

UNITED STATES COMMISSION ON CIVIL RIGHTS

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ROOM 512
1121 VERMONT AVENUE, N.W.
WASHINGTON, D.C.

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FRIDAY, MARCH 1, 1991

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PRESENT:

ARTHUR A. FLETCHER	Chairman
CHARLES PEI WANG	Vice Chairman
WILLIAM B. ALLEN	Commissioner
CARL A. ANDERSON	Commissioner
ESTHER G. BUCKLEY	Commissioner
WILFREDO J. GONZALEZ	Staff Director
MELVIN JENKINS	Regional Director, Central Region (Telephonically)

STAFF PRESENT:

MARY BALTIMORE
JOHN BINKLEY
BARBARA BROOKS
JAMES CUNNINGHAM
CAROL-LEE HURLEY
ROMANITA LUCERO
MARY MATHEWS
EMMA MONROIG
PROVIDENCE PRODRIGUEZ
BARBARA WILKINS
MARCIA TYLER

COMMISSIONER ASSISTANTS:

AIME GREENE
RENATA HOUSE
KATHLEEN MORRISON
KRISHNA TOOLSIE

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P R O C E E D I N G S

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(9:15 a.m.)

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CHAIRMAN FLETCHER: With the arrival of Brother Anderson, we have a quorum. I will gavel the meeting to order.

6

7

I would ask for a motion to approve the agenda. Can I get a motion to approve the agenda?

8

COMMISSIONER BUCKLEY: So moved.

9

COMMISSIONER ALLEN: Second.

10

11

12

CHAIRMAN FLETCHER: It has been moved by Commissioner Buckley, seconded by Commissioner Allen. Any discussion?

13

(No response.)

14

All in favor, signify by saying aye.

15

(Chorus of ayes.)

16

CHAIRMAN FLETCHER: All opposed?

17

(No response.)

18

So be it.

19

20

The next item of business will be the approval of the minutes of the January telephonic meeting.

21

22

COMMISSIONER BUCKLEY: I move that we accept the minutes as written.

1 CHAIRMAN FLETCHER: Moved that we accept by
2 Commissioner Buckley. Can I get a second?

3 COMMISSIONER WANG: Second.

4 CHAIRMAN FLETCHER: Seconded by Commissioner
5 Wang. Any discussion?

6 COMMISSIONER ALLEN: I do have a comment that
7 applies to this and the other minutes. I don't know if
8 I've overlooked it, but I don't think I have a transcript
9 of the telephonic meeting, and I wonder if there is one,
10 and this also applies to the meeting of the retreat, for
11 which the transcript only just arrived and I haven't had
12 time to look at it.

13 I generally like to be able to review the
14 transcript in order to say -- before I vote on the minutes
15 to approve them. And, so, it creates something of a
16 quandary for me, not having been able to do that in this
17 case.

18 CHAIRMAN FLETCHER: Let me ask our Staff
19 Director, is there a transcript of that meeting?

20 MR. GONZALEZ: Yes, there are transcripts for
21 both.

22 CHAIRMAN FLETCHER: There are transcripts for

1 both. You just haven't received yours then, is that the
2 case?

3 COMMISSIONER ALLEN: Yes, I don't think I
4 actually received one for the telephonic meeting. Was one
5 sent out?

6 VOICE: It was sent out, and the retreat one was
7 sent out --

8 COMMISSIONER ALLEN: The retreat we just got; it
9 just arrived, but too late for me to review it.

10 VOICE: We had it Federal Expressed to arrive on
11 Wednesday.

12 MR. GONZALEZ: What about the telephonic one,
13 when did that go out?

14 VOICE: That should have gone out --

15 MR. GONZALEZ: No, I mean, did it go out before
16 the retreat?

17 COMMISSIONER ALLEN: It may have gotten lost in
18 the transition, in my office, if one came through.

19 MR. GONZALEZ: Were we late doing it?

20 VOICE: We were late.

21 MR. GONZALEZ: But, still, he should have
22 received it.

1 VOICE: Yes.

2 COMMISSIONER ALLEN: But what I'm saying is, I
3 haven't looked at it, I know that. It could have been lost
4 in the transition in my office. I've just gone through a
5 transition, and so I don't know --

6 MR. GONZALEZ: Yeah, I think you're having
7 problems because we also sent a notice on a SAC meeting in
8 California, and we understand that you didn't know about
9 it.

10 COMMISSIONER ALLEN: Well, I was going to mention
11 that when we get to it, but that arrived, I discovered, the
12 day of the SAC meeting.

13 CHAIRMAN FLETCHER: Well, let me do something -
14 - Commissioner Anderson, did you get your transcript of the
15 telephonic meeting?

16 COMMISSIONER ANDERSON: Yes, I did.

17 CHAIRMAN FLETCHER: And how about you,
18 Commissioner Buckley?

19 COMMISSIONER BUCKLEY: Yes, I did.

20 COMMISSIONER WANG: I did.

21 CHAIRMAN FLETCHER: All right. So, it looks like

22 --

1 COMMISSIONER ALLEN: That's not a problem for
2 this, and you can go ahead and vote on it. I may abstain.

3 CHAIRMAN FLETCHER: All right. Any further
4 discussion?

5 COMMISSIONER ALLEN: I will make a note that on
6 those meetings, if I recall correctly, when we list those
7 present and participating, we don't include Commissioners
8 Berry and Ramirez, is that right?

9 VOICE: On which meeting?

10 COMMISSIONER ALLEN: On the telephonic meeting.
11 I believe that's correct. So, those corrections should be
12 made.

13 CHAIRMAN FLETCHER: So that should be a
14 correction, they were here.

15 COMMISSIONER BUCKLEY: They were on the phone.

16 CHAIRMAN FLETCHER: They were on the phone, yes.
17 Any further corrections?

18 (No response.)

19 There being no further discussion, are you ready
20 for the motion? All in favor, signify by saying aye.

21 (Chorus of ayes.)

22

1 CHAIRMAN FLETCHER: All opposed?

2 (No response.)

3 Abstaining?

4 COMMISSIONER ALLEN: One.

5 CHAIRMAN FLETCHER: One abstention. All right.

6 The next item will be approval of the minutes of
7 the January Commission Retreat.

8 COMMISSIONER ALLEN: On this one, Mr. Chairman,
9 if I may, out of order, I would appreciate it if we could
10 hold those over until I have reviewed the transcript. I
11 think these are very important minutes, and I would like to
12 be able to read the transcript first.

13 CHAIRMAN FLETCHER: I don't have any problem with
14 that. That's such a big transcript. I don't think that
15 any of us have really had a chance to digest it, so I will
16 approve of that, if it is agreeable with the rest of the
17 members voting.

18 Could I get a motion to hold those minutes over
19 till the next meeting?

20 COMMISSIONER ALLEN: I'll move it, yes.

21 COMMISSIONER BUCKLEY: Second.

22 CHAIRMAN FLETCHER: Moved by Commissioner Allen

1 and seconded by Commissioner Buckley. Any further
2 discussion?

3 (No response.)

4 All in favor signify by saying aye.

5 (Chorus of ayes.)

6 CHAIRMAN FLETCHER: All opposed?

7 (No response.)

8 So be it.

9 CHAIRMAN FLETCHER: The announcements? Do you
10 have anything in particular?

11 MR. GONZALEZ: Yes. Mr. Chairman, I would just
12 like to announce that we did have the Appropriations
13 hearing on the 27th, which was Wednesday. The Chairman and
14 I, along with staff members, went up on the Hill and
15 addressed the Subcommittee on Appropriations. We think
16 the hearing went well, the presentations went well. The
17 response from the members present, in particular
18 Congressman Early and Congresswoman Pelosi, indicated
19 strong support for the Commission and the Commission's
20 activities.

21 Do you want to add to that?

22 CHAIRMAN FLETCHER: No, there is not a great deal

1 to add. It didn't last very long. I expected that we
2 would be there and get at least a considerable drilling,
3 but the bottom line was I think we were out of there in a
4 little more than a half-hour, if that long. So, it went
5 rather smoothly, and I'm just hoping we can have that much
6 success as it goes along.

7 MR. GONZALEZ: A second announcement is the
8 opening of the Rocky Mountain Regional Office in Denver,
9 which will officially occur this Monday, with a press
10 conference being held in the morning, some activity
11 meetings in the afternoon, and a reception later on in the
12 afternoon. Both Chairman Fletcher and myself will be
13 there, along with some staff.

14 It's the first of the three that we plan to kick
15 off. We do have, in Atlanta and in Chicago, the
16 supervisory civil rights analysts on board, and they are in
17 the process of getting space and also interviewing
18 individuals for the secretarial position.

19 On April 1st, we will be able to go ahead with
20 the civil rights analyst position.

21 Also, I'd like to announce that yesterday the
22 staff here at the Commission celebrated Black History

1 Month, by having a luncheon at the Metropolitan AME Church,
2 which is right down the block. They serve lunch on
3 Thursdays and Fridays, and it's that excellent soul food
4 church type food, and even more pleasant than the food was
5 the fact that the Chairman addressed the staff, and was
6 able to fellowship with about 30 members of the staff. So,
7 we felt that we had a good day. That's all I have, Mr.
8 Chairman.

9 CHAIRMAN FLETCHER: All right. The next item on
10 the agenda is the --

11 COMMISSIONER ALLEN: Excuse me, Mr. Chairman. I
12 have one announcement to make, and that is that I would ask
13 the Commissioners to meet a new assistant in my office,
14 Kathleen Morrison. Mrs. Morrison is present this morning.
15 Would you stand up, or raise your hand or do something?

16 CHAIRMAN FLETCHER: Welcome aboard, glad to have
17 you with us.

18 All right. Any other Commissioner have an
19 announcement that they care to make?

20 (No response.)

21 Okay. That being the case, we will move to item
22 number five on the agenda, which is the revised draft

1 authorization statute. I think you will all find it --

2 MR. GONZALEZ: We have Melvin on the line.

3 CHAIRMAN FLETCHER: Melvin?

4 MR. JENKINS: Yes.

5 CHAIRMAN FLETCHER: Melvin, we're in the process
6 now of taking up the revised draft reauthorization statute,
7 and wanted you on the line so that you could respond to any
8 questions. Could you tell us who the rest of the team was
9 who worked with you on this?

10 MR. JENKINS: Marcia Tyler, Emma Monroig.

11 CHAIRMAN FLETCHER: Anyone else?

12 MR. JENKINS: No, that's all.

13 CHAIRMAN FLETCHER: All right. They are here to
14 assist in responding to any questions that we have. We're
15 going to take up the Revised Draft Reauthorization Statute.
16 Can I get a motion to start the process?

17 COMMISSIONER BUCKLEY: Do you want us to follow
18 the instructions on the memo that said you want two votes?

19 CHAIRMAN FLETCHER: Yes.

20 COMMISSIONER BUCKLEY: Okay. I like Alternative
21 A, so can I say I move that we adopt Alternative A, as
22 listed on Section 7(h).

1 CHAIRMAN FLETCHER: Section 7(h). Does it get a
2 second?

3 COMMISSIONER WANG: Second.

4 CHAIRMAN FLETCHER: It's been seconded by
5 Commissioner Wang. Any discussion?

6 COMMISSIONER BUCKLEY: As far as I know, and
7 maybe Melvin can answer it from over there --

8 CHAIRMAN FLETCHER: Can you hear, Melvin?

9 MR. JENKINS: Yes.

10 COMMISSIONER BUCKLEY: What I see as the biggest
11 difference between A and B is that in A, it includes the
12 agency, and in B it doesn't.

13 CHAIRMAN FLETCHER: Say that again. What page
14 are you looking at?

15 COMMISSIONER BUCKLEY: Section 7(h), number (1)
16 "may accept and utilize gratuitous services, goods and
17 facilities and participate in an agreement or activity with
18 an agency", whereas in the other one the word "agency"
19 isn't there, and that indicates federal agencies like HUD,
20 DOL, Department of Commerce, and includes those.

