I haven't seen anybody even suggest implementation of our recommendations or anything else by anyone else to alleviate those deficiencies.

VICE CHAIRMAN BERRY. Are you encouraged by the formation of this—I think it is called—revitalization board, the one that Mr. Smith is chair—

MR. BLOCK. I know John Smith, and if he could accomplish anything they have got the right man, but I don't really know what they're trying to do or what they are doing or what results, if any, they are having.

VICE CHAIRMAN BERRY. Mr. Simms, could you tell me what accounts for the apparent powerlessness on the part of the black community in Miami to affect, over the period of years, some of the decisions that have been made that have led to the problems of poverty, unemployment, and the rest and the difficulties in the administration of justice? Why haven't black folk in Miami been able to do more to affect decisionmaking so that some of these problems would not have occurred? Is there a powerlessness in the black community in Miami?

MR. SIMMS. I don't think any more than there is in black communities throughout this country. I think the black community is powerless simply because it does not have the instruments of power.

It surely has the instrument of will and desire and commitment to bring about change. I think to bring about change you have got to have some other ingredients going for you. You have got to control a media that sets forth a public agenda in the eyes of people.

You hear of Mr. Block, for example, saying that he does not know what has happened as a result of the report. Does that suggest that nothing has occurred, or does it suggest that the media chooses not to set forth, before this community, the positive things that are happening here; and I would suggest that positive things don't sell newspapers and make people turn on sets. So we have become a community saturated with bad news.

Well, that is not the question. The question, then, is why have not black people in this town brought about change? I would suggest to you that there are several reasons. One is that they do not control the resource of influence, and I think that is the media. If you check the media, you will find that until recently—we just got a black member on one of the daily editorial boards. That is the policymaking. That is an

attitudinal change process. The other newspaper, *The Daily*, does not have that.

If you look at the evening news of the three major television stations, you will find that the black commentary that is received is more of a street reporter and not the editorialist that sets forth agendas for this community. And most importantly, I think if you go back to the beginning of the poverty program, what has happened is that the Federal Government had created for Dade County a Federal "plantation." People in this town are dependent upon the Federal plantation, and if the Federal plantation dries, you will find there are no local resources.

So now comes May 17, and this community is asked for a commitment. That is strange. We don't know how to do that because, since 1960-something, all of the commitment for resolving the problems of the poor people has been done by the Federal Government, and the local commitment has gone elsewhere.

So you ask, then, why are black people powerless? I would submit to you that we are only as strong or as powerful as we have access to the tools of power. You will find that there is a very, very strong drive now to access power. I think that is one of great benefits of the model cities program. It taught people and it showed people that only through their involvement can change begin, and I think it is a slow process, but I think the first step has occurred.

I think this is no longer an apathetic black community. It is an angry community. It is an aroused community. It is a stirred-up community. And I think the next step, then, depends upon what resources are placed for the community to deal.

VICE CHAIRMAN BERRY. And, finally, Dr. Perry, I can understand—and everyone, I think, can understand—the community's concern about the McDuffie case and about the Heath case, and these cases, the LaFleur and the like. But why do we hear so much about the Johnny Jones case being lumped in with all of the rest as examples of difficulties in the administration of justice? I mean, is a black community in favor of school superintendents buying gold-plated pump plumbing or whatever it is he was supposed to have done, or why is that case—why are we supposed to be concerned about that case, too?

MR. PERRY. There are probably two reasons for that. Understand that in this community there are very few, damn few, success stories in this community relative to blacks. I think Johnny Jones epitomized—other than the charges that were brought against him—epitomized a success story for a black person. He became a tremendous role model in this community. So, consequently, the destruction of Johnny Jones has a tremendous negative impact throughout the black community. That is a part of it.

I think the second part of it is the manner in which the whole matter was dealt with, the haste by which the State's attorney's office went to bring the charges. Within a matter of a few hours the man was indicted, suspended, and the trial was underway, and all kinds of allegations were made in the newspaper.

You have to counterbalance that against what happened in the McDuffie case, in the LaFleur case, in the Randy Heath case, in the little girl in South Dade that was raped by a highway patrolman, and the haste in which the State's attorney's office pursued those cases. Once you compare those situations, you can understand why the community was aroused. Why do you suddenly with all haste pursue to destroy our hero while at the same time those persons that are charged with the responsibility of upholding the law—there is an apparent incestuous relationship between the State's attorney's office and the police department. So I think that is another part of it.

VICE CHAIRMAN BERRY. Thank you.

CHAIRMAN FLEMMING. Commissioner Horn.

COMMISSIONER HORN. Mr. Simms, I was interested in your comments on the increasing concern within the black community. Over several panels we have tried to discuss how does one get things done in Miami. Where is the power structure, where are the power structures, given the fragmentation of power in both the private sector with Latin, black, white, primarily, chambers of commerce, the fragmentation of political power between Dade County, Miami, other incorporated areas.

What I would like from you is your description and perception of where you see the power centers arising within the black community. As you and I know, historically churches were a major social and political and cultural force within the black community. Other groups have come to the fore over time in some communities. What is your assessment of the different points of power and how they are changing in the black community?

MR. SIMMS. That is a very difficult question to answer, to be responsive to. I think that the black community is made up of many elements of involvement of human endeavor, and I think each of those categories tend to generate its own area of leadership. If, for example, one is concerned about the educational plight of black kids, then there are a group of people that tend to orbit around that issue.

If one, on the other hand, is concerned about the due process, the political process, then one turns to another group of people—and I think the problem of Miami is that we have been led to believe by sources outside of the community that we either have X, Y, and Z as our leaders or we have no leaders, and I think the reality of it is that the black community is just like the white community, only more so. We have categories of leadership. Leadership evolves around issues. Issues in the black community are changing constantly and, therefore, generate new people.

It may very well be that on a given issue my barber may be the leader—and what we have failed to recognize in this community are the pockets of leadership, the pockets of people that have given a sense of direction to a population and have kept the adhesive that has held the various components together in place.

COMMISSIONER HORN. Well, that is the answer I had hoped you had said, because I think that is the one that makes commonsense as you go

around the country, and yet there are always these perceptions that if you just can wave a wand and talk to *X* or convince him or her, why, change will occur.

MR. SIMMS. That was good during slavery. It gave the "Massa" a reason to do what he wanted to do. It just doesn't work anymore.

COMMISSIONER HORN. That's right. When you look at that fragmentation of leaders, pockets of leaders, different issues that bring forth people, often in communities there are some attempts to group together sort of a coalition of leaders that represent these different phases.

We are talking about justice this morning. We have talked about education, employment, housing, so forth. What is the sort of convening, coordinating vehicle that you see in Miami-Dade County that is trying to get a cross section of people that are recognized within their own community—not necessarily the external community—as the natural leaders on particular issues, bringing them together in the room on a convenient or periodic basis with their counterparts in the Latin and the white community so that they can come to grips with some of these issues, perhaps as a forum to begin with, but, hopefully, then leading to some action and specific recommendations.

I ask that question because in testimony yesterday Mr. Chapman and others—who I think are acknowledged leaders of the business establishment in the white community—would argue that what is needed here is some application of management techniques where the different groups can get their commitments down, can get sort of a control board to make sure that those commitments aren't just made once and everybody disperses and goes off until another explosion, but that there is some systematic reporting and monitoring to assure that these commitments are carried out, whether they be by the county or city government, by the police department, by the chamber of commerce, by different groups in the community, or whatever.

What is your feeling as to whether there are appropriate vehicles to bring those people together, and if not, what, if anything, are leaders such as yourself in the black community doing to sit down with the Chapmans, the mayors, the formal and informal political structure of Miami and Dade County to bring about such an organization?

MR. SIMMS. Let me deal with your last statement. I do not accept the title of leadership in the black community. I am a black. I am a black man, first. I am a professional, second. If people choose to follow me, they do that on their own. I lead a board of 30 volunteers. To that degree, I am a leader, but I think that is a part of the problem. I am a professional. I work for Metro Dade County. I have no right to be classified as a leader of the black community because that which I do is tempered, possibly, by my need to survive, by the political consequences of my job. Therefore, I really can't "tell it like it is," not even to you, and that is a disservice to the community. Therefore, I refute that title. I am a professional.

Now, in terms of the community, I think Brother Perry here next to me represents an organization that is making a noble effort, and that would be the NAACP. The NAACP is having a rebirth in this town.

I indicated earlier that I thought one of the major problems was the Federal plantation, but what the Federal plantation did was to come up with guidelines as to who could be involved and who couldn't, and if your salary was less than, say, hypothetically, \$3,500 a year, you could not participate in the community discussions around what ought to occur.

Well, the NAACP is back. I think one of the fine things that happens now in the old war on poverty, the antipoverty agents, the community action program, is that they operate in some 20 different neighborhoods of Dade County. Each of the neighborhoods has an advisory council, and this information is fed to a board and then disseminated wherever it needs to go, and I think as it relates to the poor, that would be an effective means of dealing with that.

I think, as I indicated earlier, the apathy has disappeared or is fastly disappearing from the community. I think the next step is, quite possibly, to create that kind of development you are suggesting. But even in the white community there is as much separation and isolation and geographical distinction as there is the black. The difference is the problems aren't there. The power is.

COMMISSIONER HORN. Dr. Perry, would you like to contribute anything in answering that question, as to how you see the evolution of different pockets of leadership in the black community and how they might interact, or we get some group, or is there a group, to bring the pockets in the other communities together to deal with some of these problems?

MR. PERRY. Let me preface my remarks by just saying that in this community, white folk—and particularly white folk in positions of leadership and power—have placed black people in extinction. In this community, blacks are almost invisible. But then, beyond that, getting to your question, I agree with Bob relative to the kinds of black leadership we have in this community. It's out there. On any given occasion new leadership does emerge.

I think that for our own survival as black people in this community, it is going to be necessary to begin to coalesce temporary coalitions with other groups. We have already initiated such action with the Latin community. We see the rising political influence that the Hispanic community has in this community, and our organization is beginning to tap into that to see if we can't form temporary coalitions and coalesce around common issues.

I don't know where that is going, but I see that as a beginning point. I am sure you are familiar with the antibilingualism ordinance that was recently passed and the impact that it is going to have on this community. I think out of that it has been necessary to form that kind of coalition.

I would like to expand that concept. Not only blacks and Hispanics, but I think the total community, looking at the various ethnic groups, we have got to somehow or other look at common issues in this community that may not impact, say, South Beach, but might impact Brownsville. How do we bring those various elements from those two

communities together to fight for a common issue that may not initially impact a particular segment? But I think once we get some victories out of doing that, then we will begin to develop a successful model here that will work in spite of the power structure.

COMMISSIONER HORN. Thank you.

CHAIRMAN FLEMMING. Commissioner Ruckelshaus.

COMMISSIONER RUCKELSHAUS. Yes. Mr. Hunt, I wonder to what degree you have found an eagerness to participate.

MR. HUNT. I didn't hear your question.

COMMISSIONER RUCKELSHAUS. To what degree have you found in the black community an eagerness to participate?

MR. HUNT. In the beginning I found that some of the leaders were hanging back a little bit. They were suspicious. I understood that. I expected it, but also, almost immediately from the beginning, the black leaders that I went to were willing to sit and listen to our plan, listen to our principles that we felt were so important as far as revitalizing the crime commission—and one in particular I might mention, Willard Fair, president of the Urban League, spoke at a very critical meeting of the board of governors of the Chamber of Commerce of Greater Miami in favor of revitalizing the crime commission at a time when, had he spoken against it, I rather think that the crime commission would not have been approved and supported by the chamber.

I really, at this point, am optimistic. You know, it takes a while. Even when we formed the board on May 29, there are now 7 black directors out of 31. It took a while for our black directors not to be skeptical of the organization, and only through a process of just putting the hard issues on the table and dealing with them forthrightly at the board of directors level, did we really find that our black directors were enthusiastic with the potentialities of the crime commission.

Our directors are now going into the black community, and we have met with, for instance, Garth Reeves, the owner of the *Miami Times*. He has given us indications and promises of support. We are convinced he is sincere about them. We think we are now well on our way towards making progress and winning the support of the black community and participation, which is more important.

COMMISSIONER RUCKELSHAUS. And do you have many blacks who have volunteered to be part of your Community Watch and—

MR. HUNT. Well, first of all, you have to understand that we are now starting up our volunteer staffs again. In 1978 when the old crime commission became dormant, only one of the projects of the old crime commission was sustained through this last 2-year period, and that was the court aide program.

There are—with regard to that program and the volunteers who are in it—there are efforts to recruit volunteers from all communities. I think one of the things that is extremely important—and we have discussed that with Garth Reeves—is to make certain that every time we advertise for volunteers, that we certainly use the black newspaper.

We have been at fault in the past. We—I don't know if "we" is correct—but the old crime commission—and as I said earlier, it had no

blacks on its board of directors. Just as you heard Bob Simms say, policies of the police department changed towards the black community when the blacks would come into positions of leadership. That has also been true of the crime commission. So we are again very anxious to bring blacks into the volunteer programs of the crime commission, and we will recruit them as vigorously as we will recruit in other ethnic communities.

COMMISSIONER RUCKELSHAUS. Mr. Block, what was the degree of cooperation you got from the police department and sheriff's office?

MR. BLOCK. They totally cooperated with us. We have no subpoena power. They voluntarily appeared. They voluntarily offered any facilities, any staff, any information we needed.

We find in the new directors of both the city and county police departments a willingness to change what has been going on and an attempt to change it, and they were totally cooperative with us in all regards.

COMMISSIONER RUCKELSHAUS. Could you tell me to what degree psychological testing is used or ought to be used?

MR. BLOCK. I don't feel competent to answer that question.

COMMISSIONER RUCKELSHAUS. Mr. Perry, just a question from the point of view of a black citizen in one of the areas of the May rebellion, what has changed?

MR. PERRY. Absolutely nothing. I think tension has changed, become more heightened. I think the possibility of another rebellion is out there. But as far as any positive aspects, I have seen absolutely nothing.

CHAIRMAN FLEMMING. Commissioner Saltzman.

COMMISSIONER SALTZMAN. Dr. Perry, in the several days, basically the impression I get from many of the leaders of the white community that have appeared before us is that the leadership of the city is not racist. Certainly, there has been racism as an underlying force and influence that has created and sustained problems in the community, but, really, what you have is, in the white community, a large degree of goodwill, and that if only the black community would lift itself up by its bootstraps, if the young, black person would not drop out, if he would be better and self-disciplined, have better work habits, would be well-groomed, there are jobs and they would secure those jobs, and things would be really much better.

While they said, yes, there are—the white community, the other forces must help, but nonetheless, basically, I think the impression, at least that I have, is it is the responsibility of the black, unemployed, young person to really clean himself up.

My question is, even if given rather what they feel is the final line to the solution, the picking up of a black youngster by his own bootstraps, would there, indeed, be jobs? Would the situation be any different were their feelings, insights responded to?

MR. PERRY. I wish I had the time to do an analysis about that kind of a statement and indicate to you the racial undertones in such a statement. See, I define racism as any attempt by another group to impose its values on another one, and I certainly think when we start

talking about the work ethic, we are talking about the white, Anglo-Saxon concept of a work ethic, and any time you attempt to impose that on another group, I certainly see that as being a racist statement.

I don't think that persons are being honest when they make those kinds of statements. It is like blaming the victim when you hear of someone from Southeast Bank or Burdine's talking about the youngster that comes into an office with braids in his hair. That has begun to be viewed as negative.

Let me just cite something to you. When I was in World War II and in the army, at that time my hair was almost shaven off my head because I was ashamed of the knots on my head. I would go to the latrine, be the last person to go to the latrine, because the little I had, I didn't want to stand in front of the mirror while other whites were there shaking their heads and putting water in it and straightening their hair out. When I first saw young blacks carrying combs in their pocket, it gave me a sense of pride. It made me go back and relate to the times that I would be ashamed of my head.

So when I hear a person talk about a young black kid walking around with braids in his hair, it makes me nauseated because that person isn't sensitized to what that means. I know it has negative connotations. I know that the youngster has to do something else to get into the job market, but when I hear persons talk about it without a sensitivity to what it means, it makes me nauseated.

I do not believe that blacks have the responsibility of pulling themselves up by their bootstraps. That was the conflict between the DuBois and Booker T. Washington, and I do not endorse that concept of pulling ourselves up by our bootstraps. Our forefathers shed blood in the building of this country. We have paid our dues.

The positions that we find ourselves in today, you and others of your color are responsible for us being in that position, and you certainly have a great responsibility to help us overcome that. So I do not accept that it is up to the victim to correct his conditions.

COMMISSIONER SALTZMAN. Mr. Simms, would you want to respond to—

MR. SIMMS. To what, sir.

COMMISSIONER SALTZMAN. Well, the general point of view that I have received from some of the black leaders, for example, as Dr. Perry referred to, the department store managers and things like that, if only the black youth would pick themselves up by their bootstraps and have good grooming and better working habits, there are jobs out there, they could be employed, and the problem is that they really don't have the training, the education, the work habit, the work ethic, as Dr. Perry said, but that there are plenty of jobs out there if only they know how to—what do I say—culturate themselves to the work ethic of the community.

MR. SIMMS. I sort of disagree with the concept of the gentleman who made the statement. I think I know the gentleman, and I know the situation of which he speaks.

Let me give you a hypothetical situation. Over yonder through that door is an employment office. Over here is the area commonly referred to as a depressed area, called the "ghetto." From here go young people through that door. Disregard now how they look and get in touch with why they went there.

They went there to join a system, and that is the important thing. They went there to join a system. They may not have looked like the system wanted them to look, but they brought with them that which they were, a part of which is what their culture created.

Also going through that door are youngsters from over yonder and over yonder. Over yonder we have youngsters, female, going in plunging necklines, tight skirts. Over here we have males going in tight pants, and yet we hear no inference, no reference about the two yonders but only from here. And I submit to you that if a person goes to a personnel office to apply for a job, he is coming with his hand held high and saying, "I want to join the system." From that point on, it is left to the system to say what the demands will be for you if you care to cross the line.

If the premise raised by the gentleman from the department store were correct, then all of the schools in the impoverished communities would have kids in disarray, speaking poorly, not successful, don't give a "darn" about the work ethic, and, in fact, just downright lazy and shiftless folk, and you and I both know that is not true.

Most of the blacks in this county came out of that environment, and, therefore, I say it is the province of management to set forth the conditions that you would expect a person to live and abide under. The military has no problems. Why should a store?

And I am saying if the guy was drafted from the community, yes, that would be a problem, but he volunteered. It is up to the community to tell him what they expect of him.

CHAIRMAN FLEMMING. Commissioner Ramirez.

COMMISSIONER RAMIREZ. I have three questions, and the first one is to Mr. Perry.

As we have listened to the specific cases of police misconduct—to put it mildly—I have not heard whether anybody other than the people who specifically committed the crime or the alleged crime, whether people were fired.

It seems to me that in most communities, or in some communities, where you would have this number of incidents which would eventually culminate in a civil disturbance, that somewhere someone would be held accountable and some heads would roll somewhere, and I wonder whether anybody has been fired of the people who are supposed to be responsible for this system.

MR. PERRY. To my knowledge, no one has been fired. People have been suspended, and we just found out in the paper the other day, much to our chagrin, that one of the officers in the McDuffie case is currently on the payroll, not working, but drawing a check every 2 weeks. I think if you look at officers that were involved in the McDuff-

the incident, several of them have a track record of committing abuse to black citizens, and no actions have been taken.

So I agree with you, and to me heads should roll. We have demanded that heads should roll, but to this point, to my knowledge, no heads have rolled.

COMMISSIONER RAMIREZ. And in terms of the coverup, there was no one above the individual officers that was suspended?

MR. PERRY. They were suspended during the course of the trial. It gets back to policing in general in Dade County. During the time that we were pushing to get Purdy, who typified J. Edgar Hoover in this community, Purdy was fired.

The NAACP and several other organizations attempted to have an outside person hired by the police department. In all deference to Bobby Jones, he might be a good man, but Bobby Jones is a part and parcel of the system that Purdy created, and it was our push to bring an outsider in to begin to revamp and reorganize that police department from top to bottom. I think Bobby is doing a good job, but I think an outsider could have done a much better job, and then, possibly, we could have seen the kinds of action you are talking about being taken.

COMMISSIONER RAMIREZ. My next question is to Mr. Simms. I was very interested in your comment—two of your comments—the one about what happens when an 18-year-old youth becomes employed and brings that income to a family and the effect of that in terms of that family continuing to get assistance.

Would you care to comment? That was in your interview. Would you care to comment on that situation?

MR. SIMMS. I think the unfortunate situation is that there has been created, for one reason or another, an adult, black, male population that, for one reason or another, is not working. The mother is the head of the household, and as soon as her youngest children get employment age, they then desire to assist their mother in the survival struggle.

The employment of 18-year-olds then becomes a paramount issue, because that young fellow has watched the struggle of his mother through 18 years of his life. He now—locking in with the earlier discussion—recognizing the importance of work, but recognizing also, through everything that is alive and well about him, the reality of racism on the other side of the tracks, volunteers and submits himself to that which he perceives to be racist in order to come and help his family. I am saying that here is a young man, in spite of all of the atrocities that he has heard through racism, the gut things, submits himself for employment.

What happens after he is employed is that they go to this to-serve-with-love form of management style. You remember the movie when instead of teaching the kids, you know, we got to cooking and doing a lot of crazy things in school that have kept people ignorant throughout their lives, as opposed to teaching? So what I am saying is that management then brings this youngster in who wants to work and develops a double standard of management, one management style for this kid, and

another management style for the other, depriving this youngster of the opportunity to grow and develop and move up that ladder.

COMMISSIONER RAMIREZ. Mr. Simms, I was specifically concerned with Federal regulations with the systems programs that would require the child to either be removed from the family—

MR. SIMMS. I am with you. Right. One of the things that we have found as we looked at Scott Carver—which was a later situation—is that in the public housing community, sometimes called “the projects,” youngsters who desire to work and assist their parents find that they are given one of two options.

For example, he enters into a job training program. There are two types of programs. There is one type of program that will pay the youngster a training stipend which is not considered a salary, and there is another kind that allegedly pays, and it is considered a salary.

So he chooses—then he has a choice to make. If he chooses the salary route, that money is added to the income of the family and therefore penalizes the family who lives in public housing and would cause them either to have to pay more rent or to have to leave.

So he chooses the training program that pays a stipend that is not considered salary. He now enters into the program and stays the length of the program. Now the program is completed. Now he is faced with a decision.

He is offered a job at minimum salary, and he looks at the minimum salary, and if he accepts the salary, he looks to see what that is going to—what penalty that will inflict on his mother, and the chances are that the determination is made that they cannot survive through that process. So what has occurred then is that the training programs have become a job.

COMMISSIONER RAMIREZ. So it is another Catch-22 in terms of strengthening family life?

MR. SIMMS. Right. Sorry for the long answer.

COMMISSIONER RAMIREZ. Just one other, and I was very much touched by what you said in terms of the professional, minority person who has a higher salary, who may have had an early history of working in the community, perhaps even with poverty agencies, but who, because of Federal regulations, again finds it difficult to remain part of those governance structures which can give direction and support to some of those programs.

The other side of that very often is that even if the Federal regulations weren't there, sometimes the news media and other segments of the community will take exception to minority persons, who may be driving late-model cars, of being involved in those programs.

Do you think that Federal regulations that would seek to encourage the participation of minority persons who are not poor in some of those programs that are focused on minority groups; do you think that they would strengthen or detract from those programs?

MR. SIMMS. I think it strengthens and weakens at the same time. Strengthens because it gives the wherewithal for involvement, it sets

for a rationale, it expands the parameters, and, therefore, says, "Come in."

I think it weakens and damages because I have never seen a Federal program that will allow a community to go down and "cuss out" the mayor. The political processes will not allow that to occur. It may happen once, and it may happen twice, but the third time, the political process is going to change those guidelines.

So what you then have is a group of citizens in the community spending what time they have available for civic activity dealing with those issues that really are not germane to change.

The NAACP, for example, does not have that kind of restriction, and they can deal with anything that is relevant and pertinent to the survival of a people. I don't think the Federal guidelines would allow the type of things that the NAACP does to occur.

CHAIRMAN FLEMMING. I want to thank the members of the panel for the way in which you have responded to our questions. It have been very, very helpful, and thank you for being with us.

Counsel will call the next witnesses.

MR. ALEXANDER. Douglas Hughes, George Kilpatrick, Otis Pitts. [Douglas Hughes, George W. Kilpatrick, and Otis Pitts were sworn.]

**TESTIMONY OF GEORGE W. KILPATRICK, CHAIRMAN, CENTRAL DISTRICT  
CITIZENS ADVISORY COMMITTEE, PUBLIC SAFETY DEPARTMENT; OTIS  
PITTS, JR., EXECUTIVE DIRECTOR, BELAFONTE-TACOLSEE CENTER;  
DOUGLAS HUGHES, DISTRICT COMMANDER, STATION TWO, CENTRAL  
DISTRICT, DADE COUNTY PUBLIC SAFETY DEPARTMENT**

CHAIRMAN FLEMMING. Thank you. I appreciate your being with us.

MR. ALEXANDER. Starting with Mr. Kilpatrick, would you each give us your full name and your occupation for the record.

MR. KILPATRICK. My name is George W. Kilpatrick. I am a merchant, retail grocer.

MR. ALEXANDER. Thank you.

MR. PITTS. My name is Otis Pitts, Jr., and I am executive director of the Belafonte-Tacolsee Center.

CAPTAIN HUGHES. My name is Douglas Hughes. I am with the Dade County Public Safety Department, and I am the district commander in Station Two Central District.

MR. ALEXANDER. Which is basically the model cities area, Captain Hughes?

CAPTAIN HUGHES. Yes.

MR. ALEXANDER. Mr. Pitts, could you briefly tell us something about the center you are with, what role it plays in the community?

MR. PITTS. The Belafonte-Tecolsee Center is a community-based organization that was started some 13 years ago. In fact, it started following the last disturbance we had here in Miami. The emphasis is primarily on young people between the ages of 6 and 25. We provide some limited services to senior citizens. We are a grassroots organization, if you will, and we hope to remain such.

MR. ALEXANDER. You, as part of your career, were a police officer in the Miami-Dade community?

MR. PITTS. Yes, I was. I was a City of Miami police officer for 4-1/2 years.

MR. ALEXANDER. From your community perspective and from a law enforcement perspective, would you agree with the perception that we have heard that the police department treats the black community substantially differently than it does the white community in the provision of police services?

MR. PITTS. Yes, I think that is well documented, and we have found that to be the perception of the community and the general experience of our community.

MR. ALEXANDER. How is the treatment different? Could you be specific in the differences in the service level provided to the black community versus the white community?

MR. PITTS. Well, I think the services are different in a variety of ways. One of the ways I find that the real distinct difference is in the seriousness which many of the officers take the black community vis-a-vis the white community. Many times when officers are investigating cases, the same kind of concern or emphasis or thoroughness which they investigate black offenses or incidents is not the same that is given to the white community. That is not all officers, of course, but there are enough of them to create that distinct difference.

MR. ALEXANDER. Is black-on-black crime considered as serious, in your view, as crimes involving white persons by the departments, generally?

MR. PITTS. I need to understand a little better.

MR. ALEXANDER. Is crime involving only minority persons, particularly black persons, considered as serious by the police officers? Do they respond and take it as seriously as they do crimes that occur in the white community?

MR. PITTS. No, I don't think that is the general approach—I think crimes that occur in the white community are generally taken more seriously.

One of the old sayings in the black community is, "If you want a police officer immediately, call and say a white woman is being raped in Liberty City, and you will get an immediate response from the police department."

MR. ALEXANDER. Do you view both departments, the metropolitan department and the city department, as similar, or are there substantial differences between the two in terms of the attitudes of the officers?

MR. PITTS. I am more familiar with the city of Miami. I was there as a police officer. The general perception of the community is that there is a difference, and I tend to believe there is a difference.

MR. ALEXANDER. Could you specify what that difference is?

MR. PITTS. I think the difference is primarily that the city of Miami, being a more urban police department, of necessity deals primarily with an urban setting altogether, is more sensitive, or has demonstrated a greater sensitivity, to the issues concerning black citizens.

It appears that the county is making some adjustment at this time, but in the past, unfortunately, I think as a result of the previous director, it did not demonstrate that kind of sensitivity.

MR. ALEXANDER. There has been described to us in a series of interviews that we have had the concept that the police departments are basically rural in terms of the recruitment patterns, and there is many a "cowboy" mentality. Would you care to comment on that view that we have heard from the community many times?

MR. PITTS. One of the things I have found in the City of Miami Police Department, for example—and I am assuming something similar to this exists in the public safety department—there was an Outstanding Officer of the Month Award and a Courteous Officer of the Month Award. The Outstanding Officer of the Month Award was the one that all officers attempted to get, if you will, and it primarily elicited the kind of cowboy, if you will, behavior and mentality.

MR. ALEXANDER. How is that so? What was the reward based on?

MR. PITTS. The award—felony arrests, tough arrests, that kind of thing, the kind of thing that makes locker room talk at night, or whatever. And the Courteous Officer Award was the one that primarily dealt with helping citizens, the whole notion of helping citizens, and that wasn't just as prime, that wasn't considered as prized as the other.

So I think we are really eliciting certain kinds of behavior, maybe inadvertently, but that is, in fact, what happened—the kind of arrests you wanted to make as a police officer wasn't some minor kind of arrest. You wanted to make the kind you could come in the locker room and brag to the boys about. I think that kind of thing did encourage the cowboy kind of behavior.

MR. ALEXANDER. Have you seen any developments in the model cities area with respect to police-community relations since the May riots that you would find is either positive or negative?

MR. PITTS. Yes, there have been some positive signs. I am happy to say that the commander sitting next to me has been a part of some recent efforts that we are encouraged by. There is a greater attempt being made now to come out and meet with the community and really discuss some issues in the community.

Many times what we find happening is we find when there is an attempt to address the problems of the community, they are done outside of the community, which tends to make the people feel, or implicit in that, is the community isn't a safe place in which to hold discussions or whatever. But the commander met recently with some disgruntled citizens in the Brownsville area, and I have heard some very positive, you know, opinions about that particular meeting.

MR. ALEXANDER. Mr. Kilpatrick, I understand you are the chairman of the Public Safety Department Central District Citizens Advisory Committee, if I got that whole title correct.

MR. KILPATRICK. Yes, I am.

MR. ALEXANDER. That is correct. Could you tell us what the purpose of the committee is?

MR. KILPATRICK. Well, the committee was formed after the affair in the spring of 1979. The county manager at that time called a group of citizens together, and he felt that he needed someone who listened to the complaints of the citizens and the police department. So at that time we organized that in the Central District. There were 13 of us at the time.

MR. ALEXANDER. Were you appointed by the county manager?

MR. KILPATRICK. Appointed by the county manager.

MR. ALEXANDER. And you have served since the beginning of the committee?

MR. KILPATRICK. Yes, we do.

MR. ALEXANDER. Does this committee investigate complaints of police misconduct?

MR. KILPATRICK. We have had different ones come to us with things they wanted to talk about, and we would have a meeting monthly. We have a meeting the second Thursday in every month, and we have discussed those things from the schools, juvenile court, juvenile crime, and vandalism.

MR. ALEXANDER. And the police and the public safety department attend your meetings?

MR. KILPATRICK. Public safety is always there.

MR. ALEXANDER. What is the authority of the committee? What, in fact, can it do with public safety department?

MR. KILPATRICK. The only thing we do, we discuss whatever the issues are, and we send it in the records to the county manager. We have no power.

MR. ALEXANDER. Do you meet with the other committees in the community, the other advisory committees?

MR. KILPATRICK. We meet every few months together.

MR. ALEXANDER. How would you view the provision of police services; are small businessmen like yourself given such police protection in the model cities area?

MR. KILPATRICK. Let me tell you about the area where we are. We once had Captain Bolen there, who was very effective. At one time we stated that we weren't satisfied with the policeman that we had. Since he moved in, he moved up from that. We have Captain Hughes in now—who is at my right, as a commander, second from my right. I can say truthfully the man has integrity in trying to help in the area out there. We have met many days and many nights. He comes out all the time of day and all of the time of night, and we discuss issues, whatever that issue, in the area. We do not take it out of the area. We have a meeting in the area wherever the problem arises. We have it there. He does not try to hide his policemen, put off on somebody else. We had a beating some time—4, 5 weeks ago in the area; we asked all of the ones who saw it, and we brought it right out to the open for the news media.

MR. ALEXANDER. That was the Brownsville incident?

MR. KILPATRICK. Yes, and Internal Review Committee was there.

MR. ALEXANDER. You said that the individual captain you had before Captain Hughes was a good man?

MR. KILPATRICK. I feel he was trying to do a job in police work.

MR. ALEXANDER. And that Captain Hughes is similar? Is it your feeling that whoever the department would put there, that that would be the same case, or is it a matter of luck that you might—

MR. KILPATRICK. I don't know whether it would be the same thing or not, but I know about him.

MR. ALEXANDER. So it is a very individualized system now. It depends on the individual commander of the district?

MR. KILPATRICK. The type of work that he is doing is for the public, not only for me. He is doing it for the public. He is always open. Anyone calls, anyone wants to go in his office, the door is always open. They can go in.

MR. ALEXANDER. The allegations that have been made concerning lack of police respect for citizens, abuse of police powers, are similar things to those allegations brought to your committee by members of the community? Do you hear similar complaints?

MR. KILPATRICK. One that we had a few weeks ago, we brought that out in the open.

MR. ALEXANDER. Thank you. Captain Hughes, how long have you been in the Central District, sir?

CAPTAIN HUGHES. Since February of this year.

MR. ALEXANDER. And you have been with the department for how long?

CAPTAIN HUGHES. Almost 10 years.

MR. ALEXANDER. How is it decided who to assign as the commander of the Central District? I gather that is a fairly hot post in the department, on the line all the time.

CAPTAIN HUGHES. I think so. I think the consideration is given to selecting someone who has a background and a sensitivity to community problems in general that would allow them to function there over a period of time, I think, in a productive way because it can be difficult at times. I think there is a selection criteria that involves sensitivity and experience combined.

MR. ALEXANDER. Do you know how long you will be in that post? Is it at the will of the chief or term of years?

CAPTAIN HUGHES. There is no term of years. We have a system in policing, and it has been a system in public safety, and we call it the "career development," and that was always the term that was attached to rotation of personnel so that they weren't in one area too long, where they may have gone past their peak and may need another, newer challenge to stimulate them or to broaden their experience. So it has been arbitrary, and it is determined by our administration with no specific timeframes.

MR. ALEXANDER. The people who are assigned to the Central District, the officers, are they selected under any particular criterion? Do you get a particular set of officers to work what may be considered a

most difficult assignment, or do you just get the mix that the department has?

CAPTAIN HUGHES. Originally, we had a mix. Right now we have, I think—traditionally we have had many young officers in Central District.

MR. ALEXANDER. Does “young” translate as “inexperienced”?

CAPTAIN HUGHES. Yes, both age and experience, and they are brought into Central District because the amount of experience that they get is greater there than would be in other areas in the department, and many of the officers from Central District have moved up to investigative positions, supervisory positions.

MR. ALEXANDER. So is it fair to say that you have used the black community to train your officers in? Or would that be an overstatement?

CAPTAIN HUGHES. I think that would be an overstatement. We have a combination of considerations. One, the work volume is higher.

Before, the statement was made, or the issue was raised, that we have less sensitivity to black-on-black crime. I think that is one perspective that you could use. I would rather say, more realistically, in Central District, for instance, we have the greatest assault record every month, and it is the greatest assault record of all Dade County.

Now, when you take that many assaults, and you have officers handling them consistently, what you have is a reduced sensitivity to assault, not because of the lack of caring sometimes, but because of the frequency of contact that they have with people in assault situations.

So the officer who comes to Central will wind up handling more crimes of violence than he will any other place in the county, and because of that he gets more experience, he becomes successful, or we find out that he cannot handle that type of a police function.

MR. ALEXANDER. To get back to the original question, which was, is there any set of criteria to determine who to assign to this high-crime district that clearly, from the testimony we have heard, has a perception that it is not treated well by the department.

CAPTAIN HUGHES. Since I have been in Central District, I have been given very broad latitude in selecting the staff, and I have received just about complete support by the department. And if I know formally or informally of either an attitude or behavior problem, I make certain that that individual does not come to Central District. So I say, right now, the selection is based on my opinions and my wishes.

MR. ALEXANDER. There is no institutionalized system—

CAPTAIN HUGHES. No.

MR. ALEXANDER. —either in the training academy or internal training to gear people or to focus with people who would be working with the Central District; is that a fair statement?

CAPTAIN HUGHES. Yes.

MR. ALEXANDER. Could you tell me if you know, and if not, could you find out for the record, the number of black officers assigned to Central District out of a total number of officers assigned to the Central District?

CAPTAIN HUGHES. We have a total officer population of about 150, and out of those, approximately 25, which would be one-sixth, are black officers.

MR. ALEXANDER. Could you break that down through the day shift versus the midnight shift?

CAPTAIN HUGHES. The greatest population of black officers is on the day shift. I don't know the exact numbers, but it certainly is readily available.

MR. ALEXANDER. Is the most serious crime problem during the day?

CAPTAIN HUGHES. No. See, the assignment of personnel is based exclusively on seniority because of the contract negotiations between the county and between the labor organization it represents, the police group. So we have to assign based on seniority.

MR. ALEXANDER. Does that meet either your or the community's needs?

CAPTAIN HUGHES. It frequently—I shouldn't say frequently—occasionally, it does not meet our needs, and we have to honor the contract arrangements.

I would say that it is the most effective right now overall, because we have polled every officer in every district in public safety, and we have asked for alternative methods of the assignment, and they felt that this, at least, is something that is very objective, and it is based on your years of service, and as you move on in years, you will get preferential treatment as far as assignment. So the officers perceived that seniority is fair.

MR. ALEXANDER. I would like you to just generally comment on the testimony that we have heard, that there is a significant problem, at least perceived as continuing by the community, in police-community relations. This is beyond the specific cases of LaFleur and McDuffie.

I am talking about a daily, everyday level of abrasion between the police and individual members of the black community. Those are the types of allegations that we have received time and time again in interview reports throughout the community. Beyond the specific cases, is that their general perception, Captain Hughes?

CAPTAIN HUGHES. The question was quite long. Specifically, what would you like to know?

MR. ALEXANDER. I would like you to say whether you believe the perception of the community to be an accurate one or not.

CAPTAIN HUGHES. The perception that there is a—

MR. ALEXANDER. —a continuing level of abrasion between the community and the police department.

CAPTAIN HUGHES. My opinion is that there has been a level of abrasion that was very negative, dysfunctional, over the years in Dade County, and that that has been changing for a quite a long time.

Back in 1971, the safe streets program was instituted. The community service program was instituted. The public safety—the city of Miami, had comparable programs.

But what we wound up with over the years was a three-part problem. I was in charge of the safe streets unit for 2 years, and when I

attended meetings, and we had a lot accomplished, and we had instituted many task forces and committees and programs that are still running today, people would frequently say, "But it is not you we have problems with. It is the police," and I was a lieutenant, and everyone in my staff was a detective or sergeant.

So we had a separation between the officers and supervisors assigned to any type of community relations and the officers that were assigned to street patrol.

We wind up with a society, which I think we have all heard has housing problems, it has unemployment problems, discrimination. Those things are left for the police to handle, and we wind up with the negative aspects of society to address when that is not our role.

Now, a favorite term of mine is we have a 90-degree budget, but we have a 360-degree responsibility, because most agencies close up and go home at 5 o'clock, and then we have an officer who is trained in a specific area, and now, all of a sudden, he becomes the social servant who must provide all services to all of the community on a 24-hour basis. Very impractical. Then to criticize him for poor performance is just like highlighting the [inadequacies] of our system and our budget.

I think that we have a problem with recruiting in that we do need representation of minority groups in police service at the same rate they are in the community. What we wind up with is middle-class, white, police officers who come from suburbia and then enter a minority community and have a culture shock. That is not their world.

And I think that—although the training in Dade County is exemplary and I think it has set national standards in many ways, because over the last 2 years I have been here, we have constant requests for all kinds of programs, training, and whatnot to use as models elsewhere—I don't think we have enough of an "emergent program" where we take those individuals who come from other segments of society, bring them to an urban area, and expose them to what they will see.

We don't have what the psychologists and counselors call "processing." We have a system where we will take people and expose them to a drug center and say, "That is a drug center," but then we don't sit down for hours and say, "What was your reaction to that? Why did you feel that that affected you? What are your assumptions, based on how people should live and how they live in a drug center?" I don't think we do enough of that. So I think a lot of that type of exposure has to be increased.

So if we get back to the street, we have officers who are in a society that is a culture shock to them. We have a proliferated group of social problems, and we have a media which focuses on inadequacies instead of successes. One of the women who attended the Brownsville meeting, I think, was very articulate when she said that one of the problems is that black people in society didn't know how much they were being abused, but the media reminds us every day. So I think the media contributes to that, too.

MR. ALEXANDER. Could you explain what happened in the Brownsville situation very briefly and how the committee was utilized and how your office was utilized?

CAPTAIN HUGHES. Yes. On a Sunday night—I believe it was November 9—our officers stopped a car, and it was about 48th Street and 27th Avenue, and it was regarding a traffic violation. There was a discussion between the officers and the individual who had the car. The individual was ultimately arrested. A crowd developed and then there was a fight between members of the crowd and the officers. I think seven people went to the hospital, four officers, three of the people in the crowd. One man had a laceration to the head, and it created a very serious potential in the community because brutality spread—the allegations of McDuffie all over again spread, and we were back to a situation that was very explosive.

So then the problem was brought to me on Monday morning, the following morning, by Georgia Ayres; she is a community leader; she probably has been present here. Then I decided to go to that area myself and see what the claims were, see what the feelings were.

I think there are two things we have to deal with—the reality of the situation, which are the facts as we can determine what happened or as they're available, and then the perceptions of what happened, because people act on perceptions not on fact, I think, and the summary was that the residents felt that the officers had overreacted, did not have reason to take the arrest action, and that the confrontation caused further flareup, and that we now have the potential where residents in the community were enraged and extreme factions wanted to take some action of retaliation.

Mr. Kilpatrick recommended that we have a meeting as quickly as possible. So we set up a meeting for the following day. I thought the best thing to do was not to bring the community members and the local residents into the police environment, but to conduct the meetings in a local environment. You wind up getting more cooperation, I think, and more attendance that way. So we had the meeting in the local, Brownsville center. We had a very good turnout.

There was discussion about what happened. There was a response to explain police procedures, and there were representatives from the internal review section who took the overview of the information and then made specific appointments to deal with many of the people who were witnesses. We then turned the meeting into talking about that issue, really highlighting polarization that was going on between the police and the community more than the facts in that one case.

So out of that meeting we agreed to develop a police-community council which had been used a number of years ago, and we are planning to implement it within the next few weeks, and it will involve police officers from the Central District and business people and residents in the Brownsville area. And instead of being something that was totally negative and turning into an explosion, it turned into being a positive situation because we wound up with people who obviously

were concerned because of their presence. So let's take that concern and those obvious advocates and turn it into a continuing dialogue.

