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

MEMBERS OF THE COMMITTEE:

- ALAN PATTESON, JR., CHAIRMAN
- MARIE BERNARDE MILLER
- DOROTHY K. RAPPEPORT
- ELIJAH COLEMAN
- DR. BEVERLY J. DIVERS WHITE
- RABBI EUGENE W. LEVY

Room 2-E  
Statehouse Convention Center  
Little Rock, Arkansas  
Thursday, July 25, 1991

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3                    MR. PATTESON: The meeting of the Arkansas  
4 Advisory Committee to the U.S. Commission on Civil Rights  
5 shall come to order. We have a certain amount of housekeeping  
6 here that has to be done.

7                    For the benefit of those in our audience, I'll introduce  
8 myself and my colleagues. I am Alan Patteson from Jonesboro,  
9 Arkansas, and I serve as the Chairperson of the Advisory  
10 Committee. To my far right is Marie Miller of Little Rock;  
11 and to her left, Dorothy Rapoport of Fort Smith; and to her  
12 left, Elijah Coleman of Pine Bluff.

13                    Let me identify the other members of the committee.  
14 Professor Mart Gitelman from the School of Law in Fayetteville  
15 will not be able to be here today. Richard F. Milwee of  
16 Little Rock will also not be able to be with us today. Dr.  
17 Beverly White we expect to come at any moment. Dr. White used  
18 to be from Little Rock and is now Superintendent of Schools in  
19 Marianna.

20                    Arnell Willis we also expect to attend, and he will be  
21 coming from West Helena. Rabbi Eugene Levy from Little Rock  
22 we think will not be with us today. And Linda Ann Pondexter  
23 of Little Rock, and I think we are expecting her.

24                    May I also present Farella Robinson, our Civil Rights  
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3 Analyst, from the Central Regional Division in Kansas City and  
4 also Jo Ann Daniels, who is out of the room at the moment.  
5 She also is from the Central Regional Division in Kansas City.

6 My colleagues and I on the Advisory Committee serve  
7 without compensation as the so-called eyes and ears of the  
8 Commission. The Committee is mandated by statutes to report  
9 to the Commissioners on civil rights developments in our  
10 state.

11 The jurisdiction of the Commission includes  
12 discrimination or denial of equal protection of the laws  
13 because of race, color, religion, sex, age, handicap, or  
14 national origin, or in the administration of justice.

15 We are here today to conduct a briefing session for the  
16 purpose of gathering information on civil rights issues in  
17 Arkansas, in order to plan for future activities.

18 Representatives and elected officials from education,  
19 government, civil and human rights organizations, were invited  
20 to brief the committee. Issues to be addressed include  
21 concerns of minorities, women, and disabled persons. The  
22 proceedings of this briefing session, which are being recorded  
23 by a public stenographer, will be issued by the Advisory  
24 Committee to plan future activities.  
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3 At the outset, I would like to remind everyone present of  
4 the ground rules. This is a public hearing, open to the media  
5 and the general public. We have a full schedule of people who  
6 will be making presentations within the limited time that we  
7 have available. The time allotted for each presentation,  
8 therefore, must be strictly adhered to. This will include a  
9 presentation by each participant followed by questions from  
10 the Committee members.

11 Written statements may be submitted to Committee members  
12 or staff here today or by mail to the U.S. Commission on Civil  
13 Rights, 911 Walnut, Room 3100, Kansas City. You can obtain  
14 that address later. The record of this meeting, however, will  
15 close on August 12, 1991. Those papers must be received  
16 before August 12.

17 During this meeting we want to ensure that all invited  
18 guests do not defame or degrade any person or organization.  
19 Any person or any organization that feels defamed or degraded  
20 by statements made in these proceedings should contact our  
21 staff during the meeting so that we can provide a chance for  
22 public response.

23 Alternately, such persons or organizations may file  
24 written statements for inclusion in the proceedings. I urge  
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all persons making presentations to be judicious in their statements. The Advisory Committee appreciates the willingness of all participants to share their views and experiences with the committee.

At this time, on behalf of the Advisory Committee, I would like also to recognize that this is the first anniversary of the enactment of the Americans with Disabilities Act of 1990, which is intended to eliminate discrimination against individuals with physical and mental impairments in the areas of employment, government service, public accommodations, transportation and telecommunications.

We support the full implementation of this bill, and are hopeful it will allow people with disabilities to participate more thoroughly in all aspects of American life. The Committee supports and salutes the efforts of the Arkansas local groups such as Advocacy Services, Incorporated, and the Arkansas Disability Coalition, for their leadership and for ensuring the human and civil rights of persons with disabilities in our great state of Arkansas.

At this time, I would like to call on Ms. Robinson, our Civil Rights Analyst. Where is Faye?

MS. ROBINSON: Yeah, I run around quite a bit. I

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hope I don't distract you-all today as I keep things moving here. I would just like to say, on behalf of the Central Regional Office in Kansas City and the Arkansas Advisory Committee, we would like to thank you for your participation in this meeting and assisting us in our planning process.

We're going to use this information. Immediately following this meeting with you we will be reviewing the information that we've gathered, and hopefully, this will help us to plan significant civil rights issues in the state of Arkansas.

I'd also like to say that local and state input is crucial to us as we monitor. We are the eyes and ears for the Commission, and we do report back to them on civil rights developments. So we thank you for assisting us in this effort.

MR. PATTESON: Thank you very much.

MS. ROBINSON: You're welcome.

MR. PATTESON: Our first presenter today is a former member of this Committee, and I'm very, very pleased to present the Honorable Erma Hunter Brown. Representative Brown is the Democratic State Representative serving Pulaski County, Little Rock.

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3 She is the Chairperson of the Arkansas Legislative Black  
4 Caucus and serves on the House Revenue and Taxation Committee.  
5 She also was heavily involved, I think, in the state civil  
6 rights bill that was proposed, and I think that is an area  
7 that we are going to deal with today, are we not? Or if not,  
8 we're going to ask you questions about it.

9 MS. BROWN: Okay.

10 MR. PATTESON: Please feel free to unload on us.

11 MS. BROWN: Thank you. Thank you so much for  
12 inviting me. It's always a pleasure to be with this group.  
13 Certainly I think through its existence we have done some  
14 things and mirrored and portrayed some things that certainly  
15 have been of benefit to all of us whom we seek to serve.

16 I must say this quickly in passing. I was laughing with  
17 your Chairperson a few minutes ago. The last time I was  
18 invited to come and do a presentation before this body, it was  
19 snowing terribly outside. So I had decided that that would be  
20 one of the times when I would prepare a statement and leave.

21 And I left a nice little statement and said, "Here, you  
22 read it, and I'll go on about my business." Well, I did the  
23 same thing this morning. I prepared a nice little statement.  
24 And then, based on all of the things that have been going on  
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just recently, I decided that I would throw caution to the winds and say, "Forget the nice little statement; let's talk."

And as I thought about the kinds of things that I would talk to you about and hopefully ask you to give some attention to, I kind of focused on a few issues that I think are of major concern to us.

In the area of civil rights abuses, I think there is no other issue more pronounced than that of education. Because, as each of you know, many minorities and most minorities saw education as the way to move from one point to the next. And in most instances it was that upward mobility, based on access to the educational process.

But today we find that we are in trouble, because it's inconceivable that, in 1991, we're worse off as a race than we were thirty years ago. And I say that because I think we need to look at the kinds of excuses that we give to the community.

Years ago we had superintendents, principals, instructors, teachers. We had people in all stratas of education. And it's conceivable, again, that just last year in the Department of Physics at the University of Arkansas at Fayetteville, there were no blacks.

Now, there's something wrong. I suggest that in the area

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of testing, we need to go back and look at whether race norming is an issue, whether it is something that should be continued, refined, or expanded. I think that testing itself has added to the gap that we see in the various communities. And is that something we want to continue or is it something that we want to look at? I suggest that that's one area of concern.

In the area of economics, I think we have to look at promotion practices. In state government, for example, if we look at administrative positions, we see very, very few blacks and minorities. But if we look at the lower echelon, we find it packed and stacked with the few minorities who have been able to get into the system. I suggest if, indeed, we have set qualifications and guidelines, then the same kind of guidelines that kept us out should be reversed to put us in.

Red-lining in the area of economics is a major issue. Just recently a group called ACORN has dealt with areas that have been underserved by the financial institutions. And I would submit to you that neither of you who is not of color would never be asked to take a second mortgage for three thousand dollars (\$3,000.00). I mean, that's inconceivable. But that's the kind of example of what happens in poor black

areas of our cities.

So I think that in terms of whether, indeed, we talk about a person is a financial risk or not deals with what you call a risk. And if I have difficulty expanding my money from one pay period to the next and I have to juggle my bills, there is a possibility that my credit might not be what you want it to be. And I suggest that we look at the guidelines for providing support to poor intercity areas.

As I look at the Commission, for once I see that women are in the majority. Maybe it's the lack of not having all of your members present, but that looks good. But on the same instance, I think that women as a whole and women in general are still suffering from the lack of equal pay for equal work. It's an area, because of so many single family heads of household that are headed by us, we must address pay equity. And I think that's an area that must be dealt with.

In the area of set-asides, as it relates to economics, I give you an example of something that just recently happened at the Highway Department. It has been one of their guidelines for some time that there be set-asides for minority inclusion and participation.

I suggest to you that the incident that just happened was

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one where a young black man asked for a permit for carrier privileges in the state, to provide services from one city to the other, was held to the highest of economic scrutiny. Yet the contract is a sole-source contract. In other words, one company has the monopoly on carrier services in the state of Arkansas.

Well if, indeed, the Highway Department is committed to minority participation, then it should not just be to the letting of small sub-contract privileges, but it should be across the board.

Judicial redress. I submit that today we're seeing the kind of activities that perhaps would never have been thought of when we first started. We always think that didn't happen when we were coming up. Certainly it didn't, because our technology today is much greater than it was when we came along. But then, on the other hand, I think our problems are greater. And as a result, I think that our judicial system will have to address those areas.

Example, in the area of crime and punishment, I would suggest that we must look at the fact that if, indeed, a young black boy kills a white person and a young white boy kills a black person, when the evidence and the issues are basically

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3 the same, the punishment should also be the same or similar,  
4 very close.

5 I suggest to you that ten years for a life, to me, is not  
6 significant, when you get fifty (50) years for narcotics or  
7 drugs. Which is more important to us? What has happened to  
8 our society? I think that we have a problem with our judicial  
9 system, and it needs to be dealt with as soon as possible.

10 An area of concern as it relates to the judicial system  
11 is the possibility of judicial redistricting. We have found  
12 that we have not solved our problems with the system the way  
13 it is. So certainly, as a suggestion, that might be an area  
14 you might want to look at.

15 And then, as your chairperson mentioned, I was supposed  
16 to talk about civil rights just briefly. I suggest to you  
17 that Arkansas, as you know, is one of the few states that has  
18 not put in place a civil rights bill. Most states do. They  
19 are paper tigers in many places, they look good, they read  
20 good, and a lot of them don't work. What we do need in the  
21 state of Arkansas, guidelines and statutes that speak to fair  
22 housing, equal employment, fair employment, and we must work  
23 continuously to make that happen.

24 And then finally -- I think I'm almost out of my time --  
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I'd like to support the efforts of the U.S. Civil Rights Commission when it spoke to race-baiting in campaigns. It's an issue that should not be tolerated. It's an issue that needs to be addressed from the local level to the national level because I see all people, whether they are black in color or white in color, as human beings. And you should not use one as a pawn in order to provide a vehicle for upward mobility for another.

So, with that, I will answer any questions that I might be able to answer.

MR. PATTESON: The floor is open. Who would like to ask the first question? Well, I'll ask one then. This is strange, because I have discussed this with no one, and I just recently saw the race-baiting comment. I was very pleased at it, too.

In my own mind it raised one question, and I sort of started struggling mentally with my civil libertarian impulses. As much as I would like to see it not done, won't people come screaming about lack of free speech when you tell someone they can't say something, even as horrible as it is?

MS. BROWN: Well, I think in the area of ethics in campaigning, that might be one of the areas that we might want

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to strenuously support in terms of various statements to be made, various examples of fair campaigning. I think we, as a people, should not embrace negative campaigning. I mean, one should not be rewarded for a Willie Horton.

MR. PATTESON: Well, other than moral suasion though, how would you propose to do that?

MS. BROWN: Unfortunately, that's one of the things that's hard to measure and hard to deal with. But I think that at some point in time we've got to try to figure out a way to do it. We can't legislate, obviously, morality. We can't say, "You've got to learn not to do that because that's not good."

But I think, in terms of the way we're going to deal with financing and that kind of thing in our ethics commissions, I think probably we'll have to come up with some guidelines that address that.

MS. ROBINSON: I have a question. You indicated that education is one of the more crucial areas that we need to be addressing. In what respect do you see education as an issue?

MS. BROWN: Okay. Let me go back. I mentioned testing as one. Secondly, I think that exposure is one. And

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3 when I say exposure, I think you talk about how wide the gap  
4 is in testing. How can you possibly expect a child on a test  
5 to deal with algebra when he's only been exposed to general  
6 math? That obviously widens the gap.

7 So you've got to make educational opportunities  
8 accessible to all. Now, obviously, you don't want to pull one  
9 down to move one up, but some educators will support the  
10 theory that peer learning is much more important than what the  
11 teacher does. So that's one of the areas that you might want  
12 to look at.

13 But whatever the instance is, we know that the exposure  
14 or the experiences of children certainly go back to what  
15 happens on a test. If they have not had chemistry, how is a  
16 kid going to solve an equation on a test? If he has not been  
17 exposed to Bach and Beethoven and he only knows about M.C.  
18 Hammer, how can he answer on that test anything about Bach and  
19 Beethoven? So that's one of the areas.

20 And then there is another part. In our university system  
21 in the state of Arkansas, the money-per-student at UA  
22 Fayetteville is greater than the money-per-student at UA  
23 Monticello. What's the difference? Shouldn't these children  
24 have the same kind of financial support?

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Then go back to public school. Shouldn't a youngster in Fort Smith have the same opportunity for physics that a youngster in Wabbaseka will have? So those are the areas of concern.

MR. PATTESON: Dr. White has a question.

DR. WHITE: Good morning, Representative Brown.

MS. BROWN: Good morning.

DR. WHITE: I have a couple of questions. One, while we're on education, has to do with educational equity. As a member of our state legislature, do you see any issues that need to be addressed at the state level, those issues that have to do with equity in financing in Arkansas, not only as it relates to the inequitable distribution, despite the education trust fund for salaries, but two other issues; issues related to the salaries for classified personnel, as well as the disproportionate wealth across the state for just general operations of school districts, where in many of your poor rural areas people have difficulty surviving in the educational system because of the lack of that community's ability to pay for education. Would you comment on that?

MS. BROWN: Certainly. I'm awfully glad you brought that up, simply because, even though we put in money to back

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3 the educational system just this past session, we're still  
4 somewhere near the bottom in terms of our support for  
5 education.

6 And yes, our education formula isn't working. It is not,  
7 to me, an equitable thing to do that a teacher in Lee County  
8 would not make the same thing as a teacher in Little Rock or  
9 Pulaski County. That makes no sense to me, inasmuch as the  
10 state is providing support and inasmuch as we know that many  
11 local communities are giving some support, too. I think that  
12 the state is going to have to take a responsibility in terms  
13 of making sure that our teachers are salaried across the  
14 board, based on the work and their experiences.

15 It might even lead to teachers being state employees, not  
16 just of the local boards. And I know I've got a  
17 superintendent back here and I've thought about that and you,  
18 too, who might disagree with that. But I think something has  
19 to be done with that.

20 And I looked at the differences as a result of that  
21 inequity. I look at the amount of money that is spent on a  
22 kid in Lee County as opposed to a kid in Pulaski County.  
23 There is no way we can justify that. And I think when it  
24 comes to the tuition-free credit for a private school, I think  
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that's something that we need to get out of our minds because it's not going to work.

How we address that in the next session, I don't know. But certainly I'm willing to work with you and any of the others who have some ideas so that we can deal with it. But certainly I don't see that as an equitable situation. And yes, I think it's grossly unfair.

DR. WHITE: I have a second question. My second question has to do with sex equity as well as race equity, outside of urban areas. Again, as one of our state representatives, how do you view some of the issues affecting minorities and women in rural areas, particularly in the delta region?

MS. BROWN: Oh, my goodness. I view it as it is, one that certainly needs to be supported in terms of our not seeing the fair participation of women, of minorities. I see even, Dr. White, in Pulaski county -- I see the number of women and minorities in principalships is very inequitable in Pulaski County.