21 MR. GONZALEZ: Ms. Monroig would like to speak to
22 that.

1 MS. MONROIG: Yes. The reason why there are two
2 words, that section (g) is Agreements and Activities for
3 Cooperation. Now, if you vote in favor of that, then
4 Alternative A would be appropriate. If you don't vote for
5 -- in favor of the (g), then we would vote for Alternative
6 B which makes reference only to (f) which is already
7 approved.

8 So, if you look at (h), it refers to (f) and (g),
9 and the one at the top of the page is (g). That's why we
10 provided two.

11 CHAIRMAN FLETCHER: Any further discussion?

12 COMMISSIONER ALLEN: We better walk through on
13 this, to get exactly what it is?

14 MR. JENKINS: What we intend to do is take the
15 language from the transcript from Richmond, and just have
16 the Commission outline all their particular language or
17 concerns, and Commissioner Redenbaugh's concern, and try to
18 combine those in Section 7(g) of the new law, that the
19 Commission be allowed to work with them, the state and
20 local agencies, on informational programs. Obviously,
21 there's an educational need there.

22 Also, there was some concern about taking it

1 further, to do research for organizations and state
2 agencies and what have you. That was stricken from the
3 language, but have a public informational type program.
4 And what we intend to do is capture the spirit of the
5 language.

6 COMMISSIONER ALLEN: I could use a few more words
7 on it.

8 COMMISSIONER BUCKLEY: There's a memo in the --

9 COMMISSIONER ALLEN: Yes, I read the memorandum,
10 but it's not entirely clear to me what we are envisioning
11 to have happen that we didn't envision previously.

12 CHAIRMAN FLETCHER: You want to try it again,
13 Melvin?

14 MR. JENKINS: In the clearinghouse function, we
15 disseminate information. Under this particular agreement,
16 this section, we will be able to disseminate and obtain
17 information through a public forum -- let's say, perhaps,
18 with Department of Housing and Urban Development, or
19 Section 8 housing, or something of that nature. We will be
20 able to obtain that information and utilize it also. In
21 the clearinghouse function, we're simply disseminating
22 information.

1 COMMISSIONER ALLEN: I think I grasp the meaning
2 of this. Mainly, we want to take advantage of the
3 resources that have become available through the interest
4 of others, and we can do this in certain types of joint
5 activities, as activities of the various state and local
6 agencies and private organizations.

7 COMMISSIONER BUCKLEY: You might have to bring in
8 some details and examples of things that happen right now
9 between agencies, between, say, HUD and SBA. We put
10 together a conference where they talk about procurement in
11 the Federal Government, and the HUD people would bring in
12 some people they know. The SBA people would bring in some
13 people they know. They both send mail-outs to their
14 clients, and then like in HUD's case, I know they go out
15 and get funds to help pay for the facilities and the event.
16 They put out flyers to distribute to the press. You have
17 to buy state newspapers because the notices are in some
18 newspapers that might not be in some areas where you have
19 two agencies bringing a service to the community. For
20 information where you have the cooperation and you have the
21 proper involvement and the monies, and you have all of
22 these things, think what this would do for us if we wanted

1 to set up a similar conference where you go in and complete
2 the part of the group where right now, as I understand, you
3 can't.

4 CHAIRMAN FLETCHER: Does that help you some,
5 Commissioner Allen?

6 COMMISSIONER ALLEN: Yes. Let me try a
7 hypothetical example that goes more to the heart of our
8 activity. One issue we've been very much concerned with
9 is, of course, the Immigration Reform and Control Act
10 (IRCA). During the time in which we reviewed the GAO
11 studies on IRCA, there were other people doing the same
12 thing. MALDEF and many other agencies around the country
13 turned out some quite good work that we certainly could
14 have relied upon, and which our staff certainly used, but
15 we did not officially embrace at the Commission.

16 Would this language have permitted us to hold a
17 joint forum with MALDEF and other organizations concerned
18 with the Immigration Reform and Control Act in order to
19 disseminate such information as we had collected about that
20 ourselves, and in association with them? Would this
21 language permit that kind of activity?

22 CHAIRMAN FLETCHER: Melvin?

1 MR. JENKINS: Yes, it would.

2 CHAIRMAN FLETCHER: Short answer.

3 MR. GONZALEZ: Not only would it allow us to do
4 this, but it would continue to allow us to determine
5 whether we want to embrace the conclusions of such a joint
6 venture, if we feel that in any way there is a conflict of
7 interest at that point, based on the conclusion. Say,
8 MALDEF goes off into a deviant position and we don't feel
9 comfortable, then we can still feel comfortable with having
10 participated, but we in no way sanction -- we can determine
11 whether to sanction or not, the outcome. We can say this
12 is how far we go with supporting a particular position.

13 So, it still allows us to maintain that
14 independent concern that you all had at the Retreat.

15 CHAIRMAN FLETCHER: Yes, Commissioner Anderson?

16 COMMISSIONER ANDERSON: I must say that that
17 poses significant concern to me. I can understand the
18 utility in many instances, of co-sponsoring conferences or
19 a symposium or workshops with non-profit but private as
20 opposed to governmental organizations, and we can all list
21 examples of where that would be productive. However, there
22 are also within the imagination, many occasions in which

1 one can see where such a co-sponsored event might just
2 produce significant decisions, or papers, or conclusions,
3 or research findings, on which the Commission, by either
4 majority or significant minority, might not wish to be
5 associated with.

6 At that point, it would not be possible to
7 rescind the affiliation of the Commission with the work of
8 that conference. And, so, whether we like it or not, a
9 patina of endorsement or association of the Commission with
10 the work of that event or the product of that event, would
11 be hard to maintain a separation.

12 Now, I can understand that we can make a formal
13 distinction between what the Commission endorses formally
14 and what private speakers or others in a conference may
15 conclude, but in the reality of political life, I think we
16 open ourselves up to the potential for significant
17 criticism politically, with this kind of provision.

18 So, I can understand the utility of moving
19 forward in it, but I also see where we might be starting
20 down a path which could, in several years, open us up to
21 some significant problems. So, that's the concern I have.
22 I don't quite know how to fix it, but I think it's a real

1 problem.

2 CHAIRMAN FLETCHER: For my own sake, could you
3 give me a specific example of what you have in mind?

4 COMMISSIONER ANDERSON: Well, without identifying
5 a particular organization or a particular individual, I
6 think we could in, say, co-sponsoring a conference or co-
7 sponsoring a workshop or seminar, find ourselves with a
8 speaker or a panel or a conclusion or a finding which this
9 Commission would not want to be associated with, but in the
10 public discourse is perfectly appropriate in the sense of
11 the individual's First Amendment rights.

12 For example, there's controversy among federal
13 funding of the arts, as an example. Now, there are
14 certainly arguments in the public forum in terms of First
15 Amendment liberties that are entirely appropriate to be
16 raised. Whether or not, in a civil rights context, we
17 would happy to be associated with a particular position in
18 that debate, gives me pause. I'm just using that as an
19 example.

20 Now, we can make the disclaimer, if you will,
21 that the papers or conclusions or findings are not
22 necessarily those of the U.S. Commission on Civil Rights,

1 but the fact that we co-sponsored the event, it seems to
2 me, opens us up to potential criticism from political
3 sources, that we may not want to find ourselves in such a
4 position down the road. So, I just open that as a concern.

5 I think we should consider it, and it should be
6 open to some discussion. We do have the language in the
7 statute, of course, that to the extent it does not create
8 a conflict of interest or the appearance of a conflict of
9 interest. Again, who makes that determination, and at what
10 point of that determination gets made, both abstractly and
11 practically, I think, is not a simple question. So, I
12 don't think that we should just assume that this can be
13 easily administered.

14 CHAIRMAN FLETCHER: Commissioner Buckley, and
15 then Commissioner Wang.

16 COMMISSIONER BUCKLEY: Okay. He addressed two
17 issues, and I'll take the first one he was talking about.
18 I can't remember, I'm not very good on dates, but somewhere
19 around the fall, when the immigration story was out there
20 in front, the Corpus Christi Diocese, the Bishop in Corpus
21 Christi, Texas, sponsored -- I use the umbrella -- for
22 immigration -- and he came in; and MALDEF was there, FAIR

1 and a whole bunch of other organizations -- you came in,
2 you registered, you went to workshops, you went to
3 sessions, you went to panels, and you went to luncheons.
4 Everyone was there listening to each other speak. Some
5 individuals than prepared papers; other individuals did not
6 join in with them. This is what we could be about, if we
7 wanted to. We are there to help set up the workshops and
8 help set up the discussions, but we can just say here is
9 the information, and you all collate it; or we can come
10 back and say, well, based on what we have, whether we have
11 transcripts or we have tapes, we want to put a report
12 together, and we can divide that function. We can handle
13 it, as it's done by other organizations.

14 The other issue he was talking about is, if we
15 are the main sponsoring agency, if we were to conduct a
16 hearing and make it a hearing without sponsoring it -- and
17 General Counsel would have to answer -- but I'm sure that
18 once we would label it a hearing versus a panel or workshop
19 or seminars, then our rules of hearings would have to
20 apply, and the people who would be sponsoring with us would
21 have to agree or else we cannot do it. I don't see a
22 problem. I think General Counsel would be there to tell us

1 we're getting into places where we shouldn't be.

2 CHAIRMAN FLETCHER: Commissioner Allen?

3 COMMISSIONER BUCKLEY: We could come back and say
4 they are going to put together a report which we do not
5 want to be a part of, we're not going to help fund, or
6 we're not going to help the personnel. I do not see a
7 problem in dividing all these issues. With the IRCA Task
8 Force report, we had people in there helping with the
9 report, but yet we were not fully involved in the writing
10 of that report, as such. So, I think we could handle it,
11 but this gives an opening to where we can be more involved
12 in more meetings, where our staff is limited.

13 CHAIRMAN FLETCHER: Commissioner Wang?

14 COMMISSIONER WANG: Following in that spirit, I
15 would just want to see if this would help Commissioner
16 Anderson's concern. If we were to initiate, on one hand,
17 any cooperative or collaborative meeting by the Commission
18 or the other way around, so as to give us the kind of
19 privilege to really select and knowing for sure that we
20 would get the kind of person or focus we want -- the second
21 part, it also could avoid the potential concern, by adding
22 the language here, "subject to the Commission's approval."

1 If you add such language -- for cooperation or
2 collaboration, I think our approval is to avoid the
3 potential conflict of interest.

4 And, so, to that extent, whichever format or
5 facility that we initiate that we like to kind of make use
6 of it to reach out to larger audiences and getting the
7 maximum mileage out of whatever we do but, again, we have
8 a chance to review it, and if we find that there is a
9 potential conflict, we can vote not to proceed with it.
10 Would that satisfy your concern?

11 CHAIRMAN FLETCHER: Commissioner Anderson?

12 COMMISSIONER ANDERSON: It would do something to
13 satisfy that. Let me throw out a hypothetical, and maybe
14 that will help clarify it. We get a request from a
15 particular organization that has a particular policy on
16 employer sanctions under IRCA, to co-sponsor a national
17 conference with them, on the application and practice,
18 under IRCA, and we determine that we will co-sponsor that
19 event.

20 Now, I'm not saying there is anything
21 inappropriate in doing that. It seems to me we would open
22 ourselves up to -- could open ourselves up to --

1 substantial criticism from supporters of employer sanctions
2 within the Congress that, fair or not, the Commission's
3 association with an organization that has a particular
4 track record on an issue or a particular viewpoint on a
5 series of issues, once the Commission's independent
6 analysis and therefor the Commission is not fulfilling its
7 historical and congressionally mandated mission.

8 Now, we can come back and say that's not the
9 case, but I do think you offer -- people have taken a view
10 in the Congress where there isn't unanimity, a certain
11 argument against the work of the Commission, that they did
12 not have in the past -- they have not had in the past --
13 and that's the problem I see with it. We can have serious
14 complicated regulations, and we can look at this very
15 closely, but I tend to think if we begin moving down this
16 track very seriously, that that's the kind of problem we're
17 going to start facing.