MR. ALEXANDER. Are there other steps that you would characterize as positive that were taken in the Central District since you assumed command?

CAPTAIN HUGHES. Yes, when I was sent to Central District, I was called in to our director's office, Director Jones, and he and the two assistant directors were present, and they explained that I was being sent there because of my background in Safe Streets and because of some of the successes we had in Safe Streets. And my primary role was to improve police-community relations and to get the administrative operation functioning so that it could function pretty much without me, and I could get into that image changing and relation building.

What we have done since that time is to, first of all, control the officers who are coming in to make certain that we have some selection, and I primarily do that.

Second of all, we have instituted a team police project in the public housing area of Scott Carver. We found in late June that—early June—I had to take a very hard line position and order officers not to go into Scott Carver unless they met with the fire rescue units a few blocks away and took almost the entire district with them because we had a severe problem with disco dances which had turned into violent problems and great potential, and every time we would enter that area, what we had was a crowd in front of us and agitators behind the crowd. We had a lot of weapons, and we would enter there on an assault case or shooting case, and the agitators in the back would smash the police cars or would do whatever they could to create a confrontation. Now, if the officers tried to deal with them, they had to go through the crowd. So what we had then was a fight between the crowd and the officers, and the agitators left.

So in that position, it was a lose, lose situation. So I ordered the officers not to go in, and I advised the residents in Scott Carver why that was happening. I said if we went in, we were going to go in there to check if there had been a serious crime or injury. If there was, we would draw all of the forces in the district, open up that crowd, and take out the injured person, and then we would leave. If the crowd was such that it was a greater confrontation between us and the crowd, we would just leave. And all of a sudden there were a lot of surprised faces. "You mean you are not going to bring service in there?" And I said, "No. We don't have the capability of bringing service in there under the current conditions."

And then we have a greater responsibility of being the community, I think, in the United States right now that could set off further racial disturbances. So we always had to be aware of that potential. So we couldn't afford a conflict and we couldn't afford that kind of publicity again. I don't think the country could.

What they did, they said, "What can we do?" And it was decided that a couple of problems existed. The polarization that was going on in the central community was the polarization between the community

and the police. What we needed was a polarization between the police, the community, and crime. So how do we go about that?

The only way to do that is to be able to distinguish between the local residents and the criminals. So we created a group of four officers, and we put them into the Scott Carver public housing area, and their role was to do just that, to learn who lived in the community and say, "Good morning" to the residents and "Get out" to the drug dealers.

That is exactly what they did, and we also wanted to test a hypothesis. Do you need a black-white crew? Do you need a black officer or black teams exclusively? So we put a black team and a white team of officers, and the black team worked together and the white team worked together as a four-man group, but as a black and a white team.

MR. ALEXANDER. You didn't have a team that was a white officer and black officer?

CAPTAIN HUGHES. No, there were two black officers and two white officers, and we found that the acceptance of the community had nothing to do with the race of the officer. It had to do with a kind of service that was provided, and we experienced a tremendous success, because the number of crimes that we experienced there during their working hours dropped to almost nothing.

The residents felt more comfortable because their response time at Scott Carver was the best in Dade County and they also knew who was responding. So when other officers would come in by chance, the residents would say, "We will wait for our police to respond."

MR. ALEXANDER. By the way, did the racial makeup of the team again follow the night and day assignment? Was it the white team at night and the black team during the day?

CAPTAIN HUGHES. No, we felt initially because of safety considerations that we needed at least four officers. The problems that we had to deal with were staffing. We are, I think, at a low that we hadn't experienced since 1975. We have, as I said before, 24-hour responsibility. So we did not have enough officers to put on every shift, and we also felt that for the officers' benefit and for the high visibility in the community, it would be best to start out the team police operations on the day shift so that more residents would get to know them, more of the business owners would get to know them during the business hours, and now we are moving into a night shift.

Instead of being a new group coming into an area at night, what we are doing is bringing an accepted group that is already established to an extended shift which includes the night, and it seems to—looking back now—it seems to have been a successful choice.

MR. ALEXANDER. Thank you. Mr. Chairman.

CHAIRMAN FLEMMING. Commissioner Horn.

COMMISSIONER HORN. Captain, I commend you on what you are doing in the Central District. From what I hear, it sounds like some progress is being made and that you have got linkages with the community.

I just want to ask a few questions. I was rather surprised when you mentioned the Brownsville situation. You said the problem was brought

to you the next morning. Is there not a system of notification there that when you have got a tinderbox situation that you would be notified at the time of the incident?

CAPTAIN HUGHES. Yes, sir. Usually if there is a serious situation I am called at home, and the following morning a summary report is on my desk. I was not called that night, but the summary was on my desk the following morning. Now, this would be handled that afternoon, usually.

What happened when Miss Ayres called was, the response was accelerated because she was expressing that there was a group of people present at that time who were willing to discuss the issue and wanted to present their views. Usually in a situation like that, I would turn to members of our advisory council or to officers who know people in the community who would want to discuss it and then would respond in that way.

COMMISSIONER HORN. There is also a surprise that the black officers were more on the day shift than the night shift, since that obviously reflected a certain amount of seniority under the contract, and since one usually assumes that it isn't until recent years that minorities got better opportunities on police departments than they did previously, I was wondering how they were able to accumulate that seniority.

So what I am going to ask is, when black officers accumulate that seniority, do they try to get assignments outside of the Central District into what might be a little more pleasant area to police, in the suburban parts of Dade County? What is the sort of personnel behavioral practice?

CAPTAIN HUGHES. I have had six black supervisors in the Central District this year, and all have asked out, and they have all been transferred.

The problem many times is, I think, they are caught in a bind greater than the other officers because they feel they represent to the community a hope for a change. They represent leadership, and when they do not have the impact that community perceives in changing or bringing about service or sometimes in bringing about the kind of service that is wanted, they feel very frustrated.

They also work in a bureaucracy, and the functioning of a bureaucracy is not understood by many people that are outside of any given bureaucracy, so that they have combined frustrations, I think.

COMMISSIONER HORN. In the Dade County public safety program, have we had charges brought by members of the black community against black police officers?

CAPTAIN HUGHES. Yes.

COMMISSIONER HORN. As well as white police officers?

CAPTAIN HUGHES. Yes.

COMMISSIONER HORN. So, in that sense, it is a role to be performed, and the reaction to the role and how one conducts oneself within that role, not necessarily exclusively a black versus white police officer charge or even a white versus black police officer charge. It is a community charge against a person regardless of whether they are white or black, based on how they conducted themselves. In other

words, being black doesn't defend you against a community reaction or mean you won't commit abuse.

CAPTAIN HUGHES. No. I worked in New York City for 5 years before I came here, and I had a white partner and I worked in the black community and I was told we were racists.

I had a black partner, and I was told that we were a "salt and pepper" team trying to prove something to each other, and when we put in two black partners, we were told they were unduly harsh because they didn't think they would be criticized.

So there was this certain amount of resentment that goes with the position, excluding the race of the officers, yes.

COMMISSIONER HORN. Well, I feel the police have the toughest job in this society across the country, and it is frankly a no-win game.

Let me ask you about the problem of those agitators you mentioned in the rear of the crowd. Can we generalize as to who these agitators are? Is it simply youth making trouble, as we have seen in areas all over the country for a century, that you have looked at riots and how they start via the Irish in New York in the 1860s or wherever? Just how would you describe it, or is it a political ideological thing, going to try and play games in the black community and exploit blacks for a particular end like the Maoists or whatever?

CAPTAIN HUGHES. I think I have to qualify my response and say that it is personal and subjective. I don't have any hardcore data, but my opinion, based on my experience and my perceptions and what facts I have access to, is that the riots that occurred in May, and then the disturbance that we had in July, dealt with a minority of people within our community, and that those people are predominantly young, initially responding to frustration, anger, and whatever. And that after the initial disturbance, what happened was criminals who had been criminals when there were no riots become opportunists as well as criminals during the riots, and they were out there, and they were burglarizing and assaulting, and we find that it is the young man predominantly who was involved in conflict with the criminal justice system and involved in assaults within his community, robberies within his community, assaults or burglaries within his community, who becomes even more active during a time of disturbance. I think that is what we experienced.

I think that now we are in a different situation. Whenever you have a problem, a disturbance, whenever you have a breakdown in harmony between the community and whatever government exists, you have opportunists then who do have a political motivation. Some are just for disruption because they are just down with systems in general.

Some might have a greater design. I think right now the threat in Miami is that we will have disturbances which will have specific organized groups to contribute to those disturbances, and I think there are elements afoot right now that are trying to get the black community involved in activities again.

I think that we are seeing new separation now between the, let's say, more radical group who would like to have disturbances in Dade—and

that is a young group—and the rest of the black community, because the phone calls that I get, the reports that our officers receive, are from the over-30 group, and what they are saying is, “We don’t want any part of that. We want to work within the system, and these kids are trying to stir things up again.”

COMMISSIONER HORN. Well, that was my next question because, obviously, the success of any effective police program is to gain the support of a great number of people in the community, and, obviously, also, to all of us it is clear that the people who are exploited in a city are not the whites living in the suburbs. It is the people that live in an inner-city community, day-by-day businesses, people living on social security checks, whatever, that have their purses stolen and all of the rest of the crime that occurs.

Now, what kind of support do you feel you are getting in the—let’s just take the three basic communities of Miami—in the Latin, black, white communities by areas with which you are familiar? Have you found a difference in the communities’ reaction and willingness to work with the police department so that the law can be enforced? I mean, are people living in fear in some areas so they don’t dare try to help turn their community environmental situation around because they will be beaten up by people that are 6-foot 5 and 200 pounds as opposed to other areas where there is a uniting of citizens?

CAPTAIN HUGHES. I would say, yes. We have had a consistent effort to try to organize crime watch activities which involve citizens observing activities in their streets and calling the police, and it is consistently more difficult to do that in a black community.

As an investigator I have canvassed the Scott community, for instance, and the feedback that I consistently get from citizens in an investigating capacity now and an administrative capacity, and also a social service capacity, is that they are afraid (1) that there will be a retaliation if there is some affiliation with police and (2) that the criminal justice system is so incompetent that the criminals, even if they are convicted of a major felony, will be back on the streets in a short time. So no matter what guarantees the police give them, what good is it, because the police have no control over the rest of the criminal justice system.

COMMISSIONER HORN. Mr. Kilpatrick and Mr. Pitts, would you agree with that latter assessment on the reasons for community support or nonsupport with public safety, or are there other reasons? If so, what are they?

MR. KILPATRICK. I will agree with what he said on the police department and the criminals. There seems to be a tendency for the police to take a group down—the next hour or two they are back on the street. Many of the youth in the area in Brownsville where I am, I have known the police to carry them down, and in 30 minutes the youth is back and the police are still writing the report.

I have gone to court down there many times for my business, and the juries seem to want to put the policeman himself on trial rather than the youth.

At one time a man found some evidence where one of the youth he had apprehended was a suspect. So the boy said, "Well, it wasn't me. I threw it back to him." I tried to explain, and he told me to shut up.

So with the system down there, the system they have in the juvenile department, the youth are just running rampant out there, absolutely no control whatsoever, that I think it goes a little farther than that. Some time ago we had HRS, and the juvenile system came out and talked to us and explained there is absolutely nothing they can do with the juveniles unless they commit a crime on the school grounds, then the most he will get is 30 to 90 days.

It is just a matter of bookwork. So the system has to change before you can do anything about it.

COMMISSIONER HORN. Mr. Pitts?

MR. PITTS. I agree to some extent with all of the explanations; they explain, to some extent, why the community doesn't respond. However, the community also feels that it, in some instances, would prefer helping the community than helping the police, because it has been made to perceive itself as an adversary, if you will, by our police law enforcement agencies locally.

I think that the community—in essence, is worried—has demonstrated that it would come forward and support the police. It has not found the police subsequently again coming back to support it, if you will. It often perceives itself as police officers fighting black folk instead of fighting crime in some instances, too. So I think, yes, in some instances the community is not responding because of its perceptions of the criminal justice system, but it is also not responding because it has not found that system and law enforcement officers being the most identifiable facet for the community and which it really understands best being supportive of it.

So I think there is going to have to be something done on the part of the police itself to engender more support in the community and to make citizens feel more inclined to support it and to come out and to take a position against the criminals in their community.

COMMISSIONER HORN. One last question, Captain Hughes. I will put this also to the director. I would be curious, Is the perception of the police officers in the Central District that their district is undermanned in terms of the relevant allocation of resources, given the number of people, the number of crimes, compared to other districts in Dade County? What is the feeling of the officer on the beat?

CAPTAIN HUGHES. All of the police officers in the public safety department feel, and I think are accurate in their perception, that they are understaffed. Central District has the greatest staffing within the public safety department and has always had higher coverage. The officers there perceive that there is not enough support. Their squads have gotten smaller and smaller due to our attrition within the department, but we have consistently brought back the figures to show them that, compared to the rest of the organization, they have the greatest coverage. We have converted to two officers per unit. We have in-

creased the number of officers that were present, and we have some tactical units also for special problems.

So although, yes, we are understaffed severely at the present time, we are still, in proportion to the rest of the department, the best staffed district.

COMMISSIONER HORN. Thank you.

CHAIRMAN FLEMMING. Commissioner Saltzman. Commissioner Berry.

VICE CHAIRMAN BERRY. I just have one question. Mr. Pitts, I think that the description that Captain Hughes has given, which is supported somewhat by Mr. Kilpatrick, is of generally improving community relations since the May 17 disturbance.

I am not asking you to comment on the competence of Captain Hughes as an individual, but would it be your general perception that community relations have improved substantially since that time and that there is greater confidence in the community in the police?

MR. PITTS. I think the attitude of the community can best be described as one of a sit, wait, and see kind of attitude.

I think the interactions have diminished over the recent months. But that is no communication to me there has been any real improvement. As I stated earlier, Captain Hughes has done an outstanding job and is an exception, I think, to the rule. I don't think we are at a point now that we can feel confident that any substantive change has been made in that relationship.

VICE CHAIRMAN BERRY. Thank you.

CHAIRMAN FLEMMING. Commissioner Saltzman.

COMMISSIONER SALTZMAN. Mr. Kilpatrick, can you give any other examples, except the already mentioned Brownsville situation, where your committee has, through its intervention, made specific recommendations that have brought about a change in the situation?

MR. KILPATRICK. Was that for me?

COMMISSIONER SALTZMAN. Yes, I am asking you whether your citizens committee has made recommendations that have brought about any changes that you can tell us about.

MR. KILPATRICK. We don't have the power to made recommendations but to advise the county management of what has happened. At every meeting we take minutes of what is happening; whatever we discussed, what we vote on, we send to county management. So far we haven't had any feedback from the county management.

COMMISSIONER SALTZMAN. There has been no response to any of the recommendations?

MR. KILPATRICK. None whatsoever from the county manager, not to the committee.

COMMISSIONER SALTZMAN. Are there any ways you would recommend in which the effectiveness of your committee can be advanced? What other things might be given to the committee? What other powers? What other help might be given to the committee in which effectiveness of the citizens committee might be advanced?

MR. KILPATRICK. I feel if the county manager would give me some feedback as to what direction we should take once we feed him the information, I would feel then we would be empowered to give him—whoever is in charge—some direction of what we feel would go.

We need to hear more from the community on the things that are happening in the community, which we don't, but there again, there is another thing we need to do. We need a media.

I find out that to do a job, many of the problems out there arise out of arrests, because the citizens don't know what to do whenever the police make an arrest. I have asked Captain Hughes many times on many occasions if he would advise his policemen to tell the citizens what they are supposed to do. Many times the policemen stop a group of boys and girls on the street and make arrests. What are they supposed to do? Are all of them supposed to jump out at one time or another? We had a breakfast one morning. We asked if they would run a series of things to get the information from the police department. What a citizen is supposed to do when you make an arrest. Many of us don't know; many of you don't know what you're supposed to do, and different kinds of arrests are made. If a policemen wants to make a drug bust, it happens all at once. You do that so you catch them a little by surprise, but does the public know it?

If you come down there, there are a lot of things that the media needs to do, in police-community relations with the citizens, to let them know what to do, when to do and how to do, and that is one thing that is lacking as far as media is concerned.

CHAIRMAN FLEMMING. Commissioner Ramirez.

COMMISSIONER RAMIREZ. Mr. Pitts, are the juveniles with whom you work organized as gangs, or are they individual juveniles?

MR. PITTS. I think we are very fortunate in this area not to really have a serious gang problem, as such. Of course, they are youngsters who tend to collect in one area or the other, if you will, but the areas are primarily separated in terms of communities. But there is no gang activity to any significant level, I think, in this community vis-a-vis other areas in the North and the West, if you will. So we don't have a real gang problem.

COMMISSIONER RAMIREZ. Are there any efforts to bring the juveniles and the police together in committees as much as you have citizens committees and action groups?

MR. PITTS. I think there are some efforts, but they are not significant at this time. There is no, you know, countywide effort to that effect bringing youngsters in and, you know, authority figures together. Agencies such as ours and others are involved in some efforts, but there is no countywide, you know, effort really supportive in funding or a mechanism in place by local government.

COMMISSIONER RAMIREZ. Thank you. Mr. Chairman.

CHAIRMAN FLEMMING. Commissioner Ruckelshaus.

COMMISSIONER RUCKELSHAUS. No questions.

CHAIRMAN FLEMMING. We want to thank the members of the panel for the time that you have given. It has been very helpful. Thank you very much.

Counsel will call the next witnesses.

MR. MCGOINGS. Frank Bethea, Michael Cosgrove, Hugh Peebles, and Sam Williams.

[Frank Bethea, Michael Cosgrove, Hugh Peebles, and Sam Williams were sworn.]

**TESTIMONY OF MICHAEL M. COSGROVE, ASSISTANT CHIEF OF POLICE, MIAMI POLICE DEPARTMENT; SAM WILLIAMS, HUMAN RESOURCES COORDINATOR, DADE COUNTY PUBLIC SAFETY DEPARTMENT; FRANKLIN BETHEA, POLICE OFFICER, MIAMI POLICE DEPARTMENT; PRESIDENT, MIAMI COMMUNITY POLICE BENEVOLENT ASSOCIATION; HUGH PEEBLES, PRESIDENT, DADE COUNTY POLICE BENEVOLENT ASSOCIATION**

MR. MCGOINGS. Mr. Bethea, would you please describe the role of the—I am sorry—would each of you please state your name, address, and occupation for the record, beginning with Mr. Cosgrove.

MR. COSGROVE. My name is Michael M. Cosgrove. I am assistant chief of police with the City of Miami Police Department, 34 years old.

MR. WILLIAMS. My name is Sam Williams. I am a human resources coordinator for the public safety department. The address is 1320 NW 14th Street, and I am 33.

MR. BETHEA. My name is Franklin Bethea, and I am a police officer with the City of Miami Police Department, and I am 39 years old.

MR. PEEBLES. My name is Hugh Peebles. I am the president of the Dade County Police Benevolent Association, and I am a sergeant with the public safety department.

MR. MCGOINGS. Mr. Bethea, would you please describe the role of the Miami Community Police Benevolent Association?

MR. BETHEA. Yes, sir. Our organization was incorporated in 1945 as a black officers' association, incorporated, because at that time we were not allowed to belong to any other organization.

The objectives of our organization are cooperation, if you will, relief to the poor in distress, the advancement of education, of science, the lessening of burden of government, the lessening of neighborhood tension, the elimination of prejudices and discrimination, defense of human and civil rights described by laws, and combatting of community deterioration and juvenile delinquency.

MR. MCGOINGS. What is the size of the organization?

MR. BETHEA. Presently, it is about 75.

MR. MCGOINGS. Thank you. Mr. Peebles, would you please describe the role of the Police Benevolent Association.

MR. PEEBLES. The Dade County Police Benevolent Association represents the law enforcement community from several municipal governments and also from Dade County. We represent them in collective bargaining. We are the union for the police officers and public safety.

We ascribe to help the various youth organizations within the county by augmenting their baseball teams and that sort of thing with funding.

We try to work with the youth to establish a rapport, if you will, between the police and the police organization and the community itself.

MR. MCGOINGS. What is the size of the membership?

MR. PEEBLES. We have approximately 3,000 members.

MR. MCGOINGS. And what were the requirements for membership?

MR. PEEBLES. I brought with me an application, and the requirements for membership within our association is to be a full-time law enforcement officer here in Dade County, either Federal, State, county, or municipal.

MR. MCGOINGS. Are you aware of how many minorities belong to your organization?

MR. PEEBLES. We do not keep records of ethnic background and that sort of thing. However, after having spoken with you earlier in the week, I contacted Dade County, and through payroll deduction of just the county members, I managed to come up with some of that information.

The county has 2,105 employees that are included in the categories of police officers, correctional officers, animal control specialists, communications operators. Of that number, there are 1,867 that are PBA members, 238 are non-PBA members; and of the 1,867, it breaks down to 56 are black females, 130 are black males, 22 are Cuban females, 171 are Cuban males, 192 are white females, 1,289 are white male. There is one Asian American female. There are three Asian American males, and there is one American Indian female and one American Indian male, and then there is one who is listed, as "Other"—I don't know what that would encompass.

MR. MCGOINGS. Thank you very much. Any minority members in policymaking positions within your organization?

MR. PEEBLES. Yes, within the PBA itself, the board of directors of the PBA, of which there are currently, I believe there are 38 on the board, and at present, our association [has] two Latin males, two black females, and one black female on our board of directors in addition to which our executive committee has one black male member.

MR. MCGOINGS. Thank you very much. Mr. Cosgrove, what is the authorized strength of the Miami Police Department?

MR. COSGROVE. The authorized strength of the Miami Police Department is 1,181 total employees, to include civilian and sworn. We have a budgeted strength of 814 sworn personnel and 367 civilian personnel at this time.

MR. MCGOINGS. Of that number, could you tell us how many sworn personnel are black, Latin, female?

MR. COSGROVE. In terms of a breakdown by ethnic background and women, at the present time, as of November 30, 1980, 59.9 percent of our total sworn complement are white Anglo officers; 17 percent, total 119, officers are black; and 24.8 percent are Hispanic. Of that group, 10.4 percent are women at this time.

MR. MCGOINGS. Thank you. How many officers have you hired in the last 2 years?

MR. COSGROVE. I don't have a breakdown in terms of the last 2 years, but what I could give you is a breakdown for 1974 to date, which gives our total complement of people who are hired by the Miami Police Department, which totals 467 officers. Of those 467 officers, 75.3 percent were minority personnel of the sworn configuration brought on the Miami Police Department.

MR. MCGOINGS. Could you break that down by ethnic—

MR. COSGROVE. Yes. Of the 467 that were hired, blacks accounted for 28.7 percent; Hispanics, 40.7 percent; and Anglos, 30.4 percent; and of that group women totaled 18 percent.

It should be noted too—I don't know if was brought to the attention of the board earlier—but the city of Miami proper, by ethnic breakdown with anticipation of the 1980 census coming down soon, will probably have in excess 60 percent Hispanic population, 20 percent black, and 20 percent Anglo. That all includes considerable Haitian refugees, Vietnamese refugees, etc., so we are truly a multiethnic community in the city of Miami proper.

MR. MCGOINGS. Thank you. Can you tell us how many officers you expect to hire within the next 2 years?

MR. COSGROVE. Between now and October 1 of 1981, we plan on bringing on in excess of 260 police officers. Of the 260 police officers, 80 percent or more of those officers will be minority police officers similar to the ethnic breakdown of the community I mentioned to you earlier.

MR. MCGOINGS. Thank you. Is your hiring goal part of an affirmative action plan?

MR. COSGROVE. Yes. From 1974 on, we have been operating under either the Cohen decree—which was an agreement reached with the Miami Police Department and members of its organization in terms of affirmative action programming, or it is the affirmative action program itself, which was born out of the consent decree that we entered into in the 1974 period, beginning that time and actually running into 1977. We had a 56 percent requirement under the consent decree to hire new employees of minority ethnic background, and we have exceeded that, as I indicated earlier, to the point of 80 percent in the last 2 years by hiring for the Miami Police Department.

Our goals for hiring personnel by the consent decree is 56 percent; our goals in terms of promotions for this year is 43 percent.

MR. MCGOINGS. Thank you. Mr. Williams, what is the authorized strength of the Metropolitan Dade Department Of Public Safety?

MR. WILLIAMS. I don't have that figure at hand, but at present we are approximately 2,130-odd people in the department, to include all the classifications.

MR. MCGOINGS. That is the total strength of it?

MR. WILLIAMS. Yes, sir.

MR. MCGOINGS. And of that total, how many of your sworn personnel would be black, Latin, or female?

MR. WILLIAMS. We have it broken down into that, if I could just read across the page. We have approximately 1,078 white males, 108

white females, 95 black males, 27 black females, 144 Latin males, 13 Latin females, and 2 others. That is a total of 1,466.

MR. MCGOINGS. Do you have any statistics on the number of minorities hired this past year or 2 years?

MR. WILLIAMS. Yes. In December of this month—as a matter of fact, Monday—we put into the Police Academy 5 black males, 6 black females, and 1 white female, 7 Latin males and 1 Latin female. That is a total of 20 that is in the current class that started Monday. In November of this year, we put in 1 black male, 2 black females, 1 white female, and 1 Latin male, which was 5, and they are in a class with a number of other people from other organizations throughout the county. That is a total of 5 in that class.

And in the only other class we started this year, which was in July, we put in 17 black males, 4 black females, 1 white male, 7 white females, 12 Latin males, and 3 Latin females, and that is a total of 44.

MR. MCGOINGS. Thank you. Does your department have a specific minority hiring goal?

MR. WILLIAMS. Our policy is to hire two-thirds minority, which we call our one-third program, that is, one-third of the class that goes in will be Anglo, one-third black, and one-third Latin, which, of course, gives you a two-thirds minority.

MR. MCGOINGS. Is this hiring procedure part of an affirmative action plan?

MR. WILLIAMS. We established an affirmative action plan which was augmented earlier this year to really beef up this one-third program that we have here.

MR. MCGOINGS. Was that a countywide plan or departmental?

MR. WILLIAMS. No, the department developed the plan, and it was incorporated into the officers' club lawsuit.

MR. MCGOINGS. Thank you. Mr. Bethea, is your organization acquainted with the affirmative action plan which has been discussed?

MR. BETHEA. Yes, sir, we are. Also we also understand that there had to be some alterations, because initially affirmative action wasn't thoroughly explained that it had to be done. So they had to change the head of that organization.

MR. MCGOINGS. Have you had any input into it?

MR. BETHEA. No, sir.

MR. MCGOINGS. You have not?

MR. BETHEA. No.

MR. MCGOINGS. Mr. Peebles, has your organization had any input into the public safety department's affirmative action plan?

MR. PEEBLES. On the affirmative plan that was described, yes, we had a member sit on the panel that formulated the plan. However, the implementation of the plan by court order was not anticipated. At the time we sat and participated informally in the plan, there was nothing alluded to that it was going to be a basis of a lawsuit. We fell short in that area, but our contribution to the plan, we still felt, was considerable.

MR. MCGOINGS. Thank you. Mr. Cosgrove, does your department have a budget for staffing or recruitment?

MR. COSGROVE. Yes, we do. We currently have approximately \$4,000 that is set aside annually for a recruitment program. However, in conjunction with that, we just appeared before the city commission in light of the fact of the number of officers that we will be hiring throughout this next year and requested an additional \$90,000 for an advertisement and recruitment program utilizing a professional organization to assist us in that process. And that recruitment program would be designed predominantly to target minority groups to assist us in reaching our goal of 80 percent minority hires between now and October of 1981, and we do expect to pass this in the form of the resolution of that recruitment program request.

MR. MCGOINGS. What are the methods you use to recruit?

MR. COSGROVE. During the past 2 years, we have had little problems in terms of attracting qualified minority candidates into the Miami Police Department. As I stated earlier, we have been successful to the extent of an 80 percent-plus in the minority area of hires in the Miami Police Department, and many of the methods that we have been using that we found to be most successful is a coordinated effort with many of the community groups that do represent minority areas in the city of Miami. They have referred to us a large number of applicants that have subsequently become Miami police officers.

In addition to that, we have used the normal advertisement media to include professional production costs of pamphlets, brochures, and what have you. We will be moving into billboard advertisements, newspaper advertising, posters, flyers, radio advertising spots, etc. again, particularly designed to attract minority candidates to the Miami Police Department.

MR. MCGOINGS. Do you use a test for establishing employment eligibility?

MR. COSGROVE. There is a test that is administered by the University of Chicago and coordinated with the Human Resource Department of the City of Miami. That test was based on a Cohen decree agreement which really dealt with three primary areas. (1) They wanted an independent testing agency to prepare entrance and promotional examinations, and (2) they wanted that organization to monitor the administration of those exams, and (3) they wanted to implement the appropriate methods of scoring the exam which were designed to measure the abilities to perform the job and to provide appropriate safeguards against bias of a racial, cultural, or ethnic nature.

We currently have that examination on board, and it has been in effect for approximately the last 5 years. What the exam does is measure motivational type measures of an individual, intellectual and behavioral measures.

Now, this was designed by the University of Chicago specifically for the Miami Police Department. In that process, they did a complete review of administrative documents associated with the Miami Police Department in terms of effective performance, performance evaluation,

etc. They also did a search of relevant published literature in the area of police selection and promotion nationally, and lastly, they did a quantitative job analysis of the Miami Police Department, using standard measurement devices that are generally used in that process. And they did, in fact, formulate a preentry level exam and also a promotional exam for the Miami Police Department.

In terms of the process, what occurs is the candidates take that exam, and after they go through the process and are determined to have either passed or failed that examination, as our vacancies become available, the human resource department refers candidates to us for hiring and background investigations and for promotions.

MR. MCGOINGS. Has your department received any complaints about the examination?

MR. COSGROVE. There are some concerns about the exam from the general membership, not only from minorities, but from throughout the police department, and I think there is some concern about whether or not the exam does, in fact, measure what it purports to measure as far as effective job performance, etc.

However, since the exam has been administered, we have not found it to have a disparate impact upon the hiring or promotion of minorities in the Miami Police Department.

MR. MCGOINGS. Thank you. Mr. Bethea, has your organization received any complaints about the examination that is administered by the Miami Police Department?

MR. BETHEA. Yes, sir. That is one of our major complaints. We feel that the makeup of the exam is that which is consistent with the old I.Q. test, made upon a white male model, and consistently eliminates black candidates for the police department.

MR. MCGOINGS. I see. Mr. Williams, does your department have budget and staff for recruitment?

MR. WILLIAMS. There is monies allocated to form recruitment practices, yes.

MR. MCGOINGS. How do you recruit?

MR. WILLIAMS. Basically, the same format that Chief Cosgrove has just mentioned. We would call the universities and colleges in the cities, we go around the State to all the major universities in the State, primarily to the predominantly black colleges in the State.

Of course, locally we have a recruitment team made up of, I guess, four or five people that—three or four minorities and one is an Anglo male and there is a Latin female on the team—and, of course, we have touched upon all of the places in town that Chief Cosgrove has mentioned in terms of community groups; we have sent letters nationally to the National Black Police Association.

We were advised that, for example, the city of Detroit was about to lay off 400 or 500 officers. We have been in contact with the city of Detroit. We have also been in contact with five black organizations of police that are in the Detroit area, and we have also locally advertised in, for example, the *Miami Times* and the Latin newspapers, and we are

on WEDR, WMBM, which are the black stations here in the city, and just about everything you can possibly name.

MR. MCGOINGS. Do you have any idea which one of these methods has been the most successful?

MR. WILLIAMS. I don't know.

MR. MCGOINGS. Mr. Cosgrove, when your department receives a list of eligibles from the human resources department, could you describe the selection process in one sentence?

MR. COSGROVE. When the applicants take their preentry level exam through the human resources department, they develop a list of eligible candidates that they then refer to us. Once we obtain that list of eligible candidates who have passed the examination, we go through what we call a background investigation in terms of previous employment. It includes a medical examination; it includes going back through, historically, the person's education, the military background, possible arrest record and convictions, narcotics involvement previously and up to that point, their driving record, and pretty much of a complete profile as to where the person has been in terms of previous work experience and personal experience.

At that time, once they clear the background examination, they are then immediately hired by the Miami Police Department and perform administrative tasks until they go into the Southeast Florida Institute of Criminal Justice. Once they go to the Southeast Florida Institute of Criminal Justice, that is for approximately 5 months, which is pretty much of an academic program.

Once they graduate from the Southeast Florida Institute of Criminal Justice, they go into what we call a field training officer program with the Miami Police Department where they ride with a trained and experienced officer who attempts to develop their skills and abilities as officers during their probationary period.

If they pass that program successfully after a 4-month period, they are then assigned either solo or with a partner for the remainder of the probationary period and subsequently become full sworn officers after an 18-month total probationary period.

MR. MCGOINGS. Where do most of your black applicants wash out, in the selection process?

MR. COSGROVE. Black applicants—we just completed quite a bit of study in that area in terms of our entire background investigation process.

It does not appear to be at this point any one area that provides a disparate impact per se toward any minority group, but black applicants as well as the other applicants, where we are having the most significant problem seems to be in the area of narcotics usage. Narcotics use not necessarily in terms of marijuana, but a lifestyle of narcotics usage and this has been one of the focus points that we have focused upon in the background investigations to deal with candidates that are coming into the department. Correspondingly, we have had situations where officers on the Miami Police Department have been identified by inter-

nal security personnel and subsequently disciplined and prosecuted in the area of narcotics activity.

So at this point in terms of our preentry selection criteria, lifestyle narcotics usage is an area we watch very closely for all officers coming on the department. That is one of the areas we are having problems with.

MR. MCGOINGS. If the applicant is rejected, does he have the right of appeal?

MR. COSGROVE. Yes, the applicant is sent a letter indicating that he is, in fact, being removed from the register by the human resource department. It is also indicated to him that he does have a process of appeal where he can come back to the City of Miami Police Department and contact directly the staff that was involved in doing the background investigation to find out specifically why he was eliminated at that point from the process.

What we find occurring on many occasions here, too, is that people that are in the borderline situation associated with, say, a driving record, a considerable amount of tickets, and problems in driving and narcotics, many times over a period of time, those areas can, in fact, be corrected, and during that period of consultation between the background investigator and the applicant it is advised to the applicant what they have to do in order to get back into the system again.

We have had several people that have initially been declined employment who have gone back through the system and over a period of time and have been brought back on the Miami Police Department.

That may not be included in all cases, but it is something that we consider as we go through the process of dealing with a background investigation process.

MR. MCGOINGS. Thank you. Mr. Williams, when your department receives a list of eligibles from the county personnel department, could you describe the selection process that follows that?

MR. WILLIAMS. Okay. After we receive the eligibility list, the individuals are then scheduled for an oral interview. After the oral interview, the next phase is the psychological examination, then the background examination and the medical examination, and then they are selected for hiring or not selected at that time.

MR. MCGOINGS. Have you been able to identify a point during the selection process where your black applicants tend to wash out?

MR. WILLIAMS. The area that we find primarily is at the entry level going in to Dade County personnel to be tested. For example, to date the recruiting section has placed into Dade County Personnel approximately 2,500 applicants to be tested to become eligible to get on the eligibility list, so to speak, and we have only yielded approximately 1,400 people from that. So, therefore, we lose quite a few people at the entry level itself, that is, not able to successfully pass the civil service examination.

And, of course, we lose people at every other phase along the way. We have had the interview level, we lose people; at the background

level, we lose people; and we lose very few people at the medical portion.

MR. MCGOINGS. Is there a right of appeal?

MR. WILLIAMS. Yes, there is, and that process basically is the person is also sent a letter advising him that he has been removed from the system, and if he has questions about why, he is to call the personnel selection center, and his file is then reviewed with him.

If he is not satisfied at that time, they then refer the individual to the office of human resources and public safety department, and the file is then gone over by one of the human resources coordinators, and he then brings the—if there is a defensible information within the folder concerning why the individual is rejected, that information is then brought to the administrator-in-chief's attention, and if there is something that can be worked on, for example, traffic past or credit history or something like that, given a specified amount of time the individual can correct it, or we work with the individual to make corrections so a person can become eligible. And if we have problems at that level dealing with the human resources office and the administrative chief's office, then the further appeal goes to the director himself, where he mediates, and he has the final say-so on who is hired within the department.

MR. MCGOINGS. Thank you.

Mr. Peebles, do you believe that the hiring standards in the department have been lowered to comply with affirmative action standards?

MR. PEEBLES. Our standards?

MR. MCGOINGS. Yes.

MR. PEEBLES. No, I don't believe the standards have been lowered as far as the attempts to hire. I don't believe that is the perception. I think the quality of the candidates that we are actually winding up with is lower than we used to have.

MR. MCGOINGS. Why do you believe that is so?

MR. PEEBLES. That is the perception of the men in the field, and it is my general perception. I have been on scenes myself where the officer—and it doesn't matter if he was black or white or whatever, that is not the point, but the applicant couldn't swim. That could be a disturbing situation to a drowning man waiting for someone to come to save him.

That used to be an absolute standard that must have been met. I don't know that this has been remanded or what, but I have had officers there that just could not swim.

MR. MCGOINGS. Mr. Bethea, do you believe county standards have been lowered in order to comply with the affirmative action requirements?

MR. BETHEA. No, sir. It has been my observation that the quality of personnel that is coming on now, based on the lack of a job market, we are getting very highly qualified people to come to the police department.

MR. MCGOINGS. Mr. Williams, the recently released report of the Governor's Dade County Citizens Committee cited both the Miami

Police Department and the public safety department for having insufficient numbers of black officers and black supervisors.

Of the public safety department, the committee said, "The public safety department does not have an appropriate number of black police officers and is greatly deficient in the number of black supervisory officers it employs."

How many officers are in supervisory positions in the public safety department, and how many of those officers are black?

MR. WILLIAMS. In the public safety department, anyone holding the rank of sergeant or above is in a supervisory position.

We have 239, for example, white sergeants, white male sergeants, 11 white female sergeants, 7 black male sergeants, 1 black female sergeant, 3 Latin male sergeants, and 1 Latin female sergeant, a total of 262.

We instituted a new rank. It is an exempt rank, called master sergeant program, effective January 5. They will all be promoted, and there will be 2 white males, 2 black males, and 2 Latin males.

MR. MCGOINGS. Are any steps being taken to increase the number of black supervisors?

MR. WILLIAMS. Okay. With the creation of the master sergeants program and the creation of a corporals program and additionally the police commander ranks, these were all intended to increase the amount of minorities in supervisory positions within the department.

I mentioned, for example, the corporals program. The corporals program is designed to afford the personnel within the corporals program—over a period of 3 years, the person can acquire six additional points which are credited toward the civil service examination for sergeant.

In years past, six points can virtually move an individual on the eligibility list for sergeant, for example, perhaps from number 70 up to number 40 or 50, something like that, or if he is higher, of course, the number would be corresponding. If he is 30, he could move up to be 5, 6, or 7, in that area. That is what the corporals program was intended to do as well as the master sergeants and the police commanders ranks. So those were exempt positions that were created by the department and incorporated into the present lawsuit, and it is being implemented this time, and that is why we have those ranks now.

MR. MCGOINGS. Thank you. Mr. Cosgrove, the Governor's committee also cited the Miami Police Department. Could you tell us the total number of supervisory positions in your department and the number of blacks?

MR. COSGROVE. In terms of police sergeant positions, we have a total right now of 124, of which 13 are blacks, 16 are Hispanic, and 7 are women, for a total of 29-person complement.

During the Federal fiscal year of 1979, which was July 1 of '79 through June 30, 1980, we had a total minority promotion achievement of 75.6 percent. The city of Miami Police Department had 78 promotions, including both civilian and sworn during that time period, of which 59 were minority promotions.

In terms of sworn positions, we had 27 sworn position promotions during that same fiscal year, of which 40 percent were minorities, for a total of 11 of 27 positions. Females, by the way, in that area accounted for 11 percent of those as well, 3 of 27.

In civilian positions in the department we have had a 94 percent promotion rate, for a total of 48 promotions out a total of 51 for minority applicants who were involved in the promotion process.

For this particular year, we will have a promotional goal for sworn personnel of 43 percent in the Miami Police Department, and we have no doubts that we will be able to meet that objective as well.

We feel we have had a considerable degree of success in terms of the promotional picture at those levels within the Miami Police Department, and in addition to that, of 491 police officers right now, 52 percent of those officers do represent the minorities we serve in the city limits of the city of Miami.

MR. MCGOINGS. Thank you. Mr. Bethea, what does your organization believe is the biggest obstacle to black officers reaching supervisory ranks within the department?

MR. BETHEA. It has to be the test.

MR. MCGOINGS. Did you understand the question?

MR. BETHEA. Yes, sir. Our organization considers the psychological breakdown of the promotion examinations and the other tricks that are included into the promotion examinations as the major obstacle involved in blacks ascending to higher ranks in the police department.

MR. MCGOINGS. Thank you. Mr. Chairman, I have no further questions.

CHAIRMAN FLEMMING. Commissioner Berry.

VICE CHAIRMAN BERRY. Mr. Peebles, you said earlier in answer to a question that your organization had participated in the development of the affirmative action plan, or one member of the organization had served in the development of it, but that at the time you did not know that it was going to be the subject of the court order, or something like that, in terms of its implementation. What did you think was going to happen to it?

MR. PEEBLES. Let me give you some background, Mrs. Berry, as to how we got involved to begin with. First of all, we were called and we were told that the department needed to develop an affirmative action plan and be more progressive than it had been, and if it wasn't, the Federal Government was going to cut off revenue sharing. And under the threat of losing revenue sharing, there was a big speedup in the process.

It was very, very matter of factly, very evident that we would either participate and try to cut out the best deal, if you will, or it was going to be shoved down our throats. So, we, naturally, participated. We tried to cut the best deal possible, the most equitable situation for all of the members that we represent, and the most equitable that we could come up with to do it in thirds.

Later on, the Progressive Officers lawsuit, which they had filed a considerable time in the past, finally came before a Federal judge for a

hearing, and it was not resisted and it prevailed, and then, in the course of that prevailing, this affirmative action plan that we had assisted the department in suddenly was thrust in and became a mandate of the court. The only thing that annoyed me with it is that it was presented to the membership as sort of a collusion on the part of our association with the county to shove something down our members' throats, and that was not the case at all.

In reality, what it was was an effort on the part of our association to prevent a situation being shoved down our members' throats to the point that it would alienate, and we would wind up with three different groups within our organization fighting amongst themselves.

VICE CHAIRMAN BERRY. Thank you, sir.

CHAIRMAN FLEMMING. Commissioner Ruckelshaus.

COMMISSIONER RUCKELSHAUS. Yes, I have a question for Mr. Cosgrove. Do you think you are going to have any difficulty keeping up with the high percentage that you have set for yourself for recruitment of blacks?