And I guess what we are seeing, not only in the educational arena, but it mirrors what happens in the rest of our state. And as a result, I think we've got to address it

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across the board, not just in education. That's the reason I spoke to pay equity. I guess I could have put sex equity in there, too, because certainly I see both of them in the same vein.

MR. PATTESON: I'm going to take one more question, and then I think I'm going to have to call time.

MR. COLEMAN: I recognize that on this committee we're non-partisan. We don't talk about Democrats and Republicans.

MS. BROWN: I was nice enough not to address that.

MR. COLEMAN: I recognize that the things that affect us from the standpoint of civil rights has to do mainly with economics and education, and we number 50th in both. How much do you feel that this being a one-party state has contributed to some of those inequities that are involved?

MS. BROWN: To be very honest, I don't see it making any difference at all. I don't think it has caused that problem. I think leadership caused that problem; I think tradition caused that problem; I think the closed community caused that problem; I think the idea of not opening up to creative and new ideas caused that problem. I don't see it as a political ploy at all.

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MR. COLEMAN: Well, okay.

MS. RAPPEPORT: Mr. Republican sitting over there, you know how that is. Talking about leadership, though, it seems to me that you stimulate leadership qualities when you have competition. I think that's the point maybe that Elijah's making. In the one-party system, you tend to -- I think the competition makes a difference.

MS. BROWN: I understood that. I just didn't see that as one of the major issues that would have caused that problem.

MR. PATTESON: I think on that note I need to end the discussion. Representative Brown, we're glad you came. You've dumped a whole lot of things in our lap to discuss. I think if we don't come up with several things to deal with what you have presented, why we're in bad trouble.

MS. BROWN: Indeed, indeed. Thank you so much.

MR. PATTESON: Thank you.

MS. ROBINSON: Thank you.

MR. PATTESON: Our next presenter is the Executive Director of the National Conference of Christians and Jews. His organization has dealt with many things that are pertinent to civil rights issues in the state, and I am delighted now to

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3 welcome Ronald Lanoue.

4 MR. LANOUE: Thank you. I want to first tell you  
5 that I chose the words carefully. So, at the risk of losing  
6 eye contact, I want to be fair to the text. I'm going to read  
7 it, and I have copies for you afterward.

8 Thank you for the opportunity to share some personal  
9 observations regarding significant civil rights issues in  
10 Arkansas. As many of you know, due to your current or past  
11 service on the NCCJ Board, the NCCJ is active in the civil  
12 rights area as a catalyst for improved intergroup relations.  
13 In that work, I keep a pulse on activities in the state. I am  
14 pleased to share this information with you this morning.

15 Twenty-five (25) years ago last month, President Lyndon  
16 Johnson spoke the following words at the White House  
17 Conference on Civil Rights:

18 "Those who have tried to divide us have always  
19 ultimately failed. Those who have built castles of  
20 prejudice have seen them crumble. Those who have  
21 whispered the counsel of despair, the counsel of  
22 separation, have been ignored.

23 What is required is a recognition that, beneath the  
24 tumult of events that separate men from one another, runs  
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the thread of a common destiny. For we shall either move this nation toward civil peace and social justice for all its citizens, or for none."

Let us look at the factors in President Johnson's outline in that speech twenty-five (25) years ago to reflect on where we are today in Arkansas. First, a look at those who have tried to divide us.

Among such recent actions I include the following: One, leading up to and during the Persian Gulf War, the leading law enforcement official in this state suggested that it was understandable and proper for neighbors to turn in their neighbors of Middle Eastern extraction. Translation, Arabs and Arab-Americans were fair game for prejudice and discrimination.

At the same time Arab students studying at universities in Arkansas were harassed because of their nationality and/or religion. Iraqi students and citizens of Iraqi descent were hounded because of their nationality. One retired Army officer suggested during the war that we pelt Iraqis with pig fat, a defamation in pork-free Islamic culture.

Secondly, over the past few years, there continues the oftentimes acrimonious debate over symbols such as the

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Confederate flag. Beginning in Fort Smith, this issue has touched off numerous letters in both state-wide daily newspapers, which have more often shed heat rather than light on how we view or, more correctly, ignore one another across the color line.

It is not so much the reasonable interpretations of history that still startles me a hundred and twenty-six (126) years after the war, but the inability of some of us to understand the continuing human dimension for damage such symbols convey.

Symbols, after all, represent something. And what this symbol represents is a way of life repugnant to most Americans, no matter how hard some try to separate out the supposedly noble aspects of the plantation/slave culture.

Third, we have had a renewed visibility of the pernicious KKK. They have purchased land in North Arkansas and have begun to erect a new haven for hatred. They are also peddling their discredited publications to libraries. We can hope that they remain as incompetent as they have been in the last few decades. My concern, however, is KKK coalition-building with such organizations as the Skinheads, the Neo-Nazis, the Christian Identity Movement and the like.



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A resurgence of this movement always has to be watched, especially when their leaders undergo plastic surgery and trendy haircuts to appeal to discontent in a supposedly kinder manner than they did while they were under sheets. If economic circumstances continue to worsen, there will be fertile ground for the malignant thoughts and deeds of these groups, consumed as they are with hatred and ignorance.

Fourth, race relations is the central issue as a divider in our society. The litany includes: An October, 1989 riot, essentially race-based, at Little Rock Central High. A similar disturbance at Conway High a year later, following derogatory terms in the school newspaper about African-American students.

Teacher, student and community conflicts in England, Arkansas. Scrawling racial epitaphs and demonstrations at UCA against a homecoming queen who was African-American. The racial conflicts connected with two celebrated murder trials which, in one, saw an African-American adult sentenced to life for killing a European-American. The other sentenced a European-American youth who killed an African-American to ten years in prison.

A South Arkansas teacher harassed by parents and school

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administrators for recruiting African-Americans to a school choir. An East Arkansas civic leader criticized by fellow African-Americans for attempting to involve European-American students in activities for the disadvantaged.

A European-American real estate agent who has been harassed by neighbors who objected to her selling a home to African-Americans in their European-American neighborhood. Highly questionable public attacks on a visible African-American high school principal by a disgruntled European-American faculty member.

The next factor President Johnson identified in that 1966 speech was the building of castles of prejudice. Like an ocean beach in the summer, between each receding and rising of the tide, new castles of prejudice rise to challenge the inexorable march toward the realization of our common humanity.

In our state recently the following incidents reflect the rebuilding of those castles of prejudice. One, Stephen Jay Gould, the noted Harvard paleoanthropologist, drew considerable venom when he stated in Little Rock earlier this year that biological and anatomical research indicates commonality across so-called racial lines, and that there is

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3 no superiority or inferiority across these European-created  
4 artificial racial barriers.

5           Unfortunately, many of our fellow citizens still believe  
6 in fundamental racism, that is the superiority and inferiority  
7 of human beings based on race.

8           Secondly, then there was the celebrated visit to the  
9 state of an obscure Louisiana state legislator who, except for  
10 his history of preaching prejudice, would be ignored. His  
11 message of lies and code-words, even cleaned up for the  
12 1990's, further entrenches prejudice at the core of one of the  
13 country's two major political parties.

14           Third, organizations remain insensitive to the existence  
15 of prejudice when they schedule receptions and other functions  
16 at venues which practice racial separation.

17           Fourth, a sportswriter for a state-wide newspaper related  
18 a conversation he overheard by some "New York Jews" replete  
19 with the usual anti-semitic slurs and innuendos.

20           Fifth, the state's most extensive interfaith organization  
21 attended the Eureka Springs Passion Play and found the  
22 management unwilling to consider revision of some of the more  
23 anti-Jewish aspects of the script. The current managers of  
24 the play, established by the notorious anti-semite, Gerald  
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3 L.K. Smith, responded that until everyone believed in Jesus,  
4 there could be no dialogue.

5 Sixth, students were often the brunt of prejudice and  
6 discrimination in the following ways: An Hispanic-American  
7 student received a poor grade which was changed later by the  
8 principal, following protest by the student's parents.

9 European-American parents accused an African-American  
10 cheerleader coach of racism. A South Arkansas high school  
11 student was shot to death, fuelled by a long standing racial  
12 conflict. Anti-semitic statements by students at a Hot  
13 Springs high school were ignored by administrators.

14 Parents sued a school district because a  
15 European-American teacher commanded an African-American  
16 elementary student to lick spit off the ground. Extensive  
17 coverage and letters regarding an African-American history  
18 presentation at a Little Rock junior high school about which  
19 European-American students and parents objected.

20 A junior high school petition calling for official  
21 records not to reflect the race of the student and ignore race  
22 when student test results were reported.

23 President Johnson then spoke about the counsels of  
24 despair that would continue to separate us racially. Three  
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3 such recent counsels for us in Arkansas came in the following  
4 major incidents. First was the abortive attempt to pass civil  
5 rights legislation at the state level. A bill, consistent  
6 with legislation in surrounding states, was untracked by a  
7 conflicting bill which forced the issue into a study for a  
8 subsequent legislative session.

9       Somehow, twenty-seven years after a national Civil Rights  
10 Act, we are one of the only states in the Union which cannot  
11 agree on making a positive statement about the rights of our  
12 minority citizens.

13       A second counsel of despair came in the form of an  
14 African-American legislator's wanting separate schools for  
15 racially different students. As he put it, "There are two  
16 separate worlds, black and white, and they do not meet."  
17 Frustration with the slow progress of desegregating our  
18 society is one thing, but to abandon that direction holds dire  
19 consequences for the future of this democracy.

20       The third counsel of despair was focused on racism in  
21 education at a recent national conference in Little Rock by  
22 the NAACP. A prominent African-American law professor from  
23 Harvard spoke about the unlikelihood of eliminating racism,  
24 which has become internalized and institutionalized in  
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American society.

I agree with the analysis that racism is internalized and institutionalized, but I disagree with the conclusion that we likely cannot change it. Our history has demonstrated that ability to change. I think and know we can. And it is in confronting the difficult reality of this goal that we come full circle to President Johnson's conclusion that we must recognize our common destiny in this society. To do this, I offer the following suggested activities.

One, we the people, and I carefully chose that phrase, we the people, the preamble to the Constitution, because that phrase, chosen very carefully by our founders, forever separated us from the kinds of government that existed before us. Because all power, indeed, is vested in this society in all of us.

So we the people must move to secure and reclaim the legal protections and enhancements lost during the past twelve years through actions by the federal executive, the U.S. Supreme Court, and private organizations.

Secondly, we the people must demand from our political leaders decisions and actions untainted by racial, religious or cultural prejudice. This not only includes their decisions

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as our representatives, but tactics they are responsible for while campaigning for election. And if these leaders do not have the courage and statesmanship to do the right thing in this regard, we have to muster the energy to turn them out of office.

Third, we must educate our society to the concept of this common destiny we all share in this pluralist democracy. This education must not only include the impersonal history of intergroup conflict, but it must also contain the very personal stories of how that conflict has affected individuals.

All of this must be taught within the context of constitutional evolution and with a focus on the rights and responsibilities we the people have to ourselves, to one another, and to our common democratic destiny.

Fourth, we must restructure priorities in our society by changing current public expenditures, especially at the federal level. Real reductions over the past twelve years in funding for housing, health, education, and other public services have contributed to both racial and economic isolation.

This worsening economic imbalance, which includes the

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decline of the middle class and the decline of the U.S. economy overall, must be equitably restructured so that human public policy objectives can be achieved. Without economic justice, there can be little social justice.

In closing, let me share with you the words of former Congresswoman Barbara Jordan. She spoke these words about the NCCJ, but they are equally applicable to your work in civil rights:

She said, "You have a tough, tough job. Why? Because you are trying to make the practice of America match the creed of America."

Good luck, and know that you are not alone. Thank you

MR. PATTESON: You made a point to me that was a very important canvass in the state of Arkansas, and I'd like, really as a matter of emphasis, to ask a question I think I know the answer to.

Every one of the instances that you mentioned has occurred in the last twelve months, is that correct?

MR. LANOUE: Yes, or going back to Central High, it was October of '89. That's as far back as I went, but all of it is very recent, yes, certainly in the last two years.

MR. PATTESON: I think that was a very important



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question.

DR. WHITE: Mr. Lanoue, good morning. You mentioned in your comments, closing comments, what changes need to occur at the federal level. As a practitioner here in Arkansas, what do you see, besides the enactment of the civil rights bill at the state level, as some of the issues that we who are at various local levels can address or should be addressing?

MR. LANOUE: I think submission and passage of hate-crimes legislation would be valuable. And I'd also like to echo Legislator Brown's comments about restructuring of how we pay for education in this state.

When I was in grad school in Madison, Wisconsin, I worked in the Wisconsin legislature, and in the 1950's they had passed education reform and consolidated their school districts down from something like a thousand three hundred (1,300) to down to something like four hundred (400) or five hundred (500) school districts.

That educational system in Wisconsin I think is recognized as one of the leaders in the country. I'd like to see similar kinds of legislation passed here. Don't wait and encourage it; simply make it happen, for the benefit of the young people who are now in school and certainly for those

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generations yet to come.

I think part of that includes an equity base, equalizing the wealth throughout the state. Wisconsin has such a system. I think it needs to be investigated and see where it fits and doesn't fit and then pass similar legislation here.

MS. MILLER: One of the points you raised regarding crime and punishment was one of the same points Representative Brown raised. How exactly do you think we could make the change that needs to be made in regards to crime and punishment when, in fact, in the example that you mentioned, both persons were charged with the same crime and we've got a jury system in which twelve persons have determined that a hearing all the evidence, that one person's charge is going to be reduced to manslaughter and that person receive ten years, and another person possibly might get life?

What needs to be changed there, seeing that we're not really dealing with legislation? The law is the same for everyone, except that the results are different because you've got people involved.

MR. LANOUE: Sure, sure. And I certainly wouldn't want to tamper with that system, as far as the jury system is concerned and the presentation of evidence and adequate

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3 defense, et cetera. I think it goes back to my comment about  
4 education.

5 I think we need to intensively educate this society about  
6 its common destiny, so that issues of race don't cloud the  
7 application of justice, as they have been up to this point.  
8 I'm not saying if I sat on either one of those juries that I  
9 wouldn't make the same decision that they made. But I would  
10 feel comfortable, I think, that I wouldn't have made it on the  
11 basis of that individual's race or the victim's race.

12 MR. COLEMAN: Ron, if you had to recommend to  
13 another body that must ultimately recommend to the  
14 Administration some things that presently exist in our laws  
15 that could help rid us of some undesirable kinds of things,  
16 like you mentioned the tax structure, there's something in our  
17 laws, obviously, that permits what I would call all the  
18 screwballs who want to start a new movement to head to  
19 Arkansas.

20 I mean, what is it that we permit them to do, that if we  
21 had something better in our laws, that would kind of  
22 discourage them from seeking safe haven in our state? What is  
23 it they like about it, the atmosphere, the weather, what is  
24 it?

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3           MR. LANOUE: Well, you hear the Governor saying, as  
4 well as many businesses, that this state is a well kept  
5 secret, and I happen to agree with that. This is a wonderful,  
6 beautiful, and marvelous state. I don't think there's  
7 anything that particularly attracts them to Arkansas. Maybe  
8 it's inexpensive land; I don't know what it is. Or relative  
9 isolation, certainly, in the Ozarks over time.

10           And I don't think, if you compared us with Idaho and  
11 Washington, that we have more kooks per capita than those  
12 states certainly. I think it may be the relative isolation,  
13 as in Washington and Idaho, where the Christian Identity  
14 Movement began, maybe that relative isolation.

15           And we're tolerant folks, and that's a good aspect. I  
16 think we also, along with our tolerance, have to be able to  
17 stand up and say, "What you're doing is wrong." And not let  
18 individuals or groups get away with things that are  
19 detrimental to the basic functioning and cooperation necessary  
20 for this democracy to move along.

21           MS. MILLER: I have one other point I just  
22 remembered. You mentioned the chief legal officer of our  
23 state. Exactly to whom were you referring?

24           MR. LANOUE: Is that all right, Mr. Chairman?  
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MR. COLEMAN: It was in the press.

MR. LANOUE: It was in the press. It was reported on in the press.

MS. MILLER: What was reported in the press, and who was identified in the press?

MR. LANOUE: The statement by this chief law enforcement officer that if you had, in essence to paraphrase the quote, if you had someone of Middle Eastern background in your neighborhood, you'd turn them in for questioning, too.

MS. ROBINSON: Do you happen to know what the Arab population is in Arkansas, right offhand? I know it's not a significant population:

MR. LANOUE: No, I don't, offhand. My guess is that it's under a thousand (1,000) as far as citizen members, but the university population is much higher in Jonesboro in particular, and at UALR and some other campuses around the state.

MS. ROBINSON: Would that be the Attorney General's office, that you're referencing from that news report?