18 COMMISSIONER WANG: I mean, that's the very point
19 I'm trying to help clarify. In your example, I would say
20 we would say no since it is not initiated by the
21 Commission. It's not our activity. Someone else is asking
22 us to co-sponsor. We will say no. But if this is a

1 hearing or an activity that is proposed by the Staff
2 Director, and also we have agreed to hold, and we can ask
3 others to join in with us, subject to our approval, those
4 groups that we felt would not present potential problems
5 with the Congress or with other views from different corner
6 of our civil rights arena, then I think we can proceed.
7 So, we'll have this kind of dual safeguard built in. I
8 thought it may help you proceed.

9 I think the intent is that we will be able to
10 utilize certain facilities, certain resources, that we felt
11 would not present a conflict of interest but, on the other
12 hand, we'll not just open the floodgate that every
13 situation would become applicable.

14 CHAIRMAN FLETCHER: Sounds to me as if
15 Commissioner Anderson is saying that this is a good idea,
16 but it is also loaded with risk, some being manageable and
17 some being unmanageable.

18 Melvin, do you want to respond to that, please?

19 MR. JENKINS: In the impression that when we have
20 a control mechanism built in and, of course, the policy of
21 that program direction established by the members of the
22 Commission, at that particular time, the Commissioners will

1 decide if they want to proceed with a conference, or co-
2 sponsor an activity, or initiate an activity, that's
3 already built into the program planning idea.

4 Let me give you just one other example, if I may.
5 In Region VII, the Federal Executive Board has asked
6 several federal agencies to cooperate and co-sponsor a
7 conference on where to turn, how do you file civil rights
8 complaints, employment discrimination complaints, things of
9 this nature.

10 HUD has bought into the idea. The Office of
11 Civil Rights of HHS has bought into the idea. We have been
12 asked to do that, but I have been reluctant to do that as
13 a co-sponsorship because of, one, lack of resources and,
14 two, we don't have the ability to do that now by statute.
15 If we had that ability, then we would be able to co-sponsor
16 with the Federal Executive Board, a conference on how to
17 file a complaint for discrimination in employment and the
18 whole area, and this would allow us to do that. But we
19 have a control mechanism, as I indicated, built into the
20 statute.

21 If you want to go one step further, we can add an
22 additional phrase, something to the effect that subject to

1 a voting majority of the Commissioners to approve a program
2 activity or co-sponsor a conference, a flavor of that
3 language, if that would make Commissioner Anderson feel
4 more comfortable.

5 CHAIRMAN FLETCHER: Let me twist that a little
6 bit now and pose one. Melvin, I was invited to New
7 Orleans, oh, about a year or so ago, under the pretext that
8 a great civil rights meeting was going to take place, and
9 we were going to solve the world's ills --

10 MR. GONZALEZ: In New Orleans?

11 CHAIRMAN FLETCHER: -- in New Orleans, a good
12 place to decide to do that. The speakers line-up at the
13 beginning looked very innocent, and they were trying
14 desperately to get what would be perceived as legitimate
15 organizations -- organizations with some credibility -- to
16 lay hands-on and bless this event.

17 I happened to get tipped off that the minute they
18 got the agreement of these legitimate groups to lay hands-
19 on and supposedly participate in the meeting, I was tipped
20 off that the speakers' line-up was going to change
21 completely, and there would be some people speaking from

22

1 those platforms that I really would not want to be
2 associated with.

3 The question is, at that point, once you have
4 agreed to do so and they begin to change the line-up and
5 you say, wait, that wasn't what we agreed to do, is there
6 language in there to say how you jump ship and back away
7 from it? And, of course, once you jump ship on them, then
8 you've got another news story coming out of there that we
9 would have to manage very well to protect our own skirts
10 with reference to this. Do you see what my concerns are?

11 MR. JENKINS: Right. There are two ways to
12 handle that. One, you have to implement a regulation that
13 will be developed after the approval or, two, in the
14 contract of cooperation or memorandum of understanding
15 between the co-sponsors, you could indicate there that
16 following approval of an agenda for speakers would be
17 subject to the approval of the Commission, and you could
18 build in a safeguard to jump ship, although you might have
19 that fallout from that, but as far as the agency is
20 concerned, the agency is protected -- one, through the
21 contract or memorandum of understanding, and through the
22 implemented regulations.

1 CHAIRMAN FLETCHER: Commissioner Allen?

2 COMMISSIONER ALLEN: Yes. I'm struck by the fact
3 that all of the good examples of the implementation of this
4 section I've heard, have involved government agencies. And
5 I'm so struck by it that I'm willing to say off the top of
6 my head that I would see no objection in this particular
7 provision, if the expression "and organizations" were
8 struck, and we were talking about federal, state and local
9 agencies, period.

10 I do think the dangers that Commissioner Anderson
11 has talked about and that you have talked about, are in
12 line with respect to corporations and private agencies.
13 The reason I chose the IRCA example before, is because it's
14 one I'm very sympathetic with, and I wanted to see how this
15 would work in the best case, where I would have voted yes
16 to do it, and then ask the question, given all that can be
17 gained what, on the other hand, is there put at-risk, what
18 might be lost in the process.

19 And as I think about that, I think that the
20 problem is not our strengths, our ability to monitor these
21 things, to form contracts and to make judgments on the spot
22 about what is good or ill. Our problem really is our

1 weaknesses, not our strengths. What are the things which,
2 because we are sympathetic with them we may say yes to,
3 that don't really give us that freedom of movement to
4 disengage ourselves subsequently, because we are in too
5 deeply since we already committed on that side, to retain
6 the independence in the minds of others that the Commission
7 needs to be effective.

8 The Commission is supposed to be above the fray.
9 For good or ill, that's how we are designed, and that seems
10 to be what we get our credibility from, from remaining
11 above the fray. I'm very concerned that we lose that if
12 people perceive us as no longer above the fray -- that the
13 Commission loses its utility.

14 MALDEF is a very fine organization, but it's one
15 that's always going to have an up-and-down experience with
16 respect, say, to Congress, because it has a certain
17 mission. It is there to fight for certain things. It is a
18 lobby, if I may say so, that in some seasons will be very
19 much in vogue, and other seasons less so. And the question
20 is, do we run the risk of going through that same pattern
21 if we cease to be above the fray, and I think we do,
22 perhaps.

1 CHAIRMAN FLETCHER: Does the Staff Director have
2 any comment?

3 MR. GONZALEZ: Yes. I think we are being a
4 little bit too cautious in trying to come up with language.
5 I honestly think that we need not lose sight of the fact
6 that we don't have the kind of resources that we wish we
7 had so we wouldn't be dependent on some other organizations
8 to do these kinds of things. However, I think that by the
9 way we have constructed the language and also if we keep
10 two things in consideration -- one, I think I and the
11 Commissioners should be suspect of anybody who comes to us
12 and asks for us to co-sponsor anything with them, be it
13 federal or regular organization, because we really have
14 nothing to offer except perhaps to legitimize their
15 process.

16 So, I would see this more as a pro-active than a
17 reactive tool for us, in being able to say we would like to
18 do something ourselves, but we don't have the resources to
19 do it, but by using other conduits, be it federal agencies
20 or organizations, we can do it.

21 Let me give you an example. We participated
22 about three weeks ago, in a round table discussion that was

1 hosted by the Edison Electric Institute -- Council of La
2 Raza was hosting it -- but you had, regarding the Civil
3 Rights Act of 1991, and they had a cross-section of folks
4 there -- EEOC was there, people from the Hill, both the
5 Subcommittee and the House Committee staffers, Judiciary
6 Committee. You also had corporations representing the
7 positions that they took last year in deference to the
8 bill, you had the attorneys who argued; and, in fact, the
9 PR firm that argued -- on behalf of the Administration.
10 So, there was a cross-section of individuals who, in my
11 opinion and I think in the opinion of many others, created
12 a forum in which a discussion in a think tank setting was
13 available.

14 If that was not availed to us -- and we thought
15 of the idea, okay -- this would allow us to be able to,
16 like the Council of La Raza, go to an organization like the
17 Edison Institute and say, "Look, you have the facilities,
18 you have the resources in which to provide breakfast and
19 lunch", which they did, to the group, you have the
20 wherewithal to pay for court reporters and so forth, and
21 we'd like to entertain setting up a particular forum in
22 which we can, using the same process that is used by

1 agencies that presently have this capability under a
2 memorandum of understanding, detail exactly what we'd like
3 to see happen and what we would like to see come out of
4 this. I really think that if we look for language that
5 will guarantee some of the concerns, I don't think we'll
6 ever find it.

7 I think we can minimize it, and I really think
8 that as far as managers and maybe I can go as far with due
9 respect to the Commissioners, to include Commissioners in
10 this statement, and that is that I think this is where we
11 make our money, by being able to look at offers to look at
12 activities we wish to get involved in, and then when it
13 comes down to the nitty-gritty, be able to determine
14 whether, in fact, we can maintain our independence and our
15 bipartisanship by undertaking such an activity.

16 CHAIRMAN FLETCHER: Melvin?

17 MR. JENKINS: One other example, if I may. I
18 participated in a major conference in Kansas City several
19 months ago, on black males. That conference was co-
20 sponsored by (inaudible) and the University of Kansas.
21 There were certain mechanisms built into the contract or
22 memorandum of understanding between those two, that allowed

1 the University of Kansas to completely control the
2 conference and all the information that came out of the
3 conference.

4 Those types of things that the Staff Director has
5 indicated can come out of a memorandum of understanding or
6 can be detailed in the administrative instructions or the
7 regulations implementing the particular portion of the
8 statute. This way, we will be allowed to participate and
9 be in front of the curve ball on some things, too.

10 CHAIRMAN FLETCHER: All right. I guess we've
11 beaten that to death.

12 (Laughter.)

13 Stay there, Melvin, don't go away.

14 Any further discussion? Commissioner Anderson?

15 COMMISSIONER ANDERSON: I don't want to beat this
16 to death either, Mr. Chairman, but just looking at that
17 example, a conference sponsored by a state university, or
18 an activity sponsored by a university, this is a setting
19 which, in an academic climate, is supposed to sponsor and
20 foster a broad variety of opinions, and there is a concept
21 of academic freedom which [inaudible] should obtain in the
22 academy.

1 All of us, I think, are familiar with the
2 controversies that occur in the academy all the time,
3 regarding the expression of different viewpoints. It's
4 entirely proper and good, but I don't think it's
5 necessarily the model of this Commission.

6 Therefore, I must say I still have significant
7 reservations. We can all chart out examples of how it
8 could work well. My problem is, there are also examples of
9 how it won't work well, or might not work well.

10 I can see, for example, if we were to design a
11 program that was to be our program, and we were then to
12 invite in technical assistance or some other type of
13 participation by an organization, or representative of an
14 organization, I can understand that, but I think when we
15 get informally co-sponsoring particular activities with an
16 organization, we are opening ourselves up to a variety of
17 problems that I think are just going to, in retrospect,
18 suggest they should have been avoided from the beginning.

19 I must say, too, I don't see this as a problem
20 with other government agencies. I would not see it as a
21 problem with co-sponsoring an event with a state
22 university, for example, or a state agency, or a local

1 governmental agency, but I do think there's a significant
2 risk here with a private organization. I'm not sure we're
3 gaining that much in addition to what we can ordinarily do
4 to participate in conferences and in providing technical
5 assistance to what a private organization may wish to do in
6 a research project or in a symposium.

7 CHAIRMAN FLETCHER: Willie?

8 MR. GONZALEZ: And, again, Commissioner Anderson,
9 I would argue that in keeping with your concern, the
10 collective wisdom of this Commission could determine that
11 on a case-by-case basis. We're not asking that you give
12 blanket authorization for the Staff Director to arbitrarily
13 enter into agreements on forums or meetings or whatever.
14 I think that the same concern you raised regarding the
15 macro aspect, we could deal with it on a case-by-case basis
16 where you would look, as a Commission, at each of the
17 particular activities we would like to get involved in, and
18 make that determination at that point, as to whether it
19 could or could not create a problem for the Commission.