MR. COSGROVE. I believe that for the next 2 to 3 years down the road, we are probably going to continue hiring at the rate of anywhere from 100 to 150 police officers per year in addition to our current budgeted positions, because we are significantly undermanned at this point. When we get to October 1 of 1981 with the 200 additional people I mentioned before, that will only bring us up to the extent that we were in 1975. So we have got a considerable distance to go in the hiring area.

I feel confident at this point, with the success we have had to date, that we will be able to continue with an 80 percent goal for minority hiring throughout that time period as well as anywhere from a 40 to 50 percent promotional goal for minorities throughout the department's promotional process. So I do feel comfortable at this point we can do that. I would like to mention, if I may, another issue is that I truly feel that the accomplishment of this type of affirmative action program can be done without the lowering of the standards and without bringing on unqualified personnel.

We have completely gone through our own preentry level selection process to date, and I have no doubt in my mind that the quality that the city of Miami officers that we are bringing on now is as good, if not better, than what it was when I came on the police department 14 years ago.

I think that what you have to do is dissect that system that brings people into the organization from a preentry level selection basis, the Southeast Florida Institute of Criminal Justice basis, and, eventually, the probationary status when a person comes out of the department, and make sure that you are not having, in fact, a disparating fact, and you do, in fact, have standards that have some positive correlation with doing an effective job out on the street as a police officer.

Mr. Peebles mentioned a swimming criterion. We dealt with that issue about a year ago where we did find that a swimming criterion employed by the Miami Police Department did, in fact, have a dispa-

rate impact on black applicants simply because many did not swim, nor did they have the resources, probably, from their background and that to get involved in swimming programs.

So what we did is when we identified a person who could not meet that requirement, which is a definite must because of the amount of water we have here, etc., and I don't think it is appropriate to do away with that standard but take a look at it and see how you can correct it through a potential training program, whatever. Everyone in the last year that has failed that preentry level test to date, we sent through a 30-hour remedial program, and not one has failed that remedial program to date, and every single person we bring in the department can, in fact, perform rescue work in water, etc.

I think it is a matter of using a degree of progressiveness and ingenuity to look up those matters and show up them, too, as they relate to getting the job done here in Miami.

COMMISSIONER RUCKELSHAUS. That seems very reasonable since it is a skill that can be taught. It would seem reasonable to have it for graduation, but maybe not for entrance.

I wonder if you could tell me something about the academy. Does the academy stress community involvement, community outreach, and sensitivity to the different communities that the officers are likely to be involved with, since we have had the expression "culture shock" used with officers who find themselves placed in minority communities that they just have not had any previous contact with?

MR. COSGROVE. The situation here locally is that the Southeast Florida Institute of Criminal Justice is a regional training facility where almost all law enforcement agencies from Dade, Monroe, and Broward County send their officers to this regional training facility to be trained according to Florida State standards for recruits, and that is a 5-month program.

We just completed a study in regards to the curriculum associated with the program, and there is considerable highlight in the area of developing a sensitivity to minority groups and minority cultures.

However, what you have here is a lot of police communities in Dade County, 27 in total, many of which do not service a large percentage of minority personnel and many who predominantly serve minority personnel. So it really becomes incumbent upon the agency themselves, I believe, to develop appropriate programs to respond effectively to their own individual needs according to the ethnic breakdown of the community. But the institute does have a significant degree of concentration in that area.

COMMISSIONER RUCKELSHAUS. One last question. What has been your response to the objection raised by the Miami Police Benevolent Association about the tests?

MR. COSGROVE. What I am concerned about there predominantly is—I am not an expert in terms of the validity and reliability of processing associated with tests, but the University of Chicago was contracted for that purpose to develop a test that did not, in fact, provide biases because of purely a cultural situation, what have you.

I think the main point here is not concentrating so much on the components that do not have disparate impact, but what is coming out at the end of that tunnel in terms of that process. The fact is we have been able to hire in excess of 80 percent minority personnel that went through that testing program and did, in fact, get hired by the Miami Police Department and are, in fact, performing as police officers.

So I don't feel, purely from a statistical standpoint, that it does, in fact, preclude minorities from coming on the police department. I think it has been very facilitative of gaining our affirmative action program to date.

I think the big thing there is, what are you bringing on your police department in terms of an effective affirmative action program in terms of quality and in terms of standards, and I think that we are accomplishing that with the current system fairly effectively at this point.

COMMISSIONER RUCKELSHAUS. Thank you.

CHAIRMAN FLEMMING. Commissioner Horn.

COMMISSIONER HORN. I am interested in pursuing the psychological testing from this aspect. Have you taken any correlations of how people do on those tests with subsequent allegations, if any, of police abuse or police misconduct to see to what degree there is the correlation, predictability, etc.?

MR. COSGROVE. I would like to look at that a little bit from the total perspective, if I may, as to how that fits from my own experience and my own education and background in that area.

What I have seen in my police career is that the vast majority of police officers who come into this profession truly want to perform effectively and have good intentions in terms of being police officers and serving a community. But what I have seen occur is it is not so important, that psychological state, at the preentry level other than, perhaps, major psychological disorders etc., but it is what happens to a police officer as he goes through his career for 4, 5, 6, 10 years and how that career impacts on him from a psychological perspective and problems in the psychological domain.

We have not done any correlation studies at this point associated with what you have mentioned, and I think that has to be both a preentry level indicator as well as ongoing inservice indicator throughout a police officer's career as to how well he, himself, is coping effectively with the stressors of his job.

The City of Miami Police Department, being understaffed as it is, we are readily experiencing that problem now where police officers simply are asking to get off the streets, because they can't continue on with the degree of stress they have been subjected to in the last 3 years because of a tremendous amount of understaffing and a tremendous amount of increase in calls for service and crime activity and the other issues that have been going on in Miami in the last 3 years. So we have had to remove a considerable number of officers from line duties and responsibilities as a result of that process taking place. But I don't think that psychological testing alone is the solution to the problem of eliminating police brutality.

I think it goes much beyond that; I think that it is one tool, one component that can be used, but I think you really have to set up an internal monitoring system to start identifying those traits in police officers that might indicate you have a potential there of a problem, in terms of increased complaints, increased use of force reports, and things of that nature. In general, it is an issue associated with officers having difficulty coping with the stressors of the job.

COMMISSIONER HORN. Have you found any differences based on ethnicity—which officers are suffering the stress and want to get off the streets and back into a safer police environment?

MR. COSGROVE. I don't have specific figures on that, but one of my responsibilities in the department is a stress control program where we do refer police officers, both in a mandatory program and in a voluntary program, and I don't see any major distinction between whites, blacks, Hispanics, or even women in that process. I think all are exposed to the same degree of stress, and all have a negative impact across the board.

COMMISSIONER HORN. Your mandatory-voluntary stress control program, when you say "mandatory," does that mean that each officer each year has some few hours or days devoted to dealing with the problems of stress management?

MR. COSGROVE. We have a program now that a police officer—and eventually we're going to bring that into the civilian domain as well—is required to go through a daylong program to assist him in a self-identification of indicators that he is having problems coping with the profession.

We also have a weeklong program that is put on by the Southeast Florida Institute of Criminal Justice through Region 14 whereby officers can attend throughout Dade, Monroe, and Broward Counties. The purpose of that program is a very extensive program which is predominantly a volunteer program that officers who feel they are having the difficulty in the coping areas of the stressors of the job can, in fact, volunteer to go, and they go.

Then we have an advanced stress control program for personnel who we departmentally have identified that appear to be having some problems in this area in terms of performing effectively in the street, in terms of increased number of complaints and use of force reports, etc., where we can, in fact, mandate they go for individual counseling with our departmental psychologist to work through those programs and problems. We have found a tremendous degree of success in that program.

It is a confidential situation between a psychologist, and the only information they ever pass back to us is if, in fact, the officer is identified to be homicidal or suicidal. At that point we would initiate some type of administrative control to respond to that issue, but otherwise it is purely a confidential process between the psychologist and the officer.

COMMISSIONER HORN. In terms of those officers that have subsequently revealed under stress they cannot cope with it, in checking

back through the evaluations, the programs they have gone to, have you found a very high correlation between their ability to self-identify themselves as potential candidates who will be able to cope with stress and getting themselves into these programs, or do we have the situation that when the real trouble occurs there was no predictability either by the individual or by the department?

MR. COSGROVE. No, it is a combination of both. In most cases, from my own experience in reviewing the process that we have been through the last several years with this, you will see some indicators there, I believe.

I believe that if you set up an internal mechanism within your department to identify the indicators of a person who, again, is having an increased number of complaints as compared to other officers, an increased number of control of persons in use of force situations, and unusual number of discharge of firearms, a lot of situations in terms of administrative action that has been taken, generally, what you are going to find there is a person who is having an ongoing degree of difficulty coping with his current position, and many times it is self-identification also.

We have had some officers that have come in and said, "Hey, I need some help. I need to get off the street for a while because I just need a break from the stress that is currently impacting on me," and we do work out through an administrative process to remove them from the street at that point. So it is both an identification process within the officer himself, and it is an identification process that the police department has to take responsibility for in each of the indicators I mentioned.

COMMISSIONER HORN. Two last short questions. You mentioned the narcotics situation. To what degree is alcoholism a major problem in the effectiveness of the department? Do you have a program to deal with it?

MR. COSGROVE. I don't think the alcohol is an issue from a preentry standpoint as significant at all as the narcotics issue. The alcoholism internally would be cranked in also into our stress control program, where they would be referred to external agencies to deal specifically with alcohol abuses as well as narcotic abuses.

Our departmental psychologists are predominantly responsible for utilizing the available community resources we have in dealing with those types of problems once they identify them in that process.

COMMISSIONER HORN. To what degree does the department have a program to deal with the problems of spouse stress at home as opposed to the particular officer stress, since there is obviously relationship?

MR. COSGROVE. Absolutely. One of the things we have instituted from that area is, for example, up at the Southeast Florida Institute of Criminal Justice, they have what is called a "family night," where we invite the recruit's family in terms of their girl friends, their wives, their mothers and fathers, etc., and we go through a complete overview as to not only what the recruit might expect of the police officer, but what the family can expect in terms of trying to cope with one of their members involved in this profession.

We also carry that into, again, the stress control program, where our departmental psychologists do have considerable degree of input in terms of family counseling, and a great many of the problems sometimes that a police officer is generating in the street do turn out to be personal types of problems he is bringing to work with him. So that family aspect is important, and it is cranked into our stress control processing. As a matter of fact, some of the stress control programs require and request that many of the wives and family members do attend.

**CHAIRMAN FLEMMING.** Commissioner Saltzman. Commissioner Ramirez.

**COMMISSIONER RAMIREZ.** Just one brief question. In terms of promotion of officers, to what extent, in terms of your formal criteria for promotion, does sensitivity and sensitive performance in terms of minority groups play?

**MR. COSGROVE.** Very much. We have instituted a procedure where every individual who is an applicant and a candidate for promotion—we, again, get that list from the human resources department of eligible candidates who have, in fact, taken an exam, passed, and have been referred to us as vacancies occur in the Miami Police Department. When that takes place, we do a complete profile on each and every individual that is a candidate for promotion in terms of their prior track record associated with complaints, their prior track record associated with where they work, their productivity, their sick time usage, their performance evaluations.

We also sit down, myself and the other assistant chief of the department, and personally interview each one of the candidates, to have them impact on each one of these areas we have referenced in terms of their track record to date. And one of the areas that we are consciously looking at very frequently is the ability of a person to perform effectively in a supervisory or command mold in a multiethnic community. Many times through that interview process, that is brought up and discussed, and many issues that are associated with complaints of a prior nature, in turn, are brought up, discussed in the process. It is, in fact I feel it a very significant component of the promotion process.

**COMMISSIONER RAMIREZ.** How long has it been that way?

**MR. COSGROVE.** We have instituted this procedure within the last year. I was subsequently promoted to a staff position a year ago this month, and that was one of the programs Chief Harms did want me to develop, and we did in fact develop, and it is incorporated and in use at this time and has been throughout last year as far as our promotions are concerned.

**CHAIRMAN FLEMMING.** We want to thank all of the members of the panel for the testimony that you have given. We appreciate it very, very much. Thank you.

Counsel will call the next witnesses.

**MS. STEIN.** Rick Holton, Fred Taylor, Howard Rasmussen, Larry Capp, will you come forward, please.

[Rick Holton, Fred Taylor, Howard Rasmussen, and Larry Capp were sworn.]

TESTIMONY OF FRED TAYLOR, CHIEF, ADMINISTRATIVE DIVISION, DADE COUNTY PUBLIC SAFETY DEPARTMENT; RICK HOLTON, POLICE OFFICER AND PRESIDENT OF THE PROGRESSIVE OFFICERS CLUB; LARRY CAPP, CLINICAL PSYCHOLOGIST AND DIRECTOR, CENTER FOR FAMILY AND CHILD ENRICHMENT; HOWARD RASMUSSEN, DIRECTOR, DIVISION OF PUBLIC SERVICE, SOUTHEAST FLORIDA INSTITUTE OF CRIMINAL JUSTICE

MS. STEIN. I would like to ask each of you, beginning with Mr. Taylor, to state your name and occupational position for the record.

MR. TAYLOR. Yes. I am Fred Taylor. I am chief of the Dade County Public Safety Department. I am in charge of the administrative section.

MR. HOLTON. I am Rick Holton, police officer, public safety department, and president of the Progressive Officers Club.

DR. CAPP. I am Dr. Larry Capp. I am a clinical psychologist, director of the Center for Family and Child Enrichment.

MR. RASMUSSEN. I am Howard Rasmussen. I am director of the division of public service, of the Southeast Florida Institute of Criminal Justice, Miami-Dade.

MS. STEIN. Thank you. Mr. Holton, how long have you been with the public safety division? What is your current position?

MR. HOLTON. I am presently assigned to the Central District Safe Streets Unit, and I have been employed for approximately 6-1/2 years.

MS. STEIN. Are you also president of the Progressive Officers Club?

MR. HOLTON. Yes. I have been president of the Progressive Officers Club since May of this year.

MS. STEIN. Can you tell us what the purpose of that organization is?

MR. HOLTON. The Progressive Officers Club is a combination of black police officers from Dade County and those minorities that are involved in the law enforcement field throughout the State of Florida.

We got together around 1974 because we felt that there was discrimination between departments. We also got together because we felt that there was a social need for police officers, black police officers, on the Dade County department and also to present and entertain problems within the community.

MS. STEIN. When you say "discrimination within the department," do you mean in terms of the hiring and the promotion of black officers?

MR. HOLTON. In terms of hiring, promotional practices, etc., yes.

MS. STEIN. In terms of the conduct of police officers in the black community, what is your opinion of the attitudes of white officers who are assigned to the black community and the sensitivity or the lack of sensitivity they display to the persons in that community?

MR. HOLTON. Presently, I feel that the officers are frustrated because we are dealing in the situation now that is very, very hot, very, very vulnerable. The community at present is not settled, and the officers are being pressurized from the community and from the department. So we are now sitting in what I think is a semi-heated situation.

MS. STEIN. But in terms of white officers' conduct towards persons in the black community, do you think that there are any problems with that conduct? Do you think it is professional? Do you think it shows understanding of the different cultural values of the people in the black community?

MR. HOLTON. No, I don't.

MS. STEIN. In what ways do you see it as being deficient?

MR. HOLTON. We feel that, at times, the officers are not sensitive to the needs of the community, not sensitive or not taking enough time to explain to the citizens, or that person that is being arrested or accosted for any particular situation, what the problem is and as to what—why he is being arrested, and why he is there.

I think the understanding at this time as far as the police and the community is concerned is at a low level. I think the officers, white officers, are not aware of what is going on in the community, and at times because of frustration, because of not wanting to take the extra push or the extra touch to go out and talk to individuals to find out their problems; I don't think it is being done.

MS. STEIN. Thank you. Mr. Taylor, would you describe your duties as chief of the administrative division in PSD?

MR. TAYLOR. Yes, I would. I am in charge of the training function, the budget management function, planning and research, the personnel function of the department, and in the data systems, which is the computer part of the organization.

MS. STEIN. Were you here, and did you hear Sergeant William's testimony concerning the affirmative action plan currently operating in the hiring procedure that is used for hiring new officers at the PSD?

MR. TAYLOR. No, I am sorry, I was not here. I did not hear that, but we are working closely together, and we discuss it on a daily basis, that plan, and the need to implement it, yes.

MS. STEIN. Would you tell us very briefly what the steps are in hiring an officer in PSD and what the attrition rate is at each of these steps?

MR. TAYLOR. At this point in time, the first step is that you must take a civil service examination. This is done by the Dade County Personnel Department. It is not done by the department. You must achieve a passing score on that test.

We receive a list from them of the candidates who have passed the test. At this point in time, we take that list and, in the consent agreement that we have, we hire on a triethnic list. We take the list we receive, and we divide it into three lists. We set an interview panel. It is three command officers from our department that is based on a triethnic background. We schedule each candidate as they appear on these lists according to their scores that we receive to go before that panel.

MS. STEIN. When you say "triethnic background", do you mean there are three members of the interview panel, one is white, one is black, and one is Latin?

MR. TAYLOR. That is correct. They have an oral interview with candidate and basically what they are looking for is, does the candidate meet the State requirements to be a police officer—arrest records, past employment.

They have a check sheet that they sit down, and they go through with the candidate. At that point in time, they each rate the candidate and they give him a score. These scores are collated by the personnel selection section, and if there is anything disqualifying, then they are taken out of the system at that time. This accounts at this particular time for about 25 percent who are eliminated at this stage.

MS. STEIN. Now, let me backtrack for a minute. You say 25 percent are eliminated at this stage; you mean 25 percent of those who went to oral interview don't come out the other side?

MR. TAYLOR. That is correct.

MS. STEIN. What about the civil service test, how many does that eliminate?

MR. TAYLOR. At this point in time—the latest statistics I have, we were receiving—about 60 percent of those who take the test go into the process.

MS. STEIN. Go into the process?

MR. TAYLOR. Yes.

MS. STEIN. So 40 percent are screened out, approximately, by the test?

MR. TAYLOR. Yes.

MS. STEIN. Go on.

MR. TAYLOR. Okay. If they get past the oral interview stage, they are then scheduled for a psychological examination. And when this test comes back if there is nothing exclusionary in the report, then they are put into what we call our complete background investigation. This includes character references, neighborhood checks, criminal record checks, driving record checks, all of the things that are required by law for us to look into.

At this point in time, if there is something exclusionary by State law, that file is put together and sent up to me. I take a look at it, and if the State law does exclude them, they go out of the system at that point in time. I am sorry I don't have the latest statistics on that, but I think in the past we found about 2 out of 10 are about what get through the process.

MS. STEIN. Get through the background check?

MR. TAYLOR. I shouldn't say that. About 2 out of 10 are then left in the process. So I don't have the statistics at this time to give you.

MS. STEIN. You were [saying] 2 out of 10 of those who started out of the beginning—

MR. TAYLOR. Right.

MS. STEIN. —are still left at the end, okay. And you don't have exact statistics for the psychological examination?

MR. TAYLOR. For the psychological examination, I do have.

MS. STEIN. What percentage does the psychological examination screen out?

MR. TAYLOR. Do you want that across a triethnic background?

MS. STEIN. Yes, please.

MR. TAYLOR. Okay. At this particular time, we have tested 289 candidates. Ninety of those candidates were black candidates, and there was an exclusionary rate of 28 percent. Ninety-one of the candidates were Hispanic, and at this time there was a 20 percent exclusionary rate, and 180 of the candidates were Anglo candidates, and there is a 20 percent exclusionary rate at this time.

MS. STEIN. Thank you very much. Can you tell us how the PSD implemented its program of psychological testing?

MR. TAYLOR. Yes. First, there was a county ordinance that was passed, 80-5, that required the department to test any candidate for the department in a psychological screening process. As a result of that—

MS. STEIN. When did that occur? The approximate date?

MR. TAYLOR. January of this year.

MS. STEIN. Thank you.

MR. TAYLOR. As a result of that, the department's consulting psychologist, Dr. Bart Fitzhugh, in conjunction with other members of the department, put together a list of behavior characteristics that appeared to be valid and relevant and according to the way a police officer should behave on the street. I have those 8 or 9 things that went out in the specifications if you would like me to read them to you.

MS. STEIN. Yes, would you please?

MR. TAYLOR. The bid that went out specified that any tests should screen out those candidates who have a psychosis, character disorders, neurosis, mood disorders, poor impulse control, need for very high levels of excitement, tendency to be very passive or aggressive, especially in the face of conflict, and strong racial, religious, or ethnic prejudices. Those were the things that we asked for the bids to be able to test.

MS. STEIN. Do you know if any black or Latin psychologist were consulted when you formulated the bid specifications?

MR. TAYLOR. I'm not aware of that. You would have to discuss that with Dr. Bart Fitzhugh. I am not aware of it if it was.

MS. STEIN. Do you know if the human resources division at PSD was involved in setting the bid specifications?

MR. TAYLOR. I am not aware if they were or not.

MS. STEIN. Could you describe for the Commissioners the origin of the controversy that I understand grew up concerning the testing of recruits already in the midst of training and the testing of lateral transfers after the psychological test was implemented?

MR. TAYLOR. I am not sure I understand what you mean. The intent of the ordinance and how it was put did indicate to us that if we hired anybody else after the date of the ordinance that they would have to undergo a psychological test.

In the meantime, we did start a recruit class, and we did hire some lateral police officers with the understanding, at least on our part and I feel that we explained to them when we hired them, that they would

have to take a test when the test was available. We did not get the bids back and make an award on the test itself until July of this year, I believe it was.

MS. STEIN. So you feel that was a clear interpretation of the ordinance that was passed?

MR. TAYLOR. Yes.

MS. STEIN. Dr. Capp, are you familiar with the psychological testing program that has been implemented in PSD?

DR. CAPP. Yes, I have some familiarity with the program.

MS. STEIN. What is your professional opinion of the battery of tests that are being used?

DR. CAPP. Well, I would first have to say I have some very serious concerns about the battery of tests that are used. The research literature surrounding some of those tests indicates that they might not be appropriate for some ethnic groups, and we have little indication at this time that the tests in terms of their selection, their administration, and the interpretation of those tests the results are appropriate for the various ethnic groups that are being subjected to that process.

MS. STEIN. Has the test been validated for use in PSD, do you know?

DR. CAPP. I am not aware of any particular validation by PSD. Each test has some validating criteria of its own.

MS. STEIN. You mean, based on validation studies elsewhere?

DR. CAPP. Right, based upon original validation studies, their standardization population when the test was originally developed.

MS. STEIN. How significant do you think the figures are that Mr. Taylor just told us, that 28 percent of the blacks are screened out by these tests, whereas 20 percent of the Latins and Anglos are screened out.

DR. CAPP. I think it could be interpreted in several different ways. I think that just looking at it at face value, I would think that is a significant variation. Now, in terms of if you had a test that was pure in terms of bias, then each of those figures should be the same.

I think that even more significant was the figures related to males, particularly black males and Anglo males, where 17 percent of white males are screened out on the basis of these tests and 33 percent of the black males are screened out. So here you have almost twice as many black recruits being eliminated on the basis of these tests compared to white males who are taking these tests, and that kind of difference very seldom is due to chance.

MS. STEIN. Do you have an opinion regarding the manner in which the bid specifications were made up for the psychological testing program?

DR. CAPP. I think that—let me speak in terms of background and let you know that I am the president of the South Florida Association of Black Psychologists. This is an issue that we have followed from the very onset when the original legislation was proposed by Commissioner Carey. We feel that part of our role and the service that we provide to

the community is to serve as advocates for the black community and protectors of the black community whenever possible.

We have some very serious concerns that we were not included in the original development of the bid specifications, nor were we contacted in terms of the reviewing of the various bids that were submitted, and, finally, once a group of psychologists were selected to administer the test, we were not made aware of that. We were not informed when the bids were let. For example, we found out through the office of black affairs, even though we had requested notification from the county manager's office when the bids were to be let out. So we have some various serious concerns about the entire process.

MS. STEIN. Do you have a professional opinion as to the appropriateness of using tests as a selection standard in an institution where they have not been validated?

DR. CAPP. I certainly feel that in the types of stressors that policemen are subjected to that certainly some type of psychological screening is appropriate.

I have serious concerns when the tests and instruments that are used do not have a history in terms of a track record, in terms of their ability to successfully predict who will and who will not be successful police officers, particularly, with respect to the ethnic differences.

MS. STEIN. Mr. Rasmussen, would you please describe the services provided by the Southeast Florida Institute of Criminal Justice?

MR. RASMUSSEN. It is a regional, consolidated, criminal justice training center that is responsible for entry, inservice, specialized, and advanced training for all law enforcement and correction agencies within southeast Florida. We train at the entry level and inservice level all of the departments of Dade County and the county corrections department, plus, occasionally, we have officers from other departments in Broward and Monroe County.

MS. STEIN. How many hours of training does it take to complete the basic training course?

MR. RASMUSSEN. 800.

MS. STEIN. How many weeks does each training class last?

MR. RASMUSSEN. Depending upon holidays which have to be scheduled around, a little over 20 weeks, 20-1/2 usually.

MS. STEIN. Are there any special courses offered to trainees in the area of crisis intervention or stress management?

MR. RASMUSSEN. Within the 800 hours, there are hours set aside for stress, stress identification, relaxation techniques, etc.

As Chief Cosgrove indicated earlier, we have through Region 14 a funding providing for a 40-hour inservice course that specifically deals with stress and the identification of stress and the management of stress.

MS. STEIN. In discussions with our staff, you indicated that there was need for the establishment of a developmental studies program. Could you explain how you envision such a program would operate and why it is needed?

MR. RASMUSSEN. Yes, I see two components of it, and I think it is needed because we have a commitment to the employment of consider-

ably more blacks and Latins to our law enforcement agencies, and many times, because of a variety of reasons, they have some deficiencies in academic skills.

So if that is a problem, and I believe it is, I think we have a need to develop a program to assist them to pass the entry examination process, a program of recruitment, and assistance to get them through the selection process, the battery that is used by each of the departments to assess their potential as police officers.

The second component of that would be a development of skills program to assist them in the skill efficiency areas academically, topics like notetaking, how to study, how to read, how to take exams, how to prepare for exams, basic skills that would assist them to more appropriately handle the academic material that we have provided them during the training process.

MS. STEIN. Can you tell us why you don't have such a program at present?

MR. RASMUSSEN. Resources are generally not allocated for that purpose. I think in the past, given the routine numbers of police officers being hired by both Miami and Dade County, if you are going to focus on just those departments, they were able to find the adequate number of minority candidates. Now, we have situations where the Dade County Public Safety Department is looking to fill in excess of 350 final positions. I believe the city of Miami is looking to fill in excess of 260 positions.

We have a need for a significantly large, qualified, black, Latin, recruitment-based group, and in order to do that, I think that assistance now is more imperative than it ever was before. I might add, if I might, that the city of Miami did have such a program during the time they were trying to comply with the Federal consent order. They brought together and included minorities; they put them through a special training program to assist in the applicants' processing time period and also to help them through the academy. So such a program has been in place previously, and I think if a modification of that were put in place, that would assist us in recruitment for blacks and Latins for our own forces.

MS. STEIN. What is your view of the advisability of psychological screening for police recruits?

MR. RASMUSSEN. I think it is essential and imperative that we psychologically assess candidates for law enforcement. We are giving them guns and badges and asking them to go out and do police work in a very complex urban society. We want to be sure we are obtaining the very best candidates possible in all areas, including the psychological area.

MS. STEIN. Are you aware of the PSD testing program?

MR. RASMUSSEN. Yes.

MS. STEIN. Do you have an opinion as to its effectiveness?

MR. RASMUSSEN. I don't think I have the professional background to give you the opinion you are talking about. I am not a psychologist, nor am I an attorney. I am familiar with the battery, and in terms of

name, but I am not familiar with the points that Dr. Capp has raised in terms of its adverse impact.

I understand from my own reading of the literature in the field, there has been some criticism and some limitations regarding adverse impact, but I can't give you a professional opinion because I don't think I am qualified.

MS. STEIN. Thank you. Mr. Chairman, I think that is all of the questions.

CHAIRMAN FLEMMING. Commissioner Horn.

COMMISSIONER HORN. I would just like to know from any member of the panel—and maybe this was brought out when I had to step out of the room—how many black instructors are there at the police academies of both the city and the county?

MR. RASMUSSEN. I better answer that because there is no such academy, as I indicated.

COMMISSIONER HORN. You are doing it for all of them?

MR. RASMUSSEN. Yes, sir. In the 1970s, Dade County Public Safety Department had its own police academy; the city of Miami Police Department had its own academy; Miami-Dade Community College had a program in the evening for the smaller departments. They were subsequently combined, and the first class began November 11, 1972, in a regional consolidated institute of criminal justice, as the Southeast Florida Institute of Criminal Justice, located on the campus of Miami Community College. In answer to your question, I can't tell you—

COMMISSIONER HORN. As I remember, you had about 300 part-time instructors when I read the background?

MR. RASMUSSEN. It fluctuates, but that is a good figure if you consider all of the programs we run, yes.

COMMISSIONER HORN. You don't have an idea as to what proportion of those are black instructors?

MR. RASMUSSEN. No, sir.

COMMISSIONER HORN. Are any of them?

MR. RASMUSSEN. Yes, sir.

COMMISSIONER HORN. Five, ten?

MR. RASMUSSEN. I have no idea.

COMMISSIONER HORN. Do you do the hiring, or who hires?

MR. RASMUSSEN. The people who run the law enforcement training program. I am chairman of law enforcement training, and there are assistant training coordinators, there is a project coordinator, and there are training advisors, and I do not directly involve myself in the selection and employment. We do have that statistic available.

COMMISSIONER HORN. You might just file it for the record. Why don't you just file it for the record, if you won't mind.

MR. RASMUSSEN. All right. It would have to be tabulated.

CHAIRMAN FLEMMING. We would appreciate that being done, and without objection we will include it in the record at this point.

COMMISSIONER HORN. In your experience as a professional, have you found it really makes any difference as to setting, the role model,

mentor, and all of those other terms we usually hear in hearings like this, if there are instructors of different ethnicity in the training process?

MR. RASMUSSEN. Yes, I think it is absolutely essential. I need to explain, in answer to the question, that in terms of Miami-Dade Community College, there are three full-time staff people. The rest of the staff are provided by the various law enforcement and criminal justice agencies in the county. That is the full-time staff. The part-time staff comes from the community and law enforcement agencies.

In our relationship, particularly with the law enforcement agencies who are providing the staff people, we have emphasized consistently since 1972 the necessity to be concerned about assigning minority training advisors to the Institute of Criminal Justice.

I think the role model is more important there than even in the instructor. We're talking about the people who are there before the class begins, who work with the class throughout the 800 hours and are there after the class, and they are so close to that class, that is where the role model is important, and we are requesting and have requested from the various police departments representation from Latin, black, and particularly female. The role model is more important for the female. We are finding that critical. It is necessary for females, coming into law enforcement as they are in greater numbers, to have successful female role models.

COMMISSIONER HORN. Do you feel that has been adequate to this point?

MR. RASMUSSEN. No, sir.

COMMISSIONER HORN. Have you discussed this with the various police executives in the jurisdictions?

MR. RASMUSSEN. Yes, sir.

COMMISSIONER HORN. What kind of response do you get?

MR. RASMUSSEN. That they are very sympathetic to what I am saying, but the limited number of black, Latin, and females that are available should be out on the street performing law enforcement functions, which is a number one priority, and in specialized areas like undercover, it's number 2 priority, and they have sent me what they consider to be the number that they can afford from their minority ranks.

One of the things we are asking for, of course, is people who have supervisory experience, as most of the time the functions involved in the 800 hours are the supervision of 40 to 50 recruits, and I would suspect that until such time as adequate numbers of blacks, Latins, and females reach supervisory positions, we will be somewhat deficient in that regard.

COMMISSIONER HORN. Dr. Capp, I was interested in your views on the psychological testing question. Do you believe that psychological testing is of value in recruiting for the modern police department?

DR. CAPP. Yes, I certainly do. I think it can be extremely valuable in terms of screening individuals who are appropriate for that particular task.

COMMISSIONER HORN. Do you feel some psychological tests are better than others from that standpoint?

DR. CAPP. Definitely so. I think that there are thousands of psychological tests, and I am sure that there are some that are more appropriate than others.

COMMISSIONER HORN. As a professional—and you mentioned that you were the president of the Black Psychologists Group in this area—are there any particular tests that you feel are the most appropriate when one is screening for police activity?

DR. CAPP. Well, I think that there are several different tests that could be used, but I would advocate an assessment procedure that would involve more face-to-face contact and clinical expertise in evaluating each individual applicant, rather than relying upon strictly paper and pencil instruments that you would simply score and come up with a number to tell you whether or not that person is appropriate to become a police officer or not. And I think that such activities as role playing, extensive clinical interviews should be paramount in any assessment procedure.

COMMISSIONER HORN. Do you feel that adds the variable of the assessor, and that that can vary widely over the number of assessors? How fair would that be to particular recruits? Or are you saying one person would be retained by a police department to do all of the assessments, and you assume whatever bias or approach to the field that assessor has is held constant.

DR. CAPP. Yes, I think that would be the most appropriate way to go. I think that certainly clinical objectivity is important in the training of any psychologist, and I think that the types of situations that are to be role played, and the kinds of questions to be asked at the interviews certainly could be standardized and certain baselines could be established which could be useful as predictors of potential performance on the force.

COMMISSIONER HORN. How would the particular psychological instrument that was discussed with counsel and you earlier differ from those in which you have faith?

DR. CAPP. Well, the kinds of instruments that are being used now are basically psychometric instruments, meaning paper and pencil tests. The recruits go to an office, and they sit down, and for several hours they answer approximately 1,400 questions, okay? These test results are then fed into a computer. The computer prints a report.

I feel that that kind of assessment procedure totally excludes any kind of clinical judgment in terms of providing individualized assessment for the candidates. I think that, you know, the way I was trained was not to go to graduate school for 5 and 6 years and then allow a computer to do all of your thinking for you.

I think you need to have more input by the professional psychologist, rather than relying on tests, many of which—at least in one case, one of the major tests, an extremely old test, a test that is 40 years old, is a test that has a very controversial history in the research literature. There are some who say the test should not be used for blacks because there

are certain scales on the BPI where blacks historically and traditionally score much higher than whites. They score into ranges that are considered pathological, and unless there is some sensitivity to that kind of issue, then you are going to have more blacks excluded because of the bias of the instrument.

COMMISSIONER HORN. From your reading of the psychological literature, have you compiled some of the articles that addressed specific criticism to the types of tests being used?

DR. CAPP. With respect to the BPI, yes, I have studied that test during my training. There were some other tests being used that I am not as familiar with. Some of the scales that are being used are experimental scales that are not part of the standard battery of scales used from the BPI.

COMMISSIONER HORN. I would like to leave the record open, Mr. Chairman. If you would like to file whatever you have as a psychologist that deals with the type of psychological test being used and reflects some of the feeling of other professions on the use of such a test, we would be glad to have it as an exhibit.

CHAIRMAN FLEMMING. I will be very happy to receive it, Dr. Capp.

DR. CAPP. I'm preparing to engage in that kind of a study and will be happy to make that available.

CHAIRMAN FLEMMING. Commissioner Ramirez.

COMMISSIONER RAMIREZ. No questions.

CHAIRMAN FLEMMING. Go ahead, Commissioner Berry.

VICE CHAIRMAN BERRY. Mr. Rasmussen, in terms of psychological testing—either you or Dr. Capp—in other police departments where they have used psychological testing in the past to screen recruits, is there any evidence that the testing actually works? In other words, when they have complaints about police brutality, do they still have complaints about police brutality alleged to have been perpetrated by people who passed the test?

MR. RASMUSSEN. Sure. Absolutely. Psychological testing is not a pill that you take that cures you forever, and I think the point that Dr. Capp brings up in terms of just the psychological test being a part of the total process, it shouldn't be the end and only part. And in fact, as I mentioned to staff, the criminal justice and law enforcement agencies in Florida have been very concerned about their selection processes, and we have submitted a grant to the Law Enforcement Assistance Administration for funding for an assessment center, and that funding has been approved, and we have in excess of \$220,000 to establish a model assessment center, beginning initially with Dade County Public Safety Department and the City of Miami Police Department. That will do some of the things that were asked about earlier.

There are several ways to validate anything. There are several ways to validate a psychological test. There are several ways to validate training. But in my opinion, the way to start is with a task analysis. So the grant will provide for an extensive task analysis for the police function in Dade County. Then it provides for the development of the kinds of role playing simulations and exercises that we referred to.

Thirdly, in response to the other question, it provides for the training of assessors and the supervision of assessors so that we are assured of continuity and not differences of opinion in terms of the assessment process.

We feel, based upon our review of the literature of the field and what has been done in private business and industry, that the assessment center concept, if appropriately structured and managed, can be an answer partially to the question. It is, again, not a panacea either, but I think it will be much better than what we have been doing in Dade County up to this point.

Now, the issue of psychological testing has not been resolved. As you know, the city of Miami is under 2 Federal consent orders and has a contract with the University of Chicago, and they are involved with psychological screening for the last 6 or 7 years.

Dade County is under the county ordinance and has a contract with Taxbury Evalier [phonetic] Associates.

We don't know how we are going to handle psychological assessments as a part of that assessment center. That will be determined by an advisory committee that will be appointed.

VICE CHAIRMAN BERRY. Does part of the inservice training the police officers take include such things as explaining to them why affirmative action is necessary? I mean, I understood from some police officers that there is some hostility to the idea of implementation of affirmative action. Does part of the inservice training include explaining to them why that is necessary in terms of how they relate to the new officers who are coming on?

MR. RASMUSSEN. In the 33 courses by the State of Florida, the answer to your question is no. We do talk about it in recruit training, and I assume the major departments cover it in terms of their own inservice training, although we are a regional academy.

Both the Dade County Public Safety Department and the city of Miami do conduct their own inservice training dealing with their own departmental affairs, whereas we are a regional academy dealing across the boundaries of all.

VICE CHAIRMAN BERRY. Mr. Taylor, do you know—

MR. TAYLOR. Yes, if I could just touch on that. One of the things we do do in our stress sessions is we have an open door policy. That is, you can bring up any subject you want and let's discuss it. "We have some things we want to talk to you about." Those kinds of things are discussed in these sessions.

VICE CHAIRMAN BERRY. Affirmative action?

MR. TAYLOR. Yes.

CHAIRMAN FLEMMING. Commissioner Ruckelshaus.

COMMISSIONER RUCKELSHAUS. Yes. Yesterday we had characterization of a policeman as being somewhere in between the role of the enforcer and a public servant, and I wondered, Mr. Rasmussen, if you thought that adequate attention to that role as the public servant is given to the trainees at the institute.

MR. RASMUSSEN. No, ma'am.

COMMISSIONER RUCKELSHAUS. You think not, and why would that be so?

MR. RASMUSSEN. Well, it is my personal opinion—and I can't speak for all of Miami-Dade Community College—but it has been our feeling that 800 hours of training is not sufficient. The definition of sufficiency is something that is very difficult, as you know, to get a hold of.

I think we feel quite strongly that there needs to be an increase in what we call the "human skill module," the behavioral science module; there needs to be an increase in the cross-cultural training component, but, realistically, the problem is that these departments right now have in excess of 700 people to train, and there is tremendous pressure for us to reduce the length of the academy right now, not to increase it.

I should submit to you that the pressure does not come from the Miami Police Department or the Dade County Public Safety Department, because I found them to be very responsive to the increase in training and cross-cultural training, etc. But I also have to serve the smaller departments of 10, 15, 35, and 40 personnel, and they're very concerned that the training is too long, and some of them, in fact, have threatened, and some of them have sent recruits to other training centers because their training is significantly less, and they don't spend as much time on the human skill behavioral sciences, sociological and psychological, as we do.

COMMISSIONER RUCKELSHAUS. If there is going to be any change made in that commitment, where would it have to come from?

MR. RASMUSSEN. I believe staff has provided you with a copy of an analysis of the current curriculum. That analysis at this point in time recommends the 800 hour training without any increase or decrease in the human skill module.

What it did recommend to improve the delivery of the human skill training was the employment of the psychologist, which I think they really meant a behaviorist, to conduct most of the training, to supervise the content. I think that is essential. It needs to be a full-time person on the staff of the Institute of Criminal Justice whose sole purpose for existence is to conduct the majority of the human skill training and the behavioral science training and to supervise and direct the part-time instructors who come in. I think that is essential, number one.

The essential part, number two, is that you should know the task force appointed to review the curriculum after the McDuffie riot was specifically asked to increase their emphasis on the human skill module and to give that special attention to be sure we were doing what we could do and the most we could do. The recommendation came back, the content was acceptable, the length was acceptable, but the quality control is essential.

COMMISSIONER RUCKELSHAUS. Thank you.

CHAIRMAN FLEMMING. We want to thank the members of the panel for the contributions that you have made. We appreciate them very, very much. Thank you. We will be in recess until 1:15.

[Hearing adjourned at 12:25]

## Afternoon Session, December 11, 1980

CHAIRMAN FLEMMING. We are about to call our next witnesses. Ms. STEIN. Will you come forward, please.  
[Bobby L. Jones, Kenneth L. Harms, and Jeffrey L. Berkowitz were sworn.]

TESTIMONY OF BOBBY L. JONES, DIRECTOR, DADE COUNTY PUBLIC SAFETY DEPARTMENT; KENNETH HARMS, CHIEF, MIAMI POLICE DEPARTMENT; JEFFREY L. BERKOWITZ, EXECUTIVE SECRETARY, DADE COUNTY INDEPENDENT REVIEW PANEL

Ms. STEIN. Beginning with Chief Jones, will you please state your name and occupation or position for the record.

MR. JONES. Bobby L. Jones. I am the director of the Dade County Public Safety Department.

CHIEF HARMS. Kenneth Harms, chief of the Miami Police Department.

MR. BERKOWITZ. Jeffrey L. Berkowitz, executive secretary, Dade County Independent Review Panel.

Ms. STEIN. Chief Harms, what is your current assessment of the extent of tension between the police and the minority community?

CHIEF HARMS. Would you clarify your definition of minority community? Are you referring to the total minority community or one specific segment of it?

Ms. STEIN. With the black community.

CHIEF HARMS. It is my general impression that the tensions are high and there is just a considerable number of reasons that that's occurring, that the tensions are high within this community, but at this present moment I think that they are high.

Ms. STEIN. Briefly, would you say what you think the reasons are?

CHIEF HARMS. Yes. In order to respond exactly as I can, as precisely as I can, I will not go over the litany of reasons that have already been provided to this group. But I think that certainly the socioeconomic deprivations that exist within that community really create much of the tension that the society and the police department has to deal with.

I also feel that the media, particularly the print media, more particularly the *Miami Herald*, has made significant contributions to the emotional climate that existed within this community just prior to the outbreak of the disturbances.

Ms. STEIN. Are there any steps you have taken in the police department to try to reduce the extent of tension?