MR. LANOUE: No.

MR. PATTESON: Let's leave that in the realm of private inquiry after this meeting, rather than as part of the

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transcript.

MS. ROBINSON: Okay. I was just going to say that if it was referencing a media report, certainly we can state what's referenced in a media report. In what context was that stated, though?

MR. LANOUE: It was in the context of there being questioning of anyone of Arab-American descent or extraction here in the state, as indeed, around the country, I understand. And that it was perfectly acceptable to do this because we were in a pending war with an Arab society.

MS. ROBINSON: Okay.

MR. PATTESON: Ron, I don't think there's anybody on this panel who's not aware and very appreciative of the work that you do in this state, and we very much appreciate your sharing it with us.

MR. LANOUE: Thank you. I appreciate the invitation. Good seeing you all.

MR. PATTESON: You do have copies of your presentation?

MR. LANOUE: Yes, I'm going to leave them, yes.

MR. PATTESON: Good, because we would all like to have one. Thank you.

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I'd like for the panel to call attention to this one correction on your agenda. In the 10:30 area, Ann Brown, the Federal Monitor for the Office of Desegregation, that was left off the agenda. 10:30, Ann Brown.

Our next presenter is the Executive Director of the Women's Project. This organization, for those of you who might not know, is a Little Rock-based women's group that monitors racism and sexism. I'm very happy to present Suzanne Pharr. Thank you, Ms. Pharr.

MS. PHARR: Thanks for inviting me. I believe that the Women's Project was invited here today because we have a ten year history of working against sexism and racism in the state. And one of our major projects is to monitor and document acts of racist, religious, sexist, and anti-gay and lesbian violence.

In doing that, we monitor not only the activities of organized hatred, the KKK, the Aryan Nations, all the people that you just referred to, who might have even a little bit of a different spin on it about why they come here, but we also keep track of individual acts of hate violence, and we have a very large file of information on that throughout the state that we've done for the last three years. And then we

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3 organize response to that, community responses. We have two  
4 hundred (200) volunteers who work for us in the state.

5 So in considering what to present today, we thought about  
6 all of those categories. We thought about discussing the  
7 violence, the extremes of violence against women in the state.  
8 We documented sixty-eight (68) women last year killed by men  
9 in this state in 1990.

10 We feel that women's human rights and civil rights are  
11 violated daily because we're not given the right to live free  
12 of violence in the streets, in the workplace, or in the home.  
13 We also thought about discussing our very deep concern about  
14 the extremes and deepening of racism, in the workplace, for  
15 example, where employers fight affirmative action plans and  
16 hold people at the lowest level jobs.

17 And we talk about our concerns about the justice system  
18 and race or our concerns about the current local movement to  
19 take away civil liberties, such as local recommendations to  
20 impose a curfew on teenagers in, quote, specific  
21 neighborhoods. And those neighborhoods are, in almost every  
22 case, low income and African-American.

23 But we came here with hopes that someone else would speak  
24 to those two things and that we would speak for a group of  
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3 people who are customarily voiceless. We decided to talk  
4 about a class of people that has no protection under civil  
5 rights laws and are constantly denied equal access and  
6 protection. We decided to talk today about lesbians and gay  
7 men.

8           Nationally, our ten percent (10%) represents some thirty  
9 million (30,000,000) citizens who are denied rights to secured  
10 housing, to health care and spousal benefits, to trials by  
11 juries of our peers, and jobs without overt discrimination in  
12 hiring, simply because of a different sexual identity.

13           Because there is a sodomy law in Arkansas that is  
14 specific to gay men and lesbians, this class of people,  
15 representing some two hundred and thirty thousand (230,000) as  
16 ten percent (10%) of this state, are denied even the most  
17 basic right to privacy. The injustice of this law leads to  
18 further discrimination and violence because it helps shape  
19 negative attitudes toward lesbians and gay men.

20           Fundamental civil rights are violated when citizens are  
21 not provided safety and are instead harassed by the very  
22 people who are supposed to protect them. We saw evidence of  
23 this absence of general safety when we provided the training  
24 on lesbian and gay issues to police recruits.

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3           While saying that, "Everyone deserves protection, no  
4 matter who he is," the recruits called lesbians and gay men an  
5 abomination of God. They said that if a man wore women's  
6 clothing, then he was asking to be beaten up, that they didn't  
7 want to deal with homosexuals for the fear of getting AIDS,  
8 and that, of course, gay men and lesbians are attacked  
9 because, "Even chickens attack and kill deviants among them."

10           It was recently reported that a young woman in Little  
11 Rock was thrown up against the wall, publicly humiliated, and  
12 arrested for dancing with another woman on a dance floor.  
13 When two lesbians were repeatedly harassed and their property  
14 destroyed by a man next door and they reported it to the  
15 police, they were placed under a restraining order along with  
16 their attacker.

17           Because there is no legal protection for lesbians and gay  
18 men, and in fact, there's a law that actually increases  
19 discrimination and violence, lesbians and gay men throughout  
20 the state lose their jobs, their children, their safety, their  
21 good health, and their lives.

22           Thus when a man in Northwest Arkansas is taken out on a  
23 country road by two men, stripped of his clothes, stabbed four  
24 times, an attempted beheading of him is done -- he was left  
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3 with his throat cut -- we know there is little hope for an  
4 exhaustive police investigation or a fair trial if the  
5 attackers are ever caught.

6 Or when two African-American lesbians were arrested  
7 recently for allegedly killing a woman in the delta, we know  
8 that the combination of racism, sexism, and homophobia will  
9 block the possibility of justice at every turn down in McGehee  
10 and Dermott.

11 We submit to you that every human being has a basic right  
12 to the expression of her or his sexual identity and the  
13 culture that accompanies it, whether that identity is lesbian  
14 or gay, heterosexual or bisexual. As women should not be  
15 discriminated against because we are not male, neither should  
16 lesbians and gay men be discriminated against because they are  
17 not heterosexual.

18 In this country there is a socially and legally enforced  
19 norm that is male, white, heterosexual, and able-bodied, and  
20 those who are not part of this constructed norm require strong  
21 laws and even stronger vigilance in order to receive justice.

22 The first small step, and this is our recommendation, for  
23 developing equal protection under the law for lesbians and gay  
24 men would be for this advisory committee, as other advisory  
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3 committees have begun to, to hold hearings concerning the lack  
4 of response or abusive response by police to lesbians and gay  
5 men, the violence against them, and the subsequent fear that  
6 lesbians and gay men have about even reporting the violence  
7 that occurs in their lives.

8 The second step would be the inclusion of sexual identity  
9 under civil rights laws. After this step, I believe and we  
10 believe at the Women's Project, the really hard work of  
11 gaining true justice begins. And we tried to make our  
12 presentation brief because we thought there might be a lot of  
13 questions on this particular issue.

14 MR. PATTESON: I have one. This sodomy law that  
15 on the statutes of Arkansas, how old is it? Has it been  
16 challenged?

17 MS. PHARR: It was challenged this year in the  
18 legislature, and it was a pretty horrible experience just to  
19 go and hear the testimony, when people talked about gay men  
20 and lesbians participating in bestiality, and actually using  
21 all that language, being like animals and this abomination of  
22 God. But it was challenged, and it was kept in.

23 MR. COLEMAN: I'd like to see your report in the  
24 hands of all of our congressmen and senators, because what  
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you've just said, why it seems to be rather elementary so far as the rights of human beings are concerned, the way we talk about it is that we have never heard of those kinds of things, that there are certain people who are not supposed to have the rights as they are put forth in the Constitution. And I'd like to see somebody who represents me deal with that. Just based on what you have right there, do I have the same right to be protected as anybody else?

MS. PHARR: It's interesting, the one place that has made the most effort in this regard for the U.S. Commission on Civil Rights, the one advisory committee that has, has been the state of Louisiana.

MS. ROBINSON: Yes, the Administration of Justice, which went to gays' and lesbians' rights in the administration of justice in that state.

MS. PHARR: They are the ones who went forward and said, "We're going to hold these hearings. We're going to look at how the police are treating gay men and lesbians, particularly in the city of New Orleans." And they held the hearings, they made the pressure. And that enabled the National Gay and Lesbian Task Force then to sit down with the U.S. Commission and begin to have discussions on that. But

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3 that hasn't moved then around the country.

4         And so, what we see is violence on all different kinds of  
5 levels happening. But when you look at our files with the  
6 monitoring project we do, our most enormous file is the  
7 violence against women, the battering, the rape, incest, and  
8 the murders. I mean, that file is the length of this table.

9         Then when we get to the file on racist violence, that's a  
10 big file, but not as big as that one because it's different.  
11 How you even figure it out is different, but that's still a  
12 big file. But when you get to religious violence, where we  
13 monitor violence against Catholics and Jews, that's a much  
14 smaller file, one, because I think because the numbers are  
15 in the population, but also because of our relationship to  
16 those communities, where we haven't worked out the  
17 relationship where the reporting would happen.

18         But then when you get to the gay and lesbian file, it's  
19 even smaller because of the terror of even saying that this is  
20 what is happening in my life. So we hear so many things  
21 through the grapevine in an underground kind of way, and then  
22 we try to chase it down. Because even to say to a  
23 policeperson that, "I have been raped because I am a lesbian,"  
24 or "My home has been attacked," is to come out. And it's to  
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come out in a state of hatred.

MS. ROBINSON: Suzanne, has your group or any other gay and lesbian groups, the Women's Project or any other gay and lesbian groups, mobilized on the civil rights bill that's now currently under debate or will be under debate? And if, in fact, you have, has there been any discussion on addressin that issue of gays and lesbians under that bill?

MS PHARR: There's been a little bit of discussion. When there was discussion here about trying to get a civil rights bill, I mean, people basically said to us, "Yes, women we think." You know, yes, people have told us, "But we'll lose if you put these people in."

And yet it's that old argument. I mean, I feel like, having grown up and spent all my life in the south, I've seen this argument over and over. It's like each group that comes up, this is the argument to be used. "No, if we do something for you, all the rest will lose." And of course, we have the point of view at the Women's Project that nobody wins until everybody wins.

You know, it just doesn't go down that way. You can't push any group whatsoever off to one side and win. Because then there's always a place to dump your children, there's

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3 always a place to dump discrimination, and then that plays  
4 back into the other groups.

5 MR. PATTESON: Doctor White.

6 DR. WHITE: Good morning, Ms. Pharr.

7 MS. PHARR: Hi, how are you doing?

8 DR. WHITE: Okay. You talked about the need to  
9 address legislation at the state level. Has the Women's  
10 Project been able to impact policies or practices in state  
11 agencies, such as those agencies that would impact the ability  
12 of a parent to maintain their children or to be able to keep  
13 their children, regardless of their sexual preference?

14 MS. PHARR: We have only worked on this in a few  
15 places. Like when New Futures started, we jumped right in on  
16 that and said, "This is a place where you really need to  
17 address this issue," because this was at a point where Louis  
18 Sullivan had suppressed that report that came out. Remember  
19 the study that was done by Health and Human Services on teen  
20 suicide?

21 And because the report named gay and lesbian issues as  
22 being a primary cause of teen suicide, Louis Sullivan  
23 suppressed the report, to say this went against traditional  
24 family values, which to us was a statement to say, "Let kids  
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die." If they don't have a place to go and talk about their sexuality and their questions about who they are and what they are and they're going to kill themselves because of it, you don't refuse to let them talk about it.

So we tried to move into that and say, "Can't we come in here and help with this in some kind of way?" We did on that and also on girls and boys who survived incest. We thought both of those issues were issues that were not going to get covered. And, of course, we didn't impact. We tried, but we failed, failed to impact.

So that's the way we have mostly moved. When we see that kind of opening, we try to move into that. But it's a very, very hard one, because there is a sodomy law that is sitting here that people read as being a law against being gay or lesbian. And also, it is a law that is against the practice of one's sexuality, but it's read as a reason to kill, basically.

I mean, we know this in terms of the history of the civil rights movement, that certain laws, when they're on the books, are licenses. They are giving a license to kill, in court or on the street, because of the shaping of attitudes. So it's very, very hard for us to impact, or say the Arkansas Gay and

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3 Lesbian Task Force to impact.

4 And see, we're always split because we want to go in on  
5 all these issues. Like we could hardly stand it today not to  
6 come in and testify about women and testify about what's  
7 happening with people of color. But we felt, "Who is going to  
8 come in and speak for lesbians and gay men?" We have got to  
9 always take that. Whoever is the most voiceless right now,  
10 somebody has to make sure they're heard.

11 RABBI LEVY: Good morning. This may just be a  
12 perception, but I was asked to be involved in making the  
13 presentation at the Legislature and they just ran out of time  
14 and I never got there. But it seems that this was a last  
15 ditch effort at the last minute to get some of the doctors and  
16 others together to make testimony, rather than a long period  
17 of time where we could educate the legislators in the off-  
18 session.

19 Question number one, can anything be done now, before the  
20 next legislature convenes, to begin to get to the legislators  
21 to educate them, to meet with them in groups, and then maybe  
22 to bring this up again in the '93 legislature?

23 That's question one, and number two, with regard to the  
24 police sensitivity to this, just speaking locally, is Police  
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Chief Malleck aware of this report, do you know?

MS. PHARR: Of this report?

RABBI LEVY: Of this report, because I know him and my son and his son are very good friends, and I would be willing to take on the challenge or at least to call him and sit down with him and go over this with him. But I'd like your answer to the first part first.

MS. PHARR: In answer to the first question, I think it is that long slow work that has to be done with the Legislature. And not only the legislature, that is, unfortunately, with everybody who walks around it is that long slow work, in that we've got a whole history of misinformation and bias and bigotry.

RABBI LEVY: But instead of waiting until we know, well, this is going to be on the docket tomorrow or Wednesday, and then we start meeting and giving everybody four days or a week, why not two years?

MS. PHARR: I think that is absolutely true.

RABBI LEVY: And the question is how?

MS. MILLER: But, of course, probably the reason that it was four days is that was part of the plan as well. You can't mobilize if you don't know this is going to be

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discussed.

I had two questions. One, has anyone ever been charged and convicted under the Arkansas sodomy law? Of course, a law is only as good as its enforcement capabilities. And if it's not being enforced, then in actuality it is not a law.

MS. PHARR: I don't know. What were the men charged with the day after it was sustained in the Legislature and they went right to the rest stop over here and arrested seven men, out towards Morgan? I believe that was a charge of sodomy.

MS. MILLER: Was that under the sodomy law?

MS. PHARR: I believe so. This happened one day, the next day, bingo, they were right there. But you know, to me, Marie, this issue is not so much about the law is enforced, it's the attitude that the law creates.

MS. MILLER: Well, true. And of course it also, as you pointed out, it gives a license because the law is there. I was just wondering if officially we had ever seen it actually used or if it is simply giving a license to some type of vigilante-type movement or activity. It's there and it's on the books, but in actuality how do you, other than in a public arena like in the situation at the rest stop, it is not

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3 an enforceable law. So I was wondering about that.

4 MS. PHARR: I think it's like a lot of repressive  
5 laws, though, given the right political climate, people can  
6 enforce anything they want to. And this is my terror around  
7 what's happening in Little Rock in terms of the press and  
8 what's happening with black youth in Little Rock, is that I  
9 feel that we're moving faster and faster to the suspension of  
10 civil liberties.

11 And that's very, very frightening to me. And that's out  
12 of terror on the part of people. It's also out of a climate in  
13 this country that it is okay to suspend civil liberties, it's  
14 okay to close down the press during the Gulf War, it's okay  
15 to--

16 And that for me, as a social change activist, is the most  
17 terrifying thing of all. So to have a law on the books that  
18 could be enforced is very, very scary. It means that they  
19 could break into households, they could search people on buses  
20 for drugs, they could come into your household and whatever.

21 MR. PATTESON: One final question.

22 MS. MILLER: I know Elijah probably wants to ask  
23 one. I know that you give talks each year. I believe in the  
24 Governor's School you're on the speaking agenda, and that is  
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3 the creme de la creme of our state, supposedly, in the youth.  
4 What is your experience there? Are you making any inroads, do  
5 you believe, or is it simply you're doing this and it's just a  
6 hope that one day--

7 MS. PHARR: It's the hardest day of my year. I go  
8 and I spend all day long talking with the students, but I do  
9 feel that-- I think the thing that happens there that's the  
10 strongest is that the students of color feel absolutely  
11 affirmed by having someone come in there to talk about racism,  
12 sexism, and homophobia. And I think the gay and lesbian  
13 students feel absolutely affirmed.

14 I think many of the white female students do. I don'  
15 know about the young white men. They're pretty affronted by  
16 hearing that they are connected in some way with the  
17 oppression that comes down. But what fascinates me about  
18 going to the Governor's School each year is it's like a  
19 barometer of the middle class in this state and what their  
20 parents are thinking.