20 CHAIRMAN FLETCHER: It's been well discussed.

21 COMMISSIONER ALLEN: It's been well discussed.

22 Could I make just one more comment?

1 CHAIRMAN FLETCHER: Please do.

2 COMMISSIONER ALLEN: I realize we ought to move
3 on with this, in all probability, but it just occurred to
4 me how, in recent years, there used to be debates around
5 here about the activities of State Advisory Committees.
6 These are our own babies. But, of course, the people who
7 fill the positions are independent people, non-compensated
8 volunteers who have an interest in civil rights and like to
9 study various kinds of questions. And this Commission,
10 mainly before I got here but for a while even while I was
11 here, went through a lot of turmoil with the question of
12 the wisdom of the Commission as sitting in judgment over
13 the judgment of the State Advisory Committees about the
14 projects they wanted to undertake.

15 It wasn't always clear what standards informed
16 the wisdom of the Commissioners, if I may put it politely.
17 And, so, a lot of controversies emerged over sitting on
18 advisory committees, or directing advisory committees on
19 one thing or the other.

20 Now, I suppose I would be reluctant to want to
21 see that take place on a much wider scale and dealing with
22 countless private organizations as well, and our trying to

1 make judgments on an ad hoc basis as to which were worthy
2 and which were unworthy, as we address the question of
3 civil rights in this country.

4 I just think it's more than we ought to bite off.

5 CHAIRMAN FLETCHER: If there is no further
6 discussion on that particular item, can we move forth --
7 I'll call for a vote on the whole document shortly. Is
8 there another area that you particularly want to discuss?

9 COMMISSIONER BUCKLEY: You have a motion on the
10 floor to adopt this alternative. Are we going to vote it,
11 or --

12 CHAIRMAN FLETCHER: All right. We can vote on
13 it. All in favor --

14 COMMISSIONER WANG: Are we going to modify it?
15 Since I seconded it, I will ask to include the document
16 here on Alternative A, we were to just so indicate it, who
17 we really mean with agency. Did we strike out
18 "organization" or "individuals"? Would that be acceptable?

19 COMMISSIONER ALLEN: It certainly would for me,
20 and Commissioner Anderson said so as well.

21 CHAIRMAN FLETCHER: Melvin, I heard you clear
22 your voice, do you want to respond to that?

1 MR. JENKINS: No.

2 MR. GONZALEZ: I heard him, he said no.

3 (Laughter.)

4 MR. GONZALEZ: Didn't you, Melvin?

5 (Laughter.)

6 MR. JENKINS: Whatever the Staff Director
7 indicates.

8 (Laughter.)

9 CHAIRMAN FLETCHER: Whatever the Staff Director
10 says.

11 All right. There's been a motion to amend the
12 motion to strike the words "organization" and "individual".
13 Can I get a second to that?

14 COMMISSIONER ALLEN: Second.

15 CHAIRMAN FLETCHER: Commissioner Allen seconds.
16 Any further discussion?

17 (No response.)

18 There being no further discussion, are you ready
19 for the motion? All in favor signify by saying aye.

20 (Chorus of ayes.)

21 CHAIRMAN FLETCHER: All opposed?

22 COMMISSIONER BUCKLEY: No.

1 CHAIRMAN FLETCHER: All right. I'll tell you
2 what we're going to do. We're going to do this on a roll
3 call basis, and I'll start with Commissioner Allen.

4 COMMISSIONER ALLEN: Aye.

5 CHAIRMAN FLETCHER: Aye. All right.

6 Commissioner Anderson?

7 COMMISSIONER ANDERSON: Aye.

8 CHAIRMAN FLETCHER: All right. Commissioner

9 Buckley?

10 COMMISSIONER BUCKLEY: No.

11 CHAIRMAN FLETCHER: Commissioner Wang?

12 COMMISSIONER WANG: Aye.

13 CHAIRMAN FLETCHER: And Chairman Fletcher, aye.

14 All right. So, we have a vote of one, two,
15 three, four ayes, and one nay.

16 COMMISSIONER BUCKLEY: Now can we go to the
17 original motion?

18 CHAIRMAN FLETCHER: Yes, we can. Now the
19 original motion is before us. Any further discussion?

20 (No response.)

21 Are you ready for the motion? All in favor
22 signify by saying aye.

1 (Chorus of ayes.)

2 CHAIRMAN FLETCHER: All opposed?

3 (No response.)

4 Any abstentions?

5 (No response.)

6 So be it.

7 COMMISSIONER BUCKLEY: Can we adopt a couple of
8 sections at a time?

9 CHAIRMAN FLETCHER: Yes, we can. We're going to
10 go through this a couple of sections at a time. That being
11 the case, we'll start with the section entitled
12 Clearinghouse.

13 COMMISSIONER BUCKLEY: No.

14 MR. GONZALEZ: Let's go to the bill.

15 CHAIRMAN FLETCHER: Move to the bill, okay.

16 COMMISSIONER BUCKLEY: Everybody says Sections 1
17 and 2. Move to adopt them just like you have them on this
18 piece of paper.

19 CHAIRMAN FLETCHER: Is that a motion?

20 COMMISSIONER BUCKLEY: Yes.

21 CHAIRMAN FLETCHER: Did you get a second?

22 COMMISSIONER ALLEN: Second.

1 CHAIRMAN FLETCHER: All right, Commissioner Allen
2 seconds. Any discussion?

3 (No response.)

4 All in favor signify by saying aye.

5 (Chorus of ayes.)

6 CHAIRMAN FLETCHER: All opposed?

7 (No response.)

8 So be it.

9 Next is Section 3 and Section 4.

10 COMMISSIONER BUCKLEY: I have no problem with it.

11 COMMISSIONER ALLEN: This is the way it came out
12 of the discussion. I move it, move both.

13 CHAIRMAN FLETCHER: Sections 3 and 4 are moved.
14 Can I get a second?

15 COMMISSIONER ANDERSON: Second.

16 CHAIRMAN FLETCHER: Second by Commissioner
17 Anderson.

18 COMMISSIONER BUCKLEY: Question.

19 CHAIRMAN FLETCHER: Question?

20 COMMISSIONER BUCKLEY: On page 3 of this paper,
21 Section (2) at the top, it says "senior member". I am not
22 clear as to what senior member means, and I don't know if

1 we need to be more specific than that. What I am concerned
2 -- at this time we don't have any -- but what about
3 interrupted service, does that count? And how do you
4 define seniority when you say senior member?

5 CHAIRMAN FLETCHER: Melvin, did you hear the
6 question?

7 MR. JENKINS: Yes. The seniority will be
8 established by the date of original appointment to the
9 Commission.

10 COMMISSIONER BUCKLEY: I'm sorry?

11 MR. JENKINS: Seniority status will be designated
12 by the original date of appointment to the Commission.

13 COMMISSIONER BUCKLEY: My concern, Melvin, though
14 we do not have that at this time, would be what of the
15 possibility of a person being reappointed to the
16 Commission, where he had a previous term and a current
17 term. Do we just take the current term?

18 MR. JENKINS: No, it would go back to the
19 original date.

20 COMMISSIONER ALLEN: If there is an interruption
21 between terms?

22 MR. JENKINS: It would not count there.

1 COMMISSIONER ALLEN: I beg your pardon? So we're
2 talking about continuous service.

3 MR. JENKINS: Continuous service. If there is a
4 disruption in service, no.

5 COMMISSIONER ANDERSON: If there is a disruption
6 of service -- let's say, a Commissioner serves six years,
7 does not serve for four years, serves an additional six
8 years, what's the length of that Commissioner's service in
9 terms of determining whether or not he or she is a senior
10 member, six or twelve?

11 CHAIRMAN FLETCHER: Six.

12 MR. GONZALEZ: Six.

13 MR. JENKINS: Six.

14 COMMISSIONER ANDERSON: Six.

15 CHAIRMAN FLETCHER: Any further discussion?

16 (No response.)

17 All right. I'm going to move Sections 3 and 4.
18 Are you ready for the vote? All in favor signify by saying
19 aye.

20 (Chorus of ayes.)

21 CHAIRMAN FLETCHER: All opposed?

22 (No response.)

1 So be it.

2 Sections 5 and 6?

3 COMMISSIONER BUCKLEY: So moved.

4 CHAIRMAN FLETCHER: Can I get a second?

5 COMMISSIONER ALLEN: Second.

6 CHAIRMAN FLETCHER: Any discussion?

7 (No response.)

8 There being none, all in favor signify by saying
9 aye.

10 (Chorus of ayes.)

11 CHAIRMAN FLETCHER: All opposed?

12 (No response.)

13 Abstaining?

14 (No response.)

15 There being none, so be it.

16 Sections 7 and 8?

17 COMMISSIONER BUCKLEY: So moved, except for
18 spelling errors.

19 CHAIRMAN FLETCHER: So moved, except for spelling
20 errors. Seconded, except for spelling errors, Commissioner
21 Allen?

22 COMMISSIONER ALLEN: Second.

1 CHAIRMAN FLETCHER: Any discussion?

2 (No response.)

3 All in favor, signify by saying aye.

4 (Chorus of ayes.)

5 CHAIRMAN FLETCHER: All opposed?

6 (No response.)

7 Abstaining?

8 (No response.)

9 So be it.

10 Sections 8 and 9?

11 COMMISSIONER BUCKLEY: So moved.

12 CHAIRMAN FLETCHER: It's been moved. Can I get
13 a second.

14 COMMISSIONER ANDERSON: Second.

15 CHAIRMAN FLETCHER: Any discussion?

16 (No response.)

17 There being none, all in favor signify by saying
18 aye.

19 (Chorus of ayes.)

20 CHAIRMAN FLETCHER: All opposed?

21 (No response.)

22 So be it. Ten through thirteen?

1 Any discussion? Can I get it moved?

2 COMMISSIONER BUCKLEY: So moved.

3 CHAIRMAN FLETCHER: Can I get a second?

4 COMMISSIONER ALLEN: I'll second, but I have a
5 question. I can't find it, though.

6 CHAIRMAN FLETCHER: What page?

7 COMMISSIONER ALLEN: I don't know. Let me ask,
8 what happened to the Sunset provision?

9 CHAIRMAN FLETCHER: Melvin, what happened to the
10 Sunset provision?

11 MR. GONZALEZ: No Sunset.

12 CHAIRMAN FLETCHER: No Sunset provision.

13 MR. JENKINS: No Sunset provision.

14 CHAIRMAN FLETCHER: All right.

15 COMMISSIONER ALLEN: Very good.

16 CHAIRMAN FLETCHER: Very good?

17 COMMISSIONER ALLEN: Yes.

18 CHAIRMAN FLETCHER: Are we ready for the motion?
19 Not quite. Commissioner Anderson?

20 COMMISSIONER ANDERSON: No, I'm all right.

21 CHAIRMAN FLETCHER: All right. All in favor
22 signify by saying aye.

1 (Chorus of ayes.)

2 CHAIRMAN FLETCHER: All opposed?

3 (No response.)

4 Abstentions?

5 (No response.)

6 So be it, the document is passed.

7 Commissioner Anderson?

8 COMMISSIONER ANDERSON: I would like to just
9 incorporate by reference in the minutes and on the record,
10 the memorandum prepared for us regarding other agencies'
11 authority to submit amicus curiae briefs. I think we did
12 not -- we had considerable discussion at the last meeting
13 on that point. We did not have any discussion at this
14 meeting, and I do think the record should show that there
15 was produced an analysis of other agencies' authority in
16 that regard, and I think we should note that as we adopt
17 this draft, we do it with that provision in it.

18 CHAIRMAN FLETCHER: All right. I don't think
19 that requires a motion. All right.

20 Did you have a question?

21 MR. GONZALEZ: No, I just wanted to react to
22 Commissioner Allen's concern, and that is that if we recall

1 the discussion on the Sunset, one was to project to the
2 public that we consider this agency to be a permanent
3 agency but, at the same time, we understood that, in
4 essence, all agencies have Sunset in effect because we deal
5 with the appropriations from year to year, and the Congress
6 can, in its wisdom, determine that they are not going to
7 give us any money to run the place, and that would, in
8 effect, cause a sunset.

9 COMMISSIONER ALLEN: I understand the practical
10 aspects of that. I was alone in my concern, of course, but
11 I continue to like to hold out the prospect that we won't
12 need a Commission on Civil Rights one of these days.