CHIEF HARMS. Yes. That's been one of my primary goals as the chief law enforcement officer in the city of Miami for going on 32 months. And there's a number of programs that we have instituted that are designed more particularly to reduce tensions, such as the development of the use of deadly force policy; such as the development of a special

early warning system that provides a profile of officers who generate an excessive number of complaints; implementation of a stress program that is recognized throughout the country as one of the most effective. These types of programs are very important to the Miami Police Department and to the community that we serve.

Ms. STEIN. What about attempts to increase the number of blacks in the police department and in command positions in particular?

CHIEF HARMS. We have made significant progress in that regard during the last approximately 32 months that I have been chief. We have hired approximately 224 police officers. Of that group, in excess of 85 percent have been minorities and women.

With regard to promotions during that same time period, our promotions have exceeded—when we talk about minorities and women—have exceeded 40 percent during the last 2-year average.

I think that's very significant in terms of what we are trying to accomplish within the department, and that's to become more representative of these communities, various diverse communities, that we serve.

Ms. STEIN. Mr. Chairman, at this point I would like to move the admission into the record of the use of deadly force policy with the Miami Police Department which Chief Harms has provided to us.

CHAIRMAN FLEMMING. Without objection that will be put in.

Ms. STEIN. Chief, could you explain to us how that policy is promulgated and distributed and how officers are trained in its provisions?

CHIEF HARMS. Yes, I will. Almost 2 years ago the staff officers of the Miami Police Department took a very critical look at our use of deadly force policy which paralleled State law. And essentially that's what is referred to as the fleeing felon law, which provides "legal justification" for the use of deadly force in apprehending or stopping fleeing felons.

It was the concern of our department that that really did not meet the best needs or interests of society or the police department that is charged with the responsibility for delivering police services to the society. And in an attempt to become better informed we did a considerable amount of research across the country to take a look at various policies that were in the process of being implemented. And as a result of that exhaustive research and the commitment on the part of the Miami Police Department to develop a more humane deadly force policy, we set about designing that policy.

Several months back, as a matter of fact at the height of the riot, we implemented the policy that you have before you which very much parallels this Commission's report which—I think that was released some time in July of this year—that provided certain recommendations to State and local governments.

We feel that it's a model policy throughout the country and in fact is being used as a model policy by just such experts as Jim Fyfe and others who have been very much involved in the use of deadly force policies across the country.

In terms of implementing it, it was implemented a little bit prematurely just in terms of a timeframe that we had hoped to establish. We had hoped to provide all of the necessary training leading up to its implementation, but during the height of the riots, myself, the command staff, was very much concerned that the deadly force policy that was articulated under State law could exacerbate the problems that we were trying to resolve and make it much more difficult to bring things back under control.

So the policy was implemented at that time, and considerable training has taken place. All of our department members, command staff, have in fact been involved in training over the issue of deadly force and the department's present policy.

MS. STEIN. You are referring there to training of officers who are presently serving?

CHIEF HARMS. Yes, that's correct. Each and every officer attended a program designed to not only articulate but to explain and provide all necessary information to the officers, which included the history of the development of the policy and why it was necessary to implement it and the fact that it was being implemented and how the department would carry out the review and enforcement of the policy itself.

MS. STEIN. Thank you. Mr. Jones, do you agree with Chief Harms' assessment of the extent of tension between the black community and the police?

MR. JONES. Yes, I do. The remarks that the chief has made as to his observation and assessment of those tensions in the black community would be echoed by me almost verbatim. I think it's very close to our own assessment of the situation.

MS. STEIN. Does the PSD have a written policy governing the use of deadly force?

MR. JONES. We do. And that policy is much the same as the city of Miami. Our policy came into being several years ago, back in about 1973 or '74, something like that. And with only minor differences, the policies are pretty much the same.

In fact, staff people from the city of Miami and public safety department have been working together as of late to try and make those policies exactly the same.

MS. STEIN. At this time, Mr. Chairman, could the written policy of the PSD with regard to use of deadly force be admitted in the record as an exhibit?

CHAIRMAN FLEMMING. Without objection that will be done.

MS. STEIN. Thank you. Could you describe the resources and responsibilities of your internal review division?

MR. JONES. Our internal review is—has recently been beefed up. We have added six additional investigators to the process.

MS. STEIN. Before you go on, let's make it clear. We are talking about the section that deals with allegations of police misconduct.

MR. JONES. Yes.

MS. STEIN. Of all degrees?

MR. JONES. Yes. We think we have done several things that will give the system more competency and credibility in the eyes of the community. One thing, we have moved it out of the public safety department building to a location out of the building where the atmosphere, we hope, is less threatening, where citizens will feel more comfortable coming to file a complaint.

We feel that the process is a good one. It closely parallels the recommendations in the Rights Commission's police standards and goals publication of some 4 or 5 years ago.

We have a complaint reception procedure. We publish brochures which are distributed throughout the community so people know to file a complaint. We try to keep the complainant informed during the process as to what stage of investigation or what stage of review their complaint actually is.

We follow up the complaint at the end with a letter advising that the complainant has complete accessibility to complete investigative files that were done by internal review. Our records are public and open to the community.

MS. STEIN. Is the head of the internal review section responsible directly to you?

MR. JONES. Yes, he is. At this point in time we have a section out of the records of the internal review and inspection, and Major Berticelli who is head of that unit, head of our internal review section, and Captain Matthews report directly to Berticelli through me.

MS. STEIN. Are telephone complaints accepted?

MR. JONES. Yes, they are. Anonymous complaints are also accepted.

MS. STEIN. Are all complaints reduced to writing?

MR. JONES. Yes. We have a complaint reception form. A log number is given to the complainant and filed in a logbook, and then the complaint is passed on to the entity that will be conducting the investigation.

MS. STEIN. Are all complaints investigated by the internal review unit?

MR. JONES. More serious complaints—all complaints go through the internal review unit and are logged and monitored in the internal review unit.

Complaints of a minor nature such as discourtesy, allegations of less severe misconduct are investigated by the officer's supervisor after they have been processed through internal review and then down through the chain of command.

MS. STEIN. This morning we heard testimony from Dr. Perry of the NAACP who said that he had attempted to file a complaint of police misconduct and had been discouraged by the officer from filing it. He had been told that forms were not available, or talked out of it, I think is the way he put it. Can you explain why this would have happened?

MR. JONES. I really can't. I am unaware of that particular incident and I would like to follow it through further to see exactly what the problem may have been, because if there is some problem in the system I think we need to get it corrected. I am sorry. I just can't comment at

this point any further not knowing more about what Dr. Perry is speaking of.

MS. STEIN. I understand. For how long a period of time are people assigned to the internal review unit?

MR. JONES. That varies depending on the assignment, but in most cases assignments are for at least 24 months or 2 years.

MS. STEIN. I understand that officers about whom complaints are filed must receive the name of the complainant. Do you think that tends to discourage people from filing complaints or to hinder investigations?

MR. JONES. As a part of the police officer's bill of rights, which is a statutory mandate on the public safety department and our conduct in internal review and investigations, there is a requirement that officers be told the complainant's name and nature of the complaint.

I think there is some latitude where the revealing of the name of the complainants might somehow jeopardize their safety or might create perhaps a situation of vindictiveness on the part of the officer against whom the complaint was filed. I really feel that that could be avoided because of that necessity. But we have never experienced a problem because an officer knew a complainant's name.

And I think somewhere in the process that would have to happen because there would have to be sworn testimony. The officer has a right to due process some time during the disciplinary process and at that point in time he can be represented by counsel, and certainly he would need to know the name of the person accusing him. I don't see it as a real barricade, a real hindrance to effective internal review process.

MS. STEIN. Is the review process itself carried out in accordance with any kind of formal written procedure?

MR. JONES. Yes. A very well documented, very detailed process that becomes an SOP, standard operating procedure, for the internal review section and other officers are aware of the process also.

MS. STEIN. What is the extent of your own personal involvement in the review process?

MR. JONES. Do you mean how involved do I get in the investigation or—

MS. STEIN. At what point or points do you become involved and what is your role?

MR. JONES. The disposition of the case is reviewed by a disposition panel made up of three majors in the department. After they have selected a disposition, either sustained, not sustained, or exonerated, then the case goes back to the internal review section and finally the file is reviewed by myself or one of the assistant directors along with the commander of the internal review section.

MS. STEIN. Do you maintain an employee profile or early warning system such as Chief Harms referred to?

MR. JONES. We are developing that now. Most of the data has been made available. We are acquiring the automated system so that the information, which is very complex, and the only way we can retrieve it is through an automated system, System 6, would be more specific.

And I would say that within 60 to 90 days we will have one of the most effective and, we hope, well-working officer profile, early warning systems in this Nation.

Ms. STEIN. Thank you. Chief Harms, would you describe for us your internal affairs section and your internal review procedure. Tell us how it is similar or differs from the PSD procedure.

CHIEF HARMS. Yes, I will. And I will have to comment that I think the director looked at my script. We run very parallel kinds of systems. In fact, in almost every instance our system parallels theirs or theirs parallels ours.

A complaint comes into the department, either telephonically or in person. And that complaint is documented and it is assigned based on the allegation from the complainant himself. It doesn't have to have a name. It can be an anonymous complaint.

We generally prefer to have a name so that we can include specific statements and make inquiries based on the nature of the complaint and the people involved. And that follows better investigative practices, of course, that we want to apply in resolving those types of complaints.

If it's a minor complaint—and we say minor only to differentiate from the most serious, because we consider every complaint as a serious complaint—but the more minor ones are routed down to the first level of supervision.

The investigation is completed at that level and the recommendations are made based on their findings. And then the case itself proceeds up through the rank structure of the department, through that individual's chain of command, and ultimately to me.

If the officer disagrees with the finding, with the penalty associated with the case itself, he or she has the right by employee contract to discipline review mechanism wherein a five-member panel sits and reviews the case. Some of those panel members represent the members of the department and some represent the employee organization, and he or she also has the ability to select a personal representative from among the department. That group, in turn, makes a recommendation to me. I, in turn, review that particular case and assign whatever level of punishment I feel appropriate based on the findings in the case itself and other considerations.

Now, the point of differentiation between how that type of case is handled and the more serious case, is that the more serious case is investigated by the internal review section of the Miami Police Department. When they complete their investigation the case is routed down through my office to the appropriate division chief, who reviews it. And if we are not satisfied that an appropriate investigation has taken place or there are some questions that are left unanswered, or other issues of concern, we refer it back to the internal security and they complete the investigation based on the guidelines that we provide.

The case is then routed down to the first level of supervision over the employee who is accused of the wrong doing. And the process again parallels that that I described to you a couple of moments ago involving the lesser complaints.

Now, if my decision is objected to by the employee, he or she has the right to appeal that decision to the civil service board in the city of Miami, who reviews the case and makes their own decision. If the employee disagrees or—let me correct that—if I disagree with the decision of the civil service board, then I have to make an appeal directly to the city manager to ask him to overrule the decision of that civil service board.

If the employee is then dissatisfied with the outcome of that case he or she has access to the circuit court to seek a review of the case itself and how the case was handled. That's basically the system we operate.

Now, the department is in the process—I say the “department”—the city of Miami is in the process of establishing an office of professional compliance which, in fact, has many similarities to a civilian review process. Although we have not really provided a definition for that, I will still use that type of terminology.

We expect that that process will be up and running very shortly and consist of individuals selected from the community to be active observers of the internal review process and limited participants. And that's to develop credibility with the existing system and to bring into question any serious issues of concern by that group, by that group of individuals who are really going to be charged with the responsibility for taking a very, very critical look at all of those complaints involving abusive treatment to individuals and involving complaints of excessive force or brutality.

If the individual assigned to that case from within the office of professional compliance disagrees with the way the case is handled, then that individual and I talk about it. I redirect some of the investigative efforts. If that individual is not satisfied with my intervention in the process at that time, he or she has access to an assistant city manager who will also provide a review and ultimately to the city manager.

Now, this process was developed as a result of considerable community input. And in fact the group that was charged with the responsibility for designing the process itself consisted of a representative of the black community, a representative of the Latin community, assistant city manager, a representative from my office, and a representative from the employee organization of the police department itself.

MS. STEIN. With respect to your internal review procedures, I would like to ask the both of you to comment on the perception that has sometimes been expressed that there are many valid complaints of police misconduct which are nevertheless not sustained at the end of the review process. Does this mean that the process lacks credibility? And I am particularly interested in the situation where there is an officer and a complainant and no other parties or witnesses involved in the incident complained about.

CHIEF HARMS. Yes. Who would you like to go first?

MS. STEIN. Why don't you begin.

CHIEF HARMS. Okay. It is difficult to deal with perception because there is so much that goes into a perception. I have a feeling from time to time our internal review mechanism is not perceived as it should be.

And part of the problem associated with those kinds of perceptions is that frequently they do not relate to reality.

Now, if we try to take a look at a group of cases, it is impossible to develop a formula so that we can determine whether an appropriate number are being found guilty, if you would, just for the sake of lack of better words at this point. We cannot determine the precise nature of each case as it stands on its own merit.

Now, when we get into the issue of one-on-one—and that's what a majority of our complaints consist of—there are certain constitutional and procedural safeguards that are afforded an officer or an individual in that situation. So that the testimony of one or the testimony of another without any independent evidence to contradict that testimony cannot be refuted by the statement of the other.

So while a majority of our complaints are one-on-one it makes it impossible to differentiate between two stories in the absence of that kind of information.

MS. STEIN. So let me interrupt for just a moment. Suppose there were internal inconsistencies in the officer's statement, and the witness's statement appeared much more credible and consistent. Would that have any effect on the outcome you have just described? I am sorry, not the witness, the complainant.

CHIEF HARMS. Yes, we would continue to investigate that case and try to clear up the inconsistencies. Now, if there is any substantial indication that the officer's conduct in the giving of the statement or his behavior is of a criminal nature, then we investigate it from that perspective. And if we find that the necessary elements exist, then we prefer charges with the State attorney's office.

And I think it is really good at this point to share with you the fact that in the last 30 months as a result of internal investigations, investigations initiated by the Miami Police Department, that 13 officers have been arrested and charged criminally. And I think this speaks to the dedication and commitment on the part of the police department to make sure that we act in a very professional manner in the conduct of our business within the community. And at the present time charges are pending on one other individual at the State attorney's office.

So getting back to your original question, yes, it does make a difference, because even if we find that we cannot make a determination of a fact in favor of one or of the other, this starts building the profile that I mentioned to you and to the Commission a few minutes ago, that the profile that we develop is over time and deals with the number of complaints of all types. And as we start noticing how that profile is directed, the direction that it is taking, then we become much more interested and concerned with the activities of that particular officer.

His commanding officer is notified. The commanding officer sits down with the individual to try to make a joint determination as to why he or she is generating an excessive number of complaints. Those future complaints that come in regarding that employee are scrutinized very carefully, and any use-of-force situation receives additional atten-

tion by the internal security group, those who are charged with investigating all of those complaints.

MS. STEIN. Mr. Jones, would you like to comment on my question?

MR. JONES. Yes. I think that Chief Harms has made most of the points and made them very accurately.

I think that there have been some perceptions about internal review, about the process, about the police's ability to police itself. I think much of the community, particularly our minority communities, have viewed it as process that was tried in secrecy, one where they had no access to be able to challenge the investigation or challenge the review.

I think some of the things that have happened in the last couple of years as far as opening up—well, the last few months, actually—in opening up to the public the internal review records so the public can look at those, so it is accessible to the media.

We have an independent review panel now in Dade County to review investigations conducted by internal affairs, internal review. They can open up investigations at any time a complainant is not satisfied with that process.

So I would say that there have been significant problems in the past with perceptions about the effectiveness of internal review processes and law enforcement. But I think we are in a state of transition. I think that the police's ability to police itself is demonstrated by some of the illustrations I can give you where we are actually filing the criminal charges against officers who are violating the law. We are filing administrative charges against those who are violating the rules and regulations that are not criminal.

And unfortunately because of our willingness to get our so-called—display our blemishes, many times that is perceived itself as a negative kind of thing on the part of the community, when in reality it is a very positive thing that action is being taken by police administrators and their staff to clean their own house.

MS. STEIN. Thank you. Mr. Berkowitz, would you describe for us the purpose of the Independent Review Panel of which you are executive director?

MR. BERKOWITZ. The Independent Review Panel, as I understand it, was designed by the county commission to fill a credibility gap that was perceived in the ability of the police to police the police, and in an attempt to improve government and community relations in general and police-community relations in particular. The Independent Review Panel has jurisdiction not only over the public safety department but over every other county agency, employer, or instrumentality. It is not strictly a police review agency.

MS. STEIN. Does it have jurisdiction over any city employees or the potential for such jurisdiction?

MR. BERKOWITZ. Not only do we not have any jurisdiction over the municipalities at this point in time, but I have been advised by the county attorney that should a municipality desire to use our services, that under the present ordinance they would have an inability to do so.

MS. STEIN. Would you support an amendment to the ordinance that would alter that situation?

MR. BERKOWITZ. Not only would I support one, but I have drafted one and submitted it to the county commission for consideration. And it is my understanding that it will be before the county commission for first reading at the commission's meeting on December 16, making it optional on the part of the municipality should they so desire, to use the existing Independent Review Panel with the expanded members of the panel coming out their own community, of their own municipality, to use our services to investigate incidents involving municipal employees or agencies.

MS. STEIN. What is the panel's procedure upon receiving a complaint?

MR. BERKOWITZ. The panel has the ability to accept written complaints, telephone complaints, anonymous complaints. Upon receipt of a complaint the involved county agency or appropriate government official is contacted with a formal request that they prepare an internal, or conduct an internal investigation and prepare a report giving the Independent Review Panel an opportunity to review something in writing as to the county's position in connection with the allegations in any given case.

With the respect to internal review or a case received against a public safety department officer, we will send a formal request to the internal review section and ask them to institute an internal review investigation, and once the investigation has been completed and a disposition rendered, to immediately return that report to the Independent Review Panel for its review.

MS. STEIN. Can you tell us when the panel came into existence?

MR. BERKOWITZ. The panel was created by county ordinance on February 19. The effective date of the ordinance was the end of the month. I was appointed as the panel's executive secretary in the middle of April. Up until my appointment the panel had no staff.

MS. STEIN. Has the panel any staff in addition to you at the present time?

MR. BERKOWITZ. You are looking at it. At this point we are in process of trying to hire an administrative assistant. We have been advertising. There was an application cutoff of December 5. When I found that the advertisements had not been placed in the black or Latin newspapers, I asked that the deadline be extended so that we could advertise that position in those papers.

MS. STEIN. In the time you have been in existence how many complaints have you received?

MR. BERKOWITZ. As of this morning we are up to 58 complaints.

MS. STEIN. How many of those have been against the public safety department?

MR. BERKOWITZ. To date we have received 18 complaints involving officers of the public safety department.

MS. STEIN. Could you give us a breakdown of the complaints you have received in terms of whether they were filed by blacks, Latins, or whites?

MR. BERKOWITZ. It seems to me to be fairly equal between Anglos and blacks with a minority of complaints being filed on the part of Latins.

MS. STEIN. What has been the disposition of the complaints?

MR. BERKOWITZ. Well, we are involved—we concluded a great number of complaints. We will be involved on December 18, which is next week, in conducting hearings where we have invited six complainants to testify before us in cases we have received and completed internal review investigations. At this point in time the panel will address the question as to whether, “the matter is sufficiently serious to merit further review.”

Our ordinance requires that four of the six permanent panel members affirmatively elect to go forward into a full review or investigation, at which time the panel is expanded to include an additional three members to sit and to consider that particular fact pattern or complaint. Two of the three individuals who are selected to sit on that expanded panel by the county commission will be representatives from the affected segment of the community. And the third, in an effort to make the panel balanced and its disposition equitable, will be selected from the accused employee’s bargaining unit.

We have been involved in a range of activities that run the gamut from operating as an ombudsman and clearly minor complaints against various county agencies where some action on the part of the—or some action on the part of an organization that cares and has a little bit of clout is all that is needed to clear up the situation and to resolve the complaint to the satisfaction of the complainant, a situation where we will be compelled to sit almost as a grand jury and to decide whether or not a disposition that’s been handed down by the interval review section and approved by the panel of majors and by Director Jones, is proper under the circumstances.

We have several situations where there are close questions, where I have reviewed the investigation. And we are sitting now, in fact tomorrow, as a screening subcommittee to review several of those investigative files. and, quite frankly, it is not going to be easy. And I can appreciate some of the problems they have in trying to determine which side is justified or which side’s credibility is to be believed.

MS. STEIN. Except for the hearings you have just mentioned that are now scheduled, have you yourself investigated—I mean the panel itself—investigated any complaints?

MR. BERKOWITZ. We have investigated a great number of the complaints. Are you limiting it to PSD or countywide? We have concluded three complaints where our findings were that the investigations that were done were more than adequately done by the public safety department, or in the alternative that the matter was not sufficiently serious to merit full review or investigation.

MS. STEIN. First, with respect to all the complaints you have received, how many of those were, so to speak, dismissed for failure of jurisdiction?

MR. BERKOWITZ. We have approximately at this point 12 or 13 against various municipalities, the majority of these against the city of Miami. In those particular instances the complaints have been referred to the city of Miami for disposition in accordance with the processes and procedures that the city has in place for dealing with matters and complaints of that nature.

MS. STEIN. So only 12 or 13 have been ones that you had no jurisdiction over?

MR. BERKOWITZ. That is correct.

MS. STEIN. Now, the ones against the public safety department, which I think you said were 18?

MR. BERKOWITZ. That's correct.

MS. STEIN. What has been the disposition of those?

MR. BERKOWITZ. In the three that have been fully through our process, as I indicated, we have either felt that the disposition rendered by the public safety department was reasonable under the circumstances or that the matter itself was not sufficiently serious to merit full review or investigation, as in the case of a complaint where a complainant argues that she should have—or that she received a traffic ticket where somebody else should have received a traffic ticket. That clearly is not what we were intended to address. On the other hand, we have a number of them before us that—where the potential is present for us to expand into a full panel or review. I can't speak to that because that is a decision that is going to be made by the six panel members at the meeting on next Thursday.

MS. STEIN. Are there any where you have commenced your investigation before internal review had completed its investigation?

MR. BERKOWITZ. There are a number of them where we have requested internal review to commence investigations before they had themselves received a complaint directly from a citizen. We have taken the position, or took the position at the very beginning when we were drafting the rules of procedure, that we would not conduct parallel investigations.

We have the right and authority to do so under the existing ordinance. However, we felt that if we were to commence an investigation using our own resources at the same time that the public safety department was doing an investigation using its own resources at the time the State attorney's office was doing an investigation using its own resources, that we might have to wait in a line to talk to witnesses.

We prefer to operate under the assumption that there was no merit to the assumption that the investigation done by the internal review section of the public safety department would constitute a whitewash, it would be anything other than adequate.

Rather, we have taken the position that we will wait until they finish their investigation; that we will monitor progress of that investigation from the date that we requested that investigation be instituted. And

then upon review of that investigation we will have the opportunity to review verbatim transcripts of statements taken from witnesses that have been done by internal review investigators. That we will have the opportunity to listen to the taped statements that have been taken. And if, for any reason, we deem those investigations to be inadequate, if an additional issue should be raised or additional witnesses should have been interviewed or additional questions asked, we have taken the position that we will ask those questions, raise those issues, and find those witnesses.

MS. STEIN. Are you aware of any criticism from the community that because your panel does not have investigative staff of its own or subpoena power, that it is not able to do the job with which it is assigned?

MR. BERKOWITZ. I think that there probably are people out in that community who believe that the Independent Review Panel was created as an attempt on the part of the county commission to operate almost as a—that they weren't sincere in their attempt to provide civilian independent review.

I don't believe that is the case and I think that we have gotten a significant degree of independence and autonomy, so that regardless of what the original intent of the ordinance was on the part of the commission, I believe that we have the ability to carry out the mission that was assigned to us and to do so in an independent, open, objective, and unbiased matter.

MS. STEIN. What is your view with regard to criticism on these two particular points, that there is no investigative staff and there is no subpoena power?

MR. BERKOWITZ. Obviously, I would like to see more staff. I have this job, or I was given this job, on a part-time basis where I was going to be paid for 6-1/2 hours a week. The job is taking in excess of 20 to 30 hours a week. And a majority of my time is not being compensated. When I assumed the position, I assumed the responsibility, however, of doing a good job. So I am doing it.

With respect to an independent investigative staff, obviously, I would like to have it. The need for it has not arisen until recently when our volume of cases has increased to the point where our staff has been previously able to deal with it or I have been able to deal with it on my own. This past week I have engaged, without talking to anybody from the county, an investigator to come out to investigate one of the internal review investigations that is presently under consideration by the panel. To the extent that it becomes more economical to go out into the community and hire investigators on a full-time basis, I sincerely expect that we will have the ability to do so.

With respect to subpoena power, it has always been my position and I have always maintained that it was not necessary inasmuch as we were to compel somebody to appear before us we could not compel somebody to testify. I have always assumed that I would have the full cooperation of the various county agencies in forcing their officers or directing their officers or employees to appear before us.

We had a meeting, Director Jones and I, this week, at which time I was informed that the public safety department was going to take the position that they would not compel an employee to testify, an accused employee to testify, before the panel because they took the position that their legal staff had advised them that the police officer's bill of rights would prohibit them from doing so.

That statement and that position has forced me to reassess my position, and I think that I am left with basically no alternative if external independent review is going to work in this county but to ask for subpoena powers. And I will take that directly to the commission, and I hope that the commissioners will respect that request and will grant that request. And if they don't they're going to have to account to their voters, to their constituents.

MS. STEIN. Thank you very much. I have one final question for you, Chief Harms. I understand that the consent decree under which you are now operating which sets your affirmative action goals and procedures was the result of a suit filed against the Miami Police Department by the U.S. Department of Justice; is that correct?

CHIEF HARMS. That is correct. And that occurred back prior to 1974. And the two parties entered into the consent agreement in 1974.

MS. STEIN. Do you know what the reason was that prompted the Attorney General to begin an investigation of the Miami Police Department?

CHIEF HARMS. It is my understanding that it was based on a request by Mayor Ferre at that time to come in and review the policies and practices of the City of Miami in its entirety, not just the police department but the entire city of Miami. And as a result of his initiative, the Justice Department came to Miami, and that resulted in a consent decree. At least that one was entered into in 1974.

MS. STEIN. Thank you very much. Mr. Chairman.

CHAIRMAN FLEMMING. Commissioner Berry.

VICE CHAIRMAN BERRY. Mr. Jones, do you happen to know whether there has been more or less crime, I mean activities like, assault and the like, in Liberty City since the riots? Are there more crimes of that kind, internal to the community in Liberty City, now than there were before the riots, more arrests, fewer, or about the same, or do you have any idea?

MR. JONES. That would be rather difficult. Crime has increased generally throughout the county since May. Of course, there are many other factors that we think may have created that rather precipitous rise in crime throughout the county.

In specific areas in Liberty City where we developed some programs specifically to deal with the high victimization rate and also to deal with the community-police team, crime has actually decreased. I can provide you with some specific figures and give them back to you.

VICE CHAIRMAN BERRY. Would you provide that then for the record? I am asking because I would like to know whether the inquiries into alleged police misconduct since the riots, whether that has interfered in any way with arrests of people who engage in assaults and the

like in the poor, black community here. Have the police been reluctant to make arrests, get involved?

MR. JONES. Now, since you have expressed it that way, I would say that for a period of time after the tragic McDuffie situation, I think that most police officers in Dade County were almost in a state of shock. And I believe that at that point in time morale was at a very low ebb. Officers were sensitized to the McDuffie case. And I think there probably was a reluctance on the part of officers to get into situations where they would feel vulnerable to some kind of review of their actions that could result in the officer either being criminally charged or charged administratively on the part of police agents.

VICE CHAIRMAN BERRY. We had a witness here this morning, a Mr. Kilpatrick from one of the citizen's advisory committees in the Central District, which is where Captain Hughes is the commander. And Mr. Kilpatrick expressed concern that citizens do not know what to do when someone is arrested. That is, if there is a crowd standing around, somebody is arrested, the other citizens don't know where they go to find out what is happening to the person, what they are expected to do, and the like. And he expressed a hope that there be some kind of information or communication that would come from PSD or MPD or somewhere and what people are to do. Would you think this would be a good idea?

MR. JONES. I think that would be an excellent idea. In fact one of the problems we have and one thing that seems to get to the heart of tensions between the police and the black community particularly is many times a complete lack of understanding of what the policeman's job is, what kind of procedures he is following, and why he does certain things when he does certain things.

And I know many occasions, in reviewing internal review files and looking at incidents that I had hoped would not have occurred, that it was needless for them to occur. It came down to some kind of educational process, a better understanding of what the law enforcement officer's role actually was.

VICE CHAIRMAN BERRY. Would you be willing to look into putting together some kind of communication or something to be handed out or disseminated through the community media, if they would be helpful on this issue?

MR. JONES. Yes.

VICE CHAIRMAN BERRY. The other point: Captain Hughes, who testified before us, said that most of his black officers, if I understood it, were on the day shift even though there is more crime at night. And he explained to us, and I don't want to get into it, something about the seniority rules on who works different hours and so on. But if it is possible to work something out whereby you could have more black officers on in that area where there is more crime occurring, which is at night, would you be willing to look into the possibility of that?

MR. JONES. I certainly would, even though we do have a contract with the employees' association that clearly states that assignments are predicated to a certain degree on seniority. It also says that operational

necessities must be met. And I would say that a dispersment of not only black officers but Hispanic officers throughout the three shifts would be an operational necessity.

VICE CHAIRMAN BERRY. Do you think either one of you, either Mr. Jones or Mr. Harms, that there has been an improvement generally in the black community's attitude toward the police since the riots? Do you think the black community feels better about your police officers and the officers on the beat and the people they encounter today than they did? And are there things that have happened to make them feel better about it?

MR. JONES. I will answer that first. I think that some of the programs that we have initiated, that have gone forward since the riots are beginning to have some effect—some of the community oriented programs, community-based police and police decisionmaking, some of the affirmative action things we have done.

But, you know, I think that would be a very subtle kind of decrease in tensions because many times a police officer is only a symbol of a broader establishment out there. And those frustrations still exist because of all of the reasons that they existed before the riots.

And although I think the black communities are now seeing some positive things beginning to occur, I think they would like to see them occur more rapidly. And I am speaking about poor housing, high rates of unemployment, and all those kinds of things. And unless those root causes are dealt with and dealt with significantly, it is only going to be a matter of time until the police and the community find themselves once again in conflict and confrontation situations. I thoroughly believe that.

CHIEF HARMS. Let me comment on that as well. I find that today there is a very high level of frustration within this community and within the police departments who serve the various communities. There are a lot of reasons, as Director Jones indicated, why this exists.

Up until the time of the riots I had a very sincere belief that the police department, Miami Police Department, had made great strides in meeting the expectations of all of its communities and in bridging the gaps that may have existed prior to that time.

But, unfortunately, what happens within one law enforcement agency, whether it is within another State or another county or within your own county, whatever occurs tends to affect or influence an attitude within the community about all police. It's a very unique profession in that regard. Something occurs in another State, and then, of course, local police, to a degree, are held accountable for it. It's a little bit different than in medicine and in the practice of law. Many of our clients do not in fact like the service we deliver to them through the arrest process and through the issuance of tickets.

But back to your original question. I think at the point of the riots we lost an awful lot of good will for many of the people within our community of all races and all backgrounds. And it's going to take a long time to build that confidence in their police agency up again—no matter how hard we try or how much energy we devote to that. And I

see that as one of the primary responsibilities of the media. They have a preoccupation with a certain type of reporting. I think it is very important that they recognize their responsibility to present a balanced view to the community.

VICE CHAIRMAN BERRY. Last question. With all that has happened since the riot and since the acquittal in the McDuffie case, do you think an incident like the beating to death of a person after an arrest, or shooting them after an arrest, as happened in the McDuffie case, could happen today with police officers from either one of your police departments?

CHIEF HARMS. Can I take that one first? The answer is yes, unfortunately, it could happen.

VICE CHAIRMAN BERRY. Could happen again?

CHIEF HARMS. The fact that it has occurred, not in my department but in another, is not significant when you take a look at the entire range of emotions that is associated with that kind of situation.

It was wrong, and we are doing everything within our power to make sure that that kind of event does not occur. But when you have a police agency of our size, with literally a million-plus contacts a year, some of them, some very small percentage of them, are not going to be handled properly, as that one was not handled properly. I hope to God that situation does not occur again in any agency, in any department, but it will.

MR. JONES. I can only make a similar kind of commentary, that I cannot guarantee the citizens of this community that a situation like that could not occur again. Quite obviously, most of the department's energies and resources are being directed to see that it does not occur again.

One of the problems that any police administrator has to deal with, he hopes he can deal with effectively, is attitudes, and that is the most difficult part to try to change, and it's attitude on part of a very small percentage of police officers.

CHAIRMAN FLEMMING. Mr. Horn?

COMMISSIONER HORN. Let me ask you, Captain Harms, what is the philosophy that guides the allocation of resources to the various chiefs? I am sorry, Chief Harms, I was thinking of my question to one of your captains this morning that lead me to say "captain," What is the philosophy which guides the allocation of resources within the Miami Police Department between the various districts; is it formula based, is it based on incidents that occur, is it based on geographic size of territory, etc.? Just describe that for us.

CHIEF HARMS. Commissioner, I am glad that you clarified my status; I thought you had some insight that I didn't. Moving on to your question, we have no hard and fast formula that has been operationalized, but the commander of the patrol division and the supervisors that work for him are very sensitive to the particular needs of the community.

Part of the decisionmaking process that leads into assigning rationale includes, to a large degree, trying to place our officers in those areas of

the community where they can serve the public's interest in the best manner possible. An example of that would be assigning a bilingual officer into a Latin community and assigning a black officer into a black community.

But we go beyond that. We take a look at the officer's profile. We wanted to make sure that he or she has the necessary sensitivity to serve the best interests of that community. And if we find that we have an officer within one of those communities that for some reason does not have the sensitivity, and after counseling we are not able to redirect his or her efforts, quite frankly we move them out of that area into another area that is more conducive to their own particular style.

COMMISSIONER HORN. Well, looking specifically at the Central District, would you say that compared to your other districts, when you take all those factors into consideration, that it's undermanned?

CHIEF HARMS. Yes, sir, it is. And let me expand on that. The city of Miami has only one district. It is a very small geographic area consisting of approximately 32 square miles with a daily service population of about 500,000. Because we are small and centrally located, I would indicate to you that given our number of police officers per thousand—the fact is that up until this year, each year since 1975 through '79, the size of the department was reduced because of budgetary limitations. Not only is this area undermanned, understaffed, but so too is the rest of the city.

It is not uncommon on a very busy or active, during a very busy or active, period of time for us to have two or three pages of calls that are stacked, that are holding for an officer to become available to meet the needs of that particular situation.

COMMISSIONER HORN. Is this due to reluctance of sworn officers to serve in that particular area and therefore they can take advantage of the seniority clause and get better assignments?

CHIEF HARMS. The seniority clause does not prevail within the City of Miami Police Department, although we do have some unusual restrictions as a result of contractual obligations. And our assignments, while we try to give preference to officers with seniority, particularly as it relates to days off as somewhat of a reward for their past service, our primary consideration is operational.

On an individual basis an officer may not want to serve in that particular area, and we try to take all of those issues into consideration as we are making the assignments. And quite frankly we try to put our best and most sensitive officers within those communities who appear to have the most difficult issues to address.

COMMISSIONER HORN. Is there a shortage of "best and sensitive officers"?

CHIEF HARMS. Yes, sir. We were authorized to increase our sworn strength from 714 to 814 this year. That's a budget allocation. At the time we had a few over 600 sworn officers. That means essentially that we have to hire and train in excess of 250 officers by October of next year in order to make up for the difference between the budget positions, the vacant positions, the attrition rate, and the new slots. So, yes,

there is a shortage of policemen generally and there is a shortage of good policemen.

COMMISSIONER HORN. What is the allocation of sworn officers to the beat versus supervision and staff positions within the department?

CHIEF HARMS. Based on a percentage or ratio?

COMMISSIONER HORN. Ratio.

CHIEF HARMS. We have approximately one supervisor for every five employees, but that figure has to be viewed in the context of office assignments, clerical positions, civilian positions, and so on.

A more effective operational supervisory ratio, the one we are dealing with now, is probably closer to one to eight. And based on the overload of calls for services that we are addressing at this very time, it means that effective supervision is reduced even further as supervisors are frequently dispatched on calls and backup situations for other members of the department.

COMMISSIONER HORN. Are you saying that eight out of nine people are on the beat? I mean, how many officers do you really have of your total force that are out on contact with the public in a beat situation?

CHIEF HARMS. I misunderstood your question. I don't know what that ratio is, but a majority of them are in operational units, operational being either of the patrol division, uniformed division, or investigative division or the traffic division. And the majority of our officers are in fact in those assignments, somewhere in the vicinity of 65 to 70 percent.

We also have other assignments and some occasional administrative such as internal review, intelligence, background investigations, assignments of that type. So that is a distorted figure unless you take those other factors into consideration.

COMMISSIONER HORN. On those latter assignments, I think allegations have been made, as I understand it, that black officers in particular feel that they have not gotten a fair shake at transfers to the various specified units. Do you have any data as to race, sex, years of service by unit as to assignments within the department?

CHIEF HARMS. Yes, we do, and we will provide it for you. We will make sure you get a copy of that. There is a selection process and procedure that the specialized functions go through. And we are very, very careful to make sure that every individual that applies—and we encourage that application—is given reasonable consideration.

There are or there may be, however, within a department those officers who because of their profiles, their own personal records, have been unable to transfer into specialized functions.

COMMISSIONER HORN. Director Jones, do you have comparable data by race, sex, years of service as to who is able to move from, say, the more beat-oriented role of a police department to the specialized units?

MR. JONES. Yes. And we constantly monitor that through our human resources coordinators to try to be sure that there is a representation of both Hispanic and black officers in those specialized units such as homicide, robbery, internal review, so that minority considerations can be met.

COMMISSIONER HORN. Mr. Chairman, at this point in the record I would like to have entered the data from both Dade County and Miami as to race, sex, years of service by unit of the sworn personnel of the respective departments.

CHAIRMAN FLEMMING. Without objection that will be done.

COMMISSIONER HORN. Do either of you have what is known in many municipalities and counties as the Officer of the Month Award?

CHIEF HARMS. Yes, sir, we do.

MR. JONES. Yes.

COMMISSIONER HORN. Both do. What are the criteria which determines who gets that award? Is it based on quantity of arrests? Is it based on quality of arrests? How do you go about figuring that out?

MR. JONES. Well, we have a panel of division chiefs that sit as a selection board, and each district nominates one or several officers of the month each month. I can only say that some months an officer may be given in that particular month the Officer of the Month Award for some very outstanding feat of, say, life saving, something like that.

Another month it may be because he has consistently performed at a very high level. Some of this could be predicated on the number of arrests he made. And another month it may be because of some program implementation or some community program that he had been involved in and done very successfully.

So I guess, in answer to your question, that officers of the month are selected on many different kinds of things.

CHIEF HARMS. Our system is very similar. It is energized in a slightly different way, however. The individual supervisor is expected to note superior performance and document that performance in a memorandum that goes to me and ultimately to a group or committee within the department who reviews those memoranda and the activities that the individual has been involved in. And a selection is made in that manner. The criteria are just as diverse as the director indicated his criteria are. Sometimes it can be for a single act, sometimes it deals with quality, always quality, and occasionally with quantity of arrests or other issues that an individual is involved in.

We are proud to say that that award goes to many different divisions within a department: community relations section, administration, and operations. It is not all isolated to the officer in the uniform in the field.

COMMISSIONER HORN. Do both of you feel that quantity of arrests is a legitimate criterion?

MR. JONES. I feel that it is a criterion that should be given some opinion. In the past I think it has been given too much opinion, therefore encouraging officers to make arrests in order to receive a higher evaluation. And the public safety department, I guess about 18 months ago, began to downgrade that process. But there does have to be some monitoring of officer productivity.

COMMISSIONER HORN. Has the Miami department had a similar situation where they have concerns about this?

CHIEF HARMS. Yes, we do. We are very much concerned with the quality of the case and how it is processed through the criminal justice

system. So we are most interested in reviewing cases from the perspective of how they are viewed at the first judicial screening, at that level of review.

So that is not a sole criterion. But it certainly is something that tends to contribute to the overall picture of the individual's activities.

COMMISSIONER HORN. In the last 3 years how often has a black or Cuban officer been made officer of the month; ever? once? twice?

CHIEF HARMS. A number of different times within my department—specific numbers I will provide for you, the same way I will provide the other data. As a matter of fact, 2 years ago the officer of the year—and that is based on a review of the officers of the month—was in fact a black officer. And after or before that, the year just starting—the officer for that year was a Latin officer. So it is not unusual at all to have black and Latin officers very well represented within that rather select group.

COMMISSIONER HORN. If you both could provide that for the record, Mr. Chairman, I would like it inserted at this point.

CHAIRMAN FLEMMING. Without objection, I will. Commissioner Saltzman?

COMMISSIONER SALTZMAN. Chief Harms and Director Jones, how important do you think this whole issue of police misconduct is to the harmony of race relations and the stability of city urban life in our various cities?

CHIEF HARMS. Extremely important. And the perception becomes a reality. And unless we make a very sincere effort, not only in the police department, but in the other elements of society, in getting the true picture circulating through the community, it is going to continue to cause major problems between the community and the police.

MR. JONES. I think that just looking at the image of law enforcement in this community today and seeing how the acts of a very small majority of officers are misconducted, that is, not acted on quickly by the department and the officers held accountable for their misconduct, can destroy the image of not only one police agency but law enforcement in total. I think it is extremely important.

COMMISSIONER SALTZMAN. Chief Harms, we have had comments from other panelists that some of the newspaper coverage, particularly the newspaper you mentioned earlier, has been harmful. You were not the only one who has pointed to that. It has been very seriously harmful to good relations in the community. I wonder whether you have—you and others, if this is the case—have initiated any efforts to meet with the media and to promote the kind of reporting that would turn the situation around.

CHIEF HARMS. The answer to that from my perspective is, yes. And I do meet with many of the individuals, with various media, particularly with the one that you indicated. I have had several meetings with the managing editor.

COMMISSIONER SALTZMAN. And no change or improvement or—

CHIEF HARMS. Not with regard to their perceptions of their responsibility to the community.

I think it is very important to indicate that we have substantial differences in how we perceive our roles. I think that one of their primary responsibilities is to report events and not try to essentially shape the community's attitude, particularly in areas dealing with situations such as "alleged brutality," etc.

One particular paper that we referred to earlier—I referred to in my comments—during a 149-day time period after McDuffie, printed approximately—this is plus or minus 2 or 3—125 separate articles on McDuffie. And the headlines at times were absolutely inflammatory, 3-inch bold print, bold type, "Cops Murder Cyclist."

That is designed, as far as I'm concerned, to evoke a certain level of attention and emotion within a community. And I feel that's exactly what was accomplished.

MR. JONES. If I may make a couple of observations, also. We have shown an interest and desire to try and meet with the media, particularly the management of the *Miami Herald*. I think we have made a point. I hope they understand the posture that we are coming from, not in any way to try to manage the media or tell them what to print.