21 And when I first went, people were most concerned about  
22 gay and lesbian issues. Even if I spent five minutes out of  
23 an hour's speech on that, that would be what they jumped on.  
24 The last two years they have jumped to affirmative action, so  
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much about race. And it just to me points out the high quality delivery of racial politics in this country.

And I'll just say real briefly that in monitoring, what we've watched just in May of this year was looking at the Klan's coming to town in Fort Smith. The first thing was we went against David Duke, and we organized against David Duke and heard him talk anti-affirmative action and all that, looking like Kennedy and having his face job and that kind of thing.

And then the Klan, with their kind of total overt violent kind of anti-affirmative action, "These are the people who are destroying your lives." And then we watched the National Democratic Leadership Conference talk anti-affirmative action with our governor involved. And it was like, what is all of this? This anti-affirmative action is running through these three things by supposedly very different groups of people.

But the bottom line in this is racial politics and trying to shape the fear and violent reaction of people, of one group of people against another group of people. And for us, one group was way more dressed up and legitimate than the other group. But they appealed across the board to a wide, wide variety of people.

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And I know that is not a very popular thing to say. But the message was the same, the language and the dress were different, and I feel like somebody has to say it.

MR. PATTESON: I know that we have not even scratched the surface scratched the surface with

MS. PHARR: You know, I can do some talking.

MR. PATTESON: You are going to have to come back on another occasion, and I think you are absolutely right to have narrowed it to the one issue. That was an issue of protecting civil rights that I think has never been presented to this committee, as far as I know.

MS. PHARR: I brought a little information from National Gay and Lesbian Task Force, just about what the Commission has done.

MR. PATTESON: Thank you so much.

MS. PHARR: You bet. Thanks for having me here.

MR. PATTESON: Our next presenter is the Executive Director of the Office of Desegregation Monitoring, Ms. Ann Brown. Ms. Brown is responsible for monitoring school desegregation in Pulaski County and advising the federal judge on implementation of the Mandate for Desegregation in three school districts, is that correct?



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MS. BROWN: Well, yes.

MR. PATTESON: That's a big jump.

MS. BROWN: Well, it is and I'm real pleased to have the opportunity to talk to you-all. I see some old friends, and I'm sorry Linda's not here because we go way back to Hendrix College days.

I have not had the benefit of being able to be here for the presentations which have preceded me because I'm involved in budget negotiations at this time and it's quite demanding, but I will do my best to respect your limit. I have some things that I feel very strongly about, but I am not sure that this will be within the context of other remarks.

But I am coming as the Federal Monitor for the desegregation case here in Pulaski County. It's certainly well known within the county as well as without. When I first came to this formalized field, it was as an associate of the late Eugene Reville, who had been brought in under Judge Henry Woods to fashion a new desegregation plan that was called the Tri-District then.

Gene had asked me to join him because of my experience in building community coalition for school volunteer work and school community partnership establishment. And my job was to

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3 work with him to begin to form coalitions across school  
4 district lines, racial lines, socio-economic lines, to build a  
5 new plan.

6 Gene felt that people would support what they helped to  
7 create, and he also believed that none of us is ever as smart  
8 as all of us. So the process, rather even than the product,  
9 was probably the most important, because not only did Gene  
10 lead us, but he also taught us by his example.

11 So during the building of this particular desegregation  
12 plan, Mr. Reville mobilized hundreds and hundreds of parents  
13 and coalesced them into teams, committees that worked very  
14 hard with the school district and with our staff to build  
15 Tri-District desegregation plan.

16 And little miracles began to happen. He said when he  
17 came here that the Arkansas River must be nine miles wide  
18 because people had real trouble about crossing that bridge.  
19 And he said that he saw the river begin to shrink as we talked  
20 back and forth across that river and across the district lines  
21 and as parents came together. And I, as a parent of four  
22 children, realized that what it was that united us was far  
23 more powerful than whatever it was that divided us.

24 So North Little Rock, Pulaski County, and Little Rock  
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3 parents found out that we all wanted the same thing, what was  
4 best for our children. So we built that plan. It was not  
5 accepted by the courts ultimately, and we are working on a  
6 different plan. But that wonderful process taught us  
7 something that I hope that we're not going to ever leave  
8 behind. And we're talking and working together, I think, with  
9 renewed vigor and from a positive mode.

10 I learned something about segregation that I didn't  
11 expect to learn because I thought I already had a very strong  
12 understanding of what it meant. I have been committed always  
13 to living my values. My four children have always been in  
14 integrated schools. As a matter of fact, oftentimes they've  
15 been the minority as white children.

16 We live in a part of town, in the eastern section of the  
17 city, that tends to be a poorer section and also a  
18 predominantly black area. We love our old house, and we love  
19 our diverse community as well. And so we have felt it was  
20 important to live out, for and with our children, the  
21 manifestation of our values.

22 But I want to, if I may, read you one short little  
23 passage that I wrote in a letter to my mother at the time when  
24 new light bulbs were beginning to turn on for me with Gene  
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3 Reville's tutelage. And I said, "Mom, I've realized that  
4 desegregation isn't a matter of a body count. I don't know if  
5 I ever really thought that that was all that there was to it.

6 No, I'm sure I didn't, but I knew I was missing  
7 something. I've realized now that desegregation involves  
8 creating new understanding and relationships, new ways of  
9 living, learning, and working together. Our goal is a shared  
10 vision and a unifying framework of cooperation, positive  
11 expectations, and shared responsibility for improvement.

12 We are now about transformation, forging new paths,  
13 finding better ways, embracing the risks of change for the  
14 rewards of a healthy growing community where equity of  
15 opportunity is a reality for all. But Mom, remember what  
16 grandma used to tell us, 'If we always do what we've always  
17 done, we'll always get what we always got.'"

18 So I knew that we had to be about doing something  
19 different. And when I was-- Our oldest child is twenty-two,  
20 and we go all the way down to the age of four in our family  
21 with our four children, graduated from college last month, her  
22 major was World Diplomacy and Foreign Affairs. She is  
23 definitely going to be a citizen of the world.

24 I went out to see her graduate and Daddy couldn't come  
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3 with me because he was being honored at the White House for  
4 his teaching excellence. But I took my nine-year-old son with  
5 us, and I took him to Disneyland. Now I had been there some  
6 twenty-seven or twenty-eight years before when it had opened,  
7 as a very young, bright-eyed dazzled child, and I was happy to  
8 have my nine-year-old go with me. But we went with specific  
9 instructions from my four-year-old that we should go to see  
10 "It's a Small World."

11 Now if any of you have ever been to Disneyland and ridden  
12 the little boat, they sing, "It's a small world after all.  
13 It's a small world after all," fifty-seven times, over and  
14 over and over again. There are little dancing dolls in their  
15 native costume, and the llamas from Peru swing in time. As  
16 I emerged from that, my son, who has been in the International  
17 City School, the nine-year-old, said, "Mama, it really is a  
18 little world." He said, "Those children were all just like  
19 me." He said, "My teacher talks about the global village, and  
20 now I think I have seen it."

21 I cite that story as an example of something where I  
22 think we need a lot of help, and that is in the process of  
23 changing. I'm going to link that to something that is  
24 affecting me as a parent and also in my desegregation work.  
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I learned a long time ago -- As a matter of fact, Beverly White is one of the ones who helped teach me -- about change. I don't know what it is that we are so afraid of as human beings. It's part of the very definition of life.

I studied Latin in high school, and my teacher used to say, "This isn't really a dead language. It's called dead, not because it's not used any more, but because it has ceased to change."

And so it is with human beings. I'm happy to see a new gray hair or a new little wrinkle. It reminds me that I'm alive, that that change is part of the definition of my life. And when people cease to change, they're called dead.

Programs are the same way, but we have a fear about change. But we do know that people will change faster in an environment of support, if they are helped through the changing process. We also know that people will more readily accept change if they're aware of what I call the "wifms", W-i-f-m-s, the "what's in it for me?" Helping people to see that through the change process they gain.

Now, back to the "It's a small world," which I sang in my dreams for days afterwards, with this little ditty going through my head again and again, and what my son had said to

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3 me, "It really is a global village, Mom. Now I've seen what  
4 that means."

5         There is much energy being put into multi-cultural or  
6 multi-ethnic infusion in our schools, and I have been asked  
7 repeatedly about why it's important. And I hear frequently  
8 how important it is for children of African-American ancestry  
9 to understand their roots and the tremendous powerful heritage  
10 and tradition that has come from Africa. And that's true.

11         Many people also feel that it is extremely important to  
12 the African-American child for his or her self-esteem to  
13 understand the strong tradition that is his heritage.

14         But what's in it for me as a white parent, what's in it  
15 for my child, the global citizen, is very, very powerful. It  
16 enriches my children. It is important for them to know that  
17 in the cradle of civilization, their ancestors, their human  
18 ancestors, they are enriched by the contribution of those  
19 people, or Asian peoples, Far Eastern peoples, that all  
20 peoples connected through our humanity have contributed to  
21 where it is that we are today. As a white parent, I am very  
22 anxious for my white children to understand this global  
23 interconnectedness through history.

24         So as we look at just one area where we're concentrating  
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3 some efforts, for example, the multicultural area, and through  
4 change, I think it is very important to be cognizant of the  
5 need to support people and understand these changes, whether  
6 it's through desegregation or whatever; a win/win proposition  
7 -- there is something in it for all of us. It is important  
8 for all of us, no matter what our cultural, ethnic, or racial  
9 background, no matter what our socio-economic station in life,  
10 we all are diminished or we all are enhanced through change.

11 I generally have more questions than I ever do answers,  
12 but something that I would exhort of this group is to help us  
13 find support mechanisms to facilitate the change, forums for  
14 discussion like Mr. Reville had provided for us, so that we  
15 could learn that what it was that we had in common was far  
16 more powerful than any differences that we might have had.

17 How you do that, I'm not sure. But I know that it  
18 absolutely must be facilitated in our schools with training  
19 for our teachers and for our parents. I believe firmly that  
20 the spirit of positiveness, of harmony, of cooperation, to  
21 look joyfully on what it is that we're about, is far more  
22 powerful and will enable us to do absolutely anything that we  
23 need to do, including finally reaching that mountain top.

24 MR. PATTESON: Questions?  
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DR. WHITE: Ann, good morning. I have a question. Given the issues that were a part of the reason for the Pulaski County school desegregation case, and also recognizing the impact that decisions in central Arkansas have on what happens in the rest of the state, what systems changes does your office advocate to ensure educational equity and excellence for all students?

MS. BROWN: Beverly, one of the things that has changed about this office is that we are no longer the office of the Metropolitan Supervisor. When that was Mr. Reville's role, he had coercive powers, he had the power to encourage the changes in the systems. That is a power I do not have. I do not have a coercive power. As a matter of fact, Gene didn't coerce anybody, he led them and taught them.

But our role is to monitor what is happening at the schools. And how we intend to do that is not as the policeman with a bat to beat people up. But the analogy I like to use is the mirror so that we can reflect back very immediately to those who are responsible for dealing with our children and changing or working the systems, so that they can see very immediately what is happening.

We're not going to about digesting reports a number of

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3 months later to tell us that way back here in October we  
4 flushed a number of kids down the system.

5 DR. WHITE: May I restate my question?

6 MS. BROWN: Yes.

7 DR. WHITE: Given the desegregation plan that was  
8 approved by the courts that you still monitor, what systems  
9 changes in your monitoring would you expect to see, based on  
10 that desegregation plan, that would or should, hypothetically,  
11 lead to educational equity?

12 MS. BROWN: Heightened awareness, I think, of the  
13 broad-pictures and the long-term. The ultimate bottom line, I  
14 think, that we have gotten very much caught up in a number  
15 type of an emphasis.

16 DR. WHITE: When you say numbers, you're talking  
17 about putting the races together?

18 MS. BROWN: Yes, which I think is very important,  
19 and we have to be aware of what it is the numbers are  
20 indicating to us. But let me put this in context this way. I  
21 am very distressed when people say repeatedly, "The whole  
22 point of this case is to get us out of court." That's not the  
23 point of the case at all.

24 If I were to go into the hospital into Intensive Care  
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with a heart attack and tell my doctor, "My whole goal is to get out of Intensive Care," I could achieve the goal. He could let me out of Intensive Care and I could drop dead, because my real goal was to get well. The real goal of this case is not getting out of court. The goal of the case is to get well, to finally achieve what it was I wrote to my mom, that equity.

DR. WHITE: Well, what are the components of getting well that those of us who live in other portions of the state could well pay attention to right now, based on what you are going to change or you expect to see changed where you are, in impacting the school desegregation order?

MS. BROWN: Again and again, articulating what the real goals are, the ultimate goals, and differentiating those from the indicators that helped to tell us that we are moving on down the road. But the goal isn't to make sure that we have fifty children of one race balanced with fifty children of another.

That's part of the process. That's part of the indicators that tell us that we're getting to where we need to be with true achievement. What the children are able to produce and able to contribute, ultimately, is the measure.

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We realize that that is difficult to measure, but I don't want us to divert our attention from where it is that we need to go and thinking the indicators, the benchmark, are the goals.

And that has to be reinforced by consistently, in every way that we possibly can, in the training opportunities that we offer to our teachers and the training opportunities that we offer to our parents. Going about it the same old way doesn't seem to be making it.

For instance, in recent documents that were submitted to the court, a parent program out of one of the school districts was dropped. It was focused primarily at black parents. The climate of the school district was, "Well, it didn't work, the parents didn't care."

I've been there. I haven't met a parent that doesn't care. So what's the problem? It's not the parents. The problem is the program and the approach that was being used. All they did was say, "Well, we offered this program and nobody came, so those parents didn't care."

Obviously, we've got to be doing something different, because if we're always going to do it that way, we're always going to get the same results. So we've got to go out into the workplace. We've got to go out into the communities, into

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3 the churches, into the homes.

4 We have got to take the initiative to do something  
5 differently and actively solicit these partnerships with  
6 parents in the community. We can't sit back and do the same  
7 old thing.

8 The same thing with teachers. Staff development has to  
9 be a way of life, not something that happens on the calendar  
10 at the beginning of the year. It has to be continually  
11 reenforced. It must permeate our every fiber in our schools,  
12 to say "We are about doing something different," whether it's  
13 in the name of school restructuring, whatever name that you  
14 want to attach to it.

15 But it is-- Beverly, you were the one that taught me  
16 about paradigms. It's the whole definition of the paradigm.  
17 It's just like Grandma said, "If we always do it the way we've  
18 always done it, don't be surprised when you get the same kind  
19 of results." We've got to do things differently.

20 DR. WHITE: I guess I'm asking the question, Ann, in  
21 terms of I could go out here and I could do all these things  
22 to make parents more active advocates for their children, if  
23 you will, feel more empowered, but if the system doesn't  
24 change, not only in terms of staff development but in the  
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3 organization patterns, textbooks, and all of these in terms of  
4 tracking, ability grouping, allocation of resources, then  
5 equity cannot occur. And my question then, going back to  
6 that, are there other variables that I did not just mention  
7 that, from a monitoring office, you would see that you would  
8 want to look at, that are a part of the desegregation plan  
9 that need to be looked at to ensure, again, quality  
10 educational outcomes for our children?

11 MS. BROWN: Even though we are going to be somewhat  
12 limited, Beverly, in that we must focus on exactly what it is  
13 that the plan does include, we do feel that any successful  
14 plan has to be viewed as a framework in which there must be  
15 growth. So the emphasis will be on what's there and  
16 determining whether or not that is happening.

17 I want to be looking, also, very coalistic at all of the  
18 ways that resources are brought to bear on certain variables.  
19 For instance, if we're not getting where we want to with  
20 multicultural education, well what is it that are all the  
21 pieces that enable us to go forward there? Well, you've got  
22 to have the training, you've got to have the books, and books  
23 that are accurately reflective of the big picture. You've got  
24 to see that there are enough resources, financial resources,  
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3 in order to enable that.

4           So we're going to be looking at the whole picture. I  
5 think that the school districts should be able to make a  
6 provision, as a matter of fact, we'll be working with them  
7 very actively together, to say that, "If this is where we want  
8 to go, this is what it looks like when it's happening. And  
9 these are the people that we expect to be able to see doing  
10 these kinds of things with this kind of equipment, with these  
11 kinds of books, because you have allotted X number of dollars  
12 in order to ensure that."

13           Now I know, Beverly, that you're getting at the things  
14 that are very core, and that's entirely consistent with the  
15 way that you have always approached problems.