13 CHAIRMAN FLETCHER: I like optimists. The next
14 item on the agenda is the Draft Community Perspective on
15 the Massachusetts Civil Rights Act. That's item number VI
16 in your --

17 COMMISSIONER ALLEN: I move the adoption -- oh,
18 sorry.

19 CHAIRMAN FLETCHER: All right. Can we get a
20 motion?

21 COMMISSIONER ALLEN: Yes. I move the adoption of
22 the report from Massachusetts.

1 CHAIRMAN FLETCHER: Can I get a second?

2 COMMISSIONER BUCKLEY: Second.

3 CHAIRMAN FLETCHER: Seconded by Commissioner
4 Buckley. Any discussion?

5 COMMISSIONER ALLEN: Let me just commence with
6 the quality of the work. There's been a consistent
7 improvement in quality over the last several years, and I'm
8 one of the people -- not alone -- who has looked at
9 advisory committee reports, at least in the last four
10 years, sometimes not entirely happily. I just think this
11 is a marvelous accomplishment, to see the consistent
12 product that's coming to us, and it's consistently good
13 these days.

14 CHAIRMAN FLETCHER: Let the record show that we
15 pleased Commissioner Allen.

16 (Laughter.)

17 COMMISSIONER ALLEN: That's not so hard, Mr.
18 Chairman. I don't mean that to approve whatever errors we
19 made.

20 (Laughter.)

21 CHAIRMAN FLETCHER: Oh, you are back-pedaling
22 already.

1 MR. GONZALEZ: Would you have said that if you
2 were sitting on the other side the work?

3 (Laughter.)

4 CHAIRMAN FLETCHER: Any further discussion?

5 (No response.)

6 All right. It's been moved and seconded. No
7 further discussion? Can I get a motion to accept -- I've
8 got the motion -- are we ready to vote? All in favor
9 signify by saying aye.

10 (Chorus of ayes.)

11 CHAIRMAN FLETCHER: All opposed?

12 (No response.)

13 Abstain?

14 (No response.)

15 So be it -- carried.

16 All right, the next item is item VIII, the SAC
17 appointments for Florida, Massachusetts, and New Jersey
18 SACs. Can I hear a motion to accept --

19 COMMISSIONER BUCKLEY: All three of them?

20 CHAIRMAN FLETCHER: All three of them.

21 COMMISSIONER BUCKLEY: So moved.

22 COMMISSIONER WANG: Second.

1 CHAIRMAN FLETCHER: Mr. Wang seconds it.

2 COMMISSIONER WANG: With one comment.

3 CHAIRMAN FLETCHER: Any discussion?

4 COMMISSIONER WANG: Yes. Recently I mentioned it
5 the census data that we're using, We're still going by the
6 1980m census, but based on the recent release of the
7 statistics from the Bureau, we know that the number has
8 substantially differed, certainly, for my particular
9 concern, the Asian and Pacific Islanders. You see in the
10 Florida situation it's 56,000, but it increases about 140
11 percent there, and that just goes across the country, in
12 every state.

13 So, I would hope that with that kind of an
14 increase, it would warrant at least one representation on
15 the potential new appointment. I think we are making a
16 reappointment of most of the people here, but I can see
17 that we don't have any Asians on those new appointments, so
18 I would hope that we can really recruit actively Asian and
19 Pacific Islanders.

20 CHAIRMAN FLETCHER: Well, I have to agree with
21 you, particularly the Florida one, I was concerned about
22 the numbers that showed there, and then realizing that we

1 are using the 1980 census because I already know that that
2 is not the case of 1990. The numbers have changed, and
3 changed radically, not only in Florida, but in other states
4 across the union.

5 Mr. Staff Director?

6 MR. GONZALEZ: Mr. Chairman, the Census Bureau is
7 evidently releasing the data they have collected through
8 1990, on a state-by-state basis. We called as early as
9 this morning, over at Census, and both the Florida and the
10 Massachusetts figures will not be available until next
11 week. However, it has been brought to our attention by the
12 Vice Chair, because of his mailing evidently being better
13 than ours, he does receive, every time they issue a state,
14 and he has provided us with copies of those that have
15 already been produced. It is our intention through the
16 Office of Regional Coordination, that as soon as the data
17 becomes available to us, we will go back and revise the
18 profile, and also make some observations regarding the
19 representation, and take into -- take advantage of the
20 authorization that has already been given to us by the
21 Commission, to expand SAC numbers up to 19, if necessary.

22 CHAIRMAN FLETCHER: All right. Any further

1 discussion?

2 COMMISSIONER ALLEN: I have a comment to make
3 about the Florida appointments that I want to be taken
4 wholly in context as a matter of praise for the service of
5 the new chairperson in Florida, even as I express some
6 concern about something that I'm going to mention in a
7 moment, but that we have here someone who has obviously
8 served, and served very well, for a long time, in numerous
9 capacities and in various states. And I think it is
10 probably greatly to the advantage of the Florida Advisory
11 Committee to have attracted service there, and particularly
12 to have Dr. Brown assume the role he is going to assume.

13 I say, at the same time, however, that I do
14 notice the -- his mobility among the advisory committees in
15 order to express my concern that we not be too narrow in
16 searching for members of advisory committees and looking
17 among a relatively small network, that we reach out broadly
18 and appeal to people who haven't necessarily served before,
19 or who aren't necessarily immediately wired, but who do,
20 nevertheless, continue to have a broad kind of experience
21 and concern that we profit in all of the states, our regard
22 to monitor civil rights developments.

1 I want to be cautious against being too narrow in
2 our view of the world, but I want to praise Dr. Brown for
3 his wonderful years of service.

4 CHAIRMAN FLETCHER: Thank you. I'm sure the
5 Doctor will appreciate that. Yes?

6 COMMISSIONER WANG: I just want to check with the
7 Staff Director, in the years back, during my tenure as a
8 member of a SAC, we usually get a certificate of
9 appreciation. Do we still do that, or since Commissioner
10 Allen made a point about Dr. Brown, should we really
11 institute some form of recognition of the chair?

12 MR. GONZALEZ: Yes, Commissioner Wang, it's my
13 understanding that we are issuing certificates at the end
14 of a two-year term, for each member of the SAC.

15 Also, I'd like the record to reflect that
16 Commissioner Allen's statement was made by a native son of
17 Florida.

18 (Laughter.)

19 CHAIRMAN FLETCHER: Any further discussion?

20 (No response.)

21 There being none, I'm ready for a vote. All in
22 favor signify by saying aye.

1 (Chorus of ayes.)

2 CHAIRMAN FLETCHER: Opposed?

3 (No response.)

4 Any abstentions?

5 (No response.)

6 So be it.

7 The Staff Director's report.

8 Didn't I ask for a vote?

9 COMMISSIONER BUCKLEY: We voted on the --

10 CHAIRMAN FLETCHER: The Staff Director's report?

11 Oh, you've got it in here?

12 MR. GONZALEZ: Yes.

13 CHAIRMAN FLETCHER: Can I get a motion to accept
14 the Staff Director's report?

15 COMMISSIONER BUCKLEY: Do we have to accept it?

16 We never have to --

17 MR. GONZALEZ: Is there some discussion?

18 CHAIRMAN FLETCHER: Oh, yes, there's always some
19 discussion.

20 MR. GONZALEZ: That's what I was afraid of.

21 (Laughter.)

22 COMMISSIONER BUCKLEY: We always accept it. You

1 don't really have to have a motion, unless you want us to
2 move it.

3 CHAIRMAN FLETCHER: No.

4 COMMISSIONER ALLEN: But I would certainly make
5 some comments with respect to it. I already said I would
6 comment about the California Advisory Committee meeting
7 last week, which I chanced upon because I was required to
8 be in Sacramento at the same time and, as it turns out, at
9 the same hotel, to deliver a speech. I did get the notice,
10 but it only arrived on the morning of that advisory
11 committee meeting. I was already in Sacramento at that
12 time, and I certainly would have planned to be with them
13 had I known in advance. I trust that we can continue or
14 return to the degree of lead time in notice about advisory
15 committee meetings, such that when it does fit our
16 schedules at least -- we can't go out and go to these
17 things, obviously, we don't have enough time allotted to us
18 for that purpose, but when it does fit our schedules and it
19 is not an imposition, it would sure be nice to sit in with
20 them.

21 I was very pleased, by the way, to see in
22 California, that they are talking about having monthly

1 meetings of the advisory committee. It's unheard of in
2 recent years. But they are working hard. They've had a
3 quorum in recent times, in several meetings, and I'm very
4 pleased with the progress. I just would like to keep an
5 eye on it.

6 I also learned there that the Chairman is going
7 to be out in California next month, and we've made plans to
8 get together. He's going to speak at Town Hall in Los
9 Angeles. So, I make that comment, which is only indirectly
10 related to this, I suppose.

11 MR. GONZALEZ: I think what I would like to do,
12 Commissioner Allen, in your case, we should probably fax
13 you the material because evidently there is a problem, and
14 I don't want to get into a thing of looking at post-dates
15 to determine whether there was enough time on our part.

16 COMMISSIONER ALLEN: I can tell you it takes
17 about a week. The memorandum was dated the 15th, the
18 meeting was the 22nd. Had it been posted on the 15th, it
19 still would have gotten there the 22nd. It takes about a
20 week using federal mail service, to get to California.
21 That's the reality. That's been our experience for the
22 normal mail from here.

1 COMMISSIONER BUCKLEY: Well, can't the Los
2 Angeles office just fax it to you?

3 COMMISSIONER ALLEN: Why can't they just tell me
4 there, or whatever.

5 MR. GONZALEZ: We could fax it or they could fax
6 it, it doesn't -- but a fax is more appropriate, I think,
7 in this case.

8 COMMISSIONER BUCKLEY: It used to be that you
9 were supposed to try and have these dates to us by the
10 beginning of the month, so we could look at it and kind of
11 plan our agenda for the month, if it's available.

12 COMMISSIONER ALLEN: Let me emphasize that that
13 is the main point, that there's time enough to set a
14 schedule is what's critical. In this case, the schedule
15 could have worked out even at a week's notice because I was
16 going to be on-site, but in most cases we need a little
17 more time than that to work things into a schedule.

18 I would say, by the way, also -- a similar topic
19 that is in your report, Staff Director's report, the
20 staff's travels in California and elsewhere with respect to
21 our housing study, that -- I was aware of this because
22 we've talked about it in meetings, and staff has mentioned

1 it to me, but it is also nice to be particularly informed
2 when people in your backyard, especially when they call
3 your next door neighbor to talk to them, and your next door
4 neighbor tells you about it and it comes as a surprise to
5 you -- one of the housing officials who was visited is my
6 next door neighbor, and that's when I first learned about
7 it, by the way. These are things that it's nice to know
8 about, just in case.

9 MR. GONZALEZ: I'd like to say that the Staff
10 Director certainly appreciates the Commissioner's comments.
11 I must say that I've been a little parochial in telling the
12 staff that they need to inform regional directors of their
13 entering into their turf, but it's certainly evident that
14 there's a need for the Staff Director to so inform the
15 Commissioners, to avoid any embarrassment in the future.

16 CHAIRMAN FLETCHER: Any further comments? Yes,
17 Commissioner Anderson?

18 COMMISSIONER ANDERSON: Is this comments on the
19 report?

20 CHAIRMAN FLETCHER: Yes.

21 COMMISSIONER ANDERSON: I notice towards the end,
22 on the item regarding hate crimes against Arab-Americans in

1 California. What kind of complaints and what kind of
2 information have we received in the past, say, month or
3 two, on that question of those things in California?

4 CHAIRMAN FLETCHER: Any response to that, Ms.
5 Staff Director?

6 MR. GONZALEZ: No.

7 COMMISSIONER ANDERSON: Has there been an
8 increase in anti-Arab incidents in California?

9 MR. GONZALEZ: Well, yes, but I thought you were
10 talking about direct complaints to us. We have received,
11 and I think the Vice Chairman has been very attentive in
12 terms of bringing to our attention any newspaper article
13 that reflects on a particular problem in a particular part
14 of the country. So, we have received extensive copies of
15 periodicals, articles in periodicals.