But going back to Chief Harm's remarks, when it is continually repeated and repeated and in a very negative kind of context, it almost becomes a self-fulfilling prophecy, and a whole community's perceptions are shaped by all of that negative kind of print they see each morning.

We recently had a situation that was pretty clearcut. Our officers arrested a person over on Key Biscayne; there was a melee. The officers were justified, it appears at this point in the investigation, in the amount of force they had to use to make the arrest. The citizens of Key Biscayne, community-based police teams, were very supportive of our police officers in that case. They were very happy to see our police officers there, taking some enforcement action where it is needed to be taken. And yet instead of talking about the arrest and perhaps mentioning it in the story that the person did file a complaint for police misconduct, the banner line to the story was "Police Accused of Brutality Again." And then as a matter of afterfact it says the officer was assaulted during the course of that arrest.

And these kinds of things infuriate a community.

CHIEF HARMS. Particularly when you look, if I may add, at the total number of complaints and how they are processed: less than four-hundredths of 1 percent of all of our complaints, correction, all of our public contacts result in a citizen's complaint. So it is very definitely a preoccupation with that kind of media coverage.

COMMISSIONER SALTZMAN. Mr. Berkowitz, do you think your independent review panel is significant in bringing about a conviction in the minority community that there is fairness and justice to the internal review processes of the various police departments?

MR. BERKOWITZ. Absolutely. I think that we have, in a lot of respects, the opposite problem of the police in connection with their relations with the media. For the most part, the media has ignored us. They were probably instrumental in getting the county commission to

take some kind of affirmative action to provide for independent civilian review.

Once we were created we pretty much have been forgotten until the last couple of weeks when the Governor's panel, during a comprehensive study of the problem down here, forgot that we existed.

We are composed at the moment—our six-member panel is composed of two blacks. The panel, when it expands to a nine-member panel, were it to review a situation involving Liberty City area or any other black area, would have a minimum representation on that nine-member panel of four black individuals.

We have the ability because we are not tied to government, because we are independent of government, because we are civilian and designed to be representative of community-based organizations, we have a unique opportunity, I think, to gain the credibility of the black and minority communities throughout Dade County.

COMMISSIONER SALTZMAN. I realize you are underpaid, part time, and all of that, but have you taken any affirmative efforts to relate to the black community or the minority community in general? Do they know you exist?

MR. BERKOWITZ. I cannot speak for all of them because I haven't met them all.

COMMISSIONER SALTZMAN. No, of course not. But is there a fair knowledge that your independent group exists and is functioning?

MR. BERKOWITZ. We are trying. We have worked very closely with the Community Relations Service of the Justice Department.

I will be speaking, for instance, on Monday night to the Community Action Agency board. Wherever I have been able to get a speaking engagement, I have gone. My panel members represent, for instance, the Community Relations Board and the Community Action Agency. And wherever we have had the opportunity or exposure, wherever we have had the opportunity to tell people that we do exist, that there is a complaint or dispute resolution mechanism in place within the county, we have tried to get that word across.

We are in the process now of printing a brochure that we will be able to send out to a lot of community organizations that will describe with greater brevity our practices and procedures and the extent of our jurisdiction.

I think, though, that the feedback that I have gotten from minority people that I do talk to is that our work is being recognized and that we are being recognized as operating in a fair, unbiased, and objective manner with the interest of the entire community at heart, and not just the interests of one or another segment of them.

COMMISSIONER SALTZMAN. Thank you.

CHAIRMAN FLEMMING. Commissioner Ruckelshaus.

COMMISSIONER RUCKELSHAUS. I have two questions. We heard testimony this morning from the Progressive Officers Club and the Miami Community Police Benevolent Organization, and they seem to have some of the same concerns, and they involve the degree of commitment

to affirmative action, promotion of officers internally, and use of certain kinds of tests, and the number of black officers in command positions.

And it seems to me that perhaps the existence of a separate black policeman's club in itself was an indication of some sort of situation that may exist in your department that you probably have to deal with all the time.

And I wonder if you could, each of you could, for me, characterize the relationship between black and white officers in your departments and how you deal with the strains that naturally are reflected in your departments just as they are in the community.

**CHIEF HARMS.** Sure. Let me point out again, I think it is appropriate to indicate that during the last couple of years, better than 85 percent of our new employees have been minorities, women; in excess of 40 percent of the promotions have involved minorities. At this very time, one-third of my appointed staff are also minorities who are in assignments of considerable importance within the police department.

Now, leadership of that particular group, the "Club" as you call them, I believe changes on an annual basis. So much of the relationship that exists between the president and the chief is predicated on that individual's own personal views and perceptions of his or her reality. I think it's important to point that out as well.

Equally as important, in all honesty, I have to tell you that, as our department is going through this transition, as we are becoming more representative of diverse communities we serve—and again, as a reminder, our community is made up of approximately 50 percent Latin, 25 percent black, and 25 percent, which for lack of a better word I will refer to as other, which includes everyone else—that as we become more representative it creates certain stresses and strains within the department itself.

For example, a young, white officer that comes into the department to carve out a career for himself and his family may in fact feel disenfranchised when preferential treatment is provided to someone of another race or background.

That is a reality that we have to deal with on a daily basis, and that helps increase the frustration that many of our officers have within the department itself. It has resulted, in our situation, in a considerable reduction in the number of white officers that we have, while at the same time the other groups were increasing in strength.

So we recognize our responsibility. It does create some friction. It does create some frustration. It does create some friction, some animosity. But I think overall that the relationship that I have with the black officers' organization, more particularly not necessarily with the president but particularly with the members of that organization, is excellent.

Each and every one knows that if he or she has a problem that I am available to discuss that problem and try to work it out in everyone's mutual, best interest.

**MR. JONES.** I think tensions do exist between the ethnic groupings of officers in the department, and I think basically they pretty much have,

as their focus, affirmative action—and I am only repeating what Ken said in a little different way here. But it seems that there is a rather high resentment among Anglo officers in the department to affirmative action.

I think that we have been rather successful in the implementation of affirmative action programs. That we appointed 66 corporals and one-third of those were black, one-third Hispanic, one-third Anglo. And we did the same thing with another supervisory rank called master sergeant.

And depending on how successful we are in the further implementation of that program, I believe we actually have an opportunity perhaps to reduce tensions. The Anglo officers, I hope, understand that opportunities are coming to them because of affirmative action and not in spite of affirmative action.

COMMISSIONER RUCKELSHAUS. That policy and the reasons behind affirmative action and the benefits to the community of affirmative action are explained?

MR. JONES. Yes.

COMMISSIONER RUCKELSHAUS. They are generally widely understood?

MR. JONES. Well, I wouldn't say widely understood. I attended a lot of roll calls and I think that most of our police officers, they just need to hear it and they need to hear it very positively. And then I think they understand it. I don't think they always like it, but most times they accept it.

CHIEF HARMS. A lost opportunity is not conducive to understanding.

One of my, I felt, primary responsibilities at the time that I was appointed to my current position was to make sure that everyone in the organization understood exactly how we were going to proceed forward with a reasonable affirmative action program and how we, in fact, were going to become more representative of the community at the lower end, middle, and upper levels within the department.

And I set about through a series of official bulletins to explain more of what reality had to deal with. And up to that point in time the administration had not really articulated what the program was about. So it caused a lot of concern and fear within many people in the department. At least today the average person within my department fully understands the reasons why we are doing what we are doing and the need for it. It may not mean, however, that many of them agree with it.

COMMISSIONER RUCKELSHAUS. Thank you.

CHAIRMAN FLEMMING. Mr. Berkowitz, I would like to just be sure that I understand the composition of your board. The members of the board are appointed by the county commissioners?

MR. BERKOWITZ. Five of the members are, five out of the six are appointed by the county commission from a list of three nominees submitted by five community organizations: the Dade County Bar Association, Community Action Agency, the Community Relations Board, the Dade League of Chiefs of Police, and the League of Women

Voters. The sixth member is appointed by the county manager and is either a member of his staff or is a county department head. That is the six permanent panel members.

At the point in time when four of six of those permanent panel members elect to go forward with a full review or investigation, an additional three members are brought onto the panel to hear that specific case, and two of those panel members will also be selected by the county commission from the "affected segment of the community."

So that if it is a situation involving a complaint in a black area, there will be two additional black members selected by the county commission to sit on that review panel. And the third will be a representative of the accused employee's bargaining unit.

CHAIRMAN FLEMMING. So who serves as chairman? First of all, how is the chairman designated and who is serving as chairman of the board?

MR. BERKOWITZ. Chairman of this particular panel is a woman by the name of Wilma Feller [phonetic] who is the appointee or nominated by the League of Women Voters. And she is elected by a majority vote of the permanent panel members. Each standing panel, each nine-member panel, would have a right to select its own chairman for the purposes of that review.

CHAIRMAN FLEMMING. So at the present time there is just one full-time employee of the county who is serving on the board, namely, that is the appointee of the county manager?

MR. BERKOWITZ. That's right. That is the assistant county manager doing that.

CHAIRMAN FLEMMING. I have been very much impressed with the frankness of the other two members of the panel in recognizing the tensions that exist between your respective police departments and the minority communities in this area.

I have also been impressed with your willingness to recognize that there is a tension between your departments and the way in which they operate and the media in the area. I don't know that you include all media in your comments, but I am sure you do. Apparently you do. But nevertheless you recognize that that is a real problem.

Going to the first category of tensions, the testimony that we have received does make it clear that in both departments you have programs which are designed to establish what I would call "continuing relationships" between representatives of your departments and the communities that you are serving, and particularly the minority communities.

How often does each one of you meet with the leaders of the minority communities who are recognized as leaders of their communities, let's just say, throughout the city or the county? Really, what I have in mind is, do you have a program for meeting with them regularly, systematically, even when there is not a crisis, so that they can call your attention to matters that are of concern to them and so you can learn from them matters that are of concern?

CHIEF HARMS. We have that mechanism within the department. I am sorry to say I don't meet with them as frequently as I would like to.

My community relations section is aware of a very large majority of the individuals and formal groups within the community who have some level of influence or special interest. In that regard we have a couple of, I think, very good programs.

One of them is termed a community crime prevention program that has a separate council set up within each geographic, each individual, community within the city of Miami to provide for citizen input into their concerns so that we can become more aware of those concerns and to try to focus our resources in that direction. In addition to that we attempt to energize as many citizen crime watch programs as we can.

Through those various mechanisms we are constantly meeting and dealing with individuals and with groups and representatives of those groups. In fact, in my own time-management philosophy, I haven't worked in as many of those meetings, quite frankly, as I would like to and as I intend to in the future.

CHAIRMAN FLEMMING. Mr. Jones?

MR. JONES. My answer is no, we don't do that on a regularly scheduled basis. However, we did have one meeting about a month ago that I felt very positive about. And I think it would be a very constructive kind of thing with Dr. Bill Perry from the NAACP and the community relations board. And we agreed at that time to establish something much like you are speaking of. And I hope it goes ahead. But I think the remarks point out something should be continual and probably is not being done to the degree it should be.

CHAIRMAN FLEMMING. Well, my own experience has indicated that when there is a tense situation, oftentimes there is no substitute for the chief executive officer in dealing with the leaders, in this particular case representatives of minority communities.

And then I'd just toss in a comparable suggestion as far as the media are concerned. I have had the opportunity of working with them over the years, and I have discovered that if you do have a regular time for a meeting with them when there is not a crisis but where you can exchange points of view, sometimes it helps.

We are very appreciative of your spending this time with us, giving us the benefit of your insights growing out of your experiences, two very difficult assignments, and in connection with a new but very challenging assignment in the case of Mr. Berkowitz. Thank you.

CHIEF HARMS. Thank you for meeting with us, Mr. Chairman and members of the Commission.

CHAIRMAN FLEMMING. Counsel will call the next witnesses.

MS. STEIN. Tom Petersen, Harold Long, Jr., Janet Reno, Charles Mays, and Bennett Brummer, would you come forward please?

[Tom Petersen, Harold Long, Jr., Janet Reno, Charles Mays, and Bennett Brummer were sworn.]

TESTIMONY OF THOMAS PETERSEN, CHIEF ASSISTANT, STATE ATTORNEY'S OFFICE; JANET RENO, STATE ATTORNEY, 11TH JUDICIAL CIRCUIT; BENNETT BRUMMER, PUBLIC DEFENDER, 11TH JUDICIAL CIRCUIT; CHARLES MAYS, ASSISTANT ATTORNEY, CITY OF MIAMI; HAROLD LONG, JR., PRIVATE ATTORNEY

Ms. STEIN. Beginning with you, Mr. Petersen, would you each state your name and occupational position for the record?

MR. PETERSEN. Thomas Petersen, chief assistant for administration, State attorney's office.

Ms. RENO. Janet Reno, State attorney, 11th judicial circuit.

MR. BRUMMER. Bennett Brummer, public defender, 11th judicial circuit.

MR. MAYS. Charles Mays, assistant city attorney for the city of Miami.

MR. LONG. Harold Long, private attorney.

Ms. STEIN. Thank you. Mr. Petersen, could you please describe the organizational structure of the State attorney's office, its different divisions, and the number of attorneys employed in each?

MR. PETERSEN. Yes, I would be happy to. Starting at the top, beneath the State attorney, there are three chief assistant State attorneys: Mr. Yoss, Mr. Ritchie, and myself.

The next division, the largest division in the office, is our circuit court felony division. There are 12 felony divisions and we have 48 assistant State attorneys assigned to the felony division. In addition to those 48, there are 6 major crimes assistant State attorneys who are responsible for the most serious cases, homicide, sexual batteries.

The next largest division in the office is our county court division which is responsible for the prosecution of misdemeanors and traffic offenses. There are 16 assistant State attorneys in that division.

Additionally, we have a juvenile division; there are 12 assistant State attorneys in that division; an appellate division which presently has 6 attorneys; a consumer fraud division which has 3; and an organized crime division, again with 3. We have a narcotics—a specialized division with two attorneys; an insurance fraud division with two attorneys; an arson unit with one attorney; and an intake section which employs three attorneys in addition to a staff of paralegals. And we have a child support section which has four attorneys. That's the breakdown of the attorneys in the office.

We also have a number of social programs, a first offense diversion program, domestic violence community advocacy project, and a juvenile restitution program.

Ms. STEIN. Those attorneys that you listed make a grand total of how many attorneys?

MR. PETERSEN. The grand total is 117.

Ms. STEIN. Could you describe to us the process used by the office in hiring new attorneys?

MR. PETERSON. Most of our new attorneys come from either local law schools or reside in Dade County. Our normal process is to schedule interviews with a panel consisting of trial attorneys as the first of

what is generally three interviews. The second interview for one who successfully moves beyond that first level is an interview with two or three of the chief assistants. And the final decision is made as a result of an interview with the State attorney.

We are presently engaged in a recruiting effort which takes us outside of Miami. And there is a variation there because we presently are interviewing in Washington, Philadelphia, New York. And in that case we conduct interviews there and then fly in those prospects who look to be good prospects as assistant State attorneys.

MS. STEIN. Could you tell us how many black attorneys are in the State attorney's office?

MR. PETERSON. Presently hired we have eight black attorneys which represents 7 percent of our total staff.

MS. STEIN. Seven percent?

MR. PETERSEN. Right. I would like to add to that, though, that we are presently in the process of engaging in a recruiting effort specifically aimed at minority—and specifically at black law students. And we have made in the past couple of weeks, I believe, five to seven offers to third-year black law students. We are hoping they will accept and we are hoping to increase that.

MS. STEIN. Can you tell us in what divisions the black attorneys serve, how long they have served with the office, and what the extent of their responsibilities are?

MR. PETERSEN. Well, I can answer most of that, I think. We have two black assistant State attorneys in the felony division. According to my latest count, we have three in misdemeanors and traffic, two in juvenile, one in the appellate division.

MS. STEIN. Do any of them have supervisory responsibilities?

MR. PETERSEN. Not at the present time, no.

MS. STEIN. Can you tell us what obstacles if any you have encountered in trying to increase the number of black attorneys in the office?

MR. PETERSEN. Yes. There were several obstacles. I offer these not by way of apology, because it is our intention, as I say, to increase the percentage that we now have.

Our research reveals that 2 percent of the attorneys in the State of Florida are black. That in itself is an obstacle. We found that local law schools in particular have very small percentages of blacks in the third and second year classes. We therefore find it is necessary for us, incumbent upon us, to recruit nationally. Unfortunately, we have not received a grant that makes that possible.

We are, as I mentioned before, presently interviewing at law schools with significant or high percentages of minority and black law students. We are also fortunately next summer going to be able to offer paid internships to black, second-year students from law schools out of Dade County. And we hope that by bringing these second-year law students in the office during the summer and paying them for the experience, we hope to identify students who will be interested in working in the prosecutor's office, and at the same time give us the opportunity to look at them and offer them some training in prosecution.

MS. STEIN. Do you happen to know what percentage of attorneys and law school graduates nationwide are black?

MR. PETERSEN. I don't have that figure. Another difficulty is that in calling the, contacting the, law schools where we attempt to go to recruit blacks, the law schools are reluctant, if not completely adverse, to only scheduling interviews with minorities and will not identify ahead of time who is a minority and who is not. Law schools, in my experience, are also adverse to letting us know exactly what percentage of their student body are a minority.

MS. STEIN. What type of training do new attorneys receive in the State attorney's office?

MR. PETERSEN. Historically, or at least for the past several years, we have had a specific individual who serves as a training officer. That individual is responsible for one-on-one training with new assistants as they come on, as well as a small group. That person is also responsible for scheduling training sessions for the entire staff on a periodic basis.

At the present time—and this is just as of 2 weeks ago—the person who occupied the position of training officer has left the office. We have yet to identify his successor.

MS. STEIN. Thank you very much. Mr. Long, you are a practicing attorney here in Dade County; is that correct?

MR. LONG. That is correct.

MS. STEIN. The report of the Governor's commission discussed allegations that the prosecution in the Johnny Jones case systematically excluded the black jurors because of their race. Based on your experience as a criminal attorney, have you found this to be a practice of the State attorney's office?

MR. LONG. Yes, unfortunately in my experience as a practicing attorney in Dade county. Since our present State attorney has been in office, I have found that to be a pattern of practice, that is, the systematic exclusion of prospective black jurors in the trial of criminal cases and, most particularly, those cases which might be called racially sensitive type cases.

MS. STEIN. What is the state of the law in Florida regarding the use of peremptory challenges to exclude persons because of their race?

MR. LONG. Well, that is a question that has never been addressed by the Florida Supreme Court. There is, I believe, one decision out of the Fourth District Court of Appeals to the effect that, in order to prove a systematic exclusion and unconstitutional exclusion of an identifiable minority such as blacks in the jury selection process, the burden of proof is to show that the State excluded every black in every instance.

Now, as I said, that has not reached the Florida Supreme Court. However, there are other jurisdictions that have addressed the question. In California, in Massachusetts, primarily, and it has also been addressed by the United States Supreme Court. Basically, the law is that if you can establish a pattern of practice of the systematic exclusion of any recognizable or identifiable minority, then this is an improper use of peremptory challenges.

MS. STEIN. What avenues are available to a defense attorney to try to establish that this has taken place?

MR. LONG. Well, one of the primary avenues that we have attempted to utilize is, even prior to the jury selection process, motions are filed in advance to prevent the State from systematically excluding black people from the jury in the jury selection process. Each time that the State peremptorily excuses a black person from the prospective jury panel, an objection must be lodged, and you must state that the objection is based upon the systematic exclusion of an identifiable minority, most specifically black persons.

In the California court, for example, there was a murder conviction which was reversed based upon the State's peremptorily excusing—I believe there were eight prospective black jurors in the panel, and all eight were excluded by the State. It is not a matter in which there has been a great deal of litigation, particularly in south Florida, because it is a rather new issue.

During the some 18 years that Richard E. Gerstein served as State attorney, I never recall the issue of systematic exclusion of blacks from juries arising. It is only since the new administration State attorney's office that this has been an issue that really has been extremely frustrating, not only for defense attorneys, but for defendants who want and feel they have a right to have some jury member of their own race to sit in judgment. And it's been difficult.

MS. STEIN. Do you have any ideas for a mechanism that would more adequately ensure that minorities will serve on juries?

MR. LONG. Well, I think that the first thing you need in order to do this is a real commitment on the part of the State attorney not to exclude blacks, prospective blacks, from juries simply because of the fact that they are black. I think in addition to that, if you have a State attorney who, in fact, is committed to multi- or biracial juries, that even before the jury selection process is completed that State attorney can go on record and indicate, "We desire blacks to participate in the jury selection system. We will ensure that there will be at least a black person on this jury panel." And then you begin the jury selection process and you just keep going until you do in fact see the black juror. This can be done because of the way in which cases are conducted here.

Then you have the jury panel, which consists of all of the prospective jurors that are called into the court for the entire week. From that panel certain members of the jury are sent to one courtroom, certain to another courtroom, to all of the courtrooms where jury selection process is in order. Blacks are therefore divided up, so to speak, some in one courtroom and others in a different courtroom. The black prospective jurors who appear in one courtroom can rather easily be excused for the most part because they are lacking in numbers by the State attorney's office during the jury selection process.

If, however, there is a commitment by the State attorney and an agreement by the State attorney, I think that one avenue that could prove quite useful in this regard is to pull all the blacks from the jury

room and instead of dividing them up and sending them to the different courtrooms, bring them all into one courtroom, one courtroom at a time, and let the State attorney question blacks until they find one who the State considers acceptable, and seat that black juror. I think that would be a showing of good faith. I think that would do something to help the very difficult situation that now exists in our judicial system as result of these exclusions.

MS. STEIN. How would you describe the relationship between the State attorney's office and the various police agencies?

MR. LONG. Well, I concur with the finding of the Governor's committee in that there is an alignment between the State attorney's office and the police department and certain police officers. I think it is unfortunate, but I think it is true.

In the first instance, I think you have a situation which creates somewhat of a conflict of interest simply on the face of it. Police officers are charged with various types of misconduct, and they are to be prosecuted by the State attorney in the same circuit in which they testify as key witnesses in so many different cases.

It is a very touchy type situation, a situation which might very well develop into having one police officer who is a key witness for the State and a necessary witness for the State testify in one courtroom in an effort to get a conviction against a defendant, and then turn around and go into the next courtroom and now all of a sudden he is a defendant being prosecuted by that same State attorney.

I think that's inappropriate. I think that one thing that might be done in that regard is—in fact in all cases of police misconduct and police brutality which could conceivably result in the filing of criminal charges—that a special prosecutor be appointed to handle all those cases rather than having those cases handled by the same personnel in the State attorney's office with which they come into contact on a rather daily basis.

It is a problem in Dade County that has existed, of course, long before the Governor's committee came back with this recommendation. It has existed, well, certainly as far back as one of Dade's celebrated cases, the Willie Jones case involving the trooper.

In that case there was an assertion made—and it is a matter of public record in the criminal division in the circuit court where Judge John Gordon was told that the reason that the trooper was being considered as he was was because he was a police officer; it was not a racial thing involved. To which Judge Gordon responded, "Well, that makes it even worse." I think that that the type of alliance does exist. I think it is a detrimental alliance. I think that there have been considerable cases showing this type of alliance to exist even to the extent that there are police officers now who can feel free to use various racial epithets in the presence of State attorneys without anything happening about it.

MS. STEIN. Thank you very much, Mr. Long. Ms. Reno, would you comment on the necessity of close and continuing cooperation between the police agencies and the State attorney's office, and whether in view of that necessity it would be better, as Mr. Long suggests, to engage

special prosecutors to prosecute when police officers are accused of misconduct?

MS. RENO. There is an inevitable tension between police and the prosecutors because we must screen their cases, and we have an excellent record of screening cases, of no-action cases, for example, where there is insufficient evidence. And rather than there, oftentimes, being an alignment there is rather the reverse, and that is the tension I consider in terms of priorities of my office.

The McDuffie case is the single most important case that has been in my office. I assigned more resources, more personnel to that case than any other case, because I considered it such a horrible event in this community's history.

My record of our prosecution of police officers, we prosecuted some 22 police officers, some 32 law enforcement or criminal justice personnel total in the less than 3 years that I have taken office. I think any type of police abuse or police corruption is inappropriate. If I can prove a crime, I am going to prosecute.

But I think the vast majority of policemen are very fine people who have one of the hardest jobs of anybody in this community, and those policemen I am going to support.

MS. STEIN. Do you think that appointment of a special prosecutor, then, would not be desirable either in terms of removing the appearance of a conflict or in terms of removing your office from assuming a conflict posture with the police with whom they have to work in cooperation?

MS. RENO. No, I don't believe so, because I think you run into the same appearance of conflict going the other way by appointing former prosecutors who are now defense counsel, prosecutors who have the experience.

And I think so long as we can fairly and impartially prosecute, and we feel that we can, the parties feel that we can, I think we should continue to do so. That is our responsibility. We are elected to do that, expected to do that.

MS. STEIN. My understanding is that you can proceed in felony cases other than capital cases either by filing a charge yourself or by submitting the case to a grand jury and seeking an indictment; is that correct?

MS. RENO. That is correct.

MS. STEIN. In the LaFleure case and the Shockley case, you deferred to the grand jury, which did not indict. In the McDuffie case, on the other hand, you filed the charges without going to the grand jury. The report of the Governor's committee questioned whether your office has a consistent policy or consistent procedure of deciding whether to go to the grand jury or whether to file an information yourself.

To begin with, could you tell me whether your office has any written policies that address the question of when you charge or when you go to the grand jury?

MS. RENO. No, it does not have any written policies because I think our charging decisions are governed by the decision of the Florida Supreme Court, which says that if you had probable cause plus the

belief that there is a possibility that you can prove the case beyond and to the exclusion of a reasonable doubt, then charges should be filed.

It has been my position—and I am the one who determines when a case should go to the grand jury, and it has been my policy decision to make—that when that basis exists, we should file charges, except of course in the capital cases where it can only be charged through a grand jury indictment under the Florida constitution.

I did not defer to the grand jury on the LaFleure. I made a decision myself on LaFleure and announced that decision. I announced that decision because I felt that I could not, in good conscience, prosecute based on the charging standards announced by the Florida Supreme Court. I then went to the community, I opened my file, and I also went to the grand jury. The grand jury issued a report noting that I had urged them to appoint a special prosecutor if they felt it was necessary. They pointed out that 7 of their 18 members were black. They described the circumstances of the LaFleure case, and they determined charges should not be filed. So that was a two-step process.

In the Schockley case, that was somewhat different. That was an exception because two prosecutors looked at the case, including Mr. Mays. Mr. Mays initially came to me and said, "I cannot in good faith prosecute this case based on the the charging standards." Again out of caution and because the case had attracted much attention, we referred it to the grand jury to make sure that no stone was left unturned. At that point Officer Schockley determined that he would waive immunity and testify. And we felt that he should be heard from. The timing on that case was different. In addition, Mr. Mays and I were able to develop new evidence through experts who began to understand what negligence meant, and we advised the grand jury of the law in that area.

In the Jones case, which is the other case that went to the grand jury, that was a situation where the grand jury, by its report, reported that it had asked me to defer my decision to charge so that it might make a decision.

Ms. STEIN. I am not clear on whether you have stated—whether you have answered my basic question which is, When should you charge and when should you go to the grand jury?

Ms. RENO. I think I should charge in all noncapital cases where I believe there is probable cause to believe that the crime was committed and the defendant committed the crime, and there is a possibility of proving that crime beyond and to the exclusion of a reasonable doubt.

In sensitive cases where I don't believe that exists, I think I should refer it to the grand jury and point out that if they want to they should get a special prosecutor so they can act as a check and balance on my decision.

Ms. STEIN. So you would only go to the grand jury if you yourself were not convinced that the essential elements for prosecution were present?

Ms. RENO. Yes, I think I should use the grand jury as a check and balance on me with full knowledge that each grand jury is advised on a

continuing basis that if they don't like my legal advice and want to get a special prosecutor that they are free to do so.

Ms. STEIN. The grand jury, I think, is generally perceived as being largely under the direction of the prosecutor, who is the only attorney present and the only person on whom they rely on for legal advice and guidance. This has resulted, I think, in some criticism of your office because of the failure of the grand jury to indict in some of the cases we have been talking about. Do you have a different view of how much direction the prosecutor should give to the grand jury when presenting a case?

Ms. RENO. A different view than what?

Ms. STEIN. Than the idea that the grand jury—the prosecutor should largely direct the grand jury, tell the grand jury whether the elements are present, whether an indictment is proper or not.

Ms. RENO. Well, in this instance I think it is my responsibility to charge if the standards exist. I think it is my responsibility to give the grand jury legal advice. I do not think it is my responsibility to recommend to them what factual determination they should make.

For example, in the Schockley case, a case in which a Federal grand jury also considered the case, and the U.S. attorney refused to indict. In that case I advised what the law was on culpable negligence, which was the essential element of manslaughter, and the Florida standards of jury instructions.

I then said that is a factual determination that you must make and I cannot recommend to you a finding because you are equally capable of reaching a factual finding as I am, and for me to recommend something to you would be to destroy the independence of the grand jury.

Ms. STEIN. So your instructions to your attorneys would be that in any case that goes before the grand jury they do not advise the grand jury either to indict or not to indict; they leave that decision to them?

Ms. RENO. They give them the legal advice and they tell them. And as I indicated to the grand jury when I first referred the Schockley matter, "We feel we cannot in good faith indict here. You are free to get yourselves a special prosecutor if you want."

And it was initially referred to as a check and balance. We were subsequently able to develop the initial information. And based on the expert witnesses, I then had a responsibility to advise them on the law and say, "Here is the factual issue. If you find that factual issue you make that factual determination, what is culpable negligence, that that conduct was culpable."

Schockley was a much different case than any other because of the timing as it developed in the referral to the grand jury.

Ms. STEIN. In the McDuffie case, why did you originally file only manslaughter charges? In view of the fact that had a murder charge been filed it would still have been possible for the jury to convict on the lesser-included offense if they did not find the murder charge proved?

Ms. RENO. I tried not to overcharge. I think that in some instances we have overcharged, and I don't approve of it when there is an overcharge filed to obtain leverage for a future plea.

In this case, we tried to file based on what we understood the facts were to be. Again, in that case I filed rather than referring it to the grand jury, because I felt I had the standards as set by the supreme court. In that case there was one of the witnesses—and I have not had the files because we turned them all over to the Federal Government; and I have not had access to them for some time, so I cannot give you the exact timing on this. But in that situation one of the witnesses came forward with information that tied down the timing on when the blows were administered by Marrero and made it much clearer as to the timing and made us feel that we could, at that point, justify a second degree murder charge without any criticism of overcharge.

Ms. STEIN. So how do you decide whether or not to file the most serious possible charge? Do you make a preliminary judgment yourself of what would be the right verdict and then charge nothing in excess of that?

Ms. RENO. No. We make a judgment based on what the facts are, not what the right verdict would be, but what the facts are, what the law is, and whether those facts constitute probable cause for that crime.

Ms. STEIN. Do the attorneys on your staff employ peremptory challenges to exclude black jurors from some cases involving black defendants?

Ms. RENO. They have exercised peremptory challenges to exclude black jurors through the use of peremptory challenges, but I know of no instance over which they have done it on the grounds of race. And I disapprove of that.

Ms. STEIN. Have they been explicitly instructed not to exclude jurors on the basis of race?

Ms. RENO. Yes.

Ms. STEIN. By written directive, by oral directive, or what?

Ms. RENO. By oral directive as soon as this issue was raised.

Ms. STEIN. When would that be?

Ms. RENO. It was raised, I think, initially, after—probably in late April.

Ms. STEIN. The Governor's committee report found no fault with the sentence that was imposed in the Willie Jones case. They did not find it out of line with the type of sentence that would be imposed in that type of case, generally. But they criticized the way the plea negotiations were handled by your office. In your opinion what are the responsibilities of the prosecution in the court when disposition of a criminal charge is accomplished by negotiation?

Ms. RENO. In that instance the charge was not negotiated. There had been discussions back and forth. I, specifically—because it was a police officer and I felt so strongly about it—instructed the assistant State attorney not to negotiate the case because I felt to negotiate smacked of a deal somehow or other. That anytime you negotiate a case in Dade County someone thinks that something was wrong and somebody made

a deal and the sentence was not right based on what the facts and circumstances were.

So there were explicit instructions to that effect. There were conferences in chambers with other people present at which the sentence was discussed. The uncle of the little girl had stated in open court that he did not want vengeance; he wanted to see the man rehabilitated so that this would not happen again. In chambers the court had read a psychiatric report and determined what it felt was the appropriate sentence. The State indicated to the court then, and indicated to the court on the record, that it would not object.

Now, some people have assumed that the objection is in the form of a negotiation, but a negotiation to me is a situation where you say, "Look, if I plead him guilty, I will give you this deal." There was none of that. That sentence was imposed based on what the court felt was the proper sentence, after the recommendation of four psychiatrists. The court, on the record, when the court sentenced, said, "This is not what was recommended by the State. This is the sentence of the court." That it also noted that all of the parties had no objection and it noted, and complimented the parties—and family was there—that this had been done based on what was right and not with any sense of vengeance.

MS. STEIN. In an adversary system such as we have, what distinction do you think there is between the prosecutor agreeing to a plea bargain or to a sentence and a prosecutor acquiescing in or not opposing a sentence?

MS. RENO. I don't know that there is any distinction between saying, "I have no objection," and "I agree, your Honor, that is a good sentence."

Negotiation, however, does have a connotation in this community of some deal having been made which would give the person involved a lighter sentence by virtue of him pleading guilty, and that was not the case here.

MS. STEIN. I take it that there are occasions where your office does engage in normal plea negotiations resulting in a plea bargain; is that correct?

MS. RENO. Normal and abnormal, sometimes.

MS. STEIN. When that does occur, do you believe that the terms of that plea bargain should be made public, should be made part of the public record?

MS. RENO. Yes, I do. But there are various types of plea negotiations that go on in Dade County. In some instances you have the prosecutor and the defense attorney negotiating the case outside the courtroom, come in and present it to the court with no chamber discussion whatsoever which the court can accept or reject.

In the other instances the court will declare a recess and ask the prosecutor and his attorney to come into his chambers. In that instance, he will say, "Well, what is the State's will?"

"The State only wants 5 years, won't agree to less than 5 years."  
The defense, "What about 2, your Honor?"

"I tell you what. If you plead him guilty, I will give him 2."

There are various forms of negotiation in order to extract that guilty plea.

I wish with all my heart that we could do away with that type of negotiation, but we can't because of our speedy trial rules and our caseload.

Mr. Brummer has long said, and I think we agree on this, it would be great if we had enough people so that we could look at a sentence and determine what was the best sentence based on all the facts of the crime and that defendant, rather than being worried about the number of dispositions we can effect within a month to get the case disposed of within the speedy trial law.

MS. STEIN. Thank you, Ms. Reno. Mr. Mays, I understand that you were previously employed in the State attorney's office before you accepted your present position; is that correct?

MR. MAYS. That's correct.

MS. STEIN. During what time period did you serve and what was your position in the State attorney's office?

MR. MAYS. I started with the State attorney in June of '74 as a legal intern in my senior year of law school. I graduated from law school in '75. Mr. Gerstein was the State's attorney. At that time, Janet Reno was administrative assistant. She recommended my employment to Mr. Gerstein. I was engaged by Mr. Gerstein and remained as a prosecutor with Mr. Gerstein and also with Ms. Reno until August of 1980. During that time period I worked as an assistant in the felony division and as an intern in the circuit court division, prosecutor in the circuit court division, senior attorney in Judge Fuller's division, a felony division chief at one point in time, and subsequent to that, a senior attorney in the organized crime and public corruption unit.

MS. STEIN. Based on your experience in the State attorney's office, in your opinion is the race of either the victim or the defendant a consideration in the investigation and prosecution of cases by the State attorney's office?

MR. MAYS. That would be difficult to answer in that to answer that one would have to talk and sit back and interview every prosecutor in the office. In addition, one would also have to analyze every case there.

I would tend to think, however, that in a subtle way in some instances, perhaps that does indeed come into play. But in the larger scheme of things I would believe that the people I have worked with during that period of time, the people that I knew, were basically free from such bias.

MS. STEIN. In your experience does the State attorney's office more vigorously pursue political corruption or other investigations of public officials who are black because they are black?

MR. MAYS. Once again, that would be difficult to answer because—for the same reason. I have been involved in a number of instances whereby—particularly when I was in the organized crime unit—whereby we would investigate certain people and things of this nature. And by and large measure with respect to black suspects or black people, I

could not recognize, myself, at that point in time, any degree of disparity with respect to the cases that I was involved in, with respect to the cases that a couple of other people were involved in, referring to Mr. William Ritchie who at one point in time and still is the chief assistant.

The perception, however, that exists that this is indeed the case, and whether it is the case or not is immaterial when one considers that the perception exists. And if that perception exists, which it does, there must be changes which are implemented to alter that.

MS. STEIN. I agree that the perception in itself is important, but I also think you as someone who served in that office are in a good position to have the most accurate type of perception. And that is why I am asking you these questions.

MR. MAYS. Okay. With respect to the Johnny Jones case, I was not involved in that. My knowledge of the Johnny Jones matter came primarily from the news media except on those occasions when I would have conversations with other people who were involved in it. With respect to the Tammy Dean [phonetic] case, a case which has not received that much publicity because of other matters, once again, I have no involvement in that. With respect to the William Smith case, which is presently in the news media, at one point in time I did, indeed, have involvement in that, and I was a primary prosecutor with respect to that. With respect to the Neil Adams case, once again, I was a primary prosecutor in that case. The bulk of the matters that took place in the Neil Adams investigation were basically shaped and channeled not by others but primarily by me, of course, in conjunction with the chief assistant, at that point in time, William Ritchie.

As to whether or not the State attorney's office proceeded in a discriminatory fashion with respect to Mr. Adams, I was unaware of that. In fact, I would indicate that during various stages of that investigation, because of other people that were involved, innocent parties, particularly the National Association for the Advancement of Colored People, there was instructions, understandings, so to speak, that we were to proceed as delicately as possible in our relations with them.

MS. STEIN. What does that mean, "as delicately as possible"?

MR. MAYS. Well, from this standpoint. I don't know if you are familiar with that particular case, but the basic thing that was going on insofar as the investigation showed was that various organizations, and the NAACP in particular, was unaware of the manner in which their name was being used, and things of this nature. There was a concern, and a legitimate concern, that in the event that the investigation was not conducted in a proper manner, that the NAACP would receive undue criticism that it was involved in an illegal gambling operation. So therefore we tried to do things in a very delicate manner, if that answers the question.

MS. STEIN. It does. Thank you. Do you think that there were actions taken or decisions taken in the McDuffie case or the LaFleur case or the Schockley case that made it more difficult to achieve a successful prosecution?

MR. MAYS. The problem with respect to the Schockley case—if I may take that one first—concerned itself primarily with the delay in the investigation. If memory serves me correctly, the inquest was conducted in September of 1979 and at the second inquest, Judge Nesbitt entered a finding of probable cause. And it was not until some time later—from my recollection of the files and my conversations with my predecessor, namely Mike Corvin—that other actions were taken.

There was a tape, a radio communication tape, that was made on the night of the shooting, a tape made by Mr. Schockley, a tape that was lost. That tape could have been preserved had action been taken expeditiously to retain it. Personally, and because of my knowledge of the case and looking at it from the scheme of the issues as to whether or not Officer Schockley had indeed committed the offense of manslaughter, the tape was really immaterial. But it became of crucial importance when it was learned that the tape had not been obtained, that the tape had been inadvertently erased. Then questions arose as to what exactly was done on the tape, what was on the tape. What was on the tape in essence concerned Schockley requesting additional officers to arrive at the scene after the shooting.

Looking at it from the standpoint of legal issues with respect to, number one, whether or not Schockley had committed a criminal offense in the shooting of Randy Heath, it was immaterial. Looking at it also from the standpoint of whether or not other officers of the Hialeah Police Department, including Schockley, had engaged in a coverup with respect to the shooting, it was immaterial.

But once again, because of the fact that a tape was lost, because of the fact that a tape was not obtained, and because of the perception that exists, then questions arose and it just didn't look right.

Additionally, with respect to the Schockley case, at one point in time I was of the opinion that Schockley could not legally and ethically be prosecuted for that offense. And that was predicated upon my conversations with my predecessor, Mr. Corvin, who indicated it to me that, in his conversation with the experts, they had indicated that Officer Schockley was not negligent, that if he were negligent at all he was a negligent only as to himself. Well, you can't prosecute someone for being negligent as to themselves only. However, at a subsequent point in time, upon talking with the expert myself, along with the State attorney, upon going to the scene of the crime some months after it had actually taken place, and looking at things and trying to get a feel for the crime scene myself, I altered my opinion.

Thereafter, the case was presented to the grand jury. The grand jury elected not to indict.

The problem that existed in the case primarily concerned the time period from the inquest up until such point in time as final disposition of the case actually occurred. That presented a problem with respect to the perception as to whether or not it was conducted in a fair and aboveboard and true and honest and straightforward manner.

With respect to the LaFleur case, I was initially involved in that. And if memory serves me correctly, I recall that it was either Monday

or Tuesday morning—I was getting ready for work, and consistent with practice I just went and looked at the headlines and, lo and behold, there was the LaFleur case.

I reported to the office that morning and advised William Ritchie, the chief assistant, that I would like to handle the case. I subsequently learned that Mr. Donner [phonetic], who is the second of the other chief assistants, would be primarily responsible for the prosecution of the case.

With respect to the overall result that was reached in LaFleur, as difficult as it is to accept particularly because of my own personal experiences with respect to police officers and the perception that blacks generally have as to police officers, I can accept the result that was reached by the grand jury. The problem that exists, however, is once again a problem of perception, the manner in which it was done.

I have a tremendous amount of respect for the present State attorney. However, she made a mistake in this regard, in that she publicly announced her findings before taking the case to the grand jury. To an extent that probably aggravated the problem, in that people were sitting back and probably saying, and maybe rightfully so that, "Gee, why take it to the grand jury? She has spoken, and the grand jury is controlled by the State attorney." So I believe a lot of people had the State attorney remained silent on the matter and then taken it to the grand jury and then announced her findings, or in the alternative, in conjunction with the grand jury announced her findings, I think that problem—that perception problem would not have existed.

I am sorry. I forgot the third case.

MS. STEIN. The McDuffie case.

MR. MAYS. McDuffie presented a problem from this standpoint, as to whether or not McDuffie, the officers involved—as to whether or not all of them should have been charged from the very inception with second degree murder. I wrestled with that issue in February, I believe it was, when the State attorney asked me to look at the matter, and my initial inclination was, yes, all of them should be charged with second degree murder.

I tried to be intellectually honest and, as such, I tried to look at matters dispassionately once I got over my basic emotions, and upon doing so, and looking at the straight legal definitions of second degree murder, looking at the straight legal definitions of manslaughter, looking at the available evidence that existed, I was constrained to come to the conclusion that, yes, Marrero should have been charged with second degree murder.