16           DR. WHITE: Let me really state for you why I asked  
17 the question. I think that all of the court cases, all of the  
18 research and practices as it relates to school desegregation,  
19 has identified, yes, those core areas that must be addressed.  
20 You've mentioned some, financing, multicultural education.  
21 But it even goes further in terms of dismantling traditional  
22 systems, looking at governing bodies all the way down to  
23 practices as relates to custodians and other types of  
24 interactions.  
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3 And I was trying to get you to say that as a matter of  
4 record, because I think that will impact. And it is not, as  
5 you said earlier, enough to just put the bodies together or to  
6 have people go out and get trained and say, "Oh, that was  
7 good," whether it's parents or teachers.

8 So I will admit to have been trying to lead you to say  
9 some things that have been proven. If they are not addressed,  
10 then putting bodies together in America will not work.

11 MS. BROWN: No, absolutely not. And I read an awful  
12 lot now in the whole field of paradigm shifting. I'm  
13 particularly intrigued by Barker, who has brought the concept  
14 of paradigm out of the scientific realm into the business  
15 realm.

16 And he is also an educator, and his comment on changing  
17 the paradigm, the way that we do business, the frame that we  
18 put around our pictures, of the rules that guide our lives, he  
19 said that, "Right now education is probably the most classic  
20 example of the establishment resisting change because people's  
21 power base is invested in that system. But it is clear that  
22 the paradigm of the system is not working." And that's where  
23 the shift has to be.

24 How that is being shifted, who will be the pioneers  
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3 there, Beverly, at this point, I don't know. We are searching  
4 for the changes.

5 I think Ted Seizer has got some answers. I think the  
6 whole restructuring notion, the fact that people will support  
7 what they have to, that they create, the fact that teachers  
8 and those who are at the primary service level have to be  
9 increasingly involved in the change. But in defining that  
10 change, because right now we don't know what that looks like,  
11 we are in transition. We know the old ways are not getting us  
12 where we need to go.

13 But what are the new systems going to look like? At this  
14 point, I don't know. That is what we've got to be actively  
15 searching for.

16 MS. MILLER: Maybe one of the first places we should  
17 start is to change the name of Office of Desegregation  
18 Monitoring and take a look at calling it the Office of  
19 Integration Monitoring, because desegregation says the  
20 benchmark is getting the numbers, putting bodies together.

21 And I've listened to what you've said, and what we are  
22 really striving for is integration. From the custodian to the  
23 school superintendent, there has got to be a change in  
24 attitude, a change in perspective about humanity. So you  
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3 start at a disadvantage right away because--

4 MS. BROWN: And unfortunately, it is written exactly  
5 that way in the 8th Circuit Court Order, and it will stay.  
6 But I want to redefine that through practice and through  
7 relationships, rather than worrying about the word. And I  
8 agree, that it does--

9 MS. MILLER: But I think that's right, because the  
10 word is the thing that we always pay attention to, and I think  
11 it's the thing that people zero in on, "Let's get out of  
12 court." Putting the bodies together is going to achieve  
13 exactly that, putting the bodies together. And I'm just  
14 wondering, is putting the bodies together--

15 You had mentioned the fact of that comment, "Let's get  
16 out of court." Is that the mentality of those persons who are  
17 in power who are going to carry out this desegregation? Is  
18 that the mentality that you are coming up against more than  
19 the mentality of, "What do we need to do to make what we want  
20 to happen, happen?"

21 MS. BROWN: I think both elements are there. I  
22 think that we have become sidetracked, particularly because it  
23 is constantly before us. There are constant stipulations,  
24 orders, appeals, that sort of thing. So it does tend to fog  
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3 the picture and to act as a detour from where it is that we  
4 really need to go.

5 I do feel that it is important to act on the positive.  
6 And wherever I can find the other kind of an attitude that is  
7 consonant with what I believe is where we need to go, that's  
8 where I seek to build. And with others, I will seek to  
9 educate and to help them see that the prize is the ultimate  
10 goal, which is far beyond what happens in the courtroom.

11 Because it happens for kids in a classroom, not a  
12 courtroom. And that's where we have kept our eyes, and we  
13 need to bring them back to where it really happens for our  
14 children. And I'll do everything that I can to facilitate  
15 that and to model it.

16 MR. PATTESON: I think the area that you have dealt  
17 with is probably the most vital subject we will discuss this  
18 whole day, as far as the state of Arkansas is concerned. I'm  
19 sitting in the middle of educators, and I'm the one least who  
20 should have missed any of the presentation. And I'll have to  
21 depend on the transcript for that that I did miss.

22 But I think my urgency indicated that we need a five  
23 minute break for everybody. At this time, may we just simply  
24 thank you for coming and let's reassemble at exactly 11:00  
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o'clock, please.

(Thereupon at 10:50 a.m., there was a ten minute recess)

MR. PATTESON: We will begin. Our next presenter is the Superintendent of the Fort Smith School District, Dr. Benny Gooden. Dr. Gooden will provide background information on the recent circumstances that have surfaced in your school district and whatever else you care to discuss.

DR. GOODEN: No, I'm going to talk about something else entirely.

MR. PATTESON: All right.

DR. GOODEN: I've titled what I want to say, "Education and Civil Rights from a Multicultural Perspective," opportunities that I believe are necessary for success, and then I'll attempt to answer your questions.

The role of public education in the advancement of civil rights is pretty well-established in American history. Public schools have been symbolic of our pluralistic society that has characterized the United States from its earliest years to the present.

Schools have represented a common meeting place for immigrants of all nationalities and children from all socio-economic groups and in this way have symbolized the

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3 individual opportunity that is the envy of nations around the  
4 world. However, it is only in the past four decades or so  
5 that the role of public education as a catalyst for civil  
6 rights activity has been brought into sharp focus.

7 In a period when our communities, our neighborhoods, our  
8 churches, and our other societal entities were far from  
9 integrated, public schools were chosen as the vehicle through  
10 which racial barriers, established as a matter of law for  
11 generations, would be removed, and all peoples could work  
12 together in local communities.

13 When the handicapped were excluded from active  
14 participation in many aspects of our society, again, the  
15 public schools were selected to provide appropriate  
16 educational programming commensurate with the needs of each  
17 individual handicapped child.

18 When immigrants who could not communicate because of  
19 their inherent language barriers were rejected by their  
20 new-found communities, the public schools were again called on  
21 to address the acculturation of a new wave of immigrants and  
22 to effect their assimilation into the world of opportunity  
23 which is America.

24 All of these responsibilities which have become  
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3 synonymous with American public education have resulted in  
4 frustration, confusion, controversy, and a realization that  
5 the goals of equity and educational opportunity, while they'r  
6 certainly related and equally worthy, are very difficult to  
7 attain simultaneously.

8       Attempts to bring about racial balance, equal  
9 opportunity, and many other stated objectives have been  
10 addressed through school closings, busings, student transfers,  
11 magnet schools, enrollment and participation quotas, and a  
12 range of other techniques.

13       Each of these, while they've addressed specific  
14 objectives and have demonstrated some success, have been  
15 deficient in an ability to bring about an acculturation of  
16 diverse groups to foster the most important component of  
17 equity, in my view. That component is educational success.

18       As we enter the final decade of the 20th century, it is  
19 obvious the problems of individual and collective attitude are  
20 of paramount importance. Again, the word is attitude.  
21 Changing attitudes among all affected groups is a slow and  
22 tedious process. You've heard testimony this morning from  
23 several different perspectives, all of them dealing with  
24 attitude.  
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3 A simple observation of the events which have transpired  
4 since the beginning of the recent civil rights movement in the  
5 United States demonstrates graphically the need for more  
6 understanding and cooperation and less reliance on mandates  
7 and regulations. The establishment of quotas for  
8 participation, for jobs, or other artificial devices have the  
9 effect of depreciating the potential of the very minority  
10 members who are purportedly to benefit.

11 The inherently obvious implication is one of inferiority.  
12 The other equally damaging effect is upon the attitude of  
13 those who may be denied participation because of some  
14 established quota. Hence, we've created a negative attitude  
15 component for both groups.

16 The public schools and their civil rights efforts must  
17 focus clearly upon equality of opportunity. Less attention  
18 must be devoted to the color of one's skin or one's country of  
19 origin and more attention devoted to the means which are  
20 required to ensure educational achievement, personal  
21 development, and the ultimate success of children.

22 These needs are not confined to any racial/ethnic group,  
23 but they cross the full range of children you find in any  
24 multicultural community.  
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3           Although Arkansas has devoted primary attention to  
4 black/white relations for the past thirty-five years, it is  
5 important to acknowledge and address the rapidly changing  
6 demographics in the United States, the state of Arkansas, and  
7 each local community.

8           Fort Smith, Arkansas, probably represents this  
9 multicultural demography more graphically than any other  
10 community in our state. With a significant black population,  
11 an Asian population divided between Laotian, Vietnamese, and  
12 other Asian immigrants, an American Indian population, and a  
13 Hispanic population which, to everyone's surprise, is  
14 increasing at a rate faster than any of the other groups that  
15 I have mentioned, the challenges facing public education in  
16 Fort Smith are not so simplistic as merely to address  
17 black/white issues.

18           Each group brings slightly different backgrounds and  
19 needs which must be addressed if the educational success,  
20 which is the ultimate goal of the system, is to be realized.  
21 To address the needs of each group and its attendant subgroups  
22 requires a sensitivity to individual needs as opposed to a  
23 group-oriented policy.

24           For example, with an Asian population of students  
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3 comprising seven and a half percent (7.5%) of our total  
4 student population, this group requires extensive educational  
5 services designed for students who do not speak English as a  
6 native language.

7         The problems of these students are further exacerbated by  
8 the fact that many of their parents don't speak English at  
9 home during non-school hours. The services that these young  
10 people require are, of necessity, developed by the local  
11 school district, since the state of Arkansas has yet to even  
12 take the first step in identifying needs in this area by  
13 surveying limited English proficient students in order to  
14 determine their native language and/or their country of  
15 origin.

16         Furthermore, Arkansas has provided no certification  
17 standards for teachers who are needed to work with these  
18 students, nor are our institutions of higher education  
19 providing appropriate training for these instructors, not one  
20 in our state. Probably the greatest deficit lies in the  
21 failure of the state of Arkansas to provide the first dollar  
22 of financial assistance to school districts seeking to  
23 appropriately address the critical educational needs of these  
24 non-English speaking students. Certainly much work needs to  
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3 be done in this area.

4 In the time that remains, I want to talk about what I  
5 perceive to be the greatest civil rights violation that is  
6 being perpetrated in Arkansas and that is that perpetrated  
7 against a group which heretofore has been unable to secure any  
8 protection from the Congress or the legislatures of most  
9 states.

10 This group is simply the children of our towns, cities,  
11 states, and our nation, whom we will call upon to lead the  
12 next generation and continue what we like to think is the  
13 American dream. These children are of all races. They're  
14 both boys and girls. They're rural; they're urban. And they  
15 enter our schools each fall.

16 The sad state of affairs confronting the nation's  
17 children is clearly documented by several things and I want to  
18 cite just a few: First, changes in the family structure, in  
19 which as many as one-half (1/2) of all the households in our  
20 nation are "non-traditional" in the sense that there are two  
21 natural parents living in that home.

22 Secondly, more than forty percent (40%) of all  
23 characterized as poor by federal standards are children.

24 Third, the number of single-parent families owning homes  
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3 has shown a steady decline since the 1970's.

4 Fourth, quality low-income housing is in short supply in  
5 practically every community in the nation.

6 Fifth, as many as fifty percent (50%) of the nation's  
7 homeless population includes women with two or more children  
8 under the age of five.

9 Attendant to these conditions is the inadequate nutrition  
10 for working poor, which adversely affects the learning  
11 capacity of children of pre-school and school age. In a  
12 nation with unprecedented technology and medical advances, we  
13 find the United States with a higher rate of infant mortality  
14 than that found in fourteen other nations.

15 Lack of prenatal care translates into continuing problems  
16 for children. Inadequate health care is further reflected  
17 with poor levels of immunization against diseases, and  
18 frequently we see increased special education costs because of  
19 these things.

20 Simply put, neglecting our nation's children compounds  
21 those educational problems which are frequently cited by  
22 groups such as yours as evidence of a failing system of  
23 schools or some violation of civil rights. We are neglecting  
24 our children, and it must stop.

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3           The problems of crime and drug abuse can further be tied  
4 to the failure of students to succeed in school so that they  
5 can be positive producers, instead of dependent upon the  
6 system. Undesirable activities are often assumed when more  
7 positive pursuits aren't found.

8           Costs of adequate child care and of education are really  
9 small when you compare these to the lifetime costs of  
10 incarceration. In Arkansas we don't spend much money on our  
11 prisoners, but you can send a young person to the finest  
12 university in this state for less money than we spend to keep  
13 a fellow at the Tucker Farm for a year.

14           Our nation has created entitlement programs in the form  
15 of social security and medicare to take care of our elderly.  
16 We have similar entitlement programs for the very poorest  
17 people in our society. The most consistent entitlement  
18 program, of course, is that available for the nation's  
19 criminals, who are supported at great cost to our taxpayers.

20           But a large gap in entitlement provisions exists for  
21 our nation's children. Head Start and other child welfare  
22 programs have been underfunded from the start. Recent  
23 proposals by the National Commission on Children to provide  
24 refundable credits for all children under the age of eighteen,  
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3 those are well intentioned and they are a beginning in  
4 highlighting the needs.

5 But I am here to tell you that they have so much  
6 philosophical and political baggage they probably won't ever  
7 be enacted. The sheer cost of programs when there is no new  
8 designated revenue will virtually guarantee opposition on many  
9 fronts or erosion of revenue to some other perceived crisis,  
10 bailing out savings and loans or something of that nature.

11 There's a number of existing programs which, if we  
12 adequately funded them, could meet the needs of our nation's  
13 children while working to keep families together and  
14 developing the bonds which are essential for a coordinated  
15 delivery system.

16 The Children's Investment Trust, which has been proposed  
17 by the founder of Head Start, Jule Sugarman, is a good example  
18 of a proposal which would produce steady revenue and target  
19 that revenue to a trust fund where it could not be used for  
20 other purposes.

21 However, attempts to resolve educational and social  
22 problems through educational vouchers or other quick-fix  
23 popular political measures will actually result in greater  
24 division of students and communities along racial and socio-  
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3 economic lines. It's vital that more cooperation and less  
4 elitism be a common characteristic of any reform measure.

5 In summary, our concerns for civil rights must continue  
6 to be focused upon ensuring opportunity for all. In my view,  
7 we must improve the attitude of all groups and focus less of  
8 our attention on grandstanding for attention, number counting  
9 of students, or litigation, and a lot more of our attention  
10 upon helping those in need and teaching our children to assume  
11 some responsibility for their future, and drawing a direct  
12 relationship between what we do in school and what they're  
13 going to do when they leave.

14 We have the potential to build upon the successes and  
15 move our nation to a new era of brotherhood. Whether we  
16 accomplish our goals I think will depend upon the reasoned  
17 cooperation by all of us, all Americans. I'd be pleased to  
18 answer your questions.

19 MR. COLEMAN: As a past classroom teacher,  
20 principal, and superintendent, how do we get your message to  
21 the people who are responsible, to the sitting President who  
22 said he was the Education President? To me, that's where the  
23 problem is.

24 DR. GOODEN: No question about it. And our  
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3 President says he's the Education President, and I'm always  
4 encouraged when a politician says that he wants to support  
5 public education. But the bottom line is there is no such  
6 thing as a free lunch.

7         And if we're going to address the needs of children, the  
8 President's six goals -- and I don't argue with any of them --  
9 the number one goal is that young people will enter school  
10 ready to learn. Children can't enter school ready to learn  
11 when they've had inadequate health care, inadequate housing,  
12 inadequate nutrition, in those pre-school years. It won't  
13 happen. When they start school behind, in most cases they  
14 never catch up.

15         DR. WHITE: Dr. Gooden, again, I would like to  
16 restate the question that I asked the previous presenter. As  
17 a school superintendent who I know would have limited  
18 resources, what systems change do you see you're making to  
19 effectively educate the diversity that you have in your  
20 community?

21         DR. GOODEN: As I said in my prepared remarks, Dr.  
22 White, I think the first thing we have to do is look at our  
23 student population. It's different in your school district  
24 than it is in mine, than it is in Little Rock, than it is in  
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3 Alread, and than it is in Hackett.

4           You look at the student population in each district and  
5 address the needs that those individual students have. If I  
6 have students who cannot achieve, and I use as an example  
7 those who don't speak English when they come to school--  
8 Unfortunately, they don't all speak the same other language  
9 either, and you have several of them you must respond to, but  
10 I must first meet those needs in order to bring those students  
11 into the mainstream of the educational system.