16 In fact, there was a SAC -- a SAC member, I
17 guess, rather than a SAC --

18 VOICE: It was a SAC.

19 MR. GONZALEZ: It was a SAC member who had
20 recommended in a letter -- a SAC did it? -- and I think
21 you have copies of some language that should go forward
22 from us to the President, and I'll leave it up to the Vice

1 Chairman to talk about his draft.

2 COMMISSIONER WANG: I took the liberty -- you
3 have had a chance -- I know I'm not so happy with my own
4 draft. I know some of you would be able to help polish it.
5 I thought we should issue a statement on this very subject,
6 as a Commission, to really not take any discriminatory
7 action against the Arabs, but now since the war is about
8 over, perhaps people will be less inclined -- but I think
9 we should issue such a statement.

10 The President issued a statement. A number of
11 major media -- you know, like Time had editorials on this
12 very subject. I think it should be our obligation to issue
13 a strong statement. I drafted a very simple statement for
14 you to look at, and if you like it, I think we could
15 certainly issue it for information.

16 COMMISSIONER ANDERSON: Could I ask whether it
17 was your intention to raise this matter under new business
18 today?

19 COMMISSIONER WANG: Yes.

20 COMMISSIONER ANDERSON: Okay.

21 CHAIRMAN FLETCHER: All right.

22 COMMISSIONER ALLEN: I do have one more comment

1 to make on the Staff Director's report. On page 7 of the
2 report, in the discussion of the socioeconomic status of
3 Hispanic Americans, there is detailed a pending agreement
4 with the Social Security Administration that I regard as
5 having landmark significance, and I just wanted to point it
6 out and commend the staff for its efforts.

7 MR. GONZALEZ: Thank you.

8 COMMISSIONER ALLEN: Also, on page 11, it's the
9 Rose Institute in Claremont, not the Ross Institute.

10 MR. GONZALEZ: I wonder how you picked that out.

11 COMMISSIONER ALLEN: I don't know how these
12 things occur to me, but everything happens in my backyard.

13 (Laughter.)

14 COMMISSIONER BUCKLEY: Can I just mention
15 something? Whenever they work on this one project, on page
16 11, on the border violence project, I really would like to
17 hear from Mr. Dulles and Mr. Montez on what they are doing
18 on that. I really would like a real close contact on that.
19 I'm not saying I'll interfere, but I'd like to know what
20 they are doing. I would strongly recommend that they visit
21 with the Border Patrol Chief Sector in Laredo. He covers
22 all the way from McAllen to Dallas, a huge area.

1 MR. GONZALEZ: I think that meeting has been
2 rescheduled for May in El Paso --

3 COMMISSIONER BUCKLEY: I'd like to know what is
4 going on.

5 MR. GONZALEZ: Right, and what I will do is
6 inform all of you. I plan to attend that first meeting.

7 COMMISSIONER ALLEN: In California, last Friday,
8 they were talking about San Diego for a quorum. Is this
9 the same meeting or not -- for the border violence? They
10 were talking about meeting in San Diego, without having a
11 date yet set.

12 MR. GONZALEZ: No, unless they changed the site.

13 COMMISSIONER ALLEN: That's what they were
14 talking about in California last Friday.

15 MR. GONZALEZ: They had an original date, I
16 think, in the month of February or March, for El Paso, and
17 I know that has been postponed till May, and unless they've
18 changed the site since then, but it's my intention to
19 attend the first meeting, which I think will be significant
20 because of the representation that is anticipated there,
21 and I will certainly make each of the Commissioners aware,
22 with enough time to try and gather some interest.

1 COMMISSIONER BUCKLEY: May is a bad month for us.

2 CHAIRMAN FLETCHER: Any further discussion of the
3 Staff Director's report?

4 (No response.)

5 CHAIRMAN FLETCHER: All right. Then we will move
6 to the final agenda item, which is New Business, and
7 Commissioner Wang has a statement that he would like for us
8 to discuss under that item. He's already indicated what it
9 is, and you have a copy of it in your hands. Mr. Wang, do
10 you care to say anymore about your statement?

11 COMMISSIONER WANG: No. I just want to, again,
12 offer the opportunity for everyone here to modify, change
13 and/or revise in any way you feel would be appropriate.

14 CHAIRMAN FLETCHER: Commissioner Anderson?

15 COMMISSIONER ANDERSON: Mr. Chairman, could I
16 just ask, is it the Vice Chairman's intention to move that
17 the Commission offer a statement?

18 COMMISSIONER WANG: Yes.

19 CHAIRMAN FLETCHER: All right. Do you want to
20 make that motion?

21 COMMISSIONER WANG: Yes. I would like to make
22 such a motion.

1 CHAIRMAN FLETCHER: Can we get a second?

2 COMMISSIONER ANDERSON: I would second it.

3 CHAIRMAN FLETCHER: It's been seconded. Further
4 discussion?

5 COMMISSIONER ALLEN: I'd just like a minute to -

6 -

7 COMMISSIONER BUCKLEY: Is this the statement?

8 CHAIRMAN FLETCHER: Yes, it's a draft.

9 COMMISSIONER WANG: It's a draft, so we could
10 certainly change it in any way.

11 COMMISSIONER BUCKLEY: Should we discuss the
12 editing now, before we vote?

13 CHAIRMAN FLETCHER: Yes.

14 COMMISSIONER WANG: I'm sorry I didn't send it to
15 you earlier.

16 COMMISSIONER BUCKLEY: It's Statement "on" Arab-
17 Americans, rather than "of"?

18 COMMISSIONER ALLEN: It should be Statement "on".

19 COMMISSIONER BUCKLEY: Statement on Arab-
20 Americans, rather than "of". And then you start a word
21 with "and", and that's not good -- "like any other group of
22 citizens are entitled to. And" --

1 COMMISSIONER ANDERSON: Mr. Chairman, do you
2 think we need to release this statement today, or do you
3 think we could reflect on comments of it and maybe meet by
4 telephone, and release the statement Monday or Tuesday?

5 CHAIRMAN FLETCHER: I'm agreeable to that, but I
6 think we should release a statement just as quickly as we
7 possibly can.

8 COMMISSIONER ANDERSON: I do, too. I feel the
9 statement is very necessary, and I commend the Vice
10 Chairman for moving forward on it. I just wonder whether
11 looking at the weekend -- with the intention of actually
12 releasing the statement on Monday or Tuesday of next week
13 might be time enough, and it would give us time to reflect
14 on it.

15 CHAIRMAN FLETCHER: Commissioners Allen and
16 Buckley have a comment to make, I'm sure. Did you get the
17 observation that Commissioner Anderson made?

18 COMMISSIONER ALLEN: Yes. I have no objection.

19 COMMISSIONER BUCKLEY: The only concern I would
20 have is that we need to do it within a week, as quickly as
21 possible, because then the force of this will not be --

22 CHAIRMAN FLETCHER: No problem with that.

1 MR. GONZALEZ: Could I ask the Commissioners that
2 what we could do is give you perhaps the first two days of
3 next week to look at this document. We could start calling
4 you on Wednesday, to get your vote. However, what I would
5 appreciate is that if you're not available, if you would
6 leave your vote with someone -- your special assistant or
7 someone -- who could relay that to us, or you could also
8 take the initiative and call us when you have made a
9 decision.

10 COMMISSIONER ANDERSON: An alternative, Mr.
11 Chairman, would be for the Commission staff to look at this
12 and perhaps fax to us by COB Monday or first thing Tuesday
13 morning, a draft more in the style of our statement or
14 press release or whatever, and then we could, by COB
15 Tuesday, by poll or something --

16 CHAIRMAN FLETCHER: Are you agreeable to that?

17 MR. GONZALEZ: Certainly.

18 COMMISSIONER BUCKLEY: Could we include in this
19 that even though there is a cease fire, that the focus
20 should still be that there should be no discrimination? We
21 know there's a cease fire, so some of the heat is off, but
22 that does not mean that any of what has happened or what

1 may happen is allowable in any way?

2 CHAIRMAN FLETCHER: Certainly. All right. No
3 problem with that.

4 COMMISSIONER ANDERSON: We could vote today on
5 the decision to release a statement --

6 (Simultaneous discussion.)

7 COMMISSIONER ALLEN: I would make a couple of
8 editorial observations, just in the clause, in addition to
9 the "and". In the fourth line from the bottom, I think we
10 don't need the word "chose" -- some are born here. And so
11 if we're eliminating "chose to", we could just add Arab-
12 Americans who live under the system in the United States.

13 The last line, I don't think the word "save" was
14 meant to be there. I think that can be withdrawn. And I'd
15 ask you to think about the third line from the top --
16 "calls on the American public conscience to terminate
17 hostilities". I'm not sure about the usage. You call on
18 the American public to terminate spiteful, or whatever.

19 COMMISSIONER WANG: That was Commissioner
20 Anderson's suggestion to the staff --

21 (Simultaneous discussion.)

22 CHAIRMAN FLETCHER: It's a document to launch an

1 effort.

2 COMMISSIONER ALLEN: So, I'm willing to vote on
3 the general motion.

4 CHAIRMAN FLETCHER: We have a motion. Did we get
5 a second to it?

6 COMMISSIONER ANDERSON: Yes, I seconded it.

7 CHAIRMAN FLETCHER: All right, it's seconded.
8 All in favor signify by saying aye.

9 (Chorus of ayes.)

10 CHAIRMAN FLETCHER: All opposed?

11 (No response.)

12 Any abstentions?

13 (No response.)

14 So be it.

15 Let me -- I'm new at this, so let me express a
16 concern and get some feedback from the Commission as to
17 which way we ought to go. Number one -- this is kind of in
18 line with your statement, Commissioner Wang.

19 I told the Chairman in kind of a little preamble
20 to my prepared remarks before the Appropriations Commission
21 the other day -- I informed the Chairman that my father was
22 a 28-year veteran of the military and was a former buffalo

1 soldier in the 9th and 10th Cavalry, and that I was raised
2 on military bases all over the west. And I went on to
3 explain to him that he fought in World War I and World War
4 II and, on each occasion, he came home thinking there would
5 be a grateful American public, and that because he and his
6 comrades had defended the country at the risk of their
7 lives, that they would hopefully find a welcome embrace,
8 but that was not the case for him in World War I and World
9 War II, nor was that the case for me at the end of World
10 War II. I was in Patton's 3rd Army, a member of the famous
11 Redball Express.

12 We came back thinking that the GI Bill of Rights
13 would lift us to the level of acceptance, go to school, et
14 cetera, and find America's arms wide open and ready to let
15 us participate. Not so. Not so at the end of the Korean
16 War, not so at the end of the Vietnamese War.

17 I suggested to him that euphoria notwithstanding,
18 this ugly thing called race and racism and genderism is not
19 going to diminish one bit and, in fact, we may have some
20 very disappointed minority troops returning home to find
21 that discrimination is well and in place, the new GI Bill
22 of Rights notwithstanding.

1 We could have won the war, the shooting war, over
2 there and, from a racial point of view and a gender point
3 of view, we could still lose the peace at home. And that
4 one of the things this Commission should be concerned
5 about, and will be concerned about -- particularly if we
6 get the financial resources we need -- is to take this
7 opportunity to push our cause.

8 Now, that being the case, I can't help but feel
9 that we need to do something, possibly with the Veterans
10 Administration, to take a look at what is happening in
11 Veterans Administration offices around the country where
12 they will be disseminating the opportunities once the new
13 bill is out. If it's the same as it was when I came out
14 of the service, you had to go to the Veterans
15 Administration to get whatever you were going to get to go
16 to school.

17 And I can recall at least going to three
18 different Veterans Administration offices and each one of
19 them convincing me that I'd make a great mechanic. I don't
20 like to get hair grease under my fingernails, let alone
21 oil. So, no way was I going -- not that we don't need to
22 have our cars fixed, that just wasn't my calling.

1 (Laughter.)