But insofar as legally justifying the charge as to the remaining officers, that would have been difficult. Some may say, "Well, why not charge for the highest crime that you can?" The State attorney previously responded to that? I take exception to her response from this standpoint. Ethically, morally, and legally I don't think that a prosecutor should overcharge, not from the standpoint of just being nice about the situation, not from the standpoint of saying it just doesn't seem right, but from this standpoint: under the canons of ethics, under the

American Bar Association standards, and on the concepts of justice, you should not charge a person with a crime if you cannot prove that crime. And that was the problem that existed there, or one of the problems.

MS. STEIN. In your experience, is it the general policy of the State attorney's office not to charge in excess of what careful examination indicates can be legally proven?

MR. MAYS. I am sorry. Could you repeat that?

MS. STEIN. We were speaking about this one specific case, and I was asking in your experience in general in all types of cases, is it the State attorney's office policy not to charge in excess of what careful examination indicates can be legally proven?

MR. MAYS. I am unaware of any written policy to that effect. However, during my tenure at the State attorney's office under Mr. Gerstein and also under Ms. Reno, I was given to understand that you do not charge that which you cannot prove.

MS. STEIN. Was your understanding when you were working in the State attorney's office the same as the one expressed by Ms. Reno in terms of the prosecutor's role in presenting cases to the grand jury? In other words, that you did not recommend indictment when you presented the case?

MR. MAYS. Yes. First of all, you have a tremendous perception problem, once again, with respect to the grand jury, for many people believe that the grand jury is a rubber stamp of the State attorney. Quite candidly, I too was of that opinion until such time as I appeared before the grand jury and saw that they were a very independent body who asked their own questions. Some of them were immaterial; some were very pertinent.

There was no real control over the grand jury in the traditional concept of the relationship between the grand jury and the State attorney. For the State attorney to tell the grand jury, "You should indict," that would indeed usurp the function of the grand jury, and the whole forum would be nothing but a charade. The State attorney in those instances should marshal all of the evidence before the grand jury. The State attorney should further go out and collect or do other things that the grand jury wishes the State attorney to do. The State attorney should try to explain as simply as possible what the legal issues in the case are. And then at that point in time the grand jury should decide what the grand jury believes is the right thing to do.

But in order for the State attorney to tell the grand jury, "You should indict," or "You should not indict," legally and morally I think is wrong.

MS. STEIN. The mistakes you referred to, the delay in the Schockley case, the State attorney announcing her conclusions before going to the grand jury, what do you think was the cause of these mistakes?

MR. MAYS. I don't know.

MS. STEIN. Thank you very much, Mr. Mays. Mr. Brummer, could you please describe the structure and resources of the public defender's office.

MR. BRUMMER. I will do my best. The public defender's office is charged with responsibility for representing persons who cannot afford to employ their own attorney and who are faced with the possibility of losing their liberty either due to a problem with the criminal justice system or the mental health system.

We have countywide jurisdiction. We are a State agency. We are funded by the State. We are like the State attorney's office, I suppose, and other State agencies operating in Dade County: We are not adequately funded to discharge the responsibilities that we are charged with at the level that many of us would like to.

I employ approximately 80 attorneys as assistant public defenders. There are approximately 30 assistants who handle felony work and approximately a dozen in the juvenile division of the circuit court and the county court, which is a misdemeanor court. We have approximately 14 attorneys handling appeals. These appeals go to all levels of the State court system and through the Federal court system.

MS. STEIN. How many of your attorneys are black?

MR. BRUMMER. I couldn't give you a precise number, but it is approximately 8 percent. Several.

MS. STEIN. Can you give me any indication of how long they have been on the staff or what divisions they are in?

MR. BRUMMER. Well, in terms of supervisory or nonsupervisory personnel, of the four senior attorneys in our felony division, one attorney is black. Out of about six or eight supervisory level lawyers that we have, he is the only black at that level. Above that level we just have an executive assistant public defender and myself who are lawyers in administrative roles.

Below that, we have the other attorneys that I indicated. Each of those divisions has a supervisor, one supervisor for the lawyers in the juvenile division, one supervisor for the lawyers in the county court division, and the misdemeanors. And we really don't have a supervisory position in appeals as such.

MS. STEIN. In your experience does the State attorney's office systematically exclude blacks from juries in cases where blacks are defendants?

MR. BRUMMER. Yes.

MS. STEIN. Is it a policy that began with the present State attorney or do you know whether it existed under her predecessor?

MR. BRUMMER. I am not really in a position to say. I have first became aware of it under the present administration. I am not in a position to say whether it precedes this administration.

I would say, however, that I do not consider the State attorney to be a racist in any way nor do I consider that office to be racist. And I would know too that black assistant State attorneys who are charged with prosecution of crimes very often also exclude blacks from juries. And I believe that a lot of this exclusion is due to an advocacy function. I don't know whether you could say that it is just as racist when a black assistant State attorney does it as when a white assistant State attorney does it. And perhaps it is. But racism doesn't know race

lines, I am sure, in any way. But the fact—I think that is a fact that ought to be considered.

MS. STEIN. Do you believe or know whether public defenders sometimes take race into account in peremptory challenges, depending upon the facts of the case?

MR. BRUMMER. I would not have any way of knowing that. We are an office that prides itself on serving the ideal of equality and equal justice under law. That is one of the main principles that we are in place to serve. And I would be very surprised and shocked to see anybody abusing his or her discretion as a trial attorney and using race on that basis.

MS. STEIN. Could you tell us what, in your opinion, you view as the principal strains under which the criminal justice system is operating?

MR. BRUMMER. One strain, which everybody knows about and has known about for a long time, is money. There is simply an inadequate amount of money to provide the resources to discharge the responsibilities given to the system.

Secondly, I think there is a tremendous misapprehension on the part of the public as to what the criminal justice system is designed to do. The criminal justice system has the responsibility of resolving conflicts between numerous fundamental principles, including the presumption of innocence, including the right to bail, including the right to trial by jury, which brings into focus the rights of the community such as is reflected in whether the community wants a person who may be guilty but is presumed innocent to be released on bail when the Constitution says the person has the right to be free on bail. The rights of the community and the individual when we are talking about a jury service where the community is very often very apathetic or adverse to serving on juries, despite the fact that it may be one of the most important political positions they may ever be in, to the point where the defendant wants a fair cross section to choose a court which society says he is entitled to. Yet, the Florida basis for the selection or qualification of jurors is voter registration rolls exclusively. And the U.S. Census Bureau has noted that voter registration rolls do not provide an unbiased cross section of the community.

There are many conflicting values. There are many institutions that come together. You have all of the problems that the police departments face, all the problems that the judiciary as an institution faces, the State attorney problems, the public defender problems, the clerks' problems; are all brought to bear and manifested within this system.

Additionally, conflicts between regions of the State in terms of urban areas versus the rural areas, the northern part of the State versus the southern part of the State, and all these other political questions are manifested within the system. And you don't have to look very far to see them.

MS. STEIN. Thank you very much. Mr. Chairman?

CHAIRMAN FLEMMING. Commissioner Horn.

COMMISSIONER HORN. On that last point, Mr. Brummer, of voter registration rolls being the basis for jury selection, is Florida under the 1965 Voting Rights Act?

MR. BRUMMER. I am not sure.

COMMISSIONER HORN. Counsel, find out for the record at this point whether Florida comes under the 1965 Voter Rights Act and where the issue of using electoral lists as a basis for jury selection is under that act—I just wonder if they had to clear their processes under that act with the Attorney General or the appellate court in Washington.

MR. BRUMMER. If I may comment in regard to that question, the interesting thing is that whether or not the rolls are proper or whether there is a question about the rolls themselves, Florida requires, for most cases, only a six-member panel. And given the percentage of blacks in the population of the State and blacks in the population of this county—running between maybe 15 percent and 20 percent—the most you could normally expect to have on a panel, given an equal probable basis, is one.

So if they are talking about exclusion, it would not take much exclusion to have a white jury panel.

COMMISSIONER HORN. If you would put that in the record at this point.

CHAIRMAN FLEMMING. Without objection when that information is provided, we will insert it in the record at this point.

COMMISSIONER HORN. Mr. Brummer, a black businessman told the Commission—he had been in business quite a few years—that youth offenders are back in the community in 30 minutes while the police are still writing the report. Do you have a feel on that as the public defender as to how individuals are released from the criminal justice system?

MR. BRUMMER. I have a great deal of feeling about that area. I think there are two problems that you touched on: one is in the area of bail and one is in the area of youth offenders or juveniles. In the area of bail, I think that this State has one of the most backward bail systems of any State that I am aware of.

My office has engaged in litigation in Federal court in an effort to modify that. We have engaged in lobbying with the legislature in an attempt to back a proposal that Senator Firestone made some years ago to challenge the bail structure.

But we rely on money bail in this State to a tremendous extent. Of course, money bail required of indigents is a farce and mockery at best, in a race relations sense, in that so many blacks are poor. I think it cannot be surprising that if—and if blacks look or if anybody else looks at the bail system as a reflection of the attitudes of the system, it cannot be said that the system is terribly concerned about the presumption of innocence which it espouses and gives lip service to, that it is more interested in the insurance companies and the bail bondsmen who work in conjunction with the insurance companies than it is with the rights to freedom of individuals accused of crime.

Of course, this is entirely consistent with a community attitude which goes along the line that as long as it is not that individual that is arrested and put in jail, well, that's okay if people sit in jail until they are tried. And if they are acquitted after their trial, well, that's life. I think that's a very unfortunate but sort of understandable human response. But it has to be recognized because this is part of the conflicting values that the system is called upon to resolve.

In other words, it may be a good thing that people who are arrested are on the street again before the police officer has finished his report, if you give weight to the right to a presumption of innocence, to freedom prior to conviction. It may be a very good thing, and it may be a bail system that is operating at a high quality level, but people don't regard it as that, and people will look at the negative aspect and criticize the system for that failure, when in essence the system may be operating as it is designed to operate.

With regard to youthful offenders, I don't think the system is any better. As a matter of fact, there is no right for a juvenile in this State even to post money bail. It is a situation in which the judge and the administrative agency responsible have tremendous power. That power has traditionally been unfettered and exercised in a very arbitrary way. That system is not well funded, not well staffed, and barely capable of the lowest quality supervision of the children that it is charged to supervise. And I think that the juvenile system, in general, needs to be dramatically overhauled.

COMMISSIONER HORN. Ms. Reno, do you have a reaction to that sentiment of a black businessman?

MS. RENO. I think we are addressing the question of detentions, particularly with youthful offenders. In Florida, the legislature recently passed a law that limited the instances in which children could be detained. We recently saw an instance of a juvenile who was picked up for grand theft. He was armed, arrived in the barrio. His sponsor had kicked him out. They took him to youth hall. He was by himself. They wouldn't take him because they couldn't take him because of that charge. He was taken to the sponsor who would have nothing to do with him. He was taken to a camp out to the west of the county, and they wouldn't take him because he was a juvenile. So the police officer took him back where he found him.

And that is the frustration that many people have in that situation. The whole presumption in Florida, however, is that a youth should not be detained except for various serious crimes or in instances where there is no place to put them. We are hopeful that the legislature will amend the act to give the judge a little bit more discretion so that in this instance there could have been an appropriate means of detaining the youngster in an appropriate situation.

COMMISSIONER HORN. We are curious what the philosophy of either your office, Mr. Mays' office, as to when you are willing or try to see a youthful offender tried as an adult, and under what conditions, what criteria goes into that.

Ms. RENO. Under Florida law there are three approaches for serious crime. One is to seek a waiver of the juvenile court jurisdiction. In that instance we have to file the petition for waiver with the juvenile court. The court has to first determine probable cause, and then it has to make the social determination as to whether the child has exhausted the resources of the juvenile system.

The criteria for waiver—Well, let me explain the other alternatives. We can also direct file, as it is called; we file a direct information in the adult court on the child who has had a previous adjudication for a felony and/or misdemeanor. We don't do it in all cases. And our guidelines—we recently had a discussion with our juvenile division chief—is based on the seriousness of the original adjudications and seriousness of the present crime.

For example, we had somebody with a prior felony and misdemeanor adjudication and he came in for stealing a hubcap, and the counselor said he really was on the road to straightening out. We might not then direct file if the case was relatively minor. We can also take cases to the grand jury for certain specifically enumerated cases: a child 14 years old or older, the grand jury can indict. We use the grand jury sparingly with juveniles.

When there is a question, we prefer to follow the waiver route to let the judge serve as a check on our decision as to whether to file.

COMMISSIONER HORN. Mr. Mays, is there any situation like that in terms of city prosecution where there is a choice between the youth being charged as an adult or are those under the jurisdiction of the State attorney?

MR. MAYS. That is under the jurisdiction of the State attorney.

COMMISSIONER HORN. In some jurisdictions there have been studies done as to various aspects of the criminal justice process and its effect on white victim, white assailant, black victim, black assailant, white victim and black assailant, and white assailant, black victims. I am curious if any of you are aware of any studies of Miami-Dade County criminal justice process which have looked at that aspect, those categories, in any matrix form to see if there are differential aspects to treatment based on a particular category?

MR. PETERSEN. If I may attempt to answer that, the most recent Dade County grand jury did a study of fairness in sentencing in the adult criminal system, not the juvenile system, and studied a number of variables including that particular variable.

One finding in that study was that 82 percent of crimes involved victims and defendants being of the same race. As for differential treatment, the numbers of cases in which we had the four combinations was quite small and was so small as to render any definitive conclusion as to differential treatment impossible. So we are not able to determine that either the black defendant-white victim or the reverse would be treated differently based on the data we have available.

Ms. RENO. I have told Mr. O'Rourke that we will furnish this to him as soon as we can get it completed. We are trying to assure the accuracy of it to the extent possible.

We did a study arising from the Willie Jones case of lewd and lascivious assault sentences, to see if there was any differentiation based on the race of the victim or the defendant. And at this point we see none. But I have advised Mr. O'Rourke that we will submit that to you. I don't know what the final conclusion will be.

COMMISSIONER HORN. I would like both documents, if that grand jury one is available, submitted and placed at this point in the record, Mr. Chairman.

CHAIRMAN FLEMMING. With no objection.

MS. RENO. The sentencing study has been submitted to Mr. O'Rourke.

COMMISSIONER HORN. Okay, we'll get it for the record then. Obviously what we're looking for here is the various choice points in the criminal justice process from the officer on the beat to prosecution to whatever sentencing mechanism occurs; which way has discretion gone and has it gone in terms of race being a predominant factor.

And I guess what I would now be interested in is, if you don't have any further studies on it, do you have a feel or an impression, from any member of the panel, as to whether there is differential justice along the line, given the four categories I have outlined? Or even if you have got 82 percent of crimes where the victim and the defendant are the same race, does it vary between the Latin, black, and white community as to how justice is applied even when they are of the same race.

MS. RENO. In the sentencing study, again, the grand jury concluded that the source drawn from was too limited to make final conclusions—there was one clear area where there appears to have been differentiation based on race. That was in the referral pretrial diversion programs, where more whites were referred as nonviolent first offenders than blacks. That referral is made in a number of ways: by assistant State attorneys, by judges, by defense attorneys.

We have tried, in response to that obvious factor, to develop with the department of corrections, which operates the program, a standard means of referring people to the program. Whether they accept it or not, of course, will depend on them and on their lawyer. But we have tried to standardize that referral.

The other figures were presented in the sentencing report, and they go both ways. We tried to control for the seriousness of the crime; whether blacks were committing serious crime. We tried to control for the prior records, and we then tried to control for the offense.

We took the offenses, where there was an equal representation in terms of race, then we controlled for people with no prior records, with some prior record, and with a significant prior record. Blacks got stiffer sentences in the first category. Whites got stiffer sentences in the second category. The blacks got stiffer sentences in the third category. And the choice was just uneven. The cases were not sufficient to making a proper study. That is something we wanted to pursue, though.

CHAIRMAN FLEMMING. Commissioner?

VICE CHAIRMAN BERRY. Yes. First of all, Ms. Reno, when you responded to the question about the Willie Jones case, which I think is the child molestation case, I understood you to say that your office did not object, and then you went on to explain some of the factors that were involved. And I understood you to say, as one of them, that the girl's uncle thought that there ought to be rehabilitation instead of vengeance, or words to that effect. Did I understand you correctly that that was a factor?

MS. RENO. Right.

VICE CHAIRMAN BERRY. In the State of Florida is it a relevant consideration in deciding what kind of punishment there should be in a case what one's relatives think about what should happen in the case? Is that a relevant—what is the relevancy of that?

MS. RENO. I think it is in terms of sentencing. I think it is important for anyone involved to have an opportunity to be heard, particularly in this instance where the little girl might not be able to express her opinion as to what impact the crime had. Those closest to her—in this instance the uncle—might be able to articulate for her. I think in these instances it is important in terms of public understanding and feeling that it understands what's going on in the criminal justice system, be given an opportunity to at least to be heard.

VICE CHAIRMAN BERRY. I am not asking, Miss Reno, about whether the uncle should have been heard. What I'm asking is, is it a relevant consideration in sentencing decisions in Florida, since I don't know what a relative thinks about what the sentence should be. I'm just asking that as a factual question.

MS. RENO. I think it is relevant when the child, the victim, is a minor and might not be able to articulate her feelings. If you had a grown man, I think he ought to be able to express his own opinions.

VICE CHAIRMAN BERRY. Fine. The other question, we have Mr. Long and Mr. Brummer asserting that your office engages in systematic exclusion of blacks from juries. We have your statement that your staff does not, and that's not your policy. Just suppose in the record we have those statements. But if I understood you correctly in your response, you said something like, "If blacks were excluded it was not because of race or it was not because they were black." Did I understand that fairly correctly?

MS. RENO. Yes.

VICE CHAIRMAN BERRY. Are you then—if I understand you correctly—does that mean that even though they were black and they were excluded there was some other reason other than the fact that they were black?

MS. RENO. That is correct. Understand that I can't—somebody may in their own minds have said, "I don't want a black on a jury." But I have not been able to prove it and I don't approve of blacks being excluded solely on the grounds of race.

VICE CHAIRMAN BERRY. What do you think about Mr. Long's suggestion about a way in which to increase the number of black jurors, his suggestion about putting them all in one courtroom. We heard him

in his testimony make that suggestion. What do you really think about his suggestion?

MS. RENO. I think that is being selective and discriminatory against different races. I am a little troubled about getting into this area because Mr. Long's law firm represents a defendant in one of the racially sensitive cases. They have indicated that they are taking an appeal. A black was seated on the jury, but they've argued systematic exclusion. There are other cases pending with Mr. Brummer now that are racially sensitive.

I would suggest that since it's very clear in the record in terms of public defenders who have made assertions that there was systematic exclusion that if you go into the case and you start looking at the case and it's a case that is specifically named, you will find that in most instances there was a black that was seated on that jury.

I would urge the Commission to look at that record so that I will not be in the inappropriate posture, I think, of commenting on pending litigation and debating the effects of litigating before the Commission.

The depositions are a matter of record taken of these public defenders who claim systematic exclusion. They are at variance with the affidavits that they have submitted to the Governor's committee, and I think they speak for themselves.

VICE CHAIRMAN BERRY. Well, perhaps counsel can pursue that matter elsewhere. I certainly would not want you to comment on litigation in an inappropriate way.

Mr. Mays, when you answered one of the questions about overcharging and the McDuffie case, you said you understood the policy of the State attorney's office at the time you worked there, and I guess generally still understand it, to be not to overcharge.

And then we went into a discussion of that and I think that you mentioned the canon of ethics of the American Bar Association. And if I understood you correctly you said something like, under the canons of ethics you are not supposed to charge a defendant for a crime if you cannot prove the case, or some words to that effect.

Let me ask you, are you sure the canons of ethics state that you do not charge if you cannot prove the case? I ask you that question and also Ms. Reno because it seems to me that you can never know whether you can actually prove the case until after you've tried it. Maybe there's some other language or I'm not understanding the standard.

MR. MAYS. Let me explain it to you. A prosecutor has a function or responsibility which is different almost from anyone else involved in the criminal justice system, the public defender's office, or private counsel. Not only is he obliged to obtain a conviction where the evidence is there, but he also must—or she must also—must concern himself with this issue as to whether or not there is, indeed, sufficient evidence, not just for probable cause but sufficient evidence to reach the jury. And if there is insufficient evidence to reach the jury, I think it's unethical to charge that particular matter.

VICE CHAIRMAN BERRY. But that's different from proving the case, which is the language you used.

MR. MAYS. Perhaps I overstated it.

VICE CHAIRMAN BERRY. And I am trying to find out what the policy is, Ms. Reno, on overcharging or the policy of your office on charging.

MS. RENO. The policy is referred to in 289 Southern Second Three by the supreme court: "Before filing an information every State attorney should not only seek probable cause in his investigation but also determine the possibility of proving the case beyond and to the exclusion of a reasonable doubt. If the latter cannot be accomplished, no information should be filed and the defendant should be released."

VICE CHAIRMAN BERRY. That is precisely my point. As I understand it, the rule is that you must believe that you can prove the case, not that you must be able to prove the case, or you must believe that you can prove the case, which is different from an assertion that you made, Mr. Mays, if I understood you correctly, is that you don't bring charges unless you know you can prove the case. I mean, I don't see how you can know that until you prove it. But in any case, I understand the clarification.

Finally, we have had testimony, Ms. Reno, from Director of Safety Jones and Chief Harms that they cannot assure the community that incidents like the McDuffie case may not happen again. And in fact they said, that, you know, there is some probability that it might happen again. So I ask you, is there anything you have learned in the McDuffie case prosecution or the other cases that we have been talking about here that would make you believe that there would be some different steps or procedures or another way in which you would handle cases of this kind if they should occur again.

MS. RENO. I agree with Mr. Mays. He mentioned that the inquest was held in September in Schockley. The case arose September 2 and the inquest was held in November. And that was a delay that I think was not correct. The lead investigator was gone; he should have been brought back. The inquest should not have been continued because of his absence. From the time the inquest was finally determined and Officer Schockley began to remember and agreed to take a polygraph, I think the case moved quickly. But there was a delay there that I think was inappropriate.

In terms of the LaFleur case, I think it might well have been better for me to refer to the grand jury and pass the buck and let the grand jury do it. I somehow or other feel that that's intellectually dishonest. I have an obligation to this community to prosecute when I am supposed to, and when I can't, to say why I can't. In the McDuffie case I would have picked a different jury.

VICE CHAIRMAN BERRY. I understand. This is my last question, Mr. Chairman. My understanding is that you were recently reelected without opposition; is that correct?

MS. RENO. Yes, ma'am.

VICE CHAIRMAN BERRY. Would you state that the best answer to those in the community who may be critical of the way your office handled these cases is that the external review by the public that reelected you to office is probably the best answer to how well you handled the cases?

MS. RENO. I don't mean to be flip, but my mother said it's because nobody wanted the job. But I think there is a certain measure of that in it. To be fair, I think if you look at the politics of it, I like to think that your view is the correct one.

VICE CHAIRMAN BERRY. Thank you.

CHAIRMAN FLEMMING. Commissioner Ruckelshaus.

COMMISSIONER RUCKELSHAUS. Mr. Mays, I wanted to ask you: We've heard several times on the subject of the perception of justice in the black community and you made a good point about what in fact is perceived and that it's the perception you need to deal with. And we have heard this several times. I wonder if you could give us some information about what, in your opinion, caused the anger and reaction in the black community over the Jones case.

MR. MAYS. You would have to look at it from a historical standpoint. Looking at it personally, as I attempt to look at a lot of things, I found myself shocked and surprised that I, after law school, was working in the State attorney's office, that I had now been placed in a posture or a position whereby I could be identified with law enforcement. Why?

Historically, blacks have not fared well with law enforcement. Historically, they have been confronted with brutality. Historically, they have been confronted with situations whereby the courts and the prosecutors really didn't care about them being victims of crimes and things of this nature. That type of perception continues unabated, and in fact I think it has been aggravated by recent things.

With respect to the reaction of blacks, in particular the black community, in light of the McDuffie case, in light of the Jones case—which some people refer to as the riots, but I call the rebellion—it had reached a state of being whereby people were saying, "Hell, we are not going to put up with this anymore." That, compounded with other matters, gave rise to the rebellion that went down in May.

The question in my mind and the question that I would like to see addressed is what is going to be done about this perception. And even beyond that there is also the fact that this perception, at least a large part of it, is in fact predicated upon reality. You've got officers out there who will beat people summarily; you've got officers out there who will mistreat blacks summarily for no reason at all.

And you've got people out there now saying, "We are not going to put up with it any longer." There is a desperate need for more black police officers on all the departments here in Dade County, not only black police officers from the standpoint of out on the street but also with respect to top-level administrators.

We need more black prosecutors, not only prosecutors in the felony courtrooms, but also in the very front office. We need more black

judges. Additionally, the police departments must concern themselves with identifying and weeding out those officers who have a history of brutality complaints.

If some of those measures could come about and could be reported, I think that in and of itself could probably be ameliorative to some extent as to the perception and also to the reality. Whether it is going to come about or not I don't know.

COMMISSIONER RUCKELSHAUS. You didn't answer my question, but I appreciate your statement. Mr. Brummer, we were sort of interested in the last panel. It seems that there are not many charges of mistreatment by police that are ending up with this new independent review panel. I wonder if your office hears those charges of police brutality from your clients?

MR. BRUMMER. We hear them now, or we've heard them year after year. I think that you have to understand the position that individuals find themselves in when they come to our attention and they also have a claim of police brutality.

If a given police officer has made an arrest and charged a certain individual with certain misconduct, and that police officer has in fact used excessive force, or the individual thinks the officer has used excessive force, and that individual files a complaint against that police officer, the individual may very well find that this officer where he might not show up in court at all, shows up; where he may not prepare his case at all, he prepares; where he might not remember anything, he may remember things that didn't even happen.

So it's not in the individual's interest to, at the same time he's defending against a police officer in a court of law, to attack that police officer administratively.

COMMISSIONER RUCKELSHAUS. Do your attorneys counsel against that, then?

MR. BRUMMER. They certainly would.

COMMISSIONER RUCKELSHAUS. And you have no informal way of communicating those incidents to the police department?

MR. BRUMMER. What we do—there are a couple of things that we do. We inform individuals that they have a right to file civil actions against the police officers, and I think that you will notice if you contact the Dade County Finance Department or the appropriate department in the county, that the community has been willing to enter judgments against police officers for use of excessive or improper force and that the county and other municipalities are paying for that. It did very little good to deal with the old public safety department regime. People had no faith in it whatsoever, and I think that their position was justified in that regard. I think that the new administration at the public safety department is very well intentioned, and I hope to see some improvement there.

It's too early yet to see whether the new external review panel will be any good. I have very limited hopes for it based on a number of items concerning the way it's structured. The reason people don't go to it from outside the public defender's office is that hardly anybody

knows it's around. It has not been very well publicized, and there is a long tradition in this community of ignoring complaints that are made to similar kinds of bodies, and it's going to take a concerted public relations effort, I think, to get the public to come in and make complaints.

COMMISSIONER RUCKELSHAUS. Well, it might be useful if there were some way that you could work out with the county police department to exchange information, even in an informal way.

MR. BRUMMER. We do. If we catch a policeman lying, which we do from time to time, my assistants are instructed to contact the public safety departments in Miami or any other appropriate police department, and we do, we have in the past. I personally have communicated with Chief Harms about one of the police officers on the Miami Police Department. So we do in an informal way make those contacts, and we leave a lot of that up to the department as to what the department thinks is appropriate.

But the most important thing that we can do, I think, is, in serious cases, inform people that they have rights to hire private attorneys and to bring suits against these police officers and the municipalities that continue to employ them.

COMMISSIONER RUCKELSHAUS. Thank you.

CHAIRMAN FLEMMING. Commissioner Ramirez.

COMMISSIONER RAMIREZ. I was wondering, we have heard a great deal about the effect of these cases and their unsuccessful resolution on the black community. I am wondering, first of all, whether there were any cases in the recent past which would be racially sensitive in which the prosecution led to a resolution for which the black community felt there had been justice. Ms. Reno?

MS. RENO. I would defer to Mr. Long and to Mr. Mays, because I think they can tell you better how the black community perceives a result.

MR. LONG. Well, I think that traditionally—

COMMISSIONER RAMIREZ. I am not going to ask you to name cases. I would just like to know whether there were any in which—

MR. LONG. I don't know how to tell you what the cases are without naming them. Basically, I think the problem has developed with reference to the perception on the part of discretionary actions by the State attorney. And what is happening with television coming into the courtrooms, the black community is much more aware of what's happening with the cases as they go on. And then there's certain of the issues which have been somewhat explosive in recent history here, have in fact been going on for a period of time and the public, the black public has been made aware by virtue of the matters being brought out of the courtroom and into their livingroom, so to speak.

Now, with reference to cases that have been disposed of and the community is satisfied with, I can't, without saying the name—I simply can't indicate it, but I do have certain concerns, however, about the manner of prosecution that I think is affecting the black community even more so than the results of the case. I don't think the black

community would have gotten up in arms or did get up in arms about convictions of certain black persons being charged. I don't think it would happen necessarily about acquittals of certain white persons being charged. I think that it's the manner in which the prosecution has occurred.

It was very interesting to note the discussion about overcharging today, because in my years of experience in practicing law, overcharging has always been done by the State attorney's office. And as a matter of fact, the rule that has been cited, the case that has been cited, is saying that if there is not a possibility of proving a case beyond a reasonable doubt then you shouldn't file an information. If you believe that you can do it, then, and there is a possibility of it based upon the evidence—and I wonder how this rule comes into play at such a critical time as a case such as McDuffie in which there has been an indication by the State attorney that this is the most important case.

CHAIRMAN FLEMMING. Mr. Long, I am interested in that observation, but is that responsive to your—?

COMMISSIONER RAMIREZ. No, I just wanted to know whether there were any—

CHAIRMAN FLEMMING. Because I am under some time constraints here as far as the rest of the hearing is concerned, and as I understand, you are wondering whether there have been some cases that have been handled in such a manner as to leave a positive—

COMMISSIONER RAMIREZ. Correct.

CHAIRMAN FLEMMING. —impact on the community.

Again, Commissioner Ramirez indicated she wasn't interested particularly in identifying them, by name, but just as a general proposition. Do you, and Mr. Mays, as I understand Ms. Reno referred to you, do you and Mr. Mays feel that there have been some cases that have been handled in the county, in the community, in such a manner as to leave a positive impact on the black community, let's say, over a span of a year or something of that kind?

MR. MAYS. If I understand your question correctly, I think that Mr. Long is being somewhat modest because he tried a case here recently, I believe about 2 months ago; it was one of the riot-related cases where it was a black defendant, two black defendants. Mr. Long represented one of them; another attorney represented the other. And basically the question which was asked in the community was what was the distinction between what those black defendants did in the course of the riots in relation to what the cops and McDuffie did where, you know, one cop was charged with second degree murder and the rest of them were charged with manslaughter, where Mr. Long and his clients were looking at murder charges. Mr. Long successfully defended that case.

So that was one case which I believe restored confidence in the black community that, yes, indeed, justice can flow from the criminal justice building.

CHAIRMAN FLEMMING. I think that is what Commissioner Ramirez was looking for.

COMMISSIONER RAMIREZ. That's what I was looking for.

MR. MAYS. But if I may, a point that Mr. Long was making, that even in certain sets of cases, even if a conviction occurs or an acquittal or whatever, that's immaterial. It's not really important. The question is whether or not the people believe that the result occurred in a fair manner, whether or not everything was aboveboard, did the guy get a fair roll of the dice.

MR. LONG. And just for the record, if I might, Mr. Chairman.

CHAIRMAN FLEMMING. You certainly may, go right ahead.

MR. LONG. The reason I could not mention that case as such was because while the outcome was certainly satisfactory and restored, I think, some faith in the community in the judicial system, there was still just very substantial questions as to why, for example, you have individuals given similar, almost identical, circumstances with McDuffie, they have to deal with murder charges here, and in the McDuffie incident we were dealing with manslaughter charges. And these are the types of things which I think really taint the victory.

COMMISSIONER RAMIREZ. I will defer to the Chairman.

CHAIRMAN FLEMMING. I would just like to ask any member of the panel whether you would like to add anything to the record at this particular point—briefly, I might say, hopefully briefly because of the time constraints. But I appreciate the fact that we have been dealing with very important issues, and I would like you to feel that the record is a valid record for us to consider and evaluate later on when we go to work on our report and determine on our findings and recommendations.

MR. BRUMMER. Mr. Chairman, if I might just take a moment. I would like to ask you to excuse me. This was not scheduled at the time when I was led to believe it would be scheduled and I'm already overdue for something that I really cannot miss.

CHAIRMAN FLEMMING. Okay. I will be very happy to do that because—

MR. BRUMMER. Thank you very much.

CHAIRMAN FLEMMING. —because unless there are other comments why, we're overdue as far as the next panel is concerned. But if there is anything somebody feels should be added to the record very briefly I would be delighted to have you do so.

MR. MAYS. Very briefly, I would like to see some type of resolution reached in the State attorney's office with respect to the perception that blacks are systematically excluded from juries when you have racially sensitive cases.

It would be difficult and at best impossible to get inside the mind of the individual prosecutor and ascertain whether or not the excusal came about because of other reasons or because of the fact that the particular juror was black. That's impossible.

I think it is incumbent upon the prosecutor not only to secure a conviction but more importantly, or equally as important, is to secure a conviction that will withstand scrutiny, and in those instances when you have almost pervasive perceptions or beliefs or strong convictions in some instances that the prosecutor's office is, in fact, excluding

blacks systematically in racially sensitive areas, I believe it is also incumbent upon the prosecutor to take appropriate ameliorative action.

CHAIRMAN FLEMMING. Any other comments?

MS. RENO. I would [say], as I indicated in response to Mr. Mays, I think that will withstand scrutiny, very rigorous scrutiny, by the courts. And I would refer Mr. Mays to the public record, and we will furnish that to Mr. O'Rourke.

CHAIRMAN FLEMMING. I assume that we will want to look at some of those public records, also, which reference was made earlier in connection with some pending cases which do have a direct bearing on the issue that we have been talking about. And I understand that it would not be appropriate to discuss those pending cases here, but I would like our staff to look at the public record in terms of its bearing on the issues that we've had under discussion here.

We are very appreciative of the members of the panel giving us this time. It has been very helpful. Thank you.

Counsel will call the next witnesses.

MS. STEIN. Atlee Wampler, Paul Rich, and Fred Crawford, will you come forward, please?

[Atlee W. Hamper III, Paul D. Rich, and Fred L. Crawford were sworn.]

**TESTIMONY OF ATLEE W. WAMPLER III, U.S. ATTORNEY, SOUTHERN DISTRICT OF FLORIDA; PAUL D. RICH, ASSISTANT U.S. ATTORNEY, SOUTHERN DISTRICT OF FLORIDA; FRED L. CRAWFORD, U.S. DEPARTMENT OF JUSTICE, COMMUNITY RELATIONS SERVICES**

MS. STEIN. Could I ask each of you, beginning with Mr. Wampler, to state your name and occupational position for the record.

MR. WAMPLER. Atlee W. Wampler III. I am the United States Attorney for the Southern District of Florida.

MR. RICH. My name is Paul D. Rich, Special Assistant U.S. Attorney, Southern District of Florida.

MR. CRAWFORD. I am Freddie L. Crawford, U.S. Department of Justice, Community Relations Services. I'm the District Director of our office here in Miami out of Atlanta.

MS. STEIN. Mr. Wampler, what are your responsibilities as United States Attorney here?

MR. WAMPLER. Basically, to coordinate the various investigative efforts and to make decisions on what cases should be prosecuted in Federal courts and what suits should be filed here within the parameters of directives from the Attorney General and various officials in the United States Department of Justice in Washington, D.C.

MS. STEIN. Do the responsibilities of your office include the prosecution of police misconduct when it constitutes a denial of civil rights in violation of the Federal code?

MR. WAMPLER. If it's in violation of the Federal statutes, yes.

MS. STEIN. What is your relationship to the Civil Rights Division of the Department of Justice in Washington in this regard?

MR. WAMPLER. Well, in regard to the criminal penalties set forth in Title 18 of the United States Code, there is a reporting and authorization requirement in that before we proceed with a criminal investigation we have to notify the Civil Rights Division concerning our efforts when we begin the investigation and when it goes to the grand jury. Prior to any presentation of materials for a possible review by a grand jury for a possible indictment, there has to be authorization obtained from the Department of Justice, the Assistant Attorney General in charge of the Civil Rights Division.

MS. STEIN. Has this relationship obtained both before and after May 17 of this year?

MR. WAMPLER. That is right.

MS. STEIN. Thank you.

MR. RICH, could you describe, please, how you came to be employed by the U.S. attorney's office here in Miami.

MR. RICH. Prior to my coming here to Miami, I was residing in San Antonio, Texas. And that was in private practice and involved in civil rights litigation.

Shortly after the riots I received communication from some individuals in Washington that a position was opening in Miami and whether or not I would contact Mr. Wampler immediately in Miami. I made arrangements to come and visit with Mr. Wampler, and shortly thereafter arrangements were made for me to come aboard.

MS. STEIN. What did you understand your position and your duties would be here?

MR. RICH. My understanding was to come on and to establish an office to respond to civil rights complaints, both civil and criminal in nature, for this district.

MS. STEIN. Has the civil rights unit that you were designed to establish become fully operational?

MR. RICH. I don't think so at this point. Both the sensitivity and sincerity of the United States Attorney that is sitting to my side here must deal with at least the realities of the caseload which exists within this district as well as those requests that have to be made to Washington to secure additional personnel.

So in order to firmly and truthfully state to you, are we totally operational at this point, I would say no.

MS. STEIN. What indications were you given at the time you were employed about funding and staff that would be available to you?

MR. RICH. I think requests had been made by the office to the necessary parties in Washington regarding the necessity for support staff in order to adequately respond both in the civil and criminal aspects to those complaints which are and will be forthcoming within this district.

MS. STEIN. Were you led to believe that a certain amount of staff would be provided?

MR. RICH. I must say that I was under the impression that—I must say also this is my first opportunity in government and having worked really privately on the outside for at least a few years, and I thought,

yes, that we would have adequate staff to accomplish the goal which was set, based on the apparent severe need within this district as it relates to the alleged denial of civil rights, both criminal and civil, within the district.

MS. STEIN. Were any particular numbers mentioned in terms of staff or financing?

MR. RICH. No. I think just basically that a request was made by myself relating to the volume of work that was present and the volume of work expected, based on comments that had been made nationally by both the Attorney General as well as Assistant Attorney Generals as it relates to the necessity for responding to civil rights allegations throughout the United States. We are still pending okays or denial as to those requests. But I do know personally that requests formally have been made for staff.

MS. STEIN. When did you make this request that you refer to?

MR. RICH. Well, I would have to really defer at this time to Mr. Wampler since—

MS. STEIN. You don't remember when you made the request?

MR. RICH. Well, I know that as far as myself, requests probably were made within the first 30 days of my appointment here, that support staff was needed in order to adequately respond.

MS. STEIN. What did you ask for in the way of support staff?

MR. RICH. At that point, understanding the caseload within the office and understanding the needs as far as priorities which—civil rights definitely is a priority within the office—I definitely felt that we needed paralegals to actually adequately, quickly respond to requests from people in this community to alleged civil rights violations both on the civil and criminal side.

MS. STEIN. So you asked only for paralegals and yourself to be assigned to this unit; is that correct?

MR. RICH. At that point, that is correct.

MS. STEIN. At any subsequent point, did you change your request?

MR. RICH. I think what we have within our offices is that we have individuals that initially were assigned to assist in civil rights and in many cases are. Plus due to the nature of the bureaucracy we do have a network in the Civil Rights Division of which attorneys are assigned specific cases that occur here within the district. So you might see on any given case both an assistant U.S. attorney from this district working alongside an assistant out of the Civil Rights Division in Washington, D.C.

I have not formally asked for additional attorney slots. We have talked about it. I understand the need. I honestly feel, based on the types of cases that come in and based on investigations that are necessary, qualified, directed, motivated individuals—paralegals—could in fact accomplish those tasks.

MS. STEIN. Do you yourself spend all of your time on criminal civil rights cases?

MR. RICH. I was totally assigned only to deal with civil rights matters, both civil and criminal; that is correct.

MS. STEIN. And that is all you have spent your time doing?

MR. RICH. I work on cases, I participate in community endeavors with a hope of opening up lines of communication to assist us in what Drew Days said months ago to this Commission that civil rights units within the offices of the United States attorneys should be a neutral haven to all people from those communities, a neutral place to go with allegations of denial of civil rights.

MS. STEIN. Are there any other persons in this civil rights unit other than yourself at present?

MR. RICH. There have been people that have been assigned duties depending on their available time. Within our office, we have, well, two individuals. There is an assistant U.S. attorney by the name of Rusty Marshall, assistant U.S. attorney by the name of Steve Hoss that have in fact been assigned to deal with civil rights matter.

But I think the Commission must realize in all honesty and sincerity to look at the caseload, to look at the numbers that Mr. Wampler has to deal with as it relates to the staff currently on board, and to realize that in many cases this particular office is really understaffed.

MS. STEIN. I understand that. What I am really trying to get at is in what way the situation now differs from the status in the office before the civil rights unit was established. I assume that attorneys before that time worked on civil rights cases, too, when they came up.

MR. RICH. All right. The only thing that I can speak to is that I came on board, I think, August 11 or August 12, since I could not cut away from San Antonio prior to that date.

At that point upon my arrival, the unit formally was set up. I was to be in charge of that unit as chief of that unit with Mr. Hoss and Mr. Marshall being part-time assignments to that unit in order to respond to cases.

Prior to my arrival also, due to the fact that cases were moving prior to my entry, that other attorneys were assisting on other matters, which are currently pending in court.

MS. STEIN. Has the civil rights unit as it now exists lived up to your expectations of what it would be when you took the job?

MR. RICH. I think we have a long way to go.

MS. STEIN. In what particulars has it not lived up to your expectations?

MR. RICH. I think if we are successful in securing additional positions to allow us to respond in a fast, expeditious manner to allegations as enunciated again before this Commission by Drew Days that at times it's the lapse of time between the filing of complaint and our ability both on the Federal and State side to respond to that and in fact perhaps we might add fuel to the fire.

But what we've done, and we have done this—not only the fact that we have a civil rights unit, but the fact that we have a gentleman as U.S. attorney here who in fact is sensitive to the needs of people as it relates to the denial of civil rights, and that is to, hopefully, at least open or begin open communication lines to allow people to know in this community and throughout this district that if they have a problem

all they have to do is call in, and if we can in fact get some information from them, our investigative arm, which is the FBI, will in fact commence an investigation for us to make a judgment as to the allegations of denials of civil rights.

MS. STEIN. Would you please give us your understanding of Attorney General Civiletti's memorandum of August 2, 1980, regarding the Federal role in alleged instances of criminal police brutality?