12           If I have students who need nutrition, I need to have a  
13 breakfast program. I'm encouraged that we're doing more of  
14 that across Arkansas. We've been doing it for some time. If  
15 I have young people who have health needs, certainly you must  
16 provide some assistance in that area.

17           Remedial education, Arkansas at long last enacted a  
18 state-funded compensatory education program that was long  
19 overdue. I think we're going to see some results of that.  
20 That's not something that's going to change us in the next  
21 year or so, but I think that will provide some assistance.

22           We're going to have to change our thinking. We're going  
23 to have to involve parents. As educators, we must build  
24 strong partnerships between the school and the parents. You  
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3 only have students five-and-a-half or six hours a day in  
4 school. Parents have them the rest of the time, at least I  
5 hope the parents have them, and that's something we simply  
6 must address in every community in the country. We must  
7 involve students in positive activities or, rest assured, they  
8 will be involved in things that are not positive.

9 One of my greatest concerns is that we don't get so  
10 bogged down in our work in the normal school hours that we  
11 lose sight of those other hours of the day, and that's where  
12 we must involve parents.

13 MS. MILLER: Doctor Gooden, you didn't address this,  
14 though it is one of the items that's on our list. The  
15 situation that is occurring with the KKK up in your area, I  
16 was just wondering, is there some type of monitoring that your  
17 school district is doing within your schools to keep your  
18 hands on the pulse of whether the activities of that group, or  
19 groups such as the KKK, are having any influence on the  
20 student body population? Are they garnering support there?  
21 Are we just simply spawning a new generation of problems here  
22 in terms of racial and sexual tensions?

23 DR. GOODEN: From my observation it does not appear  
24 that they have very much support among the student population.  
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3 Frankly, I think most students today, at least in our  
4 district, appear to be a lot more discriminating in terms of  
5 seeing things for what they are than frequently we adults  
6 would give them credit for.

7 I find that, frankly, the KKK doesn't receive a lot of  
8 attention. The KKK receives a lot more recognition from the  
9 statewide and local media than they do from the students.

10 MS. MILLER: And just one other question. Elijah  
11 asked this question of Mr. Lanoue, but why do you think those  
12 groups seem to always find a haven in Northwest Arkansas.

13 MR. GOODEN: We comment on that frequently. Of  
14 course, it's a free country. I guess they can locate  
15 anywhere, and they do. It may be because land's cheap. I  
16 really don't have any idea. We certainly have our share of  
17 them. I spent eighteen years in the state of Missouri and  
18 unfortunately, we had some of them there, too.

19 Those groups, I suppose when you observe what they do  
20 over a period of several months, you see a pattern. There's a  
21 lot of talk. I think a lot of them want attention and  
22 unfortunately, the media is happy to reward them. .

23 MR. PATTESON: Is learning English as a second  
24 language really a major problem?  
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3           MR. GOODEN: A major problem. We serve over a  
4 thousand (1,000) students of that nature.

5           MR. PATTESON: Is there no program to go along with  
6 the general literacy program?

7           MR. GOODEN: No. We have an adult program, too, but  
8 I'm not alluding to it. I was speaking about our school-age  
9 students. But we have a lot of students, in fact they arrive  
10 all the time, who don't speak any English. Unfortunately, as  
11 I said, they don't all speak the same foreign language either.

12           We have, I mentioned the Laotian and Vietnamese because  
13 that's the largest group, but we're seeing more and more  
14 Hispanics. It's a rapidly growing group, the Hispanics. And  
15 we're also seeing students who come in to us, and if we get  
16 them in the first year or two of school experience, it very  
17 quickly can be alleviated.

18           If they come to us older and they've been out of school,  
19 maybe in a relocation camp somewhere in Southeast Asia, we  
20 find that it's really difficult. It takes several years. But  
21 it is certainly something that we have chosen to ignore, but  
22 when you look at the census data, review the census data, it's  
23 a problem.

24           While we may have a greater concentration, if there are  
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3 ten students in a very small school district somewhere, that's  
4 a big problem for them, too. In Arkansas, as a state, we have  
5 chosen to ignore that.

6 MR. PATTESON: There's a specific technique for  
7 teaching English as a second language, isn't there?

8 MR. GOODEN: Yes, and of course, you have to do two  
9 things. Your number one goal is for these students to become  
10 fluent in English so that they can function well in our  
11 society, they can become good employees, so that they can do  
12 the things we expect citizens to do.

13 The second thing is that you cannot allow them to fall  
14 behind in their academic areas while you're doing that. So  
15 you have to really do two things at once, and you have to  
16 always keep that goal, number one, of becoming fluent in  
17 English.

18 But yes, it is a technique, and we've seen some success  
19 in attracting very well-qualified people who are immigrants  
20 themselves. But here in the state of Arkansas, we don't have  
21 any training program for them.

22 RABBI LEVY: To deal with that specific question one  
23 more time, I notice that in the newspapers every spring  
24 there's a public list of valedictorians and salutatorians of  
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3 the various high schools published. It seems like a great  
4 number of them have at least foreign names, Asian names quite  
5 often. Would it be not possible to gather a task force of  
6 some of these young boys and girls together, either for Fort  
7 Smith or for the state, and ask them how they might see the  
8 problem worked out from their perspective, meaning that  
9 they're from these countries? They might make some impact on  
10 the legislature as well, and then you could get these types of  
11 things passed in the '93 legislature.

12 MR. GOODEN: Well, that's certainly a good  
13 suggestion. We work with these young people and involve them  
14 in many things, as you have correctly noted. If you talk  
15 about quota representation, they're over-represented in terms  
16 of high academics, because these students do very well.

17 Is it because of their race? I suggest that it is not.  
18 I suggest that it is because of their culture and their family  
19 structure. And the number one priority is get your homework,  
20 then we'll talk about other things, but get your homework.  
21 And that's the orientation.

22 RABBI LEVY: They could talk about what they have  
23 done, and there may be a way of interacting them with the  
24 students who don't speak English because these students may  
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3 speak the same language that they do.

4 MR. GOODEN: Yes, we've used them extensively in  
5 that way, and that's certainly a good suggestion.

6 MR. PATTESON: This is going to have to be our final  
7 question.

8 MR. COLEMAN: Would it be difficult for you to talk  
9 with Carolyn and whoever else represents that district?

10 MR. GOODEN: We do that.

11 MR. COLEMAN: You do?

12 MR. GOODEN: Yes, sir.

13 MR. COLEMAN: Well, it doesn't seem that-- What you  
14 presented to us this morning never seems to come through our  
15 committee, the Education Committee, and through our  
16 representatives.

17 MR. GOODEN: Sure.

18 MR. COLEMAN: Those are the issues, without a doubt.

19 MR. GOODEN: Well, some of the things I mentioned  
20 were addressed in the last session. We did a child nutrition  
21 program, we did an early childhood program. We did some  
22 things along that line. But when you have limited resources  
23 and we start targeting those resources on priorities, it  
24 becomes very difficult. And I think that's the challenge that  
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3 our legislature faces every session, and I certainly do not  
4 envy them their job of making the hard choices. I have a copy  
5 of my remarks for you.

6 MR. PATTESON: Thank you, sir. We appreciate very  
7 much you coming, and I know you drove a long way from Fort  
8 Smith because I drive from Jonesboro. I fully appreciate it.

9 DR. GOODEN: But it's a lovely drive.

10 MR. PATTESON: It is. Depends on the time of the  
11 year when the crops are in what's lovely in our part of the  
12 world.

13 We earlier in our opening remarks recognized that this  
14 was the first year of the passage of the Americans for  
15 Disabilities Act of 1990, and we saluted a couple of  
16 organizations that we're proud of in Arkansas. One of them  
17 was the Advocacy Services. We're very pleased as our next  
18 presenter to welcome Mr. J. William Cain, Jr., who's the legal  
19 counsel for Advocacy Services for the Disabled.

20 MR. CAIN: We appreciate the opportunity to present  
21 what we believe to be priority items facing the disability  
22 community in the area of civil rights. As you stated, clearly  
23 the priority item and the most important thing facing Arkansas  
24 and all jurisdictions is the soon-to-be-effective Americans  
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3 with Disabilities Act. It's an enormous piece of social  
4 legislation with enormous impact.

5         Since the President signed the legislation one year ago  
6 tomorrow, we have as an organization, along with other  
7 disability organizations, attempted to do one particular  
8 thing, and that is to educate and train. Now Arkansas, of  
9 course, is sparsely populated or a state of small businesses.  
10 And small business persons are unlikely to feel very good  
11 about an act that gives the disability class protections that  
12 were given to other protected classes in 1964.

13         We have suggested over and over and we've tried to cover  
14 the state and will continue to do -- we're a little bit more  
15 organized now with other organizations -- to attempt to  
16 educate all persons affected and all persons, of course, will  
17 be affected.

18         The Public Accommodations Provision becomes effective in  
19 January. We don't have much time. But educated to a point  
20 where they are not frightened of and recognize the limits of  
21 that civil rights act affecting persons with disabilities.

22         I think we are going to have to be successful because  
23 we've got to hold down the litigation. It simply will not do  
24 any of us any good. It will not be helpful to constantly  
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3 engage in litigation over this Act. It is sweeping enough  
4 that litigation could swamp the courts, and I don't think  
5 that's going to happen as long as we do educate the public  
6 throughout the state.

7 That brings me to Section 504 of the Rehabilitation Act.  
8 While trying to educate and train with respect to the ADA, we  
9 emphasize that it is an extension of Section 504, that is the  
10 anti-discrimination statute with respect to disability. It is  
11 an extension of that statute to the public sector.

12 Now, unfortunately, in Arkansas generally only those  
13 companies with government contracts, for example, recognize  
14 Section 503 or Section 504 of the Rehabilitation Act. School  
15 districts to some extent, Dr. Gooden's school district for one  
16 because it is large and has good people there, does recognize  
17 Section 504. But we have so many small school districts in  
18 Arkansas that 504 is generally regarded as something of a  
19 nuisance, if it's known at all.

20 For example, we've requested that the Department of  
21 Education supply us with the names of the Section 504  
22 coordinators for every school district in the state. By law,  
23 of course, they've been required to have such coordinators for  
24 many, many years. That list has never been published, and we  
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3 know why. The school districts either will not appoint one,  
4 they don't have one, or if they have to have a name, they  
5 simply designate somebody who may or may not know anything  
6 about Section 504, and in many school districts they do not.

7 I noticed, by the way, in your 1988 report to the  
8 Commission on Civil Rights that you had some testimony saying  
9 that Arkansas' largest problem was that it didn't recognize  
10 Section 504. I assure you we have the same problem.

11 And that leads me to one other thing. I suggest that,  
12 although it's been over twenty years since, in the Gault case,  
13 we found that children have due process rights in the criminal  
14 justice system, we, I think, are far behind in applying  
15 Fourteenth Amendment Rights, for example, for the children in  
16 the civil system, both in human services and education.

17 Now, take education first. I agree with Dr. Gooden, if I  
18 understand him correctly, that if you group people or students  
19 and you treat them as a group, it is a negative implication.  
20 I suggest much of special education is very much like that.  
21 Once we get the child in special education, he's on that  
22 track, and he may not get off of it. That's a disservice to  
23 the child.

24 Congress, I think, is mistaken in continuing to add to  
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3 what is now the Individuals with Disabilities Education Act by  
4 adding, as they did in the reauthorization last fall, two more  
5 categories, autism and traumatic brain injury. Well,  
6 certainly the children in those groups deserve individualized  
7 education. There's no problem there. Now the Congress  
8 probably will add attention deficit disorder. What we have  
9 are categories here.

10 I practiced in the District of Columbia for many years,  
11 and much of my income came from regulatory law. I suggest  
12 that the Education Act is regulatory law, opening it up for  
13 lawyers like me, if I were in private practice, to seek  
14 eligibility in case after case by proving that the child  
15 belonged in this category or that category, in order to get  
16 that child educated. I think that's wrong.

17 Back to 504. If we had a 504-like statute saying, in a  
18 statute, not regulations, that every child is entitled to a  
19 free appropriate public education, regardless of disability,  
20 then I think we'd make a national commitment that's long  
21 overdue.

22 I believe, also, that as long as we're talking about  
23 special education and Section 504, the Department of Education  
24 needs to make some commitment to the idea of civil rights with  
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3 respect to students. It does so only by setting up an office  
4 called the Equity Assistance Center. That was authorized by  
5 the legislature two sessions ago, I believe, with no  
6 enforcement powers.

7 By the same token, the Special Education Division will  
8 not consider any Section 504 issue. They protect that turf by  
9 applying only the Individuals with Disabilities Education Act  
10 and the corresponding state statutes.

11 Well, I suggest that children's problems are more  
12 complicated than that. They are purely, often, civil rights  
13 matters. But if you can't find a forum in the state, you go  
14 to the regional office of the Office of Civil Rights in  
15 Dallas, a very laid back region. Sometimes it will take six  
16 to eight months for resolution, and rarely is there a very  
17 good resolution.

18 The children need a forum. They need a forum in the  
19 state, and the state is going to have to address the civil  
20 rights concerns that we have with respect to children, not  
21 just in education but in human services.

22 I know we don't have much time. I'd like to give you,  
23 however, a quick example of the lack of the application of  
24 Fourteenth Amendment rights to children. Arkansas is,  
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3 unfortunately, not unique due to the fact that they have so  
4 many emotionally disturbed children. The schools are not sure  
5 what to do with them. Often schools suspend them unlawfully;  
6 often expel them, sometimes unlawfully.

7 But the state itself overall doesn't know what to do with  
8 them. The parents don't know what to do. If that child needs  
9 psychiatric treatment, there is virtually nowhere in Arkansas  
10 you can find it except in a few residential treatment centers.  
11 Most often the parents do not have the money and do not have  
12 the insurance to pay for it, if they could find a psychiatrist  
13 in a little town in Arkansas or in the region.

14 They therefore in increasing numbers proceed to their  
15 juvenile court under a FINS petition, Families in Need of  
16 Services, and give up under the juvenile code partial custody  
17 to the state so that that child can be moved to the court  
18 system and be court ordered to a facility as a family of one.  
19 Therefore, Medicaid is applicable for a while, at least.

20 Now the state still has custody, but our Medicaid  
21 decisions are made by a contracting group in Nashville,  
22 Tennessee. The group never comes to Arkansas, never sees the  
23 child, but based on paper they will make a decision as to  
24 whether that child continues in the residential treatment  
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3 center. The denial rates as of this time are running over  
4 eighty percent (80%).

5 At that point the child must leave, is discharged,  
6 whether suicidal or whatever, a danger to others, unless the  
7 center is willing to eat that money and keep the child. The  
8 child then begins to bounce around the foster care system.  
9 You have an opportunity for a hearing at which the state  
10 presents no evidence, but you present evidence, and so long as  
11 that evidence is credible and admissible before that Hearing  
12 Officer, you would think that you may have won the case.

13 You do not; the state wins. If that does not annoy you  
14 or offend your notion of due process, the due process clause  
15 of the Fourteenth Amendment, I don't know what else would. In  
16 any event, these children are bouncing around in the foster  
17 care system.

18 A class action has been filed recently, but here we go  
19 again. It seems to me that maybe the community better sit  
20 down and talk about this. If we get into more and more class  
21 actions, the state will not be helped, the children really  
22 will not be helped. These children, the ones we're dealing  
23 with right now, will probably not be helped. We're going to  
24 lose these children, and I think it's time for something  
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3 besides litigation and some leadership. I'd be happy to  
4 answer any questions.

5 DR. WHITE: Mr. Cain, I appreciate your comments,  
6 having recently served on the State Mental Health board, as  
7 well as now a mental health board in another portion of  
8 Arkansas, and having to implement 504 in my district. What  
9 kinds of things are you doing as an advocacy group to impact  
10 the issues at the state level with respect toward education  
11 and resources for education, and meeting the needs in other  
12 ways of 504 students in education?

13 MR. CAIN: Unfortunately, Dr. White, it's been  
14 through the threat of litigation. We can't get anyone to  
15 listen to us unless we go to your school district and say,  
16 "This is a 504 violation." For example, "You will not give  
17 the child an evaluation." The LEA supervisor says, "Well, we  
18 don't need to. I can tell you right now that he's not  
19 disabled."

20 Well, rather than going through special education act  
21 proceedings, we say, "That is a 504 violation. We are going  
22 to file a complaint." Unfortunately, that's been the way  
23 we've had try to educate the people. Now the state department  
24 has had conferences on this two years ago and again last year,  
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3 I believe.

4 It's not taking in the small school districts. And the  
5 reason it's not and they won't recognize 504, I suggest, is  
6 there is no funding under Section 504.