2 I have a sneaky suspicion that the same will
3 occur one more time. And it seems to me -- and I need some
4 direction from some of you who have been here a while --
5 that we ought to possibly approach -- now that it's a
6 Cabinet office -- we ought to possibly approach Secretary
7 Derwinski and offer our services, whatever you deem they
8 ought to be. Do we hold some panel discussions, or do we
9 hold some hearings, or how do we go about lifting this up
10 and keeping it out there before the public because, if we
11 don't do it, I don't think it's going to be done, and I'd
12 like your responses to that. Anyone. Yes?

13 COMMISSIONER BUCKLEY: I think one of the
14 services that we could definitely provide would be to try
15 to get information out to the soldiers themselves, to
16 people themselves, booklets that have information.

17 We used to have a booklet the Commission put out
18 about what is available to you, we'll tell you what your
19 civil rights are, and this kind of thing should be
20 available.

21 I know that some colleges -- in Laredo, for
22 example -- established offices specifically for the

1 veterans, to help them with the GI Bill preparation. We
2 may need to make that comment to them. We may need to go -
3 - like HACU is meeting in San Antonio, it's Hispanic
4 Association of Colleges and Universities -- go there and
5 encourage them that they establish offices for the veterans
6 who will be able to use the GI Bill, and encourage that
7 they set positions within the financial aid office for
8 that. I think we can do this without too much expensive
9 writing.

10 CHAIRMAN FLETCHER: Commissioner Anderson?

11 COMMISSIONER ANDERSON: Mr. Chairman, I think the
12 issue you've raised is extraordinarily important. We do
13 have a wonderful opportunity. This country's most
14 spectacular military victory in its most technically
15 advanced war has been won by its most racially integrated
16 armed forces, and not to reflect on anything you've said
17 about past conflicts, I do think that what has occurred in
18 the past month provides us with an unprecedented
19 opportunity to move forward and accomplish some things
20 that, unfortunately, have not been accomplished in the
21 past. So, I think that what you are saying now is very
22 pertinent for us.

1 I think Commissioner Wang's suggestion that we
2 begin to meet with different Cabinet officials and other
3 representatives to begin greater cooperation between the
4 Commission and other agencies in the government, perhaps on
5 an informal basis, but I would think that the Veterans
6 Administration, that Cabinet-level department, ought to be
7 our first priority in terms of such a meeting, and I think
8 we should move forward on this as soon as we can.

9 We've seen in the last several years -- and we've
10 talked about this over and over again -- heightened racial
11 tension, heightened race politics, a deterioration of the
12 debate on civil rights issues, and what's happened in the
13 last month or two provides us with an opportunity, I think,
14 to move beyond that, and to accomplish something very
15 positive in this area.

16 I think this national feeling of pride and
17 gratitude, I hope -- and, of course, expectation -- can
18 actually, at this time, move the agenda forward, but I
19 think we ought to give that priority, and give it priority
20 in the next several weeks.

21 CHAIRMAN FLETCHER: Commissioner Allen?

22 COMMISSIONER ALLEN: I'd just like to say, Mr.

1 Chairman, I agree with Commissioner Anderson. You asked
2 the question where we should begin. I think, in a way, the
3 President has already pointed you to the beginning. He
4 gave what appears to have been a most significant speech
5 just the other night, in which he called the American
6 military "the greatest equal opportunity employer" in this
7 society. Now, it seems to me that that is the key right
8 there. He's telling you where to begin. All you want to
9 know is does it carry through.

10 It seems to me that we're within our rights to
11 ask the question whether it carries through, and to tell
12 the President that we agree with you; it's the greatest
13 equal opportunity employer we have; does it also supply the
14 benefits in the same fashion that it supplies the risk? A
15 direct question, and that means going to Derwinski, but I
16 don't see anything wrong with raising that question,
17 dropping a note, making a phone call, and I think the
18 President set the tone for it.

19 He pointed to General Powell the other night, as
20 the chief example of this, and I don't know if I would have
21 wanted to be in General Powell's place. The last time
22 somebody told me I was a credit to my race, I turned to her

1 and said, "Madam, I'd like to think I'm a credit to the
2 human race" but, nevertheless, the door is open and we
3 should walk on through.

4 CHAIRMAN FLETCHER: Yes?

5 MS. SIMMS: I served my time during the
6 Vietnamese War, and I went to the Veterans Administration,
7 and there were conduits in there to make sure that you were
8 placed in a position, you were given a chance to go to
9 school. I don't know why that changed. I don't know how
10 it happened that it changed, but it is well worth looking
11 into.

12 CHAIRMAN FLETCHER: Thank you. Commissioner
13 Wang?

14 COMMISSIONER WANG: I just want to add my total
15 support of this idea put forth by the Chairman, with one
16 example that we did in New York. As a member of the United
17 Way in New York City, we actually joined in with the New
18 York Times and NBC Television. We placed a full-page ad in
19 the New York Times -- I don't know whether it's appropriate
20 again -- with all the telephone numbers listed for the
21 families, and for whoever is interested in the benefits, to
22 call. So, there are those hot lines. New York Times has

1 run it twice already, a full-page ad, but a similar ad
2 could be actually adopted by United Way of America, to
3 inform the national network of United Way, and make sure
4 this type of information is disseminated. That's another
5 way of kind of -- but I think a meeting with the Veterans
6 Administration is something that is very much in order.

7 CHAIRMAN FLETCHER: I just might add,
8 Commissioner Allen, I started off my budget appropriation
9 statement by saying I thought the President had made the
10 finest civil rights speech that I'd heard in some 40 years,
11 as a sitting President, and I'm asking the staff to make
12 sure they get that out of the Congressional Record and get
13 it over to the President, just that paragraph.

14 (Laughter.)

15 And he will know that he finally said something
16 that I agree with.

17 (Laughter.)

18 Well, I appreciate your views on that, now let me
19 surface another -- and we will take the appropriate action.
20 Let me surface another.

21 As a result of the word getting out throughout
22 the Denver area and the State of Colorado and that whole

1 region, as you probably know, Denver is supposedly going to
2 have one of the most modern airports to come into existence
3 anywhere in this country. It's going to be a big
4 international airport that the people in Denver are
5 counting on to help start this recovery that they think is
6 underway in that area.

7 As a result, I'm getting calls from Hispanic
8 organizations -- La Raza, LULAC and others, as well as the
9 NAACP, the Black Businessmen's Round Table, plus some
10 women's organizations -- suggesting that the Civil Rights
11 Commission ought to hold a hearing in Denver, with respect
12 to minority business employment, and contracting
13 opportunities at that airport.

14 Here, this is a new experience for me, too, but
15 I'm inclined to agree with them. They seem to be -- and
16 I'm sure when we get there tomorrow -- not tomorrow -- but
17 when we get there on Sunday, and throughout the next couple
18 of days while we are there, this is going to pop up, and I
19 have a sneaky suspicion that the editorial board that I'm
20 supposed to appear before, is going to be asking what is
21 the Commission going to do about the uneasiness there.

22 I don't know what the process is, at this stage

1 in my development, to go about holding a hearing, but I
2 wonder what the Commission's pleasure is with reference to
3 holding a hearing there?

4 COMMISSIONER BUCKLEY: Could we set it in
5 conjunction with one of our meetings where we meet Thursday
6 and Friday, and have Thursday be the hearing and Friday be
7 our meeting? We have April and May left -- maybe it's too
8 close -- but maybe at our June meeting, have it in Denver
9 where one day is a hearing and one day is a regular
10 meeting, so we can consolidate our schedules, and we can go
11 there. Could we include it with one of our already
12 scheduled Commission meetings?

13 CHAIRMAN FLETCHER: It sounds logical to me. Any
14 further response to that kind of suggestion? Commissioner
15 Allen?

16 COMMISSIONER ALLEN: This is not a considered
17 response, but my reflex is to prefer to see that sort of
18 thing handled by advisory committees and, given that we are
19 establishing a new regional office in Denver and we have an
20 advisory committee, my reflex would be to ask them to focus
21 upon this. We are always able to ask advisory committees
22 to do things, to ask them to focus upon this and to given

1 an impetus to the new regional office there, by making this
2 a high priority project. Commissioners could participate
3 in it, there's no reason we couldn't do that -- attend is
4 what I mean by participate -- but that would be my reflex,
5 rather than having this body hold the hearing, to have that
6 State Advisory Committee do it.

7 CHAIRMAN FLETCHER: The advisory -- for your
8 information, the Advisory Committee is already beginning to
9 pull information together, and they've been holding round
10 tables and various other things, trying to get as many of
11 the concerned organizations as they can, of one mind and
12 speaking, but with my last visit out there, which was just
13 a week or so ago, they felt that a Commission hearing would
14 really give them the impact that they feel they need to
15 have, beyond just the advisory committee doing it on its
16 own. So, they have kind of pressed me, and I said -- you
17 know, this is a collegiate body, I'm in no position to say
18 it will or won't, but I'm amenable to it, but I have to
19 take it back to the body. Yes?

20 CHAIRMAN FLETCHER: Could you compare the
21 Georgia, in Atlanta, the Atlanta SAC is looking at the
22 impact of the Olympics and all of that stuff, and in terms

1 of money, you gave us a figure there. Is there a way of
2 comparing it to Denver, or is it of a lot greater
3 magnitude? I would suspect that the airport would be over
4 a greater period of years than this would be, and a lot
5 more money, and it would be more regional. It would seem
6 it would be a larger project where it would justify our
7 being there.

8 CHAIRMAN FLETCHER: I'm inclined to agree with
9 you on that. I don't have any problem with that.

10 Any further discussion?

11 COMMISSIONER WANG: I feel that if the Chairman
12 feels there should be a hearing in that particular --
13 shouldn't we have the new office there, in order to really
14 lend support to that office, by us going there, would
15 definitely generate enough visibility, to really make that
16 office -- and the follow-up by the SAC. Our presence will
17 be one or two days, whatever the hearing is. The follow-up
18 would have to be carried out by the SAC there, but by us
19 being there to show them that we are in full support -- I
20 mean, they will probably be able to have more leverage to
21 do the kind of job they want to do.

22 COMMISSIONER ALLEN: Let me say just a word more

1 about why my reflex was for the State Advisory Committee.
2 The Commission doesn't just hold hearings. If it has a
3 hearing, it's usually in the context of some project that
4 produces a record. Ordinarily, we would want staff to
5 devote time to looking at that record, and to bringing
6 something out of it. It represents a commitment of
7 headquarters' resources beyond just a day of listening to
8 people. Sometimes you use the word "hearing" and it means
9 we're going to sit there for a day and listen to people.
10 It means a lot more than that for this headquarters.

11 And I think we have to have all of that on the
12 table before we can commit to it, whereas we could easily
13 commit to the idea of giving a day's hearing to people, in
14 the sense of listening to them, if it were done in such a
15 way that it didn't entail all these other consequences. If
16 it's going to entail all the other consequences that
17 usually go with a Commission hearing, then I think we ought
18 to get the staff to bring that to us, tell us what it
19 costs, what the impact is on other projects in time and all
20 the rest.

21 CHAIRMAN FLETCHER: All right. Yes?

22 COMMISSIONER BUCKLEY: If I may remind you, I

1 don't think I'm wrong, when we started looking at the Asian
2 Civil Rights Round Table, we set it in January and the
3 first meeting was May. I may be wrong, but I think we
4 voted on doing that in January, and we started in May, and
5 the main thing was the round table, and I know that a lot
6 of work went into it, but we were able to put together a
7 lot of people. Of course, the Asian community was very
8 supportive about being there to begin with, so they lent
9 a lot of support, but if the Denver community is as
10 committed as you say, I know that we would have that
11 support as well.

12 COMMISSIONER ALLEN: Let me just say, in light of
13 what Commissioner Buckley is saying, we called that a
14 briefing when we did it, and there are a number of these
15 briefings that we held here in Washington and elsewhere, in
16 tandem with Commission meetings. I have no objection to
17 doing that, going back to her original notion of having the
18 Commission meeting there instead of Washington, and maybe
19 taking an extra day and holding a briefing which produces
20 a record, without over-obligating Commission resources
21 beyond that. But hearing is a technical term. It usually
22 means much more. And so long as we aren't talking about it

1 in that technical way, I have no objection to going out
2 there and listening to people on this issue.