MR. RICH. My understanding really as far as all comments that have been made by the Attorney General up to this point is that when it comes to alleged brutality, alleged instances of brutality inflicted upon individuals in any part of the United States vis-a-vis officers, as a general rule we must commence investigation even though an investigation is currently going on on the State side; we are to start that investigation. And specifically in the instance of this district, specifically in the southern area of Florida, that it used to be the policy that you would have concurrent investigations, simultaneous investigations, but if a prosecution on the State's side commenced, the Justice Department would step back and monitor and observe those hearings and those procedures on the State's side. The Attorney General has directed, as it relates to this area alone in the United States, that our office is not to step aside and solely observe but to continue our investigation as it relates to instances of violations of civil rights, but more emphatically in instances where death results pursuant to the hands or a weapon held by an officer pursuant to law or statute. And I think that's the feeling or the intensity that this person has that's talking with you today.

I know I really cannot speak for the U.S. attorney that is sitting next to me, but, clearly, those are the feelings that I have received from him since I have been here. And but for some situations regarding personnel where decisions have to be made up in Washington and not at this level, we would be able to accomplish much more.

MS. STEIN. Has the spirit and the letter of this direction of the Attorney General's been followed in every instance both by your office and by the FBI in this district?

MR. RICH. I think my answer would be, yes, tempered with the fact of resources available at a given time. I think I cannot be totally truthful with you today and say that one full-time individual without backup assistance would be able to give the expeditious handling that is necessary on civil rights matters, because in my estimation all civil rights matters are of a sensitive nature regardless of who the individuals are. Civil rights, once they are violated, must be protected, must be redressed.

MS. STEIN. Do I interpret your answer correctly that you are saying it has not been followed in every case, but you have tried to follow it and done so to the extent resources permitted?

MR. RICH. I think that is a fair statement.

MS. STEIN. How many cases of alleged police brutality are currently under investigation by the U.S. Attorney's Office?

MR. RICH. We currently have approximately 39 violations of 18 section 242. For those individuals that do not know, 242 basically is the

statute that the Federal authorities must deal with when it comes to alleged violations of civil rights, when someone acting under color of law violates those rights.

I think the handout and the booklet that is outside is something that all of us, if we have not already read, should pick up on our way out, because it basically lays out the statutes that we have to deal with.

MS. STEIN. Have indictments been—

MR. WAMPLER. Excuse me. I am sure Mr. Rich means that there are 39 allegations of violations of section 242. Those violations have not been established. They were just allegations.

MR. RICH. That is correct.

MS. STEIN. Of those 39 cases, have indictments been returned in any of them?

MR. RICH. At this point no indictments have been returned on those 39.

MS. STEIN. At this time, Mr. Rich, are you a permanent member of the U.S. Attorney's Office in this district?

MR. RICH. No. At this moment I have a 30-day appointment which will expire on January 4 of 1981.

MS. STEIN. Has that been your status all along; in other words, have you had renewable 30-day appointments?

MR. RICH. I was originally brought on, I think, on a 90-day appointment, which is the routine for the process to be completed to bring an individual on. At the completion of the 90 days I was then given a 30-day extension which took me until December. And then in December I was extended another 30 days until January 4.

MS. STEIN. When you originally came to the office did you expect to become a permanent employee here? I don't mean for the rest of your life. I mean did you expect to achieve a permanent status?

MR. RICH. I think it's the internal procedure of bringing someone on initially for 90 days since they were emergency appointments, and then for all matters to be completed and then at that point for consideration of permanent assignment.

Apparently matters have not been completed in an internal fashion and at this point they are extending me 30 days, 30 days, 30 days.

MS. STEIN. So you had no expectation one way or another as to whether you would be made permanent when you came; is that correct?

MR. RICH. Nothing formal; that is correct.

MS. STEIN. What was your informal understanding?

MR. RICH. Well, my belief was that perhaps I was, but formally, that is not the situation and it was not the case at the time of my coming on board.

MS. STEIN. Do you know—do you have any expectation of what will occur when your current 30-day appointment expires?

MR. RICH. I am not privy to that.

MS. STEIN. Thank you very much.

Mr. Crawford, could you please describe the scope of activities conducted by the Community Relations Service?

MR. CRAWFORD. Yes, I can. But initially let me make a statement. You may have noticed I didn't rise when you asked for the information on the swearing in about testimony. I would like to say at this time, Mr. Flemming, if you ask me if I were to affirm, I will affirm any statements.

CHAIRMAN FLEMMING. That is what I said.

MR. CRAWFORD. I know you did, but I would say it because it was not in the record. I do affirm that the statements I will make will be true.

CHAIRMAN FLEMMING. We appreciate it.

MR. CRAWFORD. I think if you examine the question you will possibly find out why—the position I take.

The Community Relations Service is headquartered out of, Region IV, Atlanta, Georgia, and has been for some 16 years.

The scope of our efforts here in Miami area has been at times very intense and at other times somewhat lax. Ever since May 17, 1980, it has been to come to the area, not necessarily with a lot of fanfare but to work in areas behind the scenes and try and effectuate some type of reality, reasons, as far as the community people are concerned, as having a voice in what might go down as far as justice and things of that nature.

So what we have been doing since May 17 has been trying to facilitate meetings, trying to organize people, groups, and bring them before the officials at various levels. We have been trying to make sure that the group that would want to petition a particular section of officialdom do so without friction, things like securing parade permits, clarifying with the police and also organizers of protests and parades and protest movements, trying to get these people together so that they would iron out any difficulty that may arise. We have done the same thing for the last 16 years, I guess you might say, all over the southeast region.

MS. STEIN. What is the size of the Community Relations Service staff here in Miami?

MR. CRAWFORD. I feel real fortunate, very fortunate indeed. I have a staff of two, that is, besides myself, and a very competent secretary.

MS. STEIN. Do you have any idea at this point how long you will be maintaining a presence here in Miami?

MR. CRAWFORD. We have been dealing in perceptions all day, and I guess I have to give you mine as far as the CRS is concerned. And we know we will be here until January 20.

MS. STEIN. Can you tell us what you have found to be the chief sources of tension in the community here in Miami?

MR. CRAWFORD. Yes, I can. And laying all humor aside, very intensely.

Two gentlemen that were here before me, Mr. Long and Mr. Mays, I think they were trying to say to you—and I truly hope they were heard—that in the black community, and I don't speak for the black community in any area, but in this community, I have talked, I have met, and you possibly will hear a litany of people who will come about

after this is terminated, that will say some of these same things—that is, widespread distrust of the systems, be it administration of justice, be it educational, be it political, be it economical—widespread distrust of the system in the community, especially in the black community.

And I might add that that mistrust does cross color lines. In our work we deal and we meet with people of all colors, black, white, Latin, whatever. And there is a sizable number of people that we have talked with who have been injured equally as much as the black residents in Dade County and Miami, Liberty City, that some of the decisions that were rendered and some of the court cases recently were unjust. And I mean these are people that are not black.

Ms. STEIN. Thank you.

Mr. Rich, Mr. Wampler, could I ask you, of the 39 cases that you mentioned earlier that are under consideration by your office, how many involve alleged violations of the rights of black citizens?

Mr. RICH. Of the 39, approximately 30.

Ms. STEIN. Thank you very much. I have no further questions.

Mr. WAMPLER. I have a statement I would like to make, if the Commission will indulge me.

CHAIRMAN FLEMMING. Mr. Wampler, we would be very happy to listen to your statement at this particular point.

Mr. WAMPLER. Well, I have sort of got the impression from the tenor of the questioning that there is an emphasis placed on a lack of activity for this office. And although I can't say that this is an overwhelming display of attorney forces that we have put in relation to other problems that have come up within this district, I would like to set the record straight as to a few things.

Number one, although Mr. Rich was hired specifically for the purpose to spend his full time on this job, there are other attorney resources in my office that have been devoted to civil rights matters. Although a fraction of their time is involved, there are three other assistant U.S. attorneys who work a fractional part of the time on both civil matters and criminal matters involving civil rights.

My first assistant, Brian McDonald, was the deputy chief of the criminal section of the Civil Rights Division. I hired him when I came down here initially on the McDuffie investigation. He's spending a substantial portion of his time working on the overall McDuffie investigation and as the lead trial attorney in the Veverka case going on now.

Additionally, we have one of our top trial lawyers, Sam Smargon [phonetic], who is spending 100 percent of his time since the time of the riots in Miami working on the McDuffie violations.

There are five other attorneys from the Civil Rights Division who are assigned various cases and have participated in the grand jury investigations in this district and are working on those cases out of Washington, D.C.

There have been several cases which have been processed through a grand jury stage, for better or for worse. One resulted in an indictment of a former law enforcement officer by the name of Jones. The Shockley case ended up in a decision where there was no indictment returned

by a grand jury. The Veverka case was indicted. And there have been several civil cases during that time period.

Additionally, there have been a number of matters that have been defused through a coordination of efforts of both our office and the Community Relations Service which I think have greatly benefited the community in relation to demonstrations at the time of various visits by the President of the United States into this district.

If there any insinuation or innuendo to the effect that Mr. Rich has not been brought on board with a full intention of having him work indefinitely as an assistant U.S. attorney, I would like to dispel that.

Normally, the procedures for hiring an assistant U.S. attorney involve a complete background check being run on the individual before he is allowed to come on board as an assistant U.S. attorney. However, emergency proceedings, when there is a serious deficiency of attorney personnel in a district, can be undertaken in extraordinary circumstances to bring someone on board for a term of appointment until a background check is completed. There is a full field FBI background check on every assistant U.S. attorney that enters on duty.

However, in this case, Mr. Rich, as many other employees in our office that have been brought on on this many-day appointment, until the background check is completed, which is not unusual, there are extensions until the full field investigation is completed.

It is my recommendation, through the superlative efforts of the Community Relations Service here in defusing a number of terribly difficult situations that did not become headlines and further instances in this community, that I fully recommend a permanent establishment of the Community Relations Service in this community. From what has already been accomplished here and prevented, it is my recommendation that they stay here permanently.

**CHAIRMAN FLEMMING.** Mr. Wampler, I appreciate very much your statement, and actually I was going to address a question to you and you virtually answered the question. But before doing so, I was going to indicate that throughout its existence the U.S. Commission on Civil Rights has had a great interest in the Civil Rights Division in the Department of Justice.

We actually came into existence at the same time, both of us. Congress provided for the creation of both in the Civil Rights Act of 1957, and the Commission historically, in connection with its monitoring responsibilities, has kept in close touch with the Civil Rights Division. We have welcomed the developments that have taken place during the past few years. We have particularly welcomed the evolution in the direction of involving the U.S. attorneys to a much greater degree than was the case in the past, as you appreciate. Also, we have always been encouraged when they were given specific help, not only were involved, but were given specific help in this area. We have long felt, and we keep going on record to this effect, that the Civil Rights Division is understaffed. It does not have the resources it needs to discharge the very important duties and responsibilities that have been assigned to it by the Attorney General and under the law. And we

mean by that, of course, that the U.S. attorneys need additional assistance if they are really going to become involved in this particular area in a meaningful and significant manner.

And I was really going to ask you, in light of your experience, because you have gone through part of this evolution, what your hopes and dreams were for the civil rights activities here in this particular area. You have responded to that, I think, very effectively, with the information that you have presented to us.

We appreciate your being here to give us that overview today.

Of course, we have had the same feeling, as Mr. Crawford undoubtedly knows, relevant to the Community Relations Service, because we admire and respect the role that the Community Relations Service with very limited resources has played in this country over the past few years. Whenever we get the opportunity we say to the President and we say to Congress that this Service should have additional resources if the Federal Government is really going to play the role that it should play in the civil rights area.

We appreciate the testimony that you have given, that Mr. Rich has given, and also that Mr. Crawford has given.

Some of my colleagues now may have some additional questions that they would like to address. Commissioner Berry?

VICE CHAIRMAN BERRY. I only have a comment and that is that I was down here at the time that Attorney General Civiletti came down and Drew Days during the riot. I was here. I came down with the group. And I think it is absolutely essential that the promises and commitments that were made to the community at that time be kept.

And if I understand from your testimony, most of them or at least some of them have been kept. And I just think that it is important that one pursues a vigorous civil rights enforcement from the Federal standpoint down here so that there will not be another Federal promise not kept.

COMMISSIONER HORN. Mr. Rich, you mentioned in one part of your testimony, you referred to personnel decisions in Washington, and I wasn't quite clear in terms of request for allocation of resources, be they paralegals, which you mentioned, or full-time attorneys, what that really meant. Is that decision made here or would additional resources have to be allocated for the Civil Rights Division in Washington? Perhaps either you or the U.S. attorney could answer that?

MR. WAMPLER. The additional resources would have to be authorized for our strength of attorney personnel, paralegal personnel, and support staff personnel in Washington, D.C.

COMMISSIONER HORN. Was such a request made?

MR. WAMPLER. Yes, it was.

COMMISSIONER HORN. What happened to that request?

MR. WAMPLER. The request was submitted along with an overall manpower study and request for additional assistant U.S. attorneys, support staff, and administrative personnel. It has been acted on in a piecemeal fashion, the full result of which will not be complete until next week.

COMMISSIONER HORN. What was the nature of the request in terms of paralegals versus attorneys?

MR. WAMPLER. The request was for an additional 17 assistant U.S. attorneys, additional 17 support personnel, and additional 3 paralegal personnel.

COMMISSIONER HORN. Of those positions, 17 assistant U.S. attorneys, 17 support personnel, paralegals, how many would have been assigned to the civil rights unit within your office?

MR. WAMPLER. The three paralegal personnel, for full-time duties.

COMMISSIONER HORN. For full time, and would any portion of those other positions have been assigned?

MR. WAMPLER. As we are able, if we get additional personnel, we will be able to readjust our guidelines on dealing with the overall criminal situation, so it would be my hope and desire and instructions that additional personnel would be able to handle cases in the civil rights area on a part-time basis.

COMMISSIONER HORN. Were you seeking those 37 positions out of the budget cycle or as part of your coming budget cycle or fiscal year '82?

MR. WAMPLER. Out of the budget cycle.

COMMISSIONER HORN. Out of the budget cycle. It seems to me with the Attorney General's commitment, with the urgency of the situation, one would think that at least the civil rights portion of that request would have been granted out of the cycle.

Now, I take it the three paralegals have not yet been approved by Washington?

MR. WAMPLER. That is right, sir.

COMMISSIONER HORN. When did you submit that request?

MR. WAMPLER. To the best of my recollection, late September, early October.

COMMISSIONER HORN. The Attorney General came here when and made the commitment? Does counsel have a date; somebody have a date?

MR. WAMPLER. Mid-May.

COMMISSIONER HORN. The Attorney General made a commitment in May. You made a request in September. We are now into December. And we still don't know.

Okay. I just wanted to see where we were on that.

Now, 39 alleged violations of 18 U.S. 242. The U.S. attorney made the point that those had not yet been established.

What I am wondering of you, Mr. Rich, is your particular unit, namely you, responsible for making the recommendations on those 39 alleged violations as to whether or not indictments should occur?

MR. RICH. The procedure is that—I just wanted to check on the internal procedure. I generally would report to the head of the Criminal Division within the office of the U.S. attorney. The civil rights unit would do the investigation along with the agents that are assigned from the FBI. The workup is then concluded. It is then passed along to the head of the Criminal Division.

At that point we are able to make the recommendation based on the guidelines that were sent down the latter part of July, signed off by Drew Days, under the signature of the Attorney General, that on 242 claims, on misdemeanors, the U.S. attorney's offices throughout the United States are able to initiate not only the investigation but the convening of the grand jury on misdemeanors. But as it relates to 242 felonies, which is where death results or punishment can be any term of years up to life, those must be approved by the Assistant United States Attorney General for the Civil Rights Division, which is Drew Days. So that would be the internal procedure that we have to follow. We can initiate investigations inhouse but to go for indictments as it relates to felonies, we must get the approval of the Assistant Attorney General.

COMMISSIONER HORN. Just let us follow that for a minute. Of the 39 alleged violations, on how many has the investigation been completed, either inhouse or by the FBI, if additional information was required? Any?

MR. RICH. Yes.

COMMISSIONER HORN. All right. Let's just deal with the "any." How many are any—5, 10?

MR. RICH. I would say five. I would say definitely—we can't deal with specific cases.

COMMISSIONER HORN. No, no.

MR. RICH. I would say that one where the full investigation has been completed and where recommendations are being considered. Others which are in their final stages, probably about six to eight are in their final stages of investigation.

COMMISSIONER HORN. Let me just deal with the recommendation. I'm trying to get at the process and the time lag in trying to help you get your staff next year, or sooner. Now, you have made recommendations. I take it you made the recommendation?

MR. RICH. That is correct.

COMMISSIONER HORN. You make it then to the head of criminal section within the U.S. attorney's office?

MR. RICH. That is correct.

COMMISSIONER HORN. Has the head of that section acted yet?

MR. RICH. Yes.

COMMISSIONER HORN. So then that goes to the U.S. attorney?

MR. RICH. From there the head of the Criminal Division confers with the U.S. attorney. That is correct.

COMMISSIONER HORN. Is Washington involved in the type of recommendation you have made, given your previous statement?

MR. RICH. Not at that point. They are then notified, once the recommendation is done inhouse; they are notified telephonically, followed up by letter, and then the necessary paperwork is then forwarded up to Washington for their necessary signoff—or rejection.

COMMISSIONER HORN. Since you and the head of the criminal section have made your recommendation, I'm assuming that the head of the criminal section concurred with your recommendation. Am I wrong?

MR. RICH. You are correct.

COMMISSIONER HORN. How long has that decision rested somewhere?

MR. RICH. It normally takes approximately 2 weeks. Once the full investigation is completed, a recommendation is made inhouse in the office of the U.S. attorney here locally, and it is forwarded up to Washington and takes approximately 2 weeks' processing time in Washington.

COMMISSIONER HORN. That's what it normally takes.

What did this take? Did this take 2 weeks?

MR. RICH. This one will be taking 2 weeks.

COMMISSIONER HORN. Okay. In other words, the burden of your testimony is then that you are in phase; nobody is sitting on anything either in the Florida district or in Washington?

MR. RICH. No one is sitting.

COMMISSIONER HORN. Now, let me ask you two more questions.

You obviously, as a newcomer to the community, can perhaps provide a more objective perspective than maybe many of the people we have heard for the previous 4 days. What is your impression as to the reaction to the McDuffie decision in terms of the individuals in the black community primarily, who reacted to it as they did? Do you think this was planned and organized; do you feel it was spontaneous; what do you feel?

MR. RICH. I think when we are dealing with a situation, if the chemistry is correct at any given day, if the groundwork is laid, if the same facts exist in 1980 as they existed in 1968 in this community, again, if the chemistry is correct, anything could happen.

I agree with Mr. Wampler that if we do not have the assistance of an organization such as CRS, if we don't open up lines of communication between the offices and community leaders, there is a sense of frustration in this community, not only here but throughout the country, that we cannot rely solely on leaders, acknowledged or self-acknowledged leaders, any longer.

When you walk these communities and go to the housing projects as I do, and go to community meetings every Monday afternoon and listen to people's comments and frustrations and hopes and aspirations, all that one can walk away is saying, Aren't we seeing the same things that existed here that occurred back in 1968?

Mr. John Dew was passing around an article several weeks ago at one of the meetings, that Director Jones commented about, where the article, the date was taken off from the *New York Times* article, and except for the reference that was made as to the Republican convention being held, the facts seem awfully similar to what is occurring today. There is a sense of frustration out there, a sense of hopelessness.

This community has been bombarded with things in such a short period of time that the community cannot absorb, cannot acclimate to those changes. Was it McDuffie? I don't know. It was clearly that that sparked what occurred. It was clearly that on that given day, the

chemistry was correct on the streets of this community, the people's frustration just reached such a peak that they needed an outlet.

But the way that we can alter that, in all sincerity, is not only sitting here and saying that we will make attempts, but in fact having people that formally will respond, respond adequately, expeditiously to those concerns.

I have met with officers in this community, and there are very good officers here. If we find bad ones, let's root them out.

COMMISSIONER HORN. Mr. Crawford, you obviously have spent a lot of time here in the grassroots and you have talked to a lot of people. In response to the last question I put to Mr. Rich, do you feel that the main disturbance could be properly classified as sort of a riot that was spontaneous? Do you feel it was planned and organized?

MR. CRAWFORD. I would like to initially say, in response to your question, Mr. Horn, that although I am from Atlanta and I may be perceived as being able to give an objective response, I think that a lot of people who have come before me to be witnesses before you, that are long residents of Miami, are also equipped to be objective and responsive witnesses. And I just want that to go on the record.

Now, as to your question, I don't like to copy, if you may, the response of Mr. Rich, but I don't think I could be any more eloquent on the point than he was.

I have the unfortunate, or should I say fortunate, occasion to see Miami in Ricefield, Georgia, in Nashville, Tennessee, in Nashville, North Carolina, in Greensboro, North Carolina, because I travel, that's what I am.

So I see it all over. And if you ask me if it were planned, I would have to say to you in a degree, yes, it was. But I don't want you to take that response, my saying yes, and just stop at that.

When people marched down Twelfth Avenue to the Justice Building, I think the plan may have come along before then. I think to every action there is a response and I think the response was to an action, and people felt justified in responding to it.

COMMISSIONER HORN. That is what I want, clarification, because obviously when our staff did check with you on September 10, the inference I got from the report was that you felt the reaction was in large part planned and organized. And I just wanted to get a clarification as to what the nuances of that statement were. Is it simply that people marching down Twelfth Avenue was planned and organized and other things weren't, or was there a feeling that there was much more behind it than that?

MR. CRAWFORD. As I said before, I had some feeling that everybody I have spoken to in the 7 months I have been here, would have a chance to speak to you today.

But I have had an occasion to hear young people and some middle-aged folks say to me that things were to some degree not necessarily spontaneous, but to some degree very much planned.

COMMISSIONER HORN. Well, see, I am trying to get what that means.

MR. CRAWFORD. Well, I am the wrong person to tell you. I can get you the person who told me that and have you ask him that.

COMMISSIONER HORN. In other words, you have no idea what that means?

MR. CRAWFORD. I have some ideas, but if you want facts, Mr. Horn, you would have to speak to the person—

COMMISSIONER HORN. I don't know if we will ever get facts that many months afterwards, but I am just curious, what is an informed, intelligent idea, what's a good theory to operate on, or what are some of our choices, if we can narrow that down?

MR. CRAWFORD. Well, let's see. Bathtubs filled with water prior to the first fire being set. Foodstuff that is stocked on shelves, because this was before the first liberation of any goods from stores was taken—and the foodstuffs were put there because there may have been a long siege, so to speak. The water was put there because there was a fire started, and there was a response by the fire department that there would be a low water pressure and people could not get water.

COMMISSIONER HORN. Well, that could go to having some very perceptive people that say they feel something in the air, versus a conscious plan, and that's what I am fishing for, as to the degree of consciousness here.

One last question. Reading all of the background information listed with the testimony, I detect, and I think correctly so, the following frustration: Commissions come and go. This one is just like a lot of others. Unfortunately, false expectations get raised sometimes by mere presence. Reports are made 10 years ago, a few years ago, a few months ago. Attorney Generals, Presidents come and go. A lot of substantive recommendations are put out.

The real question is how do you get an apparatus—obviously, also commitment—to implement those recommendations.

And I just wonder, from the perspective of the three of you, one a resident of the area, one a visitor to the area, might be a resident, another a visitor, professional who has seen similar situations in a lot of communities—do you have any advice for this Commission as to dealing with implementing recommendations rather than simply more substantive recommendations which a lot of other people have also said over time?

MR. RICH. I will direct this really to Mr. Flemming. In an article perhaps a couple of months ago, Mr. Flemming was quoted as saying that the Commission perhaps does not have the ability of twisting the arms to get what is effectuated or to effectuate a change. But it clearly is the conscience—I will grab on that word—the conscience of the country, the conscience of the Congress.

I am saying, yes, Commissions do come and go, Presidents do come and go, Attorney Generals do come and go. But this community is going to remain.

Many of the same problems here now that were in existence in 1968. If we are able to expeditiously at least handle requests, frustrations, make some of the substantive changes people have been talking about

the last few days—economic development, educational assets, abilities, opportunities—a sense of respect for our differences as well as our likenesses as human beings, then perhaps we will accomplish something, because if not, as the film on the migrants comes back every 10 years and the riot reports come back every 10 or 15 years, regrettably, if we don't move, this Commission will be back 10 years from this date.

As long as I am here my commitment is to adhere to looking at any allegations of civil rights utilizing those resources we currently have, but definitely petitioning for more to accomplish those tasks.

COMMISSIONER HORN. Any other comments either of you wish to make?

MR. CRAWFORD. Yes, sir. I have had the occasion to work with your counterpart at the statewide level, State Advisory. Some years ago, 3, 4, maybe, you came in and conducted a very thorough, I think, and very objective meeting, and the results of that and the product of that was a very well-written book, also with some recommendations therein. And I think that if those recommendations by your panel had been followed or adhered to, we may not have had May 17, 1980.

I can quote for you a lot of other bodies that were gathered here in Miami and have come away with similar-type documents with recommendations.

Specifically, Mr. Horn, when you asked me for recommendations as to how to avoid or how to split the pie so that people feel they are part of whatever, I certainly say that, you know, I don't go around looking for solutions. I try to find the problem, and if I thoroughly understand what the problem is, I think I have the solution that lies therein.

I say this, if the problem, if you see a problem and if you perceive it as being the police department that is not necessarily responding to the needs of a particular area in the city because they don't have enough minority police officers, I think the solution then, one of the solutions, may be to hire some black police officers.

I also say that the same thing holds true for the State attorney's office or the jail system or the highway patrol department, inclusion, inclusion at a meaningful level so that you know what people in the community that you are going to police, administer to, administrate believe.

If you don't have any input at the decisionmaking level, then you are going to have friction and conflicts.

COMMISSIONER HORN. Thank you.

COMMISSIONER SALTZMAN. Only one question. The United States Attorney's Office, I assume, has an overview of the situation in this area, whether it is you, Mr. Wampler, or Mr. Rich answering. Does the black individual have the potential for receiving justice in the justice system of this State beginning with law enforcement, going to the entire gamut to the prisons, in your evaluation?

MR. RICH. Unquestionably, yes, the system is there. It is just a question of establishing priorities, monitoring those priorities as to evaluation of the cases and investigations that come into our office and determine—

COMMISSIONER SALTZMAN. I'm not talking about your office, I am talking about the system. I mean, how do we have a May 17 event and the perception in the black community that there is no justice. You are telling me there is?

MR. RICH. I am sorry. I understood your question to be can the system work? And my answer is yes.

COMMISSIONER SALTZMAN. No, I mean is it working right now?

MR. RICH. The Federal system?

COMMISSIONER SALTZMAN. No. The system of justice in Liberty City, in Dade County. When there is an incident and someone has to go through the justice system of the city, of the county, is there justice available from the policemen, in terms of your perception of the problems that gave rise to May 17, with respect to the justice system? Can he expect justice in this county?

MR. WAMPLER. The answer is yes, he expects to receive it. Now, how immediately and how perfectly that is accomplished is of course another matter. But eventually if those claims are brought through the proper channels, and of course the average individual doesn't know the proper channels that exist, which is part of the problem, not knowing what means there are to redress the grievances, those grievances are going to be properly handled.

COMMISSIONER SALTZMAN. Well, are you, Mr. Rich, making yourself available in a proactive rather than merely a reactive way to the community so they know that channel is available?

MR. RICH. Clearly, we have made ourselves available at meetings in various parts of this community of trying to at least spread the word that in fact there is an office which is neutral where they will have someone to respond to any allegations as it relates to any violations of civil rights, and that has been done. And hopefully we will continue to do that because those lines of communication are necessary because—you were talking about it earlier—perceptions are more important than the realities. Perceptions of people in this community were differing from, in many instances, the realities. We must deal with perceptions and we have a hard job ahead of us. It is not only people that are coming here to testify, it is all the people that are sitting in audience here and all the people that are not here.

COMMISSIONER RAMIREZ. I will defer on questions so that we can move along.

CHAIRMAN FLEMMING. We want to thank all three of you very, very much for coming here and helping us in this way. Thank you very much.

At the opening of this hearing on Monday morning I stated when we came to the close of the hearing on Thursday afternoon that we would hear testimony from some persons who had not been subpoenaed. I stated that those persons who wished to testify in the open session may sign up with staff in the rear of the room.

Those wishing to testify will be permitted to speak for 5 minutes and must speak only about the subject matter of these hearings. They may not give any testimony which may tend to defame, degrade, or incrimi-

nate any person. They will not be questioned either by the staff or members of the Commission. Members of the staff have provided us with a list of 28 persons who have signed up. We of course do not know whether all 28 will be here, but we will do our best to hear those 28. Others did want to sign up, but time just made that impossible.

The staff indicated that they could file statements which would be made a part of the proceedings of these hearings. Five of those have already done so. Those who have not done so are invited to do so by contacting the staff and making the necessary arrangements.

I'm going to ask the counsel handling this to call five at a time. I will swear in the five who come up to the table. Then the attorney will keep track of the time in fairness to everybody. Remember, we have 28 here. So in fairness to everyone we have got to adhere strictly to the time limit. A person may finish a statement provided it is a reasonable sentence. But, here again, if a person is working from a statement, the full text of the statement will be included in the transcript of the hearing.

Counsel will call the first five witnesses.

MS. ESPARZA. Mr. Chairman, a list—

CHAIRMAN FLEMMING. I have the list in front of me. Just call the first five.

MS. ESPARZA. All right, sir. Dr. Dunlap McCuller, Ray Greenwood, Benjamin Gardner, Jr., Frankie Askew, David Ashley Williams.

CHAIRMAN FLEMMING. I guess all five are here.

MS. ESPARZA. I might add at this time, we have the translator available if any of the witnesses needs one.

CHAIRMAN FLEMMING. You only got four. Call the sixth.

MS. ESPARZA. Luther E. Woodruff.

CHAIRMAN FLEMMING. Is Luther E. Woodruff here?

Apparently not.

MS. ESPARZA. Mr. Dave Lifner.

CHAIRMAN FLEMMING. You may join the group here.

[Dunlap McCuller, Michael Ray Greenwood, Benjamin Gardner, Jr., Frankie Askew, and Dave Lifner were sworn.]

CHAIRMAN FLEMMING. Thank you. We are pleased to have you with us. Counsel will indicate to you when you have 1 minute remaining for your testimony, and then if you would wind it up, as I said. We're sorry we have to be that strict on the time limitation, but as you can see, that is the only fair thing to do in terms of all of the rest. Okay, counsel will call the first person.

MS. ESPARZA. Dr. Dunlap McCuller.

#### STATEMENT OF DUNLAP McCULLER

DR. McCULLER. Mr. Chairman, members of the staff, ladies, and gentlemen. Ms. Caroline McCuller and I were studying the various racial and ethnic groups here in south Florida when the riots occurred in the Miami area this past summer.

The protocol that we were using in our particular study, with only minor changes, permitted us to evaluate the riot and the root causes as well. Today we would like to summarize our findings, or at least the major ones, for the Commission and the Miami-Dade County community.

The study itself is titled "The Anatomy of a Riot," and the areas investigated were employment, public and private, housing, the criminal justice system—that includes the State attorney's office, the courts, and police—the health care delivery system, the political system, interracial communications, triracial crime within the black community, the educational system, the legal profession, drug availability and use, and the transportation systems.

The major causes of the riots as we found them were as follows: The McDuffie decision was a trigger mechanism. Widespread, institutionalized racism, that is, discrimination against black citizens in housing, health care delivery, the legal profession, the criminal justice system, and in employment.

For instance, in both the non-Latin and Latin communities over 90 percent of the employers that we surveyed required employees to be bilingual. This placed an almost impossible burden upon the prospective black employee.

In the criminal justice system we found that the courts and police, blacks are treated differently than their white counterparts by the court and police. In bookings, for instance, a black suspect was twice as likely to be given a permanent record for minor infraction of the law as compared to a white individual. The courts also showed differences in sentencing and bail availability. It should be added, though, that in some of these cases better treatment for the white suspect was due to the better legal representation available to them.

In the State attorney's office, and we have heard about perception, although this office is still being studied, to date our study has not found any evidence of intentional racism on the part of the State attorney or staff of that office. The belief and claim that the State attorney's office was guilty of being intentionally racist were major contributing factors to the riots themselves. Therefore, we studied every parameter available to us to determine the validity of those claims. But, as stated, to date no evidence of any kind has been found that would indicate that there was intentional racism on the part of the State attorney or of the attorney's staff. The beliefs or perceptions that were caused perhaps within the community we found were caused because some black suspects in the State attorney's office had been treated differently than their white counterparts. But the study shows that those differences were caused by the following reasons: the strict constructionist philosophy of the State attorney. This philosophy restricted the State attorney's office to act within the strict confines of the law.

MS. ESPARZA. Dr. McCuller, you have 1 minute left.

DR. MCCULLER. This, of course, restricted the State's attorney's office to act within the strict confines of the law. And since all were

treated equally, in that they had the same opportunity to use those confines in relation with that office. We found that also the white suspect had better legal representation. There was poor quality of staff in the State attorney's office due to budgetary restrictions, inadequate continuing educational programs for the staff in the community, the sheer workload connected with each criminal case.

We also found that there was inadequate health care system, extremely poor mental health care system, discrimination by governmental agencies itself, the lack of communication between races and ethnic groups, interracial crime within the black community, fractionation of the family unit, lack of sensitivity on the part of some political leaders.

To give you an example, we found rats sleeping in the beds of some black children, houses were being flooded, no money available to correct those situations. There was a proposal to have—

MS. ESPARZA. Dr. McCuller, I am afraid I have to stop you.

DR. MCCULLER. One hundred million dollars for a sports arena.

MS. ESPARZA. I am afraid I have to stop you.

CHAIRMAN FLEMMING. May I urge you that you give us your full statement and if the study to which you refer is available, we would like you to also make that available to us, to consider.

MS. ESPARZA. Mr. Greenwood.

#### STATEMENT OF MICHAEL RAY GREENWOOD

MR. GREENWOOD. I'm making a statement on behalf of the Citizens Coalition for Racial Justice.

Eighteen people were killed during the May rebellion. While the white-controlled news media has focused on the white persons killed, the majority of the killings during those 3 days was of black persons. At least eight black males were shot to death May 18 and May 19, either by police security guards or white racist vigilantes.

Almost 7 months later not a single arrest has been made nor does it seem that thorough and well-intentioned investigations are in progress.

We charge the police and State attorney's office with investigating these cases only enough to give the facade of an investigation while attempting to effectively close the files.

In several of the cases of black persons shot by police on May 18, 19, there are eyewitnesses who can testify that the killings were unnecessary and unjustifiable. In at least one of the cases of blacks killed by white racists, there are whites who can testify to the identity of the killer and to the vehicle in which he was riding. The lack of a thoroughgoing investigation and failure to make any arrests in these cases is in marked contrast to the investigations into the killing of a white man, Jeffrey Culp, on Northwest 17th Avenue and 62nd Street.

People from that neighborhood have reported that the technique employed by the investigators in attempting to find witnesses bordered on intimidation. Arrest of the black males allegedly responsible for the killing was very quickly made. The shakiness of the witnesses' identi-

cation was shown by the fact that one of the witnesses quickly recanted; despite this, first degree murder charges were filed.

Again, this is in marked contrast to the treatment of the police officers responsible for the Arthur McDuffie killing. In the McDuffie case, a second degree murder charge was filed only against one of the police involved and that only after an outcry from the community at the manslaughter charges.

It is our feeling that the lack of arrests in these cases is the result of a conscious decision on the part of the police and the State attorney not to pursue these cases. It is another example of the incestuous relationship between the State attorney and the police in Dade County. It is an indication of the lack of regard for black lives on the part of police and the State attorney. The State attorney has in the past consistently failed to investigate and prosecute to the fullest extent cases of police brutality.

Are we now to see the same double standard applied to these cases to exonerate police officers and ignore the murders of innocent black persons? And if so, will we again once see Miami in flames? In light of the complicity between the State attorney and the police of Dade County and in light of a systematic pattern of racist actions or inactions in those agencies, and in light of the total inability or unwillingness of the police to police themselves, we recommend a full Federal investigation and prosecution of civil rights violations that have occurred in these cases.

We also recommend a full Federal investigation into the way these cases and others have been handled by the police and State attorney. We recommend that Janet Reno be removed from office pending the outcome of this investigation.

Representatives of our organization have met with Atlee Wampler and Mr. Rich from the State attorney's office on four occasions and have laid our concerns before them. These representatives of the U.S. attorney's office are experts at stonewalling.

We recommend that additional staff be brought into that office so that the job can be done. And we recommend that the staff have a history of aggressive work in the area of civil rights so that the job will be done.

Police brutality continues unchecked in this county. The McDuffie incident was not an isolated incident. Cases such as the beating of Herbert Jones by white City of Miami police officers on August 3, 1980, occur every day.

The recent police failure to respond to the emergency call of a 13-year-old black girl is an example of what we feel is a conscious conspiracy on the part of the police not to respond to calls for assistance from within the black community.

MS. ESPARZA. Mr. Greenwood, you have 1 minute.

MR. GREENWOOD. We will call on the Federal Government to investigate this allegation. We do not need another Commission report outlining the problems faced by black persons. We know what these problems are, and we know that these problems are based on a system

of racism, a system of racism upon which this Nation was founded and a system of racism which continues to date to profit a small but powerful minority.

We do not need another dust-gathering study. We need action. Racism is not in the interest of the majority of the people. The working people of this country, black, Latin, white, we all pay a price for the continuation of the system of racism.

If the government of this country is truly representative of the interests of the majority, we call on the Federal Government to outlaw racism in all its forms, to make enforcement of those laws a top priority.

We call on the government to undertake a massive educational campaign against the ideology of racism. Other countries have done so. And if this country is to be truly democratic, it too must do so. But we are not optimistic that the Federal Government will meet our demands.

MS. ESPARZA. Mr. Greenwood, I'm afraid I have to stop you.

CHAIRMAN FLEMMING. If you will furnish your complete statement for the record, we will appreciate it very much.

MS. ESPARZA. Benjamin Gardner, Jr.

#### STATEMENT OF BENJAMIN F. GARDNER, JR.

MR. GARDNER. As stated, my name is Benjamin F. Gardner, Jr., I am currently the State of Florida's first and only black kennel owner operating in this State. I am also the only black kennel owner racing in the United States. The greyhound industry in the State of Florida is a multimillion dollar business that discriminates against black greyhound kennel owners even though the percentage of black people that support the greyhound tracks in Florida is much larger than any other ethnic group, about 60 percent. This percentage is fairly consistent throughout the State of Florida and the United States.

The State of Florida has 19 dog tracks. Only one has consistently contracted a black kennel, and that is Biscayne Dog Track here in Miami. Most of the dog tracks in the State of Florida have never contracted a black kennel even though several black kennel owners have applied, namely, Clarence Gresham, Willie Packer, Ralph Simpson, and Randy Cone.

One would think that local dog tracks would have discontinued those discriminatory policies after the McDuffie riots. Not so.

[Portions of Mr. Gardner's statement have been deleted in accordance with the provisions of 42 U.S.C. section 1975a(e).]

[Deleted] Dog Track continues to discriminate against black kennel owners and will not allow them to race there. [Deleted] Dog Track continues to discriminate against black kennel owners and would not allow them to race there.

I have also charged [deleted] Dog Track with conspiracy to negatively influence the outcome of my racing performance when I raced there last season. [Deleted] Dog Track refused to contract me or any black kennel owner this season although they have 30—

MS. ESPARZA. Mr. Gardner, I am afraid that we cannot allow you to use names. Can you make your point—

CHAIRMAN FLEMMING. You recall that under our law we must not receive testimony which may tend to defame, degrade, or incriminate any person. Counsel is just calling your attention to that and is asking you to eliminate the names. Make your point—the time we have taken to explain that does not count against your time.

MR. GARDNER. Okay. All greyhound facilities in the Miami area except one continue to discriminate against black kennel owners. The average number of racing contracts given out per track in Florida is about 25; 99 percent of them go to white kennel owners. Most white kennel owners that race in Florida race at three or more tracks. A large number also race out of State. One local white kennel owner races at nine tracks in Florida, three out of the State.

The tracks have contributed to this type of monopoly. The racing commission has said it has no power to investigate charges of discrimination by the track, although the track must go to the racing commission to get a permit to operate. Most of the tracks have in the past continued to use this permit in a discriminatory manner in issuing their racing contracts.

My efforts to obtain a racing contract outside the State have also been disappointing. The answer, as I see it, in the State of Florida, is to make affirmative action programs by all race tracks a prerequisite to obtaining a permit to operate. This will eliminate racial discrimination and give all qualified kennel owners a fair shake regardless of race, color, or creed.

CHAIRMAN FLEMMING. Thank you very much.

Counsel will call the next witness.

COMMISSIONER HORN. I would like to say that our defame and degrade rule, “to defame, degrade, and incriminate any person....” And I am not aware—maybe counsel knows—that they are, that dog tracks are persons. But if dog tracks are persons, so are police departments, and we, heaven knows, have heard defamation of police departments.

MS. STEIN. The problem is that in giving the name of the dog track, the owner of the dog track becomes easily identifiable. And that is the person for whom concern was expressed.

COMMISSIONER HORN. By naming the police department, the chief becomes easily identified.

CHAIRMAN FLEMMING. As the members of the audience can see, this Commission has varying views on the issues from time to time. It is not monolithic. We do discuss issues and have different points of view.

But we appreciate your testimony anyhow. And you will provide us with—I notice you have it written out, so we will make sure that the full text is in the record of the hearing, and we will look at it and make sure there is nothing in there that will defame or degrade. But you have made your point; there isn’t any question about that. We appreciate that.

Counsel will call the next witness.

MS. ESPARZA. Frankie Askew.

## STATEMENT OF FRANKIE ASKEW

Ms. ASKEW. My name is Frankie Askew and I am the representative of the Women's International League for Peace and Freedom, also an interested citizen and an interested mother. I am here to speak on behalf of the young black youth in our community.

Many of the young black youth has no sense of direction, no values, and no leaders. They seem to have no hope. How do I know? Because I am there with them every day. Many of the black parents works. I guess about 70 percent, if not more, black families are headed by a one-member family and that is the mother.

I will speak from my experience, being the mother of eight children. It was—days ago when we had good neighbors that might could watch at the children. I had to go to work and leave my children alone and at that point my daughter went astray. But luckily she finally got back on the right road.

I see it every day. Young people just running in the streets. I wonder if their parent are working or where.

We need to focus our attention on the young generation because they are the one that we should be concerned. They are the one that have us here today. And I am very, very concerned parent. Why? Because there is no opportunity here in Miami. Most young blacks has to migrate out of the Miami area or roam the streets without a job after finishing high school.

I, too, had three sons and each son had to migrate out of Miami to find a future. There are so many more young people who will be graduating with no future here in the Miami area.

I had a young man to tell me once—he said to me, “Mrs. Askew, I am just tired to stealing, but I have no way to support my family, but I must support my family in some way.”

I'm in the streets constantly because I live in the ghetto area. I saw what went on on May 17 and I tell you I would not to like to see it again. But I speak to this committee, and it will behoove all of us to not sit here and talk about these problem but come up with some solution.