7 DR. WHITE: Well, that was my question, that many of  
8 the districts that you described, while the laws are on the  
9 books in terms of how the needs of 504 students must be met,  
10 there are no resources. Then my question goes back, what are  
11 you doing at the state level to try to impact that?

12 MR. CAIN: There was a hearing the other day, and I  
13 was in court and was not able to attend. But it is my  
14 understanding that there is money available for students with  
15 disabilities who do not qualify under the Individuals with  
16 Disabilities Education Act, and that money will be  
17 distributed. I frankly do not know what happened at that  
18 public hearing, but I understand the money is available and  
19 will be distributed.

20 DR. WHITE: This is new.

21 MR. CAIN: That's new money, and maybe with that  
22 kind of money, we can convince people to-- For example, this  
23 applies to the regular classroom.

24 DR. WHITE: Yes. I'm talking about non-categorized  
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3 students under the special education law. Their needs must be  
4 met.

5 MR. CAIN: Yes, the non-categorized student. Maybe  
6 we can make a dent in an attitude that prevents for some  
7 reason the regular education teacher talking to the special  
8 education teacher. The child is lost somewhere in there.  
9 Obviously the child is going to need both in most  
10 circumstances, if that regular education teacher, now that  
11 there is money coming in, will have to address the needs of a  
12 kid with disabilities. That's about the only way.

13 Dr. White, we have too many school districts, too many  
14 small school districts in the state. And you have to threaten  
15 them, and I think that's not a very good way of doing  
16 business.

17 DR. WHITE: My other question has to do with the  
18 mental health needs of students, which would be in the  
19 disabled category. What do you see on the horizon in terms of  
20 our beginning to respond to the needs of this category of  
21 children and what recommendations would you make to us as an  
22 advisory committee?

23 I have recently been involved in a case where a whole  
24 group of kids who had some emotional problems had been caught  
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3 up in a bureaucratic struggle between a local mental health  
4 agency and what the bureaucrats said at the state agency. And  
5 in the process, the kids, in my opinion, are being caught in  
6 the maze.

7           MR. CAIN: First of all, there is legislation  
8 pending before the Congress, Senator Kennedy's bill in the  
9 Senate and Representative Miller's bill in the House,  
10 providing for quite a lot of money to address those problems.

11           And the way it is going to be addressed and the only way  
12 it can be addressed in Arkansas or in any state, I think, and  
13 I know this has been tried before and didn't work, but all of  
14 the agencies are going to have to come together. They're  
15 going to have to speak to each other, for a change. And the  
16 state and local agencies are going to have to speak together,  
17 for a change.

18           But the legislation-- And we should have state  
19 legislation insisting that this be done, bring every child  
20 care agency together for those children and to meet regularly  
21 and to have a plan.

22           DHS used to have a Case Review Committee, but we haven't  
23 seen that in a long, long time, that performed somewhat of  
24 that function. But you're going to have to do it on a local  
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3 level, and all the agencies involved are going to have to  
4 meet. It's going to take some money. But it's the only way I  
5 see we can do it because now, one agency doesn't know what the  
6 other agency is or is not doing with respect to the child.

7 As the child, for example an ED child, bounces throughout  
8 the foster care system, we have some with almost thirty  
9 placements. He goes from school district to school district.  
10 Well, the school district he moves into with his new foster  
11 family never heard of him and the one before probably never  
12 heard of him.

13 If we don't bring the agencies together we're not going  
14 to address the problem. And the problem is immense, I assure  
15 you. The numbers are really staggering, and they're still  
16 coming in, and we better address them pretty soon. And I  
17 think that's the direction.

18 MS. ROBINSON: I have two questions. Could you  
19 clarify to me your statement that you made that the state of  
20 Arkansas does not recognize Section 504? And number two, does  
21 the state monitor what the local school districts are doing,  
22 as they are obligated to in Section 504 if they receive  
23 federal funds?

24 MR. CAIN: To my knowledge they are not, but maybe  
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3 Dr. Gooden or somebody else could correct me on that. I've  
4 never seen it done. If I made a statement that implied that  
5 the state of Arkansas does not recognize 504, it's because I  
6 feel like that sometimes.

7 MS. ROBINSON: That's not a fact though?

8 MR. CAIN: Well, in Little Rock certainly 504 is  
9 addressed at the school district level and at other levels.  
10 Certainly in Fort Smith, or Fayetteville, or Jonesboro. Well,  
11 it took a long time with Jonesboro. But most school  
12 districts, either it's denial that it exists or they really do  
13 not know that it exists. And I'm talking about an immense  
14 problem. I'm talking about an awful lot of school districts.  
15 So that's really what I meant.

16 But Arkansas is not unique in that respect, either. I  
17 understand from people around the country, other lawyers, that  
18 in their states they have had a very hard time until recent  
19 years having their school districts and their state Department  
20 of Education recognize Section 504.

21 MS. ROBINSON: How can that be? If they receive  
22 federal funds and they have students that are identified as  
23 handicapped students, they have a responsibility to identify,  
24 evaluate, and provide a free appropriate education. And the  
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3 state should have some procedures in place to ensure that that  
4 happens.

5 MR. CAIN: I think the procedure-- Well, I'm not  
6 sure there are procedures in this state. The Equity  
7 Assistance Center simply does not do that. It gives technical  
8 assistance to schools, however, and it will send them  
9 materials. Other than that, I'm not sure what it does.

10 I think the largest problem is the federal monitoring.  
11 And I asked someone just this past May from Washington, from  
12 the Office of Civil Rights, about that. And she told me that  
13 in each region of OCR that up to ninety-five (95), ninety-six  
14 (96), ninety-seven percent (97%) of their time was taken by  
15 specific complaints, and they simply did not have time to  
16 monitor.

17 If they came in and monitored it would encourage the  
18 state, who after all gets the money, the federal money.

19 MS. ROBINSON: Yeah, they get the money.

20 MR. CAIN: Then the state would be encouraged to  
21 turn around and say, "Oh, we will agree with you that we are  
22 violating the law, and we will monitor now." But not even the  
23 federal government has apparently the time and resources to  
24 come in as they are required to do at OCR.  
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3           DR. WHITE: Ms. Robinson, if I may comment. I think  
4 that there are some issues that must be addressed. One, we  
5 are required to have a policy for 504. We must also have a  
6 504 officer to whom due process procedures can be afforded the  
7 students. We must also follow the procedures and must also  
8 sign assurances, legal assurances, for that compliance.

9           We must also provide those services, under 504, for  
10 non-categorized handicapped students. Now, I think perhaps  
11 the issue, what Mr. Cain was talking about as far as some  
12 districts are concerned, for providing services to those  
13 students would be the lack of resources many times at the  
14 local level to do that because of the financially strapped  
15 areas.

16           And another issue I think would be lack of knowledge on  
17 the part of people in terms of their rights to access that  
18 information and not having advocacy, which I think was one of  
19 his points in terms of the state not responding to it or the  
20 local district not responding to it.

21           MS. ROBINSON: Okay.

22           DR. WHITE: I wasn't trying to put words into your  
23 mouth.

24           MR. CAIN: No, that's exactly right. The state has  
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3 made an effort to educate the school districts. They've had  
4 conferences here in Little Rock. But following those  
5 conferences we still find most school districts, small school  
6 districts, looking at us as if you're talking about something  
7 from outer space.

8 And again, I think sometimes it's just a bit of  
9 ignorance, but other times it's lack of resources. "We won't  
10 do that; sue us." And that's unfortunate.

11 MS. ROBINSON: Or file a complaint.

12 MR. CAIN: And then many of those are in paper  
13 compliance. As Doctor White said, you have to have things on  
14 paper, but that doesn't get the kids served.

15 MR. PATTESON: I hate to be heavy-handed with the  
16 gavel, but this will be the last question because we have two  
17 more presenters and not much time.

18 RABBI LEVY: Am I correct in assuming that AIDS is  
19 now to fall into this category, too?

20 MR. CAIN: Yes, Rabbi. A person with AIDS qualifies  
21 under Section 504, absolutely. Even the Justice Department  
22 agrees.

23 RABBI LEVY: Okay.

24 MR. PATTESON: Thank you very much. I'm sorry we're  
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having to shorten everyone a little bit.

MR. CAIN: Thank you very much.

MR. PATTESON: The Executive Director of the Jefferson Comprehensive Health Care System in Pine Bluff, Mr. Larnell Davis. Welcome.

MR. DAVIS: Thank you. I'd like to express my appreciation for the opportunity to speak before you-all. And I also acknowledge that I'm not an expert on civil rights, nor am I an expert on any legal matters. I come from a different background, and that is that I have worked in education, and I am also the current President of the Community Health Centers of Arkansas.

What I expect to share with you today has to do with what my observations have been in terms of what I consider to be some of the issues that this state faces in a general sense. I am very disturbed by what I see happening in our state as relates to minorities and poor males, people who live on the poverty level.

We have in our patient population a majority of poor people, and we know that we have many minority black families involved. We know that many of those are single-family heads-of-houses, mostly female. We also know that in the



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3 minority and poor populations that they have unemployment  
4 rates that run two to two-and-a-half times the general  
5 population and that they have very high school dropout rates  
6 in those families.

7 We also know that there are more blacks in our  
8 correctional institutions than there are in our institutions  
9 of higher education. And I'm concerned that there may not be  
10 application throughout our state of mandatory school  
11 attendance laws.

12 I was very interested in the comments made by Mr. Cain  
13 and the reference to Section 504, because I have a very strong  
14 feeling that in many local districts their resources are not  
15 allocated equitably across the board. In many instances they  
16 take federal funding such as Title One, which most of you are  
17 probably familiar with, and this is used to offset, as opposed  
18 to using school resources and Title One to enhance the  
19 education of minority and poor students.

20 On the level of higher education, we most recently have  
21 had a tremendous increase in fees to attend the university  
22 system. That in itself is going to make it very difficult for  
23 minority and poor students to obtain a higher education. And  
24 there has been no helping on the part of the state to provide  
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3 additional scholarships or financial aid for those students.

4 I am concerned also that there may be, and I'm not sure  
5 about this, but one of the things I was concerned about is  
6 whether or not at the state there is a concerted effort to  
7 determine if local school districts are, in fact, supplanting  
8 local efforts with federal funds. It is my understanding that  
9 if you receive federal funds, that is supplementary and in  
10 addition to the local effort.

11 We see businesses daily where people apply for positions  
12 who do not have skills, who are not trained. I wonder if  
13 there is not some problem within the educational system, from  
14 the high school all the way up to the higher educational  
15 level.

16 Another concern I have, looking from a health  
17 perspective, and that is in your cities and counties where you  
18 have poor minority people in large numbers, there seems to be  
19 a lack of application of city and county resources. And here  
20 I speak in terms of improvements such as streets, and sewer,  
21 and water, and environmental concerns.

22 I'm aware that cities also receive federal funds. But in  
23 many instances they use block rent funds, community  
24 development funds, to do special projects in minority  
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3 communities. My question is what happens to the regular city  
4 and county funds that should be allocated also for  
5 communities?

6 This has a detrimental effect on the quality of life and,  
7 in my estimation, is a violation of equal protection under the  
8 law. Those are the only two issues I wanted to bring before  
9 you today.

10 MR. PATTESON: Questions?

11 MS. MILLER: Mr. Davis, I have a question regarding  
12 you talking about health care. What is your experience or  
13 your knowledge of the experience of minorities receiving  
14 health care or at least being able to receive appropriate or  
15 competent health care in the area in which you are in?

16 MR. DAVIS: Okay. In metropolitan areas and  
17 situations where you have community health centers, normally a  
18 patient would have access and generally they would receive  
19 positive health care and have access to the system.

20 But within the state of Arkansas, one of the things that  
21 we must recognize is that many of our minority and poor people  
22 depend upon Medicaid to pay for their services. And in a  
23 recent study conducted by the Institute of Health Care  
24 Council, which was an appointment by the governor of an  
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3 interest group in community health to indigent patients, what  
4 they found was that many providers would not except Medicaid.

5 They gave, as I recall, three main reasons. One had to  
6 do with the amount of reimbursement for service that is paid  
7 by state Medicaid. The second reason was the tremendous  
8 amount of red tape they had to go through in order to bill for  
9 their services. And the third and most disturbing one was  
10 that some expressed that they didn't want to treat Medicaid  
11 patients because they didn't want them in their offices next  
12 to their regular paying patients. And that was the thing that  
13 really brought home to me that there is still discrimination  
14 in access to health care.

15 Other problems relate to the rural areas, lack of  
16 transportation, lack of providers, a fair distribution of  
17 providers in rural areas. So the experience is that many poor  
18 and minority people do not have access to quality health care  
19 for a variety of reasons, some of which would be termed, in my  
20 opinion, discriminatory.

21 MR. COLEMAN: I'm familiar with the operation that  
22 you provide at the system in Pine Bluff. If you had to  
23 recommend something to the Civil Rights Commission that we  
24 should be doing that's not being done at the federal  
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3 government level and that's not being done that hampers your  
4 being able to provide the kind of services that you need to  
5 provide for that population, is there anything?

6 MR. DAVIS: I think that there are probably no real  
7 issues involving the direct services that we provide. I thin  
8 the issues have to do with whether or not there will ever be  
9 time when providers who bill private insurance companies woul  
10 be required, if they bill private insurance companies, they  
11 would be required to bill Medicaid/Medicare.

12 MR. COLEMAN: Okay.

13 MR. DAVIS: You also have some other things that  
14 happen and this is a-- Well, I was talking about Medicaid;  
15 let me talk about Medicare for a minute. It's been my  
16 experience that in a lot of instances providers who treat the  
17 elderly Medicare patients refuse to bill Medicare. They will,  
18 or have in the past, billed the patient and said, "Okay, we'll  
19 fill out the forms for you." And what they are basically  
20 doing is getting around the fee schedule that they're required  
21 to accept under Medicare.

22 MR. PATTESON: That, I think, is more and more being  
23 done at all levels. I don't think that is necessarily a  
24 racial thing.  
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3           MR. DAVIS: It's more of an economic one, but it  
4 basically applies to the elderly because they're the only ones  
5 covered by Medicare.

6           MR. COLEMAN: I should be asking that question, I  
7 guess, but the one that I'm particularly concerned about is  
8 what percentage of black to white do you support or provide  
9 services for?

10          MR. DAVIS: It would be about eighty-five percent  
11 (85%) minority, black.

12          MR. COLEMAN: About eighty-five percent (85%), I had  
13 figured that. Is it because the other community just doesn't  
14 know about it or they choose not to use it? What seems to  
15 the problem, because there's about a fifty-fifty (50-50)  
16 population ratio in our town?

17          MR. DAVIS: Okay. I think what accounts for that is  
18 that there is always a stigma that goes along with any program  
19 that at any point in time has been defined as for poor people.  
20 And when these programs first started, they came out of the  
21 old War on Poverty. And so they were determined free clinics,  
22 and they were for poor people.

23           Well, our definition of poor people has changed, but some  
24 people have not recognized the fact that that's changed. And  
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3 that's not really our mission anyway. Our mission is to  
4 provide health service to anyone who does not have access.  
5 That's really our mission at this point, but that's probably a  
6 contributing factor to this view of the population.

7 MR. PATTESON: Mr. Davis, we're grateful for all the  
8 presenters who have come here, but we're particularly mindful  
9 of those who have driven from out of town. We appreciate it  
10 very much.

11 MR. DAVIS: Thank you.

12 MR. PATTESON: We have with us today a representative  
13 of the Urban League who is not scheduled, and I asked if he  
14 would stay until all the presenters had spoken and then we  
15 would make room for him, Mr. Charles Love. Would you state  
16 your position with the Urban League and then make whatever  
17 presentation that you can make in thirteen minutes.

18 MR. LOVE: First of all, I'd like to thank the body  
19 for allowing me the opportunity to speak before you  
20 unscheduled. I had come here with the intention of listening  
21 to the input and also maybe, at some point, having some input.

22 This is my first time being in a hearing of this sort,  
23 but I think it's important because of the status of the Urban  
24 League. I think a lot of people throughout the state are not  
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3 aware of this, what I consider a very valuable resource, and  
4 this is a part of this organization in Arkansas, is a  
5 fifty-four year old organization in the state of Arkansas,  
6 central Arkansas. Not only that, it's an eighty year old  
7 organization nationally.

8 So the Urban League, I think, is one of the best kept  
9 secrets, not only in the nation, but also in Arkansas, because  
10 it is a resource, a body that has a lot of information  
11 regarding minorities, regarding public policy issues, and also  
12 information that's very vital to make contribution to civil  
13 rights issues.

14 So I wanted to try to maybe have the opportunity to get on  
15 record as stating the position of the Urban League of Arkansas  
16 in terms of what we are concerned about in civil rights,  
17 because my capacity at the Urban League is Community  
18 Development and Director of Employment, and also in housing.