3 CHAIRMAN FLETCHER: Okay. Staff Director?

4 MR. GONZALEZ: Yes. I would agree, Commissioner
5 Allen, in trying to determine, for myself since I'm new,
6 what a hearing consisted of, it was my understanding that,
7 one, you sent in a factfinding task force usually made up
8 of people from the General Counsel's office and, in this
9 particular case, if we had someone on staff who had a
10 particular expertise in that area, they would also be
11 included. A document would then be prepared and presented
12 to the Commission for consideration, before we actually
13 entered into proclaiming a hearing, which would also entail
14 significant amount of money for which we presently do not
15 have a budget, but I would think that having a briefing in
16 conjunction with a scheduled Commission meeting held in
17 Denver would limit our cost, and I think at the same time
18 provide some of the impetus that the folks who are bringing
19 this to our attention are looking for, and that is that the
20 mere significance of the Commission, whether the people
21 call it a briefing or whatever, sends a lot of shock waves
22 through the communities and the decisionmakers.

1 The other thing, also, that I need to be cautious
2 about and would like to caution you about is that as of
3 yesterday in a discussion that I had with the regional
4 director out there, he indicated to me that they are also
5 now looking at the whole aspect of whether they need to
6 scratch the new airport as a result of the economic impact
7 that has occurred on the airline industry, and whether, in
8 fact, there still is a need for this new airport. The
9 existing airport cannot be expanded, so the plan that
10 exists right now is to do away with the old one and set up
11 a totally new one, and that whole concept is being
12 revisited as of yesterday, but I really would support the
13 briefing concept at this point.

14 CHAIRMAN FLETCHER: Okay. Yes, Commissioner
15 Buckley?

16 COMMISSIONER BUCKLEY: Well, it just seems like
17 -- that might change because the price of oil is going to
18 go down. It's going to change a lot. So, you're going to
19 see that change. It's going to be there.

20 CHAIRMAN FLETCHER: Now, there's one other item.
21 Commissioner Redenbaugh has expressed some serious concerns
22 over the Federal Government standard of too big to fail, as

1 it relates to banks. Within the past month or so, at least
2 one major bank predominantly owned by blacks and visited by
3 blacks in New York City, went down the drain. I understand
4 that the list is kind of long of some others going down the
5 drain. That will impact Hispanic-owned banks, black-owned
6 banks, and probably some others.

7 He has indicated to me that one of the new
8 members going onto the Federal Reserve Board is also
9 concerned about that, and feels that an expression of
10 concern on our part would be very helpful, in this
11 particular individual's case, and not only that, but it
12 would indicate that we are in the ballgame where the
13 problems are.

14 Romanita picked up a list for me of -- is that
15 minority banks, banking associations, is that their list?

16 MS. LUCERO: Yes, state member banks and holding
17 companies in the Federal Reserve System.

18 CHAIRMAN FLETCHER: Okay. It seems to me that
19 this concern ought to be on our agenda somewhere, and I
20 wanted to bring it to you this morning because the purpose
21 of banks is to accumulate wealth, and if we can't
22 accumulate any wealth in this society, the greatest laws in

1 the world, in the final analysis, are not going to have the
2 impact we have in mind.

3 Again, we'd like your expressions on what our
4 concerns ought to be in this regard. I might just add,
5 while we are at it, in this morning's paper, there is a
6 study -- in the Washington Post, "Study Sees Mortgage Loan
7 Bias," and it talks about Freddie Mac, and Fannie Mae and
8 others, and the games they are playing in terms of making
9 loans in neighborhoods that are predominantly minority --
10 Hispanic, black and others -- and the rate. The disparity
11 is just interesting. They didn't do it on the basis of
12 matching a middle class or wealthy neighborhood occupied by
13 whites and a poor neighborhood occupied by blacks and other
14 minorities, they dealt with the cream of the crop in both
15 instances, and the disparity between the loans is just
16 fascinating. It drops off 20 and 30 percent. A person
17 comes in with the same educational background, the same
18 earning power, et cetera, same securities, and they get
19 turned down if they live in the wrong neighborhood, and the
20 wrong neighborhood is, say, 16th Street, for an example,
21 what we call the Gold Coast here -- they could be living up
22 there and get turned down, not because they don't have the

1 means to pay, but because of the color of their skin or
2 their background.

3 So, I guess we're engaged in housing study
4 ourselves, but this one is kind of devastating. It says,
5 you know, even if you have climbed to the level of
6 experiencing your dream, whatever it is, it ain't going to
7 be owning a house, if that's what you set out to do. I
8 just think that these are opportunities that we ought to
9 jump on but, again, with the troops coming home, and a new
10 GI BILL of Rights, and new housing legislation, to make it
11 possible for some of those young people who walked away
12 from families to go over there and come back, that they
13 should be able to improve and uplift the quality of their
14 lives. I think that's part of our mission, to see that
15 something is done here on this thing. Where do we go, and
16 how do we get there? I'm prepared to be guided again, on
17 that.

18 COMMISSIONER WANG: Mr. Chairman, just a comment
19 here. On the banking situation, it sort of reminds me of
20 Chrysler -- not a bank, but we built up Chrysler, and then
21 we made the Chairman of Chrysler a folk hero on the part
22 that he was able to get all the loans and now he's

1 certainly riding high at the point that he was even talking
2 about running for President.

3 Here, you know, not to talk about his failure to
4 really keep that company afloat. I think we have seen so
5 many cases like that. And the other side of the equation,
6 Mr. Milken -- I don't know whether I pronounced his name
7 correct -- he finally got three years because he cooperated
8 with Justice, but the impact, the negative impact -- not
9 only did he kill a company, put so many people out of work,
10 so many people lost so much money, and he gets away with
11 only a three-year sentence. So, I think somewhere,
12 somehow, the system is really not being just, if you look
13 at it from that standpoint. A small bank president going
14 down, he's going to serve a much longer term, with far less
15 impact in terms of the fallout affecting fewer people but,
16 on the other hand, he's going to serve a longer period of
17 time.

18 So, I would say that we certainly should look
19 into this. I don't know if we can really affect the whole
20 thinking, but looking from Chrysler, looking at the current
21 saving and loan and the commercial bank situation, I think
22 there is a definite disparity there.

1 CHAIRMAN FLETCHER: Yes, sir?

2 COMMISSIONER ANDERSON: Mr. Chairman, in our last
3 meeting, we discussed the question of racial tension in our
4 urban areas, and we decided that we would make that an
5 over-arching theme for our work in the future. I think
6 this is an ideal question to take up as part of that
7 direction of the Commission. After all, we have also got
8 to look at what builds communities, what fosters stability,
9 what fosters people moving into cities rather than moving
10 out of cities, and this is exactly the kind of point, it
11 seems to me, that we have got to address and take seriously
12 how we will rebuild some of these areas, inner city areas,
13 urban areas, and how we address the whole question of what
14 is causing that. So, I think it's an ideal question for
15 us, and I think we should move forward with it under that
16 broader concern. Since it is an important question to one
17 of our Commissioners who isn't here today, I would like to
18 be guided about how he sees this question of what we might
19 be doing about it, but I certainly think it's something we
20 should move forward on.

21 CHAIRMAN FLETCHER: Thank you.

22 COMMISSIONER ALLEN: I would also like to say

1 with respect to Commissioner Redenbaugh's concern about
2 small bankers' bail-out procedures, I would like to receive
3 from him, even if it's indirectly from the person whom he
4 knows, just basic information, literature, whatever, as a
5 prelude to discussion of this. Maybe it's an occupational
6 predilection, but I always think I'm better off if I can do
7 some reading before I start talking. So, if he could send
8 us something, send all of us something, I think we would
9 then be in a position to try to figure out where we would
10 fit in that calculation.

11 CHAIRMAN FLETCHER: Okay. All right. I've got
12 the direction I want. Let me just add a couple of other
13 matters that you should know about.

14 We are scheduled to -- myself and Staff Director
15 and some other members of the staff -- we got an invitation
16 from Secretary Sullivan, who wants us to meet with him to
17 discuss minority health problems under some legislation
18 that he's pushed and things that he's gotten, and we've
19 agreed to do that, and what is the date for that, Willie?

20 MR. GONZALEZ: March 19th -- March 20th -- I'm
21 sorry.

22 CHAIRMAN FLETCHER: March 20th we'll be meeting

1 with him to discuss that matter. Did he indicate beyond
2 just members of the Commission be welcome? How did he want
3 to do that?

4 MR. GONZALEZ: Sure.

5 CHAIRMAN FLETCHER: So, you have the date, March
6 20th, and it's to be where, over at his offices?

7 MR. GONZALEZ: His office, yes, and he's fully
8 aware of the Commission's decision on racial tensions, and
9 he sees this as an integrate part of that whole total
10 issue. So, it keeps within the umbrella concept that
11 Commissioner Anderson just mentioned.

12 COMMISSIONER ANDERSON: Do we have a time on
13 that?

14 MR. GONZALEZ: Three-thirty.

15 CHAIRMAN FLETCHER: All right. The other item
16 that Willie has taken the initiative on is, he's already
17 called -- I guess he saw the handwriting on the wall when
18 I gave that testimony the other day -- he's already called
19 Secretary Derwinski and expressed our concern over the
20 returning veterans, and Willie has informed me that the
21 Secretary is eager to meet with us, but we haven't set a
22 date yet, have we, Willie?

1 MR. GONZALEZ: No. They would like to meet with
2 us soon, rather than later, and so it's really up to
3 clearing calendars and making ourselves available and
4 getting some dates from him. He is going to be out of town
5 this week, and they're waiting for him to come back. The
6 staff has indicated a keen interest in this happening.

7 CHAIRMAN FLETCHER: Okay. How many that are here
8 would want to participate in that meeting with Derwinski?

9 (Show of hands.)

10 Okay, absent Buckley. How about you?

11 COMMISSIONER WANG: I'll let you know.

12 COMMISSIONER BUCKLEY: Well, the Sullivan
13 meeting, that also has to be limited to less than five?

14 CHAIRMAN FLETCHER: No, he didn't put a limit on
15 it at all, to my knowledge.

16 MR. GONZALEZ: No, we don't know. It's similar
17 to the USIA briefing this afternoon, which is scheduled for
18 2:00. If you recall, we had made arrangements as a result
19 of the Vice Chairman's interest, and they are anxious to
20 meet with us. They have a lot of high-level individuals
21 representing USIA who will be present. We had originally
22 indicated six of the Commissioners would be present. We

1 have a van available that will leave from this building
2 around 1:30 or a little bit after, to get there. It's down
3 at the USIA office on 3rd and D, around that area. So, we
4 just want to make sure that you're all aware of that. I
5 think Commissioner Allen is flying back to California, but
6 Commissioner Buckley will attend. Commissioner Anderson?

7 COMMISSIONER ANDERSON: I have to leave for
8 Indiana this afternoon, but if I can, I'd like to attend at
9 least part of that, but I'll provide my own transportation
10 to the airport.

11 CHAIRMAN FLETCHER: All right. There being no
12 further --

13 COMMISSIONER ALLEN: One last comment. You know
14 I can't let you go that easily.

15 (Laughter.)

16 I want to thank the Staff Director for not
17 following through on the telephonic polling on that
18 reauthorization statute and, in the process, just make the
19 distinction, we voted on Mr. Wang's motion this morning and
20 asked for a telephone poll, and that seems to me to be the
21 right kind of thing to conduct a poll on. It's
22 straightforward, uncomplicated, doesn't require interaction

1 among the Commissioners to figure out where we're going.
2 I hope that we can discourage as much as possible,
3 telephone polling on things that require interaction
4 because it's very hard to make up your mind what to do,
5 unless you can hear your fellows speak about it.

6 CHAIRMAN FLETCHER: There being no further
7 business to conduct, if I can get a motion to adjourn,
8 guess what?

9 COMMISSIONER ALLEN: So moved.

10 CHAIRMAN FLETCHER: Can I get a second?

11 COMMISSIONER WANG: Second.

12 CHAIRMAN FLETCHER: We're adjourned.

13 (Whereupon, at 11:15 a.m., the meeting of the
14 U.S. Commission on Civil Rights was adjourned.)

15