And I would like to make a recommendation that you call on your private sectors such as the airlines, the larger private sectors, also the utility companies such as Southern Bell, FPL, and others to try and pool some kind of resource so the young people may have some type of opportunity when they graduate out of high school.

Also I would like this Commission or some other commission to tour the area and you will see what I am saying. There are many that are standing on the street corners with no place to go, no place to go, no hope in life but to steal. Many of them think this is the way of life and this is what “I got to do.”

So I would like to see those young people have some type of self-reliance to sustain themselves in life.

I would think that a workshop such as the one that Goodwill held would be established in that community. That will give an ongoing employment to the younger generation. Also it will help generate funds.

Ms. ESPARZA. Ms. Aksew, you have 1 minute.

Ms. ASKEW. I would like to see more focus, more attention focused on our young people, try and recruit some of those young people off their area to try and make peacemakers to the others, because they will listen to one another more so than they will listen to us. And I am very much concerned.

I am glad for this opportunity and also want to thank you.

CHAIRMAN FLEMMING. Thank you very much.

Counsel, will you call the next witness.

Ms. ESPARZA. Dave Lifner.

#### STATEMENT OF DAVE LIFNER

MR. LIFNER. First of all, I want to say that I think I have the dubious distinction of being the oldest person here, going into my 82s. That doesn't have nothing to do with that—I have lived, and I think that is a victory. But I don't want to take up more of your time.

As you all can see I am a white man; therefore, I speak as a white man, trying to tell the truth to the white community as I see what is happening, civil rights in the Miami area. Only a black person can really speak and feel the feelings of black people.

In the past I have marched to the various places and staged for injustice perpetrated on the black people and others. I have also marched in the military as I am a veteran of World War I and World War II.

People who preceded me, most of them blacks, have told you of the institutionalized racism in Dade County. They have told it with much more authority and truism than I can. And therefore I am going to hit at racism that exists on civil rights from another angle—I'm going to blame the Federal Government in Washington as well as a subordination here in Dade County.

The dictionary gives this definition of civil rights: U.S. rights to personal liberty established by the 13th and 14th amendments to the Constitution. The 14th amendment, if anybody don't know it, and I didn't know it till I looked at it, "All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and are in the state wherein they reside.

"No state shall make or enforce any law which shall abridge the privilege or immunities of citizens of life, liberty, happiness," and so forth and so on.

I'm going to add a small addenda of my own to that, and that is the right to a job. This is paramount if a person has to exist.

The power structure, those who make policy, force us peasant people to have adopted a policy that existed far, far back. And I can go pretty far back and that policy was and it still is, "To hell with the public and the public be damned."

In the black community the rate for unemployment for youth is 40 percent or more. There are no jobs for those young people. Does this not generate a feeling of despair or frustration to black young men, a

kind of malaise? They might say, a young man, black man might say, "Oh, wait, he ain't going to give us blacks no jobs so the hell with it."

I am not going to denigrate blacks. Our body politic and economic has relegated these youths to the back of the bus on the issue of—on this issue.

MS. ESPARZA. Mr. Lifner, you have 1 minute left.

MR. LIFNER. Many might say, all right Lifner, come to the point on line so we can give some solution to the people who read this report in Washington. Guns instead of butter, I say, should be butter instead of guns so we can have more money to the poverty-stricken major cities in the United States. Take the money that goes to the swollen military that is out looking for a war and may find one. I ought to know. I am a veteran of World War I and World War II, and no war is necessary. And give this money to the citizenry of the cities who are looking for peace and solace. And they are weary and scared. A person who is destitute will find a way to keep going, be it by hook or by crook. Let's prevent the next riot in Miami, acting now and not in 10 years or never.

Thank you very much.

CHAIRMAN FLEMMING. Congratulations for being involved at the age of 82.

MR. LIFNER. I'm still going to be. I am going to die with my boots on.

CHAIRMAN FLEMMING. Counsel will call the next witnesses.

MS. ESPARZA. The Rev. Jonathan Rolle, Clinton Brown, Wallace McCall, Kathy Ann Wright, Willie Logan.

CHAIRMAN FLEMMING. You need to call a couple more.

MS. ESPARZA. Roy Leo Harris, C. Gaylord Rolle.

[Clinton Brown, Wallace McCall, Katie Ann Wright, Roy Leo Harris, and C. Gaylord Rolle were sworn.]

CHAIRMAN FLEMMING. You will each have 5 minutes and we will give you a 1-minute warning.

MS. ESPARZA. Reverend Jonathan Rolle?

MR. BROWN. No, my name is Clinton Brown.

MS. ESPARZA. Is Rev. Jonathan Rolle up there? All right, then, Mr. Brown, please begin.

#### STATEMENT OF CLINTON BROWN

MR. BROWN. Mr. Chairman and members of the Commission and fellow citizens.

The stated objective here is to ascertain the status of civil rights in Dade County. You have given most of your time to listening to public employees give their impression of what is the problem here. You have been given the standard rhetoric, mainly from those persons who are responsible for the administration and operation of those areas that you are investigating.

I don't know how the short period given us that we can possibly offset the hours of testimony given by public officials. And I don't state

that I am surprised to see that you did not subpoena one black elected official. You did not subpoena one black minister. You did not subpoena one black activist that has the main concern for people in the street.

Basically, you have talked to public employees at this hearing. I believe this hearing to be an exercise designed for its cosmetic value to create an illusion that something meaningful is being done. Since the riots we have had many meetings and hearings, and today we are at the same point where we were before the riot.

Black Americans are depressed people, and here in Dade County we are perhaps more depressed than in any other major metropolitan area in America.

Until we are able to get into the economic mainstream of this county and America, we will always be at the bottom of the education and social ladder because of our low economic condition. We have no voice and we are gullible to manipulation. Overt racism was easy to recognize. However, today we are confronted with a sophisticated, covert form of racism that is difficult to identify.

Early in the week you wanted to know about the public school system and discrimination. You spent most of today listening to members of Dade County board of public instruction give their side of the problem. Not once did one mention what impact the downgrading of all the black high schools within Dade County which always by tradition have borne the black community. For example, Booker T. Washington High School was acquired for the black community, but the powers that be found it necessary to make it not into a high school but into a single-grade school where there was all tradition, all linkage, all lineage was lost. And I think those of you on this Commission recognize an old technique of how you keep oppressed people down. You destroy every possible vestige of background, of heritage, and therefore they have nothing to link them to the past. You had a member from the city planning board come before you. He told you of the wonderful things that the city planned for that black area of Dade County called Overtown. He told you there was citizen participation.

MS. ESPARZA. Mr. Brown, you have 1 minute.

MR. BROWN. Not once did he mention to you that the city plans what it wants. It is sent to the community development board and tells that board that: "If you disagree, you must remember that you are only an advisor to us."

We have a community that is experiencing an economic boom, but the black community of Dade County is in depression.

We have a State's attorney whose main course seems to protect the police department more so than they protect the rights of citizens of the county.

I say to you, the most that you can do is make sure whatever your recommendations are, that something happens here. We have, time and time again, been visited, been talked to, been talked at, and been promised, and to this day the black community of this county continues to sink and sink and sink.

I ask you, what recourse have we if we don't get justice? We are humiliated and degraded in the name of justice. And I ask you where is justice in America?

CHAIRMAN FLEMMING. Thank you very much. Will you be sure to leave your—

MR. BROWN. It's not in a form that I would want to give to you.

CHAIRMAN FLEMMING. Okay. Well, if you want to do that, please send it in to us.

#### STATEMENT OF WALLACE McCALL

MR. McCALL. Thank you. Miami has failed the black community. In Detroit, 1967, and Miami, 1980, the main difference between the two events was the fact that many black citizens of Miami waited for justice. The outcome of that wait for justice merely proved that at least in some parts of the country the criminal justice system still operates with a racial bias.

Through the men and women on this panel who represent the Civil Rights Commission, I come before you not in anger, hatred, or shame. But I came to you as God commands me to tell you the truth about this city.

For the last few days we have been listening to a lot of lies. I am an American who loves this country. I fought for my country and have been treated like any other American. There have been a war on blacks in this community for the last 10 or 15 years. Yet we black people of this community have both a primary responsibility and relevant set of experience and skills of black people like me.

But most of us have not accepted the will or commitments to bite off what we can chew to deal with individual people who seem to reject love. We the people of our great city of Miami are failing to draw together to say, "This cannot be in our community." We are failing to do our bit to create hope, honesty, love for one another. We have resources needed for this task, but we all have to work together and love one another and touch the heart of every individual regardless of race, color, or creed.

This conspiracy where I hope none exists to justify a possible wrongdoing as conduct that would be condoned in white officials. The majority of white Americans, I honestly believe, truthfully want blacks to succeed in the society. A Nation founded on true democracy cannot deny us, to any groups, nor will we accept anything less than a goal of applying laws equal to us all.

We need a position of leadership not from governmental structure, but from the private sector as well who see themselves simply as American.

Social program. CETA in this community has been abused. Not one single program from CETA has worked effectively in the black community. Private enterprises have seemed to have always gotten the biggest bulk of the CETA money. It has hurt the poor blacks, the poor Latins, the poor Anglo.

The CETA program as I see it was never designed for the poor people, but for the rich. Every single CETA program in this county focused on the director of each program and his staff. There is a need for an investigation of CETA as well as an overhaul of all Federal programs in Dade County.

MS. ESPARZA. Mr. McCall, you have 1 minute.

MR. MCCALL. Poverty. A substantial portion of the black community is so indigent that it does not have the means by which to maintain a minimum level of subsistence necessary for a dignified life.

Unemployment is said to involve 44.3 percent of black youth. Private businesses that promise to help hire black youths engage in rhetoric, not action.

Slum housing, I wish nonblack members of this community would visit the slum in the black community where a vast majority of our black citizens reside. Such surrounding creates an atmosphere where apathy, frustration, helplessness, unrest, and crime breed. The report also spoke of more than 40 vacant slum buildings in Overtown itself, in the dominant black section of Miami.

I am going to skip here right quick to tell you about the \$71 million that was supposed to come here from the May 17 riot which has never gotten here. If it did, our community is not aware of it.

We have \$40 million loan they say was supposed to have been for the riot-damaged buildings. There was \$17.3 million million to be spent on the metrorail construction; \$4.28 million for job training; \$2 million to improve police-community relations; \$5 million to spur economic production; \$1.3 million for security at public housing projects.

MS. ESPARZA. Mr. McCall, your time is up.

MR. MCCALL. \$1.25 million for health needs. None of these has been allocated as of now in the black community. Where is the Federal money?

CHAIRMAN FLEMMING. You do have a written statement, don't you?

MR. MCCALL. I have a statement of everything and more besides.

CHAIRMAN FLEMMING. Okay. You give us the statement, and we'll include it. Next witness.

MS. ESPARZA. Katie Ann Wright.

#### STATEMENT OF KATIE ANN WRIGHT

MS. WRIGHT. My name is Katie Ann Wright. And my problem is that some time ago my husband died, got killed. And the police department and the State attorney office gave me a false death certificate. They said he was shot in the chest and he wasn't shot in the chest; he was shot while he was sitting down, through his body, and then he was shot through the back crossways. But they give me a death certificate to say that he was shot in the chest.

All right, so then I raised my children by myself.

The police called me to tell them if I had the money. Well, the next night the police came, looking for money. My husband told me that

morning that he was going to get a lot of money from somebody. And he said they're [unintelligible] downtown. And the next night the police came looking for \$70,000, and they said they were going to search the house, and I said, "Search it, I don't have no money." And so they searched the house.

So then they kept the car. I went down to the police station. They was taking the tires and taking the seats out of the car. So then after that, then they would call me that I had the money, they would change it that said another man shot my husband.

So anyway, so then I raised my children. They followed me night and day. The State attorney office is so segregated. The police department is terrible. They followed me. After I raised my children up, every 4 months they have some kind of a charge my children. One of my sons, they had one first case when he was 15 years old. He rode down to the park. The State attorney got involved herself. She covered it up. He was trying to join the baseball team so he went down to the park, and some white guy ran over him, must have been a policeman. So he got put back under the tree and walked home.

So the police came. Someone around the park called the police. They came and got the blacks at the police station, you know, 2 hours out they were still at the police station. And somebody else was riding somewhere else. And then I came home from work and took my son down to the park to see whether the whites and the blacks were gone.

I called the police and they came, and the one that I called, they said, they was writing just like mad, they didn't have no record that I called or nothing.

But then while I was going to the police station, the police that had got my son back at the park, came and said that if we wanted the bike to come down to the station; they had got it out of the park. And 3 months later I got a thing to come down to juvenile court.

You know, we went to court and so many charges were filed against my son for riding his bike down in the park. They had so many stories on him. They said that he had torn a girl's dress. Well, we got two sets of papers, and they said, they tried to make a story about what the [unintelligible] were.

And ever since then, every 4 months, the State attorneys buy witnesses. People don't know the State attorney's office buy witnesses. Last year they had a witness, a girl, that stick a needle in her arm. They pay her. They had to come down to court and testify against my son. They had to guard her while she was sitting there, and they had paid her a protective fee. I forget what was allowed. I think it was about \$20. And the State attorney's office is badder than anybody else. They are so segregated and them and the police is the terriblest people in Miami.

CHAIRMAN FLEMMING. Next witness.

MS. ESPARZA. Willie Logan. Roy Leo Harris.

## STATEMENT OF ROY LEO HARRIS

MR. HARRIS. Today we see not the American dream, but the American nightmare.

First of all, Let's clear the air from a lot of falsehoods, innuendoes. What occurred here in May was not black against white, but black against this whole system. No riot occurred here in Miami except for the riot that happened by the police department and by the National Guard and by a lot of these public officials. What happened here was legitimate rebellion of a people that's been oppressed for 400 years finally rising up and saying "no more." Just like those so-called patriots in Boston during the Tea Party, and even greater than the Boston Tea Party.

Our people are tired of seeing youth murdered, shot down like dogs in the streets by police, by anybody with a pistol. And then they walk free while the police officers that murdered McDuffie sat and drank champagne along with the State attorney.

After all these years of oppression our people said, "No more. We are dying anyway in the streets so let us go down. We might as well die with some dignity. We might as well fight back—not like the Jewish people in Nazi Gestapo Germany that just walked into the gas chambers."

We have been oppressed. Every war that has ever been fought in this country, we've fought it. I have been to Vietnam, my father was in World War I, my father was in World War II. And goddamnit I'm going to fight and I'm going to get my rights, and that's the way the majority of my brothers and sisters feel.

There is going to be more Miamis all over this country. How long does it take for you all to realise this is 1980. We won't go back to 1940. We won't go back to 1950. There have been thousands of McDuffies here in Miami and Dade County, and not one police has served a day in jail, not one white racist Ku Klux Klan and Nazi that's been murdering in this community for so long has served a day in jail. Not one police officer that has raped women—numerous women has been raped by police officers—has served a day in jail. How long are these going to go on?

We are going to fight. We had a rally May 19 of this year at Zayre Department Store when 200 to 300 police officers in riot gear surrounded the rally; they let dogs loose. I saw black men running down the streets with German shepherds' jaws' teeth locked in their buttocks. I saw dogs swiping their pants and underwears off with one swipe.

I was snatched out of my car by police officer [name deleted]. I was beat up on the side of my head with a shotgun.

A black women 6 months pregnant, I saw her snatched out of the car and saw [name deleted] say first, "Bitch, get out that car." He said, "Bitch, get out that car."

MS. ESPARZA. I have to interrupt you. We cannot allow you to use the police officer's name.

MR. HARRIS. The city of Miami police officer—

MS. ESPARZA. Please just make your point.

MR. HARRIS. And then he hit her on the side of the head with a shotgun six or seven times. If she had been a white woman, we all know what would have happened.

I keep hearing this about a black police officer. He was a black police officer. We know what Lassie is, and Lasie will bite his own mama. So it is not a thing of being more black officers. We need justice, and we are going to get justice one way or another. We are entitled to our rights by the Constitution, and this country is not living by them. So we are going to demand them. We are going to stand up and fight for them. People all over the world are looking to the black people in Miami with dignity for standing up and fighting. And you are going to see Miamis all over this country so you better get ready for it.

I saw brothers, young brothers, 12 and 13 years old, being shot by Klansmen during May 18. Not one of them has been brought to trial. We see what happened in Greensboro, North Carolina. Talking about our judicial system, it is a joke. I mean our judicial system is something like the theater of the absurd.

We saw how Klansmen were let loose. We saw in Chattanooga how Klansmen shot four black women, were let loose. We saw how blacks in Buffalo had been murdered and brutalized, and not one of them has been brought to trial.

We have our black children being murdered in Atlanta. And Ronald Reagan talks about we are going to go back from the eighties. That old dusty cowboy. We are going to show that this is 1980. We are going to fight. We are not begging you for rights.

MS. ESPARZA. You have 1 minute left.

MR. HARRIS. We're just going to tell you we demand them. It's not a black issue. It's not a white issue. There are white elderly Jews on Miami Beach going in garbage cans fishing out fish heads to make soup. We have black people here, Cubans, they are suffering. We have Haitian brothers and sisters dying in the ocean. And then you all talk about what you all have done. How good you all are. This is the worst countries in the United States. We are going to turn it upside down with our black brothers, our Haitian brothers, with our white brothers, with all our people that are oppressed in this country.

Because the oppressed people in this country are the majority. And you tell Ronald Reagan, you tell Jesse Helms, 1980 is going to be the deciding point. In 1980 we are not going to scratch our heads. In 1980 we are not going to say, "We shall overcome." In 1980 we are going to stand up and fight like human beings. Fight like people have been fighting throughout history for their rights. Fight like people that fight during World War II. Fight like people that fight during World War I. It is time now, after 400 years of oppression, after all our black leaders have been murdered. Martin Luther King, Malcolm X and not one iota of justice.

MS. ESPARZA. Mr. Harris, your time is up.

MR. HARRIS. So I am telling you when you go back to Washington and when you go back to all the public officials, that you tell Congress, you tell Jesse Helms, they can cut off the food stamps if they want to,

but they won't be able to buy a dime's worth of groceries if they want to. Because we are going to tell people to go the supermarket and eat. They have suffered too long.

CHAIRMAN FLEMMING. Your time has expired.

Ms. ESPARZA. C. Gaylord Rolle.

#### STATEMENT OF C. GAYLORD ROLLE

MR. ROLLE. Chairman of the Commission, ladies and gentlemen, I want you to understand that I understand what your function is. Many people here are not aware. In order to be aware of this and your function, we have to go back to the Civil War. In the Civil War, the North came in 11 Southern States and made us pawns in the hands of the South.

There is only two people on this Commission that can relate to that in a sense: Ms. Ramirez, you are from Texas, and Dr. Berry, you are from one of the 11 States that seceded from the Union.

And I understand perfectly what your role is. We charge you with the responsibility, the Federal Government, that is, of protecting, enforcing, and implementing our civil rights.

We understand civil rights began with the Civil War. And at this point in time, the Civil War lines are still drawn. We can never hope to get any justice out of the South because the South has tied up the money. They ran our leaders out of offices in 1879. We haven't had a Congressman from the State of Florida since Josiah T. Walls. And we don't have a Congressman now. And the Civil War in fact is still alive. It hasn't died.

Most of those people are caught up in taking the case to the criminal. The State is the criminal.

Janet Reno is—pardon the use of the name—the State attorney's office. They don't know that they're criminals—they don't realize that. And no one can prove it.

So unless we look at this thing in the proper perspective, we need to know that civil rights was born with black people. I happen to be a student of history. I understand how it all came about, what your role is, what the Constitution's role is, what the Civil Rights Commission's role is, and the Department of Justice.

The answers to a lot of these things, I submitted earlier, was this State of Florida Circuit Court stipulation dealing with the property rights at 17th Avenue and 69th Street, where the State attorney's office had made it into a firetrap by sealing off all exits, ordered it to erect an 8-foot chain link fence, which destroys everything around the community. It looks like a concentration camp. We are penned in there. Property is owned by white people. But we as citizens, we feel our rights are being violated because it is a fire hazard. It is unsafe and it is just ugly.

And I submitted this to our people outside there. I don't know if you are familiar or that everybody got copies.

Ms. ESPARZA. Not yet.

CHAIRMAN FLEMMING. We will make it a part of the record.

MR. ROLLE. This stipulation here.

Now, the other thing I would like to add: there is some hope.

MS. ESPARZA. Mr. Rolle, you have 1 minute left.

MR. ROLLE. We have made a proposal to Dade County and hope they live up to it. In their charter we can make this proposal and establish a new municipality. This is an 18-page proposal. It has been on the desk of the county commissioners since September 16. And according to their charter they are supposed to vote whether or not to put this on a ballot.

And what this is all about is the extension of democracy to a people who have never tasted democracy, and a chance to give our children a better life in a city that can be called a city when we name it. It is 34 square miles and it is unincorporated now. We have 111,000 population, 63 percent are nonwhite.

MS. ESPARZA. Mr. Rolle, your time is up.

CHAIRMAN FLEMMING. Thank you very much. If you want to have either one of those documents made a part of your comments, we will be very glad to have you do so, and you just indicate to our staff. Counsel will call the next five.

MR. FRIEDMAN. Charlie Smith, Ed Hanna, Sylvester K. Mirchich, Cornelius E. Allen, F.G. Cortes, Eufelia Frazier [phonetic], Marvin Rogoff.

[Marvin Rogoff, Sylvester K. Mirchich, Cornelius E. Allen, Fred G. Cortes, and Eufelia Frazier were sworn.]

#### STATEMENT OF SYLVESTER K. MIRCHICH

MR. MIRCHICH. Mr. Chairman and Commissioners, I didn't expect to be here, but somehow I forced myself to be here because I feel that it is extremely important. I could have been home watching a good TV program.

And my heart really bleeds for my community. It bleeds for my white brothers. I don't suppose the blacks will mind if I say, "black brother," but they won't understand that.

I am not here as a prowhite. I am not here as a problack. I am here as a human being, been in the community for 23 years.

And I feel that perhaps this problem should be completely understood, because if it is not completely understood, then its solutions would seem to be ineffective, inadequate, certainly incomplete.

I feel that everything has been adequately covered with a couple of exceptions. I have listened to several sessions throughout the past couple of days, and I agree with virtually all of it. I listened especially to Mrs. Askew tonight. I think that was the woman's name who commented on the problems the mothers have in the community, with 70 percent of the households having but one parent to govern and control them, and the mother out there working. That, of course, is something that has to be solved in an entirely complicated and long-term procedure.

But I think that this community is unique throughout the entire United States in its problem. And that problem is going to continue to exist unless it is corrected and corrected immediately. That problem is this: We have refugees coming in. Currently, we have the black Haitians, we have the white and black Cubans, and we have the Caribbean, Central American, and Latin Americans coming in, and there are thousands of them. They are taking jobs. These jobs are paying \$1.50, \$2, and \$2.50 an hour by unprincipled employers, and employers who must out of necessity do this because they are competing in a marketplace.

And I may please give you an example that you all understand. The Japanese are producing 50 automobiles per man per year. The Americans are producing 15, 15 automobiles per man per year. We cannot compete with this. Their product in many ways is superior to ours.

Therefore, I am using that as an analogy to have you understand that if there were 1,000 jobs available tomorrow morning and you had people qualifying for those jobs, very, very few if any black Americans could qualify for the job. Why? Because of the unique position that Miami finds itself in.

If I were the President of the United States today or if this was Fantasyland, there were some sort of thing—or Fantasy Island, I believe it is called—and there were some things I could do, one of them would be to temporarily and for some time to stop the flow of the refugees, presuming that that might be a solution.

Whenever you do find the solutions to the problems of our community, and you return to Miami with millions and millions of dollars. And, incidentally, \$200 million in the construction of homes would not be the solution. The solution is education and jobs. You find a way to do that. I right now have my own ideas, but it is too lengthy to go into.

But when you do come to Miami or Dade County with the funds that are necessary to bring about some sort of economic equalization and stability, I suggest that you do it very, very carefully.

We have been shamed and we have been embarrassed throughout the United States by people who have taken these funds under certain guises, and there have been certain under-the-table decisions made by white with black and black with white, where they have not produced a successful business.

I would suggest that when this happens and those funds do come into this community or any community, that you do have a successful black businessman who needs these funds—

MR. FRIEDMAN. One minute remaining.

MR. MIRCHICH. —and have that man have with him a couple of white men if possible that are retired and have them stay with him for a period of a few years and roll around and evolve the control of the business, agreeing on firing, agreeing on hiring, agreeing that this is a mistake, let's correct it. Let's do this, let's do that, and they all agree. And agree that within a period of 5 years, whenever there is a sound business there, they turn it over to the black man who originally has applied for it and has originally qualified for it.

There is much more that I would like to say, but unfortunately time is limited, and I am happy to have the time to say this. I do hope that there is a great deal of good that comes out of whatever is being done here.

CHAIRMAN FLEMMING. Thank you very much.

MR. FRIEDMAN. Cornelius E. Allen.

#### STATEMENT OF CORNELIUS E. ALLEN

MR. ALLEN. Mr. Chairman, chapter 18 of the United States Code, section 241, makes it unlawful for two or more persons to conspire to injure or threaten or intimidate any citizen in the free exercise or the enjoyment of any right or privilege secured to him by the Constitution or laws of the United States because of his having exercised the same.

The section also makes it a crime for two or more persons to go in disguise on the highway or on the premises of another with intent to prevent or hinder his free exercise or enjoyment of the privilege so secured. The penalty is 10 years in prison, but it increases to a maximum of life imprisonment if death results.

I read that because, based on the events that have happened in Miami in the past couple of months and years, as a private citizen, I would like to see that particular section inserted on the sheet police use to write their reports when a crime is committed.

I think it needs to be there to remind them that there are certain rights that policemen, no one shall violate another person's rights. It should be a reminder to top officials from the State attorney, from the judges, all the way down to private citizens that some rights are in the Constitution that the everyday citizen may not know about.

I won't be here 5 minutes. I have to run. But I would like permission if I may to leave minutes from a neighborhood association, or grass-roots, that I work with.

Last month at their meeting they came up with some recommendations ranging from transportation to infant mortality or what have you. It is about 13 pages. And rather than trying to read to you some of it and be cut off, because it seems we always run out of time in this community, I would just rather leave it with the staffperson or whoever. I think this book here is pretty good.

If you get a chance, send a couple of copies over to PSD and Miami Police Department and the other book on *Getting Uncle Sam to Enforce Your Civil Rights*. Send a couple of copies over to the State attorney's office.

I took the liberty of ordering some copies from staff to distribute to the Liberty City community because I work in that community, and rather than take up any more of your time, because I do have to leave, I would—just point out who I leave this with and I will kindly excuse myself.

I understand that it would be a part of the record, but you may not necessarily read it. Do take the time to read it. Thank you.

CHAIRMAN FLEMMING. Thank you very much.

MR. FRIEDMAN. Mr. Cortes.

STATEMENT OF FRED G. CORTES

MR. CORTES. I am Fred G. Cortes, 6600 Collins Avenue, Miami Beach. I am here in behalf of the Farmworkers Rights Organization. And because we believe in prevention, we are here today giving testimony to this Commission.

Migrant workers come from Texas, and Haitians move out of Miami and Dade County into a neighboring county which is called Collier County. We are providing you today with a newspaper article about the situation there. We understand that 5 minutes that I am allotted does not permit me to go into details, but I would like to have this entered into the record.

CHAIRMAN FLEMMING. That will be done.

MR. CORTES. Mexican Americans suffered inequities of having their civil rights violated to the point of not voting in the last election even though a couple that we know about were from Falfurrias, Texa, USA.

Tonight the public schools have hearings about bilingual program offered there, but I call your attention to the fact that parents of minority children were excluded from the mandated input that any proposal for programs and their funding by the Federal Title VII and others is supposed to have.

Only 1 day was allowed for perusal of something already decided by administrators, and this accomplished fact needs only the stamp of approval of uninformed citizens.

The manipulation of the information is terrible to the point that Spanish-speaking parents do not have bilingual materials as mandated. Our professionals were teaching the students for a long time without supervision by a certified teacher. Collier County did not even have a Hispanic to coordinate a lot of the programs until recently.

The violation of the affirmative action part of the documents filed in Washington, D.C., and also the common occurrences in Immokalee where the students are removed from schools, handcuffed by police with the violation of the civil rights, the children's rights, because the system is failing them. The youth do not have any opportunity but to drop out and then join gangs. The students are not even allowed to make up work at home and they are not allowed to go out to the fields and work to help their families.

We have a bilingual newspaper that we present to you today, and we would like to have that part of the testimony, and I am also prepared to submit lots of evidence.

My personal experience with the public schools in Collier suffices to prove that bilingual specialists are willing to work in Florida for the benefit of children, and not administrators who mismanage public monies and cheat the minority children of this country.

Thank you very much.

CHAIRMAN FLEMMING. Thank you very much. We appreciate it.  
MR. FRIEDMAN. Marvin Rogoff.

## STATEMENT OF MARVIN ROGOFF

MR. ROGOFF. My name is Marvin Rogoff. I live at 900 Northwest 153rd Street, Miami.

I have been a resident of Miami since March of this year. For 12 years prior to that I was employed by the United States Equal Employment Opportunity Commission in Washington, D.C. I served as the chief agency specialist of Title VII unions and industrial regulations.

Along with other concerned Americans in the Miami area, I looked to these hearings as a vehicle for uncovering racist practices and attitudes, for helping to identify the forces that are causing misery among our black brothers and sisters and that have exacerbated the severe racial divisiveness in our midst.

Social action organizations and individuals of good will were hoping that these hearings could provide a rallying point for initiation of a social agenda that would keep pace with our highly touted business and commercial development. I wish to share my impressions after observing these hearings.

Mr. Chairman, at the outset of these hearings you stated that their purpose was to measure the impact on the community of the laws and policies of the Federal Government in the field of civil rights, and Miami was the first of several planned field studies.

Perhaps the most important development in these hearings is the contradictory interpretations of what racism is. Business leaders have stated that racism does not exist among top business leaders or among people seeking answers to our racial problems; that it exists only among the people in the streets.

On the other hand, other witnesses have said, and I quote, "Our most pressing problems are jobs and housing. There is a lack of rights. There are patterns and practices of discrimination in several industries."

Nowhere in these hearings have I heard racism defined. It seems odd that 16 years after the passage of Equal Employment Opportunity Act of 1964 that employers don't understand that it is a negative impact of their employment practices on persons because of their race that in effect constitutes racism, that they must be held legally and socially accountable for the consequences of their employment decisions and practices.

No one here has differentiated between that type of behavior, which has an enormous impact on the jobs, careers, and economic expectations of blacks, and the type of racist attitudes held by individuals which, dangerous and damaging as it is to both sides, constitutes no such horrendous potential.

My first recommendation, therefore, is that employers and others look to their own vast resources for legal and social interpretations of how to recognize the face of racism, and that public agencies such as yours try to pick up the slack. Apparently, we haven't done too well so far.

My second observation concerns your explorations of the problem of black employment. Business leaders have said in these hearings, "It's their fault. These people don't know how to talk, to dress. They wear

braids and T-shirts." I wonder how these business persons would treat Bo Derek if she showed up in these same braids.

They also say, "They want to start at \$10 an hour. They lack education in the basic skills. There is no discrimination in our industries."

The chamber of commerce made the promise of 864 job placements following the disturbances.

Contrast these assertions with other statements made here, "There is a pattern and practice of discrimination in the insurance, banking, and airline industries."

There has been no change in the employment patterns of blacks since 1975; we have placed many more blacks in the police and other municipal departments, and those services have improved. Minorities constitute from 16 percent to 40 percent of apprentices and joint apprenticeship programs, those which are administered by unionsized building contractors in the building trades unions, which is much better performance than the 90 percent of the building industry which is non-union.

Further, the chamber of commerce promised us 400 jobs after the riots, but they were not there.

Rarely during these hearings have I witnessed the authors of these fundamentally contradictory statements counterposed with each other.

MR. FRIEDMAN. One minute remaining.

MR. ROGOFF. They seldom appeared on the same panels. The Commission and its legal staff have not highlighted these contradictions. They have not asked the challenging questions. They have not asked those with success stories how they managed to do it and have not challenged those who claimed that the fault is in the stars why they could not.

My second proposal that the Commission elicit this information from the appropriate witnesses and others in the community and include the results in its official report before closing the books on the hearings.

I have other statements to make on political action. I have other statements to make about the effectiveness or noneffectiveness of public agencies in really eliminating job discrimination, rather than processing cases, and finally in the activities of the media, which were pinpointed as exacerbating relations.

I have heard no specifics on how the media has misperformed and how the Civil Rights Commission can help the media and this community to perhaps to run workshops and have the media with responsibility address the whole question of race relations.

CHAIRMAN FLEMMING. Thank you very much for that helpful analysis. I noticed that you have written out your statement and I assume you will make it available to us so we will have the opportunity of reading it.

Next.

MR. FRIEDMAN. Eufelia Frazier.

## STATEMENT OF EUFELIA FRAZIER

MS. FRAZIER. I am Eufelia Frazier and I have lived in this community for the last 30 years. I have worked in this community for the last 10 years as a community organizer in housing.

And according to the census in 1970, the condition here in housing is worse today than it was 10 years ago. In 1970 we had a vacant ratio of 1 percent plus. Today we have a vacant ratio of less than 1 percent, to be exact about 0.08. And because of the dilapidated buildings, code enforcement, evictions, overcrowded condition, roach infestations, unemployment, underemployment, and the high cost of rent, stress has continued to build up in this community, and unless something is done about it we surely will have another unrest real soon in this community.

Discrimination is continued here, and it is very visible. We have only one community in the black community that I know that does not have to bus out children to other communities to get the ratio of integration, and that community is rapidly turning to be a predominantly black community today. Our dilapidated buildings—the same buildings that existed 10 years are still standing now. The rent in 1970 for a one-bedroom was, I think, around \$90; a one-bedroom today is \$150 in the same buildings with these same violations.

We have a code enforcement that enforces the law, but it seems that there is nothing that can be done to correct these enforcement. For example, a building can have violations and the code enforcement will come out to cite violations only, and for some reason, before these violations can be completed, another owner has the building. And they start all over again, and if the repairs are made, they are made with insufficient material, inferior material, or just patched up, those holes, or whatnot, like that. And just pacify to the code enforcement to say they, yes, have corrected the violations, and the next year the same condition happens again, and this happens over and over again.

All the money in the community in these buildings continues going out; nothing is built; left there to maintain the premises to correct the ills that is there in these buildings.

Eviction is terrible here in this county. We have numerous and numerous of what I call technical evictions. No, they're not put on the ground physically every day, but they say that if the rent is not paid by a certain time the tenants are given what they call a penalty late charge, and if it is not paid then they are being given what they call a due process of law eviction to get a 3-day notice, and if they don't get that money by the time that the real process is started, and before the real process started, that person is penalized for having to pay court costs, late charges, and also lawyer's fee, and still stay there in that building.

So we have peoples here that are paying more than 100 percent of their income for buildings. We have conditions here that is overcrowding because we don't have houses. I had a call to my office yesterday, 14 peoples are living in a one bedroom.

We have a case here in Dade County where we have 23 peoples living in a two-bedroom and this is because of the fact—not that the people don't want to live in other places, but is because of conditions—we have a young family, young adults having to come back—

MR. FRIEDMAN. You have 1 minute.

MS. FRAZIER. And coming back living with their parents, that penalize the parents; they are being evicted in both public and private sector because of these hardships—unemployment and underemployment is making it very difficult here. Young people don't have anyplace to go; parents are being penalized because their children are coming back home.

And we find that we have peoples living in the street here in Dade County, and we have many, many crimes that could be eliminated had we had a decent place to live and if the housing condition in this county was better.

CHAIRMAN FLEMMING. Thank you very much.

Counsel will call the next group.

MR. FRIEDMAN. William J. Draper, Hezechiah A. Brown, Milton Vickers, Dr. Hatti M. Daniels, Robert S. Goodson.

[Robert S. Goodson and Hezechiah A. Brown were sworn.]

MR. FRIEDMAN. That concludes that witness list.

CHAIRMAN FLEMMING. Would you call the first witness.

MR. FRIEDMAN. Excuse me, could you two please identify yourselves?

MR. GOODSON. Robert S. Goodson.

#### STATEMENT OF ROBERT S. GOODSON

CHAIRMAN FLEMMING. Mr. Goodson, you have 5 minutes to testify.

MR. GOODSON. Thank you.

I am glad to see that people show an interest and are truly concerned. But I think that if the Commission wants to understand the attitudes toward civil rights in the community, it only needs to look at our history, to look back at 1968, to look at the State and realize that we live in a State that has consistently refused to ratify the Equal Rights Amendment, to give civil rights to women. That we live in a community that has repeatedly denied civil rights and equal rights in the area of housing and employment, homosexuals in this community. That has demonstrated an attitude of, "We will accept your money, but we don't want your language and we don't want your culture," to the Hispanic community. We live in a community that is racist.

In the work that I do, I talk with thousands of people each year concerning many different issues. Unfortunately, it is my clear impression that the majority of people in this community do not want equal rights for all people.

The reason I say this is because of the history that I have just given you; the rise of organizations such as the Ku Klux Klan. They are on open and active recruitment in this community. And by their own terms they consider them to be very successful.

From the people I have talked to and the people that I meet, it is clear to me that the people in this community, not all of them, but the majority of them, don't want equal rights for all citizens.

Yesterday afternoon I spoke to a group of black elementary school children, grades one through five, on the subject of peace and why our world needs peace. At the beginning of that discussion I asked these children what was their concept of peace, what does peace mean to them.

With almost—without exception, their answers were the same: Peace is when you don't have to go to jail and peace is when you don't have to go to the electric chair.

Now, it is a shame that we are developing a new generation of black youth who already are aware of what their chances are in our society, who are already aware of what the relationship is going to be between the black community and the police. And these children are only 6, 7, and 8 years old. So we can look forward to this for another generation.

Now, many of you—we have heard many witnesses about the criminal justice system. Last May, before the rebellion in Miami—I didn't think so at the time, but now I consider it a fortunate experience of being arrested and seeing exactly what kind of treatment people receive from the Miami Police Department and to see exactly what kind of treatment people receive in Dade County jail. And I suggest to you that if you really wanted to see what it is like to be a black person in this city, you go through the criminal justice system, that you go over to the Dade County jail and spend a night there. After that you will understand what it is like to be in our jails and the way people are treated and the police harassment and police brutality that exist in our city.

I recall what happened in May in our city, a rebellion, and not a riot, because I sincerely believe—

MR. FRIEDMAN. You have 1 minute.

MR. GOODSON. —that it was an expression of people who have been oppressed, who have been promised for years and years that they are going to be equal, that they are going to have an equal part in our system, and they have been denied this consistently.

I heard this morning about how blacks don't cooperate with the police. Can you really expect black people in this community to cooperate with the same organization that is used against them and that is used to keep them in the position they are in? To think that black people in this community are going to actively cooperate with the police is ridiculous.

I would also like to say that I think—respectfully—consider that your presence here is a cruel joke to the black people of this community because you offer hope when in reality there is no hope. Your Commission is going to go back and write a report that is going to change absolutely nothing in this city, in this community. The people who run this community are going to still run it. The people who have control, have power in this community, and the money, are still going to be here.

MR. FRIEDMAN. I'm sorry, your time is up.

MR. GOODSON. They will still take money and deprive people. These people in this city are still going to be here when you leave.

CHAIRMAN FLEMMING. Thank you.

#### STATEMENT OF HEZECHIAH A. BROWN

MR. BROWN. I am Hezechiah Brown. I am the plaintiff in a pro se class action pending in the United States District Court, Southern District of Florida, because I can't receive any assistance.

I have titled the statement, "Administration of Justice, The Rights Which Blacks Claim in the United States Have Been Theirs." The claims are based on the very fact there exists a wide range of capacity to put the freedoms which arise and correspond from these claims to account. The fact that each right may be expressed as a capacity, as a power of man to achieve self-realization, is the hard core of all rights, hence self-realization or freedom. Then, I think, in accord with the United States Commission on Civil Rights' decision to conduct its first study here in Miami, it becomes apparent to me through incidents precipitant to the study that the individual rights, self-preserving, self-asserting, self-developing, can all be dependent upon political order of the community at the same time.

It is unfortunate that the restrictions placed on these hearings affect the mandates and reasons of inaction, thereby restricting the study and making the study subject to become wasted expenditure.

The social structure of the entire political order within this community has met all attempts toward reasonable change with the statement that the administration of justice is justice. And the issues are drawn from the subject matter of those subpoenaed and their inadequacies.

There are various individuals reluctant to implement that are, represent an unheard voice into deprived segments of the community; that they are a troubled group and those dependent upon social relief.

From this vantage point it can be seen that there needs to be implemented in this day and age certain changes on civil rights.

From the vantage point of one that has been detained in a penal, correction, and forensic areas, yet, from the same perspective as a black entrepreneur, access to available stimuli and sources within the political order of this community denied implementation of rights and suppressed claims that are dependent on the political order with this community. The United States embarked upon human rights, and I am fairly sure more than one human rights issue within this community is subject to civil rights legislation. The statutory authority of this study is being revoked. There is an atmosphere akin to a monster in a Shakespearean drama that precludes the claims of economic deprivation with this community. The prelude is within the social structure of the political order.

There is a reluctance to implement which deprives the hard core of their hard core freedom and which relates to economics first because they, the political order, must be first in both relations.

The United States Commission on Civil Rights should not fall victim to the same social disease for which the study is invoked.

**CHAIRMAN FLEMMING.** Thank you very much. You will leave a copy of that statement, please? We appreciate it.

I recognize Commissioner Horn.

**COMMISSIONER HORN.** Before we adjourn, I would like to ask that an exhibit be added to the record which will be the letter of December 11, 1980, from Federico Costales, district director of Miami district of the Equal Opportunity Commission and it be inserted at the appropriate part of the testimony where there was an exchange as to the relations of the EEOC and the Dade County Fair Housing Employment Appeals Board.

**CHAIRMAN FLEMMING.** With no objections that will be entered in the record at this point. Ms. Stein?

**MS. STEIN.** Mr. Chairman, written statements have been submitted for the record by Mr. Raymond Owens, Jesse R. Brown, Sal Orazio, J.D. Thybert, Ralph Hoys, Ben Cowins, Sr., Thomas K. Washington, Sr., Richard El-Amin, David L. Perkins, Jose Mendez, Grant Carlyle, and Anthony Hagins, and Mary L. Wood.

**CHAIRMAN FLEMMING.** Thank you very much.

I would like Eileen Stein and Paul Alexander to bring together a complete list of the members of the staff who have worked on the preparation for this hearing, who have participated in the conduct of this hearing. And I would like in the record of the hearing at this point to show the deep appreciation of the Commission for what we feel is an outstanding job of preparation, an outstanding job of assisting us in the conduct of the hearings.

**MS. STEIN.** Thank you on behalf of the staff, Mr. Chairman.

**CHAIRMAN FLEMMING.** The hearing is adjourned.

[Whereupon the hearing was adjourned at 7:05 p.m.]