19 So we have day-to-day contact with many of the problems  
20 that have been addressed here today, and it's basically  
21 supported by a number of organizations in Arkansas. I'd like  
22 to mention some of them, the Rockefeller Foundation, The Delta  
23 Commission.

24 And other organizations in the state have done studies  
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3 outlining the problems of the delta and the problems of the  
4 state, but the Urban League of Arkansas has been advocating  
5 these types of things and issuing information on these kinds  
6 of things for years.

7 An example is, in 1988 there was a publication published  
8 by the Urban League of Arkansas, in cooperation with the  
9 Rockefeller Foundation, called The State of Black Arkansas.  
10 This is a document I would encourage each of you to get a copy  
11 of, because it is still relevant even today because it has  
12 information based on the minority, particularly the  
13 African-American population in Arkansas.

14 And there is a document that is published annually by the  
15 National Urban League called The State of Black America. And  
16 it is a document that I think is well worth reading for the  
17 economic status of African-Americans and other minorities.

18 I wanted to address the group based on some of the  
19 observations and things that are happening from our capacity  
20 at the Urban League of Arkansas. As part of the Urban League  
21 of Arkansas, I take partially the blame for not marketing the  
22 Urban League as much as we should, because I think it is a  
23 resource for good information.

24 One of the things that we, that are some of the issues  
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3 that have been addressed previously that I wanted to kind of  
4 reiterate and talk about in terms of what we deal with at the  
5 Urban League.

6 One of the issues is housing. We have a housing  
7 counseling program at the Urban League that is certified by  
8 the Department of Housing and Urban Development to provide  
9 assistance to persons who are having problems with mortgage  
10 and rental default. And because of that, most loans, mortgage  
11 loans, are FHA insured loans, are insured by the federal  
12 government, so they are required by law to have provisions for  
13 those people who have FHA loans, to help them maintain their  
14 homes when they get behind in their mortgage. So we have a  
15 lot of experience, over fifty years of experience in dealing  
16 with housing and housing issues.

17 And under that housing, we have a Fair Housing Initiative  
18 that was implemented by the National Urban League for all its  
19 affiliates to monitor housing discrimination as it pertains to  
20 what's going on throughout the state of Arkansas. So we are  
21 able to get a feel of what is happening in the state of  
22 Arkansas regarding fair housing and housing discrimination.

23 One of the things that we were particularly interested in  
24 during the last legislative session was the tenants' rights  
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3 legislation, where most of the legislation or laws that are on  
4 the books in the state of Arkansas tend to favor the landlord,  
5 and very little rights are given to the tenants as far as  
6 recourse, legal recourse that they have when they are legally  
7 discriminated against, besides federal laws, and when they are  
8 treated disproportionately or unfairly when it comes to  
9 tenants' rights.

10 The other one is something that has become an issue, and  
11 especially in Little Rock in the past maybe two or three  
12 weeks, is lending practices of financial institutions when it  
13 comes to what they used to call red-lining, making loans in  
14 low to moderate neighborhoods under the Community Reinvestment  
15 Act.

16 And that's becoming more and more of an issue, since a  
17 lot of financial institutions are seeking to expand their  
18 banking services by buying other banks and buying other  
19 financial institutions. So they have to comply with CRA in  
20 order to be able to acquire other banks. Many of you may know  
21 of a meeting between First Commercial Bank and ACORN, that is  
22 one of the issues that is coming up.

23 So we see the fact that in housing there is not a good  
24 pool of what financial institutions call qualified applicants  
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3 versus the demand for housing. And most of the demand for  
4 housing is in the low-to-moderate income area. These are the  
5 people who either don't have housing or don't have the means  
6 or mechanisms to acquiring loans.

7           And most of the people who are in this category have  
8 either moved on the borderline from poverty to an area where  
9 they maybe can afford this. So therefore these people do not  
10 have maybe good credit histories or the means and knowledge to  
11 have access to information on how creative financing can be  
12 done for them to purchase homes. So therefore it is very  
13 difficult for them to get financing because of maybe past  
14 credit histories and how this is done.

15           So I think financial institutions should have a greater  
16 responsibility of servicing these people or addressing the  
17 need of this level of people, in order to qualify them for  
18 affordable housing, because these are people who need special  
19 assistance, I would think.

20           So we have a program called the Homebuyers' Program that  
21 was started through the Urban League with the cooperative  
22 effort from one of the financial institutions and the City of  
23 Little Rock to take a group of persons who are in this, what  
24 we call at-risk category, where they have maybe poor credit  
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3 histories or not a well-defined access to information, and  
4 train them to become qualified homebuyers via straightening  
5 out their credit problems and this kind of thing.

6 So more of this needs to be done, I think, by financial  
7 institutions, which is, I consider, a form of discrimination  
8 because most of them say, "Well, we don't loan in these areas  
9 because the people in these areas who apply for loans are  
10 denied for these two reasons." So they should maybe implement  
11 programs to help make these people more qualified to get  
12 mortgages.

13 The other one is the fact that the Urban League was  
14 established on the premise of affirmative action. The Urban  
15 League is a civil rights organization, but it's based on the  
16 principles of social services. It's based on the premise that  
17 they use the principles of social work, as opposed to a lot of  
18 people comparing us maybe with the NAACP, which is more of an  
19 activist organization. The Urban League is more of a public  
20 policy, advocacy type of organization.

21 So that's why we focus on those issues. Even though we  
22 address the same subjects, we focus on them from the  
23 standpoint of changing public policies, or addressing public  
24 policies, or taking positions based on research that we've  
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3 done.

4           So one of the things that we look at, too, is that --  
5 and it comes to our office all the time here in Little Rock --  
6 is the practices of institutions like corporations or  
7 financial institutions of discrimination as it comes to  
8 promotions and hiring of minorities.

9           A lot of even local institutions that are large and that  
10 receive federal funds don't have a really good affirmative  
11 action policy, even though they may have an EEO Officer or a  
12 person in that position or may have a policy. Many of their  
13 policies are not updated. They're outdated and therefore if  
14 they're ever challenged, just from my point of view, they  
15 would fail in a court of law.

16           One of our local municipalities have not had an updated  
17 affirmative action program in several years, even though they  
18 may be under court order. So therefore I think that those  
19 practices need to be monitored better in terms of affirmative  
20 action policies that corporations and forms of government in  
21 Arkansas should be aware of.

22           It was addressed earlier as to why these negative things  
23 tend to happen in Arkansas. Arkansas may be one of the few  
24 southern states that has a small African-American population.  
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3 The population of Arkansas, black population, is about sixteen  
4 percent (16%), whereas other southern states like Mississippi,  
5 Louisiana, and Alabama have a larger portion of African-  
6 American population, so therefore they have more active  
7 organizations.

8 So a formal tone should may be that there is not a  
9 concerted effort among agencies, or the use of agencies like  
10 the Urban League, to advocate change in public policies like  
11 affirmative action and housing practices and that kind of  
12 thing, because the Urban League does have the mechanisms to  
13 implement those kinds of changes.

14 The other one is voting rights, the structure of the  
15 election process in Arkansas, particularly in the rural areas.  
16 We had a program that we operated called Black Leadership  
17 Development Institute in '88 and 89, where we conducted  
18 studies and training sessions with minorities who were not  
19 traditionally involved in public policy, via elections or  
20 being involved in the election process or board of education.

21 And the thing that we found is the structure of local  
22 election commissions tend to discourage the involvement of  
23 minorities in the election process. I think there are  
24 seventy-five (75) counties in Arkansas, and there are  
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3 seventy-five (75) election commissions. I think maybe two or  
4 three of those election commissions may have a black on the  
5 commission, an African-American.

6 So therefore there is not an appearance of inclusion when  
7 it comes to being involved in the local political process when  
8 it comes to African-Americans and other minorities. So I  
9 think the issue of the way the election commissions are set  
10 up, not changing the form, but the people who are on those  
11 commissions and the way they're selected. The process in  
12 which a person can get involved as judges, election judges,  
13 and clerks in the elections.

14 There has been some controversy, it is always a  
15 controversy in all local elections, just about every time  
16 there is a major election at stake, about election law  
17 violations. It's either the way the elections are done, the  
18 way the judges are selected, or the way they go about  
19 assisting persons in voting.

20 Traditionally in Arkansas there is the way of Ms.  
21 So-and-So voting a certain way because this person helps him  
22 in the voting booth. So there is some semblance of election  
23 law violation in Arkansas where it has a tendency to  
24 discriminate or to exclude low-income persons, or in this case  
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3 I'm primarily focusing on minorities, African-Americans,  
4 including them in the election process without some kind or  
5 form of covert intimidation in the election process.

6 So therefore they are afraid to really get involved or  
7 vote the way they want because of the way the election  
8 commissions are established. The county clerks in a lot of  
9 counties have a lot of power when it comes to election  
10 processes, we have found.

11 So therefore the election laws, I think, or the election  
12 process in Arkansas needs to be an area that I think should be  
13 very seriously looked at, because it discourages people from  
14 running for office, people from voting the way they really  
15 want to vote.

16 And I think, and I would have a tendency to agree with  
17 the two-party system in Arkansas, that the one party  
18 traditionally, has dominated the political process in the  
19 state, so therefore people have a mentality that you have to  
20 always vote this way, or "I've always voted this way, so--"  
21 And the Commissions are always made up of this party's  
22 persons. So therefore there is an intimidation factor when it  
23 comes up that you have two candidates from different parties  
24 and both of them are viable candidates, and the only reason I  
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3 voted for the one party's candidate was because they are a  
4 Democrat.

5       So I think the election process in the state of Arkansas  
6 should be looked at in terms of voting rights violations and  
7 the concerns that we have, not only in reapportionment, which  
8 is another issue, but judicial elections, because of the way  
9 judges are appointed or elected in the state of Arkansas, it  
10 tends to discriminate against minorities being available for  
11 these election positions.

12       The other concern we have is the fact that most of our  
13 African-American males are at risk in the state. That is a  
14 national issue. But as far as education is concerned, they  
15 expelled at a greater rate for various reasons. I've had  
16 occasion to be personally involved in some cases where  
17 African-American males have been expelled for little or no  
18 reason except for misunderstanding, because we come across in  
19 certain instances as more aggressive, more dominant, so  
20 sometimes that is interpreted as being disorderly or unruly  
21 when, in fact, it is our way of expressing our point of view.  
22 So therefore that's a disproportionate thing when it comes to  
23 their education effort.

24       When you take a young black male out of the school system  
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for a week or two weeks, a lot of times they are borderline anyway, and if they're taken out of the educational process, it tends to affect their academic progress.

So I think that, along with working with-- We don't have kind of an overall picture of civil rights violations in Arkansas, but I think working through agencies like the community action agencies who are able to provide services, the neighborhood health service centers, the local public policy -- like the school board or the quorum court -- have a tremendous responsibility of implementing laws and legislation that effect the local process. So I think that we should pay more attention to these areas that I've just addressed.

And I think the other recommendation, too, is that more of us should get involved in organizations like the Urban League, to access the tremendous amount of information we have to provide. We have statements and research on just about any issue that pertains to civil rights that's easily accessible. All you have to do is come and ask us about those kinds of things.

It comes out of our national office, and they issue statements almost monthly on things such as minorities in the Gulf War or issues that pertain to education and poverty and

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3 those kinds of programs. So I encourage people to take  
4 advantage of that information, and it does give you a good  
5 insight on what's going on in the African-American community.

6 MR. PATTESON: I have one request and one question.  
7 The request would be The Status of Black America. Those  
8 publications were extremely well done, I thought at the time,  
9 and I agree with you, they probably are relevant. Could you  
10 get copies of those to Ms. Robinson's office? I think they  
11 would be good for background information.

12 MS. ROBINSON: We have a copy of that national  
13 report; we don't have a copy of the report on the state of  
14 blacks in Arkansas.

15 But I want to say that normally we do include the Urban  
16 League in our meetings. I did contact your office. I think  
17 your president's name is Carmelita.

18 MR. LOVE: Carmelita Smith.

19 MS. ROBINSON: Yes, but I was unable to reach her.  
20 So I'm glad you did come, and your comments are well taken.

21 MR. COLEMAN: We have had voter education here for  
22 some five or six years in this state, and the thing that we  
23 had before then was voter registration. And sometimes that  
24 differs with the powers that be, not so much registration as  
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3 education.

4           And the kinds of things in my judgment that we need for  
5 better political participation is to know more about why we  
6 vote, for an example, and where do you go to register and all  
7 of these just small things, that no organizations, other than  
8 the activist organizations, are really doing that. Could it  
9 be a good thing for the Urban League to have an ongoing thing  
10 on voter education?

11           Being involved in two elections in just the last three or  
12 four months, it's appalling how little that the average Joe  
13 knows about the voting process, nothing probably. And there's  
14 nobody really to teach him, other than a spur-of-the-moment  
15 thing when somebody is running. Could that be an activity for  
16 the Urban League, statewide?

17           MR. LOVE: That was the intent of the Leadership  
18 Development Institute was to increase the awareness of those  
19 persons who were not aware of, like you said, the minute  
20 things that take place in the election process, as far as why  
21 do I vote for a particular candidate, other than everybody  
22 else votes for him, or they're popular, or I know their name.

23           And during that process we went and we tried to ask, from  
24 a non-partisan standpoint, I guess, what are you looking for  
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3 as a voter, in terms of what you want a person to do in this  
4 office, and vote for the person who more closely matches what  
5 you want, as opposed to looking at the candidate and saying  
6 they're the incumbent or they're Democrat or Republican, but  
7 what issues are of concern to you and what candidate closely  
8 relates to those issues you are concerned about?

9         So we did an education process. We found that  
10 registration is good, but it's not good in and of itself,  
11 because registration only means that you've got people on the  
12 roles, but very few of those people actually go out and vote.  
13 And even more so, those people who do vote don't vote on a  
14 basis of knowledge, but based on other issues, negative  
15 campaigning or whatever that effect may be.

16         So we tried. The Urban League has had a program on that,  
17 but because of a limitation of staff and a limitation of  
18 resources, we were not able to continue that program, because  
19 registration mostly takes place on a partisan basis anyway.  
20 So therefore that party who is doing the registration tends to  
21 have more voters come out because they work on it.

22         But for a non-partisan effort, there is no organization  
23 that I know of in the state that are doing voter education,  
24 and I think the Urban League is a perfect vehicle. However,  
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3 I'm open to suggestions as to where we can find the resources  
4 to conduct that kind of program. We do what we can with what  
5 we have.

6 MR. COLEMAN: Yeah, I understand that, but I guess  
7 what I had reference to more is could you provide the know-how  
8 if there were individuals or groups of individuals who just  
9 wanted to know these things?

10 MR. LOVE: We do go to areas like Texarkana,  
11 Magnolia, and they have their little community-based  
12 organizations who ask us to come in and give information on  
13 voter education and voter registration. And we do conduct  
14 workshops as requested.

15 Like I said, a lot of people don't know that the Urban  
16 League of Arkansas does that sort of thing, so therefore I  
17 guess we have to do a better job of marketing the services  
18 that we do provide.

19 MR. PATTESON: One question I was going to ask a  
20 minute ago was in relation to your comment about fair housing  
21 discrimination monitoring. What do you do when you do  
22 monitor, and are you monitoring the Community Reinvestment  
23 Act, also?

24 MR. LOVE: What we do when we are monitoring, the  
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3 national office, again, selected about-- There's a hundred  
4 and fourteen (114) affiliates of the Urban League, and they  
5 selected about sixty (60) affiliates to use this as a pilot  
6 effort. It just started this year. We received some  
7 information on it.

8         What we do, through our Housing Counseling Program,  
9 people call us and ask, "Well, I tried to rent a place and  
10 they wouldn't rent to me. I mean, I got it rented on the  
11 phone, but when I went out and they saw my face was a  
12 different color, it was rented."

13         So we try to file those complaints. We have forms that  
14 we can fill out as to what happened, how it happened, in an  
15 effort to gather data on how often it happens, as it comes to  
16 us.

17         The other one is the fact that we do monitor the CRA.  
18 We're not acting monitors, but we do monitor that. And we are  
19 beginning to do that more and more since there's a heightened  
20 awareness, I think. The CRA has actually been on the books  
21 since 1977, but it's just becoming an issue now, I guess,  
22 because of the fact that many financial institutions are  
23 expanding.

24         So we are monitoring, and we do keep, not maybe a written  
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record, but some reports that we get from the financial institutions on their lending practices.

MR. PATTESON: I hate to call this to an end, but they're holding a dining room table for us, and we're going to continue the rest of our job over a meal.

Thank all of you for being here.

(Thereupon, said meeting was adjourned at 12:20 p.m.